



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and Date of Committee	AUDIT AND GOVERNANCE – 28 SEPTEMBER 2023
Subject	CODE OF CONDUCT - SUMMARY OF COMPLAINTS AND INDIVIDUAL DISPENSATIONS – 1 APRIL 2022 UNTIL 31 AUGUST 2023
Wards Affected	None
Accountable Member	Councillor Mathew Parkinson – Chair of Audit and Governance Committee. Email: mathew.parkinson@westoxon.gov.uk
Accountable Officer	Andrea McCaskie – Director of Governance. Email: andrea.mccaskie@westoxon.gov.uk
Report Author	Andrew Brown – Business Manager, Democratic Services. Email: democratic.services@westoxon.gov.uk
Summary/Purpose	To advise the Committee of the number and status of Code of Conduct complaints received and considered by the Council's Monitoring Officer in the period from 1 April 2022 to 31 August 2023.
Annexes	None
Recommendation(s)	<i>That Committee Resolves to:</i> <ol style="list-style-type: none">1. Note the report;2. Request an annual report on Code of Conduct complaints; and3. Request that a recording of the social media training is made available to all Members.
Corporate Priorities	<ul style="list-style-type: none">• Working Together for West Oxfordshire
Key Decision	NO
Exempt	NO
Consultees/ Consultation	N/A

1. BACKGROUND

- 1.1 The Council has in place complaint handling arrangements to enable an individual to make a formal complaint that an elected or co-opted member of West Oxfordshire District Council, or a Town or Parish Council within the district area, has failed to comply with their Council's Member Code of Conduct. The complaint handling arrangements seek to ensure that complaints are dealt with fairly and are resolved informally where appropriate.
- 1.2 The Audit and Governance Committee is responsible for promoting high standards of ethical behaviour by developing, maintaining and monitoring the Members' Code of Conduct. The Committee has appointed a Standards Sub-Committee, which has responsibility for undertaking hearings to determine whether or not a Member has breached the Code of Conduct.
- 1.3 This report is to update the Committee on the numbers of Code of Conduct complaints received and the outcomes of those complaints. It also identifies any issues or learning points arising from the complaints.

2. NUMBER AND STATUS OF CODE OF CONDUCT COMPLAINTS RECEIVED

- 2.1 The table below sets out the numbers of Code of Conduct complaints received by the Council's Monitoring Officer in the period from 1 April 2022 to 31 August 2023, broken down by district and town/parish members, and at which stage of the complaint process the complaints were resolved.

Stage of complaints process resolved	Outcome	# District	# Town or Parish
Assessment stage	No action – complaint withdrawn	3	5
	No action - complaint dismissed	2	10
	Local resolution		1
Investigation stage	No action – complaint dismissed		
	Local resolution		
	Unresolved	1	
Local hearing stage	No action – complaint dismissed		
	Sanctions applied or recommended	1	1
Total #		7	17
Overall Total #		24	

- 2.2** The table shows that the majority of complaints are resolved at the assessment stage, with half of all complaints dismissed at this stage. These are complaints where the Monitoring Officer, in consultation with an Independent Person, concluded that the Code of Conduct was not engaged or that the complaint was not sufficiently serious or in the public interest to be referred for an investigation, having regard to the time and expense involved in an investigation and the potential sanctions. One complaint was resolved at this stage by way of a local resolution (apology and social media training).
- 2.3** A third of all complaints received were withdrawn or not progressed by the complainant. In some of these cases initial contact was made with the Monitoring Officer and a complaint file was opened but a formal complaint was never submitted. In other cases a formal complaint was received but was later withdrawn or was not followed up in a timely manner e.g. no evidence was provided to support the complaint.
- 2.4** Three of the 24 complaints progressed to the investigation stage. Two of these complaints resulted in a local hearing conducted by the Standards Sub-Committee where in both cases a breach was found and sanctions were applied. A third complaint remains open at the investigation stage at the time of writing.

3. CONCLUSIONS AND LEARNINGS RESULTING FROM CODE OF CONDUCT COMPLAINTS

- 3.1** For the town of parish complaint that reached a hearing stage a breach was found in respect of objectivity (the details of this complaint are exempt). By way of a sanction it was recommended that the Member makes a public apology to the complainant at the next meeting of their council.
- 3.2** The district complaint that progressed to a hearing related to social media posts causing offence to individuals. The Standards Sub-Committee determined that the Member had breached the provisions of the Code of Conduct relating to respect and bullying and applied the following sanctions:
- Member to be censured for breaching the Member Code of Conduct.
 - Member to attend training on Equality and Diversity.
 - Member to attend training on the use of social media.
- 3.3** The Standards Sub-Committee recommended that the Council's Constitution Working Group consider a Social Media Policy. Following that consideration by the working group, Council on 22 March 2023 agreed to formally adopt a Social Media Policy as part of the Constitution. A copy of the Social Media Policy was included in the welcome packs for members returned at the 4 May 2023 local elections. It has also been shared with Oxfordshire Association of Local Councils (OALC).
- 3.4** The Standards Sub-Committee further recommended that the Audit and Governance Committee considers a report on member training and development and that equality and diversity awareness training, and training on the use of social media, are made mandatory for all Members and should be undertaken on a regular basis. The Audit and Governance

Committee on 22 March 2023 resolved that the training should be “strongly encouraged” for all members, rather than mandatory.

- 3.5 Social media training was held remotely for councillors across the Publica partnership on 8 June 2023. This training was attended by 15 members although only one of these was a member of West Oxfordshire District Council. A separate session was delivered to town and parish councillors across the partnership on 10 August 2023. This report recommends that a recording of the social media training is made available to all Members.
- 3.6 Inclusion and diversity training took place remotely on 18 September at 5.30pm and was attended by 9 Members.

4. FINANCIAL IMPLICATIONS

- 4.1 The social media training was delivered internally and had no direct cost. The cost of the diversity and inclusion training is £1,485 including VAT. This is funded from the budget for member training (£4k per annum). There are no other financial implications arising from this report.

5. LEGAL IMPLICATIONS

- 5.1 The Localism Act 2011 requires the Council to have a Code of Conduct which sets out the standards expected of Members whenever they act in their official capacity. The Code must also have in place a suitable procedure at a local level to investigate and determine allegations that elected Members and co-opted Members of the district council or town and parish councils within the district area have breached the Code of Conduct.

6. RISK ASSESSMENT

- 6.1 If the Council fails to adopt and maintain a Code of Conduct and a process for the investigation of complaints that are fit for purpose, robust and transparent then there are risks to the Council’s reputation and to the integrity of its corporate governance and decision-making processes.

7. EQUALITIES IMPACT

- 7.1 Equalities and Human Rights issues are taken into account in the handling of Code of Conduct complaints.

8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 8.1 Not applicable.

9. BACKGROUND PAPERS

- 9.1 None.

(END)