

Report to: Governance, General Purposes & LGR Committee – 27 November 2025

Director/ Lead Francesca Whyley, Monitoring Officer

Officer:

Report Summary	
Report Title	Review of Arrangements for Dealing with Code of Conduct Complaints, Member/Officer Protocol, Social Media Protocol for Members and a Member Development Plan
Purpose of Report	To recommend amendment and further review through a working group of the Arrangements for Dealing with Code of Conduct complaints to enable effective management of complaints. To establish a working group to support in the review of the Member/Officer Protocol, Social Media Protocol for Members and proposals for a Member Development Plan
Recommendations	That the Governance, General Purposes & LGR Committee: a) agree that the Monitoring Officer make the proposed amendments to the Arrangements for Dealing with Code of Conduct complaints as detailed within this report at para 1.5 with immediate effect; b) agree the establishment of a cross-party Working Group, to support a wider review of the Council's Arrangements for Dealing with Complaints, the Member/Officer Protocol, Social Media Protocol for Members and proposals for a Member Development Plan; and c) subject to b) being approved, determine membership of the Working Group with a recommended membership of up to six Members.
Reason for Recommendations	To enable efficient management and reporting of Code of Conduct complaints and to provide updated support and guidance on Social Media usage and Member/Officer relations. To gain Member input into the creation of a Member Development Plan as recommended by the Peer Review.

1.0 Background

Arrangements for Dealing with Code of Conduct Complaints

- 1.1 At the Governance, General Purposes and LGR Committee on 11 September, several questions and queries were raised in relation to the Annual Code of Conduct Complaints report including suggestions and comments on effective reporting of complaints, the volume of complaints and how wider guidance on behaviours could be facilitated.
- 1.2 The Localism Act 2011 requires authorities to have appropriate arrangements in place for managing Code of Conduct complaints. The Council does have such arrangements which were last updated and approved by the Audit & Governance Committee in September 2024. The arrangements set out how Code of Conduct complaints will be managed, including complaints in relation to parish councillors, the arrangements define timescales and confidentiality requirements as well as providing information around hearings and sanctions.
- 1.3 The current arrangements provide for effectively a two-stage process for managing complaints. Complaints are received by the Council, and the Monitoring Officer or Deputies go through a process of initial assessment in consultation with the Independent Persons and Member being complained about. If complaints can be dealt with at this stage the matter is concluded either through local resolution or no further action. If the matter is more complex and further investigation is required, the matter will be referred for formal investigation (the second stage) and will conclude either with a local resolution or a full hearing process which may or may not result in a finding and sanctions. Currently, most complaints are dealt with at the initial assessment stage.
- 1.4 At the time of writing there are 34 Code of Conduct complaints under consideration. These complaints are in relation to a combination of parish and district councillors. The current arrangements do not provide a clear mechanism for early filtering and rejection of complaints. Essentially, if the complainant has raised what they perceive to be a Code of Conduct complaint it progresses straight to initial assessment which can be lengthy. On review of the current complaints, it is apparent that whilst an issue raised may be considered by the complainant to be a Code of Conduct complaint, that is not always the case. To rectify this as soon as possible and provide for a swifter administration of complaints it is proposed that additional wording be added into the arrangements by the Monitoring Officer providing clarity on how the Monitoring Officer and Deputies will deal with complaints which are not considered to be valid complaints, without engagement with the Independent Person or subject Member.
- 1.5 To be clear, the circumstances where complaints would be deemed invalid would be limited to specific circumstances as set out below:
 - where no evidence to support the complaint is provided or available following engagement with the complainant
 - where the Code is not engaged as the Councillor is not acting in capacity as a district or parish councillor, for example where a Councillor is acting in their capacity as a

County Councillor, or where the behaviour is carried out in a private capacity. (NB if there is any doubt on this the would proceed to assessment stage)

- where the Councillor is not a Councillor at the time of the complaint and/or at the time of the incident complained of
- where the issue giving rise to the complaint took place over 6 months prior to the complaint
- where the complaint is not about an individual Councillor's conduct but in fact about the Council as a whole
- where the behaviour complained about is not covered by the Code of Conduct for example where the complaint relates to dissatisfaction with the Council's decisions, policies or priorities

In every case where a complaint is deemed invalid, clear reasons for this will be communicated to the complainant. Where a complaint is not valid there will be no requirement to consult with the Independent Person or the subject Member being complained about, the complaint would be rejected and would not progress to initial assessment. Where there is any doubt as to the validity of the complaint, the complaint would proceed to the assessment stage. It is only in cases where complaints are clearly invalid that no assessment would be undertaken.

- 1.6 In addition to the immediate proposed changes to the arrangements, it is recognised that a broader review of the arrangements is required to ensure they remain up to date and fit for purpose. Clarity around the reporting and publicising of complaints should be considered. It is important that this Committee is involved in the development of the arrangements, as such, a working group to assist in this review is proposed with amendments to be brought to a future Committee meeting.

- 1.7 On 11th November 2025, the Government published its response to the consultation on changes to the Standards regime. The Audit and Governance Committee had previously agreed a response to this consultation be submitted on 19th February 2025. The consultation closed on 26th February 2025. In the published response, there is a clear indication that there will be significant changes to the regime which will be made through legislation. The key proposals from Government are:

- the introduction of a mandatory code of conduct, which will include a behavioural code, for all local authority types and tiers
- a requirement that all principal authorities convene formal standards committees, to include provisions on the constitution of standards committees to ensure objectivity, accountability and transparency
- the requirement that all principal authorities offer individual support during any investigation into code of conduct allegations to both the complainant and the councillor subject to the allegation
- the introduction at the authority level of a 'right for review' for both complainant and the subject elected member to have the case reassessed on grounds that will be set out in legislation
- powers for authorities to suspend elected members for a maximum of 6 months for serious code of conduct breaches, with the option to withhold allowances during suspension for the most serious breaches and introduce premises and facilities bans either in addition or as standalone sanctions

- in response to the most serious allegations involving police investigation, or where sentencing is pending, the introduction of powers to suspend elected members on an interim basis for an initial period of 3 months which, if extended, will require regular review
 - a new disqualification criterion for any elected member subject to the maximum period of suspension more than once within 5 years
 - the creation of a new national appeals function, to consider appeals from elected members to decisions to suspend them and/or withhold allowances, and for complainants if they consider their complaint was mishandled. Any appeal submitted will only be permitted after complainant or elected member has invoked their 'right for review' of the local standards committee the decision has been invoked and that process is complete
- 1.8 Whilst these changes will significantly alter the way complaints are dealt with and the Government is proposing to issue best practice guidance on how to handle Code of Conduct complaints, it is unclear what the timescale for implementation of the legislation will be, as such it is still deemed necessary to review the current arrangements.

Member/Officer Protocol

- 1.7 Within the Council's Constitution, the Member/Officer Protocol sets out how the relationship between the two parties should operate. It is key that the relationship between officers and Members is one of mutual respect and collaboration. It is important that Members have the ability and confidence to hold officers to account and challenge performance appropriately and that officers clearly understand the role of councillors in the operation of the Council, who is accountable to whom, what is a reasonable request and what may be unreasonable. The Member/Officer Protocol has not been the subject of review as part of wider reviews of the Constitution in the last two years.
- 1.8 As part of the Protocol it is important that clarity is provided around the impact on officer capacity from dealing with member queries and where that capacity can become negatively impacted. A review of the protocol is proposed so that clear behaviour principles can be included on both sides to provide clarity around what is acceptable and what may result in escalating issues. It is key that Members are engaged in the review of this document, as such it is proposed that the review be considered by the Working Group established by this Committee.

Social Media Protocol for Members

- 1.8 The Social Media Protocol for Members is included as part of the Council's Constitution. It was recognised at the previous meeting of this Committee that a review of this Protocol should be brought back to Committee. The justification for this review stems from the volume of Code of Conduct Complaints which arise from social media usage. Officers have already begun to review the existing protocol and have updated it to reflect changes in social media tools as well as clarifying guidance for Members as to how social media can be used and when usage may result in Code of

Conduct issues. This review is well underway, but it is important that Members are fully engaged in this review, it is proposed that the Working Group also consider the updated Social Media Protocol which is currently in draft form.

- 1.9 In its published proposals for changes to the Standards Regime the Government have indicated that it would be desirable for that use of social media would be incorporated into the prescribed mandatory code, however, again the timescales for implementation are unclear and as such it is still considered necessary to review the current protocol.

Member Development Plan

- 1.10 The Council was subject to an LGA Peer Review Challenge in October 2024. The final report from the Peer Challenge was reported to Cabinet on 18 February 2025 and a working group of Members was tasked to address the findings in the report by way of an action plan.
- 1.11 One specific recommendation following the Peer Challenge was to establish an ongoing Councillor Development Programme. The final report acknowledged that the new cohort of Members elected in May 2023 received a sufficient induction programme, but ongoing training and development was needed. It was considered that an ongoing development plan would ensure that all Members were kept up to date with the many changes that are happening in local government and understand longer term budget pressures.
- 1.11 Officers have already start to look at the creation of a Member Development Plan which pulls together existing training opportunities and explores what further support could be given. Member input into the development of the plan is considered necessary to ensure that any development opportunities or training needs are fully identified.

2.0 Proposals/Options considered

- 2.1 It is proposed that Committee agree that the Monitoring Officer make the changes to the Arrangements for Dealing with Complaints as detailed at paragraph 1.5. These changes will enable a more efficient filtering of complaints.
- 2.2 It is proposed that a wider review of the Arrangements for dealing with complaints is undertaken with the support of a Working Group established from this Committee. The review should include a review of how complaint outcomes are reported and requires input from members.
- 2.3 It is proposed that the Working group established to review the Arrangements for dealing with complaints also considers a review of the Member/Officer Protocol, Social Media Protocol and Member Development Plan.
- 2.4 It is proposed that if it is agreed to establish a working group, that cross-party membership of the group with up to six members be confirmed at the meeting.

- 2.5 Members could determine not to agree immediate changes to the Arrangements for Dealing with Complaints or consider this initial filtering as part of the wider review, particularly given the recent announcements of forthcoming changes to the Standards regime. Given the current volume of complaints however, and impact on capacity it is important to try and make the process of managing complaints as efficient as possible and the timescales for changes by Government are as yet unknown.
- 2.6 Members could determine not to establish a working group to consider the Member/Officer Protocol, Social Media Protocol or Member Development Plan however it is essential that members are engaged with the protocols that affect them.

3.0 Implications

In progressing the review of the Arrangements and Protocols, regard will need to be had to the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability. Any changes to the Arrangements will need to ensure that the complaints process is accessible.

Financial Implications

- 3.1 There are no direct financial implications arising out of this report, however, in respect of the Arrangements for Dealing with Complaints, changes to these arrangements, particularly in relation to the introduction of an initial filtering stage should improve the efficiency of complaint handling and reduce the impact on current resources.

Legal Implications

- 3.2 The Committee is the appropriate body to consider the content of this report, in accordance with its terms of reference. Any future changes to the Constitution would require approval from Council.

As detailed within the report, the Localism Act requires the Council to have arrangements in place to deal with Code of Conduct complaints.

Equalities

- 3.3 In preparing and implementing the Member Development Plan, careful consideration should be given to promoting equality of opportunity for all elected Members. The Plan should recognise that accessibility is crucial to ensuring full participation; as such, there is a requirement to deliver training in a variety of formats, including in-person, remote, and recorded sessions, to accommodate differing needs and commitments. Venues for in-person sessions should be assessed for physical and psychological accessibility, and reasonable adjustments made where required. Materials will be provided in accessible formats, and officers will remain available to discuss any specific requirements Members may have. This approach aims to remove barriers to participation and supports the Council's ongoing commitment to equality, diversity, and inclusion in all aspects of Member development.

- 3.4 Any changes to the Arrangements for Dealing with complaints should have regard to equality, diversity and inclusion. The Arrangements should provide clear ways in which complaints can be made and reasonable adjustments offered where required. The process should be inclusive to ensure that both Members and complainants do not experience barriers to the process.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

The Code of Conduct and associated complaints are published on the Council's [website](#).

The procedure and the Constitution containing the current Member/officer Protocol and Social Media Protocol for Members is also published on the Council's [website](#).

[Strengthening the standards and conduct framework for local authorities in England – consultation results and government response - GOV.UK](#)

[Agenda for Cabinet on Tuesday, 18th February, 2025, 6.00 pm - Newark and Sherwood District Council](#)
Agenda item 245.