

STANDARDS AND ETHICS COMMITTEE

15 DECEMBER 2015

REPORT OF THE DIRECTOR GOVERNANCE AND LEGAL SERVICES

MEMBER CODE OF CONDUCT COMPLAINTS 2015/16

Reason for Report

1. To provide a brief update on complaints made during 2015/16 against Members alleging breaches of the Code of Conduct with a focus on the last 3 months.

Background

2. During 2014/15, the Monitoring Officer dealt with a total of 96 Code of Conduct complaints.

The table below shows the position for 2015/16 with a total of 61 to date. There have been 8 complaints recorded for the last 3 month, the lowest quarter this year.

	Q1 Jan Feb Mar	Q2 April, May, June	Q3 July, Aug, Sept	Q4 Oct, Nov, Dec
Total	20	9	24	8
Complaint Type				
Member on Member	12	5	15	3
Public on Member	8	3	8	5
Officer on Member	0	1	1	0

Complaints by the Public

3. The figures for the last three months have seen a sharp decrease in relation to member on member complaints. However members of the public are still raising concerns alleging members may have breached the Code although the numbers are very small. Use of social media, dealing with correspondence and treating members of the public with respect remain common themes.

4. The Committee may be interested to note that Gerard Elias is retiring as Standards Commissioner for the Assembly, In his most recent annual report he comments as follows:.....

On a recent visit to Washington D.C.1 I paid a visit to Deborah Sue Mayer, Chief Counsel and Staff Director of the Select Committee on Ethics of the United States Senate – in effect my counterpart in the US Senate. We discovered that the range of complaints we received covered very similar ground and that our respective Codes more or less mirrored each others. One of the areas which takes up time for the Chief Counsel are complaints relating to “performance” of Senators and as I have indicated in earlier reports – and in this one – this is an area where I, too, receive a significant number of complaints.

01.05 Whilst the Chief Counsel and I were clear that “performance” issues were not matters for standards, we did note the fact that the view of the public seems to be moving away from the acceptance that an elected Member can do whatever s/he wishes – and the electorate at the ballot box ultimately judges - to one where a degree of prescription is required as to what is to be expected of a Member. Complaints such as “he/she did not respond to my phone call or letter, or not within x days” are becoming more prevalent.

01.06 I am clear that it would be very difficult to set down prescriptive time scales for letter answering or phone call replies – even if it were desirable, which I do not accept – but the fact that such complaints are made does highlight the need for Members to be assiduous in ensuring that timely responses are made – even if the message is that you cannot support the matter for which your help is solicited.

01.07 Although such matters may not raise an admissible complaint because no part of the Code of Conduct is breached, they do not assist in terms of the general reputation of the Assembly. Administrative blips happen in the best run organisations and if there is such a reason for a delay in response it is perhaps better to say so – at least the air is cleared and the reason understood.

Member on Member Complaints

5. Training on the Code of Conduct and the Ombudsman’s most recent Guidance took place take place on the 15 and 21 September with good attendance on each occasion. A further session is being arranged for January.
6. The Chair and Vice Chair of the Committee met with political group leaders on the 18 November 2015 to discuss these figures. It was agreed that resolving member on member complaints can take up a disproportionate amount of officer time and that more can be done to resolve member on member complaints at a political level.
7. The Local Resolution procedure continues to provide a useful means to informally resolve most member on member complaints. If the matter cannot be resolved informally it is then dealt with more formally at the Hearings Panel of the Committee. The Hearings Panel met on on 22nd

September and 27th November 2015 to determine a longstanding member on member complaint. No breach of the Code was found in that case.

Legal Implications

8. There are no legal implications arising from the content of this report.

Financial Implications

9. There are no direct financial implications arising from the content of this report.

Recommendation

The Committee is recommended to note the contents of the report.

MARIE ROSENTHAL
DIRECTOR GOVERNANCE AND LEGAL SERVICES
8 December 2015