

**PROCEDURE FOR THE CONDUCT OF ASSESSMENT AND REVIEW
PROCEEDINGS
(RECOMMENDATION 7)**

1 Receipt of Allegations

- 1.1 The Monitoring Officer shall set up arrangements within the Authority to secure that, any allegation made in writing that a member of the Authority has or may have failed to comply with the Authority's Code of Conduct, is referred to him/her immediately upon receipt by the Authority.
- 1.2 The Monitoring Officer shall ensure that a register of such allegations is maintained and that the Authority can comply with its obligations under the relevant legislation.
- 1.3 Complaints shall only be entertained, where they have been signed by the Complainant. For the avoidance of doubt -
 - 1.3.1 Where a complaint is made anonymously it will not be considered as a valid complaint and no further action will be taken in relation to it, other than, where possible, to notify the Complainant of that decision;
 - 1.3.2 The Monitoring Officer is authorised to maintain the confidentiality of the identity of the Complainant where and for so long as in his/her opinion that would be in the public interest, and in those case the complaint will not be treated as though made anonymously.

2 Notification of Receipt of Allegations

- 2.1 All allegations must be assessed by a Complaints Assessment Sub-Committee.
- 2.2 The Monitoring Officer has no authority to deal with an allegation, which appears to be an allegation of failure by a relevant member to observe the Code of Conduct, other than by reporting it to a Complaints Assessment Sub-Committee.

2.3 The Monitoring Officer shall therefore determine whether the allegation appears to be a substantive allegation of misconduct by a relevant member. For the avoidance of doubt, the Monitoring officer shall ensure that the matter is dealt with under a more appropriate procedure where it appears not to be an such an allegation, for example where it is really a -

- Request for service from the Authority
- Statement of policy disagreement,
- Legal claim against the Authority or
- Complaint against an officer of the Authority.

2.4 Following receipt of the allegation, and where the allegation does appear to be a complaint of misconduct by a relevant member, the Monitoring Officer will promptly, and in any case in advance of the relevant meeting:

2.4.1 Acknowledge to the Complainant receipt of the allegation and confirm that the allegation will be assessed by a Complaints Assessment Sub-Committee at its next convenient meeting;

2.4.2 Notify the member against whom the allegation is made (“the subject member”) of receipt of the complaint, together with a written summary of the allegation, and confirm that the allegation will be assessed by a Complaints Assessment Sub-Committee.

2.4.3 Where the Monitoring Officer is of the opinion that such notification would be contrary to the public interest or would prejudice any person’s ability to investigate the allegation, he/she may decide that no such advance notification shall be given but only after consulting -

- The Chairman of the Complaints Assessment Sub-Committee convened to deal with the allegation, or in his/her absence,
- The Chairman of the Standards Committee.

- 2.4.4 Collect such information as is readily available and would assist the Complaints Assessment Sub-Committee in its function of assessing the allegation;
- 2.4.5 Seek local resolution of the matter where practicable, in accordance with Paragraph 3 below;
- 2.4.6 Place a report, including a copy of the allegation, such readily available information and his/her recommendation as to whether the allegation discloses an apparent failure to observe the Code of Conduct, on the agenda of the Complaints Assessment Sub-Committee that has been convened to deal with the allegation.

3 Local Resolution

- 3.1 Local resolution is not an alternative to reporting the allegation to a Complaints assessment Sub-Committee, but can avoid the necessity of a formal local investigation.
- 3.2 Where the Monitoring Officer is of the opinion that there is the potential for local resolution-
 - 3.2.1 He/she shall approach the member against whom the allegation has been made and ask whether he/she is prepared to acknowledge that his/her conduct was inappropriate, and whether he/she would be prepared to offer an apology or undertake other appropriate remedial action.
 - 3.2.2 With the consent of the member concerned, the Monitoring Officer may then approach the Complainant and ask whether they are satisfied with such apology or other remedial action.
 - 3.2.3 The Monitoring Officer shall then report to a Complaints Assessment Sub-Committee as required, and at the same time report the response of the member concerned and of the Complainant.
- 3.3 This procedure will only be considered appropriate where the subject member has acknowledged that his/her conduct was

inappropriate, and where the Complainant is satisfied that the proffered apology or remedial action is sufficient.

- 3.4 In such cases the Complaints Assessment Sub-Committee shall take the local resolution into account when considering whether the matter merits investigation.

4 Review of Decisions not to Investigate

4.1 Where a Complaints Assessment Sub-Committee has decided that no action be taken on a particular matter, the Monitoring Officer shall promptly advise the Complainant of the decision.

4.2 The complainant may then within 30 days of receipt of such notification request that a Complaints Review Sub-Committee review that decision.

4.3 Whilst the review shall normally be a review of the reasonableness of the original decision rather than a reconsideration, the Monitoring Officer shall report to the Complaints Review Sub-Committee -

- The information which was provided to the Complaints Assessment Sub-Committee in respect of the matter;
- The reasons for the decision of the Complaints Assessment Sub-Committee; and
- Any additional relevant information which has become available prior to the meeting of the Complaints Review Sub-Committee.

5 Local Investigation

5.1 It is recognised that the Monitoring Officer will not personally conduct a formal local investigation.

5.2 It will be for the Monitoring Officer, where appropriate after consultation with the Chairman of the Complaints assessment Sub-Committee, to determine who to instruct to conduct a formal local investigation, and this may include another senior officer of the Authority, a senior officer of another authority or an appropriately experienced consultant.