

- Decide that no action should be taken in respect of the allegation.

If it decides that no action should be taken, it will give reasons for this and explain your right to request a review of the decision.

The assessment sub-committee aims to make this decision within an average of 20 working days of the date we received your complaint. You will be told about the decision in writing.

We would like to remind you that your name and details of your allegation will be revealed to the member you have complained about. We can only withhold the identity of a complainant in exceptional circumstances. Please contact us on receipt of this letter if you are concerned about your identity being disclosed. [You may wish to insert a deadline for the complainant to reply by]

If you have any queries about the process, please contact us.

Yours sincerely

NOTICE OF RECEIPT OF ALLEGATION

Reference: [insert reference number]

I am writing to tell you that the standards committee has received an allegation on [insert date] that you have failed or may have failed to comply with your authority's Code of Conduct.

[Note under Regulation 11(4) of the Standards Committee (England) Regulations 2008, the fact that an allegation has been received can be disclosed at this stage. Some details of the allegation can also be disclosed if the standards committee believes that disclosure of those details would not be contrary to the public interest and would not prejudice any investigation. The monitoring officer and standards committee should have agreed a policy on this notification stage, for example that it may be appropriate to indicate any paragraphs of the Code of Conduct referred to without any facts. Section 57C of the Local Government Act 2000, as amended, provides for the information to be given to the subject of an allegation.]

EITHER [I enclose a leaflet which explains what this means and what will happen now.]

OR [The next step will be that the assessment sub-committee of the standards committee will meet on [insert date or timescale] to consider this allegation.] At this stage all that will happen is that the allegation will be considered based solely on the information provided by the complainant along with any relevant information readily available such as minutes of council meetings. The assessment sub-committee will not meet in public and only committee members and officers advising them will be present.

The assessment sub-committee can decide that no action needs to be taken or that the matter should be referred to the monitoring officer of the authority for an investigation or other action, or referred to the Standards Board for England.

At this stage the assessment sub-committee is not required to decide if the Code of Conduct has been breached. It is only considering if there is enough information which shows a potential breach of the Code of Conduct that warrants referral for investigation or other action.

It is unlikely that you or anyone else will be contacted before the assessment sub-committee meets unless some form of clarification is needed. The assessment sub-committee cannot conduct an investigation into the matter itself.

Once the assessment sub-committee has made a decision, you and the complainant will be told about the outcome and what will happen next.

At this stage you are advised not to contact the complainant or anyone else as this could compromise you, or the fairness of the process. However, you may wish to seek some independent advice on this. You should also be aware that any written request for information made to the authority about this matter will have to be dealt with in accordance with the requirements of the law. This includes any obligations imposed on the authority under the Data Protection Act 1998, the Freedom of Information Act 2000 and the Human Rights Act 1998. If any request for information is received before the assessment sub committee meets, you will be contacted where it is considered appropriate or necessary to do so.

If you have any queries about the process please contact [insert name]. If you need additional support in relation to this or future contact please let me know as soon as possible. If you have difficulty reading this letter [insert any disability or equalities support that can be provided].

Yours sincerely

DECISION NOTICE

REFERRAL FOR [INVESTIGATION OR OTHER ACTION (delete as applicable)]

Reference: [insert reference number]

[On this decision notice, you may want to highlight to complainants and members that both parties should take care when passing on information that is in the notice or about the notice]

Complaint

On [insert date], the standards committee of this authority considered a complaint from [insert name of complainant] concerning the alleged conduct of [insert name of member], a member of [insert authority/parish or town council name].

We have set out a general summary of the complaint below:

[Summarise complaint]



Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the assessment sub-committee of the standards committee decided to refer the allegation to the monitoring officer for [insert investigation/description of other action]

Potential breaches of the Code of Conduct identified

We have identified below the paragraphs of the Code of Conduct which may apply to the alleged conduct. [The investigator will determine which paragraphs are relevant during the course of the investigation.]

[Delete those which do not apply]

- failing to treat others with respect
- acting in a way that may cause the authority to breach an equality enactment
- bullying
- intimidating, or attempting to intimidate a person involved in an allegation against you
- compromising the impartiality of those who work for, or on behalf of, the authority
- disclosing confidential information
- bringing an office or authority into disrepute
- using your position as a member improperly to confer or secure an advantage or disadvantage
- not using the resources of the authority in accordance with their requirements
- disregarding advice when reaching decisions
- failing to give reasons for decisions
- failing to declare a personal or prejudicial interest
- having a prejudicial interest and failing to act appropriately
- failing to register interests

This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made [and the clerk to the parish or town council if applicable].

What happens now?

[Delete those which do not apply]

- Investigation – Please see the attached guide on the investigations process [or a direction to where this is available]
- Other action – [describe to the complainant what, if any, allowance your authority makes for their involvement and/or notification in the other action]

Terms of reference

[You may wish to insert the terms of reference under which the decision is made.

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.

The regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committee) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.]

Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

[You should insert relevant contact details here and expand on the support that your authority can offer to complainants with a disability that prevents them from making a written complaint, or where English is not their first language. You should set out clearly the support that is available and how to access it.]

Signed **Date**

Chair of the [insert name of standards committee or assessment sub-committee]

DECISION NOTICE

NO FURTHER ACTION

Reference: [insert reference number]

[On this decision notice, you may want to highlight to complainants and members, either generally or specifically, that both parties should take care when passing on information that is in the notice or about the notice. For example, some details such as names and addresses may be confidential or private in nature, or may be personal information. This may depend on what details are being made available for public inspection under Regulation 8(5)(iv) of the Standards Committee (England) Regulations 2008 or whether a decision has been made in the public interest under Regulation 11(1) not to disclose certain details.]

Complaint

On [insert date], the standards committee of this authority considered a complaint from [insert name of complainant] concerning the alleged conduct of [insert name of member], a member of [insert authority/parish or town council name]. We have set out a general summary of the complaint below:

[Summarise complaint]

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the assessment sub-committee of the standards committee decided that no action should be taken on the allegation.

Reasons for decision

[include reasons for decision]

This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made [and the clerk to the parish or town council if applicable].

Right of review

At the written request of the complainant, the standards committee can review and change a decision not to refer an allegation for investigation or other action. A different sub-committee to that involved in the original decision will undertake the review.

We must receive the complainant's written request within 30 days from the date of this notice, explaining in detail on what grounds the decision should be reviewed.

If we receive a request for a review, we will deal with it within a maximum of three months of receipt. We will write to all the parties mentioned above, notifying them of the outcome of any such review.

Terms of reference

[You may wish to insert the terms of reference under which the decision is made.

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.

The regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by members of



authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.]

Additional Help

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Signed **Date**

Chair of the [insert name of standards committee or assessment sub-committee]

DECISION NOTICE

FURTHER INFORMATION REQUESTED

Reference: [insert reference number]

[On this decision notice, you may want to highlight to complainants and members, either generally or specifically, that both parties should take care when passing on information that is in the notice or about the notice. For example, some details such as names and addresses may be confidential or private in nature, or may be personal information. This may depend on what details are being made available for public inspection under Regulation 8(5)(iv) of the Standards Committee (England) Regulations 2008 or whether a decision has been made in the public interest under Regulation 11(1) not to disclose certain details.]

Complaint

On [insert date], the standards committee of this authority considered a complaint from [insert name of complainant] concerning the alleged conduct of [insert name of member], a member of [insert authority/parish or town council name].

We have set out a general summary of the complaint below:

[Summarise complaint]

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the assessment sub-committee of the standards committee decided that no action should be taken on the allegation at this time. This is because the information provided was insufficient to make a decision as to whether the complaint should be referred for investigation or other action.

Reasons for decision

In particular it was noted that [list gaps in information].

This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made [and the clerk to the parish or town council if applicable].

Provision of further information

If the requested information is provided, the assessment sub-committee will consider afresh whether the matter should be referred for investigation or other action. However, this should not be taken as an indication of the decision that any future assessment sub-committee is likely to take.

Unless and until further information is received, no further action will be taken on this allegation.

Terms of reference

[You may wish to insert the terms of reference under which the decision is made.

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.

The regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by members of

authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.]

Additional Help

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We can also help if English is not your first language.

[You should insert relevant contact details here and expand on the support that your authority can offer to complainants with a disability that prevents them from making a written complaint, or where English is not their first language. You should set out clearly the support that is available and how to access it.]

Signed **Date**

Chair of the [insert name of standards committee or assessment sub-committee]



DECISION NOTICE

REFERRAL TO THE STANDARDS BOARD FOR ENGLAND

Reference: [insert reference number]

[On this decision notice, you may want to highlight to complainants and members, either generally or specifically, that both parties should take care when passing on information that is in the notice or about the notice. For example, some details such as names and addresses may be confidential or private in nature, or may be personal information. This may depend on what details are being made available for public inspection under Regulation 8(5)(iv) of the Standards Committee (England) Regulations 2008 or whether a decision has been made in the public interest under Regulation 11(1) not to disclose certain details.]

Complaint

On [insert date], the standards committee of this authority considered a complaint from [insert name of complainant] concerning the alleged conduct of [insert name of member], a member of [insert authority/parish or town council name].

We have set out a general summary of the complaint below:

[Summarise complaint]

Decision

In accordance with Section 57A(2)(b) of the Local Government Act 2000, as amended, the assessment sub-committee of the standards committee decided to refer the allegation to the Standards Board for England, for the following reason:
[delete which do not apply]

- The assessment sub-committee believes that the status of the member would make it difficult for the authority to deal with the complaint.
- The assessment sub-committee believes that the number of members involved would make it difficult for the authority to deal with the complaint.
- The assessment sub-committee believes that the status of the complainant or complainants would make it difficult for the authority to deal with the complaint.
- The assessment sub-committee believes that there is a potential conflict of interest for so many members of the standards committee that it could not deal with the hearing of this allegation following an investigation.
- The assessment sub-committee believes that there is a potential conflict of interest for the monitoring officer or other officers and that suitable alternative arrangements cannot be put in place to address the conflict.
- The member is a member of more than one authority having a standards committee, and the alleged conduct also relates to their capacity as member of another authority. The assessment sub-committee believes that the Standards Board for England should decide how the allegation ought to be dealt with.

This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made and the Standards Board for England [and the clerk to the parish or town council if applicable].

What happens now?

The Standards Board for England will now decide whether to investigate this allegation itself. It is not bound to take charge of the case, and has the discretion to refer the matter back to the assessment sub-committee, or to decide to take no further action in respect of the allegation. The Standards Board aims to make its decision within ten working days, and will write to the assessment sub-committee when it has done so.

Terms of reference

[You may wish to insert the terms of reference under which the decision is made.

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.

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Additional Help

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We can also help if English is not your first language.

[You should insert relevant contact details here and expand on the support that your authority can offer to complainants with a disability that prevents them from making a written complaint, or where English is not their first language. You should set out clearly the support that is available and how to access it.]

Signed **Date**

Chair of the [insert name of standards committee or assessment sub-committee]