

Report to: **Standards Committee**

Date: **24 July 2008**

Title of report: **The Local Handling of Standards Complaints**

By: **Director of Law and Personnel**

Purpose of report: **To set out proposed Arrangements and Procedures for dealing with the Local Assessment Complaints about Member Conduct**

RECOMMENDATIONS

1. That the Committee agrees to establish:

(1.1) an Assessment Sub-Committee with terms of reference and composition of membership as set out in Appendix 2;

(1.2) a Review Sub-Committee with terms of reference and composition of membership as set out in Appendix 3; and

(1.3) a Hearings Sub-Committee with terms of reference and composition of membership as set out in Appendix 4.

2. That the Committee agrees not to allocate particular members to sit on, or chair, any of the sub-committees established under 1.1 above, but agrees that such membership should be determined by the Monitoring Officer in consultation with available members of the Committee not having a conflict of interest.

3. That the Committee approves the amended terms of reference for the Committee as set out in Appendix 5.

4. That the Committee notes the steps that have been taken on behalf of the Monitoring Officer as set out in paragraphs 4.1 and 4.2 of Appendix 1.

5. The Committee agrees the Monitoring Officer be instructed to notify the member of receipt of a complaint and provide a written summary of the allegation at the same time as acknowledging receipt of the allegation to the person making the allegation and no later than sending the agenda for the meeting of the Assessment Sub-Committee to members of that sub-committee, unless after consultation with the Chairman of the Standards Committee he considers it appropriate to defer notification in order to enable a proper investigation to take place, in which case notification should be made as soon as the reasons for the deferral no longer apply.

6. The Committee approves the adoption of the local protocol as set out in Appendix 6.

7. The Committee takes a policy decision that anonymous complaints should not be entertained, but that the Monitoring Officer be authorised to keep the identity of the complainant confidential where he/she is of the opinion that this is in the public interest.

8. The Committee recommends that the Assessment and Review Sub-Committees should be recommended to hold its meetings in camera unless the relevant sub-committee determine otherwise in any particular instance.

9 That the Committee notes the draft proposed arrangements and procedures for dealing with the local assessment of complaints about member conduct set out in the document attached as Appendix 7, and agrees that this note should be finalised - and that any further documentation relating to the new ethical standards regime should be produced and issued - by the Monitoring Officer after having consulted where appropriate with the members of the Committee.

1. Financial Implications

1.1 The costs of implementing and operating the new ethical regime are, as yet, unknown. There will, however, be costs that may be significant. Such costs may include the costs of external training; possibly increased internal resources to support the Standards Committee; and the cost of engaging external providers to conduct investigations into the alleged misconduct of Members.

2. Supporting information

2.1 Information in support of the recommendations and commenting on aspects of the proposed arrangements and procedures for dealing with the local assessment of complaints about member conduct is set out in Appendix 1.

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Local Members: all

Background Documents:

The Standards Committee (England) Regulations 2008/1085
The Local Government and Public Involvement in Health Act 2007 Report 8 to Standards Committee on 20th May 2008.

1. RECOMMENDATION 1.1 — ESTABLISHMENT OF SUB-COMMITTEES

1.1 The Standards Committee (England) Regulations 2008 ("the 2008 Regulations") require that the Committee establishes two sub-committees. The first sub-committee required is one to deal with the initial assessment of complaints that a member has breached the Code of Conduct. In the Standards Board for England's ("SBE") Guidance this sub-committee is called the "Assessment Sub-Committee" and, for consistency, that is what is proposed the County Council's sub-committee is called.

1.2 The second sub-committee required is one to deal with requests for a review of the Assessment Sub-Committee's decision not to take action against a member. It is proposed that this is called the Review Sub-Committee, as it is in the SBEs Guidance.

The Assessment Sub-Committee

1.3 The proposed terms of reference and composition of members of the Assessment Sub-Committee comply with the requirements of the Regulations and other relevant law.

1.4 It is proposed that the Assessment Sub-Committee should comprise 3 members. This is considered appropriate given the task that the Assessment Sub-Committee has to undertake, the relatively small number of County Council members, the size of the County Council's Standards Committee, and the fact that, when a review needs to be conducted (see 3.5 below), no member who assessed a complaint in Assessment Sub-Committee can review the same complaint on the Review Sub-Committee.

The Review Sub-Committee

1.5 The proposed terms of reference and composition of members of the Assessment Sub-Committee comply with the requirements of the Regulations and other relevant law.

1.6 It is also proposed (for the same reasons as those set out in 3.4 above) that the Review Sub-Committee should also comprise 3 members.

The Hearings Sub-Committee

1.7 Under the Regulations, a complaint may fall to be considered and determined at a hearing. At such hearings members will, amongst other things, be able to present oral or written evidence and representations, and may be legally represented. If, as a result of a hearing, a breach of the Code of Conduct is found, various sanctions (including a sanction of up to 6 months' suspension) may be imposed on the member concerned.

1.8 Although it is not a legal requirement, it is proposed that a Hearings Sub-Committee is established to undertake this 'hearing' function. The full Standards Committee will, however, also retain the power to conduct hearings, as is set out in the proposed amended terms of reference for the full committee and explained at 5.3 below.

1.9 It is considered appropriate for the County Council to have the option of the full Standards Committee or a Hearings Sub-Committee to conduct hearings. This will provide

maximum flexibility to ensure that complaints can be dealt with in the appropriate forum, and to avoid the potential for conflicts of interest.

1.10 It is proposed to that the Hearings Sub-Committee should comprise 3 members.

2 RECOMMENDATION 1.2 — NO FIXED SUB-COMMITTEE MEMBERSHIP OR CHAIRS

2.1 Under the Regulations the County Council is not required to allocate particular members to sit on, or chair, any of the sub-committees established under paragraph 1.1 above.

2.2 It is recommended that the Committee agrees to adopt this approach, and agrees that the membership and chairs of the sub-committees should be determined by the Monitoring Officer in consultation with available members of the Committee (not having a conflict of interest).

2.3 Such an approach will give the County Council's Standards Committee maximum flexibility in arranging and determining the membership of any of the sub-committees. Such flexibility is needed given:

- (i) the need to manage potential conflicts of interest (for example, if there is a complaint about one or more members of Standards Committee);
- (ii) the requirement that, when a review needs to be conducted, no member who assessed a complaint in Assessment Sub-Committee can review the same complaint on the Review Sub-Committee; and
- (iii) the fact that the Assessment Sub-Committee is required to have completed its initial assessment of a complaint within 20 working days of the complaint being received by the County Council.

3. RECOMMENDATION 1.3 — AMENDMENTS TO STANDARDS COMMITTEE'S TERMS OF REFERENCE

3.1 As a result of the changes to the law, which have introduced the new ethical standards regime, Standards Committee's terms of reference also need to be amended as set out in Appendix 5 (amendments highlighted). Authority to make the necessary amendments to the Constitution arising out of the implementation of the relevant regulations made under the Local Government and Public Involvement in Health Act was delegated to the Monitoring Officer by the County Council on 20 May 2008.

3.2 The amendments to the terms of reference comply with the requirements of the Regulations and other relevant law.

3.3 With regards to the amendments it is important to note that, notwithstanding the proposed establishment of a Hearings Sub-Committee, the full Standards Committee also retains the power to conduct such hearings (see paragraph (h) of Appendix 5). In addition, the Standards Committee is empowered to undertake a monitoring and non-financial audit function as to the operation of the new regime (see paragraph (k) of Appendix 5), and also to conduct an annual review and produce an annual report on the operation of the new regime (see paragraph (p) of Appendix 5).

3.4 Finally, under the new regime, if a matter has been referred (for example, by the Assessment or Review Sub-Committees) to the Monitoring Officer or Standards Board for investigation, any resulting investigation report has to be considered by either the full Standards Committee or a sub-committee to decide whether or not (i) no action should be taken; (ii) the

matter should be considered at a hearing; or (iii) should be referred to the Adjudication Panel for England.

4. RECOMMENDATION 1.4 — STEPS TAKEN BY THE MONITORING OFFICER

4.1 It has been necessary to take various steps, as the new regime is now in effect. Legally, the Monitoring Officer is under a duty to publicise the County Council Standards Committee's arrangements for operating the new regime. To address this, and to ensure that all relevant complaints are referred to the Monitoring Officer, notice of the new complaints process has been published on the County Council's external web-site, and in the summer edition of "Your County".

4.2 A Complaint Form has been adapted from the Standards Board for England's model form and placed on the County Council's external web-site.

<http://esc website/yourcouncil/about/people/councillors/complaints/default.htm>

5. RECOMMENDATION 1.5- NOTIFICATION TO THE MEMBER

5.1 The Act requires the Standards Committee to notify the member of the receipt of a complaint and to provide a written summary of the allegation. In practice, the first meeting at which the Committee itself could notify the member is likely to be the meeting at which it conducts the initial assessment. The Consultation Paper suggested that there was a danger that the member might seek to lobby members of the Standards Committee, and suggested that no notification be made until the Assessment Sub-Committee had come to a decision whether to investigate. However, the County Council ought to acknowledge receipt of the allegation to the person making the allegation and advise them when it is going to be assessed, and there is nothing to prevent the person making the allegation from publicising that fact.

5.2 It will not engender confidence in the system if the Monitoring Officer was withholding notification to the member concerned when that member learned of the complaint from the person making the complaint or from the press. Accordingly, it would be sensible for the Monitoring Officer to notify the member of receipt of the complaint at the same time as acknowledging the receipt of the complaint to the person making the complaint and no later than sending the agenda out to members of the Assessment Sub-Committee, i.e. at least five clear working days before the meeting of the sub-committee. Any member who sought to lobby other members in his/her own cause would be committing a further breach of the Code of Conduct.

5.3 The DCLG Consultation Paper raised the possibility of cases where there was a danger of the member interfering with evidence or intimidating witnesses, and suggested that in such cases the member might not be notified of the complaint until the investigation had secured such evidence. This is a very remote possibility, but I would suggest that the Monitoring Officer be given the discretion, after consulting the Chairman of the Standards Committee, to defer notification in such exceptional circumstances. In such cases, the Monitoring Officer would notify the member concerned as soon as the reasons for deferral of notification no longer pertained, for example when sufficient investigation had already been completed.

5.4 It is recommended that the Monitoring Officer be instructed to notify the member of receipt of a complaint and provide a written summary of the allegation at the same time as acknowledging receipt of the allegation to the person making the allegation and no later than sending the agenda for the meeting of the Assessment Sub-Committee to members of that sub-committee, unless after consultation with the Chairman of the Standards Committee he considers it appropriate to defer notification in order to enable a proper investigation to take place, in which case notification should be made as soon as the reasons for the deferral no longer apply.

6. RECOMMENDATION 1.6 - LOCAL RESOLUTION OF COMPLAINTS

6.1 Investigations and hearings are expensive. There is no formal process for local resolution of complaints in the 2007 Act, although the Regulations may enable the Assessment Sub Committee to propose conciliation or some other course as an alternative to a formal investigation. However, where the member concerned has acknowledged that his/her conduct was at fault and apologised, and particularly where the complainant has accepted that in the light of that apology he/she is content for the complaint not to proceed to formal investigation, the Assessment Sub-Committee may determine that the matter should not proceed to investigation. Accordingly, there will be cases in which informal mediation by the Monitoring Officer before reporting to the Assessment Sub-Committee may avoid the need for a local investigation and/or hearing. But equally, some members may take exception to the Monitoring Officer seeking such local resolution.

6.2 Accordingly, it is recommended that the County Council should adopt a local protocol as set out in Appendix 6 to this report authorizing the Monitoring Officer to seek such local resolution in appropriate cases.

7. FILTERING OUT IRRELEVANT COMPLAINTS

7.1 Standards Board experience has been that a large number of complaints received do not relate to the Code of Conduct for Members, and I would anticipate that the publicity for the new system will engender more such complaints. Such requests can be categorised as follows:

- (i) Requests for additional service from the County Council
- (ii) Statements of policy disagreement .
- (iii) Matters relating to other authorities
- (iv) Matters relating to a member's private life

7.2 The 2007 Act provides that the function of initial assessment of complaints must be conducted by the Standards Committee, or by a sub-committee, but does not allow for delegation of this function to the Monitoring Officer. Where the Monitoring Officer identifies that a complaint clearly falls within categories (i) or (ii) he/she may be able to ensure that the complaint is dealt with accordingly, responding to the complainant to set out how the matter is being dealt with, and only reporting to the Assessment Sub-Committee if the complainant insists that it be dealt with as a standards complaint. In all other cases, it will be necessary to report to the Assessment Sub-Committee and for the Assessment Sub Committee to determine which of the following statutory options should apply:

- refer the allegation to the Monitoring Officer;
- refer the allegation to the Standard Board for England;
- decide that no action should be taken in respect of the allegation, or
- where the allegation relates to a person who is no longer a member of this County Council but is a member of another relevant local authority, refer the allegation to the Monitoring Officer of that other authority.

7.3 It is anticipated that the Standards Board for England will issue guidance on these options and such guidance will be copied to members of the Standards Committee and report it to the Standards Committee upon receipt.

8. RECOMMENDATION 1.7 - ANONYMOUS COMPLAINTS

8.1 There is nothing in the legislation which requires a complaint to be signed by the complainant. The Standards Board for England has entertained some anonymous complaints, and

this has given rise to considerable unease. In such cases, it is, of course, not possible to meet the requirements to notify the complainant of the decision in respect of the complaint.

8.2 It is recommended that the Committee take a policy decision that anonymous complaints should not be entertained, but that the Monitoring Officer be authorised to keep the identity of the complainant confidential where he/she is of the opinion that this is in the public interest.

9. MULTIPLE COMPLAINTS

9.1 It is not uncommon that one event gives rise to similar complaints from a number of different complainants. The legislative position is that each separate complaint must be considered, and that even where a meeting of the Assessment Sub-Committee has previously decided that no action be taken upon an identical complaint, a subsequent complaint must still be reported to and considered by the Assessment Sub-Committee.

10. RECOMMENDATION 1.5- PRE-INVESTIGATION

10.1 The Assessment Sub-Committee has to decide whether the allegation appears to disclose a failure to comply with the Code of Conduct for Members, and then whether it merits investigation. Where the sub-committee has only the letter of complaint, it is not always easy to assess whether there is any substance to the allegation. However, there may be information which is readily available which might substantiate or contradict the allegation and so make it easier for the sub-committee to decide whether the complaint has any substance. Clearly the Monitoring Officer cannot “investigate whether to investigate”. But he/she can usefully check publicly available information between receipt of the complaint and the meeting of the Assessment Sub-Committee. The role-plays conducted by the Standards Board and others have demonstrated that such additional information can be very helpful.

10.2 Accordingly it is recommended that the Monitoring Officer be instructed as set out in the draft protocol attached in Appendix 6, where practicable to obtain and inform the Assessment Sub Committee of any publicly available information which would facilitate their task of determining whether a complaint merits investigation.

11. TIMESCALE FOR INITIAL ASSESSMENT OF ALLEGATIONS

11.1 The DCLG Consultation Paper suggests that the initial assessment should be undertaken within 20 working days of the receipt of the allegation by the County Council. This requirement is likely to be set out in SBE Guidance rather than in the Regulations, to allow a bit of flexibility in exceptional circumstances. The Review Sub-Committee is then required to determine the review within three months of the date when the request for a review is received. In order to ensure that the members of the Assessment Sub-Committee will be available within the required timescale if and when allegations or requests for reviews are received, it might be sensible to put dates into the Council Diary and reserve rooms for meetings, although an actual meeting would only be held if there was business to be discharged.

11.2 It is recommended that no set arrangements be made for meetings of the Assessment Sub-Committee for the time being, but that the position be reviewed in future if the level of business warrants this.

12. RECOMMENDATION 1.8 - PUBLIC OR PRIVATE MEETINGS

12.1 The new Regulations provide that information presented to the Assessment Sub-Committee, to a Review Sub-Committee or to a Hearings Sub-Committee for the purpose of these new procedures shall be “exempt information” for the purpose of Schedule 12A to the Local Government Act 1972, thus giving each of the sub-committees a power to exclude the press and public from their meetings. This is a discretion, so it will still be necessary for each meeting to start

by resolving whether to exclude press and public. If the sub-committee did not exclude press and public, the member concerned would be unable to attend as he/she would have a prejudicial interest in the matter under consideration, whereas the complainant would have the right to attend (unless the complainant was also a member). Neither party would have a right of audience at the meeting.

12.2 Accordingly, it is recommended that the Assessment and Review Sub-Committees should be recommended to hold its meetings in camera unless the relevant sub-committee determine otherwise in any particular instance.

13. RECOMMENDATION 1.5- PUBLIC INFORMATION ABOUT COMPLAINTS RECEIVED

Advance publication of the agenda and reports

13.1 Under existing legislation, the County Council must publish an agenda stating the date, time and location of the meeting and in general terms the business to be transacted, but it can withhold copies of the reports and background papers where they would disclose exempt information and the meeting is likely to be held in private. Once a meeting had decided that particular complaints be investigated, or be not investigated, a minute of that meeting would be prepared, and the minute can again be withheld from publication if it would disclose exempt information. By this stage, the member will normally have been notified of the complaint, and the complainant will also be notified of the decision in respect of his/her complaint. Accordingly, I suggest that the minute should be published unless the Monitoring Officer has any reason to believe that such publication was likely to prejudice the investigation of a complaint.

Member requests for information under the Data Protection Act

13.2 Any person is entitled to request access to any personal information which the County Council holds in respect of him/her. Accordingly a member may request to be informed whether the County Council has received a complaint about him/her and may ask to see and correct that information. Section 31 of the Data Protection Act 2000 provides that the County Council would not have to disclose such information where it is held for any relevant function which is designed for protecting members of the public against dishonesty, malpractice or other seriously improper conduct by, or the unfitness or incompetence of, persons authorised to carry on any profession or other activity. Accordingly, the County Council would be able to refuse to disclose whether a complaint had been received until the member was notified on the sending out of the Assessment Sub-Committee agenda, or where no notification is made because the disclosure of that information would be likely to prejudice the proper conduct of the investigation.

Freedom of Information Act

13.3 As FoI requests must be dealt with within 20 days, the County Council may need to respond to press and public requests before the Assessment Sub-Committee has met. I cannot state in advance how individual requests will be resolved, as the County Council must determine each request individually. However, the County Council may refuse to provide information where the information is held for "law enforcement" purposes, which includes the regulation of improper conduct, and where the disclosure would prejudice the effective conduct of public affairs. However, in each case, disclosure can only be resisted where the public interest in withholding the information outweighs the public interest in its disclosure. Accordingly, the County Council may have grounds for resisting early disclosure of information relating to complaints received, but this is likely to be contested by persons making such requests.

13.4 It is recommended that the Standards Committee approve a protocol in the terms set out in Appendix 5 to this report setting out the responsibilities and discretions of the Monitoring Officer in the provision or withholding of information relating to complaints.

14. NOTIFICATION FOLLOWING INITIAL ASSESSMENT

14.1 Where the Assessment Sub-Committee decides that no action be taken on a complaint, it must take reasonable steps to give notice in writing to the complainant of the decision and the reasons for that decision. It must also give similar notification to the member concerned of a decision not to take any action. There is no such requirement for a decision to investigate or to refer a complaint to the Standards Board for England, but as a matter of policy clearly such notification should be given unless there were exceptional circumstances where such disclosure might impede proper investigation. The first point is that, in taking a decision as to whether a complaint should be investigated, the Assessment and Review Sub-Committees will be required to state their reasons for each decision. The second point is that, in practice, it will not be the relevant sub-committee which will notify the complainant and the member, but rather the Monitoring Officer.

15. REVIEW OF INITIAL ASSESSMENT

15.1 Where the Assessment Sub-Committee decides that no action should be taken on a complaint, the complainant may, within 30 days of being notified of that decision, request the Review Sub-Committee to review that decision. The Review Sub-Committee should apply the same criteria used for the initial assessment. There may be cases where further information is made available in support of a complaint that changes its nature or gives rise to a potential new complaint. In such cases the Review Sub-Committee should consider carefully if it is more appropriate to pass this to the Assessment Sub-Committee to be handed as a new complaint. The Review Sub-Committee's decision is then notified to the complainant, who then has no further recourse other than judicial review.

16. DECISION WHETHER TO CONDUCT A LOCAL HEARING

16.1 Where the Monitoring Officer's investigation concludes that there has not been a failure to observe the Code of Conduct, the Regulations provide for the Monitoring Officer's report to come before the Standards Committee (or a sub-committee of the Standards Committee) which then decides whether it accepts that conclusion, or whether it wishes to conduct a formal hearing. This procedure remains as before.

16.2 Where the Monitoring Officer's investigation concludes that there has been a failure of observe the Code of Conduct, the old Regulations provided for the matter to proceed directly to a local hearing. If the Hearings Sub-Committee decided that it could not fairly hear the matter or that the matter was so serious that it would merit more than the maximum 3 months suspension, the Hearings Sub-Committee could request the Standards Board to take the matter back and direct it to a national Case Tribunal for hearing.

16.3 The new Regulations add in another step. So, the Monitoring Officer's report now has to be reported to the Standards Committee, or a sub-committee, which can only decide to send it for a local hearing or to send it to a Case Tribunal. Given that the maximum local sanction is now increased to six months' suspension, and the Monitoring Officer has the opportunity to refer the matter to the Standards Board at any stage prior to the completion of the investigation, the number of matters which will require to be referred to the Case Tribunal by the sub-committee is going to be very limited.

16.4 However, the new Regulations require that a meeting of this sub-committee is held to consider the report and take this decision before the actual hearing can be arranged. Once the decision has been taken for a local hearing, the Monitoring Officer will then undertake the pre-hearing process, and a Hearings Sub-Committee will then conduct the hearing. Whilst it is

accepted that there is an argument that membership of the sub-committee which considers the Monitoring Officer's report, without any response from the member concerned, and decides to proceed to local hearing could prejudice the members of the sub-committee in the subsequent hearing, it is simply impractical to populate four separate sub-committees.

16.5 Rather than set up four different sub-committees, it is recommended that the functions of determining whether to accept the Monitoring Officer's finding of no breach, to go to a local hearing, or to refer the matter to a Case Tribunal should be delegated to a Hearings Sub-Committee.

17. RECOMMENDATION 1.9 - PROPOSED ARRANGEMENTS AND PROCEDURES FOR THE LOCAL ASSESSMENT OF COMPLAINTS ABOUT MEMBER CONDUCT

17.1 Attached at Appendix 7 is a detailed draft note on the operation of the new regime. It seeks to explain how the County Council might deal with each stage of the local assessment process. It is therefore important that members note the contents of the note for information.

17.2 The note may be adapted to form the basis of procedure notes for the Committee and its sub-committee, or to send to complainants for information about the local assessment process.

17.3 To this end, the Committee is asked to agree that the note should be finalised - and that any further documentation relating to the new ethical standards regime should be produced and issued - by the Monitoring Officer after having consulted with the members of the Committee

17.4 Having such a delegation in place will again ensure that the County Council can act quickly and responsively in implementing full documentation and procedures to enable the effective operation of the new regime.

A. Terms of Reference of the Assessment Sub-Committee

Being mindful of the relevant legislation and any relevant guidance issued by the Standards Board for England:-

1. The Assessment Sub-Committee will, subject to paragraph 2 below, conduct an initial assessment of all written complaints received by the County Council's Monitoring Officer on the appropriate Complaints Form for such purposes or such written complaints submitted by a letter/e-mail/fax setting out all the relevant information required on such Complaints Form.
2. The Assessment Sub-Committee will only have jurisdiction to consider written allegations that an elected or co-opted Member or former Member of the County Council has failed, or may have failed, to comply with the County Council's Code of Conduct for Members.
3. The Assessment Sub-Committee is empowered to do one of the following:-
 - i) decide that no action should be taken in respect of the allegation;
 - ii) ask for additional information from the complainant on the allegation before concluding the initial assessment;
 - iii) if the allegation is likely to be reasonably substantiated and it is in the public interest to warrant the County Council's funds being spent on a local investigation, refer the allegation to the County Council's Monitoring Officer, with an instruction that s/he arranges for an investigation of the allegation; or directs that s/he arranges training, conciliation or such other appropriate action as is permitted by the relevant legislation;
 - iv) if the matter is of a serious nature (for example, there is a potential conflict of interest with the Standards Committee or the potential sanction(s) available to the Standards Committee might not be sufficient for the Standards Committee to deal with), refer the allegation to the Standards Board for England for investigation; or
 - v) where the allegation is in respect of a person who is no longer a member of the County Council, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other authority,

and shall authorise the Monitoring Officer to take all reasonable steps to implement its decision(s), with reasons, and to notify the person making the allegation and the member concerned of that decision.

4. **Composition** - The Assessment Sub-Committee shall comprise 3 members. One of whom must be an independent member of the County Council's Standards Committee, or an independent member of another authority appointed (in accordance with any procedures agreed by the County Council) for a fixed term to the County Council's Assessment Sub-Committee. One of whom must be an elected member of the County Council. The Assessment Sub-Committee must be

Chaired by an independent member. Subject to the above, there is no requirement for fixed membership or a fixed Chair of the Assessment Sub-Committee.

5. **Quorum** - The quorum for a meeting of the Assessment Sub-Committee shall be 3 members (with an independent member as Chairman) and at least one elected member of the County Council.
6. **Frequency of Meetings** - The Assessment Sub-Committee will agree a programme of meetings to enable it to undertake its initial assessment of any allegations within 20 working days of receipt of an allegation by the County Council, but will only meet if it needs to conduct any such assessment.

B. Terms of Reference of the Review Sub-Committee

Being mindful of the relevant legislation and any relevant guidance issued by the Standards Board for England:-

1. Upon the request of a person who has made an allegation that a member of the County Council has failed, or may have failed, to comply with the County Council's Code of Conduct, the Review Sub-Committee) will convene to review a decision of the Assessment Sub-Committee that no action is taken in respect of that allegation.
2. The Review Sub-Committee is empowered to take all decisions as per paragraph 3 of the terms of reference of the Assessment Sub-Committee.
3. **Composition** - The Review Sub-Committee shall comprise of 3 members who were not members of the Assessment Sub-Committee. One of the members of the Review Sub-Committee shall be an independent member of the County Council Standards Committee or an independent member of another authority appointed (in accordance with any procedures agreed by the County Council) for a fixed term to the County Council's Review Sub-Committee. One of the members must be elected member of the County Council. The Review Sub-Committee must be Chaired by an independent member. Subject to the above, there is no requirement for fixed membership or a fixed chair of the Review Sub-Committee.
4. **Quorum** - The quorum for a meeting of the Review Sub-Committee shall be all of its 3 members.
5. **Frequency of Meetings** - The Standards Sub-Committee (Review) shall meet as and when required to review any decision of the Assessment Sub-Committee within 3 months of the receipt of the request for such a review from the person who made the allegation.

C. Terms of Reference of the Hearing Sub-Committee

Being mindful of the relevant legislation and any relevant guidance issued by the Standards Board for England:-

1. To determine whether to accept the Monitoring Officer's finding of no breach, to go to a local hearing or to refer the matter to a case tribunal.

2 In the event that a hearing of the Standards Committee is required, the Hearings Sub-Committee may be convened to hear and determine any allegation that a member of the County Council has failed, or may have failed, to comply with the County Council's Code of Conduct.

3 **Composition** - The Standards Sub-Committee (Hearing) shall comprise of 3 members of the Standards Committee. One of whom must be an independent member of the County Council Standards Committee, and one of whom may be an independent member of another authority appointed (in accordance with any procedures agreed by the County Council) for a fixed term to the County Council's Hearing Sub-Committee. One of the members of the Hearing Sub-Committee must be elected members of the County Council. The Hearing Sub-Committee must be chaired by an independent member. Subject to the above, there is no requirement for fixed membership or a fixed chair of the Hearing Sub-Committee.

4 **Quorum** - The quorum for a meeting of the Hearing Sub-Committee shall be 3 members (with an independent member as Chairman of the Sub-Committee), and at least one elected member of the County Council.

5 **Frequency of Meetings** - The Standards Sub-Committee (Hearing) shall meet as and when required to hear and determine any allegation(s) against an elected or co-opted member of the Council.

County Council Standards Committee Terms of Reference:

As the County Council's statutory Standards Committee under s 53 of the Local Government Act 2000 (as amended) ("2000" Act"), to discharge the following functions -

- a) promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;
- b) assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- d) monitoring the operation of the Members' Code of Conduct;
- e) advising, training or arranging to train councillors, co-opted members and church and parent governor representatives, on matters relating to the Members' Code of Conduct;
- f) granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct
- g) To establish sub-committees, under regulation 6 of the Standards Committee (England) Regulations 2008/1085 ("the Regulations") for the discharge of functions under s 57A and 57B of the 2000 Act, and regulations 18-20 of the Regulations; and to determine, or make arrangements for determining, the composition, membership and terms of reference of such sub-committees;
- h) to discharge as a full committee the functions contained in regulations 18-20 of the Regulations where the full committee decides that such functions should not be discharged by a sub-committee established under g) above;
- i) To discharge as a full committee the functions contained in regulation 17 of the Regulations; and, where considered appropriate by the full committee, to establish a sub-committee (and agree its composition, membership and terms of reference) to discharge such functions;
- j) subject to k) and l) below, to discharge or make arrangements for discharging any of the functions conferred upon the Committee under the Regulations and associated, relevant provisions of Part III of the 2000 Act;
- k) To monitor and exercise a non-financial audit function in respect of:
 - i) the operation and discharge of the functions set out at a) and c) above;

- ii) any sub-committees' (established under a) above) operation and discharge of their functions; and
 - iii) the County Council's operation and discharge of the functions exercisable by or on behalf of the Monitoring Officer under the Regulations, Part III of the 2000 Act, or by virtue of a delegation of Standards Committee.
- l) To discharge the function, contained in s 66B of the 2000 Act, of providing information and statistical periodic returns to the Standards Board for England;
- m) To conduct an annual review (and report on its findings) of the County Council's operation and discharge of its functions under the Regulations and associated, relevant provisions of Part III of the 2000 Act;

Monitoring Officer Protocol

Instructions to the Monitoring Officer on the discharge of functions in relation to the initial assessment and review of allegation that a member of the County Council has failed to comply with the Code of Conduct.

1. Receipt of Allegations

- 1.1 The Monitoring Officer shall set up arrangements within the County Council to secure that any allegation made in writing that a member of the County Council has or may have failed to comply with the County Council's Code of Conduct is referred to him/her immediately upon receipt by the County Council.
- 1.2 The Monitoring Officer shall maintain a register of such allegations to ensure that the County Council can comply with its obligations under the relevant legislation.
- 1.3 Complaints shall only be entertained where they are signed by the complainant, but 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.

2. Notification of Receipt of Allegations

- 2.1 All relevant allegations must be assessed by the Assessment Sub-Committee, so 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 the Assessment Sub-Committee. The Monitoring Officer shall therefore determine whether the allegation appears to be a substantive allegation of misconduct. Where it appears not to be, he/she shall ensure that the matter is dealt with under a more appropriate procedure, for example where it is really a request for service from the County Council, a statement of policy disagreement, a legal claim against the County Council or a complaint against an officer of the County Council.
- 2.2 Following receipt of the allegation, and where the allegation does appear to be a complaint of misconduct against a relevant member, the Monitoring Officer will promptly, and in any case in advance of the relevant meeting:
 - 2.2.1 acknowledge to the complainant receipt of the allegation and confirm that the allegation will be assessed by the Assessment Sub-Committee at its next convenient meeting;
 - 2.2.2 notify the member against whom the allegation is made of receipt of the complaint, together with a written summary of the allegation,

and state that the allegation will be assessed at the next convenient meeting of the Assessment Sub-Committee. However, 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 shall consult the Chairman of the Assessment Sub-Committee, or in his/her absence the Chairman of the Standards Committee, and may then decide that no such advance notification shall be given;

2.2.3 collect such information as is readily available and would assist the Assessment Sub-Committee in its function of assessing the allegation;

2.2.4 seek local resolution of the matter where practicable, in accordance with Paragraph 3 below;

2.2.5 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 for the next convenient meeting of the Assessment Sub-Committee.

3. Local Resolution

- 3.1 Local resolution is not an alternative to reporting the allegation to the 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, 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. With the consent of the member concerned, the Monitoring Officer may then approach the complainant and ask whether the complainant is satisfied by such apology or other remedial action. The Monitoring Officer should then report to the Assessment Sub-Committee as required, and at the same time report the response of the member concerned and of the complainant. The idea is that, where the member has acknowledged that his/her conduct was inappropriate, and particularly where the complainant is satisfied with the proffered apology or remedial action, the Assessment Sub-Committee might take that into account when considering whether the matter merit investigation.

4. Review of Decisions not to Investigate

- 4.1 Where the 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, and the complainant may then within 30 days of receipt of such notification request that the Review Sub-Committee review that decision.
- 4.2 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 Review Sub-Committee the information which was provided to the

Assessment Sub-Committee in respect of the matter, the summary of the Assessment Sub-Committee and any additional relevant information which has become available prior to the meeting of the 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 Assessment Sub-Committee, to determine who to instruct to conduct a formal local investigation, and this may include another senior officer of the County Council, a senior officer of another authority or an appropriately experienced consultant.

EAST SUSSEX COUNTY COUNCIL

STANDARDS COMMITTEE

**THE LOCAL ASSESSMENT OF
COMPLAINTS ABOUT
MEMBER CONDUCT**

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INTRODUCTION

PART 1

RECEIVING COMPLAINTS AND INITIAL HANDLING

Receipt of written allegations

- 1.1 Any written communications received by the County Council that appear in any way to contain allegations that a Member has failed, or may have failed, to comply with the Code must, upon receipt, be referred to the County Council's Monitoring Officer.

The Monitoring Officer role on receipt of written allegations

- 1.2 Before referring any such allegations to the Assessment Sub-Committee of the Standards Committee, the Monitoring Officer:

- (i) should write to the Complainant acknowledging receipt of their complaint;
- (ii) should (provided that to do so would not be contrary to the public interest and/or would not prejudice any person's ability to investigate the allegation) write to the Subject Member stating:
 - (a) that a complaint has been made against them;
 - (b) the name of the Complainant (unless the Complainant has requested anonymity, or to do so would be unlawful);
 - (c) the relevant paragraphs of the Code it is alleged they have breached;
 - (d) that the complaint will be considered by the Assessment Sub-Committee and the date of this meeting if known; and
 - (e) that a written summary of the allegation may be provided to them by the Assessment Sub-Committee

AND

- (iii) prepare a short summary of the complaint for the Assessment Sub-Committee (having regard to the SBE's Guidance).

Procedure for Allegations referred to the Assessment Sub-Committee

Publication of agenda and papers in advance of Assessment Sub-Committee meeting

- 1.3 The Monitoring Officer must send the Complainant's written allegations (and any supporting papers comprising their complaint), and the Monitoring Officer's summary (produced under 1.2 (iii) above) as confidential appendices to a standard cover report to the Assessment Sub-Committee (see Appendix 1 for standard cover report).
- 1.4 The standard cover report will (but the confidential appendices will not) be published as an item on the agenda of the Assessment Sub-Committee's meeting not less than five clear working days before the meeting or, if this is not possible, as far in advance of the meeting as is reasonably possible in the circumstances.

PART 2

THE ASSESSMENT SUB-COMMITTEE

Quorum and composition of the Assessment Sub-Committee

- 2.1 To be quorate, and to be able to take any decisions on allegations, 3 members of the Assessment Sub-Committee must be present for the duration of the meeting, 1 of whom must be an independent member who Chairs the meeting, and 1 of whom must be an elected member.
- 2.2 The County Council's Assessment Sub-Committee will be constituted by 3 members, in accordance with 2.1 above, although it will not have fixed membership or a fixed chair.
- 2.3 In addition, in accordance with any procedures agreed by the County Council an independent member of a standards committee of an authority other than the County Council may be appointed to sit on the Sub-Committee for a fixed term.

Decisions of the Assessment Sub-Committee

- 2.4 Decisions of the Assessment Sub-Committee will be taken by majority vote, with the Chair having the casting vote.

Frequency of meetings

- 2.5 The Assessment Sub-Committee must agree a programme of meetings to enable it to undertake its initial assessment of any allegations within 20 working days of receipt of an allegation by the County Council but shall only meet where one or more allegations have been received which require to be assessed.

Restrictions on attendance

- 2.6 Only the following are permitted to attend a meeting of the Assessment Sub-Committee:
 - the members of the Assessment Sub-Committee, and
 - relevant officers of the County Council.

Consideration of matters at the meeting

Considering whether to notify the Member who is the subject of the allegation

- 2.7 Before it proceeds to assess any allegation, the Assessment Sub-Committee must first decide whether a written summary of the allegation should be provided to the Subject Member.
- 2.8 In making this decision, the Assessment Sub-Committee must consider whether providing any such summary, or any details, would be contrary to the public interest or would prejudice any person's ability to investigate the allegation. In making this decision, the Assessment Sub-Committee must also have regard to the SBE's Guidance, and any advice from the Monitoring Officer.

- 2.9 Where the Assessment Sub-Committee decides that a written summary of the allegation can be provided to the Subject Member, this must be sent by email to that Member before the committee proceeds to consider the allegation.
- 2.10 Where the Assessment Sub-Committee decides that a written summary of the allegation must not be provided to the Subject Member, the Committee should decide what details, if any, the Member should be notified of following the meeting. In taking this decision, the Committee should take into account (i) what details may have already been provided under paragraph 1.2 above; and (ii) what details should be released in its Decision Notice under paragraph 2.17 below.

Considering the allegations and making a decision

- 2.11 In making its assessment of which of the actions (set out at 2.12 below) to take in respect of an allegation, the Assessment Sub-Committee must deal with each case on a case-by-case having regard to any relevant guidance of the Standards Board for England, any professional advice from relevant officers of the County Council, and any relevant criteria and factors that the County Council's Standards Committee determines from time-to-time.
- 2.12 After having assessed any written allegations before it, the Assessment Sub-Committee must do one of the following:
- (a) decide that no action should be taken in respect of the allegation;
 - (b) decide that no action should be taken but request further information from the Complainant;
 - (c) after consulting with the Monitoring Officer, refer the allegation to the Monitoring Officer with an instruction to arrange for a formal investigation of the allegation; or with an instruction to arrange for the Subject Member to attend a training course; and/or for that member and the complainant to engage in a process of conciliation; and/or other steps (not including an investigation) to be taken as appear appropriate to the Assessment Sub-Committee (see Parts 4-5 below)
 - (d) refer the allegation to the Standards Board for England (see Part 6 below); or
 - (e) if the person is no longer a Member of the County Council but is a Member of another relevant authority (as defined in s.49 of the Local Government Act 2000), may refer the allegation to the Monitoring Officer of the other authority, if it considers that that is a more appropriate way of dealing with the matter.
- 2.13 The Assessment Sub-Committee must also record the main points it considered, its conclusion and the reasons for its conclusion.

Decision Notices and publishing documents after the Assessment SubCommittee's meeting

- 2.14 Within 5 working days of making a decision, the Assessment Sub-Committee should provide the Complainant and the Subject Member with written notice of its decision and the reasons for its decision ("A Decision Notice").
- 2.15 All Decision Notices should be signed for and on behalf of the Committee by a member of the Committee, and should be countersigned by the Monitoring Officer.

The contents of a Decision Notice - where the Subject Member concerned **has** already been provided with a written summary of the allegation against them

- 2.16 Where the Subject Member has already been provided a written summary of the allegation (further to paragraphs 2.7 - 2.9 above), the Decision Notice (that must be sent to the

Member, the Complainant and the Standards Committee of any other authority concerned) should contain that written summary of the allegation, and:

- must record the main points considered, and the Assessment Sub-Committee's conclusion and the reasons for its conclusion,
- must state, where the matter is to be referred to the Monitoring Officer or an ESO for investigation, that the matter has been so referred and give the Subject Member the opportunity to comment on the allegation, unless the Committee directs that it is not in the public interest, or would prejudice any investigation into the allegation to do this, and
- must be prepared having regard to any relevant guidance of the Standards Board for England, and any professional advice from relevant officers of the County Council, and may
- give the name of the member who was the subject of the allegation, unless releasing this information is, in the opinion of the committee, not in the public interest, or would prejudice any investigation into the allegation.

The contents of a Decision Notice - where the member concerned has **not** already been provided with a written summary of the allegation against them

2.17 Where the Subject Member has not already been provided a written summary of the allegation (further to paragraphs 2.7, 2.8 and 2.9 above), the contents of the Decision Notice (which must be sent to the Member, the Complainant and the Standards Committee of any other authority concerned) will depend upon (i) the extent to which the Subject Member has been informed of the allegation or any of its details (further to paragraphs 1.2 above), and (ii) any decision of the Monitoring Officer (in consultation with the Chair of the Assessment Sub-Committee) as to whether it would, at the time of issuing the Decision Notice, still be contrary to the public interest, or would still prejudice any person's ability to investigate the allegation, to provide any such details.

Publication of Decision Notices

Publication of Decision Notices where the Member concerned **has** already been provided a written summary of the allegation

2.18 Once the Decision Notice has been communicated to the Complainant and the Member, the County Council must publish the Decision Notice issued under and incorporating the details referred to in paragraph 2.16 above, so that it is available for public inspection at the County Council offices for a period of 6 years beginning with the date of the Assessment Sub-Committee's meeting.

Publication of Decision Notices where the Member concerned **has not** already been provided a written summary of the allegation

2.19 Once a Decision Notice is communicated to the complainant and the Subject Member, the County Council must publish the Decision Notice issued under and incorporating the details referred to in paragraph 2.17 above, so that it is available for public inspection at the County Council offices for a period of 6 years beginning with the date of the Assessment Sub-Committee's meeting.

2.20 Further details about the allegation may, however, be incorporated into the Decision Notice to be published if, in consultation with the Chair of the Assessment Sub-Committee, the Monitoring Officer has decided that, at the time of publishing, it would not be contrary to the public interest, or would not prejudice

any person's ability to investigate the allegation, to provide these further details and the Subject Member and Complainant have already been notified of such details.

Assessment Sub-Committee's decision of 'no action' and complainant's right to request a review of that decision

- 2.21 Where the Assessment Sub-Committee has decided that no action should be taken in respect of an allegation made against a Subject Member, the Complainant has the right to request a review of the Assessment Sub-Committee's decision.

PART 3

THE REVIEW PROCESS AND REVIEW SUB-COMMITTEE

Procedure for a complainant to request a review

- 3.1 The Complainant's request for a review must be in writing, and must be received by the County Council's Monitoring Officer no later than 30 days after the date on which the complainant was provided with a 'no action' Decision Notice.

Procedure for requests for review to be referred to the Review Sub-Committee

Publication of agenda and papers in advance of Review Sub-Committee meeting

- 3.2 The Monitoring Officer must send written requests for review and any supporting documentation as confidential appendices to a standard cover report to the Review Sub-Committee (see Appendix 1 for standard cover report).
- 3.3 The standard cover report will (but the confidential appendices will not) be published as an item on the agenda of the Review Sub-Committee's meeting not less than five clear working days before the meeting or, if this is not possible, as far in advance of the meeting as is reasonably possible in the circumstances.

Quorum and composition of the Review Sub-Committee

- 3.4 To be quorate, and to be able to take any decisions on requests for reviews, 3 members of the Review Sub-Committee must be present for the duration of the meeting, 1 of whom must be an independent member who Chairs the meeting, and 1 of whom must be an elected member BUT none of which can be a member of the Assessment Sub-Committee that undertook the initial assessment of the allegation, which is subject to review.
- 3.5 The County Council's Review Sub-Committee will be constituted by 3 members, in accordance with 3.4 above, although it will not have fixed membership or a fixed chair.
- 3.6 In addition, in accordance with any procedures agreed by the County Council, an independent member of a standards committee of an authority other than the County Council may be appointed to sit on the Council's Assessment Sub-Committee for a fixed term.

Frequency of meetings

3.7 The Review Sub-Committee must agree a programme of meetings to enable it to undertake the review of an^y decision of the Assessment Sub-Committee within of receipt of a request for review, but shall only meet where one or more requests have been received which require to be assessed.

Restrictions on attendance

3.8 Only the following are permitted to attend a meeting of the Review Sub-Committee:

- the members of the Review Sub-Committee, and
- relevant officers of the County Council.

3.9 The Review Sub-Committee cannot take a decision on a request for review if any Member of the Assessment Sub-Committee (which decided that no action should be taken on the original written allegation) is present.

Consideration of matters at the meeting

Considering whether to provide further details of the allegations

3.10 Where, further to paragraphs 2.7, 2.8, 2.10 above, it has been decided to withhold from a Subject Member certain details of any allegations against them, the Review Sub-Committee should consider, on advice from the Monitoring Officer, whether (taking into account what further details may have been released under paragraphs 2.17 and 2.20) it would still be contrary to the public interest or would still prejudice any person's ability to investigate the allegation, to provide any further details, including a written summary of the allegation.

Considering the request for review

3.11 In deciding which of the actions (set out at 3.12 below) to take, the Review Sub-Committee must deal with each case on a case-by-case basis, having to any relevant guidance of the Standards Board for England; the Complainant's reasons for requesting a review; the Assessment Sub-Committee's decision and the reasons for its decision; any professional advice from relevant officers of the County Council, and any relevant criteria and factors that the County Council's Standards Committee determines from time-to-time.

3.12 After having considered any request for review, the Review Sub-Committee must do one of the following:
Uphold the Assessment Sub-Committee's decision and decide that no action should be taken in respect of the allegation;

OR

Overturn the Assessment Sub-Committee's decision; and

(i) after consulting with the Monitoring Officer, refer the allegation to the Monitoring Officer with an instruction to arrange for a formal investigation of the allegation; or with an instruction to arrange for the Subject Member to attend a training course; and/or for that member and the complainant to engage in a process of conciliation; and/or other steps (not including an investigation) to be taken as appear appropriate to the Assessment Sub-Committee (see Parts 4-5 below).

(ii) refer the allegation to the Standards Board for England -see Part 6 below
or

(iii) if the person is no longer a Member of the County Council but is a

Member of another relevant authority (as defined in s.49 of the Local Government Act 2000), may refer the allegation to the Monitoring Officer of the other authority, if it considers that that is a more appropriate way of dealing with the matter.

- 3.13 The Review Sub-Committee must also record the main points it considered, its conclusion and the reasons for its conclusion.

Decision Notices and publishing documents after the Review Sub-Committee's meeting

- 3.14 The same rules and procedures as those set out at paragraphs 2.14 - 2.20 apply.

Review Sub-Committee's decision to uphold the Assessment Sub-Committee's "No Action" decision

- 3.15 Where the Review Sub-Committee decides to uphold the Assessment Sub-Committee's decision to take no action on any allegations, the complainant cannot pursue the matter any further with the County Council Standards Committee.

PART 4

MONITORING OFFICER TO ARRANGE FOR STEPS OTHER THAN INVESTIGATION TO BE TAKEN

Monitoring Officer – Duty to comply with instruction

- 4.1 Where the Assessment Sub-Committee, or the Review Sub-Committee, after consulting with the Monitoring Officer, refer an allegation to the Monitoring Officer with an instruction:
- to arrange for the Subject Member to attend a training course; and/or for
 - that the member and the complainant to engage in a process of conciliation; and/or
 - for other steps (not including an investigation) to be taken as appear appropriate to the Assessment or Review Sub-Committees.
- the Monitoring Officer must deal with the matter in accordance with the instruction given to them.

Monitoring Officer power to refer back to Assessment Sub-Committee

- 4.2 Where a matter has been referred to the Monitoring Officer (by the Assessment or Review Sub-Committees) for steps other than investigation, the Monitoring Officer may refer the matter to the Assessment Sub-Committee:

(i) if, as a result of new evidence or information, the Monitoring Officer is of the opinion that:

- the matter is materially more serious or less serious than may have seemed apparent when the Assessment or Review Sub-Committee made its decision to refer to the Monitoring Officer for steps other than investigation;
- the Assessment or Review Sub-Committee would not have decided to refer to the

Monitoring Officer for steps other than investigation had it been aware of the new evidence or information; or

(ii) if, the Subject Member, has died, is seriously ill, or has resigned from the County Council and the Monitoring Officer is of the opinion that, in the circumstances, it is no longer appropriate to continue with the steps other than investigation.

4.3 If, further to 4.2 above, the Monitoring Officer refers a matter to the Assessment Sub-Committee:-

(i) the papers will contain, and the sub-committee meeting will consider, exempt information as defined in the Local Government Act 1972 Schedule 12A as amended by the Standards Committee (England) Regulations 2008/1085. Therefore, in accordance with the LGA 1972 Part VA and the Authority's Standing Orders 1.11 and 2.8, any such reports (and background papers) may not be required to be published publicly, and the meeting may not be required to be held with the press and public present;

(ii) the Assessment Sub-Committee should consider the matter in accordance with paragraph 2.11 above, and may make the same decisions as those as set out at 2.12, although the committee may direct that the matter should not be referred back a further time.

Monitoring Officer's report

4.4 Within 3 months of the day on which the Monitoring Officer received an instruction as per 4.1 above (or, if this is not possible, as soon as is reasonably practicable thereafter), the Monitoring Officer must submit a report to the full County Council's Standards Committee (or to a Sub-Committee if, further to its terms of reference, the full committee establishes such a committee for these purposes) giving details of the action taken or proposed to comply with the instruction.

4.5 The Monitoring Officer's report will contain exempt information as defined in the Local Government Act 1972 Schedule 12A, as amended by the Standards Committee (England) Regulations 2008/1085. Therefore, in accordance with the LGA 1972 Part VA and the County Council's Standing Orders 1.11 and 2.8, any such reports (and background papers) may not be required to be published publicly, and may not be required to be considered by the Committee with the press and public present.

The Committee's decision on the report

4.6 If the committee is not satisfied with the action specified in the Monitoring Officer's report, it must issue a further instruction to the Monitoring Officer. The committee's decision to this effect, may contain exempt information, and so the committee should consider, in accordance with the rules set out at paragraph 4.5 above, whether the decision should be published publicly.

4.7 If the committee is satisfied with the action specified in the Monitoring Officer's report, it must give written notice to this effect to:

- the Subject Member;
- the Complainant; and
- the Standards Committee of any other authority concerned.

4.8 The committee's written notice may contain exempt information, and so the Committee should consider, in accordance with the rules set out at paragraph 4.5 above, whether the notice should be published publicly.

PART 5

MONITORING OFFICER TO INVESTIGATE A COMPLAINT AND STANDARDS COMMITTEE'S CONSIDERATION OF THE REPORT

Monitoring Officer power to delegate investigation

- 5.1 Where the Assessment Sub-Committee, or the Review Sub-Committee refer an allegation to the Monitoring Officer to investigate, the Monitoring Officer may decide not to personally conduct the investigation and may arrange for this, and other functions in connection with this, to be conducted by a suitable, and appropriately qualified and experienced person, whether employed by the County Council or not ("a delegated investigator"). A delegated investigator may not, however, be a current Ethical Standards Officer of the SBE may not, however, be a current Ethical Standards Officers of the SBE.

Conducting the investigation

- 5.2 In conducting an investigation, the Monitoring Officer or delegated investigator must have regard to any relevant guidance issued, and must comply with any direction given, by the SBE.
- 5.3 In conducting an investigation, the Monitoring Officer or delegated investigator may:
- a. make such inquiries of any person as the Monitoring Officer or delegated investigator thinks necessary or expedient for the purposes of conducting
 - b. that investigation;
 - c. require any person to give such information or explanation as the Monitoring Officer or delegated investigator thinks necessary or expedient for the purposes of conducting that investigation;
 - d. require any other authorities concerned to provide such advice and assistance as may reasonably be needed to assist in the investigation;
 - e. require any other authorities concerned to meet the reasonable cost of any advice and assistance provided in accordance with (iii) above; and
 - f. require any other authorities concerned to afford reasonable access to such documents in their possession as appear to the Monitoring Officer to be necessary for the purpose of conducting the investigation.

Disclosure of information

- 5.4.1 Information obtained by the Monitoring Officer (or the delegated investigator) in the course of conducting their investigation must not be disclosed other than in accordance with the Local Government Act 2000 s 63, the Standards Committee (England) Regulations 2008/ 1085, and any relevant guidance of the SBE.

Monitoring Officer power to refer back to Assessment Sub-Committee

- 5.5 Where a matter has been referred to the Monitoring Officer (by the Assessment or Review Sub-Committees) for investigation, the Monitoring Officer may refer the matter to the Assessment Sub-Committee:

(i) if, as a result of new evidence or information, the Monitoring Officer is of the opinion that:

- the matter is materially more serious or less serious than may have seemed apparent when the Assessment or Review Sub-Committee made its decision to refer to the Monitoring

Officer for investigation;

- the Assessment or Review Sub-Committee would not have decided to refer to the Monitoring Officer for investigation had it been aware of the new evidence or information; or

(ii) if, the Subject Member, has died, is seriously ill, or has resigned from the County Council and the Monitoring Officer is of the opinion that, in the circumstances, it is no longer appropriate to continue with an investigation

5.6 If, further to 5.5 above, the Monitoring Officer refers a matter to the Assessment Sub-Committee, the same rules and procedures as set out at 4.2 – 4.3 shall apply.

Completion of the investigation

5.7 On completing an investigation, as the Monitoring Officer or delegated investigator must:

- i. make a finding that there either has, or has not, been a failure to comply with the Code (respectively, "a finding of failure" or "a finding of no failure");
- ii. prepare a written report of the investigation which contains a statement as to the finding;
- iii. send a copy of that report to the Subject Member; and
- iv. refer the report to the full County Council Standards Committee (or to a sub-committee if, further to its terms of reference, the full committee establishes such a committee for these purposes) and any other Standards Committee concerned.

Referral of the Monitoring Officer's report to the committee and 'exempt' status of the report

5.8 The Monitoring Officer's report and the other papers to be sent to and considered by the committee will contain exempt information as defined in the Local Government Act 1972 Schedule 12A, as amended by the Standards Committee (England) Regulations 2008/1085. Therefore, in accordance with the LGA 1972 Part VA and the County Council's Standing Orders 1.11 and 2.8, any such reports (and background papers) may not be required to be published publicly, and may not be required to be considered by the committee with the press and public present.

Publication of agenda and papers in advance of the committee meeting

5.9 Subject to paragraph 5.8 above, the relevant papers must be published as an item on the agenda of the committee's meeting not less than five clear working days before the meeting or, if this is not possible, as far in advance of the meeting as is reasonably possible in the circumstances.

The committee's consideration of the Monitoring Officer's report

5.10 In making its decision as to which of the actions (set out at 5.11) to take, the committee must have regard to the Monitoring Officer's report; any relevant guidance of the SBE; any professional advice from relevant officers of the County Council, and any relevant criteria and factors that the County Council's Standards Committee determines from time-to-time.

5.11 After having considered the Monitoring Officer's report, the committee must by majority decision make one of the following findings:

- a) that it accepts a finding of no failure (i.e. that the Subject Member has not breached

- the Code);
- b) that the matter should be considered at a hearing of the full County Council's Standards Committee, or a Hearings Sub-Committee; OR
 - c) that the matter should be referred to the APE for determination (although the committee may only decide to refer a matter to the APE if it determines that the action it could take against the Subject Member would be insufficient, in the event that the Subject Member were to be found to have breached the Code, and the president or deputy president of the APE has agreed to accept the referral).

Committee accepting a finding of no failure

5.12 As soon as reasonably practicable after making such a finding, the committee must issue a "Finding of No Failure" Decision Notice and send this to:

- The Subject Member;
- The Complainant;
- Any ESO concerned; and
- Any other authority concerned.

and must, unless the Subject Member asks the committee not to, publish the Decision Notice in at least one newspaper circulating in Greater London and, if considered appropriate by the committee, on the County Council web-site and any other publication.

Committee accepting a finding of failure

Finding of Failure

5.13 Within 5 working days of making such a finding, the committee should produce a written notice of its decision, and the reasons for its decision, ("a 'Finding of Failure – Hearing' Decision Notice") and send this to:

- the Subject Member;
- the Complainant;
- any other authority concerned;
- any ESO; and
- the APE – (where the decision is to refer the matter to the APE).

Publication of Finding of Failure

5.14 The Decision Notice may contain exempt information and so the committee should consider, in accordance with the rules set out at paragraph 5.8 above, whether it should be published publicly.

PART 6

ESO INVESTIGATION

Referring the matter to the SBE

- 6.1 Where the Assessment or Review Sub-Committee decides to refer an allegation to the SBE, the relevant paperwork will be collated and sent to the SBE by the Monitoring Officer.
- 6.2 On receipt of such a referral, the SBE must:
- decide that there has been no failure to comply with the;
 - refer the case to the County Council Standards Committee; or
 - refer the case to one of its ethical standards officers for investigation.

SBE decision of 'no action'

- 6.3 If the SBE decides that no action should be taken, the SBE is responsible for giving written notice of its decision to the Complainant and the Subject Member.

SBE decision to refer to the County Council Standards Committee

- 6.4 If the SBE decides that the complaint should be dealt with by the County Council, the Monitoring Officer will refer the matter to the Assessment Sub-Committee.
- 6.5 Before making any such referral, the Monitoring Officer:
- (i) must write to the Complainant and the Subject Member notifying them of the SBE's decision and explaining what will happen next; and
 - (ii) must, in consultation with the Chair of Standards Committee, decide what, if any, further details of the complaint the Subject Member should be notified of, taking into account any relevant guidance of the SBE, and whether providing any such details would be contrary to the public interest, or would prejudice any person's ability to investigate the allegation

The 'exempt' status of papers referred to the Assessment Sub-Committee

- 6.6 The papers to be sent to and considered by the Assessment Sub-Committee will contain exempt information as defined in the Local Government Act 1972 Schedule 12A, as amended by the Standards Committee (England) Regulations 2008/1085. Therefore, in accordance with the LGA 1972 Part VA and the County Council's Standing Orders 1.11 and 2.8, any such reports (and background papers) may not be required to be published publicly, and may not be required to be considered by Standards Committee with the press and public present.

Publication of agenda and papers in advance of Assessment Sub-Committee meeting

- 6.7 Subject to paragraph 6.6 above, the relevant papers must be published as an item on the agenda of the Assessment Sub-Committee's meeting not less than five clear working days before the meeting or, if this is not possible, as far in advance of the meeting as is reasonably possible in the circumstances.

Assessment Sub-Committee's consideration of matters at its meeting

6.8 The same rules as those set out at paragraphs 2.1-2.4, 2.11-2.20 apply to this meeting with the following exceptions:

- Membership of the Assessment Sub-Committee must be different to that of the Committee that referred the matter to the SBE in the first instance; and
- The Assessment Sub-Committee has no power to refer a matter to the SBE once the SBE has sent such a matter back to the County Council.

SBE decision to refer to an Ethical Standards Officer for investigation

The ESO conducting an investigation

6.9 Where the SBE has referred a complaint to an ESO to investigate, the ESO will conduct an investigation in accordance with their statutory duties.

6.10 Generally, the County Council must provide an ESO with every facility and all information which he or she may reasonably require for the purposes of conducting their investigation. Specifically, the ESO has a right of access to all documents which appears to him or her necessary for the purposes of their investigation; and (i) may make such inquiries of any person any as he or she thinks necessary for the purpose of conducting their investigation; (ii) may require any person to give him such information or explanation as he or she thinks necessary for the purposes of conducting their investigation; and if he or she thinks necessary, require any person to meet with them in person for the purpose of making inquiries of that person or requiring that person to give any information or explanation.

The ESO's power to refer the matter to the Monitoring Officer at any time

6.11 At any stage before its completion, the ESO may decide to cease their investigation and refer the matters to the County Council's Monitoring Officer with a direction that the Monitoring Officer takes steps other than conducting an investigation (in which case, paragraphs 4.1 and 4.2 – 4.8 above apply as if the ESO's direction had been issued by an Assessment or Review Sub-Committee); or with a direction that the Monitoring Officer carries out an investigation (in which case paragraphs 5.1-5.4 and 5.7-5.14 above apply as if the ESO's direction had been issued by an Assessment or Review Sub-Committee).

The Monitoring Officer's power to ask the ESO to take a case back

6.12 Where an ESO refers a matter to the Monitoring Officer with an instruction that the Monitoring Officer conducts an investigation, the Monitoring Officer may, at any stage before completing their investigation, write to the ESO asking that the matter be referred back to the ESO and setting out their reasons for this.

6.13 The ESO must respond to such a request within 21 days of having received it, and may:

- decide that they (the ESO) will conduct the investigation and that the Monitoring Officer's investigation must cease; or
- direct that the Monitoring Officer continues their investigation.

ESO conducting and concluding an investigation

6.14 Where an ESO has investigated a complaint and completed his or her investigation, the ESO may reach one of the following findings:

- that the Subject Member has not breached the Code, or that the Subject Member has breached the Code but that the breach does not require any further action
- that the matters which are the subject of the investigation should be referred to the president of the APE for adjudication by tribunal; or
- that the matters which are the subject of the investigation should be referred to the Monitoring Officer.

ESO decision the Subject Member has not breached the Code, or that the Subject Member has breached the Code but that the breach does not require any further action

- 6.15 Where an ESO makes such a decision, he or she may produce a report on the outcome of their investigation, and may provide a summary of any such report to any newspapers circulating in the area of Greater London.
- 6.16 If the ESO does produce such a report, he or she must send a copy of the report to the Monitoring Officer. If the ESO does not produce such a report, he or she must inform the Monitoring Officer of the outcome of the investigation.

ESO decision that the matters which are the subject of the investigation should be referred to the president of the Adjudication Panel for England for adjudication by tribunal.

- 6.17 Where the an ESO makes such a decision, he or she must produce a report on the outcome of their investigation; must refer the matter to the APE; and must send a copy of the report to the Monitoring Officer and the president of the APE.
- 6.18 The ESO may also send a copy of the report to the Standards Committee if he or she believes it will assist that committee in discharging its functions under the local assessment regime.

ESO decision that the matters which are the subject of the investigation should be referred to the Monitoring Officer

- 6.19 Where an ESO makes such a decision, he or she must produce a report on the outcome of their investigation and (except in relation to a former Member of the County Council who is currently a member of another authority) must send a copy of the report to the Monitoring Officer and the County Council Standards Committee.
- 6.20 Where an ESO makes such a decision in relation to a former Member of the County Council who is currently a member of another authority, he or she must produce a report on the outcome of their investigation and must send a copy of the report to either the County Council's Monitoring Officer or the Monitoring Officer of the Subject Member's current authority.
- 6.21 The Monitoring Officer must also send a copy of the ESO's report to the Subject Member, and after the Subject Member has received the report, refer the report to the full County Council's Standards Committee (or to a Sub-Committee if, further to its terms of reference, the full committee establishes such a committee for these purposes).

Referral of the ESO report to the committee and 'exempt' status of the report

- 6.22 The ESO's report and the other papers to be sent to and considered by the committee will contain exempt information as defined in the Local Government Act 1972 Schedule 12A, as amended by the Standards Committee (England) Regulations 2008/1 085. Therefore, in accordance with the LGA 1972 Part VA and the County Council's Standing Orders 1.11 and 2.8, any such reports (and background papers) may not be required to be published publicly, and may not be required to be considered by the committee with the press and public present.

Publication of agenda and papers in advance of Assessment Sub-Committee meeting

- 6.23 Subject to paragraph 6.22 above, the relevant papers must be published as an item on the agenda of the Standards Committee meeting not less than five clear working days before the meeting or, if this is not possible, as far in advance of the meeting as is reasonably possible in the circumstances.

Consideration of the ESO's report

- 6.24 After having considered the ESO's report, the committee by majority decision make one of the following findings:
- (a) that it accepts a finding that the Subject Member has not breached the Code;
 - (b) that the matter should be considered at a hearing of the full County Council's Standards Committee, or a Hearings Sub-Committee; or
 - (c) that the matter should be referred to the APE for determination.
- 6.25 Paragraphs 5.12 – 5.14 apply to the findings of the committee.

PART 7 **HEARINGS**

The full Standards Committee or the Hearings Sub-Committee

- 7.1 Further to a decision under paragraphs 5.11(b) or 6.24(b) hearings may be conducted by the full Standards Committee or the Hearings Sub-Committee.

Deadlines for meetings of the Hearing Sub-Committee

- 7.2 Where the it has been decided that a complaint should be considered by a hearing of either the full Standards Committee or the Hearings Sub-Committee, the hearing must take place within 3 months (or, if this is not possible, as soon as is reasonably practicable thereafter) of the date on which (i) the Monitoring Officer's investigation report is completed or (ii) the Monitoring Officer received the ESO's investigation report BUT must not take place until at least 14 days after the date on which the Monitoring Officer sent his or her (or the ESO's) investigation report to the Subject Member, unless the Subject Member agrees to the hearing being held earlier.

The 'exempt' status of papers referred to the committee conducting the hearing

- 7.3 The papers to be sent to and considered by the committee conducting the hearing will contain exempt information as defined in the Local Government Act 1972 Schedule 12A, as amended by the Standards Committee (England) Regulations 2008/1 085. Therefore, in accordance with the LGA 1972 Part VA and the County Council's Standing Orders 1.11 and 2.8, any such reports (and background papers) may not be required to be published publicly, and may not be required to be considered by the committee with the press and public present.

Publication of agenda and papers in advance of the committee hearing

- 7.4 Subject to paragraph 7.3 above, the relevant papers must be published as an item on the agenda of the committee's meeting not less than five clear working

days before the meeting or, if this is not possible, as far in advance of the meeting as is reasonably possible in the circumstances.

The Hearings Sub-Committee

Quorum and composition

- 7.5 To be quorate, and to be able to take any decisions on allegations, 3 members of the Hearings Sub-Committee must be present for the duration of the meeting, 1 of whom must be an independent member who Chairs the meeting, and 1 of whom must be an elected member.
- 7.6 The County Council's Hearings Sub-Committee will be constituted by 3 members in accordance with 7.5 above, although it will not have fixed membership or a fixed chair.
- 7.7 In addition, in accordance with any procedures agreed by the County Council, an independent member of a standards committee of an authority other than the County Council may be appointed to sit on (and Chair) the County Council's Hearings Sub-Committee for a fixed term

Decisions of the Full Standards Committee or Hearings Sub-Committee

- 7.8 Decisions of the full Standards Committee or the Hearings Sub-Committee will be taken by majority vote, with the Chair having the casting vote.

The Hearing

- 7.9 The hearing must be conducted:
- having regard to any relevant guidance issued by the SBE;
 - to enable the Subject Member to have the opportunity to present evidence and make representations at the hearing orally or in writing either personally, by counsel, a solicitor or, with the committee's consent, by any other representative;
 - in accordance with any rule and procedures from time to time agreed by the full Standards Committee; and
 - in accordance with the relevant provisions of the Standards Committee (England) Regulations 2008

Findings of the committee conducting the hearing

- 7.10 In making a finding and imposing a sanction (see 7.11 below), the committee must have regard to any relevant guidance issued by the SBE; and act in accordance with any relevant guidance and procedures from time to time agreed by the full Standards Committee.
- 7.11 Following a hearing, the committee is entitled to make one of the following findings:
- i. that the Subject Member had not failed to comply with the Code;
 - ii. that the Subject Member has failed to comply with the Code but that no action needs to be taken; or
 - iii. that the Subject Member has failed to comply with the Code and that one of the following sanctions should be imposed:
 - a) if the Subject is no longer a member of the County Council, it must censure the Subject Member;
 - b) if the Subject Member is a member of the County Council it must impose one of, or any combination of the following sanctions:
 - censure of that member;

- restriction for a period not exceeding six months of that member's access to the premises of the County Council or that member's use of the resources of the authority, provided that those restrictions:
 - (i) are reasonable and proportionate to the nature of the breach; and
 - (ii) do not unduly restrict the person's ability to perform the functions of a member;
 - partial suspension of that member for a period not exceeding six months;
 - suspension of that member for a period not exceeding six months;
 - that the member submits a written apology in a form specified by the standards committee;
 - that the member undertakes such training as the standards committee specifies;
 - that the member participate in such conciliation as the standards committee specifies
 - partial suspension of the member for a period not exceeding six months or until such time as the member submits a written apology in a form specified by the standards committee;
 - partial suspension of the member for a period not exceeding six months or until such time as the member has undertaken such training or has participated in such conciliation as the standards committee specifies;
 - suspension of the member for a period not exceeding six months or until such time as the member has submitted a written apology in a form specified by the standards committee;
 - suspension of the member for a period not exceeding six months or until such time as the member has undertaken such training or has participated in such conciliation as the standards committee specifies.

7.12 Any sanction imposed by the committee will take effect immediately, unless the committee specifies a later date (but within 6 months of its decision) on which the sanction(s) should take effect.

PART 8 **SUBJECT MEMBER RIGHT OF APPEAL**

- 8.1 Where a Hearings Sub-Committee has found that a Subject Member has failed to comply with the Code but that no action needs to be taken; or that the Subject Member has failed to comply with the Code and has had a sanction imposed upon them, the Subject Member has the right to appeal these decisions to the APE in accordance with the Standards Committee (England) Regulations 008/1085 regulations 21 – 25.

PART 9 **INFORMATION AND STATISTICS**

- 9.1 The full Standards Committee will monitor how effectively members are complying with the Code, the type of complaints received and, how, and how quickly, these are dealt with.
- 9.2 The Monitoring Officer will take steps to ensure that an appropriate system is implemented to ensure that the following information is recorded in an up-to- date and readily available form:

Initial receipt and Assessment Sub-Committee process

- The number of, date on, place, and method by which, complaints are received by the County Council, which are subsequently referred to the Assessment Sub-Committee;
- A log of the identity of Complainants, specifically highlighting complaints by other members or members of staff of, or contractors with, the County Council;
- A log of the number of such complaints that relate to any one specific incident;
- A log of the identity of members to which such complaints relate, including a very brief (if possible, one sentence) summary of the complaint and the section of the Code alleged to have been breached;
- The date on which such complaints are considered by the Assessment Sub-Committee, with a log of its membership and decision on each complaint;
- The date on which a Decision Notice is sent to the Subject Member and Complainant;
- The date on which a Decision Notice is published by the County Council;
- The number of times, and very brief reasons why, a Subject Member has not been provided with any of the following details:
 - The existence of a complaint against them;
 - The identity of the Complainant
 - A written summary of the complaint

Requests for Review and Review Sub-Committee process

- The number of, date on, and method by which, the Monitoring Officer receives requests for review of decisions of the Assessment Sub-Committee to take no action;
- A log of the identity of persons requesting a review, specifically highlighting such requests by other members or members of staff of, or contractors with, the County Council;
- A log of the number of such requests that relate to any one specific incident;
- A log of the identity of (i) the members who sat on the Assessment Sub-Committee whose decision is subject to the review request, and (ii) the Subject Member(s) to which such requests relate, including a very brief (if possible, one sentence) summary of the reasons for the request for a review, and the section of the Code alleged to which it relates;
- The date on which such complaints are considered by the Review Sub-Committee, with a log of its membership and decision on each complaint;
- The date on which a Decision Notice is sent to the Subject Member and Complainant;
- The date on which a Decision Notice is published by the County Council
- The number of times, and very brief reasons why, a Subject Member has still not, by the outcome of the Review Stage, been provided with any of the following details:
 - The identity of the Complainant
 - A written summary of the complaint
 -

Steps taken by Monitoring Officer – other than investigation

A log of:

- The date on which such steps were directed and by which committee;
- The identity of member(s) subject to the steps;
- What the steps are;
- If or when the steps were taken;
- Whether the member(s) and or Complainants complied with the steps;
- The identity (and cost) of any external mediators or facilitators involved;

- Whether the steps resolved the matter/satisfied the Complainant;
- The date on which a report detailing the steps was sent to committee;
- The date on which the committee considered the report;
- Whether the committee was satisfied with the steps taken;
- The number of times (with dates) the committee was not satisfied with the steps taken, issued a further instruction and, if so, details of that instruction and any follow up action;
- The date on which any such decision are published.

Investigations of the Monitoring Officer or ESO's

A log of:

- The date on which specific identified complaints are referred to the Monitoring Officer / ESO for investigation;
- The identity of any investigators;
- The date on which any investigations commence and are completed;
- The recommendations of any investigation report;
- The cost of the investigation;
- The date on which a copy of any investigation report is sent to the Subject Member;
- The date on which any investigation report is referred to committee for consideration;
- The date on which committee considers the report;
- Whether or not the committee agrees and disagrees with the findings of any investigation report;
- The committee's decision on the report;
- The date on which the decision is published.

Hearings

A log of:

- The date on which specific identified complaints are referred for hearing;
- The date of the hearing;
- Whether the hearing is conducted by the full standards committee or the Hearings Sub-Committee;
- Whether the Subject Member was legally represented;
- The decision of the hearing committee;
- The date on which the decision is published.

Appeals

A log of:

- The number of appeals by members to the APE;
- The number of appeals upheld and dismissed