

**East Sussex County Council  
Standards Committee – Assessment Criteria**

These criteria are intended to reflect local circumstances and priorities and are simple, clear and open. They are to ensure fairness for the complainant and the subject member.

**1. Circumstances where the Initial Assessment Sub-Committee may decide to take no further action**

Where the complaint:

- (1) does not have enough information to satisfy the sub-committee that the complaint should be referred for investigation or other action;
- (2) is about someone who is no longer a member of the Council;
- (3) has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances;
- (4) or one substantially similar, has already been the subject of an investigation or other action relating to the Code of Conduct or has been the subject of an investigation by other regulatory authorities;
- (5) is believed to be either:
  - (a) relatively minor
  - (b) tit-for-tat
  - (c) politically motivated
  - (d) malicious
  - (e) not sufficiently serious to warrant further action;
- (6) where the subject member has apologised and/or admitted making an error and the matter would not warrant a more serious sanction;
- (7) where it is apparent that the subject Member is very inexperienced as a Member;
- (8) where it appears that even if the allegations were fully investigated and a breach of the Code of Conduct upheld, training or conciliation would be the appropriate remedy.
- (9) Where the complaint is anonymous (save where it is in the Sub-Committee's or Monitoring Officer's opinion in the public interest to maintain confidentiality).

Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers' and members' time. This is an important consideration where the matter is relatively minor. The Assessment Sub Committee will take into account the public benefit in investigating complaints which are less serious, politically motivated, malicious or vexatious. It will not refer a complaint for investigation where it considers that the public interest in investigating the complaint is outweighed by the cost and resources that would be likely to be involved.

## **2. Circumstances where the Assessment Sub Committee may decide to refer the complaint to the Monitoring Officer for local investigation**

Where the complaint is sufficiently serious to justify the cost of an investigation and it is in the public interest to investigate.

## **3. Circumstances where the Assessment Sub Committee may decide to refer the allegation to the Monitoring Officer for other positive action**

(1) Where the complaint:

(i) could be dealt with more effectively by:

- (a) requesting an apology
- (b) mediation
- (c) training
- (d) reviewing procedures and protocols

(ii) is part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the authority which could be dealt with by:

- (a) mediation
- (b) training
- (c) reviewing procedures and protocols

(2) Where it is not in the interests of good governance to undertake or complete an investigation into a complaint.

(3) Where the complaint is not sufficiently serious to justify the cost of an investigation.

Notes (a) The Assessment Sub-Committee must consult the Monitoring Officer before reaching a decision to take other action. It is to be noted that the purpose of this approach is not to determine whether there has been a breach of the Code.

(b) If members decide to refer the complaint to the Monitoring Officer for another form of positive action the following must be considered:

- *What is being proposed.*
- *Why it is being proposed.*
- *Why the Member should co-operate*
- *What the Sub-Committee hopes to achieve*

(c) A complaint referred for positive action will not state whether the member breached the Code but that the decision made was an alternative to investigation and that no conclusion was reached on whether the subject member failed to comply with the Code. There will be no opportunity to undertake an investigation into the complaint and it will not be referred back to the Standards Committee even if this action is perceived to have failed.