

EAST HERTS COUNCIL

STANDARDS COMMITTEE – 6 JULY 2010

REPORT BY THE MONITORING OFFICER

7. ASSESSMENT AND REVIEW CRITERIA - INITIAL ASSESSMENT OF STANDARDS COMPLAINTS – MONITORING OFFICER PROTOCOL

WARD(S) AFFECTED: All

Purpose/Summary of Report

- To consider the adoption of assessment and review criteria and the adoption of a Monitoring Officer Protocol for initial assessment of complaints.

<u>RECOMMENDATION FOR DECISION:</u> that	
(A)	the assessment and review criteria, set out in Essential Reference Paper 'B' to the report, be adopted, and
(B)	the Monitoring Officer Protocol for initial assessment of complaints, set out in Essential Reference Paper 'C' to the report, be adopted.

1.0 Background

1.1 Standards Committee has been dealing with complaints under the revised procedure for two years. Experience of the operation of the Assessment Sub-Committee suggests that setting out the criteria which the Sub-Committee will apply in assessing allegations would be helpful.

1.2 The report also considers a protocol for the Monitoring Officer on dealing with initial assessments and review of allegations that there has been a breach of the Members' Code of Conduct.

1.3 It was resolved as follows at the meeting held on 2 December 2009:

that (A) the Monitoring Officer be requested to arrange a training event for Members of the Standards Committee to review the Authority's processes to deal with Code of Conduct complaints (highlighting what was felt to work well/not so well) and to identify any lessons to be learnt, and

(B) detailed consideration of the revised assessment criteria and the Monitoring Officer protocol now submitted be undertaken at the training event referred to in (A) above.

1.4 The training event took place. The documents were revised following the event and they are now presented for Members' consideration. The amendments are shown as tracked changes.

2.0 Report

2.1 Assessment and Review Criteria

The attached draft document **Essential Reference Paper 'B'** sets out the criteria which the Assessment Sub-Committee could apply in conducting the initial assessment of allegations.

2.2 The draft sets out the situations where the Sub-Committee has no jurisdiction to make it clear when complaints will not be referred to the Sub-Committee.

2.3 The procedure for determining whether the complaint appears to show that a breach of the Code has occurred is set out in section 4 of the draft.

2.4 Where the Sub-Committee concludes that there appears to have been breaches of the Code, the four options open to it are discussed in section 5.

2.5 Section 6 deals with confidentiality

2.6 The withdrawal of complaints by the complainant before the Sub-Committee has had an opportunity to consider it is discussed in section 7 of the draft, setting out criteria to assist the Sub-Committee.

2.7 Where the Assessment Sub-Committee has resolved to take no action in respect of the matter, the complainant may request the Review Sub-Committee to review the decision of the Assessment

Sub-Committee. The protocol is designed to assist the Review Sub-Committee.

2.8 The final section deals with the recording and notification of decisions.

2.9 Monitoring Officer Protocol

The draft protocol **Essential Reference Paper ‘C’** sets out instructions for the Monitoring Officer for the discharge of functions relating to the initial assessment and review of allegations that there has been a breach of the Code. It deals with receipt of allegations and notification of receipt of allegations. The draft also sets out the Monitoring Officer’s for local resolution, review of decisions and investigation of complaints.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper ‘A’**.

Background Papers

The Local Authorities (Model Code of Conduct) Order 2007

The Standards Committee (England) Regulations 2008

Contact Member: None

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ESSENTIAL REFERENCE PAPER 'A'

Contribution to the Council's Corporate Priorities/Objectives:	Fit for purpose, services fit for you <i>Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.</i>
Consultation:	None.
Legal:	The legal implications are contained in the report.
Financial:	None.
Human Resource:	None.
Risk Management:	The Council needs to ensure that it has an effective Standards Committee and Sub-Committees to achieve good governance and ensure high standards of probity.

ESSENTIAL REFERENCE PAPER 'B'

Initial Assessments of Standards Complaints The Assessment and Review Process and Criteria

1. Introduction

- 1.1** This paper sets out the criteria that the Council's Standards Committee has decided its Assessment Sub-Committee will apply, and the process that will be followed, in conducting the initial assessment of allegations of failure by Members to observe the Code of Conduct. These provisions are consistent with statutory requirements and with the guidance issued by Standards for England. They will be kept under review in the light of changes in external requirements and guidance and of local experience.
- 1.2** The initial assessment process determines first whether the complaint appears to show that, if the alleged conduct were proven, there would have been a breach of the Code of Conduct and then whether the complaint should be subject to a formal investigation (either by Standards for England or locally under the direction of the Council's Monitoring Officer), whether the Council's Monitoring Officer should be directed to take appropriate action, other than a formal investigation, in respect of the complaint, or whether no action should be taken in respect of the complaint.

2. Local Resolution of Complaints

- 2.1** The Standards Committee is conscious that the formal investigation of complaints is both costly and time consuming. Whilst formal investigation may be necessary in some cases, many complaints can be dealt with more rapidly and effectively if an early, informal resolution of the matter can be achieved.
- 2.2** The Standards Committee has instructed the Monitoring Officer, where a complaint has been received, to consider and, if appropriate, to explore the potential for local resolution to the satisfaction of the complainant, to avoid the need for a formal investigation. Any informal attempt at local resolution at this stage does not take away the complainant's right to have the complaint of Member misconduct considered by the Sub-Committee.

3. Which Complaints can be considered?

- 3.1** The Assessment Sub-Committee must consider every complaint that alleges behaviour or conduct, on the part of a Member of the Council (or of any Town or Parish Council within its area), that, if proven, would

amount to a breach of the Code of Conduct the Council in question has adopted. The Sub-Committee has no jurisdiction in respect of any complaint which relates to:

a) behaviour or conduct of persons who are not Members of East Herts District Council (or of a Town or Parish Council in its area);

b) conduct which occurred at a time when the person against whom a complaint was made was not a Member of the Council (or of a Town or Parish Council in its area);

c) conduct which occurred before the relevant Council adopted a Code of Conduct: all Councils were required to adopt a Code of Conduct in 2001 and all councillors are required, as a condition of holding office, to sign to indicate their acceptance of the Code (in practice, the Sub-Committee will expect complaints to be made as soon as reasonably practicable after the events to which they relate – see below);

d) conduct which occurred in the Member's private life, as the current Code of Conduct applies only to a Member's conduct in his or her office as a Member of the Council;

e) conduct which occurred in the course of the Member's acting in a capacity as a Member of an authority other than East Herts District Council or one of the town or parish councils in EHC's area. In such a case, the complaint should be addressed directly to that authority;

f) complaints which do not clearly relate to the apparent misconduct of a relevant Member but are, for example, about the policies and priorities of the authority, or request provision of a service by the Council, or are a complaint about an officer of the Council.

Complaints that fit one or more of the exclusions listed above will not be referred to the Assessment Sub-Committee but will be dealt with by the Monitoring Officer, who will advise the complainant as to the most appropriate avenue for proper consideration of the complaint or request.

A complaint that appears to the Monitoring Officer to fall within the jurisdiction of the Assessment Sub-Committee will be passed to the Sub-Committee stating that the Monitoring Officer is satisfied that the complaint is not excluded on any of the above grounds.

4. Does the complaint appear to show a breach of the Code of Conduct?

4.1 The first assessment which will be undertaken by the Sub-Committee will be to determine whether the complaint appears to show that a breach of the Code of Conduct may have occurred.

4.2 For this purpose, the Sub-Committee will take into account the complaint letter or form and any other information that is readily available to them. Accordingly, it is the responsibility of the complainant to set out clearly, with as much supporting evidence and information as possible:

a) whom the complaint is against;

b) what precisely the relevant Member said or did to give offence; and, for example, the names of any witnesses;

c) why the complainant considers that the Member's conduct amounts to a breach of the Code of Conduct (and, if he or she wishes, an indication of which clause or clauses of the Code are applicable) and to provide copies of any documents which the complainant wants the Sub-Committee to consider.

Although it is not mandatory for the complaint to be made on the form that is available for the purpose, to do so will assist the complainant, since it provides helpful guidance, and the Assessment Sub-Committee and those involved in subsequent stages.

4.3 Following receipt of the complaint, the Monitoring Officer will collect any other readily available information, including checking any questions of fact that are matters of record, which may assist the Sub-Committee in its consideration of the complaint. This information-gathering will not include conducting interviews with witnesses or with the Member who is the subject of the complaint, but might, for example, include providing the Sub-Committee, if the alleged misconduct occurred at a meeting, with copies of the agenda, reports and minutes of that meeting, or, if the allegation were of a failure to disclose an interest, providing copies of the Member's entry in the register of Members' interests.

4.4 The Sub-Committee will then consider whether, on the basis of the complaint and any additional information, there appears to be a breach of the Code of Conduct. If the Sub-Committee finds that it does not have sufficient information on which to make that initial assessment or to apply the assessment criteria set out in subsequent section of this paper and reach an assessment decision, it will decide to take no further action on the complaint unless and until further information, sufficient for its purposes, is provided by the complainant. In such as case, since no assessment decision had been made, a resubmitted complaint would be considered afresh by the Assessment Sub-Committee

If the Sub-Committee concludes that, even if the alleged conduct were proven, no breach of the Code would be involved, it has no further jurisdiction in respect of the matter.

5. Possible actions where an apparent breach of the Code has occurred?

5.1 Where the Sub-Committee concludes that there appears to have been a breach of the Code, it has four options open to it. These are as follows:-

a) to direct the Monitoring Officer to secure that the complaint is investigated locally.

A local investigation will normally be appropriate where the alleged conduct is sufficiently serious to be likely to merit the imposition of a sanction against the Member, but not so serious as to merit a greater sanction than the Council's Standard Committee could impose following a formal hearing. See paragraph 5(b) below for more detailed grounds for exceptionally referring a complaint to Standards for England.

However, given that a formal investigation is an expensive and time-consuming process and can only address the immediate subject matter of the complaint, the Sub-Committee can direct the Monitoring Officer to take other appropriate action short of a formal investigation – see paragraph 5(c) below.

In addition, particularly where the conduct complained of is neither sufficiently serious to merit any action nor of recent occurrence, or where, for whatever reason, the public interest would not be best served by pursuing the matter further, the Sub-Committee may determine that no action should be taken in respect of it – see paragraph 5(d) below.

b) refer the matter to Standards for England with a request that they undertake a national investigation into the complaint.

The following will be considered by the Sub-Committee to be factors which support exceptionally referring the complaint to Standards for England for a national investigation:

i) that the complaint is so serious that, if proven, the conduct complained of merits a sanction in excess of that which could be imposed by the Standards Committee; in practice, this means that the appropriate sanction would be a suspension from the relevant council for a period of more than six months, or a disqualification from membership of any local authority;

ii) that the investigation required is likely to be so extensive that it would impose an unreasonable burden on the Council and/or that any

hearing conducted on the basis of that investigation would be unreasonably complex for the Standards Committee;

iii) that the status of the Member against whom the complaint has been made is such that the Council, whether in practice or in public perception, could not conduct, and be seen to have conducted, a full and impartial investigation and hearing;

iv) that so many Members of the Standards Committee have a conflict of interest in respect to the matter that the Council would have difficulty in organising an impartial hearing for that matter;

v) where the complaint raises major legal issues where a national ruling would be helpful;

vi) that the Council itself has an interest in the outcome of the investigation and/or hearing, for example where the report might lead to a judicial review of a decision of the Council;

vii) that there are other exceptional circumstances which, in reality or in public perception, would prevent the Council from securing a timely, full and impartial investigation and/or hearing of the matter.

c) direct the Monitoring Officer to take other appropriate action short of a formal investigation.

Without a formal investigation and hearing, the Standards Committee may not impose any sanction on the Member against whom the complaint has been made. But the Assessment Sub-Committee can direct the Monitoring Officer to take a range of other actions, including providing training for Members, securing conciliation or mediation between competing interests, or reviewing procedures to minimise conflict.

In practice, the Assessment Sub-Committee is most likely to consider 'other action' as an alternative to 'no further action' rather than to a formal investigation. 'Other action' would be inappropriate if the alleged conduct, if proven, would be likely to merit a formal sanction or if the subject member's honesty or integrity is seriously impugned. In some instances, however, the conduct complained of may be both serious and a symptom of systemic or institutional problems; in that case a formal investigation and hearing would deal only with a particular complaint and might not resolve such underlying issues. It is then for the Sub-Committee to draw the Standards Committee to such institutional or systematic problems; that Committee may then address the issues as part of its statutory duty generally to promote high standards of conduct within the Authority.

Other action is therefore most suitable where at least the first of the following criteria and one or more of the others applies –

i) the conduct complained of is not so serious as to justify the expense and delay of a formal investigation or is unlikely to merit a substantive formal sanction;

ii) the conduct complained of is a symptom of wider underlying problems, which, if unresolved, are likely to lead to further misconduct or allegations of misconduct;

iii) the conduct complained of is apparently common to a number of Members of that authority, demonstrating a institutional lack of awareness or recognition of the particular provision of the Code of Conduct;

iv) the conduct is explicable in terms of a lack of appropriate and relevant guidance, protocols and procedures within the Council that give warning of what might be deemed a breach of the Code.

v) the Member complained of and the person making the complaint are amenable to engaging in such alternative action; there is no power to require them to participate in any way.

d) decide to take no action in respect of the complaint

The following factors may lead the Sub-Committee to decide to take no action in respect of the matter:

i) inadequate information is provided to the Sub-Committee to establish that any breach of the Code may have been committed or to justify further action; see section 4.4 above.

ii) the complaint is anonymous. However, the Assessment Sub-committee will be mindful that it is to assess the seriousness of the allegation not the identity or the motivation of the complainant. But anonymous complaints can be considered only if enough objective evidence is supplied to allow an assessment to be made. The Council's 'whistle-blowing' procedure provides a means by which complaints can be made with with a high degree of protection of the confidentiality of the complainant. Where complaints, made by that channel, allege breaches of the Members' Code, they will then be referred to the Assessment Sub-Committee without the Subcommittee knowing the identity of the complainant.

iii) a significant period of time has elapsed since the events which are the subject of the complaint. This is both because, where a matter is serious, it would be reasonable to expect the complainant to make a complaint promptly and because the passage of time may make it more difficult to obtain documentary evidence and reliable witness evidence.

iv) the complaint is such that it is unlikely that an investigation and any consequent hearing will be able to come to a conclusion on the matter. This could be where there is unlikely to be any firm evidence on the matter.

6. Confidentiality

As a matter of fairness and natural justice, a Member should usually be told who has complained about them and what the complaint is about. There may be occasions where the complainant wishes his or her identity to be withheld or where there is cause not to disclose the existence of a complaint. Information will be withheld from the complainant only in circumstances that the Sub-Committee considers to provide exceptional justification, for example –

- a) the complainant has reasonable grounds for believing that, otherwise, he or she will be at risk of physical harm.
- b) the complainant is an officer who works closely with the Member and the complainant has reason to fear of intimidation or victimisation.
- c) the complainant suffers from a serious health condition which might be adversely affected. The Assessment Sub-Committee may wish to request medical evidence.
- d) there is a significant risk that evidence might be destroyed or falsified or an investigation prejudiced in some other way.
- e) the complaint was made, in confidence, through the 'whistle-blowing' procedure (see section 5(d)(iii) above).

7. Withdrawing Complaints

Where the complainant purports to withdraw the complaint before the Assessment Sub-Committee has had the opportunity to take a decision on it, the Sub-Committee will consider whether to accept such withdrawal.

- a) Where the complainant explicitly acknowledges that the allegations made were unfounded, it may be appropriate for the Sub-Committee formally to resolve that the complaint as amended shows no evidence of a breach of the Code of Conduct so that the matter is formally concluded.
- b) Where the alleged misconduct is simply a matter of alleged failure of the subject Member to treat the complainant with respect and raises no wider issues of public interest, the Sub-Committee will normally accept such withdrawal.

c) However, where the complaint raises issues of wider public interest and there remains evidence of a breach of the Code, it may be appropriate for the Sub-Committee to ensure that such issues are formally investigated and resolved, although in such circumstances, the identity of the original complainant would not be disclosed.

8. Review

Where the Assessment Sub-Committee has completed the assessment and resolved to take no action in respect of the matter (that is, not to refer the matter to Standards for England for investigation and not to refer the matter to the Monitoring Officer either for investigation or other appropriate action), the complainant may request the Review Sub-Committee to review the decision of the Assessment Sub-Committee.

The process for notifying the respondent Member of the receipt of a request for a review shall be the same as the process for notifying the respondent Member of the receipt of an original complaint.

Such a review shall be conducted in two stages:

a) the Review Sub-Committee will determine whether the original decision of the Assessment Sub-Committee was unreasonable on the basis of the information available to the Assessment Sub-Committee at the time of its decision and in accordance with these approval criteria for assessment. This review shall be conducted on the basis of the original complaint, the Monitoring Officer's report to the Assessment Sub-Committee, the decision notice of the Assessment Sub-Committee and any information, contained within the complainant's request for a review of the initial decision, that amounts to a reasoned challenge to either the procedures adopted or the application of the assessment criteria.

b) Secondly, the Review Sub-Committee shall consider whether there is any evidence or information, not available for the Assessment Sub-Committee, that leads to an assessment decision different to that originally reached.

If the Review Sub-Committee determines that the initial decision was unreasonable or that new information now available to the Sub-Committee demonstrates that the original decision is no longer correct, it shall take a new decision in relation to the matter in accordance with these approved criteria.

9. Recording and notification of decisions

a) Notification to the complainant

As soon as practicable after the Assessment or the Review Sub-Committee has taken a decision on a complaint, and in any case within 5 working days of the decision, the Monitoring Officer (or someone given delegated powers) will notify the complainant in writing of the Sub-Committee's decision together with a summary of the Sub-Committee's reasons for that decision. Where the Assessment Sub-Committee's decision is to take no action, the Monitoring Officer's notification to the complainant will set out the rights of the complainant to request a review of that decision. The members of the Assessment and / or Review Subcommittee, as the case may be, shall be provided with copies of the papers.

b) Notification to the subject Member

As soon as practicable after the Assessment or the Review Sub-Committee has taken a decision on a complaint, and in any case within 5 working days of the decision, the Monitoring Officer will notify the subject Member in writing of the Sub-Committee's decision together with a summary of the Sub-Committee's reasons for that decision. The only circumstances in which such notification shall not be given is where the Sub-Committee has resolved that it would be contrary to the public interest to give such notification at this stage; such a resolution might be on the basis that notification would be likely to hinder the proper investigation of the complaint as it would give rise to a real risk of destruction of evidence or intimidation of witnesses. Where the Sub-Committee so resolves, the Monitoring Officer shall make such notification as soon as, in his/her opinion, the investigation of the complaint has progressed to such a point where the reasons for deferment of notification no longer apply.

c) Notification to the Standards Committee and to the public

As soon as notification has been made to the subject Member, copies of the decision and the reasons for that decision shall be circulated to all members of the Standards Committee and shall be made available for inspection, on request, by members of the public. Members of the Standards Committee may also, on request, be provided with copies of the original complaint.

d) Minutes of Sub-Committee's consideration of the complaint.

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ESSENTIAL REFERENCE PAPER 'C'

Initial Assessments, Reviews and Local Investigations of Standards Complaints Monitoring Officer Protocol

Instructions to the Monitoring Officer on the discharge of functions in relation to the initial assessment, review and local investigation of complaints of member misconduct.

This paper is subordinate and supplementary to the Council's Monitoring Officer Protocol

1. Receipt of Allegations

The Monitoring Officer shall set up arrangements within the Authority to secure (a) that any allegation made in writing that a Member has or may have failed to comply with the Authority's Code of Conduct be referred to him/her immediately on receipt by the Authority; (b) that any other disclosure or discovery of evidence of member misconduct that could reasonably be interpreted as a breach of the Members' Code be referred to him without delay and he will take any necessary action to have the matter considered formally through the local standards procedures; and further (c) that no such allegation, disclosure or discovery of member misconduct be dealt with internally other than through the local standards procedure. In the event that member misconduct that is alleged to be a breach of the Code is or is likely to be the subject of investigation under some other jurisdiction with regard to possible legal proceedings, the Monitoring Officer, in consultation as appropriate with the Chief Executive and the Chairman of the Standards Committee and the responsible officers of the other jurisdiction, shall determine, on a case-by-case basis, whether or not to suspend consideration of the complaint under the Code. Any such decision shall be kept under review.

The Monitoring Officer shall maintain a register of all allegations of member misconduct to ensure that the Authority can comply with its obligations under the relevant legislation.

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 or to accept and process complaints made in confidence through the Council's Whistle-blowing procedure.

2. Notification of Receipt of Allegations

All relevant allegations must be assessed by the Assessment Sub-Committee, so the Monitoring Officer has no authority to deal otherwise with an allegation which appears to be an allegation of failure by a relevant Member to observe

the Code of Conduct 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 Authority, a statement of policy disagreement, a legal claim against the Authority or a complaint against an officer of the Authority.

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 meeting to which the matter is referred for assessment:

- acknowledge to the complainant receipt of the allegation and confirm that the allegation will be assessed by the Assessment Sub-Committee within, so far as is reasonably practicable, 20 working days of receipt of the complaint;
- take steps to ensure that, if an Assessment Subcommittee is not already scheduled within the above timespan, one will be convened at as early a date as is practicable
- notify the Member against whom the allegation is made of receipt of the complaint (without at this stage indicating the nature of the allegation), and state that the complaint will be assessed at the next convenient meeting of the Assessment Sub-Committee, except that, 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 decide that no such advance notification will be given;
- collect such information as is readily available and would assist the Assessment Sub-Committee in its function of assessing the allegation;
- explore any possibility of local resolution of the matter where practicable in accordance with paragraph 3 below; and
- place a report, including a copy of the allegation and such readily available information, on the agenda for a meeting of the Assessment Sub-Committee.

3. Local Resolution

Local resolution is not an alternative to reporting the allegation to the Assessment Sub-Committee but can avoid the necessity for a formal local investigation.

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 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 merits investigation.

It is important that, in advising members or complainants or negotiating between complainants and subject members or in any other way, the Monitoring Officer avoids, if necessary by delegating to others, creating or becoming involved in conflicts of interest that might lead to his or her becoming unable to advise the Standards Committee and its Sub-Committees.

4. Review of Decisions to Investigate

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. If the reason for the Assessment Sub-Committee's decision is that it has been unable to make an assessment decision by reason of insufficient information either (a) to determine whether the allegation, if proven, would amount to a breach of the Code or (b) to allow it to make an assessment decision even though it is satisfied that the alleged conduct would, if proven, amount to a breach of the Code, the decision shall be that 'no further action shall be taken unless and until further information is provided.' In that case, it will be open to the complainant to submit a new complaint that will be dealt with as such by the Monitoring Officer and by the Assessment Sub-Committee. If the Assessment Sub-Committee has been able to assess the complaint and, on the basis of that assessment, has decided to take no action, then the Monitoring Officer, in communicating that decision, shall inform the complainant of a right of appeal to the Review Sub-Committee. In communicating that information, the Monitoring Officer shall (a) caution the complainant that, although there is no statutory time-limit, one of the criteria to be applied by the Review Sub-Committee is whether there has been an unreasonable delay in submitting either the original complaint or the appeal; and (b) inform the complainant that an appeal needs to be reasoned by providing additional evidence to support the allegation or by showing, for example, a failure, on the part of the Assessment Sub-Committee to apply the published criteria or to follow the correct procedures.

The Monitoring Officer shall, on receipt of an appeal, follow the procedure for convening a sub-committee and report to the Review Sub-Committee the information which was provided to the Assessment Sub-Committee, the documentation of that Sub-Committee's assessment, and any additional relevant information, including that provided by the appellant by way of explanation of the appeal, which has become available prior to the meeting of the Review Sub-Committee.

5. Local Investigation

It is recognised that the Monitoring Officer will not personally conduct a formal local investigation. He or she will nonetheless be accountable to the Standards Committee for any formal investigation and for the report of that investigation.

It will be for the Monitoring Officer, where appropriate after consulting with the Chairman of the Assessment Sub-Committee, to determine whom to instruct to conduct a formal local investigation: this may include another senior officer of the Authority, a senior officer of another Authority, or any appropriately qualified and competent person.

In instructing the appointed investigating officer, the Monitoring Officer will agree with him or her a written scheme of work with a completion date for delivery of the final report as early as is reasonably practicable, emphasising the high importance the Standards Committee attaches to resolving cases against members as speedily as is consistent with thoroughness and of adhering to the agreed timetable, so that a consideration meeting of the Standards Committee can be scheduled for as soon as permissible after the receipt by the Monitoring Officer of the investigation report. The scheme will include a statement of the scope of the investigation, so that the conduct complained of is investigated and reported on having full regard for any or all sections of the Code that have been identified, whether by the complainant or, as the case may be, by the Assessment or Review Subcommittee, or by the investigating officer during the course of the investigation, as possibly breached.

The Monitoring Officer will secure the attendance of the investigating officer at the Standards Committee's meeting to consider the report of the investigation and at any consequent hearing.