

## CRITERIA FOR INITIAL ASSESSMENT OF COMPLAINTS

The following criteria ensure that only the most serious of cases which are in the public interest and appropriate should be referred for investigation or other action. The following criteria are based upon those tests applied by the Standards Board for England when considering complaints and its guidance to authorities. The criteria sets a high threshold for considering complaints and should be adhered to by the Initial Assessment Sub-committee as well as the Review Sub-committee.

The following initial tests must be met:

- It is a complaint against one or more named members of the Authority or an authority covered by the Standards Committee. It is important to identify whether the member has given an undertaking to abide by the Code, because if no undertaking has been provided within the rules under the Local Government Acts 2000 and 1972, the member ceases to be a member of the Authority. The Monitoring Officer should provide the Committee with relevant information concerning this issue.
- The named member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time.
- The complaint, if proven, would be a breach of the Code under which the member was operating at the time of the alleged misconduct.

If the complaint fails one or more of these tests it cannot be investigated as a breach of the Code, and the complainant must be informed that no further action will be taken in respect of the complaint.

If the complaint meets all of these tests, the following criteria should be applied:

- Is there **enough information** to satisfy the Sub-committee that the complaint should be referred for investigation or other action? If there is insufficient information, the decision of the Initial Assessment Sub-committee and Review Sub-committee should be to take no further action and inform the complainant that if they wish to provide further information, it will be considered afresh.
- Is the complaint about someone who is **no longer a member** of the Authority, but is a member of another authority? If so, does the Initial Assessment Sub-committee or Review Sub-committee wish to refer the complaint to the Monitoring Officer of that other authority?
- Has the complaint **already been the subject of an investigation** or other action relating to the Code of Conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities? Is there anything to gain by a further investigation?
- Is the complaint about something that **happened so long ago** that there would be little benefit in taking action now?
- Is the complainant **too trivial** to warrant further action?

- Does the complaint appear to be simply **malicious, politically motivated or tit-for-tat**? If so, no further action should be taken.
- Is the conduct part of a **continuing pattern of less serious misconduct** that is unreasonably disrupting the business of the Authority and there is no other avenue left to deal with it, short of investigation?
- Does this complaint indicate a wider problem at the Authority or a **breakdown in relationships**? Is alternative action more appropriate?
- Is the complaint serious enough to justify, if proven, the range of **sanctions available to the Adjudication Panel for England or the Standards Committee**?
- Does the complaint concern the **member's private life** when they are not carrying out work of the Authority or have not misused their position as a member?
- Does the complaint appear to be actually about the **dissatisfaction with a council decision** rather than member conduct?
- Is the subject member of the complaint the Chairman, Leader of the Council or other **high profile member**? To avoid accusations of bias or sympathy consider referring the case to the Standards Board for England. See "Referral to the Standards Board for England".
- Is the complaint **anonymous**? If so, does it include documentary or photographic evidence indicating an exceptionally serious or significant matter?
- Has the complainant requested that their **identity be withheld**? If so, only grant the request if:
  - (a) risk of physical harm to the complainant;
  - (b) risk to the employment of the complainant as an officer or service provider;
  - (c) risk from a serious medical condition relating to the complainant.
- Where the complainant asks to **withdraw their complaint** prior to the Sub-committee having made a decision, the Sub-committee will need to consider the request and in doing so will take into consideration:
  - (a) whether the public interest in taking such action outweighs the complainant's wish to withdraw it;
  - (b) whether such action can be taken without the complainant's participation;
  - (c) the reason for the request.