

CRITERIA FOR 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 criteria sets a high threshold for considering complaints and should be adhered to by the 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.
- 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.

The Monitoring Officer should provide the Committee within relevant information concerning this issue as part of the fact finding exercise conducted prior to the Assessment Sub Committee and in preparation of her report to that committee.

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 matter will be passed to the Assessment Sub Committee where 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 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 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 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 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.

INITIAL ASSESSMENT - SUB-COMMITTEE HEARING CHECKLIST

Section 1 - All answers to Section 1 require a "yes" to continue.		
Quorum - 3 District Members present		
All Sub-committee members received and read reports.		
It is a complaint against a member of the Authority or an authority covered by the Standards Committee.		
The member was in office at the time of the alleged conduct.		
The member has agreed to abide by the Code of 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 operates.		
Section 2		
	Yes	No
Does the complaint concern the member's private life when they are not carrying out the work of the Authority or have not misused their position as a member?		
Has the complaint previously been the subject of an investigation or other action relating to the Code of Conduct?		
Did the incident relating to the complaint occur so long ago that there is little benefit in taking action now?		
Does the complaint appear trivial?		
Does the complaint appear malicious or vexatious?		
Does the complaint appear politically motivated?		
Does the complaint appear to be a "tit-for-tat" or submitted as purely revengeful?		
Has the complaint been submitted by a persistent complainer?		

	Yes	No
Is the conduct part of a continuing pattern of less serious misconduct?		
Do these complaints indicate a wider problem at the Authority or a breakdown in relationships?		
Is there public benefit in investigating the complaint if it is relatively minor, politically motivated, malicious or vexatious?		
Is there enough information for the Sub-committee to make a decision?		
Is the complaint anonymous?		
Is there a request by the complainant that his or her identity be withheld?		
Section 3		
<p>Assessment</p> <p>The Initial Assessment Sub-committee decide to:</p> <ol style="list-style-type: none"> 1. Take no further action until further information received. 2. Take no further action. 3. Refer to the MO for other action. 4. Refer to the MO for Investigation. 		
<p>Reason for decision:</p> <ol style="list-style-type: none"> 1. 2. 3. 4. 		
If the decision is 3, or 4 should a summary of the complaint be given to the subject member or would that prejudice any future investigation or is against the public interest?		