

Panel Member Notes – Assessment Panel

The following notes are intended to assist you as a member of the Standards Committee when making an initial assessment about a complaint. Please work through all the questions in each section and confirm at the end what decision you want to make.

Step 1 **You need to consider these three initial tests:-**

1. Is the complaint about the conduct of one or more named members of CBMDC or a parish/town council within its area?

YES?

NO?

2. Was the named member in office at the time of the alleged conduct and was the Code of Conduct in force at that time?

YES?

NO?

3. If proven, would the complaint reveal a potential breach of the relevant Code?

YES?

NO?

If you have answered NO to any of the above initial tests the matter cannot be assessed as a breach of the Code of Conduct and no further action will be taken.

Step 2 **If the initial tests have been satisfied, you need to apply the following assessment criteria:-**

1. Has the complaint been made anonymously?

YES?

NO?

1a. If your answer is YES, is the matter exceptionally serious or significant?

YES?

NO?

If the complaint is anonymous and not serious or significant you can decide to take no further action.

1b If it is considered that the matter is exceptionally serious or significant is there documentary or photographic evidence to support the complaint if the complainant is reluctant to come forward.

YES?

NO?

If the complaint is anonymous and serious or significant but there is insufficient evidence likely to support the complaint if pursued anonymously you can decide to take no further action.

2. Has enough information been received to make a decision?

YES?

NO?

If there is not enough information do you wish to receive further information? if so, please specify what is required.

3. Is the complaint so trivial it does not warrant further action?

YES?

NO?

4. Is the complaint about something which happened so long ago that there would be little benefit in taking action now?

YES?

NO?

5. Does the complaint appear to be malicious, politically motivated or tit-for-tat?

YES?

NO?

If you have answered YES to questions 3, 4 or 5 you can decide to take no further action.

6. Has the complaint already been investigated either in relation to the Code of Conduct or via any other regulatory process or statutory authority including the Ombudsman?

YES?

NO?

If you have answered YES you can decide to take no further action unless there is something to be gained by taking further action.

7. Is the complaint about someone who is no longer in office within CBMDC or its parish/town councils but who is still a member of another authority?

YES?

NO?

If you have answered YES you can decide to take no further action other than to refer the complaint to the other authority.

Step 3 **If neither the initial tests nor the assessment criteria have caused you to decide that no further action should be taken, you need to decide what further action would be appropriate:-**

1. Would investigation serve any useful purpose?

YES?

NO?

1a. If you have answered NO, do you wish to consider alternative action for any of the following reasons?

- (a) The allegations relate to the same breach of the Code by many members indicating a poor understanding of the Code and the Authority's procedures.
- (b) There is a pattern of allegations of minor disrespect, harassment or bullying to an extent that it has become difficult to conduct the business of the Council indicating a general breakdown of relationships.
- (c) The allegations indicate a possible misunderstanding of procedures or protocols.
- (d) The allegations indicate possible misleading, unclear or misunderstood advice from Officers.
- (e) The allegations indicate a lack of experience or training.
- (f) The allegations indicate there is interpersonal conflict.
- (g) There are allegations and retaliatory allegations from the same members.
- (h) There are allegations about how formal meetings are conducted.
- (i) There are allegations that may indicate governance problems within the Council with are more significant than the allegations themselves.

YES?

NO?

If you have answered NO you can decide to take no further action.

If YES please indicate which of the above you consider to be relevant to this complaint.

1b If yes specifically what alternative actions should be taken?

Alternative action can include:

- Training
- Engaging in a process of conciliation
- Redrafting of Council procedures or policy

1c Do you wish to adjourn the Assessment Sub-Committee and request the Monitoring Officer to ascertain whether the subject member is prepared to co-operate with the proposed alternative action?

YES?

NO?

2. Do you wish to refer the complaint to the SBE for any of the following reasons?

- a) the status of the subject member
- b) the status of the complaint
- c) Standards Committee members have a conflict of interest
- d) the monitoring officer or other officers have a conflict of interest
- e) the case is very serious or complex and could not be handled locally
- f) the complaint requires a substantial level of evidence not available from the Council
- g) there is significant governance dysfunction locally
- h) the complaint relates to serious bullying and would be better investigated by someone outside the Council
- i) public perception of the case would be that the Council had an interest in its outcome
- j) there are other exceptional circumstances

YES?

NO?

If you have answered NO, you can decide to refer the matter for investigation locally.

Please confirm your final decision.
