

Standards Committee – 8 July 2008

Report of The Head of Civic, Democratic & Legal Services

The Local Assessment of Complaints Against Members

The Establishment of Sub-Committees and Processes

Summary

1. This report seeks to put in place the elements necessary for a local system for the assessment of complaints against members pursuant to the recently enacted regulations and published guidance. This includes a structure of sub-committees that will undertake the various decisions required by the new process, and a Monitoring Officer, (MO), protocol to add clarity to the respective roles of the MO and the Standards Committee.

Background

2. The Standards Committee (England) Regulations 2008 came into force on 8th May 2008. Under those regulations local Standards Committees are now responsible for the local assessment of Standards complaints.
3. As from 8th May all complaints which relate to breaches of the Code of Conduct by elected and co-opted members of the City Council and parish councillors will be referred, in the first instance, to an Assessment Sub-Committee of the Standards Committee which will decide whether or not the complaint should be investigated, or some other form of action taken.
4. The Standards Board have issued guidance that complaints should be referred to the Assessment Sub-Committee and for them to have completed their initial assessment, on average, within 20 days of the complaint being received by the council. This is a very short timescale in which to arrange a meeting and it will be essential for members of the Standards Committee to respond, without delay, to enquiries about availability by those officers charged with arranging the meeting.
5. If the Assessment Sub-Committee decides that no action should be taken on the complaint, the complainant has a right to request a review of that decision. The request must be made by the complainant within 30 days of being notified of the decision. The review will then be conducted by a Review Sub-Committee

whose members must be different from those who conducted the initial assessment. The review must be held within 3 months.

6. If the Assessment Sub-Committee concludes that the matter should be referred for investigation, the Monitoring Officer will arrange for this to take place and for a report to be brought back to the sub-committee, (if possible comprising the same members who heard the initial assessment), in due course which will decide whether the matter will be referred to a 'Hearing Sub-Committee' for a hearing.
7. The Hearing Sub-Committee will undertake hearings to determine whether or not, on the evidence, a breach has occurred. If a breach is found the sub-committee will decide the sanction or may refer the case to the APE where it considers that its own powers of sanction are insufficient for the breach in question. Where possible, we would
8. Each of the sub-committee meetings must be chaired by an independent member and include elected member of the City Council. A parish representative is required if the matter relates to a parish councillor. The quorum for each of the sub-committees is three and it is envisaged that this will usually be the number of members sitting in any particular case.
9. In order to facilitate the potentially difficult task of arranging these committees at short notice, I am recommending that each sub-committee comprise all members of the Standards Committee. This technical arrangement will permit greater flexibility in the arrangement of sub-committees and hearings particularly in light of the restrictions on which members may take part in the different stages of the progress of each complaint. In operational terms the entire membership of the Standards Committee will form a panel from which members will be selected to hear matters in any one of the three stages depending upon their prior involvement with the case and their availability.
10. The usual rules of publicity for meetings do not apply to the Assessment and Review Sub-Committees. Instead, after an initial Assessment Sub-Committee, a written summary must be produced. This will include the name of the member subject to the complaint unless disclosure is not in the public interest or would prejudice the investigation.

Written Allegations

11. Standards Committees are required to publish details of the address to which written allegations should be sent. We have already published these details on the Council's website together with a pro-forma complaint form.
12. The regulations also impose certain obligations on the authority to ensure that the process is advertised on an ongoing basis to ensure that the public is kept informed of its right to complain and how to avail itself of this right.

Notifying the subject member of the complaint

13. Whilst the duty to give the member a written summary of the complaint rests with the Standards Committee this does not prevent the Monitoring Officer informing the member concerned at an early stage, unless to do so would be contrary to public interest or might prejudice any subsequent investigation. I would suggest that, in most cases, it will be appropriate for the MO to inform the subject member of the existence of the complaint and provide a written summary, at the same time they acknowledge receipt of the complaint from the complainant. Whilst this is not a legal requirement, I would suggest that fairness would usually dictate that a subject member is informed of the existence of a complaint. Additionally there is nothing preventing the complainant from publicising the existence of the complaint and confidence in the system may be undermined if subject members were to learn about complaints through the press.
14. There may be exceptional cases where it is thought that there is a danger the subject member might interfere with evidence or intimidate witnesses. Where this is thought to be a possibility the Standards Committee may choose not to disclose the existence of the complaint even after it has referred a matter for investigation. This is likely occur only very rarely and the circumstances would have to be kept under review to ensure that the subject member was informed as soon as possible.

Local Resolution of Complaints

15. Local Investigations and hearings are expensive and time consuming and, as such, if a resolution may be achieved without resort to investigation then this may be a desirable outcome. The regulations provide that the Assessment Sub-Committee may direct alternative action such as training or mediation. However, in certain cases, the opportunity of resolution may present itself earlier in the process, through mediation by the MO before the matter has been referred to the Assessment Sub-Committee, for example the subject member may be prepared to offer an apology which the complainant is happy to accept. In order to ensure that the MO is acting in accordance with the wishes of the Standards Committee I recommend that a MO protocol covering this issue is adopted and I attach a suggested model at Appendix 4.

The Assessment Sub-Committee

16. The Assessment Sub-Committee, in considering the complaint will need to decide whether: -
 - a) to take no action;
 - b) to refer the complaint to the Standards Board (if they believe it cannot be dealt with locally because of the seniority of the member, conflict of interest, the seriousness of the complaint, etc.). The Standards Board can decline to accept the referral and will give reasons why they have reached that decision.
 - c) refer the complaint to the Monitoring Officer.

17. If they decide to refer a case to the Monitoring Officer it can be either: -
- (a) for the Monitoring Officer to arrange for an investigation to be conducted or;
 - (b) for the Monitoring Officer to take some other form of action – this could include training, conciliation, etc. The Monitoring Officer must be consulted before this option is pursued.
18. The Monitoring Officer can refer a case back to the Standards Committee if the matter is more or less serious than originally thought or it is no longer in the public interest to pursue the matter because the member has died, is seriously ill or has resigned.
19. Where a matter is referred to a Monitoring Officer for alternative action, the Monitoring Officer must report back to the Standards Committee within three months on the action taken. If the Standards Committee is not satisfied with the action taken it can make a further direction to the Monitoring Officer¹.

The Review Sub-Committee

20. If the Assessment Sub-Committee resolves to take no action, then the complainant can request a review within 30 days of being notified of the decision. This must be heard by different members to those who conducted the initial assessment. The review must be conducted within 3 months although the Standards Board recommend that it should be completed within 20 days.
21. There is no right to request a review where the Assessment Sub-Committee resolves to take action other than investigation.

Assessment Criteria

22. The Standards Board recommend that Standards Committees set out assessment criteria to determine whether they will investigate a complaint or direct that some form of alternative action be taken. Suggested criteria for adoption by the Standards Committee are annexed at Appendix 2.

Consideration of Reports by Standards Committee

23. The Standards Committee must meet, following the completion of an investigation, to decide: -
- a) If it accepts the finding in the report that there has been no breach of the Code – a finding of Acceptance; or
 - b) that the matter should be considered at a hearing of the Standards Committee; or

¹ Reg 13(5) Standards Committee (England) Regulations 2008

- c) that the matter should be referred to the Adjudication Panel for determination – if the matter is serious and the sanctions available to the Standards Committee are unlikely to be sufficient.
24. This is an additional step in the process prior to the hearing itself and could be conducted by a sub-committee rather than the whole of the Committee.

Hearings by Standards Committee

25. Hearings must be conducted within 3 months of completion of the investigating officers report either conducted locally or by an Ethical Standards Officer.
26. The hearing can be conducted by a sub-committee rather than the whole of the Standards Committee. The Standards Board have advised that there is no difficulty in the same members participating in the initial assessment and the hearing or in the review and the hearing (but not in both the initial assessment and review). However, I would recommend that, where possible, we seek to avoid the same members sitting on the matter in both assessment and hearing stage.
27. The procedure for conducting hearings is largely unchanged with the exception that the maximum sanction available to the Standards Committee has increased from 3 to 6 months suspension.

Actions Required by the Standards Committee

28. The Standards Committee are required to take the following actions: -
- a) To establish Assessment and Review Sub-Committees
 - b) To determine assessment criteria; and
 - c) To decide if it wishes to establish sub-committees to receive Investigating Officers reports and to conduct hearings. If the volume of such investigations is relatively low it would be feasible for the whole committee to meet to receive the report and to resolve at that meeting to establish a sub-committee to conduct the hearing into the matter. It is suggested that we proceed on that basis at the present time and that the position be reviewed should the number of investigations significantly increase.
29. In the case of the Assessment and Review Sub-Committees, the most practical way to proceed is for the sub-committees to be drawn from a panel, effectively a sub-committee, comprising all the members of the Standards Committee with a proviso that no member shall participate in a Review Sub-Committee where they have participated in the initial assessment of the complaint. Regarding the hearings Sub-Committee, in the interests of consistency, I recommend that the same approach be adopted.

Implications

30.

Legal	<p>The Local Government and Public Involvement in Health Act 2007 introduced a new system for dealing with complaints against members of local authorities and parish councils, which became operative from 8 May 2008.</p> <p>Regulations issued pursuant to the act impose certain requirements on local authorities for the implementation of this system including the requirement that sub-committees be established for the purpose of dealing with the initial assessment of complaints and the review of these assessment decisions where requested.</p> <p>Quentin Baker quentin.baker@york.gov.uk</p>
Financial	<p>Administering the new system is likely to give rise to an additional resource requirement both in officer time and in direct financial resource. The size of the Standards Committee has been increased in order to be able to undertake its new roles and it is envisaged that there will be an increase in the number of times the committee or its sub-committees will be required to meet. This will lead to an increase in Democracy officer and Monitoring Officer time to support these additional committees.</p> <p>It is widely predicted that, at least in the short term that the new system will lead to an increase in the numbers of investigations into allegations. This will lead to an increase in financial resource being expended to fund these investigations.</p> <p>In recognition of the increased resource requirement likely to arise from the new system, the central grant was increased by £4500 for 2008-09. However, this additional funding has not been allocated to the Monitoring Officer and, as a consequence, unbudgeted expenditure may occur during this financial year.</p>
Human Resources	<p>There are no human resource implications arising from these recommendations.</p>

Recommendations

31. I hereby recommend that: -

- a) **the Standards Committee establish an Assessment Sub-Committee comprising all members of the Standards Committee in accordance with the terms of reference set out in Appendix 1 attached;**

- b) the Standards Committee establish a Review Sub-Committee to comprising all members of the Standards Committee PROVIDED THAT no member shall be selected to participate in a Review Sub-Committee where they have participated in the initial assessment of the complaint subject to review. The terms of reference of the Review Sub-Committee be as set out in Appendix 3 attached;**
- c) a the Standards Committee establish a Hearings Sub-Committee comprising all members of the Standards Committee in accordance with the terms of reference set out in Appendix 4 attached**
- d) the Standards Committee adopt the assessment criteria set out in Appendix 2;**
- e) the Monitoring Officer be given delegated authority to notify Members the subject of an allegation of the complaint as soon as practicable after receipt unless, in their opinion, it would be contrary to public interest or might prejudice the proper investigation of the complaint;**
- f) the Democratic Services Manager be given delegated authority to constitute and convene meetings of the Assessment Sub-Committee, Review Sub-Committee and Hearings Sub-Committee;**
- g) the Standards Committee adopt the Monitoring Officer protocol at appendix 5 and this to be recommended for formal adoption at the next meeting of full council; and**
- h) the Monitoring Officer, in consultation with the Chairman of the Standards Committee arrange appropriate publicity for the new arrangements in accordance with the regulations and guidance.**

Contact Details

32.

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Wards Affected: *List wards or tick box to indicate all*

All *tick*

For further information please contact the author of the report

Background Papers:

Standards Board for England – Guidance on Local Assessment

Appendices:

Appendix 1:- Terms of reference for the Assessment Sub-Committee

Appendix 2:- Assessment Criteria

Appendix 3:- Terms of Reference for the Review Sub Committee

Appendix 4:- Terms of reference for the Hearings Sub-Committee

Appendix 5:- Monitoring Officer Protocol for Handling Complaints

ASSESSMENT SUB-COMMITTEE

1 Composition

- 1.1 The Assessment Sub-Committee shall comprise all members, for the time being, of the Standards Committee. These members shall, in effect, form a panel from which members will be drawn to populate the sub-committee as require

2 Quorum

- 2.1 The quorum shall be 3 of which at least 1 must be a Co-opted Independent Member and at least one a CYC member. Where the complaint in hand concerns the conduct of a person acting in their capacity as a parish council member, the quorum must include a parish council representative

3 Chair

- 3.1 The meetings of the Assessment Sub-Committee shall be chaired by an independent Co-opted Member

4 Terms of Reference

- 4.1 To consider allegations that a member of CYC, or any parish within the administrative area of CYC, has failed to comply with the Code of Conduct.
- 4.2 On receipt of each allegation and any accompanying report by the Monitoring Officer, the Assessment Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:-
- 4.2.1 Refer the allegation to the Monitoring Officer, with an instruction that s/he arrange a formal investigation of the allegation; or
- 4.2.2 Refer the matter to the Monitoring Officer directing that s/he arrange training, conciliation or such other appropriate alternative steps as permitted by the Regulations; or
- 4.2.3 Refer to the allegation to the Standards Board for England; or
- 4.2.4 Decide that no action should be taken in respect of the allegation; or
- 4.2.5 Where the allegation is in respect of someone who is no longer a member of CYC or one of its parishes, but is a member of another relevant authority, refer the allegation to the Monitoring Officer of that other authority.

- 4.3 Upon completion of an investigation of a complaint, the Assessment Sub Committee shall be responsible for determining whether:-
- 4.3.1 It accepts the Investigating Officer's finding of no failure to observe the Code of Conduct;
 - 4.3.2 The matter should be referred for consideration at a hearing before the Hearings Sub-Committee; or
 - 4.3.3 The matter should be referred to the Adjudication Panel for determination.
- 4.4 Where the Assessment Sub-Committee resolves to do any of the actions set out in para 5 or 6 above, the Sub-Committee shall state its reasons for that decision.

5. Frequency of Meetings

- 5.1 The Assessment Sub-Committee shall meet as and when required

Appendix 2

Assessment Criteria

1. Background and Context

- 1.1 Irrelevant Complaints: It is likely that complaints will be received which do not relate to the Code of Conduct for members. Such complaints might include complaints relating to the provision of services by the Council or the manner in which matters have been dealt with by the Council which should properly be dealt with through the Council's Corporate Complaints Procedure. They may be matters relating to other authorities or matters relating to a members private life which do not therefore fall within the remit of the Standards Committee.
- 1.2 Such complaints will not be referred to the Assessment Sub-Committee but will instead be dealt with by the Monitoring Officer who, if appropriate, will refer it to the appropriate avenue for further consideration.

2. Local Resolution

- 2.1 The Standards Committee is acutely aware that investigations are costly and time consuming. Moreover complaints can often be dealt with more effectively if an early resolution of the matter can be achieved.
- 2.2 The Standards Committee would therefore encourage complainants to explore whether the matter can be resolved locally prior to a formal written complaint being made to the Standards Committee. The complaint form has accordingly been structured in such a way as to encourage early resolution of Standards complaints wherever possible.

3. Initial Tests

- 3.1 Before the assessment of a complaint begins, the Assessment Sub-Committee should be satisfied that the complaint meets the following tests: -
 - 3.1.1 Is the complaint about the conduct of a member?
(The complaint must relate to one or more named elected or co-opted members of the district or parish councils covered by the Standards Committee i.e. within the district of Newark and Sherwood)
 - 3.1.1 Was the named member in office at the time the alleged misconduct took place?
 - 3.1.2 Was the Code of Conduct in force at the time the alleged misconduct took place?
 - 3.1.3 If the complaint is proven, would there be a breach of the Code under which the member was operating at the time of the alleged misconduct?
- 3.2 If the complaint fails one or more of these tests it cannot be investigated and no further action will be taken.

4. Sufficiency of Information

- 4.1 The complainant must provide sufficient information to enable the Assessment Sub-Committee to conclude that there is prima facie evidence of a breach of the Code of Conduct. If insufficient information is available, the Assessment Sub-Committee will not normally refer the complaint for investigation or other action.

5. Seriousness of the Complaint

- 5.1 The Assessment Sub-Committee will not normally refer a matter for investigation or other action where the complaint appears to be trivial, vexatious, malicious, politically motivated or tit for tat.

6. Length of Time Which Has Elapsed

6.1 The Assessment Sub-Committee will have regard to the length of time which has elapsed since the events the subject of the complaint occurred. It will not normally investigate or pursue other action where the events took place more than 6 months prior to the complaint being submitted other than in exceptional circumstances (for example, where the conduct relates to a pattern of behaviour which has recently been repeated).

7. Public Interest

7.1 The Assessment Sub-Committee will determine whether the public interest would be served by referring complaint for investigation or other action. They may consider that the public interest would not be served where a member has died, resigned or is seriously ill. Similarly if a member has offered an apology or other remedial action they may decide that no further action should be taken.

7.2 Similarly, if the complaint has already been the subject of an investigation or other action relating to the Code of Conduct or the subject of an investigation by other regulatory authorities, it is unlikely that it will be referred for investigation or other action unless it is evident that the public interest will be served by further action being taken.

8. Anonymous Complaints

8.1 Anonymous complaints will not normally be entertained unless there is additional documentary evidence to support the complaint.

9. Multiple Complaints

9.1 It is not uncommon that one event may give rise to similar complaints from a number of different complainants. Whenever possible these complaints will be considered at the same meeting of the Assessment Sub-Committee. However each complaint will be separately considered.

10. Confidentiality

10.1 As a matter of fairness and natural justice, a member should usually be told who has complained about them. There may be occasions where the complainant requests that their identity is withheld. Such a request should only be granted in circumstances that the Assessment Committee consider to be exceptional, for example: -

10.1.1 the complainant has reasonable grounds for believing that they will be at risk of physical harm if their identity is disclosed

10.1.2 the complainant is an officer who works closely with the member and they are afraid of the consequences to their employment if their identity is disclosed

- 10.1.3 the complainant suffers from a serious health condition which might be adversely affected if their identity is disclosed. The Assessment Sub-Committee may wish to request medical evidence.

11. Withdrawing Complaints

- 11.1 A complainant may ask to withdraw their complaint before the Assessment Sub-Committee has made a decision on it. The Sub-Committee will have to decide whether to grant the request.

For example, the Sub-Committee may consider the following:-

- 11.1.1 Does the public interest in taking some action outweigh complainants request to withdraw the complaint?
- 11.1.2 Could action, such as an investigation, be carried out without the complainants participation?
- 11.1.3 Is there a reason why the complainant has been asked to withdraw the complaint? (For example, have they been pressurised by member against whom the allegation has been made?)

APPENDIX 3

Review Sub-Committee

1 Composition

- 1.1 The Review Sub-Committee shall comprise all members, for the time being, of the Standards Committee. These members shall, in effect, form a panel from which members will be drawn to populate the sub-committee as required.

2 Exclusions from Sitting

- 2.1 No member shall sit on the review Sub-Committee when it is reviewing a complaint for which the member conducted the initial assessment.

3. Quorum

- 3.1 The quorum shall be 3 of which at least 1 must be a Co-opted Independent Member and at least one a CYC member. Where the complaint in hand concerns the conduct of a person acting in their capacity as a parish council member, the quorum must include a parish council representative.

4. Chair

- 4.1 The meetings of the Review Sub-Committee shall be chaired by an independent Co-opted Member.

5. Terms of Reference

- 5.1 To review the decision of the Assessment Sub Committee to take no action in respect of a complaint and to do one of the following:-
- 5.1.1 Refer the allegation to the Monitoring Officer, with an instruction that s/he arrange a formal investigation of the allegation; or
 - 5.1.2 Refer the matter to the Monitoring Officer directing that s/he arrange training, conciliation or such other appropriate alternative steps as permitted by the Regulations; or
 - 5.1.3 Refer the allegation to the Standards Board for England; or
 - 5.1.4 Decide that no action should be taken in respect of the allegation; or
 - 5.1.5 Where the allegation is in respect of someone who is no longer a member of CYC or one of its parishes, but is a member of another relevant authority, refer the allegation to the Monitoring Officer of that other authority.
- 5.2 Where the Review Sub-Committee resolves to do any of the above it shall give reasons for its decision.

6. Frequency of Meetings

- 6.1 The Review Sub-Committee shall meet as and when required to enable it to undertake the review of any decision of the Assessment Sub-Committee within 3 months of the receipt of a request for such a review from the person who made the allegation.

Appendix 4

Hearings Sub-Committee

1. Composition

- 1.1 The Hearings Sub-Committee shall comprise all members, for the time being, of the Standards Committee. These members shall, in effect, form a panel from which members will be drawn to populate the sub-committee as required.

2. Quorum

2.1 The quorum shall be 3 of which at least 1 must be a Co-opted Independent Member and at least one a CYC member. Where the complaint in hand concerns the conduct of a person acting in their capacity as a parish council member, the quorum must include a parish council representative.

3. Chair

4.2 The meetings of the Review Sub-Committee shall be chaired by an independent Co-opted Member.

4 Terms of Reference

4.1 To receive and consider complaints referred under regulation 17(b) of the Standards Committee (England) Regulations 2008 and to make one of the following findings:-

4.1.1 That the member who was the subject of the hearing had not failed to comply with the code of conduct of any authority concerned; or

4.1.2 That the member who was the subject of the hearing had failed to comply with the code of conduct of any authority concerned but that no action needs to be taken in respect of the matters which were considered at the hearing; or

4.1.3 That the member who was the subject of the hearing had failed to comply with the code of conduct of an authority concerned and that a sanction under the paragraph (2) or (3) of the regulations should be imposed

4.2 Where the Review Sub-Committee resolves to do any of the above it shall give reasons for its decision.

5 Frequency of Meetings

5.1 The Review Sub-Committee shall meet as and when required.

APPENDIX 5

Monitoring Officer **Protocol for Handling Complaints**

1. Receipt of Allegations

- 1.1 The Monitoring Officer shall set up arrangements within the Authority to secure that any allegation made in writing that a member of the Authority has or may have failed to comply with the Authority's Code of Conduct is referred to him/her immediately upon receipt by the Authority.

2. Notification of Receipt of Allegations

- 2.1 All relevant allegations must be assessed by the Assessment Sub-Committee, so the Monitoring Officer has no authority to deal with an allegation which appears to be an allegation of failure by a relevant member to observe the Code of Conduct other 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.
- 2.2 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 relevant meeting:
 - 2.2.1 acknowledge to the complainant receipt of the allegation and confirm that the allegation will be assessed by the Assessment Sub-Committee
 - 2.2.2 notify the member against whom the allegation is made of receipt of the complaint together with a written summary of the allegation (unless the Monitoring Officer considers that to do so might prejudice any investigation), and state that the allegation will be assessed at the next convenient meeting of the Assessment Sub-Committee;
 - 2.2.3 collect such information as is readily available and would assist the Assessment Sub-Committee in its function of assessing the allegation;
 - 2.2.4 seek local resolution of the matter where practicable, in accordance with Paragraph 3 below;
 - 2.2.5 place a report, including a copy of the allegation, such readily available information and his/her recommendation as to whether the allegation discloses an apparent failure to observe the Code of Conduct, on the agenda for the next convenient meeting of the Assessment Sub-Committee.

3. Local Resolution

- 3.1 Local resolution is not an alternative to reporting the allegation to the Assessment Sub-Committee, but can avoid the necessity of a formal local investigation.
- 3.2 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 then 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. 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.

4. Review of Decisions not to Investigate

- 4.1 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, and the complainant may then within 30 days of receipt of such notification request that the Review Sub-Committee review that decision.
- 4.2 Whilst the review shall normally be a review of the reasonableness of the original decision rather than a reconsideration, the Monitoring Officer shall report to the Review Sub-Committee the information which was provided to the Assessment Sub-Committee in respect of the matter, the summary of the Assessment Sub-Committee and any additional relevant information which has become available prior to the meeting of the Review Sub-Committee.

5. Local Investigation

- 5.1 It is recognised that the Monitoring Officer will not personally conduct a formal local investigation.
- 5.2 It will be for the Monitoring Officer to determine who to instruct to conduct a formal local investigation, and this may include another senior officer of the Authority, a senior officer of another authority or an appropriately experienced consultant.