

LOCAL ASSESSMENT CRITERIA

The Assessment Sub-Committee and the Review Sub-Committee will adopt the approach and apply the criteria set out below in deciding whether to accept a complaint made against a subject member or to take no further action on it.

- 1. Has the complainant submitted enough information to satisfy the Sub-Committee that the complaint should be referred for investigation or other action?**

If the information provided is insufficient to make a decision as to whether the complaint should be referred for investigation or other action, the Sub-Committee should take no further action on the complaint unless or until further information is provided.

- 2. Is the complaint about someone who is no longer a member of the Council, but is a member of another authority?**

If the answer is “yes”, the Sub-Committee may wish to [will] refer the complaint to the monitoring officer of that other authority.

- 3. 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?**

If the answer is “yes”, the Sub-Committee will not refer the complaint for investigation or other action where there is nothing more to be gained by further action being taken.

- 4. Is the complaint about something that is alleged to have happened so long ago that there would be little benefit in taking action now?**

- 5. Is the complaint too trivial to warrant further action?**

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

- 7. Will the public interest be served by referring a complaint for investigation or other action?**

When considering the public interest, the Sub-Committee should consider:

- the importance of ensuring that complaints about members are taken seriously and dealt with appropriately; and*
- the cost and member and officer time involved in the investigation of a complaint or taking other action in relation to the seriousness of the matter.*

- 8. Has the subject member offered an apology or to take other remedial action?**

In this case, the Sub-Committee may decide that no further action should be taken.

9. Is the complaint anonymous?

The Sub-Committee may only refer an anonymous complaint for investigation or some other action if it includes evidence indicating an exceptionally serious or significant matter.

10. Has the complainant asked to withdraw their complaint before the Assessment Sub-Committee [or Review Sub-Committee where applicable] has made a decision on whether to accept the complaint or take no further action on it?

If the answer is “yes”, the Sub-Committee must ask the following questions:

- **Does the public interest in taking some action on the complaint outweigh the complainant’s desire to withdraw it?**
If the answer is “yes”, the Sub-Committee should consider proceeding with the assessment decision.
- **Is the complaint such that action can be taken on it, for example an investigation, without the complainant’s participation?**
If the answer is “yes”, the Sub-Committee should consider proceeding with the assessment decision.
- **Is there an identifiable underlying reason for the request to withdraw the complaint? For example, is there information to suggest that the complainant may have been pressured by the subject member or an associate of theirs to withdraw the complaint?**
If the answer is “yes”, the Sub-Committee should take advice from the Monitoring Officer on how to proceed with the assessment decision.

The Assessment Sub-Committee and the Review Sub-Committee will adopt the approach and apply the criteria set out below when considering the possibility of referring a complaint made against a subject member to the Monitoring Officer for other action.

A) Is there evidence of poor understanding of the Council’s Members’ Code of Conduct and/or the Council’s procedures?

If the answer is “yes”, this may be an indication that other action is appropriate.

B) Have relationships within the Council broken down to such an extent that it has become very difficult to conduct the business of the Council?

If the answer is “yes”, this may be an indication that other action is appropriate.

C) Does the complaint reveal a systemic problem rather than an individual one?

If the answer is “yes”, this may be an indication that other action is appropriate.

D) Does the complaint relate to:

- the same particular breach of the Code by many members, indicating poor understanding of the Code and the Council's procedures;
- a general breakdown of relationships, including those between members and officers, as evidenced by a pattern of allegations of minor disrespect, harassment or bullying to such an extent that it becomes difficult to conduct the business of the Council;
- misunderstanding of procedures or protocols;
- misleading, unclear or misunderstood advice from officers;
- lack of experience or training;
- interpersonal conflict;
- allegations and retaliatory allegations from the same members;
- allegations about how formal meetings are conducted; or
- allegations that may be symptomatic of governance problems within the Council, which are more significant than the allegations themselves?

The Sub-Committee may consider that other action is appropriate in any of the above circumstances (though, this is not an exhaustive list).

- E) **Would the allegation if proven, warrant any of the sanctions (apart from training) which would be available to the Standards Committee after a hearing?**

Other action should be avoided in these circumstances.

- F) **Is the Sub-Committee satisfied that other action could assist the proper functioning of the Council?**

- G) **Is the Sub-Committee satisfied that the complaint does not merit investigation?**

Complaints should not be referred for other action when an investigation is merited, for example when an investigation would be in the public interest.

- H) **Does the complaint fundamentally challenge the subject member's honesty or integrity?**

Other action should be avoided in these circumstances.

- I) **Has the Sub-Committee consulted the Monitoring Officer about proposed other action?**

The Sub-Committee must consult the Monitoring Officer before referring a complaint to them for other action.