

Working Group Proposed Changes to Standards Procedure

Initial treatment of complaints

1. All complainants to receive standard information regarding the council's policy on disclosing their identity; and to confirm their acceptance, in order for the complaint to proceed.
2. Once a complaint is filed with the council and deemed valid (e.g. from a named individual and not vexatious), it may not be withdrawn without the consent of both parties and the Monitoring Officer.
3. Subject member to have access to all documentation relevant to the complaint, except where doing so might compromise the safety of the complainant.
4. On first notifying a subject Member of a complaint, the council should discourage all parties from seeking actively to publicise the matter before the complaint had been fully considered by the Monitoring Officer and, if applicable, investigated.
5. Amend code of conduct to require members to co-operate with informal resolution where this process has been agreed by the complainant and subject member.
6. Offensive terms which are the subject of a complaint investigated by the MO be reproduced in the hearing papers only so far as is strictly necessary.

Status and Procedure of Hearing Panel

7. Alter the status of the Standards Panel from a sub-committee to a panel, so as to free the Panel from the legal restrictions applicable to a sub-committee.
8. No member to serve on a Standards Panel unless he/she has undergone appropriate training (see further at item 16 below).
9. (i) The Independent Person to chair the Standards Panel.

(ii) If the Standards Panel is re-constituted as a panel, the Independent Person be given the right to vote. *N.B. On the advice of Hoey Ainscough Associates Ltd, this proposal is now withdrawn. See further at paragraphs 4.6-4.13 of the main report.*
10. To manage the media more proactively, the council should issue a press release on the day the Hearing papers are published, which

should include a reminder that the Chair would be the Independent Person.

11. Adequate security be put in place for all stages of the hearing, for the protection of Panel members and the parties present.

12. The hearing procedure should –

- (i) allow sufficient time for the Panel to deliberate the complaint in recess, so as not to feel pressurised into reaching a finding within a set time; and
- (ii) ensure adequate privacy for and protection of the Panel during its deliberations, so as to protect it from unauthorised interruptions.

13. The Hearing Panel be encouraged to make their decision collegially and to vote by acclamation.

14. The Panel may, in the interests of certainty, request its individual members to indicate their vote.

15. The decision of the Panel is to be owned collectively by all its members.

16. The right of appeal from a decision of the Panel should continue but only on one or more of the following grounds:

- (i) the hearing was procedurally flawed, for example due process was not followed; a relevant consideration was not taken into account; or an irrelevant consideration was taken into account;
- (ii) new evidence or material has arisen with a direct and significant bearing on the case; or
- (iii) the Panel's decision was irrational, i.e. so unreasonable that no sensible Standards Panel, having applied its mind to the complaint, could have arrived at that decision.

Training

17. All members of the Audit & Standards Committee to undergo mandatory training or re-training every 12 months, or sooner if appropriate.

18. Member training to address:

- the code of conduct
- the legal framework for investigating complaints

- the investigative (not prosecutorial) nature of the process
- the hearing procedure (as amended)
- conduct expected between Panel members, i.e. non-political, non-personalised, mutual respect and courtesy, ownership of collegiate decision

Code of conduct

19. A separate review be conducted later in 2014 as to the suitability of the council's current code of conduct for members.