

Lessons to learn identified by Sub-Committee Members since February 2009

Lessons to learn	Comments and proposals
<p>When requesting additional information from the complainants officers should send these letters by recorded delivery – similarly for decision notices which specify no further action will be taken unless or until further information is provided.</p>	<p>AGREED This service is provided by the Civic Hall Mailroom.</p>
<p>The complaints form should make clear that complainants should provide any evidence or documents they have which prove their complaint.</p>	<p>AGREED The complaint form asks the complainant to provide information showing they have “reasonable grounds” for believing that the Member has breached the Code. Also, if the Assessment Sub-Committee feels that there is not enough information available for it to judge the severity of the allegations, it can decide to take no further action on the complaint, unless or until the specified information is provided.</p> <p>However, according to the statutory guidance the Standards Committee cannot require the complainant to “prove” their complaint, as the Assessment Sub-Committee are making no findings of fact at this stage. This would be part of the function of any investigation. The Assessment Sub-Committee have to decide <i>if</i> the complaint were proven, would there be a potential breach of the Code of Conduct?</p>
<p>Need to ensure that when the Assessment or Review Sub-Committee decide to take other action it is worded in the decision notice as “recommend” rather than “ask” so that it sounds less optional.</p>	<p>AGREED The Assessment or Review Sub-Committee will ensure that in future cases where they decide to refer an allegation for other action, this is worded in the decision notice as a recommendation. However, as stated in the guidance from Standards for England “there is no formal route for dealing with a Member who categorically refuses to comply with other action” and therefore other action is unenforceable.</p>

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<p>Complainants should submit their complaints as soon as possible after the incident, and if not the Sub-Committee should be able to take no action.</p>	<p>Complaints about incidents which occurred since 5th May 2002¹ must be considered.</p> <p>The Standards Committee has adopted some assessment criteria which may be of use if the Assessment or Review Sub-Committee decide that there may be a potential breach of the Code of Conduct disclosed by the complaint and they are considering what action to take, if any, on the complaint. These are:</p> <ul style="list-style-type: none"> • If a long period of time has passed since the alleged conduct occurred, it may be considered of little benefit to take any further action in relation to the complaint. • Except in the most serious of cases, complaints that disclose a potential breach under the 2001 Code of Conduct but would not constitute a breach under the 2007 Code of Conduct are unlikely to be referred for investigation or further action.
<p>Officers need to ensure that they provide as much readily obtainable information as possible, perhaps including background information on the complainant.</p>	<p>A report on this subject will be prepared for consideration by the Standards Committee in February 2010.</p>

¹ When the Members' Code of Conduct (Local Authorities) (England) Order 2001 came into force.