

STANDARDS COMMITTEE

On 10 JUNE 2008

Report Title: Members Code of Conduct - local complaints handling procedures

Forward Plan reference number (if applicable): N/A

Report of: John Suddaby, Head of Legal Services and Monitoring Officer

Wards(s) affected: All

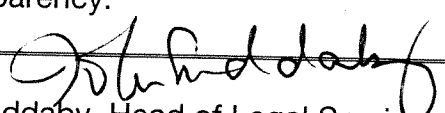
Report for: Decision

1. Purpose

- 1.1 To set out arrangements for the receipt, assessment, review and hearing of complaints received locally alleging that Members have failed to comply with the Members Code of Conduct.
2. To adopt terms of references for the Standards Assessment, Review and Hearing Sub-Committees.

3. Recommendation

- 3.1 To approve the arrangements set out in the report and its appendices for the processing of complaints that members have failed to comply with the Code of Conduct.
- 3.2 To delegate to the Head of Local Democracy and Member Services power to appoint the membership of Standards Assessment Sub-Committees, Standards Review Sub-Committees and Standards Hearing Sub-Committees in accordance with the Regulations (S.I 2008/1085) and the procedures set out in the report and in consultation with the Chair of the Standards Committee and the Monitoring Officer.
- 3.3 That the Standards Committee receives a further report containing suggested objective local criteria that will be used in the assessment process in order to ensure fairness and transparency.


Report Authorised by: John Suddaby, Head of Legal Services and Monitoring Officer

Contact Officer: John Suddaby, Head of Legal Services and Monitoring Officer.
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4. Executive Summary

4.1 The Local Government Act 2000 (as amended) and recent regulations made under it enables people to make a written allegation to a local authority standards committee that a member or co-opted member of the authority has failed to comply with the authority's code of conduct. They require local standards committees to make arrangements for dealing with such allegations, confer powers on the Monitoring Officer to carry out investigations and make provisions for standards committees to reach decision on allegations and impose sanctions on Members.

5. Local Government (Access to Information) Act 1985

5.1 Local Government Act 2000

5.2 The Standards Committee (England) Regulations 2008 No. 1085

5.3 Standards Board for England Guidance

6. Background

From 8 May 2008, a complaint that a Member of Haringey Council has failed to observe the Members Code of Conduct will be received, assessed and dealt with by Haringey Council's Standards Committee.

Publicity of new arrangements

Notices publicising the new Members complaints local arrangements have been placed in the local press and will appear in Haringey People and on the Council's website.

7. Report

7.1 Receipt of Complaints

Complaints received in writing that an elected or co-opted Member of the Council has failed or may have failed to comply with the Member's Code of Conduct will be sent to the Chair of the Standards Assessment Sub-committee of the Standards Committee c/o the Monitoring Officer.

On receipt, the Monitoring Officer will

- 1) notify the subject member that a complaint has been received against them and that an assessment sub-committee will take place to determine what further action to take in relation to it and refer the complaint to the ASC for an assessment hearing, or
- 2) Take other appropriate action – e.g in the case of a complaint unrelated to the code of Conduct or a complaint received orally, the Monitoring Officer may consider informal resolution.
- 3) At his/her discretion inform the subject member of the nature of the complaint received and the identity of the complainant and of the action that will be taken

- 4) Notify the complainant of the action that will be taken in relation to his/her complaint.

The Monitoring officer will ensure that all complaints against elected and co-opted Members received by the Council are directed to him/her to allow the necessary steps outlined at a)-d) to be taken.

Where the Monitoring Officer refers the complaint to the ASC for an assessment hearing he/she will prepare a draft written summary report for the assessment sub-committee confirming that the complaint appears to be within their jurisdiction, referring to the relevant code paragraph that appears to be engaged, to key aspects of complaint and including any further relevant information (as per page 10 of SBE guidance).

7.2 Assessment of Complaints Received

To do this the Standards Committee must set up an assessment sub-committee, a review sub-committee and lastly must arrange for any complaint which is investigated to have a hearing.

To enable this to be done as required in good time, the report proposes to delegate to the Head of Local Democracy and Member Services power to appoint the membership of Standards Assessment Sub-Committees, Standards Review Sub-Committees and Standards Hearing Sub-Committees in accordance with the Regulations (S.I 2008/1085) and the procedures set out in the report and in consultation with the Chair of the Standards Committee and the Monitoring Officer.

It is also proposed that in order to assist these bodies in the discharge of their functions that the Standards Committee receives a further report containing suggested objective local criteria that will be used in the assessment process in order to ensure fairness and transparency.

7.3 Standards Assessment sub-committee

The standards assessment sub-committee (SASC) will be composed of 5 members of the Standards Committee. Two of the members of the sub-committee will be independent members and three will be elected Members. The membership of the SASC will be appointed by the Head of Local Democracy and Member Services on a rotation basis subject to availability and in accordance with the Regulations (S.I 2008/1085) in consultation with the Chair of the Standards Committee and the Monitoring Officer. The SASC will function in accordance with the Terms of reference proposed at Appendix A to this report.

7.4 Standards Review Sub-committee

Where a SASC makes a finding of “no action” on a complaint, the complainant has a right to seek a review of that decision from a standards review sub-committee. The review must be carried out within 3 months but the SBE Guidance recommends completion within an average of 20 working days.

The standards review sub-committee (SRSC) will be composed of 3 members of the Standards committee who were not members of the assessment sub-committee that considered the complaint. One of the members of the sub-committee will be an independent member and two of the members will be elected members. The

membership of the SRSC will be appointed by the Head of Local Democracy and Member Services on a rotation basis subject to availability and in accordance with the Regulations (S.I 2008/ 1085) and the restrictions referred to above and in consultation with the Chair of the Standards Committee and the Monitoring Officer.

The SRSC will function in accordance with the Terms of reference proposed at Appendix B to this report.

7.5 Action following investigation

The Standards Committee will meet to consider a report following an investigation by the Monitoring Officer as requested by a SASC or SRSC.

At its meeting the Standards Committee will consider and make one of the following decisions

1. A finding of acceptance – accepting a monitoring officer’s finding of no failure to comply with the Code
2. That the matter should be considered for determination at a hearing by the full Standards Committee or at a hearing by the standards hearing sub-committee.
3. That the matter should be referred to the Adjudication Panel for England for determination.

7.6 Standards Hearing Sub-committee

The standards hearing sub-committee will be composed of 5 members of the Standards Committee of whom 2 members will be independent members. The membership of the SHSC will be appointed by the Head of Local Democracy and Member Services on a rotation basis subject to availability and in accordance with the Regulations (S.I 2008/ 1085) and in consultation with the Chair of the Standards Committee and the Monitoring Officer.

The SHSC will function in accordance with the Terms of reference proposed at Appendix C to this report.

7.7 Substitute Members

The Monitoring Officer may at his/her discretion make arrangements for the co-option of independent members from other local authorities for specific complaints. In doing this the Monitoring Officer will follow any guidance from the Standards Board for England and will only undertake this where existing Haringey independent members are either conflicted out or unavailable for the relevant hearing in circumstances where it would not be reasonable to involve in further delay.

7.8 Quarterly and Annual reporting to the Standards Board for England

The monitoring officer will as required by the Regulations make quarterly and annual returns to the Standards Board for England on the operation of the Members code of conduct and standards framework in Haringey Council.

8. Recommendations

8.1 To approve the arrangements set out in the report and its appendices for the processing of complaints that members have failed to comply with the Code of Conduct.

8.2 To delegate to the Head of Local Democracy and Member Services power to appoint the membership of Standards Assessment Sub-Committees, Standards Review Sub-Committees and Standards Hearing Sub-Committees in accordance

with the Regulations (S.I 2008/1085) and the procedures set out in the report and in consultation with the Chair of the Standards Committee and the Monitoring Officer.

8.3 That the Standards Committee receives a further report containing suggested objective local criteria that will be used in the assessment process in order to ensure fairness and transparency

9. Comments of the Director of Finance

9.1 There are no financial implications.

10. Comments of the Head of Legal Services

10.1 The legal position is set out in the report.

11. Equalities Implications

11.1 There are no equalities implications.

Appendix A. Terms of Reference of the Assessment Sub-Committee of the Standards Committee

Being mindful of the relevant legislation and any guidance issued by the Standards Board for England with regard to initial assessment:-

1. The Assessment Sub-Committee of the Standards Committee will, subject to paragraph 2 below, initially assess all written complaints received by Council's Monitoring Officer on the appropriate Complaints Form for such purposes or such written complaints submitted by letter/ email/ fax setting out all the relevant information required on such Complaints Form.
2. The Assessment Sub-Committee of the Standards Committee will only have jurisdiction to consider written allegations that an elected or co-opted Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct for Members.
3. The Assessment Sub-Committee of the Standards Committee is empowered to do one of the following:-
 - i. Decide that no action should be taken in respect of the allegation;
 - ii. Ask for additional information from the complainant on the allegation before concluding the initial assessment;
 - iii. If the allegation is likely to be reasonably sustained and it is in the public interest to warrant Council funds being spent on a local investigation, refer the allegation to the Council's Monitoring Officer, with an instruction that he/she arranges for an investigation of the allegation
 - iv. Direct that the Council's Monitoring Officer arranges training, conciliation or such other appropriate action as might be permitted by the relevant legislation;
 - v. If the matter is of a serious nature (for example, there is a potential conflict of interest with the Standards Committee or the potential sanction(s) available to the Standards Committee might not be sufficient for the Standards Committee to deal with), refer the allegation to the Standards Board for England for investigation; or
 - vi. Where the allegation is in respect of a person who is no longer a member of the Council, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act

2000), refer to the allegation to the Monitoring Officer of that other authority,

And shall authorise the Monitoring Officer to take all reasonable steps to implement its decision(s), with reasons, and to notify the person making the allegation and the member concerned of that decision.

4. The Assessment Sub-Committee of the Standards Committee shall also consider under sections 1 and 2 of the Local Government and Housing Act 1989:-
 - i. Any application received from any officer of the Council for exemption from political restriction in respect of the post held by that officer and may direct the Council that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Council under Section 2(2) of the Act; and
 - ii. Upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Council under Section 2(2) of the 1989 Act, and may direct the Council to include a post in that list.
5. **Composition** – The Assessment Sub-Committee of the Standards Committee shall comprise 5 members, two of whom shall be independent members of the Standards Committee (one of whom shall be Chairperson of the Sub-Committee) and three who will be elected members of the Council.
6. **Quorum** – The Quorum for a meeting of the Assessment Sub-Committee of the Standards Committee shall be 3 members (with an independent member as Chairperson) and at least one elected member of the Council.
7. **Frequency of Meetings** – The Assessment Sub-Committee of the Standards Committee will programme a meeting for each month, but will only meet if it needs to initially assess an allegation at that meeting.

Appendix B Terms of Reference of the Review Sub-Committee of the Standards Committee

Being mindful of the relevant legislation and any guidance issued by the Standards Board for England with regard to initial assessment:-

1. Upon the request for a review from a person who has made an allegation that a member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct, the Review Sub-Committee of the Standards Committee will convene to review a decision of the Assessment Sub-Committee of the Standards Committee that no action is taken in respect of that allegation.
2. The Review Sub-Committee of the Standards Committee is empowered to take all decisions as per paragraph 3 of the terms of reference of the Assessment Sub-Committee of the Standards Committee.
3. **Composition** - The Review Sub-Committee of the Standards Committee shall comprise 3 members of the Standards Committee who were not members of the Review Sub-Committee. At least one member shall be an independent member of the Standards Committee (and Chairperson of the Sub-Committee) and one will be an elected member of the Council.
4. **Quorum** - The Quorum for a meeting of the Review Sub-Committee of the Standards Committee shall be all 3 members.
5. **Frequency of Meetings** – The Review Sub-Committee of the Standards Committee shall meet as and when required to review any decision of the Assessment Sub-Committee of the Standards Committee within 3 months of the receipt of the request for such a review from the person who made the allegation.

Appendix C. Terms of Reference of the Hearing Sub-Committee of the Standards Committee

Being mindful of the relevant legislation and any guidance issued by the Standards Board for England with regard to initial assessment;-

1. In accordance with the decision of the Standards Committee, the Hearing Sub-Committee of the Standards Committee will hear and determine an allegation that a member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct.
2. **Composition** - The Hearing Sub-Committee of the Standards Committee shall comprise 5 members of the Standards Committee. Two of the members of the Hearing Sub-Committee of the Standards Committee shall be independent members of the Standards Committee (and Chairperson of the Sub-Committee), three elected members of the Council.
3. **Quorum** - The Quorum for a meeting of the Hearing Sub-Committee of the Standards Committee shall be all 3 members (with an independent member as Chairperson of the Sub-Committee), and at least one elected member of the Council.
4. **Frequency of Meetings** – The Hearing Sub-Committee of the Standards Committee shall meet as and when required to hear and determine any allegation(s) against an elected or co-opted member of the Council and will follow the local hearing procedures adopted by the Standards Committee.

CODE OF CONDUCT FOR MEMBERS: INFORMATION FOR POTENTIAL COMPLAINANTS

Changes to the complaints regime

From 8 May 2008, the responsibility for considering written complaints against an Elected or Co-opted Members of Haringey Council for breach of the Code of Conduct for Members will move to Haringey Council's Standards Committee.

In the event of it being a serious complaint, it may be referred by the Standards Committee to the Standards Board for England for investigation and, for less serious matters, it may be referred to the Council's Monitoring Officer for investigation or other appropriate action (e.g. training / conciliation).

What this means to you

After 8 May 2008 if you want to submit a written complaint about the conduct of an Elected or Co-opted Member of Haringey Council, you must submit your complaint to the address shown below.

Please note that the Assessment sub-committee of the Standards Committee can only deal with complaints about the alleged behaviour and conduct of a member. It will not deal with complaints about any of the Council's departments or matters not covered by the Council's Code of Conduct.

If you want to make a complaint against any member of Haringey Council, you will have to complete the necessary Complaint Form and provide relevant evidence to substantiate your allegation(s). The Form is available from the Monitoring Officer and the Council's website www.haringey.gov.uk

If you are unsure about any aspect of the process, please contact the Monitoring Officer before submitting any complaint(s).

Until 8 May 2008, the Standards Board for England remains responsible for carrying out this function. Please visit the Standards Board's website at www.standardsboard.gov.uk for further information.

What you should do if you wish to submit a written complaint

- Talk to / raise the matter with the Council's Monitoring Officer for general advice.
- Fully complete the attached Complaints Form (or ensure your letter of complaint addresses, in full, all of the issues covered in the Complaint Form).
- Submit the written complaint by post, e-mail or fax to the above address, preferably, within 28 days of alleged breach or explain

sufficiently, in the Complaint Form (or letter), as to why the complaint is being submitted outside of this period of time.

Address for submission of a written complaint

The Chairman of the Assessment Sub-Committee of the Standards Committee
c/o John Suddaby
Monitoring Officer, Haringey Council

Tel:

Fax:

E-mail:

Sanctions available to Standards Committees

Extract from 2008 Regulations - Findings of standards committees

19.—(1) Following a hearing held under regulation 18, a standards committee shall make one of the following findings—

(a) that the member who was the subject of the hearing had not failed to comply with the code of conduct of any authority concerned;

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

(c) 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 paragraph (2) or (3) should be imposed.

(2) If a standards committee makes a finding under paragraph (1)(c) in respect of a person who is no longer a member of any authority in respect of which it exercises any function under Part 3 of the Act, it shall censure that person.

(3) If a standards committee makes a finding under paragraph (1)(c) in respect of a person who is a member of an authority in respect of which it exercises any functions under Part 3 of the Act, it shall impose any one of, or any combination of, the following sanctions—

(a) censure of that member;

(b) restriction for a period not exceeding six months of that member's access to the premises of the authority or that member's use of the resources of the authority, provided that those restrictions—

(i) are reasonable and proportionate to the nature of the breach; and

(ii) do not unduly restrict the person's ability to perform the functions of a member;

(c) partial suspension(a) of that member for a period not exceeding six months;

(d) suspension of that member for a period not exceeding six months;

- (e) that the member submits a written apology in a form specified by the standards committee;
 - (f) that the member undertakes such training as the standards committee specifies;
 - (g) that the member participate in such conciliation as the standards committee specifies;
 - (h) partial suspension of the member for a period not exceeding six months or until such time as the member submits a written apology in a form specified by the standards committee;
 - (i) partial suspension of the member for a period not exceeding six months or until such time as the member has undertaken such training or has participated in such conciliation as the standards committee specifies;
 - (j) suspension of the member for a period not exceeding six months or until such time as the member has submitted a written apology in a form specified by the standards committee;
 - (k) suspension of the member for a period not exceeding six months or until such time as that member has undertaken such training or has participated in such conciliation as the standards committee specifies.
- (4) Subject to paragraph (5) and regulation 21 any sanction imposed under this regulation shall commence immediately following its imposition by the standards committee.
- (5) A standards committee may direct that the sanction imposed under any of subparagraphs (b) to (k) of paragraph (3) or, where a combination of such sanctions is imposed, such one or more of them as the committee specifies, shall commence on such date, within a period of six months after the imposition of that sanction, as the committee specifies.

Sanctions available to Adjudication Panel for England

Pursuant to section 79(4) of the Local Government Act 2000, as amended, a person found to have breached the Code of Conduct for Members may be:-

- (a) suspended or partially suspended from being a member or co-opted member of the relevant authority concerned, or
- (b) disqualified for being, or becoming (whether by election or otherwise), a member of that or any other relevant authority for a period of up to 5 years.

COMPLAINT FORM : CODE OF CONDUCT FOR MEMBERS

(Please read the 'INFORMATION FOR POTENTIAL COMPLAINANTS' before completing this Form).

**To The Chairman,
Assessment Sub-Committee of Haringey Standards Committee**

A. Your details

1. Please provide us with your name and contact details. Anonymous complaints will only be considered if there is independent evidence to substantiate the complaint.

Title:	
First name:	
Last name:	
Address:	
Contact telephone:	
Email address:	
Signature:	
Date of complaint:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people will see this form:

- Members of the Assessment Sub-Committee
- Monitoring Officer of Haringey Council

A brief summary of your complaint may also be shared, by the relevant Sub-Committee with the Member(s) you are complaining against. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete **Section C** of this Form and also discuss your reasons or concerns with the Council's Monitoring Officer.

2. Please tell us which complainant type best describes you:

- A member of the public
- An elected or co-opted Member of the Council
- An independent member of a Standards Committee
- A Member of Parliament
- A Monitoring Officer
- Other council employee, contractor or agent of the Council
- Other ()

3. Equality Monitoring Form - please fill in the attached form.

B. Making your complaint

The sanctions available to a Standards Committee are governed by law and more serious sanctions are only available to the Adjudication Panel for England. For a brief summary of sanctions available, please see information at the end of this Form.

4. Please provide us with the name of the member(s) you believe have breached the Council's Code of Conduct:

Title	First name	Last name

5. Please explain in this section (or on separate sheet(s)) what the Member is alleged to have done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done, with dates / witnesses to substantiate the alleged breach.

It is also important that you provide all the evidence you wish to have taken into account by the Standards Committee when it decides whether to take any action on your complaint or not. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said or did to insult you.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information or other relevant documentary evidence to support your allegation(s).
- If the allegation(s) being made occurred over 28 days after the alleged behaviour or conduct, clearly explain why the complaint was not made during that period of time.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

(Continue on separate sheet(s), as necessary)

C. Confidentiality of complainant and the complaint details

Only complete this next section if you are requesting that your identity is kept confidential

6. In the interests of fairness and in compliance with the rules of natural justice, we believe members who are complained about have a right to know who has made the complaint and the substance of the allegation(s) made against him / her. We are, therefore, unlikely to withhold your personal details or the details of your complaint unless you have good reasons to believe that you have justifiable grounds, for example:-
- to believe you may be victimised or harassed by the Member(s) against whom you are submitting a written complaint (or by a person associated with the same); or
 - may receive less favourable treatment from the Council because of the seniority of the Member against whom you are submitting a written complaint in terms of any existing Council service provision or any tender / contract that you may have or are about to submit to the Council.

Please note that requests for confidentiality or requests for suppression of the personal and complaint details will not automatically be granted. The Assessment Sub-Committee will consider the request alongside the substance of your complaint and the Monitoring Officer will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the opportunity, if you so wish, of withdrawing your complaint.

However, it is important to understand that - in exceptional circumstances, where the matter complained about is very serious - we may proceed with an investigation (or other action) and may have no choice but to disclose your personal and complaint details, because of the allegation(s) made, even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

(Continue on separate sheet(s), as necessary)

D. Remedy sought

7. Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint.

(Continue on separate sheet(s), as necessary)

E. Additional information

8. Complaints must be submitted in writing. This includes fax and electronic submissions. Frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.

9. In line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.

10. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.

F. Process from here

11. Once a valid complaint relating to an alleged breach of the Code of Conduct for Members has been received by the Monitoring Officer, it will be presented to a meeting of the Assessment Sub-Committee of the Standards Committee for consideration / determination. You and the member against whom the complaint has been made will not be allowed to attend the deliberations of the Sub-Committee as the matter will be considered in private.

12. The Sub-Committee may resolve to:

- (a) dismiss your complaint, with reasons;
- (b) ask you for additional information, with reasons;
- (c) refer your complaint to the Monitoring Officer for investigation (or other action); or
- (d) refer your complaint to the Standards Board for England if the complaint does not fall within the jurisdiction of the Standards Committee.

13. You will be notified after the meeting and given information on any further stage(s) in the process at that time.

John Suddaby,
Monitoring Officer,
Haringey Council,
Riverpark House

Tel:
Fax:
E-mail: john.suddaby@haringey.gov.uk

Haringey Council
- Information for monitoring purposes only -

Ethnic Origin

Choose one section from (A) to (E) then tick the appropriate box to indicate your cultural background. These are based on the 2001 Census with additional categories included.

A White

- British Albanian/Kosovan Romany
 Irish Bosnian

Any other White background please write here :

B Mixed

- White and Black - Caribbean Asian and Black
 White and Black – African White and Asian

Any other Mixed background please write here :

C Asian or Asian British

- Indian Kashmiri
 Pakistani Bangladeshi

Other Asian background please write here :

D Black or Black British

- Caribbean African

Any other Black background please write here :

E Chinese or other ethnic group

- Chinese Arab Afghan
 Vietnamese Kurdish

Any other please write here :

Dear [insert name of complainant]

Ref:

I thank you for your letter of [insert date] asking the Assessment Sub-Committee of the Standards Committee to consider your complaint. The Sub-Committee will meet over the coming few weeks to consider your complaint.

As per the normal procedure for such matters, you and the Member(s) against whom you have complained will not have the opportunity to attend this meeting, as it is not a public meeting, and you should take care when acting on this information, as some information in this matter may be confidential for the purposes of these proceedings and must not be released without first discussing the same with the Monitoring Officer.

If you have any queries about the process, please do not hesitate to contact me.

Yours sincerely

John Suddaby,
Monitoring Officer

**CODE OF CONDUCT FOR MEMBERS - DECISION NOTICE:
REFERRAL TO MONITORING OFFICER FOR
[INVESTIGATION OR OTHER ACTION (delete as
applicable)]**

**STANDARDS ASSESSMENT SUB-COMMITTEE
Reference [insert reference number]**

Parties receiving this Decision Notice should take care when acting on this information, as the matter could be the subject of a review and the Standards Review Sub-Committee may come to a different view on the complaint. In addition, some information in this Decision Notice may be confidential for the purposes of these proceedings and must not be released without first discussing the same with the Monitoring Officer.

Complaint

On [insert date], the Standards Assessment Sub-Committee considered a complaint from [name of complainant] concerning the alleged conduct of [name of member], a member of Haringey Council.

A general summary of the complaint appears below:

[Summarise complaint]

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Standards Sub-Committee (Initial Assessment) resolved to refer the allegation to the Monitoring Officer for [insert investigation/description of other action]

Potential breaches of the Code of Conduct identified

The Sub-Committee identified below the paragraphs of the Code of Conduct which may apply to the alleged breach. The investigator will, however, determine which paragraphs are actually relevant during the course of the investigation and which paragraphs may have been breached.

[Delete those which do not apply]

- failing to treat others with respect
- acting in a way that may cause the authority to breach an equality enactment
- bullying
- intimidating, or attempting to intimidate a person involved in an allegation against you
- compromising the impartiality of those who work for, or on behalf of, the authority
- disclosing confidential information
- bringing an office or authority into disrepute
- using your position as a member improperly to confer or secure an advantage or disadvantage
- not using the resources of the authority in accordance with their requirements
- disregarding advice when reaching decisions
- failing to give reasons for decisions
- failing to declare a personal or prejudicial interest
- having a prejudicial interest and failing to act appropriately
- failing to register interests

This Decision Notice is sent to the person or persons making the allegation, the member against whom the allegation was made.

What happens now?

[Delete those which do not apply]

- Investigation – Please see the attached guide on the investigations process [or a direction to where this is available]
- Other action – [describe to the complainant what, if any, allowance your authority makes for their involvement and/or notification in the other action]

Additional Help

If you need additional support in relation to this or future contact with us, please let the Monitoring Officer know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Signed **Date**

Chairman of the Standards Assessment Sub-Committee
c/o John Suddaby,
Monitoring Officer,
Haringey Council

Tel:
Fax:
E-mail:

**CODE OF CONDUCT FOR MEMBERS - DECISION NOTICE:
NO FURTHER ACTION**

STANDARDS ASSESSMENT SUB-COMMITTEE

Reference [insert reference number]

Parties receiving this Decision Notice should take care when acting on this information, as the matter could be the subject of a review and the Standards Review Sub-Committee may come to a different view on the complaint. In addition, some information in this Decision Notice may be confidential for the purposes of these proceedings and must not be released without first discussing the same with the Monitoring Officer.

Complaint

On [insert date], the Standards Assessment Sub-Committee considered a complaint from [name of complainant] concerning the alleged conduct of [name of member], a member of Haringey Council.

A general summary of the complaint appears below:

[Summarise complaint]

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Standards Assessment Sub-Committee decided that no action should be taken on the allegation.

Reasons for decision

[include reasons for decision]

This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made.

Right of review

At the written request of the complainant, the Standards Review Sub-committee can review and, if it considers it appropriate to do so, change the above decision as the Standards Review Sub-Committee is constituted of different Members from those Members on the Standards Assessment Sub-Committee.

If the complainant wishes to exercise the right of a review, the complainant must submit his / her written request within 30 days from the date of this Decision Notice, explaining in detail the grounds upon which the decision should be reviewed.

If a request for a review is received in the appropriate timescale, the Standards Review Sub-Committee will deal with it within a maximum of three months of receipt. All the parties mentioned above will be notified that a Review has been requested and the outcome of any such review.

Additional Help

If you need additional support in relation to this or future contact with us, please let the Monitoring Officer know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Signed **Date**

Chairman of the Standards Assessment Sub-Committee

c/o John Suddaby,
Monitoring Officer,
Haringey Council
Address

Tel:
Fax:
E-mail:

**CODE OF CONDUCT FOR MEMBERS - DECISION NOTICE:
REFERRAL TO THE STANDARDS BOARD FOR ENGLAND**

STANDARDS ASSESSMENT SUB-COMMITTEE

Reference [insert reference number]

Parties receiving this Decision Notice should take care when acting on this information, as the matter could be the subject of a review and the Standards Review Sub-Committee may come to a different view on the complaint. In addition, some information in this Decision Notice may be confidential for the purposes of these proceedings and must not be released without first discussing the same with the Monitoring Officer.

Complaint

On [insert date], the Standards Assessment Sub-Committee considered a complaint from [name of complainant] concerning the alleged conduct of [name of member], a member of Haringey Council.

A general summary of the complaint appears below:

[Summarise complaint]

Decision

In accordance with Section 57A(2)(b) of the Local Government Act 2000, as amended, the Standards Sub-Committee (Initial Assessment) decided to refer the allegation to the Standards Board for England, for the following reason(s): [delete which do not apply]

- The Sub-Committee believes that the status of the subject member would make it difficult for the authority to deal with the complaint.
- The Sub-Committee believes that the number of members involved would make it difficult for the authority to deal with the complaint.
- The Sub-Committee believes that the status of the complainant or complainants would make it difficult for the authority to deal with the complaint.
- The Sub-Committee believes that there is a potential conflict of interest for so many members of the Standards Committee and its Sub-Committees that it could not deal with the hearing of this allegation following an investigation.
- The Sub-Committee believes that there is a potential conflict of interest for the Monitoring Officer (or other officers) and that suitable alternative arrangements cannot be put in place to address the conflict.
- The member is a member of more than one authority having a Standards Committee, and the alleged conduct also relates to their capacity as member of another authority. The Sub-Committee believes that the Standards Board for England should decide how the allegation ought to be dealt with.

This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made and the Standards Board for England.

What happens now?

The Standards Board for England will now decide whether to investigate this allegation itself. It is not bound to take charge of the case, and has the discretion to refer the matter back to the Standards Assessment Sub-Committee, or to decide to take no further action in respect of the allegation. The Standards Board aims to make its decision within ten working days, and will write to the Standards Assessment Sub-Committee and the complainant when it has done so.

Additional Help

If you need additional support in relation to this or future contact with us, please let the Monitoring Officer know as soon as possible. If you have difficulty reading

this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Signed **Date**

Chairman of the Standards Assessment Sub-Committee

c/o John Suddaby,

Monitoring Officer,

Address

Tel:

Fax:

E-mail:

CODE OF CONDUCT FOR MEMBERS - DECISION NOTICE: REQUEST FOR FURTHER INFORMATION

Reference [insert reference number]

Parties receiving this Decision Notice should take care when acting on this information, as the matter could ultimately be the subject of a review and the Standards Review Sub-Committee may come to a different view on the complaint. In addition, some information in this Decision Notice may be confidential for the purposes of these proceedings and must not be released without first discussing the same with the Monitoring Officer.

Complaint

On [insert date], the Standards Assessment Sub-Committee considered a complaint from [name of complainant] concerning the alleged conduct of [name of member], a member of Haringey Council.

A general summary of the complaint appears below:

[Summarise complaint]

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Standards Assessment Sub-Committee resolved that no action should be taken on the allegation at this time. This is because the information provided was insufficient to make a decision as to whether there should be no action on the allegation(s) or whether the complaint should be referred for investigation (or other action).

Reasons for decision

In particular it was noted that [list gaps in information].

This decision notice is sent to the person or persons making the allegation and the member against whom the allegation was made. .

Provision of further information

If the requested information is provided within the 21 days of this Decision Notice, the Sub-Committee will consider afresh as to what to do with the complaint.

Unless and until further information is received, no further action will be taken on this allegation and if the information is not provided within 21 days or no good reasons have been put forward by the complainant to substantiate why more than 21 days is required to provide the required information, the Standards Assessment Sub-Committee is likely to resolve that no action should be taken on the allegation and the complainant will be advised, accordingly, at the relevant time.

Additional Help

If you need additional support in relation to this or future contact with us, please let the Monitoring Officer know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Signed **Date**

Chairman of the Standards Assessment Sub-Committee

c/o John Suddaby
Monitoring Officer,
Address

Tel:
Fax:
E-mail:

Dear [insert name of complainant]

Ref:

I refer to your recent allegation of a breach of the Code of Conduct and attach a copy of the Decision Notice of the Standards Assessment Sub-Committee), which also explains the relevant procedures including your right to seek a review of the decision.

As before, you should take care when acting on this information, as some information in this matter may be confidential for the purposes of these proceedings and must not be released without first discussing the same with the Monitoring Officer.

If you decide to exercise this right of review, I must receive your written request and any supporting information by [insert date].

Yours sincerely
John Suddaby,
Monitoring Officer
Haringey Council

Tel:

Fax:

E-mail:

Dear Councillor [insert name of member]

Ref:

Further to my letter of [insert date], I write to inform you that the complainant has asked for a review of the Standards Assessment Sub-Committee's decision not to investigate the complaint. The request was received on [insert date].

As before, you and the complainant will not have the opportunity to attend this meeting, as it is not a public meeting, and you should take care when acting on this information, as some information in this matter may be confidential for the purposes of these proceedings and must not be released without first discussing the same with the Monitoring Officer.

The Standards Review Sub-Committee can reach one of the following decisions:

- Uphold the decision of the Standards Assessment Sub-Committee not to refer your complaint for investigation or other action;
- Overturn the decision of the Standards Assessment Sub-Committee and refer your complaint to the Monitoring Officer for investigation (or other action); or
- Overturn the decision of the Standards Assessment Sub-Committee and refer your complaint to the Standards Board for England for investigation.

The Standards Review Sub-Committee is made up of members who were not on the Standards Assessment Sub-Committee and the sub-committee will make its decision within a maximum of three months of the date we received your review request. You will be informed of the decision in writing.

If you have any queries about the process, please do not hesitate to contact me.

Yours sincerely

John Suddaby,
Monitoring Officer

Dear [insert name of complainant]

Ref:

Further to my letter of [insert date] acknowledging your request for the Standards Review Sub-committee to review the handling of your complaint. The Standards Review Sub-Committee met on [insert date] to review your complaint and it has also carefully considered any further information that you might have provided for the review.

Parties receiving the attached Decision Notice should take care when acting on this information, as some information in this Decision Notice may be confidential for the purposes of these proceedings and must not be released without first discussing the same with the Monitoring Officer.

If you have any queries about the process, please do not hesitate to contact me.

Yours sincerely

John Suddaby,
Monitoring Officer

CODE OF CONDUCT FOR MEMBERS - DECISION NOTICE:

INITIAL ASSESSMENT – DECISION UPHELD

STANDARDS REVIEW SUB-COMMITTEE

Reference [insert reference number]

Parties receiving this Decision Notice should take care when acting on this information, as some information in this Decision Notice may be confidential for the purposes of these proceedings and must not be released without first discussing the same with the Monitoring Officer.

The Standards Review Sub-Committee met on [insert date] to review your complaint and it has also carefully considered any further information that you might have provided for the review.

Complaint

On [insert date], the Standards Assessment Sub-Committee considered a complaint from [name of complainant] concerning the alleged conduct of [name of member], a member of [insert authority/parish or town council name].

A general summary of the complaint appears below:

[Summarise complaint and Decision of Standards Assessment Sub-Committee]

Decision of Standards Review Sub-Committee

The Standards Review Sub-Committee has resolved to uphold the decision of the Standards Assessment Sub-Committee not to take any action on your complaint. [add further explanation if desired].

A copy of this Decision Notice has been sent to the person or persons making the allegation and the member against whom the allegation was made.

We realise that you may be disappointed with the results of the review. However, this is now the end of the process and there is no further right of appeal to the Council against this decision.

Signed **Date**

Chairman of the Standards Review Sub-Committee
c/o John Suddaby
Monitoring Officer,
Address

Tel:

Fax:

E-mail:

CODE OF CONDUCT FOR MEMBERS - DECISION NOTICE:

REFERRAL FOR [INVESTIGATION OR OTHER ACTION

(delete as applicable)]

STANDARDS REVIEW SUB-COMMITTEE

Reference [insert reference number]

Parties receiving this Decision Notice should take care when acting on this information, as some information in this Decision Notice may be confidential for the purposes of these proceedings and must not be released without first discussing the same with the Monitoring Officer.

The Standards Review Sub-Committee met on [insert date] to review your complaint and it has also carefully considered any further information that you might have provided for the review.

Complaint

On [insert date], the Standards Assessment Sub-Committee considered a complaint from [name of complainant] concerning the alleged conduct of [name of member], a member of [insert authority/parish or town council name].

A general summary of the complaint appears below:

[Summarise complaint and Decision of Standards Assessment Sub-Committee

Decision of Standards Review Sub-Committee

It was resolved to refer the allegation [delete those which do not apply: for investigation by monitoring officer/for investigation by Standards Board for England/to the monitoring officer for other action (include detail of other action proposed)]

Potential breaches of the Code of Conduct identified

The Standards Review Sub-Committee has identified below the paragraphs of the Code of Conduct which may apply to the alleged conduct. [for investigations only: The investigator will actually determine which paragraphs are relevant during the course of the investigation and which paragraphs may have been breached.]

[Delete those which do not apply]

- failing to treat others with respect
- acting in a way that may cause the authority to breach an equality enactment
- bullying
- intimidating, or attempting to intimidate a person involved in an allegation against you
- compromising the impartiality of those who work for, or on behalf of, the authority
- disclosing confidential information
- bringing an office or authority into disrepute
- using your position as a member improperly to confer or secure an advantage or disadvantage
- not using the resources of the authority in accordance with their requirements
- disregarding advice when reaching decisions
- failing to give reasons for decisions
- failing to declare a personal or prejudicial interest
- having a prejudicial interest and failing to act appropriately
- failing to register interests

A copy of this letter has been sent to the person or persons making the allegation and the member against whom the allegation was made.

What happens next?

[Delete those which do not apply]

- Investigation - Please see the attached guide on the investigations process.
- Referral to the Standards Board for England for investigation – The committee has referred the complaint to the Standards Board for England which will now decide whether to carry out the investigation into this matter. We will write to you again if the Standards Board for England refuses and refers the allegation back to the standards committee.
- Other action – [describe to the complainant what, if any, allowance your authority makes for their involvement and/or notification in the other action].

Additional Help

If you need additional support in relation to this or future contact with us, please let the Monitoring Officer know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

Signed **Date**

Chairman of the Standards Review Sub-Committee
c/o John Suddaby
Monitoring Officer,
Address

Tel:
Fax:
E-mail: