

Arrangements for consideration of complaints

LOCAL ASSESSMENT CRITERIA

The following criteria shall be applied to the Standards and Governance and Audit Assessment Sub-Committee and the Standards and Governance and Audit Review Sub-Committee when considering allegations that a Councillor has failed to comply with the Members' Code of Conduct.

- 1 Is the complaint within the jurisdiction of the Committee?
- 2 Is it a complaint against one or more named Member or co-opted Members of the Council covered by the Members' Code of Conduct?
- 3 Was the named Member in office at the time of the alleged conduct and the Code of Conduct was in force at the time?
- 4 Would the complaint, if proven, be a breach of the Code under which Member was operating at the time of the alleged misconduct?

NOTE: If the complaint fails one or more of the above tests, it cannot be investigated as a breach of the Code.

- 5 Is there prima facie evidence of a breach of the Code?
- 6 Is it serious enough to warrant a sanction?
- 7 Is this part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the Council and is there no other avenue left to deal with it except investigation?
- 8 In considering the case, the Sub-Committee will take into account the time that has passed since the alleged conduct occurred.
- 9 Would an investigation serve a useful purpose?
- 10 Is the case suitable for local investigation?
- 11 Does it appear that the complaint is really about dissatisfaction with a council decision?
- 12 Is there is not enough information currently available to justify a decision to refer the matter for investigation?

Factors to consider when deciding whether the identity of the complainant and/or written summary of the allegation should be disclosed to the Member the subject of the allegation.

- 1 Are there reasonable grounds for believing that the complainant will be at risk of physical harm if their identity is disclosed?
- 2 Is the complainant an officer who works closely with the Member and afraid of the consequences to their employment if their identity is disclosed?
- 3 Is there evidence of any medical risks associated with the complainant's identity being disclosed?
- 4 Is it feasible for the complaint to be investigated without the complainant's identity being disclosed (eg where the allegation is bullying of the complainant)?
- 5 Are there reasonable grounds for believing that disclosure of the complainant's identity and/or the provision of a written summary of allegation, may lead to intimidation of witnesses or the destruction of evidence?