

## **MONITORING OFFICER (OR AUTHORISED REPRESENTATIVE) OR STANDARDS PANEL**

### **Assessment Criteria**

Before starting an assessment of a complaint, the assessor (either an officer or a standards panel) must be satisfied that:-

1. It is a complaint against one or more named Members of the Council or of a town or parish Council within the Borough of Stockton-on-Tees.
2. The named Member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time.
3. The Member was acting in their Official Capacity (i.e. conducting the business of the authority; acting, claiming to act, or giving the impression they were acting as a representative of the authority) as a Member at the time of the alleged conduct.
4. The complaint, if proven, would be a breach of the Code under which the Member was operating at the time of the alleged misconduct.

If the complaint fails one or more of the above requirements it cannot be investigated as a breach of the code and the complainant will be informed that no further action will be taken in respect of the complaint.

### **Decisions to refer a complaint for investigation**

A complaint may be investigated when it meets one or more of the following criteria:-

- It is serious enough, if proven, to justify a sanction being imposed.
- It is part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the Authority and there is no other avenue left to deal with it, other than by investigation.
- It is serious enough to justify the cost of an investigation.

In considering the above points, the assessor will also take into account the time that has passed since the alleged conduct occurred, generally being no more than 6 months prior to the date of the complaint.

### **Decisions not to refer for investigation**

The assessor is unlikely to refer a complaint for investigation where it falls into any of the following categories:-

- The complaint appears to be vexatious, malicious, politically motivated, relatively minor, insufficiently serious, tit for tat, or there are other reasons why an investigation may not be in the public interest.

- The same, or substantially similar, complaint has already been the subject of an investigation and there is nothing more to be gained by further action being taken.
- The complaint concerns acts carried out in the Members private life.
- It appears that the complaint concerns, or is really about dissatisfaction with a Council decision, or policy rather than a breach of the Code.
- There is not enough information currently available to justify a decision to refer the matter for investigation.
- The complaint is about someone who has died, resigned, is seriously ill or is no longer a member of the Authority; therefore it is not in the public interest to pursue.
- Where the event/s or incident/s took place more than 6 months prior to the date of the complaint being received or where those involved are unlikely to remember the event/s or incident/s clearly enough to provide credible evidence.
- The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter and where independent evidence is likely to be difficult or impossible to obtain.
- If it is considered that the subject member has provided a satisfactory remedy to the complainant (for example by apologising).
- If it is considered that having regard to the nature of the complaint and the level of its potential seriousness, the public interest in conducting an investigation does not justify the cost of such an investigation.
- Where the allegation discloses a breach of the Members' Code of Conduct but it is considered that the complaint is not serious enough to warrant any further action.

### **Decisions to deal with complaints by way of action other than investigation**

Action short of investigation is likely to be warranted where:-

- Training for the Member concerned is considered to be a more appropriate way of dealing with the matter.
- A breakdown in relationships has occurred which may be effectively dealt with by conciliation or where the conduct complained of is a symptom of wider underlying conflicts which, if unresolved, are likely to lead to further misconduct or allegations of misconduct.
- An investigation is not the most cost effective way of resolving the matter and an Officer is able to deal with it informally.
- Some other action is more appropriate eg a review and/or change to the Authority's policies and procedures.

- The conduct complained of is not so serious that it requires a substantive formal sanction.
- The member complained of and the complainant are amenable to engaging in such alternative action and there appears to be a real prospect of a resolution.
- Where it appears that even if the allegation was investigated, and a breach of the Code of Conduct upheld, training and/or conciliation would be an appropriate remedy.

### **Decisions to refer the complaint to another Authority**

A complaint is likely to be referred to another Authority where:-

- It is about someone who is no longer a Member of an Authority within Stockton-on-Tees, but is a Member of another Authority. In such cases the complaint may be referred to that other Authority.

### **Anonymous Complaints**

Anonymous complaints will only be considered if there is independent evidence to substantiate them. There must be documentary, photographic or other evidence which supports the substance of the anonymous complaint. However, even if such evidence has been provided, a complaint that is minor in nature, or appears to be malicious or politically motivated, is unlikely to be considered.

### **Withdrawing Complaints**

A complainant may ask to withdraw their complaint before it is considered.

In such circumstances, and before coming to a decision on the request, the assessor will, for instance, need to consider:-

- Whether the public interest in taking action about the complaint (eg because of its seriousness) outweighs the complainant's wish for the matter to be withdrawn;
- If the complaint can be actioned eg investigated, without the complainant's participation or assistance;
- The actual reasons given (if any), and what other reasons there appear to be, for the request to withdraw and whether those reasons would support a decision to agree to the withdrawal of the complaint (e.g. such as pressure from others to withdraw).