

APPENDIX 2

PROCEDURE FOR DEALING WITH STANDARDS COMPLAINTS

Complaints

- 1 Allegations of breaches of the Code of Conduct should be made in writing to the Monitoring Officer (MO) by any Elected Member, Officer, and partner of the Council or resident of Sheffield.
- 2 The MO will decide if this allegation is a potential breach of the code. If the matter complained of does not constitute a potential breach of the code the MO will inform the complainant.
- 3 If the MO believes there may be a potential breach of the Code they may take the following actions in consultation with the Independent Person without determining if an actual breach has taken place:-
 - Take such steps as they think appropriate to prevent a future breach of the Code including training, guidance, introducing or amending policies/protocols.
 - Ask the Whips to address the issue raised within their political parties or with an individual Member.
 - Mediate between the parties involved to resolve the issues.
 - Obtain further information from the complainant or other relevant individual/body.
- 4 The MO, after taking the above steps as appropriate, will decide, in consultation with the Independent Person, if the matter should be investigated.
- 5 The MO will take into account when deciding if the matter should be investigated :-
 - The seriousness of the allegation.
 - The effectiveness of the remedies available.
 - If a significant amount of time has elapsed since the events which are the subject of the complaint.
 - The benefits of an independent consideration of the allegation.
 - If the allegation relates to a cultural or recurring issue relating to standards within the Council.

- If the matter should be dealt with by some other method, e.g. police investigation.
 - If complaints have been made about the Member relating to similar issues in the past.
 - The impact on the complainant or reputation to the Council caused by the conduct.
 - If the complaint appears to be trivial or vexatious or is part of a series of complaints from the complainant.
 - The conduct occurred during political debate or could be regarded as a political expression of views or opinion
- 6 It is expected that only a minority of potential breaches will be referred to the Standard Committee.

Procedure for Investigations

7. If the matter is to be investigated, the complainant and subject of the complaint will be informed by the MO. The Elected Member will be given full details of the allegation and have 14 days to submit a response, witness statements and any relevant information. The Member will be asked to express a preference for a written or oral hearing should the matter be referred to the Standards Committee.
8. The MO will supply the complainant with copies of any documents produced in accordance with paragraph 3 or 7 above. The complainant may provide a written response and further evidence if they choose to do so. They must respond within 14 days of receipt of the information. The MO or Independent Person may advise and assist either party with the written information to be supplied.
9. The Independent Person and the MO will consider the complaint and responses to decide if any further information should be obtained by the MO or if an internal or independent investigation is required on all or any aspect of the complaint.
10. The MO in consultation with the Independent Person shall decide when the investigation process set out in 7 to 9 above is complete and if evidence of a breach is found. If no evidence is found no further action will be taken and the MO will inform the complainant.
11. Where the investigation finds evidence of failure to comply with the Code of Conduct, the MO, in consultation with the Independent Person, may attempt a local resolution, avoiding the necessity of a hearing by identifying other appropriate remedial action. It would only be appropriate for the MO to agree a local resolution after consultation with the Independent Person and subject to a summary report for

information being submitted to the Standards Committee.

Standards Committee

12. If evidence of a breach is found on investigation and the matter cannot be resolved, the MO will refer the matter to the Standards Committee. The Standards Committee will meet within two months of the referral to consider the allegation and make clear findings as to the facts on the matter and whether, in its opinion, a breach of the Code of Conduct has occurred. This decision will be made upon the papers submitted if the Member agrees. If the member does not agree to a paper consideration he/she will be asked to attend the Standards Committee to give oral representations and present their evidence. The Member may, with the consent of the Committee obtained prior to the meeting, present witnesses.

The Committee will meet in public unless the Chair decides all or some of the meeting should be held in private subject to the Access to Information requirements. The MO will attend the meeting and can provide advice to the Committee.

13. The Committee shall decide if a breach of the Code has taken place and what sanction, if any, it should recommend. The Committee will give reasons for its decision.
14. The MO will inform the complainant and the Member of the outcome in writing within 7 days.
15. The findings and decision of the Standards Committee will be publicly available on the Council's website and copies will be supplied to the MO, Chief Executive and Member concerned, Leaders of the political party concerned, the Whips and the complainant.

Remedies

16. If the Standards Committee finds a breach of the Code has occurred they may make any of the following recommendations and may specify to whom they wish them to be directed:
 - Recommending to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council or Shadow Portfolio responsibilities
 - Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - Instructing the Monitoring Officer to arrange training for the member;

- That policies/procedures are amended;
- That a briefing/information note be issued;
- That an apology be given;
- That the member is censured in writing and a copy of the letter is published on the Council's website.

Appeals

17. It is not intended that an Appeal procedure would be used as a matter of course. If, however, the Standards Committee Chair and MO agree that the nature of the decision may have a significant impact on the member against whom findings are made or has important implications for the Council as a whole, they may allow an appeal to the Standards Committee of another authority with whom a reciprocal agreement exists. The views of one of the IPs not involved in the case would be taken into account in any appeal. If no suitable Committee is available the appeal will be dealt with by the Council's Chief Executive.

Reports

18. A bi-annual report will be presented to Members of the Standards Committee on the complaints received and how they were dealt with. An annual report will be prepared for Council in relation to all Standards Complaints.

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