

Committee: <b>STANDARDS COMMITTEE</b>	Date: <b>17 June 2008</b>	Classification: <b>UNRESTRICTED</b>	Report No.	Agenda Item No.
Report Of: <b>Assistant Chief Executive (Legal Services)</b>		Title: <b>Local Assessment of Complaints</b>		
Originating Officer: <b>Isabella Freeman</b>		Wards Affected: <b>All</b>		

**DRAFT**

**1. SUMMARY**

- 1.1 Members were updated on the position regarding the local assessment of complaints at their last meeting on 15 April 2008. At that time central Government had made regulations and orders to bring into effect the local standards framework and the local assessment of complaints but the implementation date had not been confirmed. Accordingly Members were advised that a further report would be submitted to the Committee setting out in detail how the local standards framework would operate once the implementation date was confirmed and guidance had been issued by the Standards Board for England.
- 1.2 The regulations and orders issued by the Department for Communities & Local Government under the Local Government & Public Involvement in Health Act 2007 (the Act) took effect on 8 May 2008. In addition, guidance has now been issued by the Standards Board on the local assessment framework. Therefore until 8 May 2008 a complaint of misconduct by a Member had to be submitted to the Standards Board for England and the Board's Referrals Unit determined whether the allegation appeared to disclose a failure by a Member to comply with the Code of Conduct for Members and if so whether the allegation merited investigation. From 8 May 2008, all such complaints must be made to the Council's Standards Committee and a sub-committee of the Standards Committee will have to decide whether the complaint discloses a potential breach of the Code of Conduct that merits investigation.

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**LOCAL GOVERNMENT ACT 1972 (AS AMENDED) SECTION 100D  
LIST OF "BACKGROUND PAPERS" USED IN THE PREPARATION OF THIS REPORT**

Brief description of "background paper"

Tick if copy  
supplied for register

If not supplied, name  
and telephone number  
of holder

Standards Committee file

Isabella Freeman 020 7364 4800

## 2. RECOMMENDATION

- 2.1 Members are therefore asked to agree the following proposed arrangements developed in line with the Standards Board Guidance for handling complaints against Members and for addressing associated issues as set out in section three below.

## 3. LOCAL ASSESSMENT OF COMPLAINTS

- 3.1 Decisions as to whether to investigate complaints about alleged contraventions of the Code of Conduct for Members are now to be determined by a sub-committee of the Standards Committee and the Standards Committee will be required to report periodically to the Standards Board (which has taken on a more strategic role with responsibility for ensuring the effectiveness of local arrangements).
- 3.2 **Sub-committees.** The Act requires the Standards Committee to establish a sub-committee (the Assessment Sub-Committee) that will be required to undertake the initial assessment and decide whether the complaint shows an apparent failure to comply with the Code of Conduct for Members and, if so, whether that complaint merits investigation or other action. If the Assessment Sub-Committee decides to take no action in respect of an allegation, the complainant will have 30 days within which to request the Council to review that decision. The Act requires the Standards Committee to set up a second sub-committee (the Review Sub-Committee) to conduct that review. No member can sit on the Review Sub-Committee in respect of a complaint where they were on the Assessment Sub-Committee for the initial assessment of the same complaint.
- 3.3 If the matter is referred for investigation and referred for a local hearing, the Standards Board recommends that such hearings should be held before a sub-committee (a Hearings Sub-Committee) of between three and five members. We already have this in place.
- 3.4 Whilst the Act prohibits any Member from sitting on both the Assessment Sub-Committee and the Review Sub-Committee on the same matter (on the basis that a Member cannot fairly review her/his own decision) there is no similar statutory prohibition of a Member sitting on the Hearings Sub-Committee when that Member was previously either a member of the Assessment Sub-Committee or the Review Sub-Committee in respect of the same matter.
- 3.5 The quorum for the Assessment and Review Sub-Committees is three Members and at least 25% of each sub-committee must be independent co-opted Members, one of whom must be present to chair the meeting. Also at least one elected Member of the Council must be present at each meeting.
- 3.6 Since the Assessment Sub-Committee must be available at short notice to deal with any allegation within 20 working days of receipt, the Standards Committee is recommended to appoint the membership and agree the terms of reference for the Assessment Sub-Committee as set out in Appendix One to this report so as to comply with statutory requirements and ensure that a quorum will be available.

- 3.7 Any review of a decision by the Assessment Sub-Committee must be conducted within three months of a request for review and the Standards Committee is recommended to appoint the membership and agree the terms of reference for the Review Sub-Committee as set out in Appendix Two to this report so as to comply with statutory requirements and ensure that a quorum will be available.
- 3.8 Where an allegation is referred for investigation by either sub-committee, the hearing must be held within three months of receipt of the investigation report. The Standards Committee agreed arrangements for operation of a Hearings Sub-Committee at its meeting on 18 July 2006 to consider cases referred for local determination by the Standards Board for England. These have now been updated to take account of the new arrangements for the local assessment of complaints and the Standards Committee is recommended to appoint the membership and agree the terms of reference for the Hearings Sub-Committee as set out in Appendix Three to this report.
- 3.9 **Notifying the Member of a complaint.** The Act requires the Standards Committee to notify the Member of the receipt of a complaint and to provide a written summary of the allegation. The first meeting at which the Committee itself could notify the Member is likely to be the meeting at which the sub-committee conducts the initial assessment. However, in practice the Council also needs to acknowledge receipt of the allegation to the person making the complaint and advise them when it is going to be assessed and there is nothing to prevent the person making the complaint from publicising that fact.
- 3.10 Accordingly in order to avoid the potential for the Member concerned learning of the complaint from the person making the complaint or from the press, the Standards Committee is recommended to agree that the Monitoring Officer will notify the Member of receipt of the complaint at the same time as acknowledging the receipt of the complaint to the person making the complaint. The Monitoring Officer will also provide a summary of the complaint to the Member but may not disclose the identity of the complainant at this stage in the process. The Monitoring Officer will also when notifying the Member remind them that if they seek to lobby other Members in their own cause following such notification they would be committing a breach of the Code of Conduct.
- 3.11 In a small number of cases it may prejudice any investigation (for example where there is a danger of the Member interfering with evidence or intimidating witnesses) or be otherwise contrary to the public interest to notify the Member at this stage in the process. It is therefore recommended that the Standards Committee agree that in such cases the Monitoring Officer be given the discretion, after consulting the Chair of the Committee, to defer notification to the Member until the meeting of the Assessment Sub-Committee or until such time as the reasons for deferral of notification no longer apply (for example when sufficient preliminary investigation has been completed in order for the sub-committee to make a proper assessment). If the Member has not been notified of the complaint by the Monitoring Officer in advance of the meeting of the Assessment Sub-Committee, it will be for the sub-committee to determine whether it remains contrary to the public interest or would prejudice any investigation if the Member were provided with a written summary of the allegation at that time.

- 3.12 **Resolving complaints.** There is no formal procedure for local resolution of complaints in the Act. However, investigations and hearings are expensive and where the Member concerned has acknowledged that her/his conduct was at fault and apologised; the Assessment Sub-Committee may determine that the matter should not proceed to investigation. In addition, there may be cases in which informal mediation by the Monitoring Officer before reporting to the Assessment Sub-Committee may avoid the need for a local investigation and/or hearing.
- 3.13 The Standards Committee is therefore recommended to agree the Process for Handling Complaints attached as Appendix Four enabling the Monitoring Officer to seek a local resolution to complaints in appropriate circumstances.
- 3.14 **Filtering complaints.** The Standards Board experience has been that a large number of complaints received do not relate to the Code of Conduct for Members. It is possible that publicity for the new system of local assessment will engender more such complaints which can generally be categorised as follows:
- Requests for additional service from the Council.
  - Statements of policy disagreement.
  - Matters relating to other public authorities.
  - Matters relating to a Member's private life.
- 3.15 The legislation provides that the function of initial assessment of complaints must be conducted by a sub-committee, but does not allow for delegation of this function to the Monitoring Officer. Where the Monitoring Officer identifies that a complaint is unconnected with the Code of conduct she may be able to ensure that the complaint is dealt with accordingly, responding to the complainant to set out how the matter is being dealt with, and only reporting to the Assessment Sub-Committee if the complainant insists that it be dealt with as a Standards Committee complaint. In all other cases, it will be necessary to report to the Assessment Sub-Committee and for the that sub-committee to determine which of the following statutory options should apply:
- refer the allegation to the Monitoring Officer;
  - refer the allegation to the Standards Board for England;
  - decide that no action should be taken in respect of the allegation, or
  - where the allegation relates to a person who is no longer a Member of the Council but is a Member of another relevant local authority, refer the allegation to the Monitoring Officer of that other authority.
- 3.15 **Anonymous and multiple complaints.** There is nothing in the legislation which requires a complaint to be signed by the complainant. The Standards Board for England has entertained some anonymous complaints, but in such cases it is not possible to meet the requirements to notify the complainant of the decision in respect of the complaint. The Standards Committee is recommended to agree a policy of not considering anonymous complaints except in exceptional circumstance

where the Monitoring Officer after consultation with the Chief Executive and Chair of the Standards Committee concludes that the anonymous complaint raises a serious issue affecting the public interest which is capable of investigation without the need to ascertain the complainant's identity. The Monitoring Officer will maintain a record of any other anonymous complaints but take no further action in relation to those matters.

- 3.16 It is not uncommon that one event gives rise to similar complaints from a number of different complainants. The legislative position is that each separate complaint must be considered, and that even where a meeting of the Assessment Sub-Committee has previously decided that no action be taken upon an identical complaint, a subsequent complaint must still be reported to and considered by the Assessment Sub-Committee.
- 3.17 **Pre-investigation.** The Assessment Sub-Committee has to decide whether the allegation appears to disclose a failure to comply with the Code of Conduct for Members, and then whether it merits investigation. Where the sub-committee has only the letter of complaint, it is not always easy to assess whether there is any substance to the allegation. However, there may be information which is readily available which might substantiate, or contradict, the allegation and so make it easier for the sub-committee to decide whether the complaint has any substance.
- 3.18 Whilst the Monitoring Officer cannot “investigate whether to investigate” she can usefully check available information between receipt of the complaint and the meeting of the Assessment Sub-Committee. The Standards Committee is therefore asked to agree that the Monitoring Officer should provide the Assessment Sub-Committee with any additional information to that provided by the complainant which might assist the sub-committee in reaching a decision about whether a complaint merits investigation.
- 3.19 **Public information about complaints.** The Regulations provide that meetings of the Assessment Sub-Committee and the Review Sub-Committee are excluded from the Scope of Part VA of the Local Government Act 1972 so that there is no public right of access to meetings or documents. However, each sub-committee is required to produce a written summary of its consideration of any complaint which must be published (unless to do so might prejudice any investigation of the complaint or otherwise be contrary to the public interest).
- 3.20 **Notification following initial assessment.** Where the Assessment Sub-Committee decides that no action be taken on a complaint, it must take reasonable steps to give notice in writing to the complainant of the decision and the reasons for that decision. It must also give similar notification to the Member concerned of a decision not to take any action. There is no such requirement for a decision to investigate or to refer a complaint to the Standards Board for England, but as a matter of policy such notification should be given unless there are exceptional circumstances where such disclosure might impede proper investigation (see paragraphs 3.9, 3.10 and 3.11 above)
- 3.21 **Review of initial assessment.** Where the Assessment Sub-Committee decides that no action should be taken on a complaint, the complainant may, within 30 days

of being notified of that decision, request the Review Sub-Committee to review that decision. The Review Sub-Committee's decision is then notified to the complainant, there is then no further recourse open to the complainant other than judicial review.

- 3.22 **Complaints referred for investigation.** Where the investigating officer concludes that there has not been a failure to observe the Code of Conduct, the regulations provide for the Monitoring Officer's report to come before the Standards Committee (or a sub-committee of the Standards Committee) which then decides whether it accepts the investigating officer's conclusion, or whether it wishes to conduct a formal hearing. This procedure remains as before.
- 3.23 However, previously where the investigating found a failure to observe the Code of Conduct, the regulations provided for the matter to proceed directly to a local hearing. If the Committee or sub-committee decided that it could not fairly hear the matter or that the matter was so serious that it would merit more than a maximum 3 months suspension, it could request the Standards Board to take the matter back and refer it to a national Case Tribunal for hearing.
- 3.24 The new regulations provide that the Monitoring Officer's report has to be reported to the Standards Committee, or a sub-committee, which can decide to send it for a local hearing (or a case tribunal of the Adjudication Panel for England). The regulations also require that this meeting of the Committee or sub-committee is held to consider the report and take this decision before a local hearing can be arranged. The Standards Committee is recommended to agree that this function is discharged by the Assessment Sub-Committee as members of that sub-committee will not be members of the Hearings Sub-Committee.
- 3.25 **Publicity.** The Standards Committee is required to publicise the address or addresses to which complaints of misconduct should be sent and to keep published details up to date. In order to meet this requirement advertisements have already been placed in the East London Advertiser/East End Life and the Council's website has been updated to include relevant information. The Standards Committee must also publish details of the procedures it will follow in relation to any written allegation received about alleged misconduct by a Member. Relevant procedures and details as to how to make a complaint will be published on the Council's website to accord with the proposals set out in this report subject to the Committee's agreement.

#### **4. COMMENTS OF THE CHIEF FINANCIAL OFFICER**

- 4.1 Overall the arrangements for the local assessment of complaints will require a larger Standards Committee, with more sub-committees, and more meetings. They will also require the Monitoring Officer and her staff to undertake a significant amount of additional work in receiving any allegations of misconduct and reporting them to the relevant sub-committees. There are therefore potentially substantial cost implications dependant upon the number of actual complaints of misconduct received. There is no additional Central Government funding being provided as a result of this change and the budgetary position will therefore be carefully monitored in the present financial year.

**5. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)**

- 5.1 This report has been prepared by the Assistant Chief Executive (Legal Services) who is also the Council's monitoring officer and incorporates legal comments.

**6. RISK MANAGEMENT IMPLICATIONS**

- 6.1 Ethical governance arrangements are essential to the operation and reputation of the Authority. The proposals contained in this report accord with legislative requirements and guidance issued by the standards Board for England relating to the local assessment of complaints about Member conduct.

**7. EQUAL OPPORTUNITY CONSIDERATIONS**

- 7.1 There are no specific equal opportunity implications arising out of this report.

**8. ANTI-POVERTY IMPLICATIONS**

- 8.1 There are no specific anti-poverty implications arising out of this report.

**9. SAGE IMPLICATIONS**

- 9.1 This report has no immediate implications for the Council's policy of strategic action for a greener environment.

## **Appendix One**

### **Membership and Terms of Reference of the Assessment Sub-Committee**

As approved by the Standards Committee

#### **Terms of Reference**

1. The Assessment Sub-Committee is established to receive written complaints that a Member of the Council may have failed to comply with the Council's Code of Conduct for Members.
2. Upon receipt of each complaint and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the complaint and take one of the following courses of action:
  - a. Decide that no action should be taken in respect of the complaint.
  - b. Ask for additional information from the complainant before completing the initial assessment.
  - c. Refer the complaint to the Monitoring Officer, with an instruction that s/he arrange an investigation, or directing that s/he arrange training, conciliation or such appropriate alternative steps as permitted by relevant legislation.
  - d. If the complaint is sufficiently serious or there is a conflict of interest for the Standards Committee, refer the matter to the Standards Board for England.
  - e. Where the complaint 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 the allegation to the Monitoring Officer of that other relevant authority.
3. The Monitoring Officer shall take reasonable steps to notify the person making the complaint and the Member concerned of that decision and the reasons for it. The Monitoring Officer shall at the same time provide the Member concerned with a written summary of the complaint unless to do so would prejudice any investigation of the complaint or otherwise be contrary to the public interest.
4. Upon completion of an investigation into a complaint referred to the Monitoring Officer under paragraph 2c above or under paragraph 2c of the Review Sub-Committee terms of reference, the Assessment Sub-Committee shall be responsible for determining whether:
  - a. It accepts the investigating officer's finding of no failure to observe the Code of Conduct; or
  - b. the matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee; or



- c. the matter should be referred to the Adjudication Panel for England for determination.
5. Where the Sub-Committee resolves to do any of the actions set out in Paragraph 4b or 4c above, the Sub-Committee shall state its reasons for that decision.
6. The Sub-Committee shall also consider any application received from any Council officer for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 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 that Act.
7. The Sub-Committee shall also upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2(2) of the 1989 Act, and may direct the Authority to include a post in that list.

### **Composition of the Assessment Sub-Committee**

8. The Assessment Sub-Committee shall comprise a minimum of 3 members of the Standards Committee, at least 1 of whom shall be an independent co-opted Member and one an elected Member of the Standards Committee. An independent co-opted Member shall chair the Sub-Committee.
9. All members of the Standards Committee are appointed by the Committee to the Assessment Sub-Committee. Upon receipt of a complaint the Monitoring Officer shall invite an appropriate number of members from the Sub-Committee to assess that complaint. In issuing invitations the Monitoring Officer shall have regard to:

The need to avoid pre-determination, bias and potential conflicts of interest.

Gender balance

Ethnicity balance

### **Quorum**

10. The quorum for a meeting of the Sub-Committee shall be 3 Members, with an Independent Co-opted Member as Chair and at least one elected Member of the Council.

### **Frequency of Meetings**

11. The Sub-Committee shall meet as and when required to assess any complaint(s) against an elected or co-opted Member of the Council.

## **Appendix Two**

### **Membership and Terms of Reference of the Review Sub-Committee**

As approved by the Standards Committee

#### **Terms of Reference**

1. The Review Sub-Committee is established to review, upon the request of a person who has made a complaint that a Member of the Council may have failed to comply with the Council's Code of Conduct for Members, a decision of the Assessment Sub-Committee that no action be taken in respect of that complaint.
2. Upon receipt of each such request and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the Assessment Sub-Committee and take one of the following courses of action:
  - a. Decide that no action should be taken in respect of the complaint.
  - b. Ask for additional information from the complainant before completing the review.
  - c. Refer the complaint to the Monitoring Officer, with an instruction that s/he arrange an investigation, or directing that s/he arrange training, conciliation or such appropriate alternative steps as permitted by relevant legislation.
  - d. If the complaint is sufficiently serious or there is a conflict of interest for the Standards Committee, refer the matter to the Standards Board for England.
  - e. Where the complaint 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 the allegation to the Monitoring Officer of that other relevant authority.
3. The Monitoring Officer shall take reasonable steps to notify the person making the complaint and the Member concerned of that decision and the reasons for it. The Monitoring Officer shall at the same time provide the Member concerned with a written summary of the complaint unless to do so would prejudice any investigation of the complaint or otherwise be contrary to the public interest.

#### **Composition of the Review Sub-Committee**

4. The Review Sub-Committee shall comprise a minimum of 3 members of the Standards Committee, at least 1 of whom shall be an independent co-opted Member and one an elected Member of the Standards Committee. An independent co-opted Member shall chair the Sub-Committee.
5. All members of the Standards Committee are appointed by the Committee to the Review Sub-Committee. Upon receipt of a request for review the Monitoring Officer shall invite an appropriate number of members from the Sub-Committee to assess that complaint. In issuing invitations the Monitoring Officer shall have regard to:

The need to avoid pre-determination, bias and potential conflicts of interest.  
Gender balance  
Ethnicity balance

### **Quorum**

6. The quorum for a meeting of the Sub-Committee shall be 3 Members, with an Independent Co-opted Member as Chair and at least one elected Member of the Council.

### **Frequency of Meetings**

The Sub-Committee shall meet as and when required to enable it to undertake the review of any decision of the assessment Sub-Committee within 3 months of the receipt of the request for such a review from the person who made the complaint.



## **Appendix Three**

### **Membership and Terms of Reference of the Hearings Sub-Committee**

As approved by the Standards Committee

#### **Terms of Reference**

1. The Hearings Sub-Committee is established to determine any complaint that an elected or co-opted Member of the Council may have failed to comply with the Council's Code of Conduct for Members where the complaint has been subject to an investigation arranged by the Monitoring Officer and the Assessment Sub-Committee has referred the matter for consideration at a hearing before the Hearings Sub-Committee.

#### **Composition of the Hearings Sub-Committee**

2. The Hearings Sub-Committee shall comprise a minimum of 3 members of the Standards Committee, at least 1 of whom shall be an independent co-opted Member and one an elected Member of the Standards Committee. An independent co-opted Member shall chair the Sub-Committee.
3. All members of the Standards Committee are appointed by the Committee to the Hearings Sub-Committee. Where a matter is referred for consideration at a hearing before the Sub-Committee the Monitoring Officer shall invite a maximum of five members from the Sub-Committee to conduct the hearing. In issuing invitations the Monitoring Officer shall have regard to:

The need to avoid pre-determination, bias and potential conflicts of interest.

Gender balance

Ethnicity balance

#### **Quorum**

4. The quorum for a meeting of the Sub-Committee shall be 3 Members, with an Independent Co-opted Member as Chair and at least one elected Member of the Council.

#### **Frequency of Meetings**

5. The Sub-Committee shall meet as and when required to enable it to consider at a hearing the outcome of an investigation and within 3 months of the Monitoring Officer having received an investigation report relating to any complaint(s).



## **Appendix Four**

### **Process for Handling Complaints**

As approved by the Standards Committee

#### **Receipt of Allegations**

1. The Monitoring Officer shall establish arrangements within the Council to secure that any allegation made in writing that a Member of the Council may have failed to comply with the Council's Code of Conduct for Members is referred to her immediately upon receipt by the Authority.
2. The Monitoring Officer shall maintain a register of such complaints to ensure that the Council can comply with its obligations under the relevant legislation.
3. Complaints will normally only be considered where they are signed by the complainant, but the Monitoring Officer is authorised to maintain the confidentiality of the identity of the complainant where and for so long as in her opinion that would be in the public interest.

#### **Notification of Receipt of Complaints**

4. All complaints that relate to breach of the Member Code of Conduct must be assessed by the Assessment Sub-Committee, so the Monitoring Officer has no authority to deal with a complaint which appears to be an allegation of failure by a Member to observe the Code of Conduct other than by reporting it to the Assessment Sub-Committee. The Monitoring Officer shall therefore determine whether the complaint appears to be a substantive allegation of misconduct. Where it appears not to be, she shall ensure that the matter is dealt with under a more appropriate procedure, for example where it is really a request for service from the Authority, a statement of policy disagreement, a legal claim against the Authority or a complaint against an officer of the Authority.
5. Following receipt of the complaint, and where the allegation does appear to be a complaint of misconduct against a Member, the Monitoring Officer will:
  - a. Acknowledge to the complainant receipt of the allegation and confirm that the allegation will be assessed by the Assessment Sub-Committee at its next convenient meeting.
  - b. Notify the Member against whom the complaint is made of receipt of the complaint, summarising the allegation and confirm that the allegation will be assessed at the next convenient meeting of the Assessment Sub-Committee. However, where the Monitoring Officer is of the opinion that such notification would be contrary to the public interest or would prejudice any investigation into the allegation, she may then decide that no such advance notification shall be given to the Member concerned.
  - c. Collect such information as is available and would assist the Assessment Sub-Committee in its function of assessing the complaint.

- d. If appropriate, seek local resolution of the complaint, in accordance with local resolution process outlined below;
- e. Arrange for a report, including a copy of the complaint, and such other available information to be considered by a meeting of the Assessment Sub-Committee with a recommendation as to whether the allegation discloses an apparent failure to observe the Council's Code of Conduct for Members.

### **Local Resolution**

- 6. Local resolution is not an alternative to reporting a complaint to the Assessment Sub-Committee, but can avoid the necessity of a formal local investigation.
- 7. Where the Monitoring Officer is of the opinion that there is the potential for local resolution, she shall approach the Member against whom the allegation has been made and ask whether s/he is prepared to acknowledge that his/her conduct was inappropriate, and whether s/he would be prepared to offer an apology or undertake other appropriate remedial action. With the consent of the Member concerned, the Monitoring Officer may then approach the complainant and ask whether the complainant is satisfied by such apology or other remedial action. The Monitoring Officer should then report to the Assessment Sub-Committee as required, and at the same time report the response of the Member concerned and of the complainant. Where the Member has acknowledged that his/her conduct was inappropriate, and particularly where the complainant is satisfied with an apology or other remedial action, the Assessment Sub-Committee will take that into account when considering whether the matter merits investigation.
- 8. Where a complaint is made by one Member of the Council about the conduct of another Member of the Council and the Monitoring Officer is of the opinion that there is the potential for local resolution she shall in the first instance refer the matter to the appropriate group leader or group leaders for resolution by way of apology or other remedial action before reporting to the Assessment Sub-Committee.

### **Review of Decisions not to Investigate**

- 9. Where the Assessment Sub-Committee has decided that no action be taken on a particular complaint, the Monitoring Officer shall advise the complainant of the decision, and the complainant may then within 30 days of receipt of such notification request that the Review Sub-Committee review that decision.
- 10. The Monitoring Officer shall report to the Review Sub-Committee the information which was provided to the Assessment Sub-Committee in respect of the complaint, the written summary of the Assessment Sub-Committee and any additional relevant information which has become available prior to the meeting of the Review Sub-Committee.



## **Local Investigation**

11. The Monitoring Officer will not normally personally conduct a local investigation. She will appoint another senior officer of the Authority, a senior officer of another authority or an appropriately experienced external investigator.