

Monitoring Officer Protocol

Instructions to the Monitoring Officer on the discharge of functions in relation to the initial assessment and review of allegation that a member of an authority has failed to comply with the Code of Conduct.

1. Receipt of Allegations

- 1.1 The Monitoring Officer shall set up arrangements to secure that any allegation made in writing that a member has or may have failed to comply with the authority's Code of Conduct is referred to that member immediately upon receipt by the Monitoring Officer.
- 1.2 The Monitoring Officer shall maintain a register of such allegations to ensure that the Council can comply with its obligations under the relevant legislation.
- 1.3 A complaint shall be entertained only if it is 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 his or her opinion that would be in the public interest.

2. Notification of Receipt of Allegations

- 2.1 All relevant allegations must be assessed by the Assessment Sub-Committee. The Monitoring Officer may not deal with an allegation which appears to be an allegation of failure by a relevant 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 allegation appears to be a substantive allegation of misconduct. Where it appears not to be, he or she shall ensure that the matter is dealt with under a more appropriate procedure, for example where it is effectively 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.
- 2.2 Following receipt of the allegation, and where the allegation does appear to be a complaint of misconduct against a relevant member, the Monitoring Officer will promptly, and in any case in advance of the relevant meeting:
 - 2.2.1 acknowledge to the complainant receipt of the allegation and confirm that the allegation will be assessed by the Assessment Sub-Committee at its next practicable meeting;
 - 2.2.2 notify the member against whom the allegation is made of receipt of the complaint, together with a written summary of the allegation, and state that the allegation will be assessed at the next practicable 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 person's ability to investigate the allegation, he or she shall consult the Chairman of the

Assessment Sub-Committee, or in his or her absence the Chairman of the Standards Committee, and may then decide that no such advance notification shall be given;

2.2.3 collect such information as is readily available and would assist the Assessment Sub-Committee in assessing the allegation;

2.2.4 seek local resolution of the matter where practicable, in accordance with paragraph 3 below;

2.2.5 place a report, including a copy of the allegation, such readily available information and a recommendation as to whether the allegation discloses an apparent failure to observe the Code of Conduct, on the agenda for the next convenient meeting of the Assessment Sub-Committee

3. Local Resolution

3.1 Local resolution is not an alternative to reporting the allegation to the Assessment Sub-Committee, but can avoid the necessity of a formal local investigation.

3.2 If the Monitoring Officer is of the opinion that there is the potential for local resolution, he or she shall approach the member against whom the allegation has been made and ask whether that member is prepared to acknowledge that inappropriate conduct, and whether he or she would be prepared to offer an apology or undertake other appropriate remedial action. With the agreement of the Assessment Sub-Committee, and the consent of the member concerned, the Monitoring Officer may then approach the complainant and ask whether the complainant would be satisfied by such apology or other remedial action. The Monitoring Officer shall then report to the Assessment Sub-Committee, and at the same time report the response of the member concerned and of the complainant, in order that the Assessment Sub-Committee may take that into account when considering whether the matter merits investigation

4. Review of Decisions not to Investigate

4.1 Where the Assessment Sub-Committee has decided that no action be taken on a particular matter, the Monitoring Officer shall promptly 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

4.2 Whilst the review shall normally be a review of the reasonableness of the original decision rather than a reconsideration, the Monitoring Officer shall report to the Review Sub-Committee the information which was provided to the Assessment Sub-Committee in respect of the matter, the summary of the Assessment Sub-Committee and any additional relevant information which has become available before the meeting of the Review Sub-Committee.

5. Local Investigation

- 5.1 The Monitoring Officer will not personally conduct a formal local investigation in order to avoid any conflict with the role of advising the Committee when it makes a determination.
- 5.2 When appropriate after consultation with the Chairman of the Assessment Sub-Committee, the Monitoring Officer shall determine who to instruct to conduct a formal local investigation. This may include another senior officer of the authority, a senior officer of another authority or another appropriately experienced and qualified person.