

**ROSSENDALE BOROUGH COUNCIL STANDARDS COMMITTEE**

**PROCEDURE FOR CASES REFERRED FOR INVESTIGATION TO THE MONITORING OFFICER**

1. When an allegation is referred to the Monitoring Officer (MO) for investigation, he/she will within five working days, unless otherwise directed by the Assessment Sub-Committee or the Ethical Standards Officer (ESO) inform the member who is the subject of the allegation (“the Subject Member”), the person who made the allegation (“the Complainant”), the clerk to any parish council concerned, and the standards committee of any other authority concerned, that the matter has been referred for investigation and who will carry out the investigation.

MEMBERS SHOULD NOTE THAT UNTIL THIS TIME THE MONITORING OFFICER HAS NO AUTHORITY TO DISCUSS THE SUMMARY OF THE COMPLAINT WITH THE SUBJECT MEMBER. GROUP LEADERS WILL BE INFORMED AT THIS STAGE

2. Unless the Assessment Sub-Committee or ESO have directed that it would be contrary to the public interest or prejudicial to the investigation, the MO will at the same time provide the Subject Member with a written summary of the allegation.
3. The MO will appoint an Investigating Officer (IO) who may be an officer of the Council, or an external person. The IO may appoint persons to assist him/her in the conduct of the investigation, and may obtain such professional advice as may be necessary.
4. In carrying out the investigation, the IO shall have regard to any relevant guidance issued by the Standards Board, and shall comply with any relevant direction given by the Standards Board.
5. The IO may make such inquiries as he/she thinks necessary or expedient for the purposes of conducting the investigation, and may require any person to give such information or explanation as the IO thinks necessary. The IO may require any relevant authority concerned to provide such advice and assistance as may reasonably be needed to assist in the investigation, and to provide reasonable access to such documents in the possession of that authority as appear to the IO to be necessary for the purpose of conducting the investigation.
6. Statements will be prepared and agreed with each person interviewed during an investigation. The Subject Member may be accompanied by a professional representative or advisor, a political colleague or friend during the interview. Any other person interviewed may be accompanied by a friend or representative. Interviews will be tape recorded with the agreement of the Subject Member.
7. The IO will try to complete the investigation within a reasonable period of time according to the nature of the complaint and the extent of the investigation required.
8. Where during the investigation, as a result of new evidence or information, the IO forms an opinion that the matter is materially more serious or materially less serious than may have seemed apparent to the Assessment Sub-Committee, when it made its decision to refer the matter for investigation, he/she shall refer the matter to the Assessment Sub-Committee who shall consider the matter as if it were a new allegation.

9. If the Subject Member has died, is seriously ill or has resigned from the authority concerned, and the IO of the opinion that it is no longer appropriate to continue with the investigation, he/she shall refer the matter to the Assessment Sub-Committee
10. The IO, having concluded the investigation, will consider whether to produce a draft report before the final report. A draft report may be appropriate where the facts are complex or ambiguous, or where the facts are disputed. Any draft report will be issued to the Subject Member and Complainant for comment, and will indicate that it does not necessarily represent the IO's final finding.
11. The IO's final report will include a statement of his/her finding. This will be either that there has been a failure to comply with the code of conduct ("a finding of failure"), or that there has not been a failure to comply with the code of conduct ("a finding of no failure"). A copy of the report will be sent to the Subject Member and referred to the Standards Committee Consideration, Pre- Hearing and Hearing Sub-Committee.

### **Consideration stage**

12. When the Standards Consideration, Pre-Hearing and Hearing Sub-Committee considers the report of the IO, it shall make one of the following findings:
  - That it accepts the finding of no failure ("a finding of acceptance")
  - That the matter should be considered at a Hearing by a Consideration, Pre-Hearing and Hearing Sub- Committee of the Standards Committee, or
  - That the matter should be referred to the Adjudication Panel for determination (but only if it has determined that the action it could take against the Subject member would be insufficient were a finding of failure to be made, and the president or deputy president of the Adjudication Panel has agreed to accept the referral)
13. Where there is a finding of acceptance, written notice of that finding shall be given to those involved, and published as required by the relevant Regulations, unless the Subject Member requests otherwise.
14. Where the Consideration, Pre-Hearing and Hearing Sub-Committee decides to hold a hearing, this shall be conducted in accordance with the Committee's Pre-hearing and Hearing Procedures.
15. If the investigation report finds that there has been a failure to comply with the Code a hearing must take place – unless the Standards Consideration, Pre-Hearing and Hearing Sub-Committee decides that the matter should be referred to the Adjudication Panel for England for determination.

### **Performance indicators**

The IO will seek to complete reports within 6 months of the Assessment Sub Committee

Hearings will be held within 3 months of completion of the investigation