

## **SOUTH RIBBLE BOROUGH COUNCIL STANDARDS COMMITTEE**

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

1. When an allegation is referred to the Monitoring Officer by the Assessment Sub-Committee or by an Ethical Standards Officer (ESO) for investigation, the Monitoring Officer should within five working days, unless otherwise directed by the Assessment Sub-Committee or the ESO, inform the member who is the subject of the allegation of failure to comply with the code of conduct, ("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.
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 Monitoring Officer should at the same time provide the Subject Member with a written summary of the allegation.
3. The Monitoring Officer should appoint an Investigating Officer who may be an officer of the Council or an external investigating officer. The Investigating Officer may appoint persons to assist him/her in the conduct of the investigation, and may obtain such specialist professional advice as may be necessary. The Monitoring Officer should inform the Subject Member and the Complainant of the appointment of the Investigating Officer.
4. In carrying out the investigation, the Investigating Officer 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 Investigating Officer may make such inquiries as he/she thinks necessary for the purposes of conducting the investigation, and may require any person to give such information or explanation as the Investigating Officer thinks necessary. The Investigating Officer may require any of the relevant authorities concerned to provide such advice and assistance as may reasonably be needed to assist in the investigation (such advice and assistance to include reasonable access to documents in the possession of that authority).
6. Written Statements should be prepared and (wherever possible) agreed with each person interviewed during an investigation, including the Subject Member. The Subject Member should be advised that he/she may be accompanied by a professional representative or advisor, a Group colleague or friend during the interview. Any other person interviewed may be accompanied by a friend or representative if they so wish.
7. The Investigating Officer should endeavour 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 course of the investigation, as a result of new evidence or information, the Investigating Officer 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, and that it would more than likely have made a different decision had it been aware of the new evidence or information, the matter shall be referred to an Assessment Sub-Committee. The Assessment Sub-Committee shall consider the matter as if it were a new allegation.

9. Where the Subject Member has died, is seriously ill or has resigned from the authority concerned, and the Investigating officer is of the opinion that in the circumstances it is no longer appropriate to continue with the investigation, the matter shall be referred to an Assessment Sub-Committee. The Assessment Sub-Committee shall consider the matter as if it were a new allegation.
10. The Investigating Officer, 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.
11. If the Investigating Officer issues a draft report, he/she will consider whether the responses reveal a need for further investigation or for changes to the report.
12. The Investigating Officer's final report should include a statement of the Investigating Officer's finding. The finding should be either that there has been a failure to comply with the Code of Conduct of the authority concerned ("a finding of failure"), or that there has not been a failure to comply with the Code of Conduct of the authority concerned ("a finding of no failure").
13. A copy of the Investigating Officer's report should be sent to the Monitoring Officer. The Monitoring Officer in turn will ensure that a copy of the report is forwarded to the Subject Member and referred to the Standards Committee and to the Standards Committee of any other authority of which the Subject Member is a member, if that other authority so requests.
14. When the Standards Committee or a Sub-Committee considers the finding of the Investigating Officer, 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 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 may 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)
15. Where there is a finding of acceptance (i.e. that there has been no failure to comply with code of conduct), written notice of that finding shall be given to the Subject Member, the Complainant, any parish council concerned, any ESO concerned and the Standards Committee of any other authority concerned, and notices shall be published as required by the relevant Regulations, unless the Subject Member requests otherwise.
16. Where the Standards Committee or a Sub-Committee decides that a hearing should be held, this shall be conducted in accordance with the Committee's Pre-hearing and Hearing Procedures.