

INITIAL ASSESSMENT HEARING PANEL: PROCEDURE

Introduction

The Monitoring Officer has the discretion to refer the initial assessment of a complaint to a Hearing Panel for their consideration. This may be appropriate, for example in cases of particular complexity or sensitivity.

Referrals will only be made where the Monitoring Officer is satisfied that initial tests set out in the assessment criteria have been met and has considered any request that the complainant's identity should be withheld.

The Council's Independent Person will be present at any Panel Hearing.

Procedure

1. Any hearing to undertake an initial assessment of a complaint referred to the Hearings Panel will be held in private session. Neither the complainant nor the subject member will be present. Any decision will be reached on the basis of the papers which have been circulated in advance to the Panel. These will consist of:

- the written complaint
- any written representations from the subject member

2. The Chairman will outline the procedure the Panel will follow and explain that the Council's Independent Person is present to provide an independent view which the Panel are obliged to consider, but does not have a formal decision making role.

3. In reaching a decision the Panel must have regard to the criteria set out in the Council's Assessment Criteria. The Chairman will ensure that each criteria is considered in turn and views sought, including those of the Independent Person and any advisor to the Panel.

4. In accordance with the Council's Assessment Criteria the Panel has the option to make any of the following decisions on the complaint:

- that no further action be taken
- that the matter be referred to the Group Leader for Informal Action
- that the matter is referred for Informal Resolution or other action
- that the matter is referred for Formal Investigation by an Investigator
- that the matter is referred to the Police or other relevant Regulatory Agency

5. In reaching a decision on any complaint the Chairman must ensure the views of the Independent Person are taken into account. If the Panel departs from the views of the Independent Person they should record why.

6. Both the subject member and the complainant should be informed in writing of the outcome of the Panel Hearing within 2 working days.