

Taunton Deane Borough Council

Standards Committee – 16 July 2009

Protocol for the Local Assessment Process

The purpose of this protocol is to ensure that every complaint is dealt with promptly and efficiently. This Protocol should be used in conjunction with the guidance issued by the Standards Board for England.

PART 1

1. When a complaint is received by the Monitoring Officer it must be considered by an Assessment Sub-Committee within **20 working days**.
2. Various options will be available to the Sub-Committee namely:-
 - (i) Other action to be agreed with the Monitoring Officer (MO)
 - (ii) Further information is required from the complainant
 - (iii) No further action
 - (iv) Refer for investigation
 - (a) Timescales for the investigation are to be agreed with the Chair of the Sub-Committee and the MO and will be incorporated within a contract or service level agreement with the Investigating Officer . Dates for delivery of the draft and final report to be agreed
 - (b) Monthly reports will be made to the Chair of the Sub- Committee on progress of the investigation.
 - (c) The complainant and the subject member (the individual who is the subject of the complaint) will be informed of the decision of the assessment sub committee within **5 working days**.
3. If there has been a request from the complainant to review a decision to take no further action, a Review Sub-Committee will be formed which will be made up of a different sub-set of members to review the decision of the Assessment Sub-Committee. A review must be requested within **30 days** of the initial assessment decision notice and will be held within **20 working days** of the request being received.

PART 2

INVESTIGATION AND SUBSEQUENT PROCESS

1. Once an investigation has been completed a draft report will be sent to the subject member. The subject member will have **14 days** to respond with any comments they may have.
2. Once those comments have been reviewed the report will be finalised by the Monitoring Officer with any alterations as deemed appropriate.
3. A consideration hearing must then be held ideally with a different sub-set of members as soon as possible. A provisional date will have been set once the draft report was received to ensure unnecessary delay.
4. If there is a finding of no breach by the Monitoring Officer and the Sub-Committee accepts this finding then no further hearing is necessary.
5. If the Monitoring Officer finds that there has been a breach of the Code of Conduct the Sub-Committee must decide whether the matter should be decided locally or referred to the Adjudication Panel for England for determination.
6. If the Sub-Committee decide that they can deal with the matter a hearing should be set up **within 20 working days** and the pre-hearing process should be carried out as soon as possible.
7. Following the hearing, the findings of the Sub-Committee will be communicated to the complainant and the subject member in writing at the earliest opportunity, which will normally be immediately the hearing has been concluded. The public will be informed by the release of a press notice within **5 working days** and the content of the press release will be posted on the TDBC website.

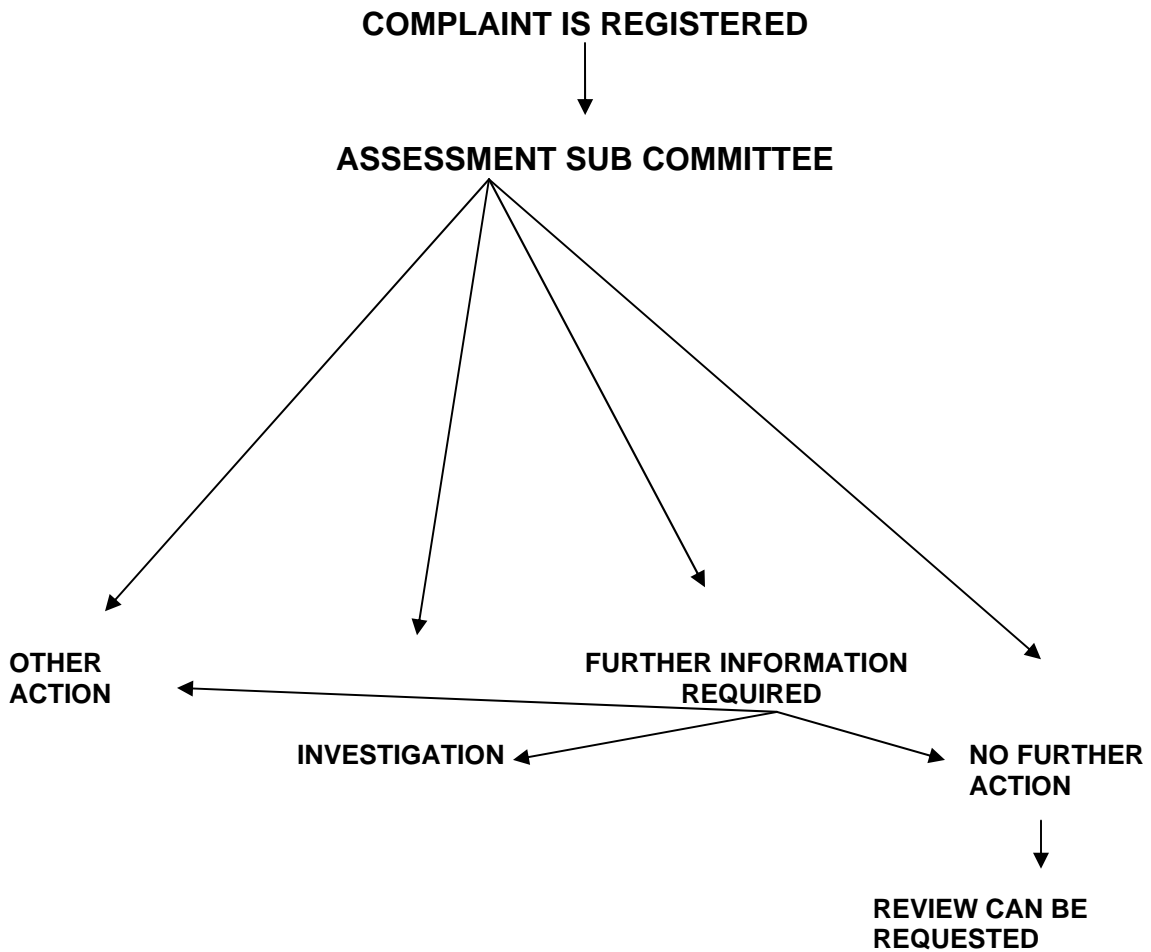
PART 3

Application and monitoring of sanctions

1. If a subject member is found to be in breach of the Code of Conduct the Hearing Sub-Committee will need to consider which sanctions should be imposed on the subject member.
2. The MO will ensure that any sanction imposed is implemented.

APPENDIX

PART 1



PART 2

