

Introduction

An investigation can be carried out by the Monitoring Officer and/or the Deputy Monitoring Officer. This would normally entail contact with the complainant and the councillor complained about together with contact with the Independent person/s and the Chair of Standards Committee (or Vice Chair in his / her absence). Depending on the circumstances the Monitoring Officer (or Deputy Monitoring Officer) can deal with the complaint under discretionary powers or refer the issue to a sub-assessment committee for consideration.

This document sets out the procedure which will be followed once a decision has been taken by a sub-assessment committee that an allegation of misconduct by a councillor should be investigated further.

The appointment of an Investigating Officer

Upon deciding to refer an allegation for investigation the Monitoring Officer (or Deputy Monitoring Officer) may appoint an Investigating Officer and instruct them to conduct an investigation of the allegation and report on it. The Monitoring Officer (or Deputy Monitoring Officer) may appoint a replacement if the Investigating Officer is unable to complete the investigation. The Investigating Officer may be an officer of this authority, an officer of another authority or an external Investigating Officer. They will not be connected to the Standards Committee in any way.

The role of the Investigating Officer

The role of the Investigating Officer is to ensure, as far as possible, that all the information which is relevant to the allegation is identified and presented in their report.

Subject to the agreement of the Monitoring Officer (or Deputy Monitoring Officer), the Investigating Officer may appoint a person/s to assist them in the conduct of their functions and may obtain such professional advice as may be necessary for the conduct of the investigation.

Notification requirements

Once an Investigating Officer has been appointed the Monitoring Officer (or Deputy Monitoring Officer) will notify the councillor against whom the allegation has been made that the matter is being referred for investigation and inform them who is conducting the investigation.

The Monitoring Officer (or Deputy Monitoring Officer) will notify the complainant that an investigation will take place and that they may be contacted on relation to that investigation.

Conduct of the Investigation

The Investigating Officer shall have a broad discretion as to how they conduct the investigation.

They may require the Councillor and the complainant to provide them with information and/or documents which are relevant to the investigation. They may require them to provide details of other people who may be able to assist with the investigation.

It may assist the Investigating Officer to set out a plan for how they are going to conduct the investigation and they may consult the Monitoring Officer (or Deputy Monitoring Officer) at any stage of the investigation.

The Investigating Officer may request any person to attend an interview with them and/or provide them with documents and/or information. Reasonable expenses may be paid.

#### Referral to the Monitoring Officer

The Investigating Officer may refer the matter back to the Monitoring Officer (or Deputy Monitoring Officer) if it appears to them appropriate to do so. For example, if the councillor is seriously ill or the decision to investigate should be reconsidered in the light of new evidence. The Monitoring Officer (or Deputy Monitoring Officer) may call another sub-assessment hearing in these circumstances.

#### Deferral of Investigation

The Monitoring Officer (or Deputy Monitoring Officer) has discretion to defer the investigation if it appears appropriate to do so. For example if there is a criminal investigation taking place or an election.

#### Confidentiality

The Investigating Officer shall request that anyone contacted in relation to the investigation maintain confidentiality in order to maintain the integrity of the process.

#### Draft Report

When the Investigating Officer is satisfied that they have sufficient information or has obtained as much information as is reasonably practicable to obtain they shall prepare a confidential draft report setting out the details of the allegation, the relevant sections of the code. A summary of the allegation, the response of the councillor, the information, documents and evidence taken during the course of the investigation, a statement of findings and the Investigating Officer's conclusions as to whether the Code of Conduct has been breached.

The draft report should be sent to the Monitoring Officer (or Deputy Monitoring Officer) who in turn will pass to the councillor and complainant for comment. The Investigating Officer may wish to take further action and/or amend the report once in receipt of comments before producing the final report.

#### Final Report

The final report should conclude whether there has been a breach of the Code of Conduct giving reasons why and supporting that conclusion with reference to the evidence of the investigation.

#### Action on receipt of the report

If the Investigating Officer concludes there is no evidence of a failure to comply with the code of Conduct, the Monitoring Officer (or Deputy Monitoring Officer) will notify all relevant parties. This may, but does not have to necessitate a further sub-assessment hearing.

If the Monitoring Officer (or Deputy Monitoring Officer) is not satisfied that the investigation has been conducted properly, they may ask the Investigating Officer to reconsider their report.

If the report concludes there is evidence of a failure to comply with the Code of Conduct then the Monitoring Officer (or Deputy Monitoring Officer) will liaise with the Chair of Standards Committee and 1 or more Independent Person to determine if a public hearing is needed.

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