



Ryedale District Council

REPORT TO: Standards Committee

DATE: 3 April 2008

REPORTING OFFICER: Council Solicitor
Anthony Winship

SUBJECT: **Referrals Policy for Local Assessment**

1.0 PURPOSE OF REPORT

To consider a draft referrals policy for Local Assessment

2.0 RECOMMENDATIONS

Members of the Committee are asked to note the report and adopt the draft referrals policy for Local Assessment in paragraph 4.1 below as a basis for making Local Assessment decisions subject to the receipt of further guidance from the Standards Board for England.

3.0 BACKGROUND

3.1 Under the current system for assessing complaints of misconduct against Members, complaints are received centrally by the Standards Board for England. The referrals unit then aim to make an initial decision about the complaint within ten days. This decision would be based on the following criteria:

- Whether the complaint is serious enough, if proven, to justify the range of sanctions available to the Adjudication Panel for England or local standards committees;
- Whether the complaint is part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the authority and there is no other avenue left to deal with it, short of investigation;
- and in considering this, the Board takes into account the time that has passed since the alleged conduct occurred.

3.2 If the Standards Board decides not to refer a complaint for further investigation, the complainant has the right to have this decision

reviewed. The complainant should make this request, within 30 days of the referral decision, by writing to the Chief Executive of the Standards Board for England.

3.3 The standards committee, or assessment sub-committee, will need to consider the same points as the Standards Board does under the current regime, regarding whether to refer a complaint for investigation. However each local authority will have to develop its own set of assessment criteria to decide whether a possible breach of the Code warrants further investigation or not based on guidance from the Standards Board. This is because local circumstances and priorities will need to be taken into account. The Standards Board will be providing guidance on developing criteria and the types of issues to be considered when considering complaints.

4.0 REPORT

4.1 The Standards Board for England proposes to prepare and publish guidance to Standards Committees on how to conduct Local Assessment. In the meantime, the following is the statement by the Standards Board for England on the criteria which they currently apply to this process:

“When we receive a complaint about something we are allowed to consider, we decide if it is appropriate for us to investigate. We focus only on allegations that we believe have the potential to damage the public's confidence in local democracy. You will be notified of our decision in writing.

Which complaints will we refer for investigation?

We decide that a matter should be investigated when we believe it meets one of the following criteria:

- it is serious enough, if proven, to justify the range of sanctions available to the Adjudication Panel for England or local standards committees*
- it is part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the authority and there is no other avenue left to deal with it, short of investigation*
- in considering this, we will take into account the time that has passed since the alleged conduct occurred.*

Which complaints are we unlikely to refer for investigation?

We are unlikely to decide that a complaint should be investigated if it falls into any of the following categories:

- we believe it to be malicious, relatively minor, or tit-for-tat*

- *the same, or substantially similar, complaint has already been the subject of an investigation or inquiry and there is nothing further to be gained by seeking the sanctions available to the Adjudication Panel or the local standards committee*
- *the complaint concerns acts carried out in the member's private life, when they are not carrying out the work of the authority or have not misused their position as a member*
- *it appears that the complaint is really about dissatisfaction with a council decision*
- *there is not enough information currently available to justify a decision to refer the matter for investigation*

4.2 Until guidance is received from the Standards Board for England, it is considered prudent to use the policy in paragraph 4.1 above as a basis for making Local Assessment decisions subject to the receipt of further guidance from the Standards Board for England.

Background Papers:

None.

OFFICER CONTACT:

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