



## PROCEDURE FOR THE REVIEW PANEL

### 1. Submission of review request

- (a) The request for a review must be received from the complainant within 30 days of his/her receipt of the notice of the Review Panel's decision.
- (b) Requests received after this deadline will not be accepted

### 2. Acknowledging receipt of a review request

On receiving a review request the Monitoring Officer shall:

- (a) Send written acknowledgement to the complainant,
- (b) Notify the subject member that a request for a review has been made
- (c) Notify them both of the date of the meeting of the Assessment Panel, if known.

### 3. Pre-assessment reports and enquiries

Prior to the meeting of Review Panel the Monitoring Officer shall prepare a short summary of the complaint. If necessary the Monitoring Officer may include any further evidence submitted by the complainant and seek clarification from the complainant of their complaint and any documentary evidence submitted. Pre-assessment enquiries must not amount to an investigation. The summary shall set out:

- (a) the paragraphs of the Code of Conduct to which the complaint relates or as identified by the complainant,
- (b) any publicly available information which would facilitate the Panel's task of determining whether a complaint merits investigation.

Where further Information is made available in support of a complaint that changes its nature or gives rise to a new complaint. It is open to the Review Panel to refer the matter back to the Assessment Panel. In those circumstances the Review Panel must determine the review request by indicating that the review request will not be granted

#### **4. Initial tests**

The Review Panel must satisfy itself that the complaint meets the following tests:

- (a) Is it a complaint against one or more named members of the authority or an authority covered by South Cambridgeshire District Council Standards Committee?
- (b) Was the named member in office at the time of the alleged conduct and was the Code of Conduct in force at that time?
- (c) Would the complaint, if proven be a breach of the Code under which the member was operating at the time of the alleged misconduct?

If the complaint fails one or more of these initial tests it cannot be investigated and the complainant and subject member must be informed that no further action will be taken in respect of the complaint.

#### **5. Review Criteria**

All complaints coming before the Review Panel will be assessed using criteria as set out below. These criteria shall develop to reflect local circumstances and priorities. They shall be simple, clear, open and ensure fairness for both complainant and subject member.

- (a) Should the Review Panel determine that insufficient evidence has been submitted by the complainant, on which to base a referral for investigation or other action, the complaint shall warrant no further action. In exceptional circumstances only the complainant may be asked for further information. Unless the complainant submits sufficient further information in time for the following meeting of the Panel, the complaint shall warrant no further action. Should such further information reveal a different complaint, the Panel will determine the initial complaint and refer the different complaint to the Monitoring officer for pre-assessment.
- (b) Complaints of a simply political, malicious, trivial, vexatious, or tit-for-tat nature shall only be investigated if the Review Panel decides that the allegation is of a sufficiently serious nature.
- (c) If the subject member is no longer a member of this authority but is a member of another authority, the assessment committee shall refer the complaint to the standards committee of that authority.
- (d) If the matter of the complaint has already been subject to an investigation or other action relating to the Code of Conduct then the complaint shall warrant no further action.
- (e) If the matter of the complaint has already been subject to an investigation by another regulatory authority then the complaint shall warrant no further action.

- (f) If the complaint refers to matters that took place some considerable time ago then the complaint shall normally warrant no further action. Only when the Panel regards the allegations to be so extremely serious shall further action be warranted.
- (g) Should the subject member have died or become seriously ill, or has resigned from the authority, or any other relevant authority covered by South Cambridgeshire District Council, the Review Panel may determine that in the circumstances it is no longer appropriate to continue.

## **Decisions**

### **6. Timescale**

The Review Panel must complete the review within 3 months of receipt of the request.

The Review Panel shall endeavor to carry out initial assessment of all claims within 20 working days and reach one of following decisions:

- (a) referral of the complaint to the monitoring officer of the authority concerned, which under section 57A(3) of the Local Government Act 2000, as amended, may be another authority,
- (b) referral of the complaint to the Standards Board for England,
- (c) no action should be taken in respect of the complaint.

### **7. Referral for local investigation**

Should the Review Panel determine that a complaint be referred to the Monitoring Officer for investigation, the Monitoring Officer shall write to the relevant parties informing them of that decision and, if appropriate, advising who will conduct the investigation.

It shall send a summary of the complaint to the relevant parties, stating what the allegation was and that the referral is to the Monitoring Officer for investigation. The decision notice must explain why the referral decision has been made.

The Review Panel, on the advice of the Monitoring Officer has discretion to withhold the summary from the subject member if it decides that sending the summary would be against the public interest or would prejudice any investigation. Any decision to withhold the summary shall be kept under review.

### **8. Referral to the Standards Board for England**

Should the Review Panel determine that a case be referred to the Standards Board for investigation by an Ethical Standards Officer. The Monitoring Officer shall immediately write to the Standards Board for England notifying them of the Review Panels referral, including reference to the paragraph or paragraphs of the Code of Conduct that it believes the allegation refers to and the reasons why the complaint cannot be dealt with locally. The Standards Board will then confirm if they will accept the case or not. The Monitoring Officer shall then write to the relevant parties informing them of that decision.

The Review Panel shall send a summary of the complaint to the relevant parties, stating what the allegation was and that the referral is to an Ethical Standards Officer for investigation. The decision notice must explain why the referral decision has been made.

The Review Panel, on the advice of the Monitoring Officer has discretion to withhold the summary from the subject member if it decides that doing so would be against the public interest or would prejudice any investigation. Any decision to withhold the summary shall be kept under review.

## **9. Referral back from the Standards Board for England**

The Standards Board may decline to investigate a complaint referred to them and will send it back with reasons for their decision. The Review Panel must again make a decision. In exceptional cases the Standards Board may decide to take no further action on a complaint referred to them and they may offer guidance to the Review Panel, which may assist them in their decision

The Monitoring Officer shall write to the relevant parties informing them of the date for meeting.

The Review Panel shall not be constrained by its previous decision and may determine:

- (a) referral of the complaint to the monitoring officer of the authority concerned, which under section 57A(3) of the Local Government Act 2000, as amended, may be another authority, for:
  - i. investigation
  - ii. other action
- (b) no action should be taken in respect of the complaint.

## **10. Referral for other action**

The Review Panel, after consulting the Monitoring Officer may decide that other action rather than an investigation should be taken and will refer the matter to the Monitoring Officer with instructions to implement their decision.

The suitability of other action shall be dependent upon the nature of the complaint.

The requirement outlined in the instruction from the Review Panel need not be limited to the Subject Member/s or the Complainant.

The Subject Member/s or the Complainant shall be required to confirm in writing that they will cooperate in the other action proposed.

If the Review Panel decides to make a referral to the Monitoring Officer for other action over a complaint, it shall give notice in writing of that decision to the relevant parties as soon as possible and set out clearly the reasons for that decision.

## **11. Decision to take no action**

The Review Panel can decide to take no further action.

If the Review Panel decides to take no action over a complaint, it shall give notice in writing of that decision to the relevant parties as soon as possible and set out clearly the reasons for that decision. Where no potential breach of the Code is disclosed, the Panel must explain in the decision notice what the allegation was and why they believe this to be the case. The relevant parties will be the complainant and the subject member. If the subject member is a parish councillor, their parish council must also be notified.