

Brief Report to the Standards Task Group

The Standards Committee required the Standards Task Group to review the Code of Conduct and procedures in relation to allegations of breaches of the Code and to make recommendations accordingly. The Task Group expected to report to the Standards Committee by the 21 March 2016. This deadline expired. Subsequently, the Standards Committee extended this date to allow the work to be finalised.

This report attempts to provide all Council Members with an update on progress.

- 1 The Task Group resolved to split the task between two sub-Groups. One sub-Group tackled the Code of Conduct and the other tackled the Procedures for Investigating a Complaint under the Code of Conduct.
- 2 The requirements for a Code of Conduct are enshrined in the Localism Act 2011 c.20, Part 1 Local Government, Chapter 7 Standards.
- 3 The problems associated with the UDC Code of Conduct are perceived to be mainly its clarity, readability and hence understanding. The Group believes that the proposed style and presentation is a considerable improvement, whilst retaining all the essential content.
- 4 There is no single prescription for the format of an accompanying procedure, to address issues arising under the Code of Conduct. Early discussions resolved that the process must be as transparent as possible, timely, fair and proportionate. This is essential to achieve wide acceptance of the Code and its operation. To this end, the sub-Task Group have separated out the various duties and activities required for a successful, fair and transparent investigation of any breach of the Code.
- 5 We have removed the Monitoring Officer from the investigatory process, and inserted the appointment of an Investigating Officer, and later in the process, a Presenting Officer. The Investigating Officer may also be the Presenting Officer.
- 6 We have adopted the principle of allowing witnesses for both sides of the process.
- 7 We have inserted a working principle throughout an investigation, of any breach of the Code, to seek opportunities, as they may arise, to truncate a complaint without final resort to the Hearing Panel, and without compromising the right of a complainant to bring a complaint. The opportunity to avoid a Hearing Panel is desirable at any stage of the procedure.

(For instance, the opportunity may arise as the matter of a complaint is fully stated and documented, to identify potential or real misunderstandings that caused the complaint. A simple apology or clarification may be all that is required to defuse the complaint.)

- 8 We have inserted a flow chart of the investigation process into the guidance document.
- 9 The process and practice of a Hearing are not fully clear and will need amendment after adoption of the principles above. We recommend a flow chart of the Hearing process is included. For the benefit of all participants, including observers (i.e. the Public) we have included an indication of a typical room layout for a hearing.