

ANNEX C

PROTOCOL TO BE USED IN THE INVESTIGATION OF A MEMBER COMPLAINT AGAINST AN OFFICER OF THE COUNCIL

Scope of the Protocol

1. (i) The purpose of this protocol is to establish a fair and consistent method of carrying out investigations requested by Members into the conduct and/or behaviour of an individual Officer, or group of Officers. It is designed to ensure that all parties are aware of their rights and obligations and that the matter is handled in a fair and transparent manner.

(ii) It is not intended to be a substitute for or replacement of the Council's formal reporting process, or the Council's disciplinary procedure.

(iii) The protocol must be applied fairly and consistently but not mechanically. All the circumstances of the case must be considered. All matters relating to any investigation remain confidential for the duration of the investigation.

Titles

2. (i) "Group" refers to the Conservative, Labour and Liberal Democrat political groups and "party group leader" refers to the leader of each of those groups.

(ii) "Monitoring Officer" includes the Officer deputed to represent the Monitoring Officer.

Procedure for instigating investigations

3. (i) Immediately upon identification of a complaint that a Member believes to be within the scope of this protocol, he/she should prepare a short written statement setting out the nature of the case to be investigated. It should set out sufficient information to record the issues and events which give rise to the case. It should cover any discussions including the date, time and issues discussed. It should also set out details of why the individual Member believes that the case needs to be investigated outside of the Council's formal reporting process or disciplinary procedure. All relevant facts and evidence must be included.

(ii) The individual Member should then submit the formal stated case, duly signed, to that Member's party group leader for consideration within 5 days. The Party Group Leader should then review the case presented and to discuss the same with the Chief Executive and/or Monitoring Officer to establish whether the case presented

should be processed under this protocol or whether another course of action is more appropriate.

Conduct of the Investigation

4. (i) Once the use of this protocol is decided upon, then the investigation will be conducted as follows:-

(ii) Within five working days, the Chief Executive will pass the details of the case to the Council's Monitoring Officer to conduct the formal investigation.

(iii) Upon receipt of the case to be investigated, the Monitoring Officer will seek to establish the facts promptly before recollection fades, taking into account statements of any available witnesses.

(iv) The Officer(s) to be investigated will be advised by the Monitoring Officer immediately prior to the commencement of the investigation of the nature of the matter under investigation, the way the matter will be investigated, including the names of people to be interviewed during the course of the investigation and the need to ensure that confidentiality is maintained and no undue influence exerted. Any changes in procedure during the course of the investigation will be similarly notified to the Officer(s).

(v) The Monitoring Officer will, within 10 working days, conduct the investigation into the formal stated case.

(vi) In conducting the investigation, the Monitoring Officer will consult, so far as is practicable, to ensure that the facts of the case are established.

(vii) Within a further period of five working days, the Monitoring Officer will prepare a report for the Chief Executive with respect to the matter under investigation.

(viii) Within a further period of five working days, the Chief Executive will advise the Party Group Leaders of the outcome of the Monitoring Officer's report.

Standards Committee

5. In the event of the complaint being found to be entirely without merit or to have been made recklessly or maliciously, the Monitoring Officer will refer the matter to the Standards Committee for consideration.

Complaint against Member(s)

6. Where the Monitoring Officer is made aware of a complaint against an elected Member, such matter will be addressed through the Standards Committee. The procedure in this protocol may, of course, be adapted for any necessary investigation as required.

