

LOCAL ASSESSMENT CRITERIA – BREACH OF LOCAL PROTOCOL

The following criteria shall be applied by the Standards Assessment Sub-Committee and the Standards Review Sub-Committee when considering allegations that a Member has failed to comply with the Local Protocol. The criteria are not exhaustive.

1. Is the complaint within the jurisdiction of the Committee?
2. Is it a complaint against one or more named Members or co-opted Members of the Authority covered by the Local Protocol?
3. Was the named Member in office at the time of the alleged conduct and the Local Protocol in force at the time?
4. Would the complaint, if proven, be a breach of the Local Protocol under which the Member was operating at the time of the alleged misconduct?

NOTE If the complaint fails one or more of the above tests, it cannot be investigated as a breach of the Local Protocol.

5. Is there prima facie evidence of a breach of the Local Protocol?
6. Is it serious enough to warrant a sanction?
7. Is this part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the authority and is there no other avenue left to deal with it except investigation?
8. In considering the case, the Committee will take into account the time that has passed since the alleged conduct occurred.
9. Would an investigation serve a useful purpose?
10. Is the case suitable for local investigation?
11. Is this a case where alternative action such as training or mediation would be more appropriate?
12. Would an apology be appropriate?
13. It appears that the complaint is really about dissatisfaction with a council decision.
14. There is not enough information currently available to justify a decision to refer the matter for investigation.

Factors to consider when deciding whether the identity of the complainant and/or a written summary of the allegation should be disclosed to the Member the subject of the allegation

15. Are there reasonable grounds for believing that the complainant will be at risk of physical harm if their identity is disclosed?
16. Is the complainant an officer who works closely with the Member and afraid of the consequences to their employment if their identity is disclosed?
17. Is there evidence of any medical risks associated with the complainant's identity being disclosed?
18. Is it feasible for the complaint to be investigated without the complainant's identity being disclosed (e.g. where the allegation is bullying of the complainant)?
19. Are there reasonable grounds for believing that disclosure of the complainant's identity and/or the provision of a written summary of the allegation, may lead to intimidation of witnesses or the destruction of evidence?