

MONITORING OFFICER PROTOCOL

For the discharge of functions in relation to the initial assessment and review of an allegation that a member of Huntingdonshire District or the Parish in the District has failed to comply with the adopted Code of Conduct

1. RECEIPT OF ALLEGATIONS

- 1.1 The Monitoring Officer¹ shall ensure any allegation made in writing that a Member of Huntingdonshire District Council or one of the Parishes in the District may have failed to comply with their Authority's adopted Code of Conduct is referred to him/her immediately upon receipt.
- 1.2 The Monitoring Officer shall maintain a register of such allegations to ensure that the District Council can comply with its obligations under the relevant legislation.
- 1.3 Complaints shall only be valid where they are signed by the complainant, but the Monitoring Officer is authorised to maintain the confidentiality of the identity of the complainant where and for so long as in his/her opinion that would be in the public interest.

2. NOTIFICATON OF RECEIPT OF ALLEGATIONS

- 2.1 All relevant allegations must be assessed by the Referrals (Assessment) Sub-Committee, so the Monitoring Officer has no authority to deal with an allegation which appears to be an allegation of failure by a relevant Member to observe the Code of Conduct other than by reporting it to the Referrals (Assessment) Sub-Committee. The Monitoring Officer shall therefore determine whether the allegation appears to be a substantive allegation of misconduct. Where it appears not to be, he/she shall ensure that the matter is dealt with under a more appropriate procedure, for example where it is really a request for service from the Authority, a statement of policy disagreement, a legal claim against the Authority or a complaint against an Officer of the Authority.
- 2.2 Following receipt of the allegation and where the allegation does appear to be a complaint of misconduct against a relevant Member, the Monitoring Officer will –
 - (i) acknowledge receipt of the allegation and confirm that the allegation will be assessed by the Referrals (Assessment) Sub-Committee at its next convenient meeting and establish a time line for dealing with the allegation;

¹ Where the post of Monitoring Officer is referred to, the text should read, with effect from 27th June 2008, Interim Monitoring Officer until such time as a new Director of Central Services is appointed.

- (ii) notify the Member against whom the allegation is made of receipt of the complaint, together with a written summary of the allegation and the date upon which the allegation will be assessed by the Referrals (Assessment) Sub-Committee. Where the Monitoring Officer is of the opinion that such notification would be contrary to the public interest or would prejudice any person's ability to investigate the allegation, he/she shall consult the Chairman of the Referrals (Assessment) Sub-Committee, or in his/her absence the Chairman of the Standards Committee, and may then decide that no such advance notification shall be given;
- (iii) collect such information as is readily available that would assist the Referrals (Assessment) Sub-Committee in its function of assessing the allegation;
- (iv) seek local resolution of the matter where practicable, in accordance with paragraph 3 below;
- (v) place a report, including a copy of the allegation, such readily available information and his/her recommendation as to whether the allegation discloses an apparent failure to observe the Code of Conduct, on the agenda for the next meeting of the Referrals (Assessment) Sub-Committee.

3. LOCAL RESOLUTION

- 3.1 Local resolution is not an alternative to reporting the allegation to the Referrals (Assessment) Sub-Committee, but can avoid the necessity of a formal local investigation.
- 3.2 Where the Monitoring Officer is of the opinion that there is the potential for local resolution, he/she shall approach the Member against whom the allegation has been made and ask whether he/she is prepared to acknowledge that his/her conduct was inappropriate, and whether he/she would be prepared to offer an apology or undertake other appropriate remedial action. With the consent of the Member concerned, the Monitoring Officer may then approach the complainant and ask whether the complainant is satisfied by such apology or other remedial action. The Monitoring Officer should then report to the Referrals (Assessment) Sub-Committee as required, and at the same time report the response of the Member concerned and of the complainant. Where the Member has acknowledged that his/her conduct was inappropriate, and where the complainant is satisfied with the proffered apology or remedial action, the Referrals (Assessment) Sub-Committee might take that into account when considering whether the matter merits investigation.

4. REVIEW OF DECISIONS NOT TO INVESTIGATE

- 4.1 Where the Referrals (Assessment) Sub-Committee has decided that no action be taken on a particular matter, the Monitoring Officer shall advise the complainant of the decision, and the complainant may then within thirty days of receipt of notification request that the Review Sub-Committee review that decision.

- 4.2 Whilst the review shall normally be a review of the reasonableness of the original decision rather than a reconsideration, the Monitoring Officer shall report to the Review Sub-Committee the information which was provided to the Referrals (Assessment) Sub-Committee in respect of the matter, a summary of the decision of the Referrals Sub-Committee and any additional relevant information which has become available prior to the meeting of the Review Sub-Committee.

5. LOCAL INVESTIGATION

- 5.1 It is recognised that the Monitoring Officer will not personally conduct a formal local investigation.
- 5.2 It will be for the Monitoring Officer, where appropriate after consultation with the Chairman of the Referrals (Assessment) Sub-Committee, to determine who to instruct to conduct a formal local investigation and this may include another senior Officer of the Authority, a senior Officer of another Authority or an appropriate experienced consultant.