

Epping Forest District – Standards Committee

Local Assessment of Complaints – Criteria

The Standards Committee will **not** investigate complaints that are:

- Malicious, relatively minor, politically motivated, tit for tat or if the matter is not considered to be sufficiently serious to warrant further action.
- Made anonymously.
- Contain no prima facie evidence of a breach of the Code.
- Where the complainant has not supplied enough information to justify a decision to refer the matter for investigation or to evidence their complaint or have supplied information of too general a nature from which to make a judgement to investigate.
- Where an investigation would serve no useful purpose or is not serious enough to warrant a sanction or where only an apology was appropriate.
- The same, or substantially similar, complaint has already been the subject of a completed investigation or inquiry and there is nothing further to be gained by seeking the sanctions available to the Sub Committee or the Standards Committee and where no new relevant evidence has been submitted.
- Acts carried out in the Member's private life, when they are not carrying out the work of the authority or have not misused their position as a Member.
- About dissatisfaction with a Council decision, about the way the Council conducts or records its meetings, the way the Council has or has not done something.
- Within the Council's complaints process.
- About someone who is no longer a member of either the District Council or a Town or Parish Council within the area, or is a member of another authority.
- More than 1 year has passed since the alleged conduct occurred.
- Not suitable for local investigation (see referral criteria below).
- Where alternative action such as training, mediation would be more appropriate.

The Standards Committee may refer the following cases to the Standards Board for England:

- Where the status of the member(s) being complained of would make it difficult to deal locally with the complaint. For example: Complaints concerning the Leader of the Council, Cabinet member or leading opposition members, Chairman or Standards Committee members.
- Complaints from the Chief Executive, Monitoring Officer or Service Director.
- Instances where a large number of key people are conflicted out or where the authority itself might be perceived to have an interest in the outcome of the case.

- Instances where there has been national attention, or where the Standards Committee feels that the matter turns on an important point of interpretation of the Code (a test case).
- Where there are other public issue considerations, exceptional circumstances or allegations of governance dysfunction that would make it difficult for the authority to deal with the case fairly or speedily.
- Where the Assessment Sub-Committee, having undertaken their initial assessment, believes that the matter should be dealt with at Standards Board level.

Withdrawal of Complaint

If the complainant asks to withdraw their complaint prior to the Assessment Sub-Committee having made a decision on it, the Sub-Committee will decide whether or not to grant the request. The following considerations will be taken into account when considering such requests:

- Does the public interest in taking some action on the complaint outweigh the complainant's desire to withdraw it; where the complaint raises issues of wider public interest, it may be appropriate for the Sub-Committee to ensure that such wider issues are formally investigated and resolved.
- Where the alleged misconduct is simply a matter of alleged failure on the part of the respondent to treat the complainant with respect, and raises no wider issues of public interest, the Sub-Committee will normally accept such withdrawal.
- Is the complaint such that action can be taken on it, for example an investigation without the complainant's participation.
- Is there an identifiable underlying reason for the request to withdraw the complaint, such as the suggestion that the complainant may have been pressured by the subject member or an associate of theirs to withdraw the complaint.
- Where the complainant submits further evidence demonstrating that the complaint was ill-founded, it may be appropriate to resolve that the complaint as amended shows no evidence of a breach of the Code of Conduct, so that the matter is formally concluded.