

Appendix 3

Process for Dealing with Member Code of Conduct Complaints.

1. The Council's website gives a brief explanation about making a complaint alleging that a member has breached the Members Code of Conduct. Any complaint should be made to the Monitoring Officer, who is the officer appointed by Mid Sussex Council to deal with, among other things, alleged breaches of the Members Code of Conduct by elected members at the District Council or at the Town/Parish Councils in Mid Sussex. There is an optional complaint form which guides a complainant to give the information required.
2. On receipt of a written complaint the Monitoring Officer will send a copy to one of the Independent Persons on a rota basis or to whomever is available, and will consult them as to whether the complaint appears to relate to the Code of Conduct and to have sufficient substance to justify consideration by the Standards Committee.
3. If, following this consultation, the Monitoring Officer concludes that the complaint is not appropriate for consideration by the Standards Committee, they will write to the complainant explaining this decision, and explaining any other course of action the complainant may wish to take. If the Monitoring Officer concludes that the complaint does justify committee consideration, a letter will be sent to the complainant explaining that their complaint is now being sent to the Member named in the complaint for their comments.
4. The Member in receipt of the complaint has 14 days in which to respond in writing if they wish. They are advised they may wish to take professional advice. They can also speak to the Independent Person.
5. Normally the person in receipt of the complaint makes a written submission with their version of events.
6. The papers are copied and sent to an Assessment sub-committee of three Standards Committee members, together with a letter giving some advice about the complaint. The Standards Committee is a committee of the District Council charged with maintaining high standards of conduct among elected members in Mid Sussex and dealing with any complaints alleging a breach of the relevant Code of Conduct.

7. The Assessment sub-committee meets privately with the Monitoring Officer and the first question asked is whether the Code of Conduct applies to the events described. If the answer to that question is “no” that is the end of the matter. Assuming the answer to that question is “yes”, the Sub Committee has to decide whether there is a potential breach of the Code of Conduct. If they decide there is no potential breach of the Code of Conduct that is the end of the matter. If they believe there is a breach of the Code of Conduct they need to decide whether it is in the public interest for that potential breach to be further investigated at public expense or whether some more informal guidance should be given to the Member who has potentially breached the members Code of Conduct.
8. The results of their deliberations are sent in writing to the person who made the complaint, to the Member in receipt of the complaint and to any relevant Town or Parish Council.
9. If the Assessment Sub-Committee have decided, for whatever reason, against the matter being investigated, the person making the complaint can ask for this decision to be reviewed. The member in receipt of the complaint has no right to request a review. If the complainant does request a review, a Review Sub-Committee is appointed consisting of three different members of the Standards Committee to consider all the previous papers, any additional submissions that may be made by the complainant, and the comments of the Member in receipt of the complaint on those submissions.
10. The Review Sub-Committee go through the same exercise in private and their deliberations are reported in the same way. The letter is normally drafted by the Monitoring Officer but sent to the Sub-Committee Members for their approval and changes. There is an option for this letter to go out in the name of the Sub-Committee Chairman.
11. If the Assessment Sub-Committee or the Review Sub-Committee decides that the matter should be investigated then an independent investigator is appointed by the Monitoring Officer to carry out that investigation. The independent investigator will have no previous involvement or knowledge of the matter. The investigator would normally interview relevant persons and prepare a report and recommendations. That draft report will be shared with the independent person for their comments. It will then be shared with the complainant and the Member in receipt of complaint for their comments before the report is finalized.

12. The finalized report is sent to the Hearing Sub-Committee. If the report concludes there is no breach of the Code of Conduct and the Hearing Sub-Committee agrees that will be the end of the matter and it will be reported accordingly. If however the Hearing Sub-Committee decides that there needs to be a hearing or the report suggests a breach of the members' Code of Conduct then that will be set up and the report will be presented by the Investigating Officer. The Member in receipt of the complaint will then be able to respond and be legally represented if they wish and call a limited number of witnesses. This is a public meeting and the complainant may wish to be present.

13. The powers of the Hearing Sub-Committee are limited. They are really around publishing their findings. If however there has been uncovered something that could potentially be a criminal offence the Hearing Sub-Committee could report it to the police for further investigation. They have no power themselves to suspend or disqualify an elected member.