

**Bromsgrove District Council Standards Committee**

**Guidelines for the conduct of Investigations into allegations of breach of the Code of Conduct**

**General**

1. MO (Monitoring Officer) appoints the IO (Investigating Officer) and provides the IO with all relevant background information.
2. MO notifies the Complainant, Subject Members and Independent Person (IP) of the appointment.
3. IO contacts the Complainant and Subject Member to advise of his/her contact details and approximate timescale for investigation.
4. Purpose of Investigation is for the IO to establish the facts of the case and form a view on whether there has been any breach of the Code of Conduct.
5. IO starts investigation – for him/her to decide exactly what is needed but as a guideline would be expected to include:-
  - Information gathering from public documents, council minutes etc.
  - Interviews of key persons involved to include subject members, complainant, IP, Council officers, Parish clerk etc. Interviews to take place either by phone or in person at the Council House.
  - Analysis based on the facts of whether there has been a breach of the Code.
  - If the view is reached that there has been a breach, report to cover any mitigating/ aggravating circumstances that the IO has established in the course of the investigation.
6. Once IO has completed enquiries draft report to be sent to the MO, Subject member and Complainant. IO to allow a reasonable opportunity for the Subject Member or complainant to feed back any comments they wish to make. IO will include a note of the feed back comments in the report.
7. IO to submit final signed report to the MO and to send a copy to the Subject Member and the Complainant.

Referrals from the IO to the MO for further guidance

8. If in the course of the investigation the IO establishes that in addition to the breaches under investigation there appear to have been further breaches of the Code he/ she will contact the MO as soon as reasonably practical to discuss the implications of this for the investigation. The MO, after consulting with the IP, will decide whether or not to increase the scope of the investigation to cover the new matters.
9. If early on in the investigation the IO establishes facts that lead to the conclusion that the Code of Conduct did not apply, or that there has not been a breach, he/she will refer the matter back to the MO for further instructions. The MO will consider the information from the IO and if appropriate, and after consultation with the IP, indicate that a short report outlining the information established and evidencing the view reached by the IO be submitted instead of a full report.

Referrals to the IO by the MO

10. If after receiving the IO's final report the MO is of the view that any part of the report is incomplete or requires further consideration, she may ask the IO to carry out further specified enquiries on the basis that the IO will then submit a revised final report.

Attendance at Local Hearing

11. In the event that the complaint cannot be resolved by the MO upon receipt of the IO's final report and the matter proceeds to a local hearing, then the IO will be required to attend the hearing. His/her role at the hearing will be to present the report to the Members of the Standards Committee and to answer questions as to the findings reached and the reasoning for that decision.

Confidentiality

12. The IO may disclose that he/she is conducting an investigation, but the information gathered as part of the investigation is to be treated as confidential. Maintaining confidentiality reduces the risk of evidence being viewed as biased and preserves the integrity of the investigation. It is also advisable for those who participate in the investigation as witnesses to be asked by the IO to maintain confidentiality.