

## **Terms of Reference – Standards (Hearings) Sub-Committee**

To have delegated powers to consider and deal with, in accordance with agreed procedures and following investigation, complaints relating to the Members' Code of Conduct.

### **Procedures: Dealing with Standards Complaints under the 2016 Code of Conduct**

Note: the Monitoring Officer may delegate such functions within the procedure as s/he considers appropriate.

1. The Complaint is received by the Monitoring Officer, and subsequently acknowledged;
2. The Monitoring Officer considers the complaint and determines whether the conduct complained of has occurred within the six months immediately preceding the submission of the complaint. If it has not, the Monitoring Officer will notify the Complainant that the complaint is out of time, and closes the Complaints file; if it has, the Monitoring Officer determines whether there is *prima facie* evidence to support the complaint. If there is insufficient evidence, the Monitoring Officer will notify the Complainant that there is insufficient evidence to progress the complaint, and closes the Complaints file; if there is sufficient evidence, the Monitoring Officer will contact the Independent Person to discuss the content of the Complaint, and to consider whether an investigation is warranted;
3. The Monitoring Officer and the Independent Person determine whether to investigate the Complaint, and the Monitoring Officer records that decision;
4. If no investigation is to take place, the Monitoring Officer notifies the Complainant accordingly, and closes the Complaint file;
5. If an investigation is to take place, the Monitoring Officer appoints an Investigating Officer to conduct the investigation;
6. The Investigating Officer investigates the complaint, taking such steps as s/he considers necessary, and produces a report for the Monitoring Officer and the Independent Person;
7. The Monitoring Officer contacts the Independent Person to consider the Investigating Officer's report: to decide whether or not to hold a hearing into the Complaint : and to agree whether or not a copy of the report shall be disclosed to the Complainant and/or the Member;
8. If no hearing is to be held, the Monitoring Officer notifies the Complainant accordingly, and closes the Complaint file;

9. If a hearing is to be held, the following procedure will be followed:
  - a) The hearing will be convened in front of the Standards (Hearings) Sub-Committee;
  - b) The Investigating Officer will present their report, and may call such witnesses of fact as s/he considers necessary. Witnesses may be questioned by the Chair of the Sub-Committee;
  - c) The member may respond to the Investigating Officer's presentation and may call such witnesses of fact as s/he considers necessary. Witnesses may be questioned by the Chair of the Sub-Committee;
  - d) The members of the Sub-Committee, together with their legal and governance representatives, will then retire to consider whether there has been a breach of the Code of Conduct
  - e) If the Sub-Committee considers that there has been no breach, the Chair of the Sub-Committee will announce the decision and the reasons, and the meeting will end; if the Sub-Committee decides that there has been a breach, the Chair of the Sub-Committee may seek views on sanctions.
  - f) The members of the Sub-Committee, together with their legal and governance representatives, will then retire again to consider the appropriate sanction;
  - g) The Chair of the Sub-Committee will announce the decision and the reasons, and the sanction to be imposed, and the meeting will end.
10. Following the conclusion of the hearing, the Monitoring Officer will write to the Member and the Complainant to confirm the Sub-Committee's decision.

The file will be retained for six months from the date of the decision and will then be destroyed. The Monitoring Officer will maintain a register of Complaints, indicating: the Complainant; the Member; the nature of the Complaint.