



Local filter: In detail

Chair: John Williams, Monitoring, Audit and Policy Manager, the Standards Board for England

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Background and context

The local filter pilot

- **38 participants.**
- **10% sample of authorities broadly representative in terms of authority type, size, political management and region.**
- **Conducted in June / July 2007.**

What we know

How will local filtering work?

- **Complaints made in first instance to local standards committee.**
- **Standards committee will decide:**
 - (i) to refer allegations to monitoring officer*
 - (ii) to refer allegations to the Standards Board*
 - (iii) to decide that no action be taken*

What we know

Right to request review:

- **Complainant can request review if standards committee decide to take no action.**
- **Must request review within 30 days of notification of decision.**
- **Standards committee must make decision on request within three months.**

What we know

Where allegation is referred by standards committee to the Standards Board

- The Standards Board must:
 - (i) *refer to an ESO for investigation*
 - (ii) *decide to take no action*
 - (iii) *refer matter back to standards committee*

What we know

The Bill: Miscellaneous provisions

- Requirement for periodic returns to SBE.
- Requirement to comply with requests for information from SBE.
- Chair of standards committee *must* be an independent member.
- Two or more authorities may establish *joint committees*.
- Standards Committee can refer cases to President of Adjudication Panel if considers sanctions insufficient.

What we do not know

- How standards committees will exercise new powers from a practical perspective.
- Details of new provisions which will be contained in Regulations.

Areas where new regulations will be required

1. Dealing with local filtering

- Procedures for standards committee on receipt of complaint.
- Time limits for undertaking local filtering?
- Obligations on standards committee and monitoring officer in handling referral decisions including when it is appropriate NOT to notify member of complaint.

1. Dealing with local filtering (cont.)

- Process for review of referral decision.
- Increase in sanctions available to standards committee.
- Circumstances where MO can refer case back to standards committee.
- Access of public to meetings, publicity, agendas, reports etc.
- How matters referred to MO are to be dealt with.

2. New obligations for reporting and monitoring

- **Obligations on MO and standards committee to comply with direction and requests for information by SBE.**
- **Procedure for suspending and resumption of standards committee functions.**

3. Joint committees

- **To clarify when two or more local authorities may establish a joint committee.**
- **Functions and composition of joint committees.**

4. Adjudication by case tribunals

- Circumstances in which reference to Adjudication Panel following investigation or interim report by ESO may be withdrawn.
- To extend range of sanctions available to Adjudication Panel – likely to include censure, undertaking training, conciliation etc.

Issues which need to be considered

Framework for undertaking local filter

- **Standards committee will have three separate and distinct roles:**
 - *exercising local filter*
 - *review of local filter decision*
 - *hearing following investigation*

Safeguards to avoid conflict

- **Separate sub-committee for each stage of process**
- **Optimum size of sub-committees?**
- **Standards Committee to increase in size?**

Composition of standards committee

- **Current legislative requirements**
 - at least 25% of members must be independent of authority
 - must have at least one parish representative or standards committee in quorate when considers parish matters
- **Should referral sub-committees be chaired by independent member?**
- **Should there be a minimum of three parish representatives?**
- **Balance of elected / independent members**

Will there be a role for joint standards committees?

- **Bill provides that Secretary of State may make regulations under which two or more authorities may establish a joint committee of those authorities and arrange for standards issues to be dealt with by that joint committee *[new section 56(a) inserted in Act]***

Lodging a complaint

- Standardised complaint form?
- Received by monitoring officer?
- Should ALL complaints be referred to the standards committee?

Procedures for undertaking local filtering

- Preparation
 - pre-meeting with chair?
 - prepare summary of complaint for committee?
 - cross reference complaints against Code of Conduct?
 - checklist of Code of Conduct for committee?
 - prepare recommendations for committee?
 - need to prepare any additional information or paperwork?
 - minimum reading time per case?

Procedures for undertaking local filtering

- **Criteria for local filtering**
 - SBE currently operate according to “national standards”
 - likely criteria for local filtering will be determined locally - will this lead to different practices?

Procedures for undertaking local filtering

- **Criteria for local filtering**
- **Questions that standards committee needs to ask itself?**
 - (i) is there prima facie evidence of code breach?*
 - (ii) would investigation serve any useful purpose?*
 - (iii) would an alternative route to investigation provide a more effective resolution to the matter? Scope for mediation / conciliation / brokering an apology etc?*
 - (iv) is case suitable for local investigation?*

Procedures for undertaking local filtering

- **Conduct of meetings**
 - frequency of meetings? Increase number of meetings? Web/video link? Telephone conference?
 - should press and public be excluded? Are there are grounds for exclusion?
 - dealing with media enquiries

Procedures for undertaking local filtering

- **Conduct of meetings (continued)**
 - procedure if more information needed
 - power to defer decision on referral if there are parallel proceedings e.g. criminal investigation
 - no requirement for consensus - do not be afraid to go to vote!
[But do we record the vote?]

Formal record of meeting

- How should meetings be recorded?
- Should identity of person against whom complaint made be placed on public record or should minutes, if public, be anonymized?
- Should monitoring officer filter the cases which do not relate to code breaches?
- Should these be reported to standards committee?
- How should they be minuted?

Formal record of meeting (cont.)

- Notification to relevant parties.
- **NOTE: provisions in Bill re-notification of “no action” decision to complainant.**
- Need to record reasons for decision - potential for judicial review!

Dealing with requests for review

- **Criteria**
 - that the original decision is considered to be a flawed judgement because it is unreasonable in law or because the correct procedures were not followed

OR

- the complainant has provided compelling new information in their review request

Being ready for local filtering

- Addressing training needs of standards committee and monitoring officer
- Need for increased resources
- Potential for more local investigations?
- Publicity to ensure public aware of where to lodge complaint after 1 April 2008

Any questions?

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