



Investigations: Tackling complex cases

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What makes a case complex?

- Multiple allegations
- Number of complainants
- Nature of allegations and resulting sensitivities
- Status of subject member
- Different functions of monitoring officer

What makes a case complex?

- Concurrent investigations
- Number of disputed facts
- Difficulties in obtaining evidence
- Member sickness
- Difficult areas of Code interpretation

How to tackle the complexities

- **Keep the investigation focussed**
- **Identify difficult and complex areas of the Code**
- **Identify your role as monitoring officer**
- **Deal with confidentiality issues**

How to tackle the complexities

- **Manage cases involving high profile members**
- **Seek specialist advice**
- **Develop your tactics for dealing with people who refuse to co-operate or provide evidence**
- **Train your standards committee on assimilating evidence and decision making**

Keeping the investigation focussed

- **Effective planning**
- **Analysis of allegation**
- **Does the alleged conduct fall within the Code?**
- **Identify the disputed facts**
- **What evidence is required?**
- **Who do you need to interview?**
- **Who don't you need to interview?**

Difficult areas of the Code

- **Identify the problems and seek advice:**
 - **legal advice/SBE advice and case reviews/contact SBE lawyers**
- **Consider case law**
- **Be aware**

Manage the case

High profile members: sensitive nature of allegations

- stay in control – recognise and identify the pressures
- consider the impact of the member's status on witnesses and willingness to give evidence
- develop a press strategy
- manage MP involvement

Manage the case

High profile members: sensitive nature of allegations

- deal with confidentiality
- set out terms to parties at outset
- provide as much information as possible
- provide witnesses with own evidence to check
- complete investigation as quickly as possible

Expert evidence

- **Planning applications – allegations of prejudicial interest**
- **Handwriting**
- **Legal – what may need to do to prove a breach**
- **IT technical**
- **HR processes – appointment and recruitment**

Concurrent investigations

- **Police**
- **Ombudsman**
- **Electoral commission**
- **Employment appeal tribunal**
- **Civil proceedings**

People who refuse to co-operate or provide information

- **Develop powers of persuasion**
- **Remind subject members of duty to cooperate**
- **Alternative ways of providing information**

People who refuse to co-operate or provide information

- **Go to office and ask to see documents**
- **Reassure – explain process, disclose documents, suggest friend/representative present**
- **Set time limits after which you draft**

How to present complex information to a standards committee

- Clear, concise report
- Identify disputed facts in report and come to a conclusion on the disputed facts at each stage giving reasons
- Cross reference evidence bundle in report

How to present complex information to a standards committee

- Come to decision on breach on each of the allegations in multiple allegation cases
- Clear reasoning
- Train standards committee members in what they might expect

Any questions?

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