

**GREAT YARMOUTH BOROUGH COUNCIL**  
**STANDARDS AND CONDUCT**  
**INVESTIGATION PROTOCOL**

General

This document should be read together with the Borough Council's Code of Conduct for Elected and Co-opted Members (hereafter "the Code") and Arrangements under the Localism Act 2011.

Assessment

Following an assessment of a complaint received containing allegations of breach of the Code one of the options open to the Monitoring Officer is to appoint an investigator to carry out a formal investigation into the allegations.

Initial Steps

The appointed investigator shall write to the complainant and the subject member informing them of the appointment and of the following matters:-

- The likely timescale for the investigation
- What matters are to be investigated and whether there are related matters not within the ambit of the investigation (legal or governance issues for example)
- The persons likely to be interviewed as part of the investigation
- How interviews are conducted and that interviewees may have a person present with them at the interview
- How and to what extent confidentiality is addressed during the course of the investigation
- The potential outcomes of the investigation
- That the complainant and subject member both need to be prepared to attend any subsequent standards hearing and bring witnesses to present evidence if they wish their position fully to be taken into account by the committee.
- That the investigator takes no part in any decision or determination
- What publicity might follow the conclusion of the investigation

Investigation Process

The investigator shall prepare a plan containing the following details:-

- An initial list of interviewees
- The order in which the interviews are to take place
- Whether there are issues of law or procedure which also need to be addressed

## Draft Report

At the conclusion of the investigation the investigator shall prepare a draft report and send it to the Complainant and the Subject Member for their consideration and for comment on matters of fact and accuracy only.

The investigator shall also send the draft report to the Monitoring Officer and shall ask for confirmation that the draft is in accordance with the original assessment decision, that the correct issues have been addressed and that there are no further matters that the Monitoring Officer wishes to be covered in the report. The Monitoring Officer may engage the Independent Person in this exercise - unless he or she considers that to do so would compromise the Independent Person's role in giving a formal view under section 28(7)(a) of the Localism Act.

In the case of a parish council investigation the investigator shall send a copy of the draft to the parish clerk unless in the particular circumstances of the complaint this appears inappropriate (for example if the parish clerk is a key witness).

## Conclusions

Following the expiry of the period for comments the investigator shall finalise the report together with conclusions. The conclusions will address the following points:-

- Whether the investigation process revealed issues beyond those contained in the original assessment
- Whether any of the parties to the complaint or any key witnesses declined to co operate with the investigation or refused to be interviewed or give evidence
- Whether in the investigator's view the investigation showed that a breach of the Code had occurred or not
- Any observations of the investigator as to whether any steps are appropriate to address underlying conduct issues uncovered by the investigation
- Whether there are governance or administrative matters that require to be addressed in addition to the conduct issues

## Next Steps

In accordance with the Borough Council's Localism Act 2011 arrangements and following a formal view from the Independent Person the Monitoring Officer shall decide whether the report should:-

- Require no further action (for example where the conclusions are that there has not been a breach)
- Require other action (for example training or reconciliation options)
- Require a standards hearing before the Borough Council's Standards Committee

## Standards Hearing

At the Standards Hearing the investigator shall attend to present his or her report and answer questions from members.

The investigator shall retire from the room with the other parties when members have heard the evidence and begin to make their decision.