

**TO: STANDARDS COMMITTEE - 14 JUNE 2006**

**SUBJECT: FUTURE TRAINING FOR STANDARDS COMMITTEE MEMBERS**

**FROM: LEGAL SERVICES**

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**1. PURPOSE OF REPORT**

To establish a training program for members of the Standards Committee to assist them in their role on the Committee

**2. BACKGROUND**

- 2.1 The Committee has considered briefly the training that will be required over the next year. There are some choices about the training. This report asks the Committee to select an option and to set a date for training.
- 2.2 The Standards Board for England (SBE) has issued guidance as to how a Standards Committee should conduct a local determination of a complaint made to the SBE." Standards Committee Determinations was published in July 2003.
- 2.3 It would probably assist the committee if it familiarised itself with the operation of the guidance. A draft of a summary and checklist for the guidance of the Committee is attached so that members can appreciate the apparent complexity of the mechanism described in the SBE guidance. The proposed system from the SBE has a clear internal logic which becomes apparent when one is familiar with it's operation.
- 2.4 The Committee could try and familiarise itself with the SBE recommended process in more than one way. The options are set out below.
- 2.5 Options
  - 2.5.1 A lecture following a case from beginning to end. Members will be able to ask questions as the lecture progresses. A test so that members can satisfy themselves about their understanding could be undertaken.
  - 2.5.2 A workshop where part of the training is in the form of a lecture. More complicated parts could be tackled by members taking part in a training exercise where certain parts of the process are played out in front of the Committee.
  - 2.5.3 A 'mock' local determination could be staged and members could discuss the process after the determination is completed.
  - 2.5.4 A 'mock' determination could occur, with breaks at key points so that members can ask questions before progressing to the next stage. Complicated elements could be discussed before the Committee applies the guidance.

2.5.6 The last option is likely to take the longest to complete, and they are involving. In the experience of the Monitoring Officer when training other members it has been the option that has been most successful.

## 2.6 Next Steps

2.6.1 It would assist if the committee could give guidance about the preferred option for training on this subject. It would also assist if the member could agree a date for the proposed meeting, taking account of the need to read the papers in preparation for the determination. Sometimes local determinations will involve the submission of later papers from one party or another. Members confidence can be strengthened when they have dealt with a few late papers submitted near to the date of the training event. However it is important that members should have the time to deal with late papers if this option is to be pursued.

## 3. **POLICY AND BUDGET FRAMEWORK**

There is an allocated budget for members' development and there is an agreed Council Policy for the development of members.

## 4. **RECOMMENDATIONS**

4.1 That the Committee selects a training option and an appropriate date for the 'mock determination. It may be that neighbouring authorities would like to gain from the training event. it would assist the Monitoring Officer if members would indicate whether they would like to carry out this training acting on its own or with members and officers from other authorities taking part

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## **BACKGROUND PAPERS**

Nil

**Key Decision:** *No*

**Included in Forward Plan:** *No*

**For further information about this report please contact:**

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## Standards Committee

“*Standards Committee Determinations*”, Standards Board for England, July 2003

### Timing

See p3 of “*Standards Committee Determinations*”.

- The hearing must be within 3 months of the Monitoring Officer receiving the Ethical Standards Officer’s (ESO) report. It must be not earlier than 14 days after the member gets the report.
- A copy of the report must be sent to the member by the Monitoring Officer.
- If the member does not attend then the Committee may consider the matter in their absence. If the Standards Committee receives a request for a delay and is satisfied with the reason, then another date is to be arranged.
- The matter cannot be referred back to the Standards Board for England.

### Scheduling

See p4 of “*Standards Committee Determinations*”.

- “..aim to complete a hearing in one sitting..”
- “or in consecutive sittings of no more than one working day in total..”
- ‘...Late night hearings are not ideal..’

### Pre-Hearing Process

See p4 of “*Standards Committee Determinations*”.

- Process to deal with procedural issues only.
- Identify if a member disagrees with any findings of fact by the ESO.
- Decide if disputed findings of fact are significant.
- Decide whether or not to hear evidence about disputed facts.
- Decide if any part of the hearing should be held in private.
- Decide if any part of the ESO’s report should be withheld from the public.

### Response of the Member

Form A – Member’s response to the evidence set out in the ESO’s report

See p27 of “*Standards Committee Determinations*”.

Form B – Other Evidence relevant to the Determination

See p29 of “*Standards Committee Determinations*”.

Form C – Representations to be taken into account if a member is found to have failed to comply with the terms of the Code of Conduct.

See p31 of “*Standards Committee Determinations*”.

Form E – Details of the Witnesses to be called.

See p34 - 35 of “*Standards Committee Determinations*”.

Form F – Checklist for the Pre-Hearing Process

See p36 of “*Standards Committee Determinations*”.

**Procedures for Local Determination Hearings  
Checklist for Chair & members.**

Paragraph Numbers refer to Paragraphs within the ‘*Model hearing procedures for the Standards Committee*’ set out in Appendix 2, pages 37 – 41 “*Standards Committee Determinations*”.

Page numbers refer to pages within “*Standards Committee Determinations*”.

**Preliminary matters**

	Yes	No
1. Is the Member represented / accompanied by a Solicitor or Counsel? <i>Paragraph 5.</i>		
2. Is the Member represented / accompanied by another person? <i>Paragraph 5.</i>		
Has the Committee consented to the other person’s role? <i>Paragraph 5.</i>		
3 Chair’s introduction to explain how the Committee will run the hearing. <i>Paragraph 7.</i>		
4. Preliminary procedures agreed where not resolved by the pre-hearing process. <i>Paragraph 8.</i>		

**Making Findings of Fact**

	Yes	No
5 Any significant disagreements about the facts? <i>Paragraph 9.</i>		
6. Representations from the Investigator? <i>Paragraph 11</i>		
Has the Committee consented to Investigator calling witnesses? <i>Paragraph 11.</i>		
7. Witnesses challenged by the Member? <i>Paragraph 11.</i>		
8. Representations from the Member? <i>Paragraph 12.</i>		
Has the Committee consented to Member calling witnesses? <i>Paragraph 12.</i>		
9. Committee considers representations? <i>Paragraph 16.</i>		
Chairman to announce the Committee’s findings of fact? <i>Paragraph 17.</i>		

### Has there been a failure to follow the Code?

	Yes	No
10. Committee to consider if the facts show there been a failure to follow the Code? <i>Paragraph 18.</i>		
11. Member to be invited to give reasons why the committee should not decide there has been to failure to follow the Code?		
12. Committee to consider verbal or written representations from the Investigator. <i>Paragraph 20.</i>		
13. Member invited to make any final relevant points. <i>Paragraph 22.</i>		
14. Committee considers representations? <i>Paragraph 23.</i>		
Chairman to announce the Committee's findings of fact? <i>Paragraph 24</i>		

### If there is finding of NO failure to follow the Code

	Yes	No
15. Committee to consider whether there are recommendations to be made to the authority? <i>Paragraph 25.</i>		

### If the member is found to have failed to follow the Code

	Yes	No
16. Representations from the Investigator? <i>Paragraph 26.</i>		
17. Representations from the Member? <i>Paragraph 26.</i>		
18. Legal advice obtained? <i>Paragraph 27.</i>		
19. Committee considers representations? <i>Paragraph 28.</i>		
20 Whether Committee should impose a penalty or not? <i>Paragraph 28.</i>		

21. Which penalty?	Yes	No
Censure		
Up to 3 months restrictions of resources		
Suspension in whole or part for up to 3 months		
Suspension in whole or part for up to 3 months upon condition		
Any delay in the penalty – 0-6 months		

	Yes	No
22. Chairman to announce the Committee's findings of fact? <i>Paragraph 29.</i>		
23. Committee to consider whether there are recommendations to be made to the authority? <i>Paragraph 30.</i>		
24. Announce decision with short written summary. <i>Paragraph 31.</i>		
25. Full written decision issued. <i>Paragraph 31.</i>		
26. Publication in local paper. Page 24		