

A guide to Standards for England investigations

Who is this guide for?

This guide is aimed at anyone involved in an investigation by Standards for England including:

- those under investigation (subject members)
- those who made allegations (complainants)
- and anyone asked for information during the course of an investigation (witnesses)

It is also sent to the monitoring officer of the subject member's local authority, and the town or parish clerk where relevant. All parties receive a paper copy of this guide at the start of the investigation process, or at the point they are asked to give information or be interviewed (witnesses).

This guide is about investigations carried out by ethical standards officers employed by Standards for England into complaints that member(s) of local authorities have breached their authority's Code of Conduct.

Please see the glossary of terms at the end of this guide.

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Introduction

Being involved in an investigation may be a worrying experience. This guide is intended to provide information about the investigations process, and aims to answer the questions that those who become involved may wish to ask.

Investigating allegations of misconduct is one of the ways in which we at Standards for England work to build confidence in local democracy. Over 100,000 people give their time as members. The majority do so with the very best motives and conduct themselves in a way that is beyond reproach. Public perception, however, tends to focus on the minority, who in some way abuse their positions or behave badly.

Anyone who considers that a member may have breached the Code of Conduct can make an allegation to their local authority. If the allegation is about a member of a parish council, the complaint should be sent to the relevant district or unitary council.

Each allegation will be assessed by the local authority's standards committee who will decide if it falls within their remit and should be investigated. If it does, they will decide whether the matter should be investigated locally by the monitoring officer or whether they should ask Standards for England to investigate the matter. When a matter is referred for investigation, it does not mean that the standards committee believes the allegation is true. It simply means that they believe the alleged conduct, if proven, may amount to a failure to comply with the Code of Conduct and therefore should be investigated.

Decisions available to ethical standards officers

The purpose of an investigation is for an ethical standards officer (ESO) to determine which of the following findings is appropriate. An ESO has no powers to sanction members. An ESO can find:

a) That there has been no failure to comply with the Code of Conduct

This is where an ESO has found that the subject member has not breached the Code of Conduct. This finding concludes the process.

b) That there has been a failure to comply with the Code of Conduct but no action needs to be taken

This is where an ESO has found that the subject member has breached the Code of Conduct but has decided that the matter will not be referred to a hearing. An ESO is likely to reach this finding when the breach is relatively minor or unintentional. The ESO will also consider the extent to which the member has acknowledged their conduct and taken steps to put things right.

c) That the matters which are the subject of the investigation should be referred to the monitoring officer of the relevant authority concerned

This is where the ESO has found that the subject member has breached the Code of Conduct and thinks that a local standards committee hearing should be convened to consider their finding. The local standards committee will then make its own determination of whether the member has breached the Code of Conduct and what if any sanctions should be imposed.

d) That the matters which are the subject of the investigation should be referred to the First-tier Tribunal (Local Government Standards in England) for adjudication by a tribunal

This is where the ESO has found that the subject member has breached the Code of Conduct and thinks that a hearing of the First-tier Tribunal should be convened to determine the matter. The First-tier Tribunal will decide whether they think the member has breached the Code of Conduct and if so whether any sanctions should be imposed. A case is likely to be referred to the First-tier Tribunal when an ESO believes the local standards committee has insufficient powers to deal with any finding of breach. The ESO may also refer a case to the First-tier Tribunal if they think that a local hearing would be inappropriate, for example because of the status in the council of the complainant, subject member or a witness.

Rights and responsibilities

The relevant parties to an investigation are entitled to expect certain things from us and have responsibilities that they must fulfil during the investigation process. Below is a summary of the expectations and responsibilities that each party can expect. However, there may be exceptional circumstances where these do not apply. For a complete understanding of the relevant parties' expectations and responsibilities this guide should be read in full.

The subject member

- You will be given an estimated completion date at the start of the investigation
- You will be informed of our progress at least every four weeks
- You will receive a copy of the allegations made about you for comment
- You may be interviewed by an investigator who will record the interview
- You may disclose details of the investigation for the purposes of obtaining professional advice
- You should take legal advice before disclosing information provided to you in the investigation (a disclosure contrary to section 63 of the Local Government Act 2000 is a criminal offence – see page 11)
- You may defend yourself against the allegations made in arenas such as political groups or in the press
- You will receive a draft copy of the ESO's decision for comment
- You will receive notification of the ESO's final decision
- You cannot appeal against an ESO's decision
- You will be able to defend yourself at any hearing that takes place
- You can request to appeal a determination by a local standards committee or the First-tier Tribunal

The complainant

- You will be given an estimated completion date at the start of the investigation
- You will be informed of our progress at least every four weeks
- You may be interviewed by an investigator who will record the interview
- You should take legal advice before disclosing information provided to you in the investigation (a disclosure contrary to section 63 of the Local Government Act 2000 is a criminal offence – see page 11)
- You will receive a draft copy of the ESO's decision for comment
- You will receive notification of the ESO's final decision
- You cannot appeal against an ESO's decision
- You may be called to give evidence at any hearing that takes place
- You cannot appeal a determination by a local standards committee or First-tier Tribunal.

Witnesses

- You may be interviewed by an investigator who will record the interview
- You should take legal advice before disclosing information provided to you in the investigation (a disclosure contrary to section 63 of the Local Government Act 2000 is a criminal offence – see page 11)
- You may receive relevant extracts from a draft copy of the ESO's report for comment
- You will receive notification of the ESO's final decision
- You may be called to give evidence at any hearing that takes place

Before an investigation

How does Standards for England decide whether to accept a referral from a local standards committee to investigate?

When considering a standards committee's request that a case is referred to an ESO for investigation, Standards for England will first decide whether there is a potential breach of the Code of Conduct. We will then assess all relevant circumstances and are more likely to accept an allegation for investigation by an ethical standards officer if one or more of the following circumstances exist:

- The status of the subject member(s) involved includes a group leader, elected mayor or member of the authority's cabinet or standards committee.
- The status of a complainant is, for example, the chief executive, the monitoring officer or other senior officer.
- A potential conflict of interest. For example, because so many members of the standards committee are involved that it could not properly monitor the investigation. Or because the monitoring officer has been involved and suitable alternative arrangements cannot be put in place.
- The case is considered serious and/or complex. For example, so many members are involved that it cannot be handled locally.
- Substantial amounts of evidence are needed and are beyond that available from the authority's documents, its members or officers.
- Substantial governance dysfunction in the authority or its standards committee.
- The complaint relates to long-term or systemic member/officer bullying.
- The complaint raises significant or unresolved legal issues on which a national ruling would be helpful.
- The public might perceive the authority to have an interest in the outcome of a case. For example, if the authority could be liable to be judicially reviewed if the complaint were upheld.

- Other exceptional circumstances which would make a local investigation particularly difficult. For example if the same facts have given rise to an investigation by another regulator such as the Local Government Ombudsman or the authority's auditors.

If Standards for England accepts an allegation from a standards committee we will refer it to an ethical standards officer for investigation.

How long do Standards for England take to decide whether to accept a complaint for investigation?

In most circumstances we aim to let the complainant, the subject member and the standards committee know our decision within two weeks of receiving the complaint.

During an investigation

There are four main stages to an investigation:

1. Planning the investigation

Within two weeks of accepting a case for investigation, the investigation team assigned to the case meets to agree an initial plan for the investigation. Following this meeting the ethical standards officer will write to the complainant and subject member involved. The letter will include:

- The names and contact details of the ethical standards officer and investigator assigned to the case.
- An outline of key milestones in the investigation and estimated completion dates, including when we may need to interview the recipient (if applicable).
- A copy of this guide.

At this point we will usually provide the subject member with a copy of the allegations and encourage an early response to them. Providing an early response to the allegations can mean that the investigation takes less time to complete.

Subject members, complainants and monitoring officers will be kept up-to-date about the progress of an investigation at least every four weeks. If one of the relevant parties has any specific requests about how or how often they would like to be updated, they should let the investigator or the ethical standards officer know. We will do our best to meet these requests.

How long will the investigation take?

This depends on how complex the investigation is, the amount of information that needs to be gathered and the number of interviews that need to be carried out. Speedy co-operation by complainants, witnesses and subject members helps reduce the time taken to carry out an investigation.

We will give complainants and subject members an outline timetable for completing the investigation in the letter sent at the start of the investigation. If this date looks likely to change as the investigation progresses, we will advise the relevant parties of a new date and given an explanation for this.

We are committed to progressing investigations as quickly and effectively as possible without compromising on quality. We believe that being thorough and fair is an absolute priority; and that any investigation should be proportionate to the potential seriousness of any breach of the Code of Conduct.

We aim to complete 90% of our investigations within six months; and all investigations within 12 months (our key performance indicators). The timeframe is calculated from the date Standards for England receives an allegation from the standards committee. It includes the time taken to conduct the investigation, evaluate the evidence, prepare a draft decision document, receive and consider comments from relevant parties, and issue the final decision document. Information about how we have performed against our key performance indicators can be found in our Annual Report, published on our website.

Occasionally we have to defer an investigation because, for example, the member concerned is seriously ill or another investigation is being conducted by the police or another regulator.

2. Conducting the investigation

The ethical standards officer has overall responsibility for the conduct and outcome of an investigation. They are supported by investigators who will conduct interviews, gather evidence and be the main point of contact for parties involved in an investigation. The relevant parties may also be contacted by an investigation support officer, who works alongside the investigator and ethical standards officer. The type of information gathered during an investigation may be in a written or documentary format, or other media. We may also interview the subject member and others (see section on interviews).

What can the ethical standards officers investigate?

The ethical standards officer will specifically investigate the allegations referred to them by Standards for England. Section 59(1)(b) of the Local Government Act 2000 also gives the ethical standards officer the power to investigate other matters which may amount to a breach of the Code of Conduct that come to their attention during the course of an investigation. Using these powers the ethical

standards officers can extend the scope of a current investigation or start a new investigation into a different member of an authority.

How will the ethical standards officer gather information?

The manner will vary depending on the individual case. They may seek information in writing or by telephone or face-to-face interview.

Does the ethical standards officer have the right to demand information?

Yes. The ethical standards officer has a right of access to all relevant information that is necessary to conduct the investigation. The gathering of information is vital in order for the ethical standards officer to reach a fair and proper finding on an allegation.

The ethical standards officer may require anyone to provide information or attend an interview if they believe they have information relevant to the investigation. This may include:

- the subject member
- the complainant
- other members of the authority
- any relevant third parties, such as witnesses.

Ethical standards officers also consider evidence provided by other investigative agencies including the police and the Audit Commission, where relevant.

What happens if a person refuses to provide information?

If someone fails to comply with requests for information, without reasonable justification, they commit a criminal offence. If a subject member refuses to provide information or attend an interview, the ethical standards officer will normally conclude the investigation based upon other information they have obtained, and without the benefit of the member's comments.

Where can I find out more about the legal basis for an ethical standards officer's powers?

Part III of the Local Government Act 2000 as amended sets out the main powers and functions of an ethical standards officer. Sections 59 to 64 deal with the main

powers of ethical standards officers which include arranging for the investigation of cases referred by Standards for England, deciding to investigate other matters which come to light during an investigation, referring cases to monitoring officers to deal with, requiring people to provide information and documentation and preparing reports on these investigations.

Please visit our website for useful links to legislation: www.standardsforengland.gov.uk/Aboutus/Usefullinks/

Acts of Parliament can be found at: www.opsi.gov.uk/legislation/about_legislation.htm

Interviews

An investigator usually carries out interviews. Not all investigations will require interviews, however most do. If interviews are needed, the ethical standards officer/investigator will usually seek information from the complainant, and others involved, before interviewing the subject member.

Interviews will be carried out by telephone or face-to-face, depending on the circumstances of the case. Provision can be made to interview in our Manchester offices or at a venue convenient for the witness (but not usually in people's homes). We will often arrange the interviews by phone or email and confirm arrangements in writing. At the start of the investigation we let the relevant parties know when we plan to carry out interviews.

Although the ethical standards officer/investigator welcomes responses to the allegations from the subject member at the beginning of the investigation, it will usually be necessary to conduct an interview as well once all the evidence has been obtained.

Can a legal adviser or other person attend or participate in an interview?

A subject member may be accompanied or supported by a legal adviser upon request. However, the ethical standards officer will expect the member to answer any questions posed – not the legal adviser. Subject members are personally responsible for any legal costs incurred during the process. Local authorities are able to take out insurance to cover this. However, most insurance schemes will only cover the costs

incurred by members who are found not to be in breach of the Code of Conduct. Therefore members are advised to refer to the terms of their own insurance scheme before deciding whether to obtain legal advice.

The ethical standards officer may also allow someone who is not a lawyer to accompany the subject member, as long as that person is not a potential witness in the investigation and understands that the information discussed at interview is confidential.

We would not normally expect a complainant or witness to be accompanied or supported by a legal adviser. The ethical standards officer may also allow someone who is not a lawyer to accompany the person, as long as that person is not a potential witness in the investigation.

Will interviews be recorded?

It is our standard practice to record telephone and face-to-face interviews. This helps to save time and ensure an accurate record of the interview. It also means that we can send a typed copy of the interview transcript to the interviewee. If an interviewee has any concerns about the interview being recorded they should discuss this with the investigator or ethical standards officer beforehand. In the small number of cases where we do not record interviews, notes are made, often by another investigator or investigation support officer. The interviewee will be asked to confirm that these notes are an accurate record of the interview.

Sometimes we produce a witness statement from the interviews, normally if the case will be sent to a hearing. A witness statement records the evidence given and the interviewee will be asked to sign it.

Where will interviews take place?

Face-to-face interviews are normally held at council offices. They can also be carried out at our offices in Manchester or in hired rooms. The location will be discussed and agreed with the interviewee before the interview.

What will happen with information given during an interview?

It may be included in the ethical standards officer's draft and final reports, circulated to the monitoring officer, complainant, subject member and, sometimes, the standards committee.

If the case goes to a hearing, notes, a transcript or recording of the interview may be submitted as evidence. For parties other than the subject member, interviewees may be called as witnesses. If an interviewee provides us with private or confidential information, we will ask the First-tier Tribunal or standards committee to keep the information confidential. However, they may disagree with our request and make it public.

What information has to be kept confidential during and after an investigation?

Section 63 of the Local Government Act 2000 limits the disclosure of information obtained during an investigation. Any person who discloses information in breach of Section 63 is guilty of a criminal offence.

The ethical standards officer may need to disclose information during the course of investigation to the parties concerned or to a witness. Under Sections 63 and 67 of the Local Government Act 2000 they may also disclose information to certain organisations, such as the Audit Commission and the Local Government Ombudsman,

Disclosure by others of information gathered during an investigation may be made in the following circumstances:

- a) The person or person to whom the information relates has given specific consent to its disclosure
- b) The information has previously been disclosed to the public with lawful authority
- c) For the purposes of seeking advice in relation to the investigation from a solicitor or other professional adviser.

Subject members may wish to respond to the allegations in other forums. Section 63 does not prevent members defending themselves in arenas such as political groups or in the press, so long as they do not refer to information that the ethical standards officer has given them. For example, they can discuss the ethical standards officer's reasoning on the Code of Conduct generally but not reasoning where it relates to information the ethical standards officer has given them. Information contained in the original allegations is not subject to section 63 and can therefore be shared.

These provisions are complex. Anyone, including subject members, complainant and potential witnesses, who has a copy of a report or possesses information covered by section 63, should consider the legislation very carefully before discussing the case, and should seek professional advice from a solicitor to ensure they are acting lawfully.

Any information in the case summary, produced at the end of an investigation, may be shared freely.

Can an ethical standards officer refer an investigation back to a standards committee?

An ethical standards officer may decide that the investigation should be continued by the monitoring officer of the authority concerned. They may do so if the circumstances in which the local standards committee made the referral to Standards for England change.

Can an ethical standards officer stop an investigation without reaching a finding?

In certain circumstances, an ethical standards officer may decide some form of action other than an investigation is appropriate. The latter is most likely to happen in situations where the ethical standards officer considers that a case has relevance for the ethical governance of an authority and that the issues involved will not be resolved by making a finding against an individual member.

This can happen at the start of a case or at any time during the investigation. It means that there is no finding of fact and no implication that the subject member has breached the Code of Conduct.

Other action could include training, for example, in the Code of Conduct or council procedures and protocols. It could include mediation to resolve conflict between parties, or redrafting of council policies or procedures.

The action proposed does not have to be limited to the subject member but can extend to other members and even the whole council. The ethical standards officer directs the monitoring officer of the authority to carry out the action within specific timescales.

A proposal to direct the monitoring officer to carry out other action will normally be sent out in draft format to allow the monitoring officer, subject member and complainant to comment. Once this course of action has been finalised in a report or letter to parties, we will publish the details in a case summary on our website. Once the monitoring officer has implemented the action, we will update the case summary.

In what circumstances may an investigation be deferred?

An investigation may be deferred until a later date in one or more of the following circumstances:

- ongoing legal proceedings or police investigation
- ongoing investigation by another statutory or regulatory body into the subject member's conduct
- serious illness of a key party.

The investigation will normally only be deferred if:

- the ethical standards officer needs to make conclusions about the same facts which are subject to another investigation or court process
- some other factor prevents us from continuing with an investigation for a period of time.

If the ethical standards officer decides to defer the investigation, we will write to the complainant, subject member and monitoring officer. We will also let these parties know when the investigation becomes active again, along with revised completion dates.

3. Issue a draft decision for comment

Once the ethical standards officer is satisfied that they have enough information to assess accurately whether or not the subject member has breached the Code of Conduct, they will draft a decision document. This will contain the proposed finding and supporting reasoning and can be in letter or report format. An ethical standards officer can make one of four findings:

- a) that there has been no failure to comply with the Code of Conduct of the relevant authority concerned
- b) that there has been a failure to comply with the Code of Conduct of the relevant authority concerned but no action needs to be taken
- c) that the matter should be referred for a hearing by a local standards committee
- d) that the matter should be referred for a hearing by the First-tier Tribunal

The draft decision will be sent to the subject member, complainant and monitoring officer, who are usually given ten working days to comment on the contents. The ethical standards officer may also give other relevant people the opportunity to comment on the draft report, or extracts from it, if their conduct is directly referred to in the report, or if it will assist the investigation.

If the ethical standards officer thinks that there has been a breach of the Code of Conduct the subject member will usually be sent copies of the evidence relied upon by the ethical standards officer in reaching their decision with the draft report.

Where relevant, we tell a parish or town clerk, who is not a witness or complainant, when we issue a draft decision. However, we do not send clerks a copy of the decision letter or report or invite them to comment on it unless they are a complainant.

4. Issue a final decision

The ethical standards officer will consider all comments received on the draft report/letter before issuing their final decision.

Ethical standards officers will set out their decision on the finding in a report or letter. This will provide reasons for their decision, including whether they consider there has been a breach of the Code of Conduct. Ethical standards officers have no powers to sanction members. Where they refer a case to a hearing by the First-tier Tribunal or a local authority's standards committee, the tribunal or committee will reach a decision about whether there has been a breach of the Code of Conduct, and impose a sanction if appropriate.

We will write to the subject member, complainant, monitoring officer, clerk and witnesses to let them know the ethical standards officer's finding. When we issue this decision, the investigation is complete.

The table opposite details the documents normally received by each party to the investigation about its outcome.

Is there a right of appeal against an ethical standards officer's finding?

There is no right of appeal against anything that appears in the ethical standards officer's report, although all parties will have had the opportunity to comment on the draft report.

It may be possible to seek judicial review of the ethical standards officer's finding. Judicial review is a legal challenge made through the courts where the losing party is liable to pay the costs of any other party involved in the case. There are time limits on making an application for judicial review and we strongly recommend that legal advice be sought as soon as possible when considering action of this kind.

Final finding	Subject member	Complainant	Monitoring officer	Witness	Parish Clerk (if relevant)	First-tier Tribunal
a) that there has been no failure to comply with the Code of Conduct of the relevant authority concerned	Ethical standards officer's final report/ decision document	Ethical standards officer's final report/ decision document	Ethical standards officer's final report/ decision document	Notification of finding	Notification of finding	-
b) that there has been a failure to comply with the Code of Conduct but no action needs to be taken	Ethical standards officer's final report/ decision document Supporting evidence (in some cases)	Ethical standards officer's final report/ decision document	Ethical standards officer's final report/ decision document	Notification of finding	Notification of finding	-
c) that the matter should be referred to the monitoring officer of the relevant authority for determination by the local standards committee	Notification of finding. The monitoring officer of the authority will send the subject member the final report.	Notification of finding	Ethical standards officer's final report/ decision document Supporting evidence	Notification of finding	Notification of finding	-
d) that the matter should be referred to the First-tier Tribunal for adjudication by a tribunal	Notification of finding. The First-tier Tribunal will send the subject member the final report.	Notification of finding	Ethical standards officer's final report/ decision document	Notification of finding	Notification of finding	Ethical standards officer's final report/ decision document Supporting evidence

After an investigation

When are the ethical standards officer's findings made public?

Within two weeks of issuing the final decision we will produce a summary of the case and send it to the:

- subject member
- complainant
- monitoring officer
- parish clerk (where relevant)
- witnesses named in the report.

Shortly after we will publish the case summary on our website.

For cases sent to a hearing the case summary will be updated when the hearing has been concluded and we have received the written decision from the panel. For those cases where the ethical standards officers directed the monitoring officer to carry out other action, the summary will be updated when the action has been completed.

What happens if a complaint is referred to a standards committee hearing?

The ethical standards officer will send the final report to the monitoring officer of the relevant authority, who will arrange a standards committee hearing. The standards committee must try to hold a hearing within three months.

At a hearing the committee will consider the ethical standards officer's report and decide if it thinks there has been a failure to comply with the Code of Conduct. The ethical standards officer will be legally represented. If it finds a failure to comply with the Code, the committee has a range of sanctions at its disposal up to and including suspending a member for up to six months.

The standards committee will announce its decision at the hearing, and afterwards will arrange to publish a notice of that decision in a local newspaper. If the committee decides there is no breach of the Code of Conduct, the member being investigated may ask the committee not to publish the notice.

However, there is nothing to stop any third party from publishing details of the case which emerge during the public hearing, even if the authority withholds its notice.

The subject member can seek to appeal the decision of a local standards committee hearing to the First-tier Tribunal. Appeals will only be considered if the Tribunal gives permission and the application is made within 28 days of the member's receipt of the Standards Committee's full written decision.

There is no appeal mechanism available for complainants apart from Judicial Review.

The standards committee should provide the subject member with more information on the hearings procedure. We also publish guidance on standards committee determinations on our website: www.standardsforengland.gov.uk/Guidance/TheLocalStandardsFramework/

What happens if the case is referred to the First-tier Tribunal (Local Government Standards in England)?

The First-tier Tribunal is part of the Tribunals Service and it is independent of Standards for England. It will decide whether there has been a failure to comply with the Code of Conduct and has a range of sanctions available to it, including suspension of a member from office for up to one year, and disqualification from standing or acting as a member for up to five years.

When a case is referred to the First-tier Tribunal, a hearing is usually scheduled to consider the alleged breach of the Code of Conduct. If the First-tier Tribunal decides to hold a hearing, it is usually held in public and within three months of being referred by an ethical standards officer. There is a pre-hearings process that is carried out in writing before the hearing. Normally any witnesses that will need to give evidence at the hearing are identified at this stage.

The tribunal may reach different conclusions about the facts than the ethical standards officer. Unlike the ethical standards officer, it also has the power to impose sanctions on members who it considers have breached the Code of Conduct.

The First-tier Tribunal will send a decision notice to the subject member, complainant, the standards committee of the relevant authority and Standards for England. It will publish the findings on its website and place a notice of its decision in a local paper. Once the First-tier Tribunal decision has been published, we will update our case summary with a link to the decision on the First-tier Tribunal's website.

The subject member can seek to appeal the decision of the First-tier Tribunal to the Upper Tribunal (Administrative Appeals Chamber). The subject member must first apply to the First-tier Tribunal (Local Government Standards in England) for permission to appeal. This must be made in writing within 28 days after the Tribunal has sent written reasons for its decision.

There is no appeal mechanism available for complainants apart from Judicial Review.

More information about the First-tier Tribunal can be found at:

<http://www.adjudicationpanel.tribunals.gov.uk>

General Information

Feedback on the investigation process

We are keen to hear how different parties in an investigation experienced the process. Either at the end of an investigation, or when a hearing has taken place, the complainant, subject member, monitoring officer and key witnesses involved in each case will be sent a satisfaction survey by our research team.

The survey is either sent within two weeks of receiving the case summary or, where the case is sent to a hearing, when the hearing has been concluded. Responses to the survey will be anonymous, unless you choose to identify yourself. The results of the surveys are used to improve the investigation process and the experience of those involved in an investigation. We encourage you to return the survey and appreciate your time in doing this.

How does Standards for England respond to press enquiries?

The media has an important role to play in maintaining the transparency of local administration. We are as helpful as possible to journalists who enquire about our work without doing anything that may unfairly prejudice the outcome of an investigation or hearing. We do not comment on, or even acknowledge, allegations that have not yet been considered, and will not publicise the existence of an investigation while it is underway.

We will confirm, when prompted by a journalist, the name and authority of a member involved in an ongoing or past investigation, and will provide the following additional information:

- the type of person who made the allegation – whether they are a member or officer of the same authority, or a member of the public
- the parts of the Code of Conduct potentially breached
- when the allegation was received and when we decided whether or not to investigate
- if action other than an investigation was directed and the nature of that action

- for allegations investigated by an ethical standards officer, the outcome of the investigation once it is known (journalists will be referred to the local authority for more information on allegations being investigated locally).

We always make the point that just because an investigation is taking place, no one should presume that a breach of the Code of Conduct has occurred.

Once the case has been concluded the summary of the case, which is published on our website, is also made available to the press on request. We direct the press directly to the First-tier Tribunal or the local authority for details on the outcome of hearings.

Where can I go for further information?

This guide is intended to answer some of the most frequently asked questions about investigations. For more information about our work, please explore our website, www.standardsforengland.gov.uk.

If you have any specific questions or concerns, you can contact the investigator assigned to your case or direct more general Code of Conduct enquiries to:

Standards for England,
Fourth Floor,
Griffin House,
40 Lever Street,
Manchester,
M1 1BB

Telephone: 0845 078 8181

Email: enquiries@standardsforengland.gov.uk

Glossary

Case summary	A short summary of the ethical standards officer's final decision document. We send this to the main parties in an investigation and publish on our website.
Clerk	The chief officer of a town or parish council. When a member of their authority is under investigation they are kept informed when key points of an investigation are reached (such as the draft and final findings issued) and may be asked to provide information.
Complainant	The person who made the allegation about a potential breach of the Code of Conduct
Ethical standards officer	<p>Someone empowered by the Local Government Act 2000 to investigate allegations referred to them by Standards for England that a member or co-opted member of a relevant authority in England has breached their authority's Code of Conduct.</p> <p>Ethical standards officers conduct each investigation impartially and come to a final finding on allegations referred to them. These findings can be:</p> <ul style="list-style-type: none"> • there has been no breach of the Code of Conduct • there has been a breach of the Code of Conduct but no action needs to be taken • to refer to a standards committee or First-tier Tribunal hearing. <p>Or they can ask the authority's monitoring officer to take over an investigation or take some action instead of investigation, such as training, reviewing procedures or conflict resolution.</p>
First-tier Tribunal (Local Government Standards in England)	<p>An independent tribunal that an ethical standards officer or standards committee can refer allegations to for them to determine whether there has been a failure to comply with the Code of Conduct. It also hears appeals of local standards committee determinations. It has a range of sanctions available to it, including suspension of a member from office for up to one year, and disqualification from standing or acting as a member for up to five years.</p> <p>It also has the power to quash or increase a sanction imposed by a local standards committee should that sanction be appealed by the subject member.</p>
Interview transcript	An accurate record of what was said during an interview. All, or parts, of the transcript may be used in the ethical standards officer's draft or final decision letter/report.

Glossary

continued

Investigations Support Officer Assist investigators and ethical standards officers in their duties.

Investigator Help ethical standards officers carry out investigations. They will be the main point of contact for the relevant parties during an investigation and will usually carry out interviews and other information-gathering.

Judicial Review A type of court proceeding in which a judge reviews the lawfulness of a decision or action made by a public body. If the right processes were followed, the right issues considered and the decision is not clearly perverse a court will not substitute what it might think is a better decision for the one that has been made.

Local Government Act 2000 This is the main act of Parliament, Part III of which covers the ethical regime in local government. It has been amended by the Local Government and Public Involvement in Health Act 2007 and some minor changes have been made by other legislation since. Acts of Parliament can be found at:
http://www.opsi.gov.uk/legislation/about_legislation.htm

Monitoring Officer A senior officer of the authority of the member under investigation or, in the case of parish councils, the relevant principal authority. The monitoring officer has a statutory duty to investigate allegations referred to them by their standards committee or carry out directions for other action from ethical standards officers.

Other action Action other than an investigation, such as mediation or training.

Standards Committee A committee of a principal authority established under Section 54 of the Local Government Act 2000. Their role is to promote high standards of conduct by members, and to assist members to observe the Code of Conduct.
They have the power to assess complaints and review complaints about members and to conduct determinations' hearings. They can refer complaints to the monitoring officer or Standards for England for investigation.

Glossary continued

Subject member

The member alleged to have breached the Code of Conduct

Witness statement

Records the evidence someone has given and should be signed to indicate the contents of the statement are true. All, or parts, of the witness statement may be used in the ethical standards officer's draft or final decision letter/report and in a public hearing.

