

GOING LOCAL: INVESTIGATIONS AND HEARINGS
GUIDANCE DVD BY THE STANDARDS BOARD FOR ENGLAND

SUMMARY OF LEARNING POINTS:

1. Avoid conflicts of interest
 - Delegate
 - Outsource
 - Make reciprocal arrangements
2. Plan the investigation
 - Allegation
 - Issues
 - Information sources
 - Resources and targets
3. Plan the interview
 - Questions
 - Documents needed
 - Introductory statement
4. During the interview
 - Explain the interview process
 - Respond to concerns
 - Establish a rapport
5. The right questions
 - Open or closed
 - Avoid ambiguous or hypothetical
 - Do not ask leading questions
6. Good interview practice
 - Give interviewees documents in advance
 - Summarise
 - Ask them to confirm
7. The Monitoring Officer's report
 - Code broken: committee holds hearing
 - Code not broken, and:
 - Committee agrees – matter closed
 - Committee disagrees – hold hearing

8. The pre-hearing process

- Ensures smooth running
- Informs all parties of details
- Helps determine length of hearing
- Deals with case management issues

9. The pre-hearing summary

- Date, time and venue
- Summary of allegation
- Witnesses
- Hearing procedures

10. The pre-hearing summary

- Subject matter/representative
- Disputed facts
- Requests for private hearing

11. The panel

- Three or five members
- Independent chair
- Parish representative

12. The chair of the hearing

- Introduce everyone
- Outline procedure
- Ask interests to be declared

13. The three stages of a hearing

- Establish facts
- Decide if the Code of Conduct has been breached
- Consider sanctions

14. The independent legal advisor

- Advise the Standards Committee
- Ensure fair procedure
- Ensure the subject member understands

15. The investigator or their representative

- Present findings
- Explain reasoning
- Answer questions

16. Was the Code of Conduct broken?

- Subject member and investigator both allowed to present their views
- Committee decides

17. Code of Conduct broken

- Investigator can comment on possible sanctions
- Subject member can comment on possible sanctions

18. Sanctions

- Censure
- Restrict access to resources
- Suspend or partly suspend for three months
- Training
- Conciliation
- Written apology

19. Decisions

- Short written decision on the day
- Full written decision within two weeks
- Send full decision to:
 - subject member
 - complainant
 - Monitoring Officer

20. Local paper

- Publish summary of findings
- If there is no breach and the member objects, don't publish

21. Appeal

- In writing
- The President of the Adjudication Panel for England
- Within 21 days