



Standards
for England

Example directions

- 1. Example wording that could be used in decisions to direct the monitoring officer to take other action**
- 1.1 The assessment sub-committee refers the complaints to the monitoring officer and directs that the monitoring officer take steps other than carrying out an investigation. The monitoring officer should arrange for guidance on conflict resolution to be provided to the members of the town council with a view to improving working relations at the council, through more effective communication and improved conduct at council meetings. The monitoring officer should engage a professional mediator to work with members.
- 1.2 The assessment sub-committee refers the complaints to the monitoring officer to take action other than carrying out an investigation. The steps taken by the monitoring officer must ensure that all members of the parish council understand the council's procedures. They should also provide an opportunity for members to resolve any outstanding questions about the Code of Conduct. The process should improve members' understanding of the extent and limits of their role as councillors and their use of standing orders. It should also encourage members to review and identify times both when their conduct has put them at risk of breaching the Code, particularly in relation to the provisions concerning disrespectful and bullying behaviour.
- 1.3 The assessment sub-committee refers the complaints to the monitoring officer to take action other than carrying out an investigation. In doing so it expects that all members of the parish council will participate fully with a view to improving the governance and overall functioning of the council. The council must provide the monitoring officer with any documentation that he requires in implementing this action.
- 1.4 The assessment sub-committee refers the complaints to the monitoring officer to take action other than carrying out an investigation. In doing so it requires that the monitoring officer invite the clerk to participate in all the processes he/she undertakes with members.
- 1.5 You are required to provide the standards sub-committee with a report within three months of the date of this decision setting out the work undertaken with members and the outcomes. Please identify in your report any members who have not participated in the process.
- 1.6 The assessment sub-committee refers the complaints to the monitoring officer and directs that the monitoring officer take steps other than carrying out an investigation. The monitoring officer must undertake a review of each of the councillors' register of financial and other interests. The monitoring officer is directed to invite all members to update their register. The monitoring officer should report to the sub-committee by [] where a member has not completed the register. The sub-committee is mindful that the contents of the register is the responsibility of each member, but requests the monitoring officer to

seek to identify any where there is a discrepancy, and request members to ensure that they are all up-to-date.

- 1.7 The assessment sub-committee directs the monitoring officer to take action other than investigation. This is to arrange training for council members on the Code. The training should encourage councillors to review and identify times at council meetings when they may have had personal and prejudicial interests in matters under discussion. It should also encourage them to consider how they may have behaved differently.
- 1.8 The assessment sub-committee directs the monitoring officer to take action other than investigation. This is to arrange training for council members on the Code. The training should make clear when a member is acting within the scope of the Code. It should also place particular emphasis on making public statements and ensuring such statements were accurate and fair.

2. Examples of language used in correspondence explaining the purpose of action other than investigation

2.1 This case involved an initial investigation of eight linked complaints (two complaints were completed as investigations with findings of no breach).

“The assessment sub-committee has concluded that on the basis of the most recent complaints and the previous complaints concerning XX parish council, there is evidence that the basis of many of these complaints related to perceived problems with basic administrative and local government procedures. I also consider that there is evidence of longstanding personal conflict and communication problems affecting the council. I consider that the current allegations are part of a pattern. Past investigations into allegations of misconduct by members of the council appear to have been ineffective as a means of achieving resolution. It is now essential that the underlying problems affecting the council are addressed, and I do not consider that investigation of the current allegations XYZ against councillors A and B will achieve this and result in a meaningful use of public resources.

In the circumstances, the assessment sub-committee has concluded that all these cases would best be dealt with by way of action other than investigation to facilitate a process of mentoring, training and mediation for all members of XX parish council and to arrange training and guidance to all members on conflict resolution and in other areas of weakness in the standing orders and the Code of Conduct that are the monitoring officer identifies.”

2.2 This case involved a town council where there had been previous investigations, complaints arising from disputes about procedural issues and arising from difficult personal relationships between members.

“The purpose of taking action other than investigation in this case is three-fold. Firstly, training on conflict resolution should seek to improve the skills of members in more effectively dealing with and resolving conflict. It is hoped that both this and the appointment of an independent mediator will also help members work through their difficulties and avoid the council’s time and resources being wasted on personal conflicts and arguments. Although it is understood that some of these personal conflicts are longstanding and deep seated, it is believed that mediation can work because all those involved should have the same overriding interest which is to allow council business to be conducted more effectively.

Secondly, by reviewing members’ understanding of the council’s procedures; its administrative requirements; its standing orders; the Code of Conduct and local government practice more generally, the monitoring officer should be able to address any weaknesses that there might be. It is hoped that this will allow the council to run more effectively and for its business to be conducted in a proper manner that will command the respect of the community.

Thirdly, it is hoped that advising members specifically on matters related to the Code, in particular what is and is not acceptable behaviour in terms of treating others with respect, will prevent members feeling bullied and will prevent similar allegations from being made in the future. The implementation of a member/officer protocol should leave all parties with a clear understanding of how they should treat each other. It should also provide members with guidance regarding what is and is not appropriate in relation to the work carried out by the clerk.”

2.3 Case where under the old regime a monitoring officer asked the ethical standards officer to direct the monitoring officer to take other action.

“You have advised Standards for England of conflicts and poor working relations between some elected members and between some elected members and officers, particularly at meetings of the parish council, which you explain have been disrupted by the behaviour of certain members. You have also advised of your concerns that there is a lack of understanding among members about local government practice and the requirements of the parish council’s Code of Conduct as well as the parish council’s procedural and administrative requirements, its standing orders and procedural rules. You have also expressed concern that should these allegations be subject to investigation and should it be established that certain members have failed to comply

with the Code of Conduct, that these members are unlikely to accept this verdict and will continue to behave in the same manner. I believe that this concern underlines the need for training on the importance of the Code of Conduct and the ethical framework more generally.

In this context, I am required to reach a view on how best to proceed. In coming to a view in this matter, I am conscious of the need to seek to resolve the difficulties with which the council is currently faced in a constructive manner for the benefit of the whole community which it serves. I also believe that unless constructive action is taken, the pattern of tit-for-tat allegations is likely to continue and will hamper the effective running of the council.

I consider that these matters will be best addressed by way of a direction to facilitate a process of training and mediation for all members and officers of the parish council.”

2.4 General points to be considered in most cases.

“In considering whether this decision might result in unfairness to Councillor XX as the complainant or Councillors YY and ZZ as the members who have had allegations made against them, I have taken into account the overriding need to improve the functioning of the parish council. I do not consider it proportionate to conduct a full investigation into Councillor XX’s allegations. Based on the information available to the assessment sub-committee, they firmly believe that it is necessary to take action other than investigation to ensure that the council functions effectively in the future. They believe that this is a constructive process which is in the public interest, and therefore in the interests of the complainant and members themselves.”