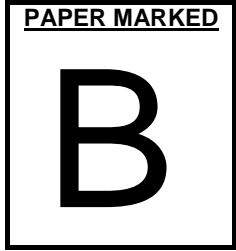


LEICESTERSHIRE POLICE AUTHORITY



Meeting **STANDARDS COMMITTEE**

Date **THURSDAY 25 JUNE 2009 AT 2.00 p.m.**

Report of **CHIEF EXECUTIVE**

Subject **STANDARDS ISSUES UPDATE**

Purpose of Report

1. The purpose of this report is to update Members on a number of outstanding issues relating to the Standards Committee.

Commentary

2. At the Standards Committee meeting on 3 March 2009, Members received a draft protocol regarding locally determined complaints. Members suggested that the protocol be updated with Members' comments. This has been done and appears at Appendix 1 to this report. I was asked to take views from regional colleagues about paragraph 8 of the Annex to Appendix 1. No other police authority has inserted such a provision but neither did they see this as problematic. The request concerning the assessment criteria (para 10 and Table B in Appendix 1) has been forwarded to the Standards Board for England (see minute 05/09 (d)) along with an example of a paper on Reports in Exempt Session (see minute 08/09).
3. The Committee also asked to be presented with an equality impact assessment in relation to the procedure at Appendix 1. This is found at Appendix 2.
4. Each of the other regional Police Authorities has been contacted with an invitation to send two representatives from their Standards Committee and an officer to our meeting on 25 June. This will enable the sharing of lessons to learn across the region.
5. It was hoped to provide a report on the vetting of Members to this meeting but this has not been possible. A report will now be brought to the Committee meeting on 1 October 2009. It was also hoped to bring a report on Whistleblowing to this Committee. The policy and procedure documents I have been supplied with have lead me to provide some comments back to the Force and request that a report be brought by the Force to Professional Standards Committee's next meeting outlining the publicity afforded to the policy so that the Authority can be assured that anyone wishing to blow the whistle knows how to do so. This Committee will be updated with progress on 1 October 2009.
6. Since the last committee meeting the Standards Committee (further provisions) (England) Regulations 2009 have come into force. A copy of this statutory instrument is available on the web at http://www.opsi.gov.uk/si/si2009/uksi_20091255_en_1.
7. The main provisions cover three main areas. Firstly it sets out some detailed steps where the Standards Board for England wishes to suspend any Standards Committee from exercising its functions. This would only take place exceptionally and only where the Committee was failing to ensure high ethical standards in its Authority.

8. The second main provision is to provide some rules around joint Standards Committees. The rules state that authorities intending to provide a joint Standards Committee cannot additionally have their own Standards Committee. Therefore they must agree a joint terms of reference and make provision for ensuring that the functions are dealt with by the joint committee.
9. A third area is to clarify the issue on dispensations. This rehearses the main provisions of the former regulations relating to dispensations and is rarely applicable to police authorities as it applies where the political balance would be affected if some members declared prejudicial interests in respect of an issue.
10. Since the last committee meeting the Standards Board for England has requested an annual return be undertaken by the Monitoring Officer online. A copy of the return is found at Appendix 3 to this report in case Members have any comments.

Recommendation

11. Members are requested to
 - (a) discuss the report; and
 - (b) agree the Equality Impact Assessment (which will be placed on the Authority website).

Implications

Financial: none. Legal: entire report. Diversity: Appendix 2. Risk Management: none.

Background Papers

None.

Contact Officer

Robert Swinfield, Chief Executive. Tel. 0116 229 8980.

Email: police.authority@leicestershire.pnn.police.uk

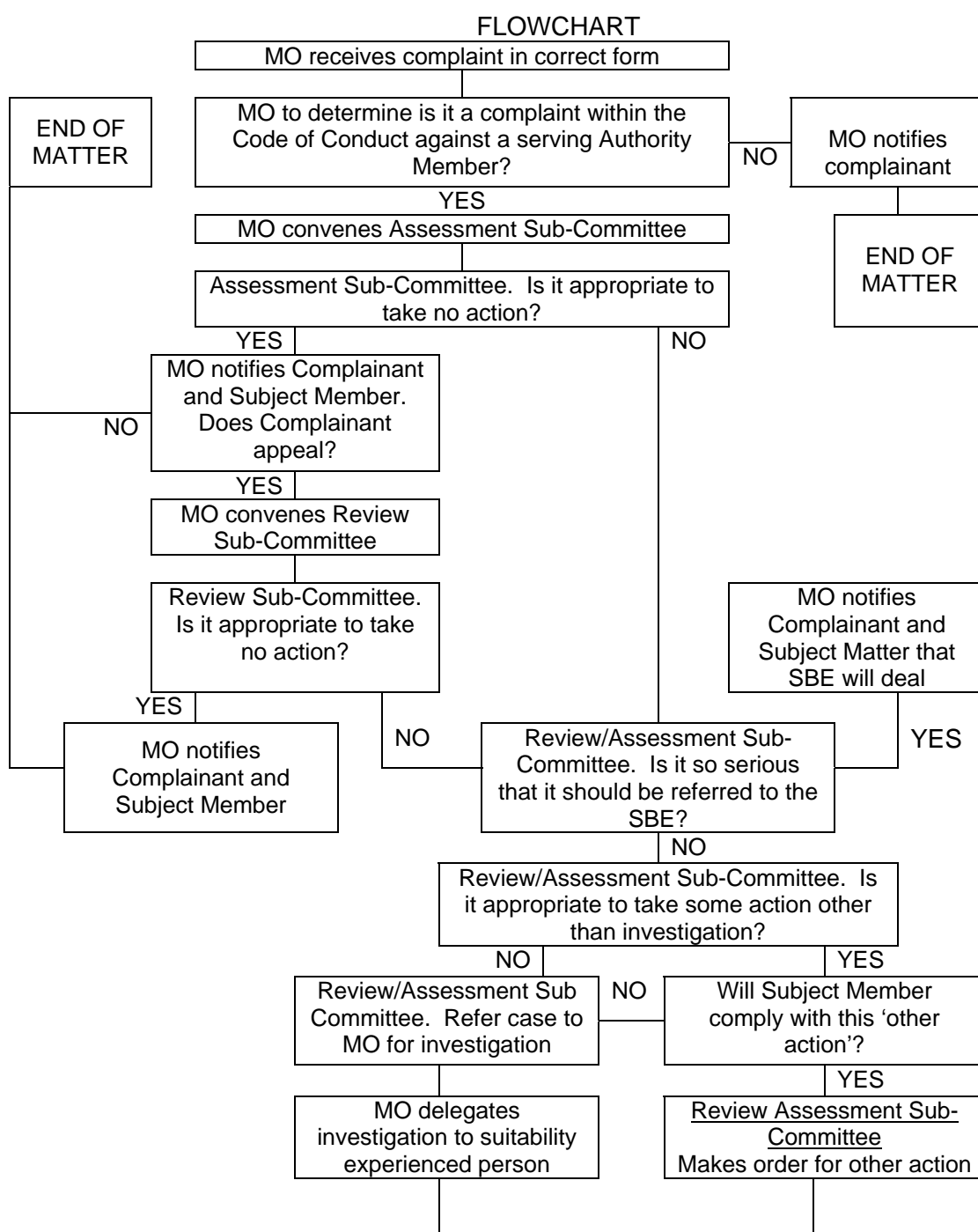
LEICESTERSHIRE POLICE AUTHORITY

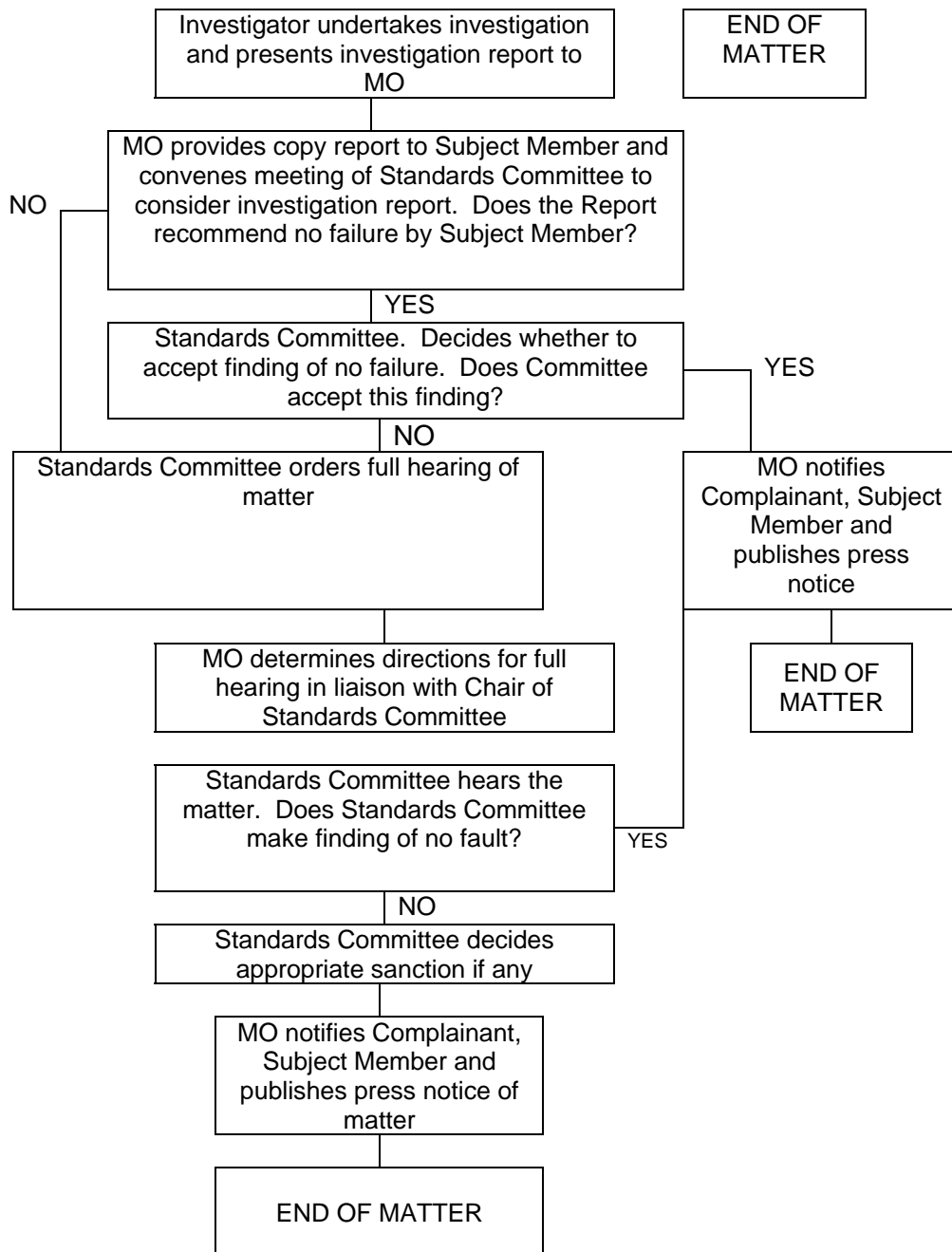
Leicestershire Police Authority Standards Committee

Protocol for Handling Complaints of Member Misconduct Under Section 57A(1) of the Local Government Act 2000

Introduction

1. This Protocol sets out in detail the procedures the Standards Committee and its sub-committees will follow when handling any complaint of breach of the members Code of Conduct. An overview of the process for handling complaints is found in the following flowchart.





Preliminary Matters

2. The Chief Executive of Leicestershire Police Authority is also its Monitoring Officer. The Authority could receive indications of dissatisfaction in a variety of ways. Persons could complain about the service provided by the Authority or about a decision made by the Authority or its Committees, or about the conduct of an officer or the conduct of a member. This protocol is only concerned with member conduct and, furthermore, with conduct that is contrary to the Members’ Code of Conduct. The law changed on 8 May 2008, so if the conduct complained of relates to activities before that date it will be dealt with, but not under this procedure. The Monitoring Officer will therefore act as a gatekeeper to ensure that only allegations that, if true, are or could be within the Code of Conduct are taken forward under this protocol.

3. Complainants will be encouraged to provide their complaint in the form shown in the Annex to this document. However, if there are disability-related or other good reasons why the Complainant cannot provide the complaint in that format, the Monitoring Officer will accept receipt of the complaint in any appropriate medium and commit it to writing.
4. Anonymous Complaints will not be considered unless documentary or photographic proof is provided indicating a serious or significant matter.

Stage 1 – Initial Handling of the Complaint

5. The Monitoring Officer will acknowledge receipt of the Complaint within 5 working days and send the Complainant a copy of this protocol.
6. The Monitoring Officer will normally notify the Member who is the subject of the complaint (“the Subject Member”) that a complaint has been received, its brief nature and the paragraphs of the Code. Unless the Complainant has requested confidentiality (which is a matter for the Standards Assessment Sub-Committee to determine), the Monitoring Officer will inform the Subject Member of the name of the Complainant. Again, this will be within 5 working days of receiving the Complaint. The Monitoring Officer will gather any formal information relevant to the Complaint within the Authority’s possession, such as minutes of meetings, a copy of the register of interests, a copy of the Subject Member’s undertaking to abide by the Code of Conduct etc and other easily obtainable relevant information such as Companies House or Land Registry entries.
7. Where the Subject Member is a member of another relevant authority and the Complaint potentially affects the member in that other capacity, the Monitoring Officer will contact the Monitoring Officer of the other authority to check if (s)he has received a similar allegation.
8. The Monitoring Officer will convene a meeting of the Standards (Assessment) Sub-Committee to take place within 20 working days of receipt of the complaint. If further information is required from the Complainant the 20 day period does not commence until the Monitoring Officer has received all the relevant information.
9. This Sub-Committee will comprise 3 members, chosen by rota by the Monitoring Officer including at least one Lay member and one Full member of the Authority. The Lay member will chair the meeting. The Monitoring Officer will normally clerk the meeting. The meeting is held in private and neither the Complainant nor Subject Member may attend. When it meets, the Assessment Sub-Committee considers the matters in accordance with Table A below.

Table A - Procedures for the Standards (Assessment) Sub-Committee
<p>A1 The Sub-Committee will take into account Part III of the Local Government Act 2000 as amended, the Standards Committees (England) Regulations 2008 and any guidance issued by the Standards Board for England with regard to the initial assessment of complaints about members.</p> <p>A2 The Standards (Assessment) Sub-Committee will, subject to paragraph A3 below, receive and consider all written complaints that members or co-opted members of the authority has failed, or may have failed to comply with the authority’s code of conduct. Only complaints which are in writing and submitted on the appropriate Complaint Form for such purposes or submitted by way of letter/e-mail/fax setting out the relevant information will be considered. Assistance will be provided in the event that the complainant has disability which means they are unable to provide a complaint in a written form, or if their first language is not English.</p>

A3 The Standards (Assessment) Sub-Committee will only have jurisdiction to consider written complaints that a full or co-opted Member of the Authority has failed, or may have failed, to comply with the relevant Code of Conduct for Members.

A4 The Standards (Assessment) Sub-Committee must consider the complaint and, applying relevant criteria, must take one of the following decisions:

- (i) decide that no action should be taken in respect of the Complaint;
- (ii) refer the Complaint to the Authority's Monitoring Officer for either:
 - a) investigation; or
 - b) other action
- (iii) refer the Complaint to the Standards Board for England.

A5 If the Complaint is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), the Sub-Committee must refer the allegation to the Monitoring Officer of that other authority for investigation

A6 In respect of paragraph A4, the Sub-Committee will give a written summary of the complaint to the Subject Member and include reasons for the initial assessment decision. Written notification of the initial assessment decision will be given to the Complainant and appropriate reasons for the initial assessment decision will be provided. The Sub-Committee will consider any request for anonymity from the Complainant. This written summary will normally be made available to the public, in accordance with section 57C of the Local Government Act 2000 and regulation 8 of the Standards Committee (England) Regulations 2008.

A7 The Sub-Committee shall authorise the Monitoring Officer to take all reasonable steps to implement its decision, with reasons, and to notify the Complainant and the Subject Member of that decision.

A8 If the Sub-Committee is minded to refer the Complaint to the Monitoring Officer for action other than investigation, the Committee shall normally adjourn the matter to allow the Monitoring Officer to discover whether or not the Subject Member would agree to the action envisaged. If action other than investigation (such as training or conciliation etc) is ordered by the Sub-Committee, the Monitoring Officer will subsequently make a report to the full Standards Committee giving details of the action taken regarding the direction. The Committee shall:

- (i) if satisfied with the action specified in the report, give appropriate notice of that fact to the Complainant and Subject Member; or
- (ii) if not satisfied with the action specified in the report, give a further direction to the Monitoring Officer.

A9 The Sub-Committee shall have liberty to review these procedures from time to time.

A10 The Monitoring Officer has delegated authority to amend this procedure where appropriate.

10. In assessing the Complaint the Standards (Assessment) Sub-Committee will consider the criteria referred to in Table B below.

Table B – Criteria for Assessing a Complaint

B1 Applying the following criteria will ensure that only the most serious of cases which are in the public interest and appropriate should be referred for investigation or other

action. The criteria are based upon those tests applied by the Standards Board for England when considering complaints and its guidance to authorities. These criteria set a high threshold for considering complaints and should be adhered to by the Standards (Assessment) Sub-Committee as well as the Standards (Review) Sub-Committee.

B2 The Sub-Committee will apply the following initial tests:

- a) The Complaint must be against one or more named Members of the Authority. It is important to identify whether the member has given an undertaking to abide by the code, because if no undertaking has been provided within the rules under the Local Government Acts 2000 and 1972, the member ceases to be a member of the authority. The Monitoring Officer should provide the Committee with relevant information concerning this issue.
- b) the named member must have been in office at the time of the alleged conduct and the Code of Conduct must have been in force at the time.
- c) the complaint, if proven, must be a breach of the Code under which the member was operating at the time of the alleged misconduct.

B3 If the complaint fails one or more of these tests it cannot be investigated as a breach of the Code, and the complainant must be informed that no further action will be taken in respect of the complaint.

B4 If the complaint meets all of these tests, the following criteria should be applied:

- a) Is there enough information for the sub-committee to assess the Complaint? If there is insufficient information, the decision of the Sub-Committee should be to take no further action and inform the Complainant that if they wish to provide further information, it will be considered afresh.
- b) Is the Complaint about someone who is no longer a member of the Authority, but is a member of another Authority? If so, the Sub-Committee will refer the Complaint to the Monitoring Officer of that other authority.
- c) Has the Complaint already been the subject of an investigation or other action relating to the Code of Conduct? Similarly, has the Complaint been the subject of an investigation by other regulatory authorities?
- d) Is the Complaint about something that happened so long ago that there would be little benefit in taking action now?
- e) Is the Complaint too trivial to warrant further action?
- f) Does the Complaint appear to be simply malicious, politically motivated or tit-for-tat?
- g) Is the conduct part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the Authority and there is no other avenue left to deal with it, short of investigation?
- h) Is the Complaint serious enough to justify, if proven, the range of sanctions available to the Adjudication Panel for England or the Standards Committee?
- i) Does the Complaint concern the members' private life when they are not carrying out the work of the Authority, or where they have not misused their position as a

member?

- j) Does the Complaint appear to be actually about the dissatisfaction with an Authority decision rather than member conduct?
- k) Would the status or number of the Subject Member(s) make it difficult for the Standards Committee to deal with the Complaint?
- l) Would the status of the Complainant make it difficult for the Standards Committee to deal with the Complaint? E.g. is the Complainant a member of the Authority's standards committee, the monitoring officer or other senior officer?
- m) Is there a breakdown in relationships within the Authority or is there governance dysfunction in the Authority?

(Other criteria may also appear in the Standards Board for England guidance)

11. The Monitoring Officer will provide the Complainant and Subject Member with notification of the Sub-Committee's decision with reasons within 5 working days of the meeting.

Stage 2 – Opportunity to Appeal against Assessment Sub-Committee's decision

12. If the decision of the Assessment Sub-Committee is to ask the Monitoring Officer to begin an investigation or take some other action, or is to refer the matter to the Standards Board for England, there is no appeal mechanism and the matter moves to Stage 3 (see below). This does not preclude any party taking Judicial Review proceedings in respect of a decision.

13. If the decision is to take no further action the Complainant has a right of review. When writing to the Complainant with the decision of the Sub-Committee the Monitoring Officer will inform the Complainant of her/his right to ask the Standards (Review) Sub-Committee to reconsider the Complaint. Such request must reach the Monitoring Officer within 30 calendar days beginning with the date of the decision letter to the Complainant. Upon receipt of such request the Monitoring Officer will convene a meeting of the Standards (Review) Sub-Committee to take place within 20 working days of receipt of the review request (although the law says within 3 months). The Monitoring Officer will inform the Subject Member of the review request. If the Complainant has submitted fresh allegations or fresh evidence regarding the matter this will be treated as a new Complaint and be submitted to an Assessment Sub-Committee.

14. This Review Sub-Committee will comprise 3 members, chosen by rota by the Monitoring Officer including at least one Lay member and one Full member of the Authority. The Lay member will chair the meeting. No member who took part in the original decision will form part of the Sub-Committee to determine its review decision. The Monitoring Officer will normally clerk the meeting. The meeting is held in private and neither the Complainant nor Subject Member may attend. When it meets, the Review Sub-Committee considers the matters in accordance with Table C below.

Table C – Standards (Review) Sub-Committee procedure

C1 The Sub-Committee will take into account Part III of the Local Government Act 2000 as amended, the Standards Committees (England) Regulations 2008 and any guidance issued by the Standards Board for England with regard to the review of assessment of complaints about members of relevant authorities.

C2 The Sub-Committee's duty is to consider the Complaint afresh, applying the relevant criteria, and making one of the following decisions:

- (i) decide that no action should be taken in respect of the Complaint;
- (ii) refer the Complaint to the Authority's Monitoring Officer for either:
 - a) investigation; or
 - b) other action
- (iii) refer the Complaint to the Standards Board for England.

C3 If the complaint is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), the Sub-Committee must refer the allegation to the Monitoring Officer of that other authority for investigation

C4 In respect of paragraph C2, the Sub-Committee will give a written summary of the complaint to the Subject Member and include reasons for the initial assessment decision. Written notification of the initial assessment decision will be given to the Complainant and appropriate reasons for the initial assessment decision will be provided. The Sub-Committee will consider any request for anonymity from the Complainant. This written summary will normally be made available to the public, in accordance with section 57C of the Local Government Act 2000 and regulation 8 of the Standards Committee (England) Regulations 2008.

C5 The Sub-Committee shall authorise the Monitoring Officer to take all reasonable steps to implement its decision, with reasons, and to notify the complainant and the member concerned of that decision.

C6 If the Sub Committee is minded to refer to the complaint to the Monitoring Officer for action other than investigation, the Committee shall normally adjourn the matter to allow the Monitoring Officer to discover whether or not the Subject Member would agree to the action envisaged. If action other than investigation (such as training of conciliation etc) is ordered by the Sub Committee, the Monitoring Officer will subsequently make a report to the full Standards Committee giving details of the action taken regarding the direction. The Committee shall:

- (i) if satisfied with the action specified in the report, give appropriate notice of that fact to the Complainant and Subject Member; or
- (ii) if not satisfied with the action specified in the report, give a further direction to the Monitoring Officer.

C7 The Sub-Committee shall have liberty to review these procedures from time to time.

C8 The Monitoring Officer has delegated authority to amend this procedure where appropriate.

15. In assessing the Review request, the Standards (Review) Sub-Committee will consider the assessment criteria referred to in Table B above.

16. There is no further review entitlement if the Review Sub-Committee decides that no action should be taken in respect of the Complaint. This does not preclude any party taking Judicial Review proceedings in respect of the decision.

17. The Monitoring Officer will provide the Complainant and Subject Member with notification of the Sub-Committee's decision with reasons within 5 working days of the meeting.

Stage 3 – Actions arising from the decision to pursue the complaint

a) Reference to Standards Board for England

18. Where the relevant Sub-Committee has decided to refer the Complaint to the Standards Board for England, the Monitoring Officer will write within 5 working days to the Standards Board for England with the decision and reasons.

19. When the Standards Board for England has investigated the matter it will normally hand back the investigation report to the Monitoring Officer to present to the Standards Committee, whereupon the procedure from paragraph 25 below takes effect.

b) Reference to the Monitoring Officer for action other than investigation

20. Where the relevant Sub-Committee has decided that the matter be referred to the Monitoring Officer for action other than investigation, the Monitoring Officer will notify the Complainant and Subject Member of the proposed next steps. After implementation of the action, or within 3 months of the Sub-Committee's decision, whichever is sooner, the Monitoring Officer will convene a meeting of the full Standards Committee and present to it his report detailing how successfully the action proposed has been carried out.

21. Where possible, the Monitoring Officer will provide a draft of the report to the Complainant and Subject Member for their comments to be incorporated before presentation to the Committee.

c) Reference to the Monitoring Officer for investigation

22. Where the relevant Sub-Committee has decided that the matter be referred to the Monitoring Officer for investigation the Monitoring Officer will notify the Complainant and Subject Member.

23. The Monitoring Officer will not normally personally undertake the investigation but will manage the investigation process by appointing an investigator, setting the terms of reference of the investigation and monitoring its progress.

24. There is no limit on the time between the decision of the Standards Sub-Committee and the production of the investigation report. However, the Standards Board for England guidance suggests no longer than 6 months. This Standards Committee recognises that a long period of investigation can be detrimental to the Complainant, Subject Member and Authority. Hence the Monitoring Officer will discuss intended timescales with the investigating officer at the outset and regularly review these.

25. The Standards Board for England guidance suggests that in some circumstances the investigating officer should share a draft of the report with the Subject Member and Complainant. This Authority will normally expect the investigator to ensure that the facts on which the key findings turn are checked, but that any draft report is not copied to anyone as a matter of course.

26. The investigator will send the final report to the Monitoring Officer. The report shall bear the date of submission to the Monitoring Officer. The Monitoring Officer will provide a copy of the report to the Subject Member and will normally convene a meeting of the full Standards Committee as soon as practicable, to consider the investigating officer's report. This meeting is referred to in this protocol as the "Consideration Meeting".

27. At the Consideration Meeting the investigator's report will normally be considered in exempt session. Neither the Complainant nor Subject Member will be invited to the meeting. No witnesses are called to this meeting. The Committee can make one of three findings:

- a. accept the investigating officer's finding of no failure,
- b. direct that the matter be considered at a hearing of the Standards Committee,
- c. refer the matter to the national Adjudication Panel for England.

28. If the Committee accepts the finding of no failure at the Consideration Meeting the Monitoring Officer will notify the Complainant and Subject Member. Unless the Subject Member objects, a public notice will be placed in the local press to this effect.

29. The Committee will normally only usually decide to refer the matter to the Adjudication Panel for England (APE) if the nature of the Complaint is so serious that the Committee would not have sufficient sanction powers in the event of a finding of failure to comply with the Code. If the Committee does decide to refer the matter to APE, the Monitoring Officer will notify the Complainant and Subject Member.
30. If the Committee decides the matter shall proceed to hearing, this shall take place as soon as practicable after 14 days from the Consideration Meeting and within 3 months of the date of the Investigator's report.
31. Before the full hearing of the matter by the Standards Committee, the Monitoring Officer will contact the Subject Member regarding arrangements for the hearing including representation, witnesses to be called and other procedural matters. The Subject Member will be afforded at least 14 days' notice of the hearing date.
32. The hearing meeting shall normally be held in exempt session. However, the Subject Member and Complainant will normally be invited to attend throughout the hearing other than when the Committee goes into decision making mode. At the close of the hearing the Committee shall make its decision whether it finds failure to comply with the Code or not. The Committee shall also consider whether the case illustrates any need for actions by the Authority in respect of its processes and procedures.
33. Regulation 20 provides for the notification of findings of the Standards Committee following a hearing. There are broadly 3 decisions the Committee can make:
 - a. Finding of no failure to comply with the Code;
 - b. Finding of failure to comply with the code but that no action needs to be taken in respect thereof; or
 - c. Finding of failure to comply with the Code and that a sanction be imposed.
34. The sanctions a Standards Committee can impose are set out in Table D below.

Table D – List of possible sanctions a Standards Committee can impose
<p>Regulation 19(3) of the Standards Committee (England) Regulations 2008 provides for the following sanctions (one or a combination):</p> <ul style="list-style-type: none"> ▪ censure of that member; ▪ restriction for a period not exceeding six months of that member's access to the premises of the authority or that member's use of the resources of the authority, provided that those restrictions— <ol style="list-style-type: none"> (i) are reasonable and proportionate to the nature of the breach; and (ii) do not unduly restrict the person's ability to perform the functions of a member; ▪ partial suspension of that member for a period not exceeding six months; ▪ suspension of that member for a period not exceeding six months; ▪ that the member submits a written apology in a form specified by the standards committee; ▪ that the member undertakes such training as the standards committee specifies; ▪ that the member participate in such conciliation as the standards committee specifies; ▪ partial suspension of the member for a period not exceeding six months or until such time as the member submits a written apology in a form specified by the standards

committee;

- partial suspension of the member for a period not exceeding six months or until such time as the member has undertaken such training or has participated in such conciliation as the standards committee specifies;
- suspension of the member for a period not exceeding six months or until such time as the member has submitted a written apology in a form specified by the standards committee;
- suspension of the member for a period not exceeding six months or until such time as that member has undertaken such training or has participated in such conciliation as the standards committee specifies

35. If the Committee makes a finding of no failure to comply the Monitoring Officer will notify the Complainant, the subject Member and the Standards Board for England. Unless the Subject Member objects a public notice will be placed in the local press to this effect.

36. If the Committee make a finding of failure to comply the Monitoring Officer will notify the Complainant, the Subject Member and the Standards Board for England. The Monitoring Officer will place a notice of the finding in the local press.

Stage 4 – Appeals from Standards Committee Findings or Sanctions

37. Appeals are set out in regulation 21 to 25 of the Standards Committee (England) Regulations 2008.

38. The Subject Member may seek leave to appeal from the President of the Adjudication Panel for England against a finding of failure to comply. A Complainant has no right of appeal, although may rely on the law relating to judicial review.

Agreed by Standards Committee on 3march2009 – minute 05/09

LEICESTERSHIRE POLICE AUTHORITY
CODE OF CONDUCT FOR MEMBERS

COMPLAINT FORM

Your details

1. Please provide us with your name and contact details

Title:	
First Name:	
Last Name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we usually will tell the following people that you have made this complaint:

- the member(s) you are complaining about
- the monitoring officer of Leicestershire Police Authority
- the monitoring officer of any other Authority if the complaint relates to another Authority.

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 6 of this form.

2. Please tell us which complainant type best describes you:

<input type="checkbox"/>	Member of the public
<input type="checkbox"/>	An elected or co-opted member of an authority
<input type="checkbox"/>	An independent member of the standards committee
<input type="checkbox"/>	Member of Parliament
<input type="checkbox"/>	Local authority monitoring officer
<input type="checkbox"/>	Other council officer or authority employee
<input type="checkbox"/>	Other (please specify) _____

3. Equality monitoring questions

Your Age	18-24	25-34	35-44	45-54	55-64	65-74	75+	Prefer not to say

Gender	Male	Female	Transgender	Prefer not to say

Ethnicity	Asian	Black	Chinese	Mixed	White	Other	Prefer not to say

Religious belief / faith	Buddhist	Christian	Hindu	Jewish
	Muslim	Sikh	None	Other
	Prefer not to say			

Sexual orientation	Bi-sexual	Gay/Lesbian	Heterosexual	Prefer not to say

Do you consider yourself to be disabled?	Yes	No	Prefer not to say

Making your complaint

When you make a complaint on this form the Police Authority's Monitoring Officer will consider it and refer it to the Standards Assessment Sub Committee as appropriate. The Authority has adopted a Protocol on Handling Complaints, which is available on the Authority website www.leics-pa.police.uk. A summary flowchart showing the process is also on that site. A paper copy of each document can be obtained from the Authority office by calling 0116 229 8980 or emailing police.authority@leicestershire.pnn.police.uk.

4. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name

5. Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Assessment Sub-committee when it decides whether to take any action on your complaint.

For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

Only complete this next section if you are requesting that your identity is kept confidential.

6. In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:

- You will be harassed to withdraw the complaint.
- Evidence regarding the substance of the complaint will be tampered with.
- Witnesses to the events will be harassed to change their evidence.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Assessment Sub-Committee will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Additional Help

7. Are you taking, or proposing to take, any other action regarding the subject of your Complaint?

Tick the appropriate box

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

If "yes" please list the other action:

.....

.....

.....

8. Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

Write to: Chief Executive
 Leicestershire Police Authority
 St Johns
 Enderby
 Leicester
 LE19 2BX

Email police.authority@leicestershire.pnn.police.uk

Telephone 0116 229 8980

Text 07847 359130

9. You will receive an acknowledgement of receipt of this complaint within 5 working days and an indication of the next steps in the matter.

Impact Assessment Template

Purpose

The purpose of an Equality Impact Assessment is to work out how a policy will affect people from different groups, both externally in terms of our communities and internally in terms of our staff. This is so that we can ensure as far as possible our policies are developed in full recognition of the diverse needs, circumstances and concerns of the people who will be affected by them.

Policy Title	Protocol for handling complaints of member misconduct	
Version	25 June 2009	
Publication	Yes	External
Policy Owner	Police Authority	RS
Date Impact assessment completed	16 June 2009	
Policy Review Date	June 2011	
Impact Assessment Author	Robert Swinfield	

Summary of Policy and Purpose

This protocol pulls together the provisions relating to Member misconduct issues that are dealt with by way of assessment, review and hearing. It tries to plug the gaps in the statutory framework and explains the approach the Standards Committee of Leicestershire Police Authority will take in the event of any alleged breach of code of conduct arising.

Section 1: Screening for Relevance to Equality

Section 1 should be completed for all policies.¹

On the basis of existing knowledge, data, and best estimates does this policy have an adverse impact on any of the following 4 areas:

(Please tick those areas in which there is adverse impact or potential for it.)

Area 1: Promote Equality of Opportunity					
Age	Disability	Gender	Race / Ethnicity	Religion / Belief	Sexual Orientation
Area 2: Eliminate Discrimination and Harassment					
Age	Disability	Gender	Race / Ethnicity	Religion / Belief	Sexual Orientation
✓	✓	✓	✓	✓	✓

Area 3: Promote Good Relations Between Different Groups					
Age	Disability	Gender	Race / Ethnicity	Religion / Belief	Sexual

¹ Note: A policy may be defined as a set of principles or a criterion an organisation develops to help carry out its functions as such, procedures and guidance is included also.

					Orientation

Area 4: Does the Policy Impact on Disabled People?

Yes No

If YES, and to comply with legislation, please answer the following:

Have measures been taken to meet the needs of disabled people (even if this requires more favourable treatment)? Please answer here:

Complainants who are disabled will be treated fairly. Members who are disabled will be treated fairly. There is nothing inherent in the procedure that specifically impacts on disabled people.

Does the policy encourage participation by disabled people? Yes No

Please summarise the findings by source:

Please answer here:

If there is no evidence of adverse impact to equality issues highlighted in any of the 6 equality strands above and the research data supports this, there is no need to complete the rest of this template. However, if the screening assessment shows there to be an adverse impact in any of the areas a full impact assessment will be required. You will need to complete the rest of this template. Please determine whether this policy is one that is deemed high, medium or low priority².

High Medium Low

Section 2: Full Impact assessment

Identify the aims and proposed outcomes of the policy?

Please answer here:

Is the policy being monitored? If no monitoring is taking place, please state what will be implemented?

Please answer here:

What monitoring data/ information/research has been considered?

Please answer here:

Age	
Gender	
Disability	
Race/ Ethnicity	
Religion / Belief	
Sexual Orientation	

²

High: Policies which have an impact on three of the four areas of Section1 (Promote Equality of Opportunity; Eliminate Discrimination and Harassment; Promote Good Relations Between Different Groups; Does the Policy Impact on Disabled People) and where there are concerns.

Medium: Policies which only apply to two of the areas of the general duty.

Low: Policies which may have an impact on one of the general duties, but which monitoring has not indicated issues of concern.

Note High priority policies require a full impact assessment within a 6 month period, medium in 12 months and low in 18 months.

What gaps in the monitoring data/ information/research have been identified?
 (Note if gaps have been identified consideration should be given to commissioning new research)
 Please answer here:

Age	
Gender	
Disability	
Race/ Ethnicity	
Religion / Belief	
Sexual Orientation	

From the monitoring data/ information/research has any adverse impact been identified?
 Please answer here:

Age	
Gender	
Disability	
Race/ Ethnicity	
Religion / Belief	
Sexual Orientation	

Are there any factors that can explain or justify this adverse impact?
 Please answer here:

Has the policy been subject to consultation? If no, please state why. If yes, please state who, how, outcomes and what the process of feedback was to consultees.
 Please answer here:

Outline any findings/outcomes of this impact assessment.
 Please answer here:

Recommendations from assessment is: (please delete as appropriate)

- A. **Policy maintained in current form** Please justify why especially if there is a possibility of adverse impact.
- B. **Policy amended** Please summarise the amendments.
- C. **Policy abandoned** Please state how the implications will be managed.

Please answer here:

Any other comments:

Please note that this template will be available as a public document unless otherwise stated.