

Protocol for Dealing with Press Enquiries Relating to Complaints of Member Conduct

Introduction

1. When an allegation is made that a member has breached the Code of Conduct this can frequently give rise to media enquiries. The legislation indicates the extent to which such matters should be dealt with in the public domain. Until that stage is reached, members complained of and their complainants may justifiably require details to be kept out of the public spotlight.
2. Any complaint made to Leicestershire Police Authority will be handled through an established process. A summary of this process is set out in Annex 1 to this document so that the media may recognise the relevant stages involved.
3. The potential sanctions that members can face in the event of a breach of the Code of Conduct are set out in Annex 2 to this protocol.

Stage One – The Making of a Complaint

4. The Authority will make no comment on whether or not a complaint has been received until
 - a. a decision has been made about what to do with the complaint; and
 - b. all relevant parties have been informed.
5. At this stage therefore the approach is to be totally reactive and not proactive.
6. Any press enquiries will be dealt with by an indication of no comment and will be directed to this protocol which will be published on the website.

Stage Two - Assessment Decisions

7. Once a decision has been made about what to do with a complaint the Chief Executive will direct the enquirer to any published written summary as appropriate and, if asked,
 - a. Confirm the type of complainant (member, staff, member of public etc).
 - b. Not confirm the name of the member involved at this stage (unless this is included in the written summary).
 - c. Confirm whether or not the matter is to be investigated.
 - i. If the matter is not to be investigated the Chief Executive will give the reasons why not (taking information from the written summary to ensure consistency of message).
 - ii. If the matter is to be investigated the Chief Executive will not confirm the details of the complaint but will provide the paragraphs in the code that are alleged to have been breached.
8. If the complainant appeals, the Chief Executive will confirm, if asked, that an appeal has been received. He/she will make no other comment until the

review decision has been made. Then paragraph 7 above applies once more.

Stage Three - During the Investigation

9. If asked, the Chief Executive will
 - a. Confirm an investigation is under way.
 - b. Resist giving a completion date because that builds up expectations unnecessarily which may not be met for good reason.
 - c. Not comment on what stage the investigation has reached.

10. Once the final investigation report is available and the hearing is pending, the final report will generally be a confidential document. One of the first decisions made at the Standards Committee hearing is whether or not to treat it as confidential. Therefore in the lead up to the hearing, the press must be made aware that any decision on whether or not the Code of Conduct has been breached lies with the Standards Committee.

Stage Four - After the Hearing

11. There are a number of options for handling communications after the hearing. It may be appropriate to issue a proactive press release if there is good reason for the Authority to emphasise certain issues. Otherwise, the Authority might simply react to questions asked of it or issue a reactive statement if questions are raised.

12. It will normally be appropriate to issue a case summary based on the final report and minutes of the Committee. This needs to be short and in simple language.

Annex 1

Summary of Usual Process for Complaints against Members

Stage One

1. Complaint is received at the Police Authority by the Monitoring Officer.

2. Monitoring Officer determines whether
 - a. The allegation, if true, is a matter that falls within the Code of Conduct
 - b. The allegation has some credence (if the allegation is trivial and lacks evidence it should be promptly rejected).
 - c. It relates to conduct by a member whilst he/she was a member of the Authority.

3. If the allegation, satisfies paragraph 2 above, the Monitoring Officer will arrange for a meeting of a sub-committee of the Standards Committee to handle the complaint.

4. The sub-committee meeting will determine how the complaint should be dealt with. This can be
 - a. Requesting the matter to be investigated.
 - b. Referring the matter to the Standards Board for England.

- c. Some other suggestion such as mediation.
- d. Taking no further action.

Stage Two – Post Assessment

5. If the sub-committee decides to take no further action the complainant may seek a review of the decision. In which case a different sub-committee of the Standards Committee will determine the appeal. This sub-committee may make the decisions listed in para 4 above.

Stage Three – Investigation

6. If either sub-committee decides a local investigation shall take place the Monitoring Officer will appoint an investigator and provide him/her with terms of reference.
7. The investigator will contact the complainant, the member complained of, and any relevant witnesses to gather information surrounding the complaint within the terms of reference.
8. The investigator will present a report to the Monitoring Officer as soon as practicable detailing the information gathered and making a conclusion as to whether there is culpability on the part of the member.
9. On receipt of the report of the investigator the Monitoring Officer will convene a meeting of the Standards Committee to hear the complaint.
10. In some circumstances the Committee may be convened for a directions hearing to deal with preliminary issues. This may include whether or not the matter should be heard in public session or in exempt session.
11. At the conclusion of the hearing the Committee will determine, if the member is found culpable, what penalty should be imposed.
12. The Committee will also give consideration to what publicity to provide to the matter and make arrangements for dealing with lessons learned.

Annex 2

Sanctions for Breaches of the Code of Conduct

Regulation 19(3) of the Standards Committee (England) Regulations 2008 provides for the following sanctions (one or a combination):

- 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—
 - (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

agreed by Standards Committee on 09 September 2008 – minute 23/08