

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Standards Committee

7th September 2009

1. **STANDARDS BOARD - OTHER ACTION GUIDANCE**

Report of the Monitoring Officer.

RECOMMENDED

THAT the Standards Committee note the Standards Board's "Other Action Guidance" and that Standards Committee members consider the Guidance further and the appropriateness of other action when assessing and reviewing particular complaint cases.

2. **PURPOSE OF REPORT**

2.1 In considering complaints the Assessment Sub-Committees can direct the Monitoring Officer to take steps other than carrying out an investigation.

2.2 The Standards Board has issued Other Action Guidance for members of standards committees. This is attached as Appendix 1

3. **BACKGROUND**

3.1 The Standards Board has issued Other Action Guidance for members of standards committees. This is attached as Appendix 1.

3.2 In considering complaints the Assessment Sub-Committees can refer the matter to the Monitoring Officer, refer the matter to the Standards Board or take no action. The Monitoring Officer can be directed to investigate the matter or take other steps (other action). Other action may be appropriate where there is poor understanding of the Code of Conduct or the authority's procedures or that relationships within the authority as a whole have broken down to an extent that it is very difficult to conduct the business of the authority. Other action can take the form of training, conciliation or other appropriate steps.

- 3.3 The Guidance also sets out when other action would not be appropriate, ie when an investigation is in the public interest, when a member's honesty or integrity is being challenged or where, if proven to be true, the alleged conduct would undoubtedly warrant a sanction. The Guidance states that the decision to pursue other action implies no findings of fact or breach of the Code of Conduct and that a referral for other action closes the opportunity to investigate the complaint.
- 3.4 Other action can take a number of forms from varied training to redrafting procedures to conciliation etc. It must not be seen as a quick fix or a cheap way of disposing of an allegation. Assessment Sub-Committees must not refer an allegation for other action without first consulting the Monitoring Officer. The Monitoring Officer must submit a written report to the Standards Committee within three months of receiving the direction or as soon as possible after that.

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

- 5.1 The Standards Committee (England) Regulations 2008 set out the steps a standards committee can direct a monitoring officer to take ie:
- arrange for a member to attend a training course;
 - arrange for the member and complainant to engage in a process of conciliation;
 - any other steps (not including an investigation) which appear appropriate.
- 5.2 The Standards Committee can only direct the Monitoring Officer, not others.

6. **FINANCIAL IMPLICATIONS**

- 6.1 Appropriate use of other action may save resources in terms of avoiding unnecessary investigations or alternatively save resources by avoiding no action which could have, in some cases, allowed conduct and relationships to further deteriorate.

- 6.2 The Assessment Sub-Committees can make wide ranging directions to the Monitoring Officer in terms of other action and implementation of such directions would obviously incur varying degrees of time and cost.
- 6.3 If underlying capabilities, procedures and relationships are not strengthened then the risk of ethical governance being undermined would increase and this could ultimately be expensive in terms of cost and reputation.

N SHARMA
MONITORING OFFICER