

**WEST MIDLANDS FIRE AND RESCUE AUTHORITY**

**Standards Committee**

**7<sup>th</sup> September 2009**

**1. CRITERIA FOR REQUESTS FOR CONFIDENTIALITY**

Report of the Monitoring Officer.

**RECOMMENDED**

THAT the Standards Committee approve the criteria by which the Assessment Sub-Committee will consider requests for confidentiality as set out in the flow chart attached as Appendix 1.

THAT the Initial Assessment of Standards Complaints - Assessments and Review Criteria be amended to include the flow chart attached as Appendix 1.

**2. PURPOSE OF REPORT**

2.1 The purpose of this report is to develop a criteria by which the Assessment Sub-Committee will consider requests for confidentiality.

2.2 As a matter of fairness and natural justice a member should usually be told who has complained about them. However, there may be instances where the complainant asks for their identity to be withheld. The guidance issued by the Standards Board for England states that authorities should develop criteria by which the Assessment Sub-Committee will consider requests for confidentiality. The guidance also states that such requests should only be granted in exceptional circumstances and at the discretion of the Assessment Sub-Committee.

**3. BACKGROUND**

3.1 The guidance issued by the Standards Board specifies that authorities should develop criteria by which the Assessment Sub-Committee will consider requests for confidentiality. These may include the following:

- The complainant has reasonable grounds for believing that

they will be at risk of physical harm if their identity is disclosed.

- The complainant is an officer who works closely with a subject member and they are afraid of the consequences to their employment or of losing their job if their identity is disclosed (this should be covered by the authority's whistleblowing policy).
- The complainant suffers from a serious health condition and there are medical risks associated with their identity being disclosed. In such circumstances, standards committees may wish to request medical evidence of the complainants condition.

3.2 The guidance specifies that in certain cases such as allegations of bullying, revealing the identity of the complainant may be necessary for the investigation of the complaint. The guidance further states that if the Assessment Sub-Committee decides to refuse a request by a complainant for confidentiality, it may wish to offer the complainant the option to withdraw rather than proceed with their identity being disclosed.

3.3 The guidance issued by the Standards Board has been used to develop the criteria by which the Assessment Sub-Committee will consider requests for confidentiality and this has been put in the form of a flow chart for ease of reference. The same criteria would also apply at review stage.

3.4 It is important to note that as a matter of fairness and natural justice a member should usually be told who has complained about them. Therefore requests for confidentiality should only be granted in exceptional circumstances and at the discretion of the Assessment Sub-Committee. The Assessment Sub-Committee should consider the request for confidentiality alongside the substance of the complaint itself.

#### 4. **EQUALITY IMPACT ASSESSMENT**

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

#### 5. **LEGAL IMPLICATIONS**

5.1 The Local Government and Public Involvement in Health Act 2007 and the Standards Committee (England) Regulations 2008 have brought in legislative changes to the ethical framework as initially

established by the Local Government Act 2000. The framework is now devolved to the local level to a large extent with the Standards Committee and its Sub-Committees leading on the policy and casework respectively.

## 6. **FINANCIAL IMPLICATIONS**

6.1 No resource implications are likely to arise from the recommendation.

**N SHARMA**  
**MONITORING OFFICER**