

Standards and Ethics Committee – Hearings Panel

ORDER OF PROCEEDINGS

INTRODUCTION

The Chair will introduce him/herself, the members of the Panel, the Independent Person, the Monitoring Officer, and the Democratic Services Officer.

The Chair will then explain that the Panel will hear the evidence from the Investigating Officer. and then the member who is the subject of the complaint (“the Subject Member”).

The Investigating Officer will introduce the officers present and any witnesses.

The Subject Member will introduce him/herself and any person with him/her either to support the Subject Member or give evidence on his/her behalf.

PRESENTATION OF THE CASE BY THE INVESTIGATING OFFICER

The Investigating Officer will explain the nature of the complaint and the investigation and then call each witness individually.

The Complainant (if in attendance) will usually give evidence first and will explain the nature of the complaint. The Chair will ask the complainant what outcome they would want from the process.

Each witness will answer questions from the Investigating Officer.

The Subject Member can ask any relevant questions of the Investigating Officer or witness.

The members of the Panel can ask any relevant questions of the Investigating Officer or witness.

The Investigating Officer can ask any questions of the witness to clarify any issues which may have arisen from the earlier questions.

PRESENTATION OF THE CASE BY THE SUBJECT MEMBER

The Subject Member will explain the nature of his/her case i.e. which findings of fact in the investigation he/she disagrees with, and why. He/she will then present each witness he/she intends to call on his behalf.

Each witness will answer questions from the Subject Member.

The Investigating Officer can ask any relevant questions of the Subject Member’s witness.

The Subject Member or any witnesses will answer questions from the Panel members.

Each witness can be asked further questions by the Subject Member to clarify any issues which may have arisen from the earlier questioning.

CLOSING SUBMISSIONS

The Investigating Officer will summarise the most important points of the case and invite the Panel to make a determination.

The Subject Member will summarise the most important points of his/her case.

The Chair will ask all parties to leave the room whilst the Panel, in consultation with the Independent Person and with advice from the Monitoring Officer, considers the matter.

The parties will be invited to return in order to hear the Panel's decision.

FURTHER ACTION

If the Panel determines that the Subject Member has breached the Code of Conduct, it will invite the Investigating Officer and the Subject Member to address it on any action that it might take. The parties will again be asked to leave the room. They will be invited to return in order to hear the Panel's decision on the action to be taken.

(Note: the procedure set out above will be adapted to suit the circumstances of the case, e.g. if there are no witnesses to be called to give evidence, certain parts of the procedure will not apply).