

HEARINGS

A CONSISTENT PROCEDURE



SUMMARY OF HEARING PROCEDURE

CHAIRMAN :

- MEMBERS OF THE HEARING COMMITTEE ARE INTRODUCED TO THOSE PRESENT BY THE CHAIRMAN

CHAIRMAN:

- THIS HEARING IS TO CONSIDER AN ALLEGED FAILURE TO COMPLY WITH THE CODE OF CONDUCT

CHAIRMAN:

- THIS IS HOW THE COMMITTEE WILL MANAGE THE VARIOUS STAGES OF THE PROCEEDINGS

PAGE ONE

FINDINGS OF FACT

STAGE TWO

DID THE MEMBER FAIL TO FOLLOW THE CODE?


- EITHER YES
- OR NO


PAGE THREE


IF THE MEMBER FAILED TO FOLLOW THE CODE, WHAT SANCTIONS SHOULD APPLY?

STAGE ONE – FINDINGS OF FACT

- The purpose of this stage is to establish the facts of the case.
- This may be achieved by agreement of all parties or may be complicated by disagreement.
- In the case of the latter the Committee will need to listen to the evidence, question this as necessary and deliberate in private to reach their decision.

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- Where the facts are not agreed, the Investigator will be invited to make representations in support of his report and to call witnesses.
 - The Member, or his/her representative, may cross-examine any witnesses called by the Investigator.

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- The Member, or his/her representative, will then be invited to make representations in support of his/her view of the facts and call witnesses.
 - The Member may also address any matters of evidence identified.
 - The Investigator may cross-examine any witnesses called by the Member.

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- At an appropriate time, with the permission of the Chairman, the Investigator or the Member may make further representations or re-question a witness on matters arising from their evidence.
 - At any time the committee may question any of the people involved or any of the witnesses.

CHAIRMAN:

- The Committee will now consider the facts and this will be done in private.
- Would all parties please leave the room.

STAGE TWO –
DID THE
MEMBER FAIL
TO FOLLOW
THE CODE

Either

- the Member **has** failed to follow the Code
- or
- the Member **has not** failed to follow the Code.


One of these must be true


CHAIRMAN:


- The Committee has considered the facts and has found as follows:
- [The Chairman will read out the findings of the Committee regarding the facts.]
- Neither the Investigator nor the Member may make any further representations regarding the facts.


CHAIRMAN:


- The Committee will now hear representations as to whether or not the Member failed to follow the Code.
- Would the Investigator please begin?

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- Based on the facts it has found the committee will then hear representations as to whether or not the Member has failed to comply with the Code of Conduct.

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- The Member will be invited to give reasons why the Committee should decide that he/she has not failed to comply with the Code of Conduct.

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- The Committee will then consider any verbal or written representations from the Investigator upon this point.

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- The Committee may, at any time, question anyone involved on any point they raise in their representations.

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- The Member will be invited to make any final relevant points.

CHAIRMAN:

- The Committee will now consider the representations and this will be done in private – would all parties please leave the room.

PAGE THREE

- IF THE MEMBER HAS FAILED TO FOLLOW THE CODE, THEN WHAT SANCTION OR SANCTIONS SHOULD APPLY

CHAIRMAN:

- The Committee has considered the representation of Stage 2 and has found as follows:
- [The Chairman will read out the findings of the Committee regarding whether or not the member failed to follow the Code.]

○ BREACH

- If the Committee decides that the member has **not** failed to follow the Code of Conduct, the committee can move on to consider whether it should make any recommendations to the authority.

REACH

CHAIRMAN:

- The Committee will now hear representations as to whether any sanctions should be applied.



Representations are then made by:

- The Investigator
- The Member or their representative

CHAIRMAN:

- The Committee will now consider the representations and this will be done in private – would all parties please leave the room.

CHAIRMAN:

- The Committee has considered the representations of Stage 3 and has found as follows:
- [The Chairman will read out the findings of the Committee regarding any sanctions that it may feel appropriate.]

CHAIRMAN:

- A written copy of the Committee's findings will be sent by post to the Member, within 10 working days.

CHAIRMAN:

- This hearing is now closed.