



# Procedural Guidance

## for

# Standards Committee Hearings

## Chairman Guide

### Summary of Hearing Procedure

- Introduction of the Hearing Committee members by the Chairman.
- The Hearing is to consider an alleged failure to comply with the Code of Conduct.
- The Chairman explains how the Committee is to manage the various stages of the Hearing:

**Stage 1** – Making findings of fact

**Stage 2** - Did the Member fail to follow the Code?

Either the Member has not failed to follow the Code  
Or the Member has failed to follow the Code

**Stage 3** - If the Member has failed to follow the code, what sanction should apply

1. **The Chairman** will then continue –

*"This Hearing will be conducted in three distinct Stages. These are, in order:*

**Stage 1** – Making 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.*

**Stage 2** - Did the Member fail to follow the Code?

Either the Member has not failed to follow the Code  
Or the Member has failed to follow the Code.

**Stage 3** - *If the Member has failed to follow the code, what sanction should apply.*

## **STAGE 1 – FINDINGS OF FACT**

Where the facts are not agreed the Investigator, will be invited to make representations in support of his report and call witnesses.

The Member, or his/her representative, may cross-examine any witnesses called by the Investigator.

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.

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.**

### **The Chairman**

*"The Committee will now consider the facts and this will be done in private would all parties please leave the room"*

## **STAGE 2 – DID THE MEMBER FAIL TO FOLLOW THE CODE?**

**The Chairman** will open Stage 2 by saying

*"The Committee has considered the facts and has found as follows"*

The Chairman will read out the findings of the Committee regarding the facts. No further representations from either the Investigator nor the Member may be made regarding the facts.

*"The Committee will now hear representations as to whether or not the Member failed to follow the Code.*

*Would the Investigator please begin?"*

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.

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

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

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

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

### **The Chairman**

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

## **STAGE 3 – IF THE MEMBER HAS FAILED TO FOLLOW THE CODE WHAT SANCTION SHOULD APPLY**

**The Chairman** will open Stage 3 by saying

*"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.

### **If there is no breach of the Code:**

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.

### **If there is a breach of the Code**

**The Chairman** will say

*"The Committee will now hear representations as to whether any sanctions should be applied"*

Representations are then made:  
The Investigator  
The Member or their representative

### **The Chairman**

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

## **HEARING CONCLUSION**

**The Chairman** will open by saying

*"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.

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

**The Chairman** closes the Hearing by saying

*"This Hearing is now closed."*