



YORKSHIRE DALES NATIONAL PARK AUTHORITY (“the Authority”) ASSESSMENT CRITERIA

The following criteria shall be applied when considering any complaint that a member of the Authority has failed to observe the Authority’s Code of Conduct. The Monitoring Officer or Committee may seek the views of the Independent Person before deciding how to deal with any complaint.

1. The Monitoring Officer will deal with the following

- a) Complaints that are not in writing;
- b) Complaints where a member is not named:
- c) Where the complaint has already been the subject of an investigation or other action relating to the Code of Conduct. Similarly where the complaint has been the subject of an investigation by another investigatory or regulatory authority. Where this applies and the matter complained of has already been the subject of an investigation then unless there is new information / evidence to consider the Monitoring Officer will consider whether there is anything more to be gained by further action being taken.
- d) Where the complaint is about someone who is no longer a member of the Authority
- e) Where the complaint is about someone who is a member of another authority the monitoring officer will consider whether to refer the complaint to the monitoring officer of that authority
- f) Where the substance of the complaint is about incidents or actions that are not covered by the code;
- g) Where the substance of the complaint is about a fault in the way the Authority has or has not done something or matters relating to the policies or performance of the Authority. These are matters which are more appropriately addressed through the Authority’s complaints procedure
- h) Complaints about employees
- i) Where the substance of the complaint refers to incidents which happened before the member was appointed

2. The Monitoring Officer in consultation with the Chairman of the Standards Committee may deal with complaints under 1 above, and may deal with complaints under 2 to 4 below or refer them to the Standards Committee to consider:

- a) Where the complaint is anonymous, and includes documentary or photographic evidence indicating an exceptionally serious or significant matter to justify further investigation.
- b) Where it is apparent that the subject of the complaint has admitted making an error and the matter would not warrant a more serious sanction
- c) Where it is not expedient to process the complaint because the passage of time means that there would be little benefit in taking action now or where the evidence in support of the allegation is so weak or old that it should not be relied upon.
- d) Where the complaint discloses a potential breach of the Code of Conduct, but the Monitoring Officer considers that the complaint is too trivial to merit further action.

2. When deciding whether to proceed with a complaint the Committee may assess the complaint against the following criteria:

- a) Where the complaint has been referred to the Committee the Committee may apply the criteria listed under 1 and 2 above.
- b) Where the complaint discloses a potential breach of the Code of Conduct that Committee considers sufficiently serious to justify the cost of an investigation
- c) Where the complaint suggests that there is a wider problem throughout the Authority and it is appropriate to extend the action to other members who are not the subject of the complaint
- d) Complaints which are vexatious, persistent, malicious or tit for tat. Such a complaint may be recognised :
 - i. Through repeated allegations making the same, or broadly similar, complaints against the same member(s) about the same alleged incident;
 - ii. As intending to cause annoyance, frustration ,or worry to the other party (generally vexatious complaints)
 - iii. Through use of aggressive or repetitive language of an obsessive nature through repeated complaints that disclose no breach of the code (generally persistent complaints)
 - iv. Where it seems clear that there is an ulterior motive for making a complaint or complaints ;
 - v. From counter-allegations against a member who previously made a complaint (generally "tit for tat")
 - vi. Where a complainant refuses to let a matter rest once they have exhausted the complaints process.

However the Monitoring Officer will consider new allegations as they may contain a complaint

4. In exceptional circumstances the Monitoring Officer may consider appointing a Monitoring Officer or arranging for a *Standards Committee* from another authority to process the complaint, for instance:-

- a) Where the status of the member or the number of members about whom the complaint is made, or the nature and circumstance of the complaint would make it difficult for the Monitoring Officer or the Authority's Standards Committee to deal with it. This could happen where Complaints give rise to a potential conflict of interest of the Monitoring Officer, other officers or members of the Standards Committee and suitable alternative arrangements cannot be implemented to address the conflict
- b) Where the complaint is from the Chief Executive and/or the Monitoring Officer
- c) Where the substance of the complaint may give rise to significant or unresolved legal issues in respect of which external and/or judicial interpretation may be required (e.g. a test case.)
- d) Where the substance of the complaint discloses that there exceptional circumstances which would prevent a local investigation taking place competently, fairly and in a reasonable period of time.