



PRE-HEARING PROCESS STANDARDS COMMITTEE

1. Pre-amble

The pre-hearing process will be used to:

- identify whether the subject member disagrees with any findings of fact in the investigation report
- identify whether those disagreements are likely to be relevant to any matter the hearing needs to decide
- identify whether evidence about those disagreements will need to be heard during the hearing
- decide whether there are any parts of the hearing that are likely to be held in private; and
- decide whether any parts of the Investigation report or other documents should be withheld from the public prior to the hearing, on the grounds that they contain 'exempt' material.

The pre-hearing process should usually be carried out in writing, although occasionally a meeting between the Sub-Committee, the relevant parties and their representatives may be necessary.

2. Procedure

2.1 Member Services, in consultation with the Chairman of the Hearings Sub-Committee, will:

- provide a copy of the Sub-Committee's pre-hearing and hearing procedures to the subject member
- outline the subject member's rights and responsibilities;
- propose a date for the hearing;
- ask for a written response from the subject member by a set time to find out whether they:

- disagree with any of the findings of fact in the Investigation report, including the reasons for disagreement;
 - want to be represented at the hearing by a solicitor, barrister or any other person, noting that the Sub-Committee will normally give permission for members to be represented by people who are not lawyers, but may refuse permission if the representative is directly involved in the matter being determined;
 - want to give evidence to the Sub-Committee, either verbally or in writing;
 - want to call relevant witnesses to give evidence to the Sub-Committee;
 - can attend the hearing on the proposed date;
 - want any part of the hearing to be held in private
 - want any part of the Investigation report or other relevant documents to be withheld from the public
- send a copy of the subject member's response to the Investigator and invite the Investigator to say by a set time whether they want:
 - to be represented at the hearing;
 - to call relevant witnesses to give evidence to the Sub-Committee;
 - any part of the hearing to be held in private;
 - any part of the Investigation report or other relevant documents to be withheld from the public;
 - to invite any other witnesses the Sub-Committee feels are appropriate.

2.4 Member Services in consultation with the Chairman and the legal advisor will prepare and distribute to everyone involved at least two weeks before the proposed date of the hearing an agenda for the Hearing which will

- confirm the date, time and place for the hearing;
- contain the proposed procedure for the hearing;
- contain the Pre-Hearing Process Summary which will include:
 - The name of the authority
 - The name of the subject member
 - The name of the complainant (unless there are good reasons to keep their identity confidential)
 - Case reference numbers of the principal authority or the Standards Board for England
 - The name of the Standards Committee member who will chair the hearing
 - The name of the investigator

- The name of the Legal Adviser
- The name of the administrative officer
- The date the pre-hearing process summary was produced
- A summary of the allegation
- The relevant section or sections of the Code of Conduct
- The findings of fact in the investigation report that are agreed
- The findings of fact that are not agreed
- Whether the subject member or the investigator will attend or be represented
- The names of any witnesses who will be asked to give evidence