Aide Memoire for Initial Assessment Panellists

The purpose of an IAP is to "sift" requests made to Councillors for a Stage 3 Hearing within the Council's current Corporate Complaints Procedure. In order that a resident can have his or her complaint considered by Councillors (but without the administrative input or cost of a full hearing), it was felt appropriate to employ a mechanism based on that used by the Standards Committee to determine whether the request should proceed to a hearing, be referred back to the Service for further action or rejected.

In order that this process should be consistent, the process has been split into discrete sections in order that it can be shown that all aspects have been properly considered and decisions emanating from them, recorded.

The IAP should:

Part 1; Validating the Appeal Request

1]   Decide whether it has been provided with sufficient information in order to proceed. If it feels it hasn't, the Panel may either:
   a. Ask the clerk to provide the Panel with the information it feels necessary and proceed once it has considered it.
   b. Adjourn the meeting and ask for the material to be provided and for a new date to be set.

2]   Decide whether the Appellant has met the congruency test for appeals which is that the elements in the appeal request form either:
   a. Flow directly from the Stage 2 complaint and the response to that by a senior officer (part of the papers sent to IAP members)
   b. Are elements in the Stage 2 complaint that were not addressed (or not addressed adequately – in the opinion of the Appellant)
   c. Are *essentially* the same as those addressed at Stage 2, although phrased or expressed differently or
   d. The issues set out in the hearing request form are fundamentally different from what was addressed at Stage 2 and therefore can be considered to be a new complaint.

3]   If the Panel is of the opinion that the request for a hearing falls under **d** above it must decide whether to reject the appeal by:
   a. Referring the matter back to the Appellant and directing that s/he approach the Service at either Stage 1 or Stage 2
   b. Referring the matter back to the Service with a direction that it provide the Appellant with a full response on those issues or
   c. Consider whether the Service has addressed – to its satisfaction – the points on the appeal request form in its response.

4]   The Panel must give reasons for its decisions which will be communicated to the Appellant and the Service in the Decision Notice

Part 2: Consideration of the merits of the Appeal

1]   If the Panel has accepted that the Appellant's request for a hearing conforms to the requirements, it moves to deliberating whether the elements for consideration and the remedies requested fall within the remit of Councillors to be able to meaningfully engage with and resolve.

2]   The Panel must satisfy itself that:
      a. The matter(s) before it are not subject to another form of action (e.g. Planning Inspectorate, Rent Tribunal etc.)
      b. Does not conflict with legislation (e.g. local or national taxation)
      c. Does not conflict or run counter to current Council policies
      d. Does not directly involve specific staff disciplinary issues or
      e. Would not lead to decisions or actions which would be ultra-vires in nature or effect

3]   The Panel must give reasons for its decisions which will be communicated to the Appellant and the Service in the Decision Notice

Part 3: Determination of Hearing Request

1]   The Panel must now determine whether to:
      a. Allow the request and direct that a hearings panel be convened
      b. Refuse the request on the grounds that there are issues outstanding which it considers the Service has yet to address and adjourn the meeting for further action to be taken by the Service within a set time frame at the end of which the matter shall return to the Panel for further consideration, or
      c. Reject the Hearing request.

2]   The Panel shall give reasons for its decisions which will be communicated to the Appellant and the Service in the Decision Notice.