

GUIDANCE NOTE

MEMBERS' CODE OF CONDUCT COMPLAINT FORM

IMPORTANT – Please read the following guidance notes ***before*** completing the complaint form. It is important that you give us the information we need to make a reasoned and informed decision on your complaint.

1. The detail of your complaint

For the Monitoring Officer to make an initial assessment of your complaint please make sure you have:

- Included your contact details.
- Identified one or more Members as the focus of your complaint. Complaints about the Council as a whole or about Council Officers will not be accepted as they are not covered by the Members' Code of Conduct.
- Identified the areas of the Members' Code of Conduct you think might apply to your complaint.
- Detailed the nature of the complaint, including:
 - Whether you think the Member was acting in an official capacity and why.
 - How each of the areas of the Members' Code of Conduct you identified has been breached.
- Supplied links to or copies of any relevant documentation.
- Provided names and contact details of any witnesses. It would be helpful if you could obtain the consent of anyone so identified to being a witness in support of your complaint.
- Indicated whether you have previously submitted a complaint on the issue and if so, to whom and the outcome.
- Completed the Confidentiality section.

2. Your details

To provide a response to the complaint, both sides need to be considered, so, a complainant's details, excluding their address or other contact details, will be passed on to the Member against whom the complaint has been made. If you do not wish for your identity to be disclosed you may request Confidentiality, as detailed below.

3. Confidentiality

If you have serious concerns about your identity or details of your complaint being released please complete the section of the form marked 'Confidentiality'.

Members who are complained about have a right to respond to the complaint and therefore have a right to know who is the complainant and the details of the complaint. We are unlikely to withhold your identity or the details of your complaint unless we consider that you have demonstrated that it is appropriate to do so. Any request for confidentiality will be considered by the Council's Monitoring Officer or her nominee.

Each request for confidentiality will be considered on its own merits and in determining such a request the following will be considered:

- Whether you reasonably believe that you, or those connected with you, will be at risk of harm if your identity is disclosed;
- That you are reasonably concerned about the consequences to your employment, or those connected to you, if your identity is disclosed;
- That you suffer, or somebody closely connected to you suffers, from a medical condition and there is evidence of medical risks associated with your identity being disclosed or confirmation

- from an appropriate medical professional that that is the case;
- The public interest. In some cases the public interest in proceeding with the complaint may outweigh the complainant's wish to have their identity withheld.

Requests for confidentiality will not automatically be granted and will be considered alongside the substance of your complaint. If confidentiality is granted the subject Member will be advised of that fact and the reasons, but not so as to indirectly disclose the complainant's identity.

If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint. In exceptional circumstances, where the matter complained about is of a serious nature, we may decide that it is in the public interest to take appropriate action on the complaint, even if you have asked us not to.

4. Submitting your complaint

You must submit your complaint using the form, if you submit a complaint in a way that is not in accordance with our requirements it is unlikely to be processed.

If English is not your first language or if you have a disability that prevents you from or makes it difficult for you to submit your complaint in writing we will assist you in submitting your complaint.

5. Target timescales and further information

Acknowledgement of your complaint	within 3 working days of receipt
Initial assessment of your complaint	within 10 working days of receipt
Subsequent decision making (if taken beyond initial assessment)	normally within 28 working days of notification of the previous decision
Notification of our decision	within 5 working days of the decision

6. What decisions can be made on a complaint?

The following decisions may be made during the assessment and determination of a complaint by the Monitoring Officer (which may or may not be in consultation with the independent person):

- No finding as to whether there has been a breach of the Code and take no further action.
- No finding as to whether there has been a breach of the Code but take action to find a resolution without a formal investigation.
- Where the Monitoring Officer feels that it is inappropriate for him/her to take the decision, refer the matter to an independent investigator for a formal investigation and/or refer the matter to the Standards (Hearings) Sub-Committee.
- Finding of no breach of the Code of Conduct
- Finding of a breach of the Code of Conduct and seek resolution that is to the satisfaction of the complainant.
- Finding of a breach of the Code of Conduct and report findings to the Standards (Hearings) Sub-Committee for a hearing.
- A potential offence under the Localism Act 2011 may have been committed and an investigation, by the police where appropriate, ought to be conducted to determine whether the subject Member should be prosecuted.

In some circumstances, whether a breach of the Code is found or not, a complaint may be referred for other action such as the provision of training to the subject Member or even all Members.

7. Notification of decisions

The decision will be sent to the subject Member and the complainant in accordance with the timescales referred to above. Where appropriate, it will also be sent to other parties. If further action on the part of the Council is required, this and how it is to be achieved will be explained.