

# COMPLAINT FORM

## Breach of Code of Conduct by District Member, Parish or Town Councillor

### Your details

#### 1. Please provide us with your name and contact details

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Daytime telephone:</b>	
<b>Evening telephone:</b>	
<b>Mobile telephone:</b>	
<b>Email address:</b>	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the monitoring officer of the authority
- the parish or town clerk (if applicable)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 6 of this form.

## 2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted member of an authority
- An independent member of the Standards Committee
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee
- Other ( )

## 3. Equality monitoring questions

Wealden District Council is committed to promoting equality of opportunity and good race relations for all individuals and communities in Wealden and eliminating discrimination both in the provision of its services and as an employer. To enable the Council to collect data and information on the impact of our policies and practice and for general statistical information provided to the Standards Board on a quarterly basis, please complete the separate page attached at the back of this form. This will be kept separate from the complaint and used for monitoring purposes only.

## 4. Making your complaint

When the Council receives the complaint the form will be directed to the Council's Monitoring Officer. If this is a complaint about a Member's conduct, then:

- The Monitoring Officer will arrange for this to be considered by the Assessment Sub Committee of the Standards Committee within 20 working days of receiving the complaint;
- In appropriate circumstances, the Monitoring Officer may see if the issue can be locally resolved. This will not prevent a Assessment Sub Committee from considering the complaint, but any local resolution that takes place before the hearing would be reported to the Sub Committee and taken into account when deciding what steps to take in the case;
- The Assessment Sub Committee will be held in private session (neither you or the Member/Councillor will be invited to attend at this stage). The Sub Committee will then decide if, on the face of the complaint, there appears to have been a breach of the Code of Conduct. When deciding whether to proceed with a complaint, the Sub Committee will take into account the criteria set out in paragraph 8 below. If the Sub Committee believes that there has, it has the option of:

1. referring the matter to the Monitoring Officer for investigation;
  2. referring the matter to the Monitoring Officer *for other action* (e.g.: training the Member, mediation, or seeking an apology);
  3. [in serious/ complicated cases, or those involving senior Members] referring the matter to the Standards Board;
  4. [if the Member or Councillor is a Member of another public body covered by the Code of Conduct, in appropriate cases] referring the matter to the Standards Committee of another public body;
- The Assessment Sub Committee may also consider that no action should be taken. In either case you should be given notice of the decision within 5 working days;
  - If the Assessment Sub Committee makes a decision to take no further action, you will be able to seek a review of that decision. You will have 30 days to request that review, and this will be undertaken by the Review Sub Committee of the Standards Committee (with different Members), within 3 months. (The Council will aim to arrange this hearing within 20 working days of receiving the request for review);
  - If the matter is to be investigated, then you will be informed, required to give evidence, and possibly attend a hearing, if the complaint is referred for a final hearing.

Details of the complaint will be kept by the Monitoring Officer, because the Council has a statutory obligation to report these/ and subsequent action to the Standards Board. If you have any queries concerning the completion of the form, or subsequently about the complaint, you can contact the Monitoring Officer, Mr Trevor Scott, Wealden District Council, The Council Offices, Pine Grove, Crowborough, East Sussex TN6 1DH Tel: 01892 602524 or email: [trevor.scott@wealden.gov.uk](mailto:trevor.scott@wealden.gov.uk)

**5. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:**

Title	First name	Last name	Council or authority name

6. Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Assessment Sub Committee when it decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

**7. Only complete this next section if you are requesting that your identity is kept confidential**

In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:

- *You are at risk of physical harm, intimidation or harassment if your identity is disclosed.*
- *You are an Officer who works closely with the Member concerned, and are afraid that it may affect your job if your identity is disclosed.*
- *You have serious health problems and believe that your health will deteriorate further if your identity is disclosed. If you put this as one of the reasons, the Chairman of the Standards Committee, and or the Monitoring Officer may request medical evidence in support of this.*

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Assessment Sub Committee will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

**8. Main criteria to be taken into account in assessing complaints**

- Has the complainant submitted enough information to satisfy the Sub Committee that the complaint should be referred for investigation or other action?
- Is the complaint about someone who is no longer a member of the authority, but a member of another authority and therefore justifying the referral of the complaint to the Monitoring Officer of that other authority.

- Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct. Alternatively, or has the complaint been the subject of an investigation by other regulatory authorities so that there is nothing more to be gained by further action being taken?
- Is the complaint about something that happened so long ago that there would be little benefit in taking action now?
- Is the complaint too trivial/not sufficiently serious to warrant further action? The complaint should be serious enough, if proven, to justify the range of sanctions available to itself or the Adjudication Panel for England.
- Does the complaint appear to be simply malicious, politically motivated or “tit-for-tat” and not of sufficient seriousness to warrant further action.
- Is the alleged conduct part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the authority and there are no other avenues left to deal with it, short of investigation?
- Does the complaint concern acts carried out in the member’s private life, when they were not carrying out the work of the authority?
- Is the complaint really about dissatisfaction with a decision or action of the authority or one of its committees, or a service provided by the authority or the authority’s procedures or about the actions of people employed by the authority, rather than the member’s conduct?

## 9. Additional Help

Complaints must be submitted in writing. This includes fax and electronic submissions. We may be able to assist you if you need support in making your complaint in writing. Please let us know as soon as possible.

If you, or somebody you know, would like the information contained in this document in large print, Braille, tape/CD; or in another language, please contact Wealden District Council on 01323 443322 or [info@wealden.gov.uk](mailto:info@wealden.gov.uk) Ref:

Please return this form to The Monitoring Officer, Wealden District Council, The Council Offices, Pine Grove, Crowborough, East Sussex TN6 1DH

## EQUALITIES MONITORING

### A Bit About You

We want to be sure that everyone is treated fairly. Answers to the questions below will help us monitor the experience of different people using our services.

Please circle/ tick as appropriate

**Gender:** Male Female

**Age:** Under 18, 18-24, 25-34, 35-44, 45-54, 55-64, 65+

**Do you consider yourself to be disabled** (the Disability Discrimination Act defines a disabled person as someone who has a physical or mental impairment that has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities)?                      Yes    No

### Ethnicity: Which group do you consider you belong to?

Choose one section from (a) to (e) then tick the appropriate box to indicate Your cultural background.

(a) White	(b) Mixed	(c) Asian or Asian British
British <input type="checkbox"/>	White and Black Caribbean <input type="checkbox"/>	Indian <input type="checkbox"/>
Irish <input type="checkbox"/>	White and Black African <input type="checkbox"/>	Pakistani
Other White <input type="checkbox"/> Please specify .....	White and Asian <input type="checkbox"/>	Bangladeshi <input type="checkbox"/>
	Other Mixed <input type="checkbox"/> Please specify .....	Other Asian <input type="checkbox"/> Please specify .....

(d) Black or Black British	(e) Chinese or other ethnic group	(f) Traveller
Caribbean <input type="checkbox"/>	Chinese <input type="checkbox"/>	Gypsy/Romany <input type="checkbox"/>
African <input type="checkbox"/>		Irish <input type="checkbox"/>
Other Black <input type="checkbox"/> Please specify .....	Any other background <input type="checkbox"/> Please specify .....	Any other Traveller <input type="checkbox"/> Please specify .....

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