

# Your Details

* 1. Please provide your name and contact details. Anonymous complaints will only be considered if there is independent evidence to substantiate the complaint.

|  |  |
| --- | --- |
| Title: |  |
| First name: |  |
| Last name: |  |
| Address: |  |
| Contact telephone number: |  |
| Email address |  |
| Signature: |  |
| Date of Complaint |  |

The following people will see this form:

* + - Monitoring Officer
    - An Independent Person appointed by the Council
    - The Member(s) being complained about
    - the Parish Clerk (if your complaint relates to a Parish Councillor acting in that capacity)
    - Members of the Standards (Hearings and Assessment Sub-Committee)

If you have serious concerns about your contact details or details of your complaint being released, please complete **Section C** of this form and also discuss your reasons or concerns with the Council’s Monitoring Officer.

* 1. Please tell us which complainant type best describes you: A member of the public

An elected or co-opted Member of the Council A Member of Parliament

A Monitoring Officer

Other Council employee, contractor or agent of the Council Other

# Making your complaint

* 1. A complaint must be made in writing by post or email to:-

**Lorraine Fowkes Monitoring Officer,**

**South Staffordshire Council, Freepost Mid 21881 Codsall,**

**South Staffordshire WV8 1ER**

e.mail: [**monitoring\_officer@sstaffs.gov.uk**](mailto:monitoring_officer@sstaffs.gov.uk)

Anonymous complaints will not be investigated unless there is clear documentary evidence to support the complaint and it is sufficiently serious to warrant consideration.

* 1. The sanctions available to a Standards Committee are governed by law. In accordance with the Standards regime introduced by the Localism Act, 2011, these are:-
     + Censure the Respondent.
     + Request the Respondent to submit a written apology in a form specified by the Sub- Committee.
     + Request the Respondent to undertake such training as the Sub-Committee considers to be appropriate.
     + Request that the Respondent participates in such conciliation as the Sub-Committee considers appropriate.
     + Report to the relevant Council on the outcome of the hearing with an appropriate recommendation.
     + Advise the Leader of the Council and/or Leader of the Political Group to which the person belongs, of the outcome of the hearing in order that they can consider whether, and if so what appropriate disciplinary or other action should be taken.
     + Issue a press release setting out the outcome of the hearing.
     + Such other sanction as may be permitted under the law.
  2. Please provide us with the name of the member(s) you believe have breached the Code of Conduct for Councillors.

|  |  |  |  |
| --- | --- | --- | --- |
| Title | First name | Last name | Council name |
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* 1. Please explain in this section (or on separate sheet(s)) what the Member is alleged to have 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, with dates / witnesses to substantiate the alleged breach.

It is also important that you provide all the evidence you wish to have taken into account when a decision is taken whether to take any action on your complaint or not. 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 or did to insult you.
    - 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 or other relevant documentary evidence to support your allegation(s).

Please provide us with the details of your complaint.

Continue on a separate sheet if there is not enough space on this form.

**(Continue on separate sheet(s), as necessary)**

# Confidentiality of complainant and the complaint details

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

1. In the interests of fairness and in compliance with the rules of natural justice, we believe members who are complained about have a right to know who has made the complaint and the substance of the allegation(s) made against him / her. We are, therefore, unlikely to

withhold your personal details or the details of your complaint unless you have good reasons to believe that you have justifiable grounds, for example:- you believe you may be victimised or harassed by the Member(s) against whom you are submitting a written complaint (or by a person associated with the same); or you believe you may receive less favourable treatment from the Council because of the seniority of the Member against whom you are submitting a written complaint.

Please note that requests for confidentiality or requests for suppression of the personal and complaint details will not automatically be granted. The request will be considered alongside the substance of your complaint and the Monitoring Officer will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the opportunity, if you so wish, of withdrawing your complaint.

However, it is important to understand that - in exceptional circumstances, where the matter complained about is very serious - we may proceed with an investigation (or other action) and may have no choice but to disclose your personal and complaint details, because of the allegation(s) made, 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.

**(Continue on separate sheet(s), as necessary)**

# Remedy sought

1. Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint. Please note the sanctions available as listed at point B2 above.

**(Continue on separate sheet(s), as necessary)**

# Additional Information

1. Complaints must be submitted in writing. This includes fax and electronic submissions. Frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.
2. In line with the requirements of the Equalities Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.
3. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.

# Process from here

1. Once a valid complaint relating to an alleged breach of the Code of Conduct has been submitted to the Monitoring Officer it will be dealt with in accordance with the arrangements approved by South Staffordshire Council.

Initially the Monitoring Officer will, in consultation with the Independent Person (or designated Associate Independent Person):-

* 1. determine whether a complaint merits formal investigation and to arrange such investigation.
  2. to seek resolution of complaints without formal investigation wherever practicable,
  3. to refer decisions on investigation to the Standards Committee where the Monitoring Officer feels that it is inappropriate for the Monitoring Officer to take the decision,

subject to the Monitoring Officer reporting to the Standards Committee at least annually on the discharge of this function.

If the complaint fails one or more of the following tests, it will be rejected:

* + - The complaint is against one or more named Councillor or co-opted members of the Council or of a Parish Council within the District.
    - The Respondent was in office at the time of the alleged conduct and the Code of Conduct was in force at the time.
    - The conduct subject of the complaint relates to the Respondent in his/her capacity as a Councillor.
    - The complaint, if proven, would be a breach of the Code of Conduct under which the Respondent was operating at the time of the alleged misconduct.

If appropriate, the Monitoring Officer and the Independent Person will then go on to apply the following criteria in deciding whether a complaint should be accepted for investigation, for other action, dealt with informally, or rejected:

* **Sufficiency of Information** – Is there sufficient information or evidence provided with the allegation? If it is clear that substantiating evidence may be available, but has not been provided, the Monitoring Officer may ask for that additional evidence, but the onus is on the complainant to ensure all relevant information is included.
* **Seriousness of the Complaint** – Is the complaint Trivial, vexatious, malicious, politically motivated or ‘tit for tat’? Are the resources/cost involved in investigating and determining the complaint wholly disproportionate to the allegations?
* **Duplication** – Is the complaint substantially similar allegation has previously been made by the Complainant to Standards for England, or the Standards Committee, or has the complaint been the subject of an investigation by another regulatory authority?

If a single event gives rise to similar complaints from a number of different complainants, wherever possible these complaints will be considered, but will be determined individually.

* **Length of Time** – Did the events or behaviour to which the complaint relates take place more than 6 months also. Does the time lapse involved mean that those involved are unlikely to remember it clearly enough to provide credible evidence, or where the lapse of time means there would be little benefit or point in taking action now? Such allegations are only likely to be considered in exceptional circumstances, such as where the conduct relates to a pattern of behaviour which has recently been repeated.
* **Public Interest** - Would the public interest or any public benefit be served in referring the complaint for investigation or other action? For example, it may be not in the public interest which the member has died, resigned or is seriously ill. Similarly, if the member has offered an apology or other remedial action. If it is clear that the subject of the allegation is relatively inexperienced as a Member, or has admitted making an error, and the matter would not warrant a more serious sanction.
* **Other Action** – Whether the complaint can be dealt with best by informal resolution, including training or conciliation.
* **Wider Application** – Does the complaint have wider applications, such as suggesting a wider problem throughout the Council concerned.

1. **Review of Decision following initial assessment.**

There is no right of appeal against the determination following initial assessment.

1. **Additional Information**

The Monitoring Officer may require additional information to come to a decision and may request information from the Respondent. Where the complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Clerk of the Parish Council of the

complaint and seek the views of the Clerk of the Parish Council before deciding whether the complaint merits formal investigation or other action.

1. There is no right of appeal available against a decision on a Code of Conduct complaint, except through the courts by way of judicial challenge.

**Independent Person – Role**

**Note:**

* The Localism Act, 2011, stipulates that arrangements to deal with allegations re: a breach of the Code of Conduct adopted by a Council must include provision for the appointment by Council of at least one Independent Person. South Staffordshire Council has appointed persons for this purpose
* The Independent Person must be consulted by the Monitoring Officer and the Standards Committee (as appropriate to the procedure set out above) before a decision is reached on an allegation and the Independent Person’s view must be taken into account. In addition a person against whom a complaint is made may also seek the views of the Independent Person. The idea behind this that if a Councillor feels victimised or pressured by a member or members of the Council or the authority, he or she can have access to the Independent Person for a view. This applies both to South Staffordshire Councillors and to the Parish Councillors. For further information about how to approach one of the Independent Persons, please contact the Monitoring Officer.

# Send completed complaint form to:

**Lorraine Fowkes Monitoring Officer,**

**South Staffordshire Council, Freepost Mid 21881 Codsall,**

**South Staffordshire WV8 1ER**

e.mail: [**monitoring\_officer@sstaffs.gov.uk**](mailto:monitoring_officer@sstaffs.gov.uk)