

# Guidance on How to Make a Complaint against Councillors

This guidance will help to explain:

- how to complete the Complaint Form;
- what will happen once you have sent us the Complaint Form.

Please read this guidance before completing the Complaint Form.

## Your Details

You must include your name and contact details as we will not consider anonymous complaints. 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 councillor you are complaining about;
- the Monitoring Officer of Bromsgrove District Council;
- the parish council clerk (if the councillor you are complaining about is a parish councillor).

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 4 of the Complaint Form.

## If you are requesting that your identity is kept confidential

In the interests of fairness and natural justice we believe councillors who are complained about have a right to know who has made the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that

- disclosing your identity may result in intimidation or attempted intimidation of you or a member of your family or other close associate; or
- it is in the public interest to withhold your identity.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted and are likely only to be granted in the most exceptional circumstances. 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, if 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.

## **Your Complaint**

We can only investigate complaints which relate to a possible breach of the Council's Code of Conduct.

A copy of Bromsgrove District Council's Code of Conduct can be found on our website at <http://bromsgrove.whub.org.uk/home/bdc-constitution-update-042008-16-codeofconduct.pdf> or you can contact the Monitoring Officer for a copy.

A parish council's Code of Conduct can be obtained from the Clerk to the relevant parish council.

Please explain in section 3 of the Complaint Form what the councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one councillor you should clearly explain what each individual person has done that you believe breaches the Code of Conduct. Although you are not required to prove your complaint at this stage of proceedings, you do have to demonstrate that you have reasonable grounds for believing that the councillor(s) complained about has breached 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 councillor said or did. For instance, instead of writing that the councillor insulted you, you should state what words he or she 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; and
- you should provide any relevant background information.

It is very important that you set your complaint out fully and clearly, and provide all the information at the outset. You should provide any documents or other material that you wish the Assessment Sub-Committee to consider, where possible. We recommend that you use our Complaint Form.

## **How will my Complaint about a Councillor be dealt with?**

When you submit your complaint we will write to you to let you know we have received it.

Your complaint will be considered by an Assessment Sub-Committee which is made up of three members of the Council's Standards Committee. That Sub-Committee will decide if your complaint discloses a possible breach of the Code of Conduct and, if so, whether it should be referred for investigation or other action. This will normally happen within 20 working days of the date we receive your complaint.

Meetings of the Assessment Sub-Committee are 'closed', which means that you will not be able to attend. It is therefore very important that you set your complaint out clearly and provide at the outset all the information you wish the Assessment Sub-Committee to consider.

In reaching its decision on whether or not your complaint should be investigated, the Assessment Sub-Committee will consider whether:

- enough information has been submitted to satisfy the Assessment Sub-Committee that the complaint should be referred for investigation or other action;
- the councillor about whom you are complaining is still a member of the Council, or is a member of another authority;
- the complaint has already been the subject of an investigation or other action relating to the Code of Conduct or an investigation by another regulatory authority;
- the complaint is about something that happened so long ago that there would be little benefit in taking action now;
- the complaint is too trivial to warrant further action;
- the complaint appears to be simply malicious, politically motivated or tit-for-tat.

When the Assessment Sub-Committee has reached its decision we will notify you in writing whether your complaint has been referred for investigation or other action. At the same time we write to you, we will also write to the councillor(s) you have complained about (and the parish or town clerk (if applicable)). We will send these letters within five working days of the

Assessment Sub-Committee reaching its decision. The decision of the Assessment Sub-Committee is made available for public inspection once the councillor the complaint is about has been given a summary of the complaint. In very limited situations the councillor may not be given this summary immediately and if so any public inspection will not happen until the councillor does get the summary.

### **What is meant by ‘other action’?**

The Assessment Sub-Committee may decide to refer your complaint for ‘other action’ instead of referring it for investigation. Other action is a deliberately broad term that may include options such as requiring the person you have complained about to apologise or undergo training or mediation. The Assessment Sub-Committee will carefully consider the circumstances surrounding your complaint when deciding whether other action is appropriate. If the Assessment Sub-Committee decides to refer your complaint for other action we will explain what this involves.

### **What if the Assessment Sub-Committee decides to take no further action and you don’t agree?**

The law says that the Assessment Sub-Committee should take reasonable steps to tell you the reason for its decision. You may not agree with the reasons, or think that it did not make the decision properly, or you may have new information that you think might affect its decision. If so, you can ask for the decision to be reviewed. You have to ask it to do this in writing within 30 calendar days of receiving its decision.

The Standards Committee must consider your request within three months. The decision will be reviewed by at least three members of the Standards Committee. None of the people who made the original decision are allowed to take part in the review. This meeting will be chaired by one of the independent people on the Standards Committee. They can uphold the original decision or overturn it, and will tell you in writing what they have decided.

### **What happens if my complaint is referred for investigation?**

An Investigating Officer will be appointed to investigate the complaint. That person may need to contact you to obtain details about the complaint. The Investigating Officer will normally complete the investigation within 3 months of his or her appointment. Once it is completed, the Investigating Officer’s report will be sent to the Monitoring Officer who will arrange for the Standards Committee to meet. The Standards Committee will consider that report and decide whether or not there has been a breach of the Code of Conduct and if so, what sanctions, if any, should be imposed on the councillor.

## **Additional help**

Complaints must be submitted in writing. This includes fax and email. However, in line with the requirements of the Disability Discrimination Act 2000, 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.

If you need any support in completing this form please let us know as soon as possible.

Please contact:

Claire Felton  
Monitoring Officer  
The Council House  
Burcot Lane  
Bromsgrove  
B60 1AA

01527 881429

email: [c.felton@bromsgrove.gov.uk](mailto:c.felton@bromsgrove.gov.uk)

Information is also available on the Standards Board for England's website at <http://www.standardsboard.gov.uk/Makingacomplaint/Whathappensyourcomplaint/filedownload,16434,en.pdf>