



...how to make a

complaint

a guide to making a complaint
about the behaviour of a District,
Town or Parish Councillor in
West Dorset

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What if I have a complaint about the behaviour of a particular Councillor (or Councillors)?

Councillors are obliged to observe a "Code of Conduct". If you feel a District Councillor or a Councillor who is on any Parish or Town Council within West Dorset District, has broken any of the rules in the Code of Conduct, you can complain to your local Standards Committee via the Monitoring Officer. (Before 8th May 2008 complaints had to be made to a national body, the Standards Board for England.)

How to make a complaint

You need to send your complaint, in writing, to the address at the end of this leaflet. This includes fax and electronic submissions. Please note that frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.

In line with the requirements of the Disability Discrimination Act 1995, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can help if English is not your first language and we can provide the complaint form in large print if required.

Although complaints are accepted by post, fax and e-mail the standard complaint form is preferred, as it will help you to make sure you are sending us all of the information we need. Please remember to send any documents that support your complaint with your form.

If you have any questions or difficulties filling in the form, please contact the Monitoring Officer or a member of their team on 01305 252205.

Complaints will be considered by the Assessment Sub-Committee of the Council's Standards Committee.

It is important to note that not every complaint that falls within the jurisdiction of the Standards Committee will be referred for investigation or other action. The Assessment Sub-Committee of the Standards Committee must decide whether this is appropriate. If the Assessment Sub-Committee decides not to refer your complaint for investigation or other action it will give you the reasons for this decision. It will also explain any right that you may have to ask for the decision to be reviewed.

Who you can complain about and what we can investigate

You can complain about Councillors (also known as Members) and co-opted members of West Dorset District Council or any Town or Parish Council in West Dorset. A co-opted Member is a voting member of an authority or one of its committees, who was appointed to their position rather than being elected.

We can only consider complaints about individual Councillors or Members. We cannot consider complaints about the authority as a whole or about people employed by it.

Your complaint must be about conduct that occurred while the Member(s) complained about was in office. Conduct of an individual before they were elected, co-opted or appointed to the authority, or after they have resigned or otherwise ceased to be a Member, cannot be considered by the Assessment Sub-Committee.

The original Code of Conduct came into effect on 5 May 2002, although some authorities adopted the Code of Conduct earlier. If your complaint concerns matters that occurred before 5 May 2002 you should contact the Monitoring Officer or a member of their team before making your complaint to check whether it is within the jurisdiction of the Assessment Sub-Committee to consider.

Your complaint must be that the Member(s) has, or may have, breached the Code of Conduct. A copy of the Code of Conduct and frequently asked questions about the Code of Conduct are available at www.standardsboard.gov.uk. You may also contact the Monitoring Officer or a member of their team if you require further information.

Complaints about dissatisfaction with a decision or action of the authority or one of its committees, a service provided by the authority or the authority's procedures, do not fall within the jurisdiction of the Assessment Sub-Committee. Complaints about the actions of people employed by the authority also do not fall within the jurisdiction of the Assessment Sub-Committee.

Your complaint must be in writing. If a disability prevents you from making your complaint in writing you may contact the Monitoring Officer or a member of their team for assistance.

Behaviour covered by the Code of Conduct 2007

You can complain about a member breaking any part of their authority's Code of Conduct. This includes:

- unlawfully discriminating against someone
- failing to treat people with respect
- bullying any person
- intimidating any person involved in any investigation or proceedings about someone's misconduct
- doing something to prevent those who work for the authority from being unbiased
- revealing information that was given to them in confidence, or stopping someone getting information they are entitled to by law
- damaging the reputation of their office or authority, where the conduct is linked to their public role and not in their private capacity
- using their position improperly, to their own or someone else's advantage or disadvantage
- misusing their authority's resources
- allowing their authority's resources to be misused for the activities of a registered political party
- failing to register financial or other interests
- failing to reveal a personal interest at a meeting
- taking part in the discussion or making a decision where they have an interest that is so significant that it is likely to affect their judgement (known as a 'prejudicial interest')
- improperly influencing a decision about a matter that they have a prejudicial interest in
- failing to register any gifts or hospitality (including its source) that they have received in their role as a member worth over £25.

If none of the above applies to your complaint, it is probably not something we can deal with. To find out if another organisation can help you, contact your local Citizens Advice Bureau, Law Centre or other advice centre.

Before you complain

Before you send us your complaint, you should be aware that we are unlikely to be able to keep your identity confidential from the person about which you are making the complaint. Details of the complaint may be given to the Member about whom you have complained. If you have concerns about this and would like to discuss it with someone, please call the Monitoring Officer or a member of their team on 01305 252205 who will be pleased to help.

What happens to your complaint?

When we receive your complaint, we will write to you to let you know that we have received it. We may also tell the Member that you are complaining about that we have received your complaint, who made the complaint and details about the nature of the complaint.

Your complaint will then be referred to the Assessment Sub-Committee. These are a group of people appointed by West Dorset District Council to help maintain and promote high ethical standards. The Assessment Sub-Committee consists of at least three members, at least one of whom will be an independent chairman i.e. not a District or Town/Parish Councillor. Where a complaint against a Town or Parish Councillor is being considered, there will also be a Parish or Town Council representative on the Committee.

The Assessment Sub-Committee will meet to consider your complaint and decide whether it should be referred for investigation or other action. This will happen within an average of 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.

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 Member(s) you have complained about and the Parish or Town Clerk (if applicable). We will send these letters within an average of 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 Member the complaint is about has been given a summary of the complaint. In very limited situations the member may not be given this summary immediately and, if so, any public inspection will not happen until the Member does get the summary.

What can the Complaints Committee decide to do?

The Committee can decide to:

- Investigate your complaint.
- Take some other action e.g. training, mediation etc.
- Send it to the Standards Board for England to investigate.
- Send it to the Standards Committee of another authority if the Member belongs to that authority, or one of the Parish or Town Councils that come under it.
- Take no further action.

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.

How should I set out my complaint?

It is very important that you set your complaint out fully and clearly, and provide all the information at the outset. You should also provide any documents or other material that you wish the Assessment Sub-Committee to consider, where possible. You will not be able to attend the meeting of the Assessment Sub-Committee.

We recommend that you use our complaint form summarising what you are complaining about, especially if your complaint includes a lot of supporting documentation. In the summary you should tell us exactly what each person you are complaining about said or did that has caused you to complain. If you are sending supporting documentation please cross-reference it against the summary of your complaint.

You should be as detailed as possible and substantiate your complaint where you can. 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 Member(s) complained about has breached the Code of Conduct.

Investigations

In the event that the Assessment Sub-Committee decides that the complaint should be investigated they will refer the matter to the Monitoring Officer. The complaint will be investigated by the Monitoring Officer or investigators appointed by them. The Monitoring Officer will let all those involved know that this is the case and the process that will be followed.

At the end of an investigation, the Monitoring Officer sends a copy of the investigation report to the Standards Committee. A copy will also be sent to yourself, the Member complained about and the Clerk to the Town/Parish Council (where relevant). If action is warranted, the Standards Committee have a range of sanctions including suspending a Member for up to six months or, in more serious cases, the matter can be referred to the Adjudication Panel for England who have a number of sanctions at their

disposal up to and including disqualifying a Member from holding office for five years.

PLEASE REMEMBER THAT WE CAN:

- only consider complaints that are about individual Councillors or Members, not the authority as a whole or authority employees
- only investigate matters where you believe a Member has breached their authority's Code of Conduct.

Please provide us with as much information as you can about your complaint to help us decide whether or not it should be investigated.

Please avoid sending us large amounts of background information that only indirectly relates to your complaint.

If your complaint is referred for investigation, you will have a further opportunity to provide the investigator with any information or documents that you consider to be relevant.

We hope that this leaflet has answered all of your questions about making a complaint. If you have any more questions, please contact the Monitoring Officer at:

Mr Alan Muir
The Monitoring Officer
West Dorset District Council
Stratton House
58/60 High West Street
Dorchester
Dorset
DT1 1UZ

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Fax: 01305 252495

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