

## **Members Code of Conduct: How to make a Complaint**

This leaflet tells you about the complaint process for making a complaint if you are unhappy about the way that a Councillor of this Authority or a Parish Councillor has behaved. It explains:

- How to make a complaint
- Who you can complain about
- What you can complain about
- What will happen to your complaint

If you have any questions or difficulties or are in need of any support in reading or understanding this leaflet, for example if English is not your first language or you have a disability, please contact or email the Council for assistance. The Council's contact information is contained at the end of this leaflet.

We can only investigate matters where you believe a Councillor or Parish Councillor has breached the Code of Conduct for Members. Your complaint must be in writing and cover all the points set out in the complaints form.

### **HOW TO MAKE A COMPLAINT**

- You need to send your complaint in writing by completing a Members Code of Conduct Complaint Form and sending it to the address at the end of this leaflet.
- This leaflet helps you make sure you are sending us all the information we need. Please send any documents that support your complaint with your form.

### **YOUR CONTACT DETAILS**

- Please provide your full name, address, contact telephone number and e-mail address.
- An officer from the Council may need to contact you personally to go through the details of your complaint.
- Your details and details of the complaint are unlikely to remain confidential as we need to share it with all parties involved in the process including the Councillor being complained about. The councillor being complained of is often referred to as the "Subject Member".

## WHO YOU CAN COMPLAIN ABOUT

- We can only consider complaints that are about individual Councillors of Slough Borough Council or Parish Councillors belonging to one of the following Parish Councils:

Britwell Parish Council, Colnbrook with Poyle Parish Council and Wexham Court Parish Council

- We cannot consider complaints about the Council as a whole or about any people employed by it. A complaint about a service is dealt with under a separate procedure, see the corporate complaints page on the Council's website at <http://www.slough.gov.uk/council/complaints-and-feedback/default.aspx>
- The Monitoring Officer will determine whether the complaint needs to be investigated or whether another course of action is appropriate.

## WHAT YOU CAN COMPLAIN ABOUT

You can complain about a Councillor breaking any part of the Council's Code of Conduct for Members. A copy of the Code is available on the Council's website. For a complaint about a Parish Councillor, you will need to contact the Parish to view their Code of Conduct. A complaint can be made if you believe a Councillor or Parish Councillor has breached any part of the Code. This would include matters such as:

- 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
- 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
- failing to register financial or other interests
- failing to reveal a personal or prejudicial interest at a meeting

If your complaint does not address a Code of Conduct matter, we will not be able to deal with it.

## WHAT WE CANNOT INVESTIGATE

There are some complaints we cannot investigate, including:

- Complaints where a Councillor is not named
- Complaints that are not in writing
- Incidents or actions that are not covered by the Code of Conduct
- Incidents that happened before a Councillor was elected

## EVIDENCE

If you believe a Councillor has breached the Code of Conduct as described above, it would be useful to attach any evidence that you feel is relevant to your complaint. For example, details of any witnesses or details of any dates/times of any incidents etc. You can send accompanying documents if you wish. 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.

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.

- 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.

## **CONFIDENTIAL COMPLAINTS**

Before you send us your complaint, you should be aware that we are unlikely to be able to keep your identity confidential from the Councillor you have complained about, or others that are involved in the process of dealing with complaints. We believe in the interests of fairness and natural justice, Councillors complained of, have a right to know who has made a complaint and be provided with a summary of the complaint.

Requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The assessment of your request will be undertaken by the Council's Monitoring Officer who will carry out the initial assessment of your complaint.

The Monitoring Officer can only consider granting anonymity to the complainant where one of the following applies:

1. The complainant has reasonable grounds for believing that he or she will be at risk of harassment or physical harm if his or her identity is disclosed.
2. The complainant is an officer who has reasonable grounds for believing that he or she will be subject to intimidation, bullying or threats or physical harm.
3. The complainant suffers from a serious medical condition and there are medical risks associated with the disclosure of his or her identity. Medical evidence will be required in respect of this ground.

In each of the above cases the Monitoring Officer may only grant a request if he considers that a fair investigation can still be carried out.

If you believe your details should be withheld please specify the reasons for this on the Complaint Form.

- If your request is not granted, your complaint will not be proceeded with unless you ask us to, on the Complaint Form. Please note the Section 3 on the complaint form. Your complaint will therefore be deemed as withdrawn.

## **WHAT HAPPENS TO YOUR COMPLAINT?**

The responsibility of dealing with complaints for an alleged breach of the code of conduct rests with the Standards Determination Sub-Committee.

### **Initial Assessment**

When we receive your complaint, we will write to you to let you know that we have received it. The Monitoring Officer will make an initial assessment of your complaint within 14 working days of receipt of complaint. It is very important that you set your complaint out clearly and provide at the outset all the information you wish the Monitoring Officer to consider. It may be that the Monitoring Officer will decide that your complaint will not be investigated for one or more reasons. These reasons could include those listed below. The Monitoring Officer may refer the matter on for investigation or take other action.

However, it may not be referred for investigation if it falls into any of the following categories:

- it is believed to be malicious, relatively minor, politically motivated or tit-for-tat
- the same, or substantially similar, complaint has already been the subject of an investigation or inquiry by this Council or other regulatory authorities and there is nothing further to be determined.
- the complaint concerns acts carried out in the subject Member's private life, when they are not carrying out the work of the Authority or have not misused their position as a Councillor.
- the complaint is about something that happened so long ago that there would be little benefit in taking action now
- it appears that the complaint is really about dissatisfaction with a council decision
- there is not enough information currently available to justify a decision to refer the matter for investigation

If the Monitoring Officer decides that your complaint should not be proceeded with, we will write to you explaining the reasons why. There is no right of appeal.

### **Investigation/ Determination Hearing**

If your complaint is referred by the Monitoring Officer for investigation, we will write to you and inform you of the timescales for completing the investigation, and details of any hearings (if appropriate). You will also have an opportunity to provide the investigator with any further information or documents that you consider relevant. We will of course write to you to tell you the outcome of the hearing.

Remember, a summary of the complaint and your details will be shared with the Subject Member and all parties involved in the case.

### **AT THE END OF AN INVESTIGATION**

Following a hearing, a Standards Determination Sub-Committee can make a range of findings about the Subject. These can include the Subject Matter.

- had not failed to comply with the Code of Conduct
- had failed to comply with the Code of Conduct but that no action needs to be taken.
- had failed to comply with the Code of Conduct and that a sanction should be imposed.
- Censure
- A requirement that the Member submit a written apology in a form specified by the Standards Committee
- A requirement that the Member undertake conciliation as specified by the Standards Determination Sub Committee

**IF YOU HAVE ANY QUESTIONS YOU CAN CONTACT:**

We hope that the information in this leaflet has answered your questions about the complaint process. If you require any more information you can contact:

**Monitoring Officer  
Slough Council, St Martin's Place, 51 Bath Road,  
Berks, SL1 3UF**

**Or by e-mail to [MonitoringOfficer@slough.gov.uk](mailto:MonitoringOfficer@slough.gov.uk)**