

Guidance note for Complaints regarding Alleged Breaches of the Member's Code of Conduct

Can your complaint be resolved informally?

It is advisable to speak to the Monitoring Officer (or the relevant Parish Clerk) in the first instance in all cases as there may well be a more informal approach that can be followed.

Also if you are not clear on what grounds the standards committee can consider your complaint, talking to the Monitoring Officer may help to clarify the process for you, you can contact the Monitoring Officer on 0116 272 7586.

Are you using the correct form?

The points listed below will help you decide whether this is the correct form to use when making your complaint. You should speak to the Monitoring Officer (or the relevant Parish Clerk) in the first instance if you are not clear if the standards committee can consider your complaint.

Your complaint must be about conduct that occurred while the member(s) complained about held office. Conduct of an individual before they were elected, co-opted or appointed as a Councillor to the authority, or after they have resigned or otherwise ceased to be a member, cannot be considered.

Your complaint must be about one or more named members of the following local authorities:

Blaby District Council

Parish/Town Councils

Blaby Parish Council
Braunstone Town Council
Cosby Parish Council
Countesthorpe Parish Council
Croft Parish Council
Elmesthorpe Parish Council
Enderby Parish Council
Glen Parva Parish Council
Glenfield Parish Council

Huncote Parish Council
Kirby Muxloe Parish Council
Leicester Forest East Parish Council
Lubbesthorpe Parish Council
Narborough Parish Council
Sapcote Parish Council
Sharnford Parish Council
Stoney Stanton Parish Council
Thurlaston Parish Council
Whetstone Parish Council

Your complaint must be that the member(s) has, or may have, breached the Code of Conduct. A copy of the Blaby District Council Code of Conduct is available on the Council website. Parish Council Codes of Conduct are available from the relevant Parish/Town Council Clerk.

You may also contact the Monitoring Officer if you require further information.

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

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

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 sub-committee of the standards committee must decide whether this is appropriate. It will make this decision using referral criteria. If the 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.

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 sub-committee to consider, where possible. Unless the authority advises you otherwise, you will not be able to attend the meeting of the sub-committee.

The Council recommends that you use the complaint form or provide a covering note 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.

What happens once you submit your complaint?

When you submit your complaint the Council will write to you to let you know it has been received.

The Monitoring Officer has the discretion to take the administrative step of acknowledging receipt of the complaint and telling the subject member that a complaint has been made about them.

The sub-committee will meet to consider your complaint and decide whether it should be referred for investigation or other action. This will normally happen within an average of 20 working days from the date the Council receives your complaint. Meetings of the 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 sub committee to consider.

When the sub-committee has reached its decision the Council will notify you in writing whether your complaint has been referred for investigation or other action. At the same time the Council writes to you, the Council will also write to the member(s) you have complained about and the parish clerk (if applicable).

The Council will send these letters normally within five working days of the sub-committee reaching its decision. The decision of the sub-committee is made available for public inspection once the member (s) 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 is meant by 'other action'?

The 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 sub committee will carefully consider the circumstances surrounding your complaint when deciding whether other action is appropriate. If the sub committee decides to refer your complaint for other action the Council will explain what this involves.

How to fill in your complaint form

Section 1 - Who is your complaint about?

In order to help us focus your request we need to know if your complaint is about a District or Parish/Town Councillor, and where they are a member.

Section 2 and 3 - About you

Your address and contact details will not usually be released unless it is necessary in dealing with your complaint.

However the following will be told your details as part of the complaints investigation process:

- The Monitoring Officer of the District Council
- The Parish Clerk (if applicable)
- Dependent upon the decision of the sub-committee, the member (s) you are complaining about.

We will give your name and a summary of your complaint. We will give them full details of your complaint where it is necessary or appropriate for them to be able to deal with your complaint.

If you have serious concerns about your name and a summary, or details of your complaint being released, please see section 6 - Confidentiality.

Section 4 and 5 – Your complaint

These sections are vital to enable the Monitoring Officer and the sub-committee to be able to investigate your complaint as efficiently as possible. Please ensure you have the correct names and details of the Member (s) you are complaining about.

Should you need to please use separate sheets to continue your complaint, please write your name on the sheets to ensure they do not get separated from your main complaint form.

If you are complaining about more than one member you should clearly explain what each individual has done which you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken in to 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 explain where there are any witnesses to the alleged conduct and provide their names and contact details if available.
- You should provide any relevant background information.

Section 6 – Confidentiality

During the initial assessment phase the Council will not normally inform the member (s) who have been complained about. If the sub-committee decides that no action should be taken then again the Council may feel that your identity should be kept confidential.

If, however, the sub-committee has decided that some other form of action should be taken e.g. that the matter be referred for investigation then, in the interests of fairness and natural justice, the Council believes that Members who are complained about have the right to know who has made the complaint.

The Council also believes they have the right to be provided with a summary of the complaint. In these circumstances the Council is unlikely to withhold the details of your complaint unless you have a good reason for example:

- You have reasonable grounds for believing that you would be at risk if physical harm.
- You are an officer who fears the consequences for your employment.
- You would suffer medical risks.

Please note that requests for confidentiality or requests for suppression of complaints will not automatically be granted. The sub-committee will consider the request alongside the substance of your complaint.

The Council will then contact you with the decision, if your request for confidentiality is not granted, you will usually be allowed 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, the Council can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.