

Making your complaint

3. You must make your complaint to the person named in Section 8 below. On receipt of your complaint you will be advised that it has been received on behalf of the Assessment Sub-Committee and you will be given an estimated timescale for dealing with your matter. It is anticipated that an initial assessment of your complaint will normally be undertaken by the Assessment Sub-Committee within 20 working days of its receipt.

The decision of the Assessment Sub-Committee will be sent to you within 2 working days of the Sub-Committee meeting which decision will be one of the following:

- No further action – if this is the decision of the Sub-Committee you have a right of appeal to a Review Sub-Committee. This will be a sub-committee comprising different members of the South Hams Standards Committee, thus providing a completely independent review of the initial assessment;
- the matter is referred to the Monitoring Officer for training, conciliation or other action (excluding investigation) as the Sub-Committee consider appropriate;
- the matter is referred to the Monitoring Officer for investigation;
- the matter is referred to Standards for England for investigation.

The decision of the Assessment Sub-Committee will also be notified to other parties where appropriate, such as the member the subject of the complaint, and the Clerk to the member's Parish or Town Council if they are not a District member.

If the matter is referred for investigation you will be contacted by the Monitoring Officer or the person appointed by her to conduct the investigation with details of how it will be carried out and the anticipated timescale. Following the investigation a report will be presented to the Standards Committee of South Hams District Council.

4. Please provide us with the name of the member(s) you believe has/have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name

5. Please explain in this section (or on separate sheets) what the member has 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 that you believe breaches the Code of Conduct.

The Code of Conduct for South Hams District Council is available on our web site and can be obtained from the Monitoring Officer. The Codes of Conduct adopted by each of the Town and Parish Councils in our area can be obtained by contacting the Clerk to the appropriate Council.

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 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.

Please provide us with the details of your complaint. Continue on a separate sheet(s) (please number them) if there is not enough space on this form.

6. Confidentiality

In the interests of fairness and natural justice, we believe that members who are complained about have a right to know who has made the complaint and at least a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that should we reveal it, you will be subject to some form of reprisal or intimidation from the member to whom the complaint relates or some other person. You should tell us why you believe that.

In considering your request we will have regard to any relevant guidance and in particular any guidance published by the Standards for England.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. 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 where 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.

Please complete this next box only if you are requesting that your identity is kept confidential

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

7. Additional help

Complaints must be submitted in writing. This includes fax and electronic submissions. 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.

8. Contact details: please send the form to

The Standards Committee
c/o The Monitoring Officer
South Hams District Council
Follaton House
Plymouth Road
Totnes
Devon
TQ9 5NE

Telephone: 01803 861234

Fax: 01803 861477

e-mail: monitoring.officer@southhams.gov.uk

web site: www.southhams.gov.uk

Equalities monitoring

Please go on to complete the equality monitoring questions on the next two pages. They will not be disclosed to the Assessment Sub-Committee or the member(s) you are complaining about and will be detached from this form before it is submitted.

Disability information

Do you consider yourself to have a disability?
(see *Guidance Note 1 below*)

Yes/No

Do you meet the Disability Discrimination Act
definition of disability?
(see *Guidance Note 2 below*)

Yes/No

Guidance Note 1

A disabled person is someone who has an impairment, experiences externally imposed barriers and self-identifies as a disabled person. Impairment is a physical or mental condition, or lacking all or part of a limb or having a defective limb, organ or mechanism of the body.

Guidance Note 2

A person has a disability under the Disability Discrimination Act 1995 if he/she has a physical or mental impairment. Included in this definition are the following:-

- *Physical impairments*
- *Mental impairments relating to mental functioning, including learning difficulties and mental health issues which are clinically well-recognised.*
- *Sensory impairments such as hearing impairment or visual impairment (not corrected by glasses).*
- *Progressive conditions such as cancer, multiple sclerosis, muscular dystrophy or HIV infection.*
- *People who have had an impairment (covered by the Act) in the past but have since recovered.*

It should be remembered that to comply with the Act, the impairment should have a substantial and long-term adverse effect on his/her ability to carry out normal day to day activities.

An impairment has a substantial effect if it affects mobility, manual dexterity, physical co-ordination, continence, ability to lift or otherwise move everyday objects, speech, hearing, eyesight (excluding those who wear glasses/contact lenses), memory and/or ability to concentrate, learn or understand.

Long term means has lasted, or is likely to last, for at least 12 months, or for the rest of the life of a person.