



SOUTH HAMS DISTRICT COUNCIL MEMBERS' CODE OF CONDUCT COMPLAINT FORM

Section 1: Your details

- (a) Please provide us with your name and contact details

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	
Date of complaint:	

- (b) Please tell us which complainant type best describes you
(please mark as appropriate):

- Member of the public
- An elected or co-opted member of an authority
- An independent member of the standards committee
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee
- Other ()

Notes to Section 1

Your address and contact details will not usually be released unless it's necessary to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- *the member(s) you are complaining about*
- *the Monitoring Officer*
- *the Clerk to the Parish or Town Council that the member belongs to (if any)*
- *the County Solicitor (if the member is a County 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 we think it 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 this form.

Section 2: Making your complaint

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

Section 3: Nature of the complaint

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.

Notes to Section 3: (a)

Here is a summary of the provisions of the Code of Conduct: Members must not

- fail to treat others with respect
- act in a way that may cause the authority to breach an equality enactment
- bullying
- intimidate, or attempt to intimidate a person involved in an allegation against the member
- compromise the impartiality of those who work for, or on behalf of, the authority
- disclose confidential information
- bring an office or authority into disrepute
- use their position as a member improperly to confer or secure an advantage or disadvantage
- fail to use the resources of the authority in accordance with their requirements
- disregard advice when reaching decisions
- fail to give reasons for decisions
- fail to declare a personal or prejudicial interest
- having a prejudicial interest, fail to act appropriately
- fail to register interests

Your complaint must fall within one or more of these provisions and you will also have to show that the councillor was acting in their role as a councillor, and not as a private citizen, when they did what you are complaining about.

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 relevant Council.

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.

Notes to Section 3: (b)

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.*

Section 4: Confidentiality

Please complete this next box **only** if you are requesting that your identity is kept confidential. See notes below.

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

Notes to Section 4

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.

Section 5: What happens next?

You must make your complaint to the Monitoring Officer, who will submit it to the Standards Committee's Assessment Sub-committee. Her address is on the next page.

On receipt, the Monitoring Officer will look over your complaint and may ask you for more information in order to clarify it. She will in any event acknowledge that it has been received on behalf of the Assessment Sub-Committee and you will be given an estimated timescale for dealing with it. We aim for the Assessment Sub-Committee to complete its initial assessment of your complaint within 20 working days of its receipt.

The decision of the Assessment Sub-Committee will be sent to you within 5 working days of the Sub-Committee meeting. The decision will be one of the following:

- No further action.
- 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 the Standards for England for investigation.

The decision of the Assessment Sub-Committee will also be notified to the member who is the subject of the complaint, and other parties where appropriate, such as the Clerk to the Parish or Town Council, or the County Council where the member also belongs to one of those authorities.

If the decision of the Sub-Committee is "no further action" you have a right of appeal to a Review Sub-Committee. This will be a sub-committee of different members of the Standards Committee, thus providing a completely independent review of the initial assessment

If your complaint 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. You are likely to be interviewed as part of the investigation, along with the person you complained about and anyone else who may be able to give material evidence. The investigator will present a report to the Standards Committee of South Hams District Council. The Committee may decide that a hearing is necessary and if so, you will be expected to attend and be cross-examined by members of the Committee, and maybe also by the member about whom you have complained. Hearings are held in public.

If your complaint is referred for investigation by the Standards for England, which will only happen in the most serious of cases, the Monitoring Officer will contact you to explain what is going to happen.

If your complaint is referred for "other action" than an investigation, the Monitoring Officer will write to you to explain what is proposed to do in order to address the issues that you have complained about, and the reasons why it is not being investigated. Such "other action" will be intended to resolve the complaint. There is no right of review of this decision.

Section 6: 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.

Section 7: 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.

Section 8: 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

Signed: (If submitting by email, please fill in your full name)

Date:

SOUTH HAMS DISTRICT COUNCIL: MEMBERS' CODE OF CONDUCT

Equality monitoring questions

The Council is committed to equality of opportunity in its provision of all its services, including the handling of complaints, in order to be fair and equitable.

The Council has a statutory responsibility to collect and monitor information to ensure that the Council is meeting this responsibility. So that the Council is able to monitor the effectiveness of its compliance with its equalities duty, please take a few moments to complete this section.

We are aware that you may be hesitant in providing the personal details requested. Please be assured that this information is used for monitoring purposes only and will not be disclosed to others. The information will be treated in confidence.

What is your age range? (please mark as appropriate)

- 21 or under
- 22 to 40
- 41 to 60
- 61 and over

How would you describe your ethnic origin? (please mark as appropriate)

- White - British
- White - Irish
- Other White Background
- Black or Black British – Caribbean
- Black or Black British – African
- Other Black Background
- Asian or Asian British – Indian
- Asian or Asian British – Pakistani
- Asian or Asian British – Bangladeshi
- Chinese
- Other Asian Background
- Mixed – White and Black Caribbean
- Mixed – White and Black African
- Mixed – White and Asian
- Other mixed background
- Other ethnic background
- Information refused

The descriptions listed above are those used in the 2001 Census of Population and allow comparison statistics to be produced. This question is not concerned with your nationality, place of birth or citizenship but aims to establish the broad ethnic groups of people making complaints in relation to breaches of the Code of Conduct.

Disability information

Do you consider yourself to have a disability? **Yes** **No**
(see Guidance Note 1 below)

Do you meet the Disability Discrimination Act definition of disability? **Yes** **No**
(see Guidance Note 2 below)

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.