



Oadby & Wigston Borough Council

COMPLAINT FORM

TO MAKE A COMPLAINT AGAINST MEMBERS OF THE BOROUGH COUNCIL

(Please read the **GUIDANCE NOTE FOR POTENTIAL COMPLAINANTS** attached before completing this Form)

Your details

1. Please provide us with your name and contact details

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

Your address and contact details will not usually be released unless necessary or 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 of the authority

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where 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 6 of this form.

2. Please tell us which complainant type best describes you:

- 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 ()

3. Equality monitoring questions

Please complete the attached form

Making your complaint

4. Please provide us with the name of the member(s) you believe have breached the Code of Conduct

Title	First name	Last 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.

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 details of the date(s), time(s) and place(s) of the alleged incident(s) wherever possible. If you cannot provide this information exactly 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 if there is not enough space on this form.

Continue on separate sheet(s) as necessary

Only complete this next section if you are requesting that your identity is kept confidential

6. In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with 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: you have justifiable grounds.

To allow us to give a full consideration to a request for confidentiality we require you to provide us with an explanation of the reason why you think your details should be kept confidential for example you fear victimisation or harassment by the member against whom you are submitting a written complaint. Please set out your request for confidentiality in the box below.

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

Continue on a separate sheet if necessary

7. Informal Resolution

It is often possible to resolve complaints without recourse to formal investigation and hearing. In such cases it is important that appropriate action to seek to achieve resolution of the matter is undertaken without delay

Please advise if you are NOT willing for attempts to be made to seek early informal resolution of your complaint. If you do not so indicate we will endeavour to seek resolution of your complaint prior to it being submitted to the assessment sub-committee of the Standards Committee. To assist us in doing this it would be helpful if you could describe what remedy you are seeking/what action you think would be appropriate to resolve your complaint.

Please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint.

Continue on a separate sheet if necessary

Additional Help

8. 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.

If you require this leaflet in other languages or an alternative format please contact : Corporate Services on 0116 257 2712 or email: pr@oadby-wigston.gov.uk

Please return this form to :-

Mrs Anne Court, Monitoring Officer – Oadby & Wigston Borough Council
Station Road, Wigston, Leicestershire, LE18 2DR.

Tel: 0116 2888961: Fax: 0116 2887828

E-mail: anne.court@oadby-wigston.gov.uk

GUIDANCE FOR POTENTIAL COMPLAINANTS

All Councillors have to comply with a Code of Conduct. The Code sets out rules about how councillors should behave. A copy of the Code of Conduct and frequently asked questions is available at www.standardsboard.gov.uk. You may also contact the Monitoring Officer, Mrs Anne Court or the Deputy Monitoring Officer, Miss Kalv Garcha, if you require further information on 0116 2888961

If you think an Oadby & Wigston Borough councillor has breached the Code you can submit a complaint on the attached form, which will be assessed by a sub-committee of the Council's Standards Committee

You should use this form if:-

- You want to make a complaint about a Borough councillor or a Co-opted member of the Borough Council (a Co-opted member is someone who has been appointed to the Council rather than elected).
- The complaint is about the conduct of a member(s) while they were in Office. We cannot consider the conduct of an individual before or once they have left Office as a member.
- The matter occurred after 5 May 2002. We are unlikely to consider a member's conduct before this date.

Do not use this form if you are unhappy with:

- A decision or action of the Council or one of its committees
- A Council service
- The Council's procedures
- The actions of people employed by the Council

It is not mandatory that you use the attached form for your complaint to be considered. You may, alternatively, submit your complaint, by letter, including by electronic means. However, if you do so, your letter should include the required information about your complaint as set out in the attached form.

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

We recommend that you use our 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 it would help if you would cross-reference it against the summary of your complaint and submit the original documents for authenticity purposes. If this is not possible a certified copy of the document will be accepted.

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 when you submit your complaint?

When you submit your complaint we will write to you to let you know we have received it. We will also tell the member that you are complaining about that we have received your complaint, who made the complaint and the relevant paragraphs of the Code of Conduct that it is alleged may have been breached.

If you have serious concerns about your details and those of the complaint being released you will need to provide reasons on the attached form (section 6) to justify confidentiality.

Once a valid complaint relating to an alleged breach of the Code of Conduct for members has been received by the Monitoring Officer, it will be presented to a meeting of the Standards Sub-Committee (Initial Assessment) for consideration/determination. You and the member against whom the complaint has been made will not be allowed to attend the deliberations of the Sub-Committee as the matter will be considered in private.

The Sub-Committee may resolve to:

- (a) dismiss your complaint, with reasons;
- (b) ask you for additional information with reasons;
- (c) refer your complaint to the Monitoring Officer for investigation (or other action eg requiring the member to undergo further training, attend mediation); or
- (d) refer your complaint to the Standards Board for England if the complaint does not fall within the jurisdiction of the Standards Committee

A decision will be made within an average of 20 working days of the date your complaint is received.

The criteria we use to assess your complaint is available on the Council's website. Alternatively you can get a copy from the Monitoring Officer. This includes assessing whether a complaint is vexatious or politically motivated for tit-for-tat complaints; how we will deal with a request to withdraw a complaint and how we will deal with anonymous complaints.

When the Assessment Sub-Committee has made its decision we will write to you and tell you whether your complaint will be investigated or whether other action will be taken. If the decision is that there is no case to answer, our decision letter will explain the option available to you to have that decision reviewed by a separate Sub-Committee and the steps you will need to take.