

Guidance note for Complaints regarding Alleged Breaches of the Member's Code of Conduct (Standards Complaint)

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 your complaint can be considered contacting the Monitoring Officer or the Parish Clerk may help to clarify the process for you.

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.

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 a standards complaint. Complaints about the actions of people employed by the Council also do not fall within the jurisdiction of the standards complaint process.

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 all complaints received will be referred for investigation or other action. The Monitoring Officer will decide whether this is appropriate. If the Monitoring Officer decides not to refer your complaint for investigation or other action he will give you the reasons for this decision.

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 to be considered.

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 Monitoring Officer will 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, however, in some cases, the Monitoring Officer may decide to ask for an independent opinion. This will normally take longer, however the Monitoring Officer will keep you informed if this is the case.

Once the Monitoring Officer has considered the case, you will be notified if any further action is appropriate.

The Monitoring Officer will either close the case, or prepare a report to be taken before the Standards Committee for their consideration. As the Standards Committee only meet 6 to 7 times each year, there might be a delay between the Monitoring Officer's consideration and the Standards Committee decision, although this will not normally be greater than three months. If the complaint is taken to the Standards Committee, you will be informed of the date when the committee will make their consideration.

A decision notice will be issued to you once the Monitoring Officer or the Standards Committee have made their decision.

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.

The following may be informed of 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, 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.

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 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 Monitoring Officer when he 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 Monitoring Officer decides that no action should be taken then again the Council may feel that your identity should be kept confidential.

If, however, the Monitoring Officer 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 of 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 Monitoring Officer 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.