

COMPLAINT FORM:

CODE OF CONDUCT FOR MEMBERS

(IMPORTANT – ARE YOU USING THE CORRECT FORM? *Please read the guidance attached at Appendix 1 to assist you in deciding whether this is the correct form to use when making your complaint. If your complaint is about a Council service you should use the Council’s complaint procedure. Details of the procedure can be found on the Council’s website at www.wakefield.gov.uk*).

The Standards Committee will not consider complaints against Councillors that relate to an alleged incident that happened more than 6 months ago unless there are exceptional circumstances. If this applies to your complaint you must complete the relevant box in Part B of the form.

Please also note that a complaint will not be considered if it has been considered by another regulator.

To The Chair of the Standards Assessment Sub-Committee

A. Your details

1. Please provide us with your name and contact details. Anonymous complaints will only be considered if there is independent evidence to substantiate the complaint.

Title:	
First name:	
Last name:	
Address:	
Contact telephone:	
Email address:	
Signature:	
Date of complaint:	

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

The following people will see this form:

- Members of the Assessment Sub-Committee
- Members of the Review Sub- Committee (if there is an appeal against the decision of the Assessment Sub- Committee)
- the Monitoring Officer of the Council
- the Parish Clerk (if applicable)

A brief summary of your complaint may also be shared, by the relevant Sub-Committee with the Member(s) you are complaining against. If you have serious concerns about your name, a summary or details of your complaint being released, please complete **Section C** of this Form

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

- A member of the public
- An elected or co-opted Member of the Council
- An independent member of a Standards Committee
- A Member of Parliament
- A Monitoring Officer
- Other Council employee, contractor or agent of the Council
- Other ()

B. Making your complaint

The sanctions available to a Standards Committee are governed by law and more serious sanctions are only available to the Adjudication Panel for England.

- The Monitoring Officer will review the nature of your complaint and provide a summary for the Standards Assessment Sub-Committee to make a decision on what course of action it considers should be taken. The Sub-Committee will aim to do this within 20 working days of receipt of your complaint and you will then be notified in writing of its decision.

- The types of behaviour covered by the Code of Conduct which you can complain about and those that are unlikely to be investigated further are set out at paragraphs 14 and 15 of this form.
- The Sub-Committee can decide:-
 - to ask the Monitoring Officer to arrange for an investigation to be undertaken in relation to the circumstances of the allegation that has been made, the outcome of which will be considered by the Standards Committee.
 - That no further action should be taken regarding the allegation.
 - To direct the Monitoring Officer to take steps other than carrying out an investigation. For example, to arrange for a Member to undertake a training course, to engage in a process of conciliation or to take other steps as appear appropriate.
- The decision of the Assessment Sub-Committee will be communicated to the person(s) making the complaint, the Member who is the subject of the allegation and the Clerk of the Parish Council if the complaint is about the behaviour of a Parish Councillor.

Any queries relating to how a complaint is being handled should be directed to the Monitoring Officer, County Hall, Wakefield Tel. (01924) 305177 or email monitoringofficer@wakefield.gov.uk

3. Please provide us with the name of the member(s) you believe have breached the Council's Code of Conduct:

Title	First name	Last name

Has your complaint been considered by another regulator? Yes/No

If yes please give details

4. Please explain in this section (or on separate sheet(s)) what the Member is alleged to have 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, with dates / witnesses to substantiate the alleged breach.

It is also important that you provide all the evidence you wish to have taken into account by the Standards Committee when it decides whether to take any action on your complaint or not. 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 or did to insult you.
- 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 or other relevant documentary evidence to support your allegation(s).
- ***If the alleged incident occurred more than 28 days ago, clearly explain in the box below why the complaint was not made during that period of time.***

- ***Please note that complaints relating to an alleged incident more than 6 months ago will not be considered unless***

there are exceptional circumstances. Complete the box below if this applies to your complaint.

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)

C. Confidentiality of complainant and the complaint details

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

5. In the interests of fairness and in compliance with the rules of natural justice, we believe members who are complained about have a right to know who has made the complaint and the substance of the allegation(s) made against him / her. We are, therefore, unlikely to withhold your personal details or the details of your complaint unless you have good reasons to believe that you have justifiable grounds, for example:-
- to believe you may be victimised or harassed by the Member(s) against whom you are submitting a written complaint (or by a person associated with the same); or
 - may receive less favourable treatment from the Council because of the seniority of the Member against whom you are submitting a written complaint in terms of any existing Council service provision or any tender / contract that you may have or are about to submit to the Council.

Please note that requests for confidentiality or requests for suppression of the personal and complaint details will not automatically be granted. The Standards Assessment Sub-Committee will consider the request alongside the substance of your complaint and the Monitoring Officer will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the opportunity, if you so wish, of withdrawing your complaint.

However, it is important to understand that in exceptional circumstances, where the matter complained about is very serious – we may proceed with an investigation (or other action) and may have no choice but to disclose your personal and complaint details, because of the allegation(s) made, 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 separate sheet(s), as necessary)

D. Remedy sought

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

(Continue on separate sheet(s), as necessary)

E. Additional information

7. Complaints must be submitted in writing. This includes fax and electronic submissions. Frivolous, vexatious and politically motivated tit-for-tat complaints are likely to be rejected.
8. 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.
9. If you need any support in completing this form, please contact the

Monitoring Officer as soon as possible.

F. Process from here

10. 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 Assessment Sub-Committee 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.

11. 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); or
- (d) ~~refer your complaint to Standards for England if the complaint.~~

The Localism Act 2011 abolishes Standards for England and with effect from 31 January 2012 they will no longer have any role in the consideration of complaints against elected or co-opted Members.

12 You will be notified after the meeting and given information on any further stage(s) in the process at that time.

13. Equality Monitoring Form - Please fill in the attached form

The information collected in this part of the form will be used for statistical purposes only and will be recorded on a computer database. Access to this information will be security controlled and limited to staff within Governance.

<i>Gender</i>	
Female	<input type="checkbox"/>
Male	<input type="checkbox"/>
Trans-Gender	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
Bisexual	<input type="checkbox"/>
Gay Man	<input type="checkbox"/>
Gay Woman / Lesbian	<input type="checkbox"/>
Heterosexual	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>
	<input type="checkbox"/>
	<input type="checkbox"/>
16-24 years	<input type="checkbox"/>
25-34 years	<input type="checkbox"/>
35-49 years	<input type="checkbox"/>

<i>Ethnic Origin</i>	
White	
• British	<input type="checkbox"/>
• Irish	<input type="checkbox"/>
• White Other	<input type="checkbox"/>
Asian or Asian British	
• Bangladeshi	<input type="checkbox"/>
• Indian	<input type="checkbox"/>
• Pakistani	<input type="checkbox"/>
• Any Other Asian	<input type="checkbox"/>
Black and Black British	
• African	<input type="checkbox"/>
• Caribbean	<input type="checkbox"/>
• Any Other Black	<input type="checkbox"/>
Mixed	
• White & Asian	<input type="checkbox"/>
• White & Black African	<input type="checkbox"/>

50-54 years	
55 and over years	
Prefer not to say	
Do you consider yourself to have a disability?	
Yes	
No	
Prefer not to say	

<ul style="list-style-type: none"> • White & Black Caribbean • Any Other Mixed 	
Other	
<ul style="list-style-type: none"> • Chinese • Any Other • Prefer not to say 	

<i>Religion / Belief</i>	
Buddhist	
Christian	
Hindu	
Jewish	
Muslim	
Sikh	
Other	
None	
Prefer not to say	

14. What you can complain about

The types of behaviour covered by the Code of Conduct include:-

- Unlawfully discriminating against someone
- Failing to treat others with respect
- Bullying any person
- Intimidating any person involved in an investigation or proceedings about someone's misconduct
- Doing something to prevent those who work for the authority from being unbiased
- Revealing information that was given to them in confidence, or stopping someone getting information they are entitled to by law
- Damaging the reputation of their authority or office, where the conduct is linked to their public role and not in their private capacity
- Using their position improperly, to their own or someone else's advantage or disadvantage
- Misusing their authorities resources
- Allowing their authorities resources to be misused for the activities of a registered political party
- Failing to register financial or other interests
- Failing to reveal a personal interest at a meeting
- Taking part in discussion or making a decision where they have an interest that is so significant that is likely to affect their judgement (known as 'prejudicial interest')
- Improperly influencing a decision about a matter that they have a prejudicial interest in
- Failing to register any gifts or hospitality they have received in their role as a Member, worth over £25.

15. What complaints we are unlikely to investigate

- We believe it to be malicious, relatively minor, or tit-for-tat
- The same, or substantially similar, complaint has already been the subject of an investigation or enquiry.
- The complaint concerns acts carried out in a member's private life, when they are not carrying out the work of the authority or have not misused their position as a Member
- It appears that the complaint is really about dissatisfaction with a Council decision

Guidance on submitting a Complaint

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 Council's Monitoring Officer, Tel. (01924) 305177 or Email: monitoringofficer@wakefield.gov.uk if you are not clear if the Standards Committee can consider your complaint.

The Assessment Sub-Committee of the Standards Committee will make the decision about what action, if any, to take on your complaint.

- Your complaint must be about conduct that occurred while the member(s) complained about were in office. Conduct of an individual before they were elected, co-opted or appointed to the authority, or after they have resigned or otherwise ceased to be a member, cannot be considered by the Assessment Sub-Committee.
- Your complaint must be about one or more named members of Wakefield MDC or a Parish/Town Council within the District.
- Your complaint must be that the member(s) has, or may have, breached the Code of Conduct.
- Complaints about dissatisfaction with a decision or action of the authority or one of its committees, a service provided by the authority or the authority's procedures do not fall within the jurisdiction of the Standards Committee. Complaints about the actions of people employed by the authority also do not fall within the jurisdiction of the Standards Committee.

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 Assessment Sub-Committee of the Standards Committee must decide whether this is appropriate. It will make this decision using referral criteria set out in the "Standards Committee Procedure for Handling Complaints regarding Allegations of Member Misconduct". If the Assessment 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.