the Standards Board for England

...how to make a

complaint

a guide to making a complaint about certain types of inappropriate behaviour by elected, co-opted and independent members of a range of authorities, including councils

Confidence in local democracy

This leaflet tells you how to make a complaint if you are unhappy about the way that a councillor or member of a local authority has behaved. It also explains:

> who you can complain about

> what you can complain about

> what will happen to your complaint

This leaflet is available in Braille, audio, large print and in the following languages:

> Arabic

> Bengali

> Gujarati

> Hindi

> Punjabi

> Urdu

> Welsh

To obtain copies of this leaflet please call 0800 107 2001 or email newcomplaints@standardsboard.co.uk

Copies of the foreign language versions can also be downloaded from our website at www.standardsboard.co.uk

THIS LEAFLET IS AVAILABLE IN LARGE PRINT
Email: newcomplaints@standardsboard.co.uk or telephone: 0800 107 2001.

About the Standards Board for England

We oversee the Code of Conduct for local government that was introduced by the government in 2001. We can investigate if a member is thought to have broken their authority's Code of Conduct. We also work with local government to promote the highest standards of conduct.

1. HOW TO MAKE A COMPLAINT

You need to send your complaint, in writing, to the address at the end of this leaflet.

A form is included at the back of this leaflet to help you make sure you are sending us all the information we need. You can either use the form or write a letter that covers all the points in the form. Please send any documents that support your complaint with your form or letter.

If you cannot write your complaint in English, we can arrange to have it translated for you.

If you have any questions or difficulties filling in this form, please contact our Referrals Unit which deals with complaints when they are first received, on 0800 107 2001, or email: newcomplaints@standardsboard.co.uk

2. WHO YOU CAN COMPLAIN ABOUT

You can complain about councillors, members and co-opted members of all of the authorities we cover. A co-opted member is a voting member of an authority or one of its committees, who was appointed to their position rather than being elected.

The authorities we cover are:

> County councils
> District councils
> City councils
> Borough councils
> Metropolitan councils
> Unitary councils
> Parish or town councils
> National park authorities and the Broads Authority
> Fire authorities
> Police authorities
> Passenger transport authorities
> The Greater London Authority
> The Metropolitan Police Authority
> The London Fire and Emergency Planning Authority
> The Council of the Isles of Scilly
> The Common Council of the City of London

We can only consider complaints about individual councillors or members. We cannot consider complaints about the authority as a whole or about people employed by it.

ABOUT THE CODE OF CONDUCT

Each authority has its own Code of Conduct, based on a Model Code of Conduct written by Parliament. If you would like a copy of your authority's Code of Conduct, please contact the authority directly. If you would like a copy of the Model Code of Conduct, please visit our website at www.standardsboard.co.uk

3. WHAT YOU CAN COMPLAIN ABOUT

You can complain about a member breaking any part of their authority's Code of Conduct. This includes:

> unlawfully discriminating against someone

> failing to treat people with respect

> 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 office or authority

> using their position improperly, to their own or someone else's advantage or disadvantage

> misusing the authority's resources

> allowing the authority's resources to be misused for the activities of a registered political party

> failing to report another member's misconduct to us

> failing to register financial or other interests

> failing to reveal a personal interest at a meeting

> taking part in a meeting or making a decision where the member has an interest that is so significant that it is likely to affect his or her judgment

> failing to register any gifts or hospitality they have received in their role as a member, worth over £25

If none of the above applies to your complaint, it is probably not something we can deal with. To find out if another organisation can help you, contact your local Citizens Advice Bureau, Law Centre or other advice centre.

4. WHAT WE CANNOT INVESTIGATE

An Act of Parliament has set out the types of behaviour that we can investigate. There are some complaints that we cannot investigate, including:

> complaints where a member is not named

> complaints that are not in writing

> incidents or actions that are not covered by the Code of Conduct

> incidents that are about a fault in the way the authority has or has not done something. This is known as maladministration and may be a matter for the Local Government Ombudsman

> complaints about people employed by local authorities

> incidents that happened before a member was elected

> incidents that happened either before the authority adopted its local Code of Conduct or before 5 May 2002, whichever is earlier

> complaints about the way in which the authority conducts and records its meetings

5. BEFORE YOU COMPLAIN

Before you send us your complaint, you should be aware that we are unlikely to be able to keep your identity confidential from the person about which you are making the complaint. Details of the complaint will be given to the member about whom you have complained. If you have concerns about this and would like to discuss it with someone, please call 0800 107 2001 and a member of our Referrals Unit will be pleased to help.

6. WHAT HAPPENS TO YOUR COMPLAINT?

When we receive your complaint, we will write to you to let you know that we have received it. We will then assess your complaint. We may decide that it will not be investigated for one or more of a number of reasons. These reasons could include those listed in the section 'What we cannot investigate' on page 4. In addition, we may decide not to investigate your complaint because it:

> is not serious enough to justify the use of resources involved in an investigation

> has already been investigated and there is no significant new information

If we decide not to refer your complaint for investigation, we will write to you explaining why.

If we decide to refer your complaint for investigation, we will write to you to let you know when the investigation has started and, when it is over, we will write to you to tell you the outcome.

7. THE INVESTIGATION

Ethical standards officers decide whether they should handle the matter or send it for local investigation. If they decide on a local investigation, they let all those involved know that this is the case. When the investigation is carried out by an ethical standards officer, the scope of the investigation can be reviewed and extended.

8. AT THE END OF AN INVESTIGATION

At the end of an investigation by an ethical standards officer, if action is warranted, the case may be referred to either the relevant local authority's standards committee or the Adjudication Panel for England. They have a number of sanctions at their disposal up to and including disqualifying a member from holding office for five years.

At the end of a local investigation, the monitoring officer of the authority sends a copy of the investigation report to the local standards committee and they take action accordingly.

A **STANDARDS COMMITTEE** is a panel made up of members of the authority and at least one person who is independent of it. They are intended to be above party politics. They can decide if there is a breach of the Code, and if so what penalty to impose. The standards committee can suspend the member for up to three months.

THE ADJUDICATION PANEL FOR ENGLAND is an independent tribunal that can decide if there is a breach of the Code, and if so what sanctions to apply. It has the power to suspend a member from a council or particular activities for up to one year, or disqualify them from holding office for up to five years. It is not able to award damages or compensation.

PLEASE REMEMBER THAT WE CAN:

> only consider complaints that are about individual councillors or members, not the authority as a whole or authority employees

> only investigate matters where you believe a member has breached their authority's Code of Conduct

Please provide us with as much information as you can about your complaint to help us decide whether or not it should be investigated.

Please avoid sending us large amounts of background information that only indirectly relates to your complaint.

If your complaint is referred for investigation, you will have a further opportunity to provide the investigator with any information or documents that you consider to be relevant.

If we can be of any further help, please call us on 0800 107 2001.

We hope that this leaflet has answered all your questions about making a complaint.

If you have any more questions, you can contact us at:

The Standards Board for England
PO Box 36656
London SE1 0WN

Telephone: 0800 107 2001

Fax: 020 7378 5005

E-mail: newcomplaints@standardsboard.co.uk

Website: www.standardsboard.co.uk

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