



Members Code of Conduct: How to make a Complaint

This leaflet tells you about the complaint process for making a complaint if you are unhappy about the way that a Councillor of this Authority has behaved.

If you have any questions or difficulties or are in need of any support in reading or understanding this leaflet, for example if English is not your first language or you have a disability, please contact or email the Council for assistance. The Council's contact information is contained at the end of this leaflet.

We can only investigate matters where you believe a Councillor has breached the Code of Conduct for Members. Your complaint must be in writing and cover all the points set out in the complaints form.

HOW TO MAKE A COMPLAINT

- You need to send your complaint in writing by completing a Members Code of Conduct Complaint Form and sending it to the address at the end of this leaflet.
- This leaflet helps you make sure you are sending us all the information we need. Please send any documents that support your complaint with your form.

YOUR CONTACT DETAILS

- Please provide your full name, address, contact telephone number and e-mail address.
- An officer from the Council may need to contact you personally to go through the details of your complaint.
- Your details and details of the complaint are unlikely to remain confidential as we need to share it with all parties involved in the process including the Councillor being complained about. The councillor being complained of is often referred to as the "Subject Member".

WHO YOU CAN COMPLAIN ABOUT

- We can only consider complaints that are about individual Councillors of Epsom & Ewell Borough Council
- The Monitoring Officer will determine whether the complaint needs to be investigated or whether another course of action is appropriate.

WHAT YOU CAN COMPLAIN ABOUT

You can complain about a Councillor breaking any part of the Council's Code of Conduct for Members. A copy of the Code is available on the Council's website. A complaint can be made if you believe a Councillor has breached any part of the Code.

If your complaint does not address a Code of Conduct matter, we will not be able to deal with it.

WHAT WE CANNOT INVESTIGATE

There are some complaints we cannot investigate, including:

- Complaints where a Councillor is not named
- Complaints that are not in writing
- Incidents or actions that are not covered by the Code of Conduct
- Incidents that happened before a Councillor was elected

EVIDENCE

If you believe a Councillor has breached the Code of Conduct as described above, it would be useful to attach any evidence that you feel is relevant to your complaint. For example, details of any witnesses or details of any dates/times of any incidents etc. 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.

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.

- 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.

CONFIDENTIAL COMPLAINTS

Before you send us your complaint, you should be aware that we are unlikely to be able to keep your identity confidential from the Councillor you have complained about, or others that are involved

EEBC: Guidance on Members Complaints process

in the process of dealing with complaints. We believe in the interests of fairness and natural justice, Councillors complained of, have a right to know who has made a complaint and be provided with a summary of the complaint.

Requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The assessment of your request will be undertaken by the Council's Monitoring Officer who will carry out the initial assessment of your complaint.

The Monitoring Officer can only consider granting anonymity to the complainant where one of the following applies:

1. The complainant has reasonable grounds for believing that he or she will be at risk of harassment or physical harm if his or her identity is disclosed.
2. The complainant is an officer who has reasonable grounds for believing that he or she will be subject to intimidation, bullying or threats or physical harm.
3. The complainant suffers from a serious medical condition and there are medical risks associated with the disclosure of his or her identity. Medical evidence will be required in respect of this ground.

In each of the above cases the Monitoring Officer may only grant a request if it is considered that a fair investigation can still be carried out. If you believe your details should be withheld please specify the reasons for this on the Complaint Form.

If your request is not granted, your complaint will not be proceeded with unless you ask us to, on the Complaint Form. Please note the Section 3 on the complaint form. Your complaint will therefore be deemed as withdrawn.

WHAT HAPPENS TO YOUR COMPLAINT?

The responsibility of dealing with complaints for an alleged breach of the code of conduct rests with the Standards Hearings Sub-Committee.

Initial Assessment

When we receive your complaint, we will write to you to let you know that we have received it. The Monitoring Officer will make an initial assessment of your complaint. It is very important that you set your complaint out clearly and provide at the outset all the information you wish the Monitoring Officer to consider. It may be that the Monitoring Officer will decide that your complaint will not be investigated for one or more reasons. The Monitoring Officer may refer the matter on for investigation or take other action.

If the Monitoring Officer decides that your complaint should not be proceeded with, we will write to you explaining the reasons why. There is no right of appeal.

Investigation/ Determination Hearing

If your complaint is referred by the Monitoring Officer for investigation, we will write to you and inform you of the timescales for completing the investigation, and details of any hearings (if appropriate). You will also have an opportunity to provide the investigator with any further information or documents that you consider relevant. We will of course write to you to tell you the outcome of the hearing.

Remember, a summary of the complaint and your details will be shared with the Subject Member and all parties involved in the case.

AT THE END OF AN INVESTIGATION

Following a hearing, a Standards Hearings Sub-Committee can make a range of findings about the Subject. As soon as reasonably practicable after the sub-committee has made its final decision, the Monitoring Officer will prepare a formal decision notice in consultation with the Chairman of the Hearings Sub-committee, and send a copy to the complainant and to the Member and will make that decision notice available for public inspection.

IF YOU HAVE ANY QUESTIONS YOU CAN CONTACT

We hope that the information in this leaflet has answered your questions about the complaint process. If you require any more information you can contact:

Confidential
The Monitoring Officer, Legal Services
Epsom & Ewell Borough Council
Town Hall The Parade Epsom KT18 5BY

Or by e-mail to monitoringofficer@epsom-ewell.gov.uk