

# Complaint Form

## Code of Conduct for Council Members

### 1. Your details

Please provide your name and contact details.

Title:

First name:

Last name:

Address:

Daytime telephone:

Evening telephone:

Mobile telephone:

Email address:

You should note that a complaint will normally only be admissible if you are permanently resident within the borough; if you are not, then you should explain your special circumstances in Section 3 below.

### 2. Who is your complaint about?

Please provide the name(s) of the Member(s) you believe have breached the Code of Conduct and whether they are a Member of Wandsworth Council, or any other authority or council.

Title:

First name:

Last name:

Wandsworth Member or any other authority or council name:

Title:

First name:

Last name:

Wandsworth Member or any other authority or council name:

Title:
First name:
Last name:
Wandsworth Member or any other authority or council name:

### 3. Your complaint

Please explain in this section what the Member has done that you believe breaches the Code of Conduct ([http://www.wandsworth.gov.uk/downloads/file/52/code\\_of\\_conduct](http://www.wandsworth.gov.uk/downloads/file/52/code_of_conduct)).

Please specify the paragraph(s) of the code which you believe has been breached.

Before proceeding please satisfy yourself that the complaint does relate to the Code of Conduct and not, for instance, maladministration (which would be a matter for the Local Government Ombudsman).

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.

It is important that you provide all the information you wish to have considered when the decision is made on whether to take any action on your complaint. The onus is on a complainant to provide all the relevant information. 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 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 documentation.

Please note that the monitoring officer will only undertake a detailed initial assessment where there appears to be a potential breach of the Code of Conduct and no other provision in the Complaint Assessment Guidelines is relevant. For instance, if the complaint is trivial or vexatious, the initial assessment will normally be expedited.

You should not use this complaints procedure if you simply disagree with the point of view of a councillor or if you are unhappy about how that view has been expressed. As a fundamental principle of local democracy, Members must be entitled to express their opinions on local issues and sometimes, particularly in the case of contentious matters, these views may be stated robustly.

Please provide the details of your complaint, specifying the paragraph(s) of the Code of Conduct which you believe has been breached (please continue on an additional page if necessary).

#### **4. Confidentiality**

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

In the interests of fairness and natural justice, it is considered that Members who are complained about have a right to know who has made the complaint and the complainant's address. It is also considered that they have a right to be provided with a summary of the complaint. It is unlikely that your identity or the details of your complaint will be withheld from the Member unless you can provide good reasons why they should be withheld.

Illustrations of reasons that may justify a request for confidentiality of your name or address, or both, are:

- (a) You are an officer who works closely with the subject Member and it is reasonable for you to be afraid of the consequences to your employment if your identity and/or address is disclosed.
- (b) You suffer from a serious health condition and there are medical risks associated with your identity being disclosed. In such circumstances, you may be required to provide medical evidence of the condition.

In some cases, such as allegations of bullying, it may be necessary to discuss and agree arrangements about revealing your identity in order to investigate the complaint.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The request will be considered alongside the substance of your complaint. You will be contacted with the decision regarding the admissibility of your complaint in view of your request for confidentiality.

In certain exceptional circumstances where the matter complained about is very serious, an investigation or other action will be progressed and your name disclosed even if you have expressly asked for confidentiality.

Please provide details of why you believe your name and/or the details of your complaint should be withheld (please continue on an additional page if necessary):

## 5. Anonymous complaints

Anonymous complaints are difficult to progress effectively as there is no channel of communication for clarifying and progressing the complaint. If a complaint is received anonymously, it will only be referred for investigation or other appropriate action if it includes evidence indicating an exceptionally serious or significant breach of the code.

## 6. What happens to your complaint?

The Monitoring Officer will check the admissibility of the complaint. For example, the complaint must relate to an alleged breach of the local Members' Code of Conduct and it must not be trivial or vexatious; it may be necessary to contact the complainant to clarify this. Also, normally a complainant must be permanently resident in the borough. The Monitoring Officer will acknowledge receipt of any admissible complaint and will inform the Member who is the subject of the complaint; normally, the subject Member will be told which paragraph of the Code of Conduct a complaint relates to, and the identity of the complainant.

The options available to the Monitoring Officer regarding an admissible complaint, following consultation with at least one of the Independent Persons and an elected Member from each of the political groups serving on the Standards Committee, are:

- To reject the complaint and to take no further action other than explaining this decision to the complainant in writing and reporting his decision to the next Standards Committee meeting.
- To contact the complainant and the subject Member and for the Monitoring Officer to determine whether some "informal" and immediate action would be the most appropriate response in order to resolve the complaint; for example, for the Member to make an apology or to offer an explanation. Following any such "informal" action the Monitoring Officer would take no further action other than reporting the outcome to the next Standards Committee meeting.
- To refer the matter for formal investigation by the Monitoring Officer or another officer he or she nominates, and subsequent consideration by the Standards Committee.

The Monitoring Officer will, whenever considered to be appropriate and practicable, seek resolution of admissible complaints without formal investigation.

If the complaint is referred for investigation, a council officer with appropriate skills and experience, or exceptionally, a person from outside the council (such as the Monitoring Officer of another authority or a consultant with appropriate skills and experience) will be appointed to investigate the complaint. The investigating officer will prepare a report and when it is finalised, send a copy to the complainant and subject Member.

If the report finds that there is no, or insufficient, evidence of a breach of the code and the Standards Committee agree with the conclusion, then the Monitoring Officer will advise the complainant and subject Member of the outcome and no further action will be taken. In the event that the Standards Committee considers that there has been a potential breach of the code, then a hearing will be arranged. Where a hearing by Standards Committee members is to take place, this will normally be within three months of the investigation report being completed.

## 7. Statistical and equality monitoring questions

If you are happy to, please complete the equalities monitoring questionnaire at Appendix 1 to this form. This will be kept confidentially and separately from your complaint form. The details you provide will be used by the council to collect statistics relating to equalities and complaints about Member conduct.

## 8. Additional help

Complaints must be submitted in writing including by email. However, in line with the requirements of the Disability Discrimination Act 2000, reasonable adjustments can be made to assist you if you have a disability that prevents you from making your complaint in writing. You should contact the council's Monitoring Officer on (020) 8871 7815.

## 9. Signing and dating

The information I have given in the complaint form is correct and complete to the best of my knowledge.

Signature:

Date:

**Please send your completed complaint form to the Monitoring Officer at the following address or by email:**

Jon Evans  
Monitoring Officer  
Wandsworth Council  
Room 288, The Town Hall  
Wandsworth High Street  
Wandsworth, SW18 2PU

Jon.Evans@richmondandwandsworth.gov.uk

## Appendix 1: Equalities monitoring

To make sure we are providing fair services to all of Wandsworth's diverse communities, it is important that we ask you a few questions about yourself. You are under no obligation to provide the information requested, but it would help us greatly if you did.

**1. Are you** Female  Male  Prefer not to say

**Is your gender identity the same as the sex you were assigned at birth?**

Yes  No  Prefer not to say

**2. Please indicate your ethnic background**

White

Mixed / Multiple ethnic groups

Asian or Asian British

Black / African / Caribbean / Black British

Other ethnic group

Prefer not to say

**3. Do you have a disability, long-term illness or health condition? (If yes please specify)**

Yes

No

Prefer not to say

**4. What is your age?**

Under 18

18 – 24

25 – 34

35 – 44

45 – 54

55 – 64

65 – 74

74/75+

Prefer not to say