



Northumberland

County Council

MEMBERS' CONDUCT COMPLAINT FORM

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. You should contact the **Monitoring Officer's Office by using this email MonitoringOfficer@northumberland.gov.uk** if you are not clear if the Standards Committee can consider your complaint. The Council's Monitoring Officer will make the initial decision about what action, if any, to take in relation to 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 Standards Committee.
- Your complaint must be about one or more named members of the following authorities:
 - Northumberland County Council
 - All parish and town councils in the county of Northumberland
- Your complaint must be that the member(s) has, or may have, breached their authority's Members' Code of Conduct and must specify which provisions you believe they have breached and why. A copy of the County Council's Members' Code of Conduct and the arrangements for dealing with standards allegations are available at:

<http://www.northumberland.gov.uk/Councillors/Councillors.aspx>

- Copies of the parish and town councils' Members' Codes of Conduct are available from the individual council concerned.
- Complaints about dissatisfaction with a decision or action of the authority (including parish and town councils) 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 (including parish and town councils) also do not fall within the jurisdiction of the standards committee.
- 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.
- **Before deciding whether to lodge a complaint you should be aware that even if the Standards Committee concludes that a member has breached the code of conduct, it has no power to impose sanctions against a subject member; it cannot for example suspend/disqualify a member or revoke a member's allowance. In the case of Town/Parish Councils it can only make recommendations to the Town/Parish Council concerned.**

It is important to note that not every complaint that falls within the jurisdiction or area of responsibility of the Standards Committee will be referred for investigation or other action. If the matter is deemed to be a complaint which falls within the remit of these arrangements the Monitoring Officer will make an initial assessment of the complaint in consultation with the Council's Independent Person and has authority to deal accordingly. S/he will make this decision using referral criteria which are available upon request by contacting the Monitoring Officer directly. If the Monitoring Officer decides not to refer your complaint for investigation or other action you will be given the reasons for this decision together – there is no right to have this decision reviewed.

What happens once you submit your complaint?

When you submit your complaint, we will write to you to let you know we have received it. We will also, if thought appropriate after consultation with the Council's Independent Person, tell the member that you are complaining about that we have received your complaint, who made the complaint and the relevant paragraphs of the Members' Code of Conduct that it is alleged may have been breached. The member concerned will be provided with a copy of your complaint unless the Monitoring Officer considers that there is good reason not to do so.

The Monitoring Officer, if appropriate, will then consider your complaint and decide whether it should be referred for investigation or other action. This will normally happen within an average of 21 days of the date we receive 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 or Standards Committee to consider.

In the first instance the Monitoring Officer will assess your complaint against the referral or assessment criteria referred to above and decide whether it should be investigated.

When the assessment has been determined we will notify you in writing whether your complaint has been referred for investigation or other action. At the same time, we write to you, we will also write to the member(s) you have complained about [and the parish or town clerk (if applicable)]. We will send these letters within five working days of the assessment decision.

What is meant by 'other action'?

The Monitoring Officer may decide to refer your complaint for 'other action' instead of referring it for investigation. Other action is a deliberately broad term that may include options such as requiring the person you have complained about to apologise or undergo training or mediation. The Monitoring Officer will carefully consider the circumstances surrounding your complaint when deciding whether other action is appropriate. If the Monitoring Officer decides to refer your complaint for other action we will explain what this involves.

How should I set out in 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 the Monitoring Officer to consider, where possible, as you will not be able to make further representations at this time.

You should use our complaint form, together with a covering note if necessary, summarising what you are complaining about, especially if your complaint includes a lot of supporting documentation, and

the relevant section of the code of conduct you think has been breached. 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 Members' Code of Conduct.

Your details:

1. Please provide us with your name and contact details

| | | | |
|---------------------------|--|-----------------------|--|
| Title: | | Surname Name: | |
| First Name(s): | | | |
| Address: | | | |
| Daytime Telephone: | | Mobile Number: | |
| Email Address: | | | |

Signature: **Date:**

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

However, we will tell the following people that you have made this complaint:

- the member(s) you are complaining about
- the parish or town clerk (if applicable)

We will tell them your name and normally give them a copy of your complaint. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 6 of this form.

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

Please tick (✓) relevant box

- ☐ Member of the public
- ☐ An elected or co-opted member of an authority
- ☐ An independent member of the Standards Committee
- ☐ Member of Parliament
- ☐ Local authority monitoring officer
- ☐ Other council officer or authority employee
- ☐ Other:

Your Complaint

3. Please provide us with the names of the member(s) you believe have breached the Member's Code of Conduct and the name of their council or authority:

| Title | First Name | Surname | Council or Authority Name |
|-------|------------|---------|---------------------------|
| | | | |
| | | | |
| | | | |
| | | | |

4. Please explain in this section (or on separate sheets) what the member has 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 that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer or Standards Committee when it decides whether to take 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 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.
- You should set out the relevant section of the code of conduct you think has been breached – **Failure to do so will mean that your complaint is invalid.**

Please provide us with the details of your complaint, addressing in full the five points above, and providing documentary evidence where you can. Continue on a separate sheet if there is not enough space on this form:

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

5. In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a copy of the complaint at an appropriate time. We are unlikely to withhold your identity or the details of your complaint unless you have a good reason to believe that:

- You may be at risk of physical harm should your identity be disclosed.
- You work closely with the member and are concerned about the consequences to your employment.
- You have a serious health condition and there are medical risks associated with your identity being disclosed.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer or Standards Committee will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you 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, we can proceed with an investigation or other action and disclose your name 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:

Additional Help

6. Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of Equalities legislation 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.

If you need any support in completing this form, please let us know as soon as possible.

Return of form

7. Please return your completed form, together with any supporting documentation to:-

**The Monitoring Officer's Office
Northumberland County Council
County Hall
Morpeth
Northumberland
NE61 2EF**

Email: MonitoringOfficer@northumberland.gov.uk

Equality monitoring questions

Northumberland County Council is committed to equality of opportunity in both the provision of services and employment. We believe that all people have a right to be treated with dignity and respect. We aim to eliminate unfair discrimination and ensure that all service users receive fair and equitable treatment.

The purpose of asking the questions below is to assist us in monitoring fair and effective service delivery and to develop our policies and practices. We would be grateful if you would complete the questions below to assist with this process. Information you provide will be treated with utmost confidence and will only be used for monitoring purposes. No personal information, such as your name or address, will be used in collating statistical data.

You do not have to provide this information if you don't want to.

1. Gender

☐ Male ☐ Female

2. Ethnic Origin

White

☐ British
☐ Irish
☐ Gypsy or Irish Traveller
☐ Any other White background

Mixed / Multiple ethnic groups

☐ White and Black Caribbean
☐ White and Black African
☐ White and Asian
☐ Any other Mixed / Multiple ethnic background

Asian / Asian British

☐ Indian
☐ Pakistani
☐ Bangladeshi
☐ Chinese
☐ Any other Asian background

Black / African / Caribbean / Black British

☐ African
☐ Caribbean
☐ Any other Black / African / Caribbean background

Other ethnic group

☐ Arab ☐ Any other ethnic group

3. Disability

Northumberland County Council operates within the framework of the Equalities Act 2010 which defines disability as:

“A physical or mental impairment which has a substantial and long term adverse effect on a person's ability to carry out normal day to day activities.”

Do you consider yourself to be disabled as defined by the Equalities Act?

☐ Yes ☐ No ☐ Prefer not to say