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Confidence in local democracy



...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
- > Chinese
- > Gujarati
- > Hindi
- > Punjabi
- > Urdu
- > Vietnamese
- > Welsh

To obtain copies of this leaflet please call 0800 107 2001 or e-mail referrals@standardsboard.co.uk

Copies of the foreign language versions can also be downloaded from The Standards Board for England website at www.standardsboard.co.uk

THIS LEAFLET IS AVAILABLE IN LARGE PRINT

About The Standards Board for England

The Government set us up to oversee the Code of Conduct for local government. In particular, we can investigate if a member is thought to have broken their authority's Code of Conduct. We also produce guidance for local government and work 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 on page 8.

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 a member of our Referrals Unit, which deals with complaints when they are first received, on 0800 107 2001.





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 that are 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 approved 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 they have an interest that is so significant that it is likely to affect their judgement;

- > 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

The types of behaviour we can investigate were set out by Parliament. There are some complaints 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 you are making a complaint about.

If your complaint is referred for investigation, details of the complaint will be given to the member you have complained about. 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:

- > the complaint does not justify the use of resources involved in an investigation; or
- > the complaint 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

All investigations are carried out by Ethical Standards Officers who have extensive powers to investigate thoroughly and without bias.

The time taken to complete an investigation will vary depending on the case. We carry out investigations as swiftly as possible, without compromising on quality.

We aim to complete 90% of investigations within six months of them being referred.



8. AT THE END OF AN INVESTIGATION

At the end of an investigation the case may be referred to either the relevant local authority's Standards Committee or an independent tribunal known as as The Adjudication Panel for England. They have a number of sanctions at their disposal up to and including disqualification of a member from holding office for five years.

It is of course also possible that the investigation may find that the Code of Conduct has not been broken, or it may conclude that it is not appropriate for further action to be taken.



A **STANDARDS COMMITTEE** is a panel made up of members of the authority and at least one person who is independent of the authority. They are intended to be above party politics. They can decide if there has been 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 has been a breach of the Code and, if so, what action to take. It receives the most serious cases and those which cannot be dealt with at a local level. 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 relate indirectly to your complaint.

If your complaint is referred for investigation you will have a further opportunity to provide the Ethical Standards Officer 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:



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