

Guidance notes on making a complaint about a Councillor's conduct

Please read these guidance notes carefully before making a complaint about a Councillor's conduct.

The Councillor's Code of Conduct is in Section 13.4 of [Part 13](#) of the Council's [Constitution](#).

What happens to my contact details?

We will not usually release your address and contact details unless it is necessary in order to deal with your complaint.

Who will be told that I have made a complaint?

Once a complaint about a Councillor is received by the Monitoring Officer this information may be disclosed to the Independent Person. The Independent Person is someone appointed by the Council to assist with decisions involving complaints about Councillors. The Independent Person is someone who in the last five years has not been an elected or co-opted member or officer of the Council or of any Parish Council's within West Berkshire. Nor can they be a relative or close friend of the current elected or co-opted members or officers of the Council or any Parish Council in West Berkshire.

If the Monitoring Officer considers that a breach may have occurred and decides that the Advisory Panel needs to consider the complaint they will also be informed. The Advisory Panel is made up of eight members (two members of the administration, two members of the Opposition, two Parish and two Independent members and be chaired by an independent member). They will make recommendations to the Standards Committee.

If the matter relates to a Parish Council the Parish Council will be informed if it is decided that a breach has occurred. The Parish Council will be required to refer to the complaint in the minutes of a meeting.

If the complaint related to a District Councillor the Group Leader may need to be informed if it is decided that a breach has occurred.

If the complaint related to a failure to declare a disclosable pecuniary interest Thames Valley Police may have to be informed.

What happens if I want my details to remain confidential?

Your name and the nature of your complaint will also be disclosed to the person you have complained about unless you are able to provide the Monitoring Officer with reasons why this should not happen. These would include:

- You have reasonable grounds for believing that you will be at risk of physical harm from, or that you may be victimised or harassed by the Councillor(s) against whom you are submitting the complaint (or from or by a person associated with the Councillor(s));

- You are an officer of the authority or work closely with the Councillor(s) and are concerned about the impact it could have on your working relationship or you are afraid you may lose your job;
- there is a medical risk to your health if your identity is revealed (it would assist your case if you were able to provide medical information to support this assertion);
- you have reasonable grounds to believe that you may receive less favourable treatment from the Council because of the identity and/or seniority of the Councillor(s) against whom you are complaining, whether in terms of any existing Council service provision or any tender/contract that you may have or are about to submit to the Council; or that
- other exceptional circumstances exist that justify the granting of confidentiality?

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer 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.

What information will they be given?

The Councillor you are complaining about will be given your name unless you have asked for this to be kept confidential and the nature of your complaint. They will then be given the opportunity to comment on the complaint that you have submitted.

Why do you feel the Councillor has breached the Code of Conduct?

Please explain in this section what the Councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one Councillor 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 and any Committee or Panel that considers your complaint (this can include any witness statements). 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) or possibly a written statement from them) if possible.
- You should provide any relevant background information (such as emails, minutes of meetings, newspaper articles, letters, etc.



What happens when I submit my complaint?

You will receive an acknowledgement within five working days of receipt and an initial assessment will be carried out by the Monitoring Officer within 20 working days.

Who can I contact if I need help making a complaint?

If you need help making a complaint or have any questions please contact the Monitoring Officer. Complaints must be submitted in writing (including via email). However, in line with the requirements of the Disability Discrimination Act 2000, 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 contact Moira Fraser on 01635 519045 or email: moira.fraser@westberks.gov.uk.

By post: Monitoring Officer
 Legal Services
 West Berkshire Council
 Council Offices
 Market Street
 Newbury RG14 5LD

By email: sarah.clarke@westberks.gov.uk

By phone: (01635) 519596

