



## **Complaint procedure and form concerning Member conduct**

Use this form if you have a complaint about:

- **A member(s) that has, or may have, breached the Code of Conduct of the District or one of the Towns/Parishes in the Chiltern District.** A copy of Chiltern District Council's Code of Conduct can be accessed from the A – Z section at: [www.chiltern.gov.uk](http://www.chiltern.gov.uk). The Codes of Conduct for Town/Parish Councils can be obtained by contacting the Clerk to the relevant council.
- **Conduct that occurred while the member(s) in question was in office.** (Conduct of an individual before they were elected, co-opted or appointed, or after they have resigned or otherwise ceased to be a member, cannot be considered).
- **One or more named members of the following authorities:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Chiltern District Council        | <input checked="" type="checkbox"/> Cholesbury-Cum St Leonards Parish Council |
| <input checked="" type="checkbox"/> Amersham Town Council            | <input checked="" type="checkbox"/> Coleshill Parish Council                  |
| <input checked="" type="checkbox"/> Ashley Green Parish Council      | <input checked="" type="checkbox"/> Great Missenden Parish Council            |
| <input checked="" type="checkbox"/> Chalfont St Giles Parish Council | <input checked="" type="checkbox"/> Latimer and Leyhill Parish Council        |
| <input checked="" type="checkbox"/> Chalfont St Peter Parish Council | <input checked="" type="checkbox"/> Little Chalfont Parish Council            |
| <input checked="" type="checkbox"/> Chartridge Parish Council        | <input checked="" type="checkbox"/> Little Missenden Parish Council           |
| <input checked="" type="checkbox"/> Chenies Parish Council           | <input checked="" type="checkbox"/> Penn Parish Council                       |
| <input checked="" type="checkbox"/> Chesham Bois Parish Council      | <input checked="" type="checkbox"/> Seer Green Parish Council                 |
| <input checked="" type="checkbox"/> Chesham Town Council             | <input checked="" type="checkbox"/> The Lee Parish Council                    |

### **DO NOT use this form if you wish to complain about:**

- Dissatisfaction with a decision or action of the authority or one of its committees,
- A service provided by the authority
- The authority's procedures
- The actions of people employed by the authority

These do not fall within the jurisdiction of the Code of Conduct.

### **Additional help and information:**

- Your complaint must be in writing – **(signed and dated please)**. This includes fax and electronic submissions. 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. Contact the Council's Monitoring Officer or Deputy Monitoring Officer for assistance.
- If English is not your first language we can also help.
- If your complaint is clearly **not** about member conduct then the Monitoring Officer will not consider your complaint – but where possible will refer you to the relevant procedure available.
- If you need any support in completing this form, please let us know as soon as possible.
- Your complaint will be considered in 3 stages as set out below. At each stage we will keep you informed. Not every complaint that falls under the Code will be referred for investigation. A decision will be made using the referral criteria below.

### **What happens next?**

When you submit your complaint we will write to you to let you know we have received it. Your complaint will then be considered in 3 stages – the aim being to reach a satisfactory resolution.

Under Stages One and Two only the details contained on your complaint form will be considered therefore it is very important that you set your complaint out clearly and provide at the outset all the information you wish to be considered.

### **Stage One**

We will tell the Member that you are complaining about that we have received a complaint and provide them with a copy – unless you have completed section 5 requesting confidentiality (in which case your details will not be disclosed unless and until your request for confidentiality has been considered – see further below).

The Member will be invited to respond within 20 working days – including in their response any suggestion to resolve the complaint.

This response will be made available to you and you will be asked if you are satisfied – if yes, no further action will be taken or the action proposed by the Member will proceed - or you will be asked if you wish your complaint to be considered further under Stage Two.

### **Stage Two**

Your complaint will then be considered by the Councils Monitoring Officer and the Chairman/Vice-Chairman of the Councils Audit and Standards Committee – in consultation with a duly appointed 'Independent Person'\* whose views will be taken into account - who will decide whether your complaint should be referred for investigation. This will happen within an average of 20 working days of the date of the commencement of Stage Two.

Whilst each allegation will be considered on its individual merits, the following "Referral Criteria" will be used to decide whether to accept a complaint for investigation or take no further action.

## **Referral Criteria**

- the public benefit in investigating the alleged complaint
- the availability and cost of resources with regard to the seriousness of the alleged matter
- is the information submitted, sufficient to make a decision as to whether to refer for investigation
- is the subject member still a serving member
- is the complaint the same as or similar to a previous complaint
- the time passed since the alleged conduct occurred
- the complaint involves conduct too trivial to warrant further action
- does the complaint appear to be malicious, politically motivated or tit for tat
- whether the matter complained of is an individual act or part of a continuous pattern of behaviour which should be cumulatively considered
- steps taken or proposed to remedy the action complained of
- the complainants view of the action taken or proposed.

When a decision has been made, you will be notified in writing whether your complaint has been referred for investigation or not. 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 decision being reached. The decision is made available for public inspection once the member the complaint is about has been given a copy of the decision.

There is no right of appeal under this complaints procedure if the decision at Stage Two is not to investigate.

## **Stage Three**

If the decision at Stage Two is to investigate the complaint, the monitoring officer will appoint an investigator whose report will be considered by the Hearings Sub-Committee of the Councils Audit and Standards Committee– or in some cases to the full Committee - in most cases you will be invited to attend.

The remedies available if a breach is found to have occurred are limited to the following –

- Report to Council
- Formal letter to subject Councillor
- Formal censure by motion
- Recommendation to Leader/Group Leader or Town/Parish Council as applicable, that the member is removed from Special Responsibilities – i.e. Cabinet/Committees/Outside Bodies.
- Press release or other publicity.

Please note the Council has no authority to withhold allowances or to suspend members.

**Your completed form should be submitted to:**



The Monitoring Officer  
Chiltern District Council  
King George V House  
King George V Road  
Amersham  
Buckinghamshire HP6 5AW



Monitoring Officer – Joanna Swift

Tel: 01494 732761



Deputy Monitoring Officer – Sue Markham

Tel: 01494 732203



01494 – 729000



[monitoringofficer@chiltern.gov.uk](mailto:monitoringofficer@chiltern.gov.uk)

**\* An Independent Person** is someone who has been appointed by the Council under Section 28 of the Localism Act 2011. Independent Persons must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the District Council – i.e. by full Council.

A Person is considered not to be 'independent' if :-

- they are or have been in the previous 5 years an elected or co-opted member or officer of the District Council or any Parish in the area an elected or co-opted member of any committee or sub-committee of the District Council or any Parish in the area or
- they are a relative or close friend of a current elected or co-opted member or officer of the District Council or any Parish in the area – or any elected or co-opted members of any committee or sub-committee of such a Council.

Except that previous co-opted independent members of Standards Committees can be independent persons if they are appointed on or before 24 July 2012

## COMPLAINT FORM

### 1. Please provide us with your name and contact details:

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Daytime telephone:</b>	
<b>Evening telephone:</b>	
<b>Mobile telephone:</b>	
<b>Email address:</b>	
<b>Signed:</b>	
<b>Dated:</b>	

### 2. Please tick the box which best describes you:

<input type="checkbox"/>	<b>A member of the public</b>
<input type="checkbox"/>	<b>An elected or co-opted member of an authority</b>
<input type="checkbox"/>	<b>Member of Parliament</b>
<input type="checkbox"/>	<b>Local authority Monitoring Officer</b>
<input type="checkbox"/>	<b>Other council officer or authority employee</b>
<input type="checkbox"/>	<b>None of the above - please give details below:</b>

**3. Please provide the name(s) of the Member(s) that you believe have breached the Code of Conduct and the name of their authority.**

<b>Title</b>	<b>First name</b>	<b>Last name</b>	<b>Council or authority name</b>

**IMPORTANT INFORMATION**

**When completing your complaint form:**

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

**We will tell the following people that you have made this complaint:**

- the member(s) you are complaining about
- the monitoring officer of the authority
- the Independent Person/s
- the Chairman/ Vice-Chairman of the Councils Audit and Standards Committee who consider your complaint
- the parish or town clerk (if applicable)

**We will give them:**

- Your name
- A copy of your complaint

If you have serious concerns about your name or details of your complaint being released, please complete section 5 of this form.

**Nature of your 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 to be considered. Although you are not required to prove your complaint at this stage of the 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.

Please therefore 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.

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 actually 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.

**4. Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form**

## **5. Only complete this next section if you are requesting that your identity/full details of your complaint are kept confidential**

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 full details of that complaint.

We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that to do so would be contrary to the public interest, would prejudice any subsequent investigation or you have reasonable grounds for believing you or any witness in the matter would be at risk.

The Member will still be informed that a complaint has been made - and unless to do so would lead to the disclosure of your identity, will be informed the paragraphs of the Code alleged to have been breached - however your details and a full copy of the complaint will be withheld until your request has been considered.

The assessment of a request for confidentiality will be considered against the following criteria – but with the balance always being in favour of disclosure unless exceptional circumstances exist to determine otherwise:

1. The complainant has reasonable grounds for believing that they will be at risk of physical harm if their identity is disclosed.
2. The complainant is an officer who works closely with the subject member and they are afraid of the consequences to their employment or of losing their job if their identity is disclosed.
3. The complainant suffers from a serious health condition and there are medical risks associated with their identity being disclosed (medical evidence may be required to be submitted).
4. Any other very special circumstances put forward by the complainant which identify reasonable grounds for believing that disclosure of details would result in the complainant or witnesses being intimidated or lead to evidence being compromised or destroyed.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer will consult with the Independent Person to consider your request alongside the substance of your complaint. If your request for confidentiality is not granted, please indicate if you wish the Council to continue to consider 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 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:**

**NOTE – If you request confidentiality – you must answer the following question by deleting YES or NO.**

Do you still wish to have your complaint

considered if your request for confidentiality

**YES**

**NO**

is denied in full or part?

**THIS PAGE TO BE REMOVED - FOR STATISTICAL PURPOSES ONLY**

**Please could you provide some monitoring data? This data will not be disclosed to a third party. We will only use personal information internally for the purposes for which it has been provided.**

<i>Please tick one box.</i>	<b>Male</b>	<b>Female</b>
<b>Are you male or female?</b>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Which of these age groups apply to you? Please tick one box.</b>			
Up to 16	<input type="checkbox"/>	45 – 54	<input type="checkbox"/>
16 – 18	<input type="checkbox"/>	55 – 64	<input type="checkbox"/>
19 – 24	<input type="checkbox"/>	65 – 79	<input type="checkbox"/>
25 – 44	<input type="checkbox"/>	80 plus	<input type="checkbox"/>

<i>Please tick one box</i>	<b>Yes</b>	<b>No</b>
<b>Do you have any long-standing illness, disability or infirmity?</b> (Long standing means anything that has troubled you over a period of time or that is likely to affect you over a period of time).	<input type="checkbox"/>	<input type="checkbox"/>
<b>Are you without a permanent home?</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Do you have access to your own method of transport?</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Are you registered as unemployed?</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Do you provide unpaid care for another person?</b>	<input type="checkbox"/>	<input type="checkbox"/>

<b>To which of these groups do you consider you belong? Please tick one box.</b>			
<b>WHITE</b>		<b>BLACK OR BLACK BRITISH</b>	
British	<input type="checkbox"/>	Caribbean	<input type="checkbox"/>
Irish	<input type="checkbox"/>	African	<input type="checkbox"/>
Other White background	<input type="checkbox"/>	Other Black background	<input type="checkbox"/>
Roma Gypsy or Traveller	<input type="checkbox"/>		
<b>MIXED</b>		<b>ASIAN OR ASIAN BRITISH</b>	
White and Black Caribbean	<input type="checkbox"/>	Indian	<input type="checkbox"/>
White and Black African	<input type="checkbox"/>	Pakistani	<input type="checkbox"/>
White and Asian	<input type="checkbox"/>	Bangladeshi	<input type="checkbox"/>
Other mixed background	<input type="checkbox"/>	Other Asian background	<input type="checkbox"/>
<b>CHINESE</b>	<input type="checkbox"/>	<b>OTHER ETHNIC GROUP</b>	<input type="checkbox"/>