

Arrangements paper - appendix 1

**COMPLAINT FORM:
CODE OF CONDUCT FOR MEMBERS**

**To: The Monitoring Officer
Woking Borough Council**

A. Your details

1. Please provide us with your name and contact details. Anonymous complaints will only be considered if there is independent evidence to substantiate the complaint.

| | |
|---------------------------|--|
| Title: | |
| First Name: | |
| Last Name: | |
| Address: | |
| Contact Telephone: | |
| Email: | |
| Signature: | |
| Date of Complaint: | |

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

The following people will see this form:

- the Council's Independent Person advising the Standards Sub-Committee
- Monitoring Officer of the Borough Council
- the Chairman of the Standards and Audit Committee, if the matter proceeds to investigation
- the Standards Hearing Sub-Committee, if the matter proceeds to a Standards Hearing Sub-Committee

A brief summary of your complaint may also be shared, with the Member(s) you are complaining against. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete Section C of this Form and also discuss your reasons or concerns with the Council's Monitoring Officer.

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

- A member of the public
- An elected or co-opted Member of the Council
- A Member of Parliament
- A Monitoring Officer
- Other council employee, contractor or agent of the Council
- Other (please state)

B. Making your Complaint

For a brief summary of sanctions available to the Standards Hearing Sub-Committee, please see information at the end of this Form.

3. Please provide us with the name of the member(s) you believe have breached the Borough Council's Code of Conduct.
4. Please explain in this section (or on separate sheet(s)) what the Member is alleged to have 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, with dates / witnesses to substantiate the alleged breach.

| Title | First Name | Last Name |
|-------|------------|-----------|
| | | |
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| | | |

It is also important that you provide all the evidence you wish to have taken into account by the Monitoring Officer when he/she decides whether to take any action on your complaint or not. 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 or did to insult you.
- 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 other relevant documentary evidence to support your allegation(s).
- If the allegation(s) being made occurred over **28** days from the alleged behavior or conduct, clearly explain why the complaint was not made during that period of time.

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

C. Confidentiality of complainant and the complaint details

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

5. In the interests of fairness and in compliance with the rules of natural justice, we believe members who are complained about have a right to know who has made the complaint and the substance of the allegation(s) made against him/her. We are, therefore, unlikely to withhold your personal details or the details of your complaint unless you have good reasons to believe that you have justifiable grounds, for example:-

- you believe you may be victimised or harassed by the Member(s) against whom you are submitting a written complaint (or by a person associated with the same); or
- you feel you may receive less favourable treatment from the Council because of the seniority of the Member against whom you are submitting a written complaint in terms of any existing Council service provision or any tender/contract that you may have or are about to submit to the Council.

Please note that requests for confidentiality or requests for suppression of the personal and complaint details will not automatically be granted. The Monitoring Officer will consider the request with the Independent Person alongside the substance of your complaint and the Monitoring Officer will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the opportunity, if you so wish, of withdrawing your complaint.

However, it is important to understand that - in exceptional circumstances, where the matter complained about is very serious - we may proceed with an investigation (or other action) and may have no choice but to disclose your personal and complaint details, because of the allegation(s) made, 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. Continue on a separate sheet if there is not enough space on this form.

D. Additional Information

6. Frivolous, vexatious and politically-motivated tit-for-tat complaints are likely to be rejected.
7. Complaints must be submitted in writing. In line with the requirements of the Equality Act 2010, 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.

8. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.

E. Process from here

9. Once a valid complaint relating to an alleged breach of the Code of Conduct for Members has been received by the Monitoring Officer, it will be considered by the Monitoring Officer with the Independent Person. You and the member against whom the complaint has been made will not be allowed to attend these deliberations, as the matter will be considered in private.
10. The Monitoring Officer, in consultation with the Independent Person, may resolve to:
 - (a) dismiss your complaint, with reasons;
 - (b) ask you for additional information, with reasons; or
 - (c) refer your complaint for investigation (or other action).
11. You will be notified once the decision is made and given information on any further stage(s) in the process at that time.

Monitoring Officer
Woking Borough Council
Civic Offices
Gloucester Square
Woking
GU21 6YL

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Sanctions available to the Standards Hearing Sub-Committee

The Council has delegated to the Standards Hearing Sub-Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Standards Hearing Sub-Committee may:–

(a) Publish its findings in respect of the Member's conduct. This might comprise issuing a press release and/or inserting a public notice in the local newspaper(s);

(b) Report its findings to Council for information;

(c) Censure or reprimand the Member;

(d) Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council for such period as the Sub-Committee considers appropriate;

(e) Recommend to the Leader of the Council that the Member be removed from the Executive, or removed from particular Portfolio responsibilities for such period as the Sub-Committee considers appropriate;

(f) Instruct the Monitoring Officer to arrange training for the Member;

(g) Recommend to the Council that the Member be removed from all outside appointments to which he/she has been appointed or nominated by the Council for such period as the Sub-Committee considers appropriate;

(h) Withdraw facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access for such period as the Sub-Committee considers appropriate; or

(i) Exclude the Member from the Council's offices or other premises, with the exception of meeting rooms as are necessary for attending Council, Committee and Sub-Committee meetings for such period as the Sub-Committee considers appropriate.

The Standards Hearing Sub-Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances and there is no right of appeal against the decision.