



# HOW TO MAKE A COMPLAINT ABOUT A COUNCILLOR

*Under Waverley's Local Code of Conduct*



## How to make a complaint about a councillor

Local authorities are now responsible for considering complaints that an elected councillor may have breached their local Code of Conduct. Previously such complaints were considered by the Standards Board for England.

This means that if you want to complain about the conduct of either a Waverley Borough Councillor or a councillor of one of the town or parish councils within Waverley's area, you must submit your complaint to the Chair of Waverley's Standards Committee. This leaflet gives details about Waverley's procedure for dealing with such complaints about the conduct of councillors.

## What sort of complaints can the Standards Committee consider?

Your complaint can be considered by the Standards Committee if it meets all of the following criteria:

- Your complaint must be about one or more Waverley Borough Councillors, or one or more councillors of a town or parish council in Waverley.
- Your complaint must be about conduct that occurred while the councillor(s) complained about were in office. The Standards Committee cannot consider the conduct of a person before they were elected or after they have stopped being a councillor, even if the complaint relates to something that occurred when they were in office.
- Your complaint must be that the councillor(s) has, or may have, breached Waverley's Code of Conduct.
- Your complaint must be in writing. If for any reason you are unable to make your

complaint in writing, please do not hesitate to contact Waverley's Monitoring Officer, Mark Hill, at [mark.hill@waverley.gov.uk](mailto:mark.hill@waverley.gov.uk) or on 01483 523240.

A copy of the Code can be obtained from Waverley's website at [www.waverley.gov.uk](http://www.waverley.gov.uk) or alternatively you can visit the Standards Board website at [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk) where you will find some frequently asked questions about the Code of Conduct. If you would prefer a paper copy, please contact the Monitoring Officer, Mark Hill.

Please note that the Standards Committee cannot consider complaints about Waverley's services, procedures or the actions of its staff. Complaints about these matters are considered under Waverley's formal complaints procedure. Details of the formal complaints procedure can be obtained from our website at [www.waverley.gov.uk](http://www.waverley.gov.uk).

## How should I set out my complaint?

It is very important that you set out your complaint fully and clearly, and provide all the information from the very beginning. You should include any documents or other material that you wish the assessment sub-committee to consider, and state which part(s) of the Code of Conduct you think were breached.

We recommend that you use the complaint form in this leaflet. However, you may prefer to provide a covering note summarising what you are complaining about, particularly if your complaint includes a lot of supporting documentation.

You should tell us exactly what each councillor you are complaining about said or did that has caused you to complain. If you are sending supporting documents with your complaint, please make sure that you refer to each document in the summary.

Although you do not have to prove your complaint at this stage of the procedure, you do have to demonstrate that you have reasonable grounds for believing that the councillor(s) in question had breached the Code of Conduct.

## **What happens after I have made my complaint?**

### *(a) Acknowledgement by Waverley*

When you have made your complaint, we will write to you to confirm that we have received it. We will also tell the councillor(s) you are complaining about:

- (a) that we have received your complaint;
- (b) who has made the complaint; and
- (c) the relevant paragraphs of the Code of Conduct that you believe they may have breached.

### *(b) Assessment by the Standards Committee*

When your complaint has been received, the Standards Committee's assessment sub-committee will meet to consider your complaint and decide whether it should be investigated or if any other action should be taken. This will normally happen within 20 working days from the date we receive your complaint.

Meetings of the assessment sub-committee are closed to the public which means that unless the Monitoring Officer tells you otherwise, you will not be able to attend the meeting. Neither will the councillor(s) concerned be able to attend.

It is important to note that not every complaint that falls within the remit of the Standards Committee will be investigated or be the subject of some other action. The assessment sub-committee must decide whether either of these options are appropriate.

The assessment sub-committee will make its decision based on criteria that have been agreed by the Standards Committee. These criteria can be found on our website at [www.waverley.gov.uk](http://www.waverley.gov.uk) or you can ask the Monitoring Officer, Mark Hill, to send you a copy by post. Mark Hill can be contacted at [mark.hill@waverley.gov.uk](mailto:mark.hill@waverley.gov.uk) or on 01483 523240.

### *(c) Notifying you about the outcome*

When the assessment sub-committee has reached its decision we will let you know what has been decided. At the same time we will also write to the councillor(s) you have complained about and the town or parish clerk (if appropriate). We will send these letters within five working days of the assessment sub-committee reaching its decision.

If the assessment sub-committee decides not to investigate your complaint or take any other action, we will give you the reasons for this decision. You have the right to ask for such a decision to be reviewed (see page 4).

## **What do we mean by 'other action'?**

The assessment sub-committee may decide that 'other action' should be taken in response to your complaint instead of investigating the matter. This general term is used deliberately, since there are a number of options for the assessment sub-committee to consider. For example, the sub-committee may decide that the councillor you have complained about should make an apology to you or that they should have some training or take part in mediation.

If the assessment sub-committee decides to refer your complaint for other action, we will explain what this will involve.

## **How can I appeal against a decision to take no action on my complaint?**

If the assessment sub-committee decides to take no action on your complaint, you have the right to ask for a review of that decision. You must submit your request for a review in writing within 30 working days of the date on which you received notification of the assessment sub-committee's initial decision.

Your request for a review will be considered by another sub-committee of the Standards Committee – the review sub-committee. This review will take place within 20 working days of the date on which your request was received. Meetings of the review sub-committee are also closed to the public which means that you will not be able to attend.

In reaching a decision on your complaint, the review sub-committee will use the same criteria that were used for the initial assessment. You will be notified of the review sub-committee's decision within five working days of the meeting.

You may, if you wish, send additional information to support your complaint. If you chose to do so, it could be the case that the additional information is so significant that it effectively constitutes a new complaint. If this were to be the case, instead of being considered by the review sub-committee, it would be re-presented to the assessment sub-committee as a new complaint.

## **What will happen if my complaint is investigated?**

If your complaint is to be investigated, you will be provided with information on how the investigation is to be carried out, including the name of the investigating officer. It is likely that the investigating officer will want to interview you about the complaint. Further details about the investigation process can be found on our website at [www.waverley.gov.uk](http://www.waverley.gov.uk).

Once the investigation is completed, a report will be taken to the Standards Committee.

If it is concluded that the councillor has not breached the Code, we will write to you and to the councillor(s) in question to tell them so.

If it is concluded that there has been a breach, there will be a hearing where a another sub-committee of the Standards Committee will consider both the investigating officer's report and any evidence and statements presented by the councillor(s) in question.

If, at the conclusion of the hearing, the sub-committee decides that there has been a breach, there will be the option to impose one or more sanctions on the councillor(s), such as censure or suspension from office for a specified period of time.

**Website:** [www.waverley.gov.uk/ethicalstandards](http://www.waverley.gov.uk/ethicalstandards)

A copy of this publication can be made available in large print, on tape or in a different language. Please telephone 01483 523210 for further details.

# Complaint Form

## Your details

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

Title	
First Name	Last Name
Address	
Postcode	
Daytime tel	Evening tel
Mobile tel	
Email address	

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

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

- The councillor(s) you are complaining about.
- The Monitoring Officer.
- The parish or town clerk (if applicable).
- The relevant members of the Standards Committee.

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. **If you have serious concerns about your name and the summary or details of your complaint being released, please complete section 5 of this form.**

2. Please tick the box that best describes you:

- Member of the public
- Member of Parliament
- Local authority monitoring officer
- Elected or co-opted member of an authority
- An independent member of our Standards Committee
- Other council officer of the authority
- Other (please give details)





