

# Guidance Notes on your Consideration in Completing the Complaint Form

## Are you using the correct form?

The points listed below will help you decide whether this is the correct form to use when making your complaint. You should speak to the Assistant Chief Executive – Legal and Democratic on 01432 260200 if you are not clear if the standards committee can consider your complaint. The assessment sub-committee of the standards committee will make the decision about what action, if any, to take on your complaint.

- Your complaint must be about conduct that occurred while the member(s) complained about were in office. Conduct of an individual before they were elected, co-opted or appointed to the authority, or after they have resigned or otherwise ceased to be a member, cannot be considered by the assessment sub-committee.
- The Code of Conduct came into effect on 5 May 2002, although some authorities adopted the Code of Conduct earlier. If your complaint concerns matters that occurred before 5 May 2002 you should contact the Assistant Chief Executive – Legal and Democratic before making your complaint to check whether it is within the jurisdiction of the assessment sub-committee to consider.
- Your complaint must be about one or more named members of the following authorities:
  - (i) Herefordshire Council
  - (ii) Parishes within Herefordshire
- Your complaint must be that the member(s) has, or may have, breached the Code of Conduct. A copy of the Code of Conduct and frequently asked questions about the Code of Conduct are available at [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk). You may also contact Assistant Chief Executive – Legal and Democratic if you require any further information.
- Complaints about dissatisfaction with a decision or action of the authority or one of its committees, a service provided by the authority or the authority's procedures do not fall within the jurisdiction of the standards committee. Complaints about the actions of people employed by the authority also do not fall within the jurisdiction of the standards committee. These matters are dealt with by the Council's complaints procedure accessible at [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk) or the Local Government Ombudsman at [www.lgo.org-uk](http://www.lgo.org-uk).
- Your complaint must be in writing. If a disability prevents you from making your complaint in writing you may contact Assistant Chief Executive – Legal and Democratic for assistance.

It is important to note that not every complaint that falls within the jurisdiction of the standards committee will be referred for investigation or other action. The assessment sub-committee of the standards committee must decide whether this is appropriate. It will make this decision using referral criteria (see attached). If the

assessment sub-committee decides not to refer your complaint for investigation or other action it will give you the reasons for this decision. It will also explain any right that you may have to ask for the decision to be reviewed.

### **What happens once you submit your complaint?**

The authority takes all objections of member misconduct seriously and needs to secure the highest standards of conduct at all times.

When you submit your complaint we will write to you to let you know we have received it. We will also tell the member that you are complaining about that we have received your complaint, who made the complaint and the relevant paragraphs of the Code of Conduct that it is alleged may have been breached which can be accessed at [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk).

The assessment sub-committee will then meet to consider your complaint and decide whether it should be referred for investigation or other action. This will happen within an average of 20 working days of the date we receive your complaint. Meetings of the assessment sub-committee are 'closed', which means that you will not be able to attend. It is therefore very important that you set your complaint out clearly and provide at the outset all the information you wish the assessment sub-committee to consider.

The criteria that will be used to assess your complaint and decide whether it should be investigated can be accessed at [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk).

When the assessment sub-committee has reached its decision we will notify you in writing whether your complaint has been referred for investigation or other action. At the same time we write to you, we will also write to the member(s) you have complained about and the parish clerk or town clerk (if applicable). We will send these letters within five working days of the assessment sub-committee reaching its decision. The decision of the assessment sub-committee is made available for public inspection once the member the complaint is about has been given a summary of the complaint. In very limited situations the member may not be given this summary immediately and if so any public inspection will not happen until the member does get the summary.

### **What is meant by 'other action'?**

The assessment sub-committee may decide to refer your complaint for 'other action' instead of referring it for investigation. Other action is a deliberately broad term that may include options such as require the person you have complained about to apologise or undergo training or mediation. The assessment sub-committee will carefully consider the circumstances surrounding your complaint when deciding whether other action is appropriate. If the assessment sub-committee decides to refer your complaint for other action we will explain what this involves.

### **How should I set out my 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 the assessment sub-committee to consider, where possible. Unless the authority advises you otherwise, you will not be able to attend the meeting of the assessment sub-committee.

We recommend that you use our complaint form or provide a covering note summarising what you are complaining about, especially if your complaint includes a lot of supporting documentation. In the summary you should tell us exactly what each person you are complaining about said or did that has caused you to complain. If you are sending supporting documentation please cross-reference it against the summary of your complaint.

You should be as detailed as possible and substantiate your complaint where you can. Although you are not required to prove your complaint at this stage of 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.