

# INFORMATION TO ASSIST YOU IN COMPLETING THE COMPLAINT FORM IN RESPECT OF A BREACH OF THE CODE OF CONDUCT

Please read these Notes carefully before completing the Complaint Form

## **Note 1. Are you using the correct form?**

- ▶ Please use this form if you want to make a complaint that a Crawley Borough Councillor or a Co-opted Member of the Council has, or may have, breached the Council's Code of Conduct. The Code is available on our website ([www.crawley.gov.uk](http://www.crawley.gov.uk)) or from the Monitoring Officer.
- ▶ This form must not be used for complaints about dissatisfaction with a decision or action of the Council or one of its committees, about a service provided by the Council, about the Council's procedures or about actions of people employed by the Council. Such complaints should be made either verbally, in writing, by fax or electronically and addressed to the Head of the Service concerned.
- ▶ 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 or co-opted to the Council, or after they have resigned or otherwise ceased to be a member, cannot be considered by the Assessment Sub-Committee.
- ▶ If your complaint concerns matters that occurred before 5 May, 2002 you should contact the Monitoring Officer 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 or co-opted members of Crawley Borough Council.

## **Note 2. How you should set out your complaint**

Please explain in Section 4 of the Complaint Form (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.

**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 out your complaint fully and clearly and provide at the outset all the information you wish to have taken into account by the Assessment Sub-Committee when it decides whether to take any action on your complaint. 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 if possible.
- ▶ You should provide any relevant background information (including documents or other materials).

**Note 3. Who will be told about my complaint?**

The Council's Monitoring Officer will be told that you have made this complaint but otherwise your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, 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 a summary of the complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it.

Your name and/or details of your complaint are unlikely to be withheld during the initial assessment stage, unless the Assessment Sub-committee at its discretion, has reason to believe that:

1. You are either vulnerable or at risk of threat, harm or reprisal;
2. You will suffer intimidation or be victimised or harassed;
3. You work closely with the person you are complaining about and you are afraid of the consequences, e.g. fear of losing your job;
4. You suffer from a serious health condition and there are medical risks associated with your identity being disclosed (you will need to provide medical evidence to substantiate this);
5. You may receive less favourable treatment because of the seniority of the person you are complaining about in terms of any existing Council service provision or any tender/contract you may have with or are about to submit to the Council;

6. Early disclosure of your complaint may lead to evidence being compromised or destroyed;
7. Early disclosure of your complaint may impede or prejudice the investigation;
8. Early disclosure of your complaint is not in the public interest.

**If you have serious concerns about your name and a summary, or details of your complaint being released, please complete Section 5 of the Complaint Form.**

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Assessment Sub-Committee 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.

**Note 4.        How can I get additional help?**

Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Equality Act 2010 (which replaces the Disability Discrimination Act 1995) 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 support in completing this form please let us know as soon as possible. For more information please contact the Council's Monitoring Officer whose details are given in these notes.

**This information is available, on request, in large print, Braille or audio tape, and in different languages.**

**Note 5. Where do I send my complaint form?**

Your form when complete can be sent;

By post to Arthur Earl  
Chair of the Standards Committee,  
c/o Ann Maria Brown,  
Head of Legal and Democratic Services and  
Monitoring Officer,  
Crawley Borough Council,  
Town Hall, The Boulevard,  
Crawley, West Sussex  
RH10 1UZ

By e mail to [Ann-Maria.Brown@crawley.gov.uk](mailto:Ann-Maria.Brown@crawley.gov.uk)

By fax to 01293 438605

**Note 6. What happens once I submit my complaint?**

We will normally acknowledge receipt of your complaint within two working days and arrange for your complaint to be considered by the Standards Committee's Assessment Sub-Committee within 20 working days. However, if it is considered necessary to seek clarification of any of the points you are making in support of your complaint or, if the information requested in this form is incomplete, this period will commence from the date any such clarification is received.

The Assessment Sub-Committee may make one of three decisions:-

- (a) to refer the matter to the Council's Monitoring Officer. In this event, the Sub-Committee can decide that the matter should be referred to the Monitoring Officer either for:-
  - ▶ Formal investigation of your complaint, in which case you will then be required to co-operate with the investigation in relation thereto; or
  - ▶ Steps other than carrying out an investigation (e.g. arranging for the member the subject of the complaint to receive training; and/or arranging for that member and the complainant to engage in a process of conciliation; and/or such other steps as appear appropriate);
- (b) to refer the matter to the Standards for England; or
- (c) to advise you that, in the opinion of the Assessment Sub-Committee, no action should be taken in respect of your complaint, the reasons for coming to that view and your right of appeal against that decision.

The decision of the Assessment Sub-Committee will be sent to you within five working days of the meeting. If you wish to receive a copy of the criteria against which complaints are assessed, you should contact the Monitoring Officer. 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 circumstances 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.

If the decision is referred for investigation by the Monitoring Officer, she will contact you with details of how the investigation will be carried out and the anticipated timescale. Following the investigation, a report will be presented to the Standards Committee's Hearings Sub-Committee which will decide whether the Code of Conduct has been breached and, if so, what (if any) sanctions should be imposed.

**Note 7. How do I obtain further advice or support?**

If you require any advice or support in completing the complaint form, please contact the Monitoring Officer, Ann Maria Brown, at the above e mail address or by telephoning 01293 438292.

**Note 8. Is further information available from the Standards for England?**

Further information about the Code of Conduct and the Standards for England can be found at <http://www.standardsforengland.gov.uk> or by contacting them at:

- Standards for England  
Fourth Floor  
Griffin House  
40 Lever Street  
Manchester  
M1 1BB
- Telephone: 0845 078 8181
- Fax: 0161 817 5499
- Minicom: 0161 817 5449
- Email: [enquiries@standardsforengland.gov.uk](mailto:enquiries@standardsforengland.gov.uk)