# **Code of Conduct – Complaints about Councillors Form**

**Your details**

| Title: |
| --- |
| First name: |
| Last name: |
| Address:  Postcode: |
| Daytime or mobile telephone number: |
| Evening telephone number: |
| Email address: |

The following people will be informed that you have made this complaint:

* the Member(s) you are complaining about; and
* the relevant parish or town clerk (if applicable)

If you have serious concerns about your name and a summary, or details, of your complaint being released, please complete Section 6 of this form.

| **Please tell us which complainant type best describes you** |
| --- |
| Member of the public |
| An elected or co-opted Member of an authority |
| Local authority monitoring officer |
| Other council officer or authority employee |
| Other  please explain: Click here to enter text. |

**Process**

Your complaint or allegation should be addressed to the Monitoring Officer at Huntingdonshire District Council, Pathfinder House, St Mary’s Street, Huntingdon, PE29 3TN or email [CodeofConduct@huntingdonshire.gov.uk](mailto:CodeofConduct@huntingdonshire.gov.uk)

The Monitoring Officer will acknowledge receipt of your complaint within five working days and will keep you informed of progress. If sufficient supporting evidence is not provided, the Monitoring Officer will require the complainant to provide such evidence.

Where your complaint relates to a parish councillor, then unless you have already been through their complaints process, the complaint will normally be referred to the parish council in the first instance to see if they can achieve a local resolution of the matter. (The complaint will only be considered further if resolution locally has not been possible or the Town and Parish Council can demonstrate to the satisfaction of the Monitoring Officer that such a course of action is not practicable.)

Within five working days of receiving a valid Code of Conduct complaint and supporting evidence the Monitoring Officer shall:

* contact the subject Member with a summary of the complaint and evidence; and
* ask the subject Member to provide a written response to the allegation(s) and supporting evidence within ten working days.

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within twenty working days of receiving your complaint and the subject Member's response. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

**Criteria for assessment**

The Monitoring Officer has the discretion to refuse those complaints that:

* contain no or insufficient evidence to demonstrate a breach of the Code
* are trivial, malicious or tit-for-tat
* are anonymous, unless serious and supported by sufficient evidence
* are in circumstances where an investigation would not be in the public interest or the matter would not warrant any sanction
* are in circumstances where a substantially similar complaint has previously been considered and no new material evidence has been submitted
* relate to allegations concerning a Member's private life
* relate to conduct in the distant past (over six months before)
* relate to dissatisfaction with a Council or Parish Council decision
* is about someone who is no longer a Member of the Council (or relevant Parish Council) or who is seriously ill.

**Please provide us with the name of the member(s) you believe have breached the Code of Conduct and name of their authority:**

| **Title** | **First name** | **Last name** | **Council or authority name** |
| --- | --- | --- | --- |
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Please 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.

Whilst not essential, it would be helpful if you are able to identify the parts of the Code which you consider have been breached. The District Council's Code of Conduct can be viewed on our [website](http://www.huntingdonshire.gov.uk/media/1382/code-of-conduct-for-hdc-members.pdf). Whilst the majority of Parish Councils have adopted the same Code as the District Council, several have chosen one provided by the National Association of Local Councils. It is important to check which Code may have been adopted by the authority of which the subject is a Member. A list of potential breaches of the District Council's Code are set out in the Annex at the end of this form.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer to help him decide 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.

Please provide us with details of your complaint and, if possible, the part(s) of the [Code of Conduct](https://www.huntingdonshire.gov.uk/media/1382/code-of-conduct-for-hdc-members.pdf) you consider have been breached. Continue on a separate sheet if there is not enough space on this form.

| Alleged breach | Details of complaint |
| --- | --- |
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**Only complete this next section if you are requesting that your identity is kept confidential**

In the interests of fairness and natural justice, Members who are complained about are provided with a summary of the complaint. However, if you want to keep your name and address confidential, please indicate this in the space provided on the complaints form, in which case we will not disclose your name and address to the Member against whom you have made the complaint without your prior consent. The authority would not normally investigate anonymous complaints unless there is a clear public interest in doing so.

Please note that requests for confidentiality or a request for suppression of complaint details will not automatically be granted. The Monitoring Officer 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.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint.

Reasons for non-disclosure might be risk from physical harm if your identity was disclosed, if you fear that the consequences of your action might affect your employment or if there are serious health grounds or medical risks associated with your disclosure.

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**Additional help**

Complaints must be submitted in writing. 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.

We can also help if English is not your first language.

Should you require any other additional help or guidance in completing this form

please contact:

Lisa Jablonska, Elections and Democratic Services Manager

Email: [lisa.jablonska@huntingdonshire.gov.uk](mailto:lisa.jablonska@huntingdonshire.gov.uk)

Correspondence should be sent to:

Monitoring Officer

Huntingdonshire District Council

Pathfinder House

Huntingdon

PE29 3TN

Email: [CodeofConduct@huntingdonshire.gov.uk](mailto:CodeofConduct@huntingdonshire.gov.uk)

**Privacy Notice**

All personal information that you provide to us is managed in accordance with our Privacy Policy. Please visit the [Privacy Notice](https://www.huntingdonshire.gov.uk/privacy) where you can find information about how we handle your personal information and your rights of access.

**Why are we asking for your personal information?**

We require your personal data to allow us to undertake an investigation into your complaint or allegation.

**6(1)(c) For compliance with a legal obligation**

There are laws in place (The Localism Act 2011) that require us to have in place “arrangements” under which allegations that a Member or co-opted Member of the authority, or of a parish council within the authority’s area, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.

You hold the following rights with regard to the personal data you provide us:

* Right to Access – You have the right to access (receive a copy) of your personal data and supplementary information.
* Right to Rectification – You have the right to have any inaccurate or incomplete personal data rectified
* Right to Restriction – You have the right to request a restriction of the processing of your personal data in situations where it is inaccurate, unlawful, and no longer needed for the purposes for which it was originally collected, or if a withdrawal of consent has been made.

As a matter of fairness and natural justice, we will usually share your personal data with the Member who the complaint is about (see section 6 if you wish to make a request to keep your information confidential). If the Monitoring Officer decides to refuse a request for confidentiality, you will be offered the option to withdraw the complaint, rather than proceed with your identity being disclosed. If the Monitoring Officer decides that a complaint merits formal investigation then an Investigating Officer (who may be another senior officer of the authority, an Officer of another authority or an external investigator) will be appointed and we may share your personal data with them. Details of the allegation may also be shared with the Hearings Panel and/or our Independent Person in determining any action required.

We may also share your personal data with the relevant town or parish clerk (if applicable). If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to refer the matter to the Police or any other relevant regulatory agency. In such cases the complainant and subject Member will be notified in writing.

We may process the information you provide to prevent and detect fraud in any of our systems and may supply information to government agencies, credit reference agencies, audit or other external bodies for such purposes. We participate in the government’s National Fraud Initiative.

If any of the information we have about you is incorrect, please tell us, we are reliant on you assisting us to keep your information accurate and up to date.