

HYNDBURN BOROUGH COUNCIL

CODE OF CONDUCT FOR MEMBERS

GUIDANCE NOTE FOR POTENTIAL COMPLAINANTS

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 Council's Monitoring Officer 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 one or more named members (i.e councillors) of Hyndburn Borough Council or Altham Parish Council.
- Your complaint must be that the member(s) has, or may have, breached the code of conduct for councillors. A copy of the code of conduct for Hyndburn Council and Altham Parish Council is available on the Council's website and frequently asked questions about the code of conduct are available at www.standardsboard.gov.uk.
- 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 Council or Parish Council, or after they have resigned or otherwise ceased to be a councillor, cannot be considered by the Assessment Sub-Committee.
- The Standards Committee is not responsible for dealing with complaints about Council employees, Council services or Council procedures. If this is what you want to complain about you should use the Council's general complaints procedure. Complaint forms are available at Council reception areas and on the Council's website (ww.hyndburnbc.gov.uk, following the link to "Comments, Compliments and Complaints").
- Your complaint must be in writing. If a disability prevents you from making your complaint in writing you may contact us for assistance.

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.

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 councillor(s) complained about has breached the code of conduct.

What happens once you submit your complaint?

When you submit your complaint we will write to you to let you know we have received it. Unless we are satisfied that there are exceptional circumstances, we will also tell the councillor 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.

The Assessment Sub-Committee will then meet to consider your complaint and decide what to do with it. This will happen within 20 working days of the date we receive your complaint.

Meetings of the Assessment Sub-Committee are 'closed', which means that neither you nor the councillor you are complaining about will 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 to Assessment Sub-Committee to consider.

The Assessment Sub-Committee will decide to do one of the following things:

- ask you for more information; or
- refer your complaint for investigation by the Council's Monitoring Officer; or
- refer your complaint to the Council's Monitoring Officer for other action; or
- refer your complaint for investigation by the Standards Board for England; or
- decide to take no action.

The criteria that will be used to assess your complaint and decide whether it should be investigated are available on the Council's website or a copy can be obtained on request from the Council's Monitoring Officer.

We will notify you in writing when the Assessment Sub-Committee has reached its decision. At the same time we write to you, we will also write to the councillor(s) you have complained about and the parish 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 councillor the complaint is about has been given a summary of the complaint. In

very limited situations the councillor may not be given this summary immediately and if so any public inspection will not happen until the councillor does get the summary.

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 must decide whether this is appropriate. It will make this decision using its referral criteria.

If the Assessment Sub-Committee decides to take no action on your complaint it will give you the reasons for this decision. It will also explain your right to ask for the decision to be reviewed by the Council's Review Sub-Committee. If you request a review the Review Sub-Committee will consider your complaint afresh using the Council's review criteria and the Sub-Committee will not include any of the people involved making the initial assessment.

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 requiring 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.

If you require this information in a different format, for example large print, audio or in a different language, please let us know.