

MEMBERS' CODE OF CONDUCT

COMPLAINT FORM & GUIDANCE



Council of the
ISLES OF SCILLY

IMPORTANT

Please read the following guidance notes before completing this form. It is important that you give us the information we need to make a reasoned and informed decision on your complaint. Although not essential, you may also wish to refer to the document entitled 'Procedure for the Assessment and Determination of Allegations of Breaches of the Members' Code of Conduct' on the Code of Conduct page of our website.

1 The detail of your complaint

In order to help the Monitoring Officer make an initial assessment of your complaint please make sure you have:

- Included your contact details in case any clarification or explanation is required relating to your complaint
- Identified one or more councillors by name as the focus of the complaint, we cannot accept complaints about a Council as a whole or about employees of a Council, including the Clerks to local councils, as they are not covered by the Code of Conduct for councillors
- Identified from the tick box list in the form the relevant areas of the Code you think might apply to your complaint
- Explained the circumstances and nature of the complaint in detail, including whether you think the councillor was acting in an official capacity and, if so, why you think that. You need to give us as much information as possible to inform our decision on your complaint and you need to demonstrate by that information how each of the areas of the Code you have identified has been breached
- Supplied links to or copies of any documentation relevant to your complaint
- Identified whether there are any witnesses or not, and if so, their names and contact details if you know them. It would be helpful if you could obtain the consent of anyone so identified to being a witness in support of your complaint
- Indicated whether you have complained about this issue before and, if so, to whom and the outcome
- Completed the section relating to confidentiality or marked it 'N/A'

2 Your details

In normal circumstances when a complaint is received, details of the complaint and the name of the complainant, but not the complainant's address or other contact details, will be passed to the councillor against whom the complaint has been made (who we will refer to as the 'subject member') so that they are able to provide a response to the complaint so that we can consider both sides in making a decision. This accords with the rules of natural justice.

If you do not want your identity to be disclosed to the subject member you may request confidentially in line with section 3, below.

3 Confidentiality

If you have serious concerns about your identity or details of your complaint being released please complete the section of the form marked 'Confidentiality'.

We believe it is fair that members who are complained about have a right to know who has made the complaint and to be provided with the details of the complaint so that they may respond to the complaint. We are unlikely to withhold your identity or the details of your complaint unless we consider that you have demonstrated that it is appropriate to do so. Any request for confidentiality will be considered by the Council's Monitoring Officer or his nominee.

Each request for confidentiality will be considered on its own merits and in determining such a request the following will be considered:

- Whether you reasonably believe that you, or those connected with you, will be at risk of harm if your identity is disclosed;
- That you are reasonably concerned about the consequences to your employment, or those connected to you, if your identity is disclosed;
- That you suffer, or somebody closely connected to you suffers, from a medical condition and there is evidence of medical risks associated with your identity being disclosed or confirmation from an appropriate medical professional that that is the case;
- The public interest. In some cases the public interest in proceeding with the complaint may outweigh the complainant's wish to have their identity withheld.

Requests for confidentiality will not automatically be granted. If confidentiality is granted the subject member will be advised of that fact and the reasons, but not so as to indirectly disclose the complainant's identity. Your request will be considered alongside the substance of your complaint.

If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint. In exceptional circumstances, where the matter complained about is of a serious nature as detailed in the Assessment, etc. Procedure referred to above, we may decide that it is in the public interest to take appropriate action on the complaint, if you have asked us not to.

4 Submitting your complaint

Ordinarily, you must submit your complaint in writing and this includes electronic submissions. Details are at the foot of the complaint form. If you submit a complaint in a way that is not in accordance with our requirements it is unlikely to be processed.

If you have a disability that prevents you from or makes it difficult for you to submit your complaint in writing we will assist you in submitting your complaint. We can also assist if English is not your first language.

5 Important timescales and further information

Acknowledgement of your complaint

- within 3 working days of receipt

Initial assessment of your complaint

- within 10 working days of receipt

Determination of your complaint

- normally within 28 working days of receipt, if taken beyond initial assessment

Notification of our decision

- within 5 working days of the determination of the complaint

The steps in the process are explained in more detail in the procedures above.

We will keep you informed as your complaint passes through each stage and at other appropriate times.

For more information on the procedure for assessing and determining complaints please refer to the procedures referred to above.

6 What decisions can be made on a complaint?

This is set out in more detail in the Assessment, etc. Procedure but the following decisions may be made during the assessment and determination of a complaint:

- That the complaint should not proceed beyond the initial assessment stage.

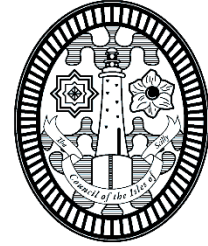
- No finding as to whether there has been a breach of the Code and take no further action.
- No finding as to whether there has been a breach of the Code but that action other than an investigation is appropriate.
- Finding of no breach of the Code.
- Finding of a breach of the Code without an investigation and impose no sanction.
- Finding of a breach of the Code without an investigation and impose a sanction.
- Referral for investigation to determine whether there has been a breach of the Code and, if so, the seriousness of the breach.
- A potential offence under the Localism Act 2011 may have been committed and an investigation, by the police where appropriate, ought to be conducted to determine whether the subject member should be prosecuted.

In some circumstances, whether a breach of the Code is found or not, a complaint may be referred for other action such as the provision of training to the subject member or even the whole of their Council

7 Notification of decisions

The decision will be sent to the subject member and the complainant in accordance with the timescales referred to above. It will also be sent to other parties where appropriate. We will also publish decisions on our web site.

CODE OF CONDUCT COMPLAINT FORM



Council of the
ISLES OF SCILLY

About you

Title: First name:

Last name:

Address:

Daytime telephone:

Evening telephone:

Mobile telephone:

Email address:

Please tick the complainant type that best describes you:

Member of the public

An elected or co-opted member

Member of Parliament

Council officer or employee

Other (please state) _____

DATA PROTECTION

The information you provide on this form will be held by The Council of the Isles of Scilly and used by us to process your complaint. In accordance with Council of the Isles of Scilly's Record Retention Policy, the information you provide on this form will be held for a minimum of 3 years, after which period it will be reviewed for further retention or destroyed in a secure manner. All personal information held by the Council of the Isles of Scilly is held safely in a secure environment. We will share this information with other departments of the Council, along with elected representatives to enable completion of statutory duties. Information will not be used for any other purpose by the Council of the Isles of Scilly and will not be passed to any other party without your permission save in the limited circumstances legally available to us.

The Member(s) you are complaining about

Please provide details below:

	Title	First name	Last name	Council role
Councillor				
Councillor				
Councillor				
Councillor				

What part(s) of the Code of Conduct do you think have been breached?

The detail you are asked to give below should support and explain your choices here. We may come to a different conclusion on what paragraphs of the Code may have been breached, if any. For more details, you can view the Code of Conduct on the Council website at committees.scilly.gov.uk

Please tick against the appropriate part(s) of the Code:

- failed to treat others with respect
- unlawfully discriminated
- bullying
- intimidated or attempted to intimidate others
- conducted themselves in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct
- has accepted a gift or hospitality that could be seen by the public as likely to influence the Member's judgement in relation to any matter that they deal with in their official capacity

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- has compromised or attempted to compromise the impartiality of anyone who works for or on behalf of the council
- improperly disclosed confidential information
- prevented someone from getting information to which they are entitled by law
- bringing their office or council into disrepute
- improperly using their position to confer an advantage or disadvantage on themselves or another
- improperly using the resources of their council
- failure to have regard to the advice of the Monitoring Officer, Chief Financial Officer or Proper Officer (Clerk of local councils), as appropriate
- has failed to give reasons for making a decision
- has participated in the scrutiny of a matter on which the person has previously made a decision
- has failed to correctly register interests as set out in the Code
- has, at a meeting or when making a decision, failed to disclose a registered or registerable interest
- has, at a meeting or when making a decision, failed to disclose an interest even though the interest need not be registered
- has made a decision when they should not have done so because of an interest that they had at the time
- has failed to absent themselves from the room or chamber where a matter in which they have an interest in is being discussed, whether or not they have disclosed the interest

Your complaint

Having regard to the guidance notes, please provide us with the full details of your complaint. Continue overleaf and then on a separate sheet if there is not enough space on this form.

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Your complaint (continued) – please continue here if there is insufficient space on the previous page.

If you still need more room please continue on a separate sheet, including your name and the nature of the complaint

Witnesses to the alleged conduct

Please provide details of witnesses to the alleged conduct and their contact details **where you have their permission to share with regard to this complaint.** If you do not provide contact details we will not be able to contact the witnesses. We will choose who to contact, if anyone, and so we may not contact all or any of the witnesses whose details you give. Continue on a separate sheet if there is not enough space on this form.

Title	First name	Last name	Address and telephone number

Previous action you have taken about this complaint

We need to know whether you have previously referred this complaint to another body. Please complete the table to indicate to whom you have referred the complaint.

Another Council	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Local Government Ombudsman	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Other (please specify below)	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If you have answered 'Yes' to any of the above please confirm in the box below which organisation the matter was referred to, when it was referred, the reference number that was allocated if you know it and the outcome.

Previous action(s)

Please continue on a separate sheet if you need more room.

Confidentiality

Only complete this next section if you are requesting that your identity is kept confidential.

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

Please sign your complaint here:

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If there is more than one complainant, please use these additional lines for signatures:

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Please date your complaint here:

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Additional help

Complaints must always be submitted in writing. However, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint or makes it difficult for you to submit your complaint in writing. We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

All submissions must be sent or delivered to:

The Monitoring Officer
Council of the Isles of Scilly
Town Hall
St Mary's
Isles of Scilly
TR21 0LW

Other contact details:

E-mail: simon.mansell@cornwall.gov.uk

Website: www.scilly.gov.uk