

# 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)), from the Council's Monitoring Officer, or from Democratic Services.
- 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.
- Your complaint must be about one or more named members or coopted 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.

Your complaint will be dealt with solely on the information that you have provided. 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. 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 Monitoring Officer in dealing with your complaint may have to consult as appropriate with an Independent Person (appointed by the Council), the Leader and Group Leader(s) and the Chief Executive of the Council. Complaints will be handled sensitively and fairly.

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.

Anonymous complaints will not normally be allowed and complainants should expect to be identified subject to the DPA 1998, unless there are exceptional circumstances, for example:-

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 identify 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 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 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 and the matter proceeds with an investigation or other action, we may 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 to;

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 5 working days and arrange for your complaint to be considered by the Council's Monitoring Officer within 10 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.

Upon the receipt of the complaint the Monitoring Officer will consider:-

- Whether the subject matter of the complaint falls within the Code of Conduct and whether the allegation discloses a failure to comply with the Code of Conduct.
- If the allegation appears to show a failure to comply with the Code of Conduct the Monitoring Officer will assess the complaint against criteria and will make a judgement on what is to happen with the complaint.
- The Monitoring Officer will seek to resolve the complaint informally, informing and consulting as appropriate with the Leader of the Council, the Group Leader(s), the Independent Person and the Chief Executive.
- If it is decided that informal resolution of the complaint is not appropriate or if informal steps have failed or would fail or the apparent breach is too serious to warrant informal steps then the Monitoring Officer will investigate the matter having consulted with the Independent Person.
- 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 anticipated timescale. It will be decided whether the Code of Conduct has been breached and, if so, what (if any) sanctions should be imposed.
- If an investigation is carried out and is completed, the Monitoring Officer will report to the Independent Person the outcome of the investigation.
- Upon receipt of the Investigation Report, the Independent Person will consider how the matter is to be dealt with.
- If the Investigation report reveals a breach of the Code of Conduct, the Independent Person will determine whether the matter can be dealt with in the absence of a Hearing or to hold a Hearing at which the parties would have the right to be heard.
- If it is established that a breach of the Code has occurred, the Independent Person will make recommendations to a panel of

members from the Appointments and Investigating Committee who will make a decision on the allegation including what (if any) sanction should be imposed.

- Formal notification of the Council's decision will be given to the complainant and the member who is the subject of the complaint.

**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 438293.