

# 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 form

## **Note 1. Are you using the correct 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, you should use [the form available on our website](#). The Code is also available on our website, 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, or electronically and addressed to the head of the service concerned.

Your complaint must be about conduct that occurred while the member(s) 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 co-opted members of Crawley Borough Council.

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

Please explain in section 4 of the form 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 considered on the basis of the information that you provide. It is therefore very important that you set your complaint out clearly and provide all the information (including documents or other material) that you want the Council's Monitoring Officer to consider.

For example:

- You should include details, wherever possible, about exactly what you are alleging the person said or did. Include specific actions or words used.
- You should provide 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 names and contact details. You should provide any relevant background information.
- If there has been a time lapse of more than 28 days since the alleged behaviour or conduct, please explain why you delayed lodging your complaint.

### **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 have complaints submitted about them 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 Data Protection Act 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 identity being disclosed;
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/details of your complaint being released, please complete section 5 of the 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 electronic submissions). However, in line with the requirements of the Equality Act 2010, 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 at the end of this document.

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

#### **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(s) 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(s).
- If the decision is referred for investigation by the Monitoring Officer, they will contact you with details of how the investigation will be carried out and an anticipated timescale. It will be decided whether the Code of Conduct has been breached and, if so, what (if any) sanctions should be imposed.
- When any investigation is completed, the Monitoring Officer will report to the Independent Person(s) the outcome of the investigation.

- Upon receipt of the investigation report, the Independent Person(s) will consider how the matter is to be dealt with.
- If the report reveals a breach of the Code of Conduct, the Independent Person(s) 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(s) will make recommendations to a panel of members 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 support in completing the complaint form, please contact the Monitoring Officer, Siraj Choudhury, at [Siraj.Choudhury@crawley.gov.uk](mailto:Siraj.Choudhury@crawley.gov.uk).