

MAKING A COMPLAINT ABOUT A COUNCILLOR – SUPPORTING NOTES



Making a complaint about the conduct of members and co-opted members of the County Council: supporting notes to assist in completion of the complaints form

Please read these notes before completing the complaints form.

What type of complaint can the Monitoring Officer consider?

The Council's Monitoring Officer can only deal with complaints about the behaviour of a councillor or co-opted member. He will not deal with complaints about things that are not covered by the [Code of Conduct](#).

A copy of the Code can be obtained from Democratic Services, Suffolk County Council, Endeavour House, 8 Russell Road, Ipswich IP1 2BX, telephone: 01473 265119 or email committee.services@suffolk.gov.uk

If the complaint alleges a failure to declare a disclosable pecuniary interest then, as specified within s34 of the Localism Act 2011, this is a criminal matter and should be referred directly to the Police without following the procedure explained within these notes.

Is this the correct form for you?

The points listed below will help you decide whether this is the correct form to use when making your complaint. You should contact the Monitoring Officer on 01473 264246 (email tim.ryder@suffolk.gov.uk) if you are not sure whether he can consider your complaint. The Monitoring Officer, in consultation with the Independent Person, will make the decision about what action, if any, to take on your complaint.

- 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 after they have resigned or otherwise ceased to be a member, cannot be considered by the Monitoring Officer.
- Your complaint must be about one or more named members of Suffolk County Council.

Complaints about dissatisfaction with a decision or action of the County Council or one of its committees, a service provided by the Council or the Council's procedures cannot be considered by the Monitoring Officer through this procedure. For information about how to complain about a service please go to [How to make a complaint](#)

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Your contact details

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, normally we will tell the member(s) you are complaining about that you have made this complaint. We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete the appropriate section of the form.

How should you set out your 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 Monitoring Officer 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 member(s) complained about has breached the Code of Conduct.

Confidentiality

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 are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:

- (1) you have reasonable grounds for believing that you will be at risk of physical harm if your identity is disclosed; or
- (2) you are an officer who works closely with the subject member and have reasonable grounds for being afraid of suffering a disadvantage to your employment or of losing your job if your identity is disclosed; or
- (3) you suffer from a serious health condition and there are medical risks associated with your identity being disclosed.

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, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

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Submitting your Complaint

Complaints must be submitted in writing. This includes electronic submissions. Please submit your completed form to:

The Monitoring Officer
Suffolk County Council
Endeavour House
8 Russell Road
Ipswich IP1 2BX

Email: tim.ryder@suffolk.gov.uk

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

What happens next?

When you submit your complaint we will write to you to let you know we have received it. We will also tell the member 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. (However, where this could prejudice our ability to investigate a complaint we may decide that no advance notification will be given.)

The Monitoring Officer will then contact you to discuss your complaint. This will happen within an average of 20 working days of the date we receive your complaint. It is important that you set your complaint out clearly and provide at the outset all the information you wish the Monitoring Officer to consider.

There will be some simple pre-requirements used to decide how the complaint will be dealt with:

- It must be a complaint against a councillor or co-opted member who is covered by Suffolk County Council's Code of Conduct.
- The councillor or co-opted member must have been in office at the time of the alleged incident.
- It must be clear that if the complaint were proven it would be a breach of the Code of Conduct.

These are some of the questions which may be asked in considering your complaint:

- ❖ Is the matter sufficiently serious to warrant further action?
- ❖ What period of time has passed since the alleged conduct occurred? This is important when deciding whether the matter is to be referred for investigation or further action and whether under the circumstances further action is warranted.
- ❖ Does the matter appear to be malicious, politically motivated or tit-for-tat? If so, further action may be unwarranted.
- ❖ Has the matter of complaint already been subject to a previous investigation or other action? If so, there may be nothing more to be gained by further action being taken.

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- ❖ Is the person complained about still a councillor or co-opted member? If the answer is no, but they are a member of another authority, the complaint will be referred to the Monitoring Officer of that other authority.
- ❖ Has the complaint been made anonymously? If so, it will only be referred for investigation or some other action if it includes documentary or photographic evidence which shows a very serious or significant matter.

The Monitoring Officer, in consultation with the Independent Person, can decide:

- 1) no action is needed;
- 2) to refer the complaint to the Political Group Leader(s) for steps to be taken to resolve the complaint;
- 3) to undertake local resolution;
- 4) to carry out a formal investigation of the complaint.

If the Monitoring Officer decides on action (4), the matter may later be considered by a panel of councillors who can decide on various courses of action if they agree that a breach has occurred.

When the Monitoring Officer has reached a decision we will notify you in writing. At the same time we write to you, we will also write to the member(s) you have complained about. We will send these letters within five working days of the Monitoring Officer reaching a decision.

The Independent Person has been appointed by the County Council to provide their view on any complaints received, and to consider the results of any investigation that has found that there has been a breach of the Code of Conduct.

This [flowchart](#) sets out the complaints procedure in outline.

If you have any queries about this process, please do not hesitate to contact the Monitoring Officer, Suffolk County Council, Endeavour House, 8 Russell Road, Ipswich IP1 2BX, telephone: 01473 264246 or email tim.ryder@suffolk.gov.uk