



# **Making a complaint about a local councillor**

## Explanatory Notes

- 1. If you have any difficulties filling in the complaint form, if you are unable to write in English or if you have a disability that prevents you from making your complaint in writing then please call 01332 643653, minicom 01332 256666.**
2. The screening questions on the page opposite must be answered in order for the complaint form to proceed.
3. Please note that if you answer 'yes' to any of screening questions 2, 3 or 4, and your complaint relates to a councillor who is a member of a political group, your complaint is considered as "having the potential to be politically influenced". On that basis, it would be inappropriate for council officers to be involved in its determination. In those circumstances, this form will be referred to the political group of which the subject councillor is a member for determination under the group's disciplinary procedures. This will not apply if the Monitoring Officer determines, after consultation with the Independent Person Advisory Panel, that the complaint is so serious that it should be escalated to the Monitoring Officer Assessment Stage.
4. Complaints will only be considered when the complaint form has been completed in full.
5. In the case of complaints which are upheld, the Standards Committee is limited in the sanctions that it can impose. Complaints will only be considered where the complainant has specified precisely which aspect(s) of the Code of Conduct they allege has been breached, and which sanction(s) they are seeking. Even if the complaint is upheld, it does not necessarily follow that the Standards Committee will agree with the proposed sanction.
6. Any persons believed to make misleading declarations in relation to screening questions 2, 3, 4 or 5 will be permanently barred from making complaints through the Standards procedures.
7. The decision taken by the Standards Committee or the Monitoring Officer, or investigator appointed by the Monitoring Officer, is final. Officers will not become involved in dialogue debating the outcome once the final decision has been communicated to the complainant.

## Screening Questions

1. *Is the complaint you are making subject to any other ongoing investigatory or disciplinary processes, or has it previously been made through the council's Standards processes?*

YES	<input type="checkbox"/>
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NO	<input type="checkbox"/>
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2. *At any time in the last three years, are you or have you been:*
- a. *A councillor, MP or MEP*
  - b. *A Local, General or European Election candidate*
  - c. *Closely linked to any person who falls into either category (a) or (b)?*

YES	<input type="checkbox"/>
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NO	<input type="checkbox"/>
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3. *Are you being assisted in preparing your complaint by any person who would fall under categories (a), (b) or (c) in Question 2?*

YES	<input type="checkbox"/>
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NO	<input type="checkbox"/>
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4. *Does your complaint relate to a comment a councillor has made in a meeting of Council or in any political forum outside of Derby City Council?*

YES	<input type="checkbox"/>
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NO	<input type="checkbox"/>
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5. *Has the person or persons you are complaining about sought to make amends, such as through an apology for his/her/their actions or through any other action that could potentially arise as a Standard Committee sanction following an investigation?*

YES	<input type="checkbox"/>
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NO	<input type="checkbox"/>
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6. *Do you accept that any decision made by the Standards Committee or the Monitoring Officer, or investigator appointed by the Monitoring Officer, is final and will conclude the matter in respect of the Standards process?*

**Please note that complaints will not be considered unless this is accepted.**

YES	<input type="checkbox"/>
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NO	<input type="checkbox"/>
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# Complaint Form

## About you

Preferred title:  Full name:

Postal address:

Email address:

Mobile number:  Landline:

Please tick here if you are employed by Derby City Council:

*The data we keep about you will be for the purpose of communicating with you while your complaint is in process. All complaints will then be kept on file for a period of six years after they are received. Contact details will not be used for other purposes nor disclosed. However, we may not be able to keep your identity confidential.*

## Declaration

Please consider the complaint I have described and any evidence I have attached. I understand and accept that the details will normally be disclosed to the member, particularly if the matter proceeds to an investigation.

I understand that my complaint will be kept on file for up to six years after the date of its submission. I agree to my data being retained during this period and understand that in making a complaint my identity may not remain confidential.

Signature:

Date:

## About your complaint

Name or names of the member(s) you are complaining about.

*Please indicate below which part(s) of the Members' Code of Conduct you allege have been breached (please see Appendix 1 for the full definitions of each the paragraphs which are referenced):*

Paragraph ref	Summary	
3.1	Treating others with respect	<input type="checkbox"/>
3.2	Not breaching equality laws, bullying, intimidating or compromising the impartiality of those who work for the council	<input type="checkbox"/>
4.1	Not disclosing information given in confidence or preventing access to information to which a person is entitled	<input type="checkbox"/>
5.1	Not bringing office or authority into disrepute	<input type="checkbox"/>
6.1	Not using position as a member or council resources improperly	<input type="checkbox"/>
7.1 and 7.2	Having regard to relevant advice and giving reasons for decision as required.	<input type="checkbox"/>
8.1 – 12.12	Failings in relation to the declarations of pecuniary interests or gifts	<input type="checkbox"/>
13.1	Failings in relation to interests arising at overview and scrutiny committees	<input type="checkbox"/>
14.1 – 15.2	Failings in relation to the registration of interests	<input type="checkbox"/>

*Please indicate below which sanction(s) you are seeking against the councillor(s).*

### Summary

That the member is censured or asked to apologise	<input type="checkbox"/>
That the findings against the member be reported to Council	<input type="checkbox"/>
That it be recommended to the Group Leader (or to Council for ungrouped members) that the member be removed from any or all committees	<input type="checkbox"/>
That it be recommended to Council that the member be replaced as Executive Leader	<input type="checkbox"/>
That it be recommended to the Leader of the Council that the member be removed from the Cabinet or from particular portfolio responsibilities.	<input type="checkbox"/>
That it be recommended that the member undertake training	<input type="checkbox"/>
That it be recommended to Council that the member be removed from all outside appointments to which (s)he has been nominated by the authority.	<input type="checkbox"/>

*Please provide details of your complaint below:*

*(continue on additional pages as required)*

A large empty rectangular box with a thin black border, intended for providing details of a complaint.

**Only complete the below section if you are requesting that your identity is kept confidential**

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 you would be placed in serious risk by its disclosure.

If you wish your details to be kept confidential, please explain your reasons for requesting this. 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 and communicate the outcome to you.

If your request for confidentiality is not granted, you may usually withdraw your complaint. However 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.