



## **COMPLAINT FORM**

This complaint form is designed to assist you in making a complaint about the conduct of a borough or town or parish councillor. The points listed below will help you decide whether this is the correct form to use when making your complaint. You should speak to the Monitoring Officer on 01892 554257 if you are not clear if the Standards Assessment Sub-Committee can consider your complaint.

Please take some time to read the notes below which are designed to assist you in making your complaint and to ensure you understand the process that will be followed.

### **About your complaint**

Your complaint should meet the following criteria:

- 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 authority, or after they have resigned or otherwise ceased to be a member, cannot be considered by the Sub-Committee.
- The Code of Conduct came into effect on 5 May 2002, (and was amended in 2007) although some authorities adopted the Code of Conduct earlier. If your complaint concerns matters that occurred before 5 May 2002 you should contact the Monitoring Officer before making your complaint to check whether it is within the jurisdiction of the Sub-Committee to consider.
- Your complaint must be about one or more named members of the following authorities: Tunbridge Wells Borough Council, Benenden Parish Council, Bidborough Parish Council, Brenchley Parish Council, Capel Parish Council, Cranbrook Parish Council, Frittenden Parish Council, Goudhurst Parish Council, Hawkhurst Parish Council, Horsmonden Parish Council, Lamberhurst Parish Council, Paddock Wood Town Council, Pembury Parish Council, Sandhurst Parish Council, Southborough Town Council, Speldhurst Parish Council.

- Your complaint must be that the member(s) has, or may have, breached the Code of Conduct relevant to the authority to which they belong to (if you require a copy of the relevant Code please contact a member of Democratic Services on 01892 554007 ). Please contact the Monitoring Officer if you require any further information.
- Complaints about dissatisfaction with a decision or action of the authority or one of its committees, a service provided by the authority or the authority's procedures do not fall within the jurisdiction of the Standards Committee. Complaints about the actions of people employed by the authority also do not fall within the jurisdiction of the Standards Committee. Please contact the Customer Services Manager on 01892 554077 for further information on these issues.
- Your complaint must be in writing. If a disability prevents you from making your complaint in writing you may contact the Monitoring Officer, for assistance.

It is important to note that not every complaint that falls within the jurisdiction of the Sub-Committee will be referred for investigation or other action. The Sub-Committee must decide whether this is appropriate. It will make this decision using referral criteria. If the Sub-Committee decides not to refer your complaint for investigation or other action it will give you the reasons for this decision. It will also explain any right that you may have to ask for the decision to be reviewed.

### **What happens once you submit your complaint?**

When you submit your complaint we will contact 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.

Tunbridge Wells Borough Council's Standards Committee has agreed to take a measured and proportionate approach to complaints. If at all possible, we will seek to resolve the inquiry before it is formally considered by the Sub-Committee. To help us in this, please take time to consider and complete Question 5 regarding the outcome(s) you are seeking. Clearly, if you wish for your complaint to be considered by the Sub-Committee without any attempt at mediation this is your right and you should make this clear either in your complaint form or to the Monitoring Officer when he contacts you.

The Sub-Committee will then meet to consider your complaint and decide whether it should be referred for investigation or other action. This will happen within an average of 20 working days of the date we receive your complaint. Meetings of the Sub-Committee are usually 'closed', which means that you will not be able to attend.

It is therefore very important that you set your complaint out clearly and provide at the outset all the information you wish the Sub-Committee to consider.

When the Sub-Committee has reached its decision we will notify you in writing whether your complaint has been referred for investigation or other action. At the same time as we write to you, we will also write to the member(s) you have complained about and the parish/town clerk (if applicable).

We will send these letters within five working days of the Sub-Committee reaching its decision. The decision of the Sub-Committee is made available for public inspection once the member the complaint is about has been given a summary of the decision. In very limited situations the member may not be given this summary immediately and if so any public inspection will not happen until the member does get the summary.

### **What is meant by 'other action'?**

The Sub-Committee may decide to refer your complaint for 'other action' instead of referring it for investigation. Other action is a deliberately broad term that may include options such as the person you have complained about undergoing training. The Sub-Committee will carefully consider the circumstances surrounding your complaint when deciding whether other action is appropriate. If the Sub-Committee decides to refer your complaint for other action we will explain what this involves.

### **How should I set out my complaint?**

It is very important that you set your complaint out fully and clearly, and provide all the information at the outset. The following form is designed to help you do this. You should also provide any documents or other material that you wish the Sub-Committee to consider, where possible. Unless the authority advises you otherwise, you will not be able to attend the meeting of the Sub-Committee.

We recommend that you use our complaint form. 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 relevant Code of Conduct. Please stipulate which paragraph(s) of the Code you consider may have been breached. Complaints will not be considered unless the relevant paragraph(s) have been identified on the form.

**If you require any assistance in completing the form please contact the Monitoring Officer in the first instance.**

## Your details

1. Please provide your name and contact details

Title:	
First Name:	
Last name:	
Address	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

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

However, we will tell the following people that you have made this complaint:

- The member(s) you are complaining about
- The Monitoring Officer of the authority
- The parish/town clerk (if applicable)

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 a serious concern about your name and a summary or details of your complaint being released, please complete section 6 of this form.

2. Please tell us which complainant type best describes you:

<input type="checkbox"/>	Member of the public
<input type="checkbox"/>	An elected or co-opted member of an authority
<input type="checkbox"/>	An independent member of the standards committee
<input type="checkbox"/>	Member of Parliament
<input type="checkbox"/>	Local authority monitoring officer
<input type="checkbox"/>	Other council officer or authority employee
<input type="checkbox"/>	Other (please specify:                    )

**Making your complaint**

3. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name

4. Please explain in this section (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.

It is important that you provide all the information you wish to have taken into account by the Sub-Committee when it decides whether to take any action on your complaint. 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 specify what section(s) of the Code have been breached.
- 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.

Please provide us with the details of your complaint and the relevant paragraph(s) of the Code that may have been breached. Continue on a separate sheet if there is not enough space on this form.

5. Wherever possible, we will seek to resolve complaints informally by talking to both the complainant and the member who is the subject of the complaint to determine whether there is any mutually acceptable way forward (for example, if an apology is made). If this is something you are willing to consider, please complete the box below.

Please provide details of the outcome(s) you are seeking. Continue on a separate sheet if there is not enough space on this form.

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

6. 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 the Monitoring Officer is of the opinion that it is in the public interest to do so.

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. We will then contact you with a 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.

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

**Additional Help**

7. Complaints must be submitted in writing. This includes fax and electronic submission. However, in line with the requirements of the Disability Discrimination Act 2000, 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.

If you have any questions or require any additional information, please contact the Monitoring Officer, Paul Cummins, on 01892 554257 or by email at paul.cummins@tunbridgewells.gov.uk

**Dated:**

## Equality Monitoring - Improving our services to meet your needs

We want to ensure we shape and design our services around the local population. So that we can provide the services that meet your needs, we would be grateful if you would answer the questions below.

Your answers are key to us finding out about the profile of our customers and whether the services we provide need improving to meet particular needs.

We will publish reports showing how the information has contributed to improvements in our services. So you can see how the data is being used, reports will be available annually at [www.tunbridgewells.gov.uk/equality](http://www.tunbridgewells.gov.uk/equality) and in other formats on request. Your answers will not be used for any other purpose and will be kept **confidential** and **anonymous**.

Thank you for taking the time to answer these questions.

<b>(1) What is your gender? (please tick)</b>			
Male		Female	
<b>(2) What is your age group? (please tick)</b>			
0-15		65-74	
16-19		75-84	
20-44		85+	
45-64			
<b>(3) What is your ethnic group? (please tick)</b>			
<b>White</b>		<b>Mixed</b>	
British		White and Black Caribbean	
Irish		White and Black African	
		White and Asian	
Any other White background, please write in:		Any other Mixed background, please write in:	
<b>Asian or Asian British</b>		<b>Black or Black British</b>	
Indian		Caribbean	
Pakistani		African	
Bangladeshi			
Chinese			
Any other Asian background, please write in:		Any other Black background, please write in:	

<b>Other ethnic group</b>					
Gypsy/Romany					
Irish Traveller					
Any other, please write in:					
<b>(4) What languages can you understand, speak, read or write?(tick any that apply)</b>					
	No Ability	Understand spoken	Speak	Read	Write
English					
Other language, please write in:					
<b>(5a) Do you have or have you had any long-standing condition or disability that has a substantial effect on your ability to carry out normal day-to-day activities?</b>					<b>Yes / No</b>
<b>(5b) If yes, please state the type of impairment which applies to you (tick any that apply).</b>					
<b>Physical impairment</b>					
<b>Sensory impairment</b>					
<b>Mental health condition</b>					
<b>Learning disability / difficulty</b>					
<b>Long-standing illness or health condition</b>					
Other (please specify):					