

West Devon Borough Council

Notes to help you with the Code of Conduct Complaint Form

Guidance Note 1

Are you using the correct form?

The points listed below will help you decide whether the Code of Conduct Complaint Form is the right form to use when making your complaint.

- Your complaint must be about a councillor's conduct that occurred while the councillor was in office. Conduct before the councillor was elected, co-opted or appointed to the Council, or after s/he has resigned or otherwise ceased to be a councillor, cannot be considered.
- Your complaint must be about one or more named members of West Devon Borough Council or a member of one of the parish/town councils within West Devon.
- Your complaint must be that the councillor has (or may have) breached the Code of Conduct. A copy of the West Devon Code of Conduct is available on the Council's Website at www.westdevon.gov.uk.
- Copies of the parish or town council Code of Conduct are available from the Clerk to the relevant town or parish council.
- If you are unhappy with:
 - a decision made by the Borough Council
 - any action taken by the Council or one of its committees
 - a service provided by the Council
 - the Council's procedures, or
 - the actions of people employed by the Council

then you need to use the Borough Council's Complaints Procedure instead.

- If you are unhappy with decisions, actions or procedures relating to the parish / town council, then please contact the relevant Parish /Town Council Clerk.
- It is also important to note that not every complaint that the Code has been broken will be referred for investigation. The Monitoring Officer (in consultation with the Independent Person) must decide whether this is appropriate, and will make this decision using adopted criteria.
- If the Council decides not to refer your complaint for investigation, we will give you the reasons for this decision.

Guidance Note 2

Your complaint must be submitted **in writing**. This means you can email an electronic version of your complaint or post a hard copy to the Council.

Your address and contact details will not usually be released unless necessary or in order to deal with your complaint. However, we will tell the following people that you have made this complaint:

- the Councillor(s) you are complaining about
- the Council's Monitoring Officer

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- the Parish or Town Clerk (if applicable)
- the Independent Person and Members of the Standards Committee

We will tell them your name and details of your complaint (save the Clerk who will receive a summary only). However, if you have serious concerns about your name, or details of your complaint, being released please see Guidance Note 4 below and complete box 4 on the Complaint Form.

Guidance Note 3

Anonymous complaints will not be considered unless they relate to exceptionally serious or significant matters and are supported by documentary or other evidence.

Guidance Note 4

Confidentiality

In the interests of fairness and natural justice, we believe that councillors 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 details of the complaint. We are unlikely to withhold your identity or the details of your complaint save in exceptional circumstances.

To help us to fully consider your request for confidentiality please explain why you think your details should be kept confidential.

Requests for confidentiality 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.

Guidance Note 5

Details of your complaint

Please explain in the box below (or on separate sheets) what the councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one councillor you should clearly explain what each individual councillor 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 when your complaint is considered. For example:

- You should be specific (wherever possible) about exactly what you are alleging the councillor said or did. For instance, as well as writing that the councillor insulted you, you should state what it was s/he 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.