

MAKING A COMPLAINT

Complaining about the behaviour of a local authority member

Confidence in local democracy

 the
Standards Board
for England

Making a complaint: Complaining about the behaviour of a local authority member

From May 2008, if you want to make a complaint about the conduct of a councillor, you must write to the standards committee of the council concerned. If your complaint is about a parish or town councillor, you should send it to your district or unitary authority – in other words, the council that collects your council tax.

You can also make a complaint about a member of other bodies like police authorities, fire authorities, national park authorities and passenger transport authorities, which have standards committees as well.

The standards committee publishes information on how to make a complaint. If you can't find the right address for it you

should send your complaint to the main office of the council or authority. You can find the authority's address on its website or in the phone book.

What is a standards committee?

A standards committee is a group of people appointed by an authority to help maintain and promote high ethical standards. Standards committees are made up of councillors, or members of the authority, and independent people (who are not councillors or employees of the council or authority). If you live in an area that has town or parish councils, members of those councils will also be part of the standards committee of the district or unitary authority.

What complaints does a standards committee deal with?

The standards committee can only deal with complaints about the behaviour of a member of its council or authority. It will not deal with complaints about things that are not covered by the members' Code of Conduct.

If you make a complaint to the standards committee it must be in writing. You should say who it is about and why you think they have not followed the Code of Conduct.

Standards committees will not look at complaints that are about:

- People employed by the council or authority.
- Incidents that happened before a member was elected or chosen to serve.

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- Incidents that happened either before the authority adopted the Code of Conduct or before 5 May 2002, whichever is earlier.
- The way an authority conducts or records its meetings.
- The way an authority has or has not done something. This may be a matter for the Local Government Ombudsman if the authority has not dealt with the matter properly and it has not been resolved locally.
- Decisions of the authority or one of the services it provides. In this case, you should ask how to complain using the authority's own complaints system.

What will happen to your complaint?

Once you have made a complaint, you will be told in writing what will happen to it. If the

authority decides that the standards committee will deal with your complaint, it will set up a meeting of no less than three members of the committee to decide what should happen next. The meeting will be chaired by one of the independent people on the standards committee. This should happen within 20 days.

The committee can decide to:

- Investigate your complaint.
- Take some other action.
- Send it to the Standards Board for England to investigate.
- Send it to the standards committee of another authority if the member belongs to that authority, or one of the parish or town councils that come under it.
- Take no further action.

What is “other action”?

“Other action” is usually some form of conflict resolution, mediation or training. This decision is reached where the standards committee decides that it is likely to resolve the situation more effectively than an investigation and possible sanction.

What if the standards committee decides to take no further action and you don’t agree?

The law says that the standards committee should take reasonable steps to tell you the reason for its decision. You may not agree with the reasons, or think that it did not make the decision properly, or you may have new information that you think might affect its decision. If so, you can ask the committee to review its decision. You have to ask it to do this in writing within 30 calendar days of receiving its decision.

The standards committee must consider your request within three months.

The decision will be reviewed by at least three members of the standards committee. None of the people who made the original decision are allowed to take part in the review. This meeting will be chaired by one of the independent people on the standards committee. They can uphold the original decision or overturn it, and will tell you in writing what they have decided.

What is the Standards Board for England's role?

The Standards Board provides the national, independent oversight that is needed for there to be confidence in this locally based system.

We:

- Require councils and other authorities to tell us how well they are dealing with

complaints about the conduct of their members.

- Work with standards committees to help them improve if they do not deal with complaints about their members properly.
- Give standards committees and councillors guidance on understanding the Code of Conduct and how to deal with complaints about the conduct of members of their council or authority.
- Can take away the power of the standards committee to receive complaints about their members if we believe it necessary.
- Investigate the most serious cases where the local standards committee believes it is not best placed to deal with the matter and we agree with them.
- Publish information about how councils and other authorities are dealing with complaints about their members.

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If you are still unsure about what to do with your complaint, please call our enquiries line on **0845 078 8181** or email us at **enquiries@standardsboard.gov.uk**

You can find out more about the work of the Standards Board and the Code of Conduct by visiting our website at **www.standardsboard.gov.uk** or by contacting us through the details above.

For a large print version of this leaflet, please email **publications@standardsboard.gov.uk** or call **0161 817 5300**.