



Telford & Wrekin

C O U N C I L

GUIDANCE ON COMPLAINTS

ABOUT COUNCILLORS

1. Introduction

This guidance provides information about the system for making complaints about Telford & Wrekin Borough Councillors and Councillors from the Parish and Town Councils within the Borough of Telford & Wrekin. It is particularly intended for those people who wish to make a complaint about a Councillor and require further information as to how to do so. This guidance relates specifically to the system followed by Telford & Wrekin Council's Standards Committee. Systems for processing Councillor's complaints outside the Borough of Telford & Wrekin may be different.

2. How to make a complaint

If you wish to make a complaint about the behaviour or actions undertaken by a Councillor you can make a formal complaint to Telford & Wrekin Council's Standards Committee. The Standards Committee have been designated in legislation to consider the complaints which relate to both Borough Councillors and also the Parish and Town Councillors from Parish and Town Councils within the Borough of Telford & Wrekin.

After being elected, all Councillors sign a declaration undertaking to abide by the terms of the Elected Members ("Members") Code of Conduct. The Code of Conduct adopted by Telford & Wrekin Council is attached to this guidance at Appendix 1. Each Parish and Town Council within the Borough of Telford & Wrekin will have adopted their own Code of Conduct which will be similar to the one set out in Appendix 1 but may have a few variations. If you wish to complain about a Councillor you may wish to review the terms of the Code of Conduct to see which particular element of the Code you believe has been breached. If you have a complaint with regards to a Parish or Town Councillor it is suggested that you contact the Clerk of the relevant Parish or Town Council concerned to obtain a copy of the Code of Conduct which they have adopted. Contact details for the Parish and Town Councils in the Borough are attached to this guidance at Appendix 2.

3. Preparing and submitting your complaint

Your complaint should be set out in writing and the Standards Committee has also agreed that they would wish all complaints to be signed and dated by the person who is making the complaint. In order to assist with the information which you are required to provide, a complaint form has been prepared for you to use if you wish. A copy of the complaint form is attached at Appendix 3. You do not have to use the complaint form but it may assist the Standards Committee when considering your complaint if you have provided all of the details which are requested in the form. When submitting your complaint it is recommended that you include as much information as possible and attach any evidence upon which you want to rely. This could include letters, emails, statements, copies of Council meeting minutes etc.

You will need to send your complaint to the address set out below.

The Chairman of the Standards Committee,

c/o The Head of Legal Services and Monitoring Officer,
Telford & Wrekin Council,
Legal Services,
PO Box 215,
Civic Offices,
Telford
TF3 4LF

4. What happens when my complaint has been received?

The Monitoring Officer for Telford & Wrekin Council will receive your complaint on behalf of the Chairman of the Standards Committee. At that point arrangements will be made for a group of Members from the Standards Committee (known as the Referrals Sub-Committee) to meet and make an initial assessment of your complaint. This should happen within twenty working days of us receiving your complaint. You will normally be contacted after receipt of your complaint confirming that the Referral Sub-Committee meeting will go ahead and confirming the date by which it is expected that your complaint will have been assessed. The Standards Committee have prepared a protocol for dealing with the receipt of complaints which is attached to this guidance at Appendix 4. The protocol includes information as to work which may be undertaken by the Monitoring Officer before the complaint is assessed. This could include contacting you for further information. It is also expected that the Councillor who is the subject of the complaint will be notified that you have made the complaint and some brief details provided to them. In cases where you do not want your name to be supplied to the Councillor who you have complained about you can put this in the complaint form attached at Appendix 3. However, it will ultimately be a decision for the Referral Sub-Committee to decide whether or not this information is released to the Councillor concerned.

5. How will my complaint be assessed?

When the Referrals Sub-Committee meets they will not be deciding whether or not your complaint amounts to a breach of the Councillors Code. Instead they will be making an initial decision as to what further work will be needed to decide whether or not your complaint will be upheld. This meeting will be in private and both the person complaining and the Member who is subject to the complaint will not be able to attend.

The Referrals Sub-Committee have a criteria to use as a guide as to what decision they should make. A copy of this criterion is attached at Appendix 5. If the Sub-Committee decides that the complaint relates to an aspect of the Code of Conduct and that it is sufficiently serious to be investigated they can ask that an investigation is undertaken locally under the direction of the Monitoring Officer. Alternatively they could refer the matter to the Standards for England in order for them to undertake an investigation. This will depend upon how serious they consider the potential breach to be. However, if the Sub-Committee decide that the matter should not be investigated they can either decide that no further action should be taken or they may decide to ask the Monitoring Officer to undertake some other action such as asking the Councillor concerned to attend some training or asking the Monitoring

Officer to set up some mediation between the person who has made the complaint and the Councillor who has been complained about.

You will be informed about the Referral Sub-Committee's decision normally within five working days of the meeting taking place.

6. What happens if I disagree with the decision that the Referral Sub-Committee have made?

If the Sub-Committee has decided that your complaint does not require any further action then you can ask for that decision to be reviewed by writing to the Monitoring Officer within thirty days of the Referral Sub-Committee taking place. When you write in you will be asked to set out why you want a review and also whether or not there is any information which you do not think has been considered. A Review Sub-Committee of the Standards Committee will then be set up and this will be made up of a different group of Members from the Standards Committee that considered the complaint initially. The Review Sub-Committee will meet within three months of the review being requested and have the same powers available to them at the Referrals Sub-Committee. If the Review Sub-Committee decides that no further action is to be taken then you have no further right of review by the Standards Committee.

7. What happens if the matter is investigated?

An investigation may be undertaken locally either by an officer of Telford & Wrekin Council or by an external investigator employed by Telford & Wrekin Council. If your complaint is more serious then it will be investigated by an Ethical Standards Officer who is instructed by Standards for England. You should expect to be contacted as part of that investigation and asked to answer questions in order to obtain further information. Normally, within three months of the complaint being referred for investigation a report will be prepared and submitted back to the Standards Committee. If the investigation indicates that there has been a breach of the Code of Conduct then the matter will proceed to a Standards Committee hearing. As part of that hearing process you may be asked to attend and give evidence. If the matter is more serious then the complaint will be dealt with by the Adjudication Panel for England who are a body that are independent of Telford & Wrekin Council and similarly you may be asked to give evidence there (the Adjudication Panel for England can also be used by any Councillor who wishes to appeal against a decision of the Standards Committee after an investigation and hearing which has found them to be in breach of the Code of Conduct).

8. Further Information

A list of frequently asked questions is contained at Appendix 6 of this report. Further information can also be obtained by visiting the Standards for England website at www.standardsforengland.gov.uk or the website for the Adjudication Panel for England at www.adjudicationpanel.co.uk . Contact details for the Monitoring Officer and Deputy Monitoring Officers are set out below.

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