

## **COMPLAINING ABOUT A COUNCILLOR**

All Councillors, whether a Borough, Town or Parish Councillor have to comply with a code of conduct that details what is expected of them when they carry out their role as a Councillor.

This document explains how to make a complaint about a Councillor if you think that they might have breached a code of conduct that applies to them.

### **The Code of Conduct**

Telford & Wrekin Council has adopted a code of conduct that applies to all members and co-opted members of the Council. You can get a copy by following this link [*insert link*] or by contacting the Monitoring Officer whose contact details are provided below.

All Town and Parish Councils have their own code of conduct which you can obtain from their individual web-sites or, if there isn't one, by contacting the Clerk directly. [*insert link to Town and Parish Clerks*].

If you are not sure which Council a Councillor belongs to then you can obtain help and support from the Monitoring Officer.

### **Can I be confident that my complaint will be properly dealt with**

The law requires the Council to appoint an Independent Person: a person who has nothing to do with the Council other than in this role who must to be consulted at various stages during the complaints process and whose role is to ensure that all complaints are dealt with fairly, a role that can also include giving views to the Councillor who is the subject of the complaint.

### **Making a Complaint**

Write to the Monitoring Officer, Civic Offices, PO Box 215, Telford, TF3 4LF or alternatively by e-mail at [monitoring.officer@telford.gov.uk](mailto:monitoring.officer@telford.gov.uk)

The Monitoring Officer is the person responsible for administering this complaints system. There is a form for you to use [*insert link*] but you do not need to use it as long as you include all the information that is included on the form.

### **What happens next?**

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it.

The Monitoring Officer will review your complaint, discuss it with the Independent Person and write to you to inform you whether or not he/she has decided to refer it for investigation. Normally this will be within 14 working days of receiving your complaint.

The Monitoring Officer might ask for more information, he/ she might also ask for information from the Councillor who you are complaining about or the Council that the Councillor is a member of.

The Monitoring Officer might seek to resolve the complaint informally, ie before deciding to refer your complaint for investigation. Obviously your views are important here but if the Monitoring Officer believes that the proposed solution is reasonable, for example acceptance that behaviour was unacceptable and an offered apology, this might affect the decision of the Monitoring Officer about whether or not the complaint merits formal investigation.

### **Investigations**

If referring for formal investigation the Monitoring Officer will appoint an Investigating Officer who will contact you and the Councillor that you have complained about and undertake any other such investigations as he/she considers appropriate for the purposes of the investigation. In exceptional cases your identity will be protected for some or all of the investigation. If you consider that it would be appropriate to do this in your case you must let the Monitoring Officer know when you make your complaint. (This would generally only be done where providing your details might prejudice the investigation).

The Investigation Officer will publish a draft report for consideration by you and the Councillor that you have complained. Once any comments have been considered by the Investigating Officer a Final Report will be

produced and sent to the Monitoring Officer. The Final Report will then be considered by the Monitoring Officer who may either accept the report or ask the investigating Officer to re-consider his/ her report.

**Investigation finding of No Breach**

The Monitoring Officer will write to you and the Councillor who you have complained about enclosing a copy of the Final Report and confirming that no further action is required. If it is a complaint about a Town or Parish Councillor then a copy will also be sent to the Clerk of the relevant Town or Parish Council.

**Investigation finding of Breach**

The Monitoring Officer will write to you and the Councillor who you have complained about enclosing a copy of the Final Report and will either seek local resolution or will convene a hearing of the Council’s Hearings Committee.

**Local Resolution**

If the Monitoring Officer, the Independent Person and you all agree a fair resolution of the complaint in a way that promotes high standards of conduct and the Councillor complies with the suggested resolution then the Monitoring Officer will report the matter to the Standards Committee for information but will take no further action.

**Hearing**

If local resolution is not possible then the Monitoring Officer will convene a meeting of the Council’s Hearings Committee for it to consider the Investigating Officer’s Report and the views of the Independent Person on the allegation and determine whether or not there has been a breach of the Council’s Code of Conduct and if so what action, if any, to take in respect of the Councillor.

You can get a copy of the Hearings Procedure by following this link [*insert link*] or by contacting the Monitoring Officer whose contact details are provided above but note you might be asked by the Investigating Officer to attend and give evidence to the Hearings Committee.

**Decision – no breach**

The complaint is dismissed.

**Decision - breach**

After offering the Councillor complained about an opportunity to speak

Pre Hearing

1. Notification of hearing date (Investigation Report already provided to the Councillor)
2. Invitation to Councillor to submit list of further documents/ witnesses that he/she wishes to call
3. Circulation of papers

Hearing

4. Introductions
5. Chair explains the process to be followed
6. Investigating Officer present his/ her report (and may ask witnesses to attend if necessary)
7. Panel may ask questions
8. Councillor or his/ her representative may ask questions
9. Councillor or his/ her representative presents his/ her case (and may ask witnesses to attend if necessary)