

## **Guide to making a complaint about elected and co-opted members of Leicestershire County Council**

Councillors and Co-opted Members of the County Council are required to conduct themselves in accordance with a locally agreed **Members' Code of Conduct**, from [Part 5A of the County Council's Constitution](#). If you believe that a Member or Co-opted Member has breached this Code you may:

- Discuss your concerns informally with the Monitoring Officer, Lauren Haslam, on 0116 305 6240.
- Make a formal complaint.

### **How to make a formal complaint**

A complaint must be made in writing, preferably on the Council's [online Councillor complaint form](#) which is accessed on the Council website. Alternatively, you may send an email to [democracy@leics.gov.uk](mailto:democracy@leics.gov.uk) or write a letter and submit this to:

The Monitoring Officer, Leicestershire County Council, Chief Executive's Department, County Hall, Glenfield, Leicester, LE3 8RA.

Please send any documents that support your complaint with your form, email or letter.

If you cannot write your complaint in English, we can arrange to have it translated for you. If you have any questions or difficulties filling in the form, please contact the Democratic Services Section on 0116 305 6462 or e-mail [democracy@leics.gov.uk](mailto:democracy@leics.gov.uk).

### **Who you can complain about**

You can complain about County Councillors (referred to as Members) and Co-opted members of Leicestershire County Council. We cannot consider complaints about the Authority as a whole or about people employed by it under this procedure.

### **What you can complain about**

You can complain about a Member or Co-opted member breaking any part of the Authority's Members' Code of Conduct. This includes:

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| * Failing to treat others with respect                       | * Failing to reveal an interest at a meeting             |
| * Intimidating a person involved in a complaint against them | * Misusing the Authority's resources                     |
| * Compromising the impartiality of Authority employees       | * Causing the Authority to breach equalities legislation |
| * Damaging the reputation of their office or the Authority   | * Bullying others  |
|  | * Revealing information given in confidence              |

\* Using their position improperly, to their own or someone else's advantage or disadvantage

\* Failing to register an interest or any gifts or hospitality received worth over £50

### **What cannot be investigated**

Complaints that cannot be investigated under this Procedure include:

\* Complaints that are not in writing

\* Incidents/actions not covered by the Code

\* Incidents regarding a fault in the way the Authority has or has not done something i.e. maladministration - a matter for the Local Government Ombudsman ([www.lgo.org.uk](http://www.lgo.org.uk))

\* Incidents that happened before a member was elected/co-opted, or after they have stopped being a member/co-opted member

\* Complaints about Authority employees

\* Complaints about a member not acting in the capacity as a member of the Authority

\* Complaints about the way in which the Authority conducts and records its meetings

### **Whether your name and a summary of your complaint will be released**

In the interests of fairness and natural justice, Members/Co-opted members will be told who has made the complaint and be provided with full details of the complaint. We are unlikely to withhold this information unless:

- you have reasonable grounds to believe you will be at risk of physical harm if your identity is disclosed;
- you suffer from a serious health condition and there are medical risks associated with your identity being disclosed;
- you are an officer working closely with the Member/Co-opted member concerned and are afraid of the consequences for your employment prospects if your identity is disclosed, notwithstanding the County Council's Whistleblowing Policy.

**Please note** - requests for confidentiality will not automatically be granted. The Monitoring Officer will consider the request alongside the substance of your complaint, the requirements of natural justice and the public interest. They will then contact you with their decision.

If your request for confidentiality is refused, you may be offered the option of withdrawing your complaint except in exceptional circumstances (e.g. where the matter complained about is very serious), when we may proceed with an investigation/other action and may disclose your name, even if you have expressly asked us not to, if this is necessary to deal with the complaint effectively.

There may also be circumstances where the Monitoring Officer decides to refer the matter to the police.

### **What information you should provide**

You must provide all the information you wish to have taken into account by the Monitoring Officer when you first make your complaint. For example:

- You should be specific 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. If you cannot provide exact dates, it is important to give a general timeframe.
- You should confirm whether there are any witnesses and provide their names and contact details if possible.
- You will need to indicate which sections of the Members' Code of Conduct have been breached.
- You should provide any relevant background information or evidence in support of your complaint.

The Monitoring Officer may ask you for further information.

Whilst we are unable to acknowledge that your complaint is justified at this stage, it would help with the assessment of your complaint to know what your desired outcome might be. If you feel able to provide this information, please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint. Possible remedies are listed below.

### **How your complaint will be handled**

- **Acknowledgment** - Complaints will be acknowledged and then assessed by the Monitoring Officer to determine whether or not this is a valid complaint that can be considered under the Code.
- **Fact Finding** - If the complaint is valid, the Monitoring Officer will make enquiries to determine the facts of the complaint and to see if this can be dealt with informally or whether any further action is required under this process. The views of one of the independent people appointed by the Council may be sought.
- **No further action** - If the Monitoring Officer decides no further action is required, the complainant and the member/co-opted member will be notified as soon as possible. There is no right to a review of this decision.
- **Referral to the Member Conduct Panel** - If the Monitoring Officer decides that further action may be required, the complaint will be referred to the Member Conduct Panel which will meet in private to consider whether an investigation is appropriate.
- **Not to Investigate** - If the Panel decide not to investigate, they may take no further action and the complainant and the member/co-opted member will be

notified as soon as possible. Alternatively, they may issue a direction to the Monitoring Officer that the complaint be dealt with in another way, (e.g. through member training, the issue of an apology).

- To Investigate - If the Member Conduct Panel concludes that the complaint should be investigated, this will be carried out by the Monitoring Officer or someone appointed by them.
- Finding of No Breach of the Code - If the investigator finds that the member has not breached the Code, the Monitoring Officer will consult with one of the independent people appointed by the Council to decide if any further action is required. If no further action is required the complainant and member/co-opted member will be notified as soon as possible. There is no right to a review of this decision.
- Finding of a Breach of the Code - If the investigator finds that the member has breached the Code, the Monitoring Officer will again consult an independent person and decide whether or not a hearing should be held before the Member Conduct Panel.
- Hearing - Hearings will generally take place in public and the decision of the Panel will be published on the Council's website. The complainant and the member/co-opted member will be notified as soon as possible of the Panel's decision. There is no right to a review of this decision by either party. If the Panel conclude the member has failed to follow the Code, it could set a penalty which may include:
  - (a) A formal letter to the member;
  - (b) Censure;
  - (c) Restriction of the member's access to the resources of the Authority;
  - (d) A written apology in a form specified by the Panel;
  - (e) Training as specified by the Panel;
  - (f) A recommendation to the member's Group Leader (or in the case of un-grouped members, a recommendation to Council or to a relevant Committee) that the member be removed from any or all Committees or Sub-Committees of the Council;
  - (g) A recommendation to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
  - (h) A recommendation to Council to remove the member from all outside appointments to which they have been appointed or nominated by the Authority;
  - (i) A recommendation to Council that it excludes the member from the Council's offices or other premises (with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings to be able to carry out their role as an elected representative) and/or restricts contact with officers / to named officers only.

**DO YOU NEED ANY MORE HELP?**

We hope this guidance has answered all your questions about making a complaint.

If, however, you have any more questions, you can contact us at:

Telephone: 0116 305 2583 Fax: 0116 305 6221

E-mail: [democracy@leics.gov.uk](mailto:democracy@leics.gov.uk)