

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](#). If you believe that a 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](#). Alternatively you may write a letter (covering all the points in the form) 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 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 this form, please contact the Democratic Services Section on 0116 305 6462 or e-mail chiefexecs@leics.gov.uk.

Who you can complain about

You can complain about County Councillors 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 breaking any part of the Authority's Members' Code of Conduct. This includes:

- Failing to treat others with respect
- Intimidating a person involved in a complaint against them
- Causing the Authority to breach equalities legislation
- Bullying others

- Compromising the impartiality of Authority employees
- Revealing information given in confidence
- Damaging the reputation of their office or the Authority
- Using their position improperly, to their own or someone else's advantage or disadvantage
- Failing to reveal an interest at a meeting
- Failing to register an interest or any gifts or hospitality received worth over £50
- Misusing the Authority's resources

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))
- 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 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 should provide any relevant background information.

The Monitoring Officer may ask you for further information.

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.

IF 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 6462 Fax: 0116 305 6221

E-mail: chiefexecs@leics.gov.uk