To: The Monitoring Officer
Teignbridge District Council
Forde House
Brunel Road
Newton Abbot
TQ12 4XX

COMPLAINT FORM

Your details

1. Please provide us with your name and contact details

Title:	
First name:	
Last name:	
Address	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	
Date complaint submitted:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the Member(s) you are complaining about
- the Monitoring Officer of the Authority
- the parish or town clerk (if applicable)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 5 of this form.

2. Please tell us which complainant type best describes you:

- ☐ Member of the public
- ☐ An elected or co-opted member of an authority
- ☐ Member of Parliament
- ☐ Local Authority Monitoring Officer
- ☐ Other council officer or Authority employee
- ☐ Other (please state)

Making your complaint

Please provide us with the name of the Member(s) you believe have breached the Code of Conduct and the name of their Authority:

Title	**First Name**	**Last Name**	**Council or Authority Name**

4. Please explain in this section (or on separate sheets) what the Member has done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account when a declaration is made on whether to take any action on your complaint. For example:

- You should be specific, wherever possible, 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 wherever possible. If you cannot provide exact dates it is important to give a general timeframe.

- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

5. In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless we consider that there are exceptional circumstances.

To allow us to give full consideration to a request for confidentiality we require you to provide us with an explanation of the reason why you think your details should be kept confidential. Any request for confidentiality should be made in the space below.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer and/or the Standards Committee will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with the details of why you believe we should withhold your name and/or the details of your complaint:

6. Informal Resolution

It is often possible to resolve complaints without recourse to formal investigation and hearing. In such cases it is important that appropriate action to seek to achieve resolution of the matter is undertaken without delay.

To assist us in doing this it would be helpful if you could describe what remedy you are seeking / what action you think would be appropriate to resolve your complaint.

Please provide us with details of what remedy you are seeking / what action you think might provide a satisfactory resolution to your complaint:

Additional Help

7. Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please contact Sue Aggett, Monitoring Officer, on 01626 215163.

Signed: ..... Dated: .....

Arrangements and procedure for dealing with standards complaints under the Localism Act 2011

1 Context

These "Arrangements" set out how you may make a complaint that an elected or co-opted member of this authority or of a Town or Parish Council within the District of Teignbridge has failed to comply with the authority's Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority's Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place "arrangements" under which allegations that a member or co-opted member of the authority or of a Town or Parish Council within the authority's area, or of a Committee or Sub-Committee of the authority, has failed to comply with that authority's Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member or a member or co-opted member of a Town or Parish Council against whom an allegation as been made.

2 The Code of Conduct

Teignbridge District Council has adopted a Code of Conduct for members, which is attached as Appendix A to these arrangements and is available for inspection on the authority's website.

Town and Parish Councils are also required to adopt a Code of Conduct. If you wish to inspect a Parish Council's Code of Conduct, you should inspect any website operated by the Town or Parish Council and/or request the Parish Clerk to allow you to inspect the Parish Council's Code of Conduct.

It may also be available as a web link from the District Council's website - http://www.teignbridge.gov.uk/CHttpHandler.ashx?id=23886&p=0.

3 Making a complaint

If you wish to make a complaint, please write or email to –

Sue Aggett
Monitoring Officer
Teignbridge District Council
Forde House, Brunel Road
NEWTON ABBOT
TQ12 4XX

Sue.Aggett@teignbridge.gov.uk

or

Duncan Moors
Deputy Monitoring Officer
Teignbridge District Council
Forde House, Brunel Road
NEWTON ABBOT
TQ12 4XX

Duncan.Moors@teignbridge.gov.uk

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the model complaint form, which can be downloaded from the authority's website at http://www.teignbridge.gov.uk/index.aspx?articleid=16085, and is available on request.

Please provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint. The Monitoring Officer will also inform the member about whom you have complained that you have made a complaint about them and what the complaint is about.

4 Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

Where he/she requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your complaint is directed. Where your complaint relates to a Town or Parish Councillor, the Monitoring Officer will also inform the Town or Parish Council of your complaint and seek the views of the Town or Parish Council before deciding whether the complaint merits formal investigation.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member or the authority make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

In some cases at his or her discretion, the Monitoring Officer may refer the complaint to the Standards Committee to decide whether or not it should be investigated or other action taken.

5 How is the investigation conducted?

If the Monitoring Officer and/or the Standards Committee decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint, and ask the member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, if he/she is satisfied with the Investigating Officer's report and the conclusion of the Investigating Officer, the Monitoring Officer will write to you and to the member concerned and to the Town or Parish Council, where your complaint relates to a Town or Parish Councillor, notifying you that he/she is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. Normally this action will be taken in consultation with the Independent Person. If the Monitoring Officer is not satisfied with the

outcome of the investigation, he/she may ask the Investigating Officer to reconsider his/her report.

7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Standards Committee or, after consulting the Independent Person, seek local resolution.

7.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee (and the Town or Parish Council where appropriate) for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer may (but does not have to) refer the matter for a local hearing.

7.2 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution (unless the Monitoring Officer considers that you are acting unreasonably), or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will refer the Investigating Officer's report to the Standards Committee which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member. The hearing may be conducted by a Sub-Committee of the Standards Committee.

If this happens, the Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chairman of the Standards Committee may give guidance or issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and

give evidence to the Standards Committee. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Standards Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Standards Committee, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Standards Committee concludes that the member did fail to comply with the Code of Conduct, the Chairman will inform the member of this finding and the Standards Committee will then consider what action, if any, the Standards Committee should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Standards Committee will give the member an opportunity to make representations to the Panel and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

8 What action can the Standards Committee take where a member has failed to comply with the Code of Conduct?

The Council has delegated to the Standards Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Standards Committee may –

8.1 Censure or reprimand the member;

8.2 Publish its findings in respect of the member's conduct;

8.3 Report its findings to Council or to the Town or Parish Council for information;

8.4 Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;

8.5 Recommend to the Leader of the Council that the member be removed from the Executive, or removed from particular Portfolio responsibilities;

8.6 Recommend to Council that the member be replaced as Executive Leader;

8.7 Instruct the Monitoring Officer to or recommend that the Town or Parish Council arrange training for the member;

8.8 Remove or recommend to the Town or Parish Council that the member be removed from all outside appointments to which he/she has been appointed or nominated by the authority or by the Town or Parish Council;

8.9 Withdraw or recommend to the Town or Parish Council that it withdraws facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or

8.10 Exclude or recommend that the Town or Parish Council exclude 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.

The Standards Committee has no power to suspend or disqualify the member or to withdraw member's allowances or special responsibility allowances or to take action which would prevent the member carrying out his or her duties.

9 What happens at the end of the hearing?

At the end of the hearing, the Chairman will state the decision of the Standards Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Standards Committee resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer will prepare a formal decision notice in consultation with the Chairman of the Standards Committee, and send a copy to you, to the member (and to the Town and Parish Council if appropriate), make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

10 Who is the Independent Person?

The Independent Person is currently Mr Derek Phillips.

11 Appeals

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Standards Committee.

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.