

Iwerne Minster Parish Council

Arrangements for dealing with Code of Conduct complaints against Councillors

(Adopted by resolution August 2021)

What is a Code of Conduct complaint?

- Iwerne Minster Parish Council has adopted a code of conduct for its Councillors (also known as Members) and Co-opted Members, which is available for inspection on the council's website and on request from the Monitoring Officer.
- Each of the parish and town councils in Dorset have adopted a Code of Conduct for their Councillors and Co-opted Members which they publish on their own website.
- A Code of Conduct complaint is one that alleges that a Dorset Council or Dorset parish or town Councillor or Co-opted Member has failed to comply with their council's code of conduct.
- Iwerne Minster Parish Council is required to have arrangements in place to investigate and reach decisions about Code of Conduct complaints.
- These arrangements set out:
 - who you can complain about
 - what you can complain about
 - what cannot be complained about
 - how to make a complaint
 - how Iwerne Minster Parish Council will deal with such complaints

1. Who you can complain about?

You can complain about Councillors and Co-opted Members of Dorset Council or any Town or Parish Council in the area of Dorset Council. A co-opted Member is a voting member of a council or one of its committees, who was appointed to their position rather than being elected.

2. What can you complain about?

You can complain about the conduct of current, individual Councillors or Co-opted Members. The conduct complained of must be covered by the Code of Conduct and must have occurred during the Councillor or Co-opted Members time in office.

The conduct complained of must have happened in the last 20 working days. It could be a one-off incident or the last incident in a series of connected events (if a series of connected events is complained of all the connected events may be considered as part of the complaint even if some of the events are older than 20 working days). Only in exceptional circumstances will a complaint received outside the timeframe be considered.

Types of complaint alleging breach of Code of Conduct may include:

- unlawfully discriminating against someone
- failing to treat people with respect
- bullying any person
- intimidating any person involved in any investigation or proceedings about someone's misconduct
- doing something to prevent those who work for the authority from being unbiased
- revealing information that was given to them in confidence, or stopping someone getting information they are entitled to by law
- damaging the reputation of their office or authority, where the conduct is linked to their public role and not in their private capacity
- using their position improperly, to their own or someone else's advantage or disadvantage
- misusing their authority's resources
- allowing their authority's resources to be misused for the activities of a registered political party
- failing to register an appropriate interest correctly
- failing to register any gifts or hospitality (including its source) that they have received in their role as a member worth over £50.00.

3. What cannot be complained about under these arrangements?

The following types of complaint cannot be considered under these arrangements:

- Complaints about a Councillor or Co-opted Member who is no longer in office cannot be considered.
- Complaints about the conduct which happened before a Councillor or Co-opted member were elected, co-opted or appointed to their council, or after they have resigned or otherwise ceased to be in office cannot be considered.
- Complaints about a council as a whole or people employed by it cannot be considered under these arrangements.
- Complaints about dissatisfaction with a decision or action of a Council, one of its committees or employees, a service provided by a Council or a Council's procedures, cannot be considered under these arrangements.
- Complaints which relate to conduct (one-off incident or the last in a series of connected events) which happened over 20 working days ago, unless there are exceptional circumstances.
- Where the complaint alleges criminal conduct (including failure to register or declare a Disclosable Pecuniary Interest or voting at a council meeting where such an interest exists), this is a matter for the police and cannot be dealt with under the Code of Conduct. The Monitoring Officer will consider whether it is appropriate to refer to the Police. No further action will be taken in relation to such complaints until any related criminal/regulatory investigation, proceedings or processes have been concluded. Complainants may refer criminal allegations directly to the Police.

4. How to make a complaint

Complaints must be submitted in writing to Dorset Council's Monitoring Officer using the Code of Conduct complaint form. You will need to set out details of your complaint including:

- identify the Councillor(s) or Co-Opted Member(s) complained about
- the conduct that caused you to complain
- what part of the code of conduct do you think has been breached
- when the incident complained of took place
- what remedy you are asking for

It is very important that you set your complaint out fully and clearly and provide all the information at the outset. For complaints concerning the conduct of a parish or town councillor you will also be asked if you have raised your complaint with the clerk of the council and what attempts have been made to resolve your complaint before submission of a complaint to the Monitoring Officer at Dorset Council.

When complete, your form should be sent to the Monitoring Officer:

E-mail: councillorcomplaints@dorsetcouncil.gov.uk

The Monitoring Officer will not normally consider a complaint unless it is in writing and a complaint form has been received. This is to ensure that all of the relevant information is provided and, where necessary, consent to share information has been obtained so that the complaint can be processed.

If you do not have access to the internet or have difficulty completing the form, please contact 01305 224181 for assistance.

Where a complaint is made against more than one councillor, a separate complaint form must be completed in respect of each councillor.

If you are making the complaint on behalf of a number of individuals, please nominate one person as the single point of contact to whom all correspondence will be addressed.

Before you complain

Before you send us your complaint, you should be aware that anonymous complaints will not normally be investigated. You may request that your identity is withheld but this will only be agreed by the Monitoring Officer in exceptional circumstances. The Monitoring Officer has to balance the right of the Councillor complained of to properly understand the complaint against them and respond to it, with your rights as Complainant. This normally means that the Councillor will need to be told who is making the complaint. You will be informed if your complaint cannot be investigated without disclosing your identity and be provided with the opportunity to proceed or withdraw your complaint.

5. How Iwerne Minster Parish Council will deal with complaints

Initial Check

The Monitoring Officer will check that your complaint is covered by these arrangements and consult with an Independent Person before making a decision. (An Independent Person is someone appointed by the Council to give an independent view on complaints about councillors and co-opted members. They are not employed by the council and act voluntarily. An independent person must be consulted by the Council before it makes its decision on an allegation that it has decided to investigate.

The Independent person is also available to be consulted by a councillor or co-opted member if their behaviour is the subject of a complaint.)

The initial checks are:

- Is the complaint about a current, individual Councillor or Co-opted Member?
- Is the conduct complained of covered by the council's Code of Conduct?
- Did the conduct complained of occur during the Councillor or Co-opted Members time in office?
- Did the conduct complained of happened in the last 20 working days (one-off incident or the last incident in a series of connected events even if some of them are older than 20 working days) and/or whether there are any exceptional circumstances for considering a complaint received outside this timeframe?
- Is the complaint about criminal conduct?

Within 5 working days of receiving your complaint the Monitoring Officer will write to you to acknowledge receipt of your complaint and confirm if it is covered by the complaint process or not.

If the complaint is covered by the complaint process, then within 5 working days, the Monitoring Officer will also write to the Councillor or Co-opted Member with details of the complaint. In exceptional circumstances, the Monitoring Officer may keep your identity confidential if considered necessary or may delay notifying the Councillor or Co-opted Member of the investigation where this may prejudice the investigation. The Councillor or Co-Opted Member will be invited to respond within 5 working days, or longer at the discretion of the Monitoring Officer, including providing details of witnesses and relevant information and documents.

The Councillor or Co-Opted Member will be advised of their right to seek the views of the Independent Person throughout the process and contact details will be provided.