

## What constitutes a complaint?

In order to be investigated a complaint must either:

- reveal a continuing pattern of behavior that is significantly and unreasonably disrupting the business of the Council and there is no other avenue left to deal with it other than by way of an investigation
- Or, it must comply with all the following criteria:
- complaint raises matters which would be a breach of the code
- complaint is sufficiently serious to warrant investigation
- complaint is not 'tit for tat'
- complaint appears not to be politically motivated
- about somebody who is still a councillor or co-opted member of the Council
- has been received within three months of the alleged failure to comply with the code, unless there are exceptional circumstances for the delay and the delay does not mean that it would be difficult for a fair investigation to be carried out
- same or similar complaint has not already been investigated
- not an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the code
- councillor complained about has not already apologised and/or admitted making an error
- if the complaint reveals a criminal offence and a complaint has been made to the police, that the police investigation and any proceedings have concluded or the police have confirmed that no proceedings will be issued
- It is important that you provide all the information you wish to have taken into account. 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

## **Confidentiality**

We will normally pass a copy of your complaint to the councillor complained about so that he or she can comment. It is also in the interests of fairness and natural justice that a councillor complained about should have the right to know who has made the complaint and what it is. In very exceptional circumstances, we may agree to withhold your name and address. We would only do this if they have a good reason to believe that to give your name or address to the councillor would be contrary to the public interest or would prejudice any investigation.

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.

## **What happens when you submit a complaint?**

We will acknowledge receipt of your complaint within five working days and as detailed above, a copy of the complaint will be sent to the councillor complained about.