



Guidance- How to make a complaint?

This leaflet tells you how to make a complaint if you are unhappy about the way that a Member of this Council has behaved. It also explains:

- How to make a complaint
- Who you can complain about
- What you can complain about
- What will happen to your complaint

If you have any questions or difficulties or are in need of any support in reading or understanding this leaflet, for example- if English is not your first language or you have a disability, please contact us on 020 8420 9414.

Alternatively, you can e-mail queries to standards.monitoringofficer@harrow.gov.uk

HOW TO MAKE A COMPLAINT?

- You need to send your complaint in writing by completing a complaints form and sending it to the address at the end of this leaflet.
- This leaflet helps you make sure you are sending us all the information we need. You can either use the form or write a letter that covers all the points in the form. 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 about the form, please contact the Monitoring Officer by e-mail at standards.monitoringofficer@harrow.gov.uk

SECTION 1 - YOUR CONTACT DETAILS

- Please provide your full name, address, contact telephone number and e-mail. Please also specify which complainant type best describes you e.g. an Officer of the Council, Member of the public etc.
- An officer from the Council may need to contact you personally to go through the details of your complaint.

SECTION 2 - WHO YOU CAN COMPLAIN ABOUT?

- You can complain about Councillors or Co-opted Members (together referred to as Members) of this Council.
- Please note, that the Standards Committee can only consider complaints about individual Members. It cannot consider complaints about the Council as a whole or about any people employed by it. A complaint about a service is dealt with under the Council's corporate complaints procedure.
- When the Monitoring Officer receives a complaint he will determine whether the complaint should be directed to the Standards Sub-Committee for the initial assessment or whether another course of action is appropriate.

SECTION 3 - WHAT YOU CAN COMPLAIN ABOUT?

You can complain about a Member breaching any part of the Council's Code of Conduct for Councillors. A copy of the Code can be found in Part 5 of the Council's Constitution which is available on the Council's website.

A complaint can be made if you believe a Member has breached any part of the Code that includes:

- Failing to treat others with respect
- Unlawfully discriminating against someone
- Bullying any person
- Intimidating or attempting to intimidate any person who is or likely to be a complainant or witness in relation to the investigation or proceedings
- Doing anything which compromises or which is likely to compromise the impartiality of those who work for the authority
- Revealing information that was given to them in confidence, or preventing someone getting information to which they are entitled 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 the authority's resources
- Allowing the authority's resources to be misused for the activities of a registered political party
- Failing to register financial or other interests
- Failing to reveal a personal interest at a meeting
- Taking part in the discussion or making a decision where they have an interest that is so significant that it is likely to affect their judgement (known as a 'prejudicial interest')
- Improperly influencing a decision regarding a matter that they have a prejudicial interest in
- Failing to register any gifts or hospitality worth £25 or more (including its source), that they have received in their role as a Member

If none of the above applies to your complaint if it is not something that the Standards Committee can deal with.

WHAT WE CANNOT INVESTIGATE

The local Standards Committee cannot investigate the following:

- Complaints where a Member is not named
- Complaints that are not in writing
- Incidents or actions that are not covered by the Code of Conduct
- Incidents that are about a fault in the way that the Council has or has not done something. Such a complaint may be a matter for the Local Government Ombudsman
- Complaints about people employed by Council
- Incidents that happened before a Member was elected
- Incidents that happened before the Council adopted its local Code of Conduct or before 5 May 2002, whichever is the earlier
- Complaints about the way in which the Council conducts and records its meetings

EVIDENCE

If you believe a Member has breached the Code of Conduct for Councillors as described above, any evidence that you consider is relevant to your complaint should be attached. For example, details of any witnesses or details of any dates/times of any incidents etc. You can send accompanying documents if you wish.

SECTION 4 - CONFIDENTIAL INFORMATION

Before you send us your complaint, you should be aware that we are unlikely to be able to keep your identity confidential from the person about whom you are complaining or any persons that are involved in the process of dealing with complaints, or third parties such as the Standards Board for England who are responsible for monitoring the Standards Committee functions.

In the interests of fairness and natural justice, Members who are complained about have a right to know who has made the complaint and be provided with a summary of the complaint. For this reason, we are unlikely to withhold your identity or the details of the complaint unless there are good reasons to do so. For example, where the disclosure of personal details may result in the evidence being compromised or destroyed, or if there is a real possibility of intimidation of the complainant or witnesses by the subject Member.

If you believe your details should be withheld please specify the reasons for this on the complaint form.

Requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The assessment of your request will be undertaken by the Standards Committee who will carry out the initial assessment of your complaint. We will then contact you again with the decision. If your request is not granted, we will allow you the option of withdrawing your complaint.

It is important that you understand that in certain exceptional circumstances where the matter complained of is very serious we can proceed with an investigation or other action and in the process disclose your name even if you have asked us not to. The following considerations will be taken into account when determining whether to proceed or not:

- Where the public interest in taking some action on the complaint outweighs the complainants wish to withhold information or request to withdraw the complaint
- The complaint is such that the action can be taken on it without the complainants participation
- There is an identifiable underlying reason for the request to withdraw the complaint, for example, the information suggests that the complainant may be pressured by the subject Member or associates of theirs, to withdraw the complaint.

If you are concerned about details of your complaint being given to the Member subject to your complaint you can e-mail the Monitoring Officer at standards.monitoringofficer@harrow.gov.uk

5. WHAT HAPPENS TO YOUR COMPLAINT?

Initial Assessment

When we receive your complaint, we will write to you to let you know that we have received it. Within **20 working days** of receipt the Standards Sub-Committee will make an initial assessment and decide what course of action to take in respect of the complaint. The Sub-Committee may:

- (a) decide that no action should be taken in respect of the allegation;

- (b) refer the complaint to the Monitoring Officer to undertake mediation, training or an alternative measure to address the issues that have arisen;
- (c) refer the allegation to the Monitoring Officer for investigation
- (d) in certain circumstances, refer the allegation to the Standards Board for England.

Review

If the Standards Sub-Committee decides that your complaint should not be referred for investigation, we will write to you explaining the reasons why. If you are unhappy with the outcome you may seek a review of this decision by making a further request in writing with reasons, **within 30 working days** after the initial assessment decision is received. The review will be determined by a Sub-Committee comprising separate members to those, which undertook the initial assessment and will make a decision in relation to that review **within three months**.

If following the review the decision not to investigate is upheld you we will write to you with the decision. There is no further right of appeal.

Investigation/ Determination Hearing

If your complaint is referred to the Monitoring Officer for investigation, we will write to you and inform you of the timescales for completing the investigation, and details of any hearings (if appropriate). You will also have an opportunity to provide the investigator with any further information or documents that you consider relevant. We will of course write to you to tell you the outcome of the hearing.

Remember, a summary of the complaint and your details will be shared with the subject Member and all parties involved in the case. See section 4 above for more details.

6. AT THE END OF AN INVESTIGATION

Following a hearing, a Standards Committee will make one of the following findings about the Member subject to the complaint:

- The Member had not failed to comply with the Code of Conduct
- The Member had failed to comply with the Code of Conduct but that no action needs to be taken.
- The Member had failed to comply with the Code of Conduct and that a sanction should be imposed.

If the Member is no longer a Member of the Council the Standards Committee can only censure that person. Otherwise, it can impose any one of, or any combination of the following sanctions:

- Censure the Member
- Restriction for up to a maximum of 6 months of that Member's access to the premises and/or resources of the authority. Provided that any such restrictions are reasonable and proportionate to the nature of the breach, and do not unduly restrict the Members ability to perform their functions as a Member
- Partial suspension of that Member for up to a maximum of 6 months
- Suspension of that Member for up to a maximum of 6 months
- A requirement that the Member submit a written apology in a form specified by the Standards Committee
- A requirement that the Member undertakes such training as specified by the Standards Committee
- A requirement that the Member participate in such conciliation as specified by the Standards Committee
- Partial suspension of the Member for up to a maximum of 6 months or until such time as the Member submits a written apology in a form specified by the Standards Committee
- Partial suspension of the Member for up to a maximum of 6 months or until such time as the Member undertakes any training or participated in such conciliation specified by the Standards Committee
- Suspension of the Member for up to a maximum of 6 months or until such time as the Member submits a written apology in a form specified by the Standards Committee
- Suspension of the Member for up to a maximum of 6 months or until such time as that Member undertakes such training or has participated in such conciliation as the Standards Committee specifies.

Any sanction imposed shall commence immediately following its imposition. Alternatively, the Standards Committee can decide that any sanction will start on any specified date up to 6 months after the imposition of that sanction.

POINTS TO REMEMBER:

- We can only consider complaints that are about individual Members of this Council
- We can only investigate matters where you believe a Member has breached the Code of Conduct for Members

- Your complaint must be in writing and cover all the points set out in the complaints form
- Your details and details of the complaint are unlikely to remain confidential as we need to share it with all parties involved in the process including the subject Member
- Do send us as much information as you can in order for us to decide whether or not the matter should be investigated

We hope that the information in this leaflet has answered your questions about making a complaint.

If you have any more questions, you can contact:

The Monitoring Officer
Harrow Council
P O Box 2
Civic Centre
Station Road
Harrow
HA1 2UH

E-mail: standards.monitoringofficer@harrow.gov.uk