

Notes to help you with the Code of Conduct Complaint Form

Are you using the correct form?

Points 1 to 8 of these notes will help you decide whether the Code of Conduct Complaint Form is the right form to use when making your complaint. You should speak to the Council's Monitoring Officer, Denise Lyon, if you are not clear whether the Standards Committee can consider your complaint.

The Assessment Sub-committee of the Standards Committee will make a decision about what action, if any, to take on your complaint.

1. Your complaint must be about a councillor's conduct that occurred while the councillor was in office. Conduct before the councillor was elected, co-opted or appointed to the Council, or after s/he has resigned or otherwise ceased to be a councillor, cannot be considered by the Assessment Sub-Committee.
2. Your complaint must be about one or more named councillors of East Devon District Council or a councillor of one of the parish/town councils within East Devon.

All Saints Parish Council
Awliscombe Parish Council
Axminster Town Council
Axmouth Parish Council
Aylesbeare Parish Council
Beer Parish Council
Bishops Clyst Parish Council
Bramford Speke Parish Council
Branscombe Parish Council
Broadclyst Parish Council
Broadhembury Parish Council
Buckerell Parish Council
Budleigh Salterton Town Council
Chardstock Parish Council
Clyst St George Parish Council
Clyst Honiton Parish Council
Clyst Hydon Parish Council
Clyst St Lawrence Parish Meeting
Colaton Raleigh Parish Council
Colyton Parish Council
Combe Raleigh Parish Meeting
Compyne Rousdon Parish Council
Cotleigh Parish Council
Dalwood Parish Council
Dunkeswell Parish Council
East Budleigh with Bicton Parish Council
Exmouth Town Council

Farringdon Parish Council
Farway Parish Council
Feniton Parish Council
Gittisham Parish Council
Hawkchurch Parish Council
Honiton Town Council
Huxham Parish Meeting
Kilminster Parish Council
Luppitt Parish Council
Lymptone Parish Council
Membury Parish Council
Monkton Parish Council
Musbury Parish Council
Netherexe Parish Meeting
Newton Poppleford & Harford Parish Council
Northleigh Parish Council
Offwell Parish Council
Otterton Parish Council
Ottery St Mary Town Council
Payhembury Prish Council
Plymtree Parish Council
Poltimore Parish Council
Rewe Parish Council
Rockbeare Parish Council
Seaton Town Council
Sheldon Parish Meeting
Shute Parish Council
Sidmouth Town Council
Southleigh Parish Council
Stockland Parish Council
Stoke Canon Parish Council
Talatton Parish Council
Uplyme Parish Council
Upottery Parish Council
Upton Pyne Parish Council
Whimple Parish Council
Widworthy Parish Clerk
Woodbury Parish Council
Yarcombe Parish Council

- 3.** Your complaint must be that the councillor has (or may have) breached the Code of Conduct. A copy of the Code of Conduct and frequently asked questions about the Code of Conduct are available at www.standardsboard.gov.uk. You can also contact the Monitoring Officer at East Devon District Council if you would like further information.
- 4.** If you are unhappy with:
 - a decision made by the Council
 - any action taken by the Council or one of its committees
 - a service provided by the Council
 - the Council's procedures, or
 - the actions of people employed by the Council

then you need to use the Council's Complaints Procedure as these matters do not fall within the remit of the Standards Committee. This can be found at our website: http://www.eastdevon.gov.uk/making_a_complaint.htm or you can email to policy@eastdevon.gov.uk.

5. If you need information about other types of complaints, please contact our Complaints Officer at policy@eastdevon.gov.uk or phone 01395 517417. You can find more information on our website at: www.eastdevon.gov.uk.
6. Your complaint must be in writing. If a disability prevents you from making your complaint in writing please contact our Complaints Officer for help.
7. It is also important to note that not every complaint that does fall within the remit of the Standards Committee, will be referred for investigation or other action. The Assessment Sub-committee must decide whether this is appropriate, and it will make this decision using adopted criteria – please refer to the Council's Procedure for Local Assessment of Complaints for further details.
8. If the Assessment Sub-committee decides not to refer your complaint for investigation or other action, it will give you the reasons for this decision. It will also explain any right that you may have to ask for the decision to be reviewed.

What happens once you submit your complaint?

We will write to you to let you know we have received your complaint. We will also tell the councillor that you are complaining about that we have received your complaint, say who made the complaint and set out the relevant paragraphs of the Code of Conduct that it is alleged may have been breached.

The Assessment Sub-Committee will then meet to consider your complaint and decide whether it should be referred for investigation or other action. This will happen within an average of 20 working days of the date we receive your complaint.

Meetings of the Assessment Sub-Committee are 'closed', which means that neither you, the Councillor nor any other member of the public or press will be able to attend the meeting. It is therefore very important that you set your complaint out clearly and provide at the outset all the information you wish the Assessment Sub-committee to consider.

The criteria that will be used to assess your complaint and to decide whether it should be investigated are set out in the Council's Procedure for Local Assessment of Complaints.

When the Assessment Sub-Committee has reached its decision we will let you know in writing whether or not your complaint has been referred for investigation or other action.

At the same time that we write to you, we will also write to the councillor you have complained about, and the parish/town clerk (if applicable). We will send these letters within five working days of the Assessment Sub-Committee reaching its decision. The decision of the Assessment Sub-Committee is made available for public inspection once the councillor has been given a summary of the complaint. In very limited situations the councillor may not be given this summary immediately, and if so, any public inspection will not happen until the councillor does get the summary.

What is meant by ‘other action’?

The Assessment Sub-Committee may decide to refer your complaint for ‘other action’ instead of referring it for investigation. “Other action” is a deliberately broad term that may include options such as requiring the councillor to apologise or undergo training or mediation. The Assessment Sub-Committee will carefully consider the circumstances surrounding your complaint when deciding whether other action is appropriate. If the Assessment Sub-Committee decides to refer your complaint for other action we will explain what this involves

How should I set out my complaint?

It is very important that you set your complaint out fully and clearly, and provide all the information at the outset. You should also provide any documents or other material that you wish the Assessment Sub-Committee to consider, where possible. As set out above, you will not be able to attend the meeting of the Assessment Sub-Committee.

We recommend that you use our Code of Conduct Complaint Form or provide a covering note summarising what you are complaining about, especially if your complaint includes a lot of supporting documentation. In the summary, you should tell us exactly what each councillor said or did that has caused you to complain. If you are sending supporting documentation please cross reference it against the summary of your complaint.

You should be as detailed as possible and substantiate your complaint where you can. Although you are not required to prove your complaint at this stage of proceedings, you do have to demonstrate that you have reasonable grounds for believing that the Councillor you are complaining about has breached the Code of Conduct.

Will you keep my details confidential?

In the interests of fairness and natural justice, we believe that councillors 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 you have good reason to believe that, should we reveal it, you will be subject to some form of reprisal or intimidation from the councillor complained of, or some other person.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Assessment Sub-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.

Can I send an anonymous complaint?

Anonymous complaints cannot be considered for investigation or other action unless they relate to exceptionally serious or significant matters and are supported by documentary or other evidence.

Where do I send my complaint?

The Standards Committee
c/o The Monitoring Officer
East Devon District Council
Knowle
Sidmouth
EX10 8HL

Email: monitoringofficer@eastdevon.gov.uk
Fax: 01395 517507
Website: www.eastdevon.gov.uk
Phone: 01395 517480