Swindon Borough Council

**COMPLAINT FORM – CODE OF CONDUCT FOR MEMBERS**

**Please read ‘Arrangements for dealing with Member Code of Conduct Complaints’ before completing this form.**

**A. Your details**

1. Please provide us with your name and contact details. Anonymous complaints will only be considered if the allegation is of a serious nature and there is independent evidence to substantiate the complaint.

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| **Title:** |  |
| **Name:** |  |
| **Address:** |  |
| **Contact telephone:** |  |
| **Email address:** |  |
| **Signature:** |  |
| **Date of complaint:** |  |

The following people may see this form:

* + Chief Legal Officer of the Borough Council (Monitoring Officer)
  + Members of an Assessment Sub-Committee / Hearings Sub-Committee
  + An Independent Person appointed by the Council
  + An Investigating Officer
  + Clerk to the Standards Committee

Your complaint form (with your contact details removed, not including your name) and any accompanying evidence will also be shared by the Monitoring Officer with the Member(s) you are complaining against. If you have serious concerns about the details of your complaint being released, please complete **Section C** of this Form.

1. Please tell us which complainant type best describes you: A member of the public

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An elected or co-opted Member of the Council

A Member of Parliament

Council employee, contractor or agent of the Council Other

**B. Making your complaint**

1. Please provide us with the name of the member(s) you believe has breached the Member Code of Conduct:

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| --- | --- | --- | --- |
| Title | First name | Last name | Specify Relevant Borough, Town or Parish Council |
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1. Please specify the paragraph(s) of the Members’ Code of Conduct that you think has been breached by the member(s):

*NB please do not refer to the ‘Seven Principles of Public Life’ which may be set out within the Code of Conduct - they are implicit within the Code. You need to reference the paragraph you believe has been breached (and can provide evidence for) e.g.*

*Paragraph 3.(2)(b) – You must not bully any person.*

1. Please explain in this section what the Member is alleged to have done that you believe breaches the paragraphs of the Code of Conduct you have set out above. If you are complaining about more than one member you should clearly explain what each individual person has done, with dates / witnesses to substantiate the alleged breach.

It is also important that you provide all the evidence 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 or did to insult you.
  + 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 or other relevant documentary evidence to support your allegation(s) e.g. screenshots or emails.
  + If you are making these allegation(s) more than 28 days after the alleged behaviour or conduct took place, clearly explain why the complaint was not made at the time.

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|  | Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form. **(Continue on separate sheet(s) as necessary)** |
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| **C.** | **Confidentiality of complainant and the complaint details** |
| **Only complete this next section if you are requesting that your identity and/or the details of your complaint is kept confidential.** | |

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| **7.** | In the interests of fairness and in compliance with the rules of natural justice, we  believe members who are complained about have a right to know who has made the complaint and the substance of the allegation(s) made against them. We will, therefore, not withhold your name or the details of your complaint unless you have good reasons to believe that you have justifiable grounds, for example:   * To believe you may be victimised or harassed by the Member(s) against whom you are submitting a written complaint (or by a person associated with the same); or * May receive less favourable treatment from the Council because of the seniority of the Member against whom you are submitting a written complaint in terms of any existing Council service provision or any tender / contract that you may have or are about to submit to the Council.   Please note that requests for confidentiality will not automatically be granted. The Monitoring Officer will consider the request alongside the substance of your complaint and will then contact you with the decision. If your request for confidentiality is not granted we will allow you the opportunity, if you so wish, of withdrawing your complaint.  However, it is important to understand that – in exceptional circumstances, where the matter complained about is very serious – we may proceed with the complaints process and may have no choice but to disclose your personal and complaint details because of the allegation(s) made, even if you have expressly asked us not to. |
|  | Please provide us with details of why you believe your complaint should be kept confidential: **(Continue on separate sheet(s) as necessary)** |
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| **D.** | **Remedy sought** |
| **8.** | Often, an acknowledgement of the problem and an apology from the Councillor concerned is all that a Complainant seeks. Please state whether an apology would be an acceptable outcome for you. |

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|  | **(Continue on separate sheet(s) as necessary)** |
| **9.** | If an apology from the Councillor would not satisfy your complaint, please indicate the remedy or remedies you are looking for or hoping to achieve by submitting this complaint. |
|  | **(Continue on separate sheet(s) as necessary)** |
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| **E.** | **Additional information** |
| **10.** | Complaints must be submitted in writing using this Complaints Form. This includes electronic submissions. If you need any support in completing this form, please contact the Clerk to the Standards Committee (contact details are set out below) as soon as possible. |
| **11.** | 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. |
| **F.** | **Process from here** |
|  | Please complete this form and send it to: |
|  | Clerk to the Standards Committee  Committee and Member Services  Swindon Borough Council - Wat Tyler West 2nd Floor Beckhampton Street  Swindon SN1 2JG  Email: [committeeservices@swindon.gov.uk](mailto:committeeservices@swindon.gov.uk) |