

Councillors behaving badly?

An information leaflet



This guide

This guide describes how you can make a complaint* about certain types of inappropriate behaviour by elected, co-opted and independent members of a range of authorities, including councils.

In addition to describing the sort of behaviour that is covered, it explains what will happen to your complaint.

A form to help you make sure you are sending us all the information we need at this stage is also included.

If we can be of any further help, please call us on 0800 107 2001.

This leaflet is available in large print, Braille, on tape, and in the following languages:

Welsh	Bengali	Punjabi	Urdu
Hindi	French	Chinese	Swahili
Cantonese	Spanish	German	

To obtain copies of this leaflet in any of the formats or languages listed above, please visit our website at www.standardsboard.co.uk or telephone 0800 107 2001.

* For reasons of simplicity we use the word 'complaint' to mean any possible instance of a breach of the Code which is brought to our attention.

1. What does The Standards Board do?

We were set up under the Local Government Act 2000 and are independent of the Government. We investigate written complaints of misconduct by councillors in local government and members of the other authorities listed in section 7 of this leaflet. Our investigators, known as Ethical Standards Officers (ESOs), have extensive powers, allowing them to investigate matters thoroughly and without bias. There is no charge for our service.

This leaflet describes:

- what complaints we can investigate;
- how to make a complaint to us;
- how we will deal with your complaint.

This leaflet refers to ‘members’ of ‘authorities’, but it applies to all councillors, members and co-opted members of all of the authorities listed in section 7. A co-opted member is a member of an authority, or one of its committees, who was appointed to their position rather than being elected.

2. What is misconduct?

Parliament has approved Model Codes of Conduct for members of the authorities listed in section 7. All of these authorities must draw up their own local Code of Conduct – based on the Model Code – which all members of the authority must sign up to. ‘Misconduct’ is where a member of an authority acts in a way that breaches (breaks) any part of the Code of Conduct. See section 4 for a summary of the types of misconduct covered by the Model Code.

You can get a copy of an authority’s Code of Conduct from the authority itself. For a copy of the Model Code of Conduct, please visit our website at www.standardsboard.co.uk

3. What complaints can we consider?

For The Standards Board to consider a complaint, it must be:

- in writing;
 - about a member of one of the authorities listed in section 7;
 - about misconduct (see sections 2 and 4).
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4. What types of misconduct can we investigate?

The following list gives examples of behaviour that breaches the Model Code of Conduct. These include where a member has:

- unlawfully discriminated against someone, failed to treat people with respect, or done something to prevent those who work for the authority from being unbiased;
- revealed information that was given to them in confidence, or stopped someone getting information they are entitled to by law;
- damaged the reputation of their office or authority;
- used their position improperly, to their own or someone else's advantage or disadvantage;
- misused the authority's resources;
- allowed the authority's resources to be misused for the activities of a registered political party;
- failed to report another member's misconduct to us;
- failed to register financial or other interests;
- failed to reveal a personal interest at a meeting;
- taken part in a meeting or made a decision where they have an interest that is so significant that it is likely to affect their judgement;
- failed to tell the authority's Monitoring Officer about any gifts or hospitality they have received in their role as a member, worth over £25.

5. What can't we investigate?

There are some complaints we cannot investigate, such as:

- incidents where there has been a fault in the way the council has or has not done something (this is known as 'maladministration' and is a matter for the Local Government Ombudsman);
 - complaints about council officers (we can only investigate complaints about councillors, members and co-opted members);
 - incidents that happened either before the authority adopted its local Code of Conduct, or before 5 May 2002, whichever is earlier;
 - incidents or actions that are not covered by the Code of Conduct (the authority can give you a copy of the Code);
 - complaints that are not in writing.
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6. Who can make a complaint?

Anybody who reasonably believes that a member of one of the authorities listed in section 7 has broken the Code of Conduct. This includes members of the public, as well as members and staff of the authority. You do not have to have been directly affected by their action to make a complaint.

7. Who can you complain about?

You can complain to us about members in any county, district, borough, city, parish or town council in England. You can also complain about members in any of the following authorities:

- National Parks and the Broads Authority;
 - Fire authorities;
 - Police authorities;
 - Passenger transport authorities;
 - The Greater London Authority;
 - The Metropolitan Police Authority;
 - The London Fire and Emergency Planning Authority;
 - The Council of the Isles of Scilly;
 - The Common Council of the City of London.
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8. How can you complain?

Please send your complaint, in writing, to the address at the end of this leaflet. You can use the complaint form that is included in this leaflet, or you can download it from our website at www.standardsboard.co.uk. If you don't want to use the form itself, you can write a letter including all the points covered in the form.

If this is difficult, ask someone to help you, for example your local Citizens Advice Bureau. If you cannot write your complaint in English, we can arrange to have it translated. Please include any documents that support your complaint with your form or letter.

If you make a complaint, you should be aware that we are unlikely to be able to keep your identity confidential. If you would like to discuss this before making a complaint, please contact us on 0800 107 2001.

Before you complain

Before you make a complaint, please read carefully all of the information contained within this leaflet. In particular, you should consider the types of misconduct that we are permitted, by law, to investigate and make sure that one or more of the options listed describes the misconduct you believe has taken place (see section 4).

We can only deal with complaints about individual members, not the authority as a whole. If you believe that none of the types of misconduct listed in section 4 apply to your complaint, then it is probably not a matter we can deal with. If this is the case, you should contact your local Citizens Advice Bureau, Law Centre or other advice centres to find out if another organisation can help.

9. What happens to your complaint?

When we receive your complaint, we will write to you to let you know we have received it. We will then review your complaint to see if it is suitable for investigation. One of our officers may contact you personally to go through the details of your complaint.

If we cannot investigate, or decide not to, we will write to you explaining why. If you disagree with our decision not to investigate, you have the right to ask us to review our decision.

If your complaint is one that we decide to investigate, one of our ESOs will carry out an independent investigation. We will let you know when the investigation has started and tell you how long we expect it to take. At the end of the investigation, we will write to you to tell you the outcome.

An ESO may decide that:

1. there is no evidence that the member has broken any part of the Code of Conduct;
2. no action needs to be taken in respect of the matters investigated;
3. the matter should be referred to the Monitoring Officer (usually the Chief Legal Adviser) of the member's authority;
4. the matter should be referred to The Adjudication Panel for England.

The Adjudication Panel for England is an independent tribunal that decides on investigations referred to it by ESOs. It can deal with misconduct in a number of ways, from publicly revealing what the member did wrong, suspending them from the council or particular activities for up to one year, or disqualifying them for up to five years. The Adjudication Panel does not award damages or compensation.

10. How can you contact us?

You can contact us at:

The Standards Board for England
PO Box 36656
London
SE1 0WN

Telephone: 0800 107 2001
Facsimile: 020 7378 5005
referrals@standardsboard.co.uk
www.standardsboard.co.uk

Complaint form

Please note:

- we can only accept complaints in writing;
- one of our officers may contact you personally to go through the details of your complaint;
- we are unlikely to be able to keep your identity confidential if you make a complaint.

About you

Mr Ms Mrs Miss Other

First name: _____ Surname: _____

Address and postcode: _____

Daytime phone number: _____ Evening phone number: _____

E-mail: _____

Please consider the complaint I have described below and in the evidence attached.

Signature: _____ Date: _____

Your complaint

Who are you complaining about?

Please give the name of the councillor/s, member/s or co-opted member/s you consider has broken the Code of Conduct and the name of their authority/ies.

Name of the individual/s

Name of their council/s

Please tick here if you work for the council/s shown above:



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