

**LANCASTER CITY COUNCIL
GUIDANCE ON MAKING A COMPLAINT TO THE STANDARDS
COMMITTEE**

This Guidance should be read before completing the Lancaster City Council Standards Committee Complaint Form.

If you have any queries, please contact the Council's Monitoring Officer, Mrs Sarah Taylor, telephone 01524 582025, or email STaylor@lancaster.gov.uk

Is this the correct form?

The points listed below will help you decide whether this is the correct form to use when making your complaint.

If you submit a complaint, an Assessment Sub-Committee of the Standards Committee will make the decision about what action, if any, to take.

In order for the Sub-Committee to consider your complaint:

- Your complaint must be about one or more named members of the following authorities: Lancaster City Council or a parish or town council within its district. These are Arkholme-with-Cawood, Bolton-le-Sands, Caton-with-Littledale, Cloughton, Cockerham, Ellel, Gressingham, Halton-with-Aughton, Heaton-with-Oxcliffe, Hornby-with-Farleton, Ireby and Leck, Melling-with-Wrayton, Middleton, Morecambe, Nether Kellet, Over Kellet, Over Wyresdale, Overton, Quernmore, Scotforth, Silverdale, Slyne-with-Hest, Tatham, Thurnham, Warton, Wennington, Whittington, Wray-with-Botton, Yealand Conyers and Yealand Redmayne parish councils and Carnforth Town Council.
- Your complaint must be about conduct that occurred while the member(s) complained about were in office. Conduct of an individual before they were elected, co-opted or appointed to the authority, or after they have resigned or otherwise ceased to be a member, cannot be considered by the Assessment Sub-Committee
- Your complaint must be that the member(s) has, or may have, breached the relevant Code of Conduct. A copy of the City Council's Code of Conduct is available on the Council's website www.lancaster.gov.uk/complaints and frequently asked questions about the Code of Conduct are available at www.standardsboard.gov.uk. You may also contact the Monitoring Officer, contact details above, if you require further information or a copy of the Code of Conduct adopted by any of the parish councils within the district. These are also available from the relevant parish or town council clerk.

- Your complaint must be in writing. If a disability prevents you from making your complaint in writing you may contact the Monitoring Officer (contact details as above) for assistance. We can also help if English is not your first language. We may be able to transcribe your oral complaint, and produce a written copy for approval by you or your representative.

What complaints cannot be made on this form?

Complaints about Council employees, or about a decision or action of the Council or one of its committees, or about a service provided by the Council or about the Council's procedures, do not fall within the jurisdiction of the Standards Committee. These are dealt with within the Council's general complaints procedure, and further information on this is available on the Council's website www.lancaster.gov.uk/complaints or from Information and Customer Services.

What happens once you submit your complaint?

When you submit your complaint we will write to you to let you know we have received it. At this stage the member(s) that you are complaining about will not be informed of the complaint, and we would ask that you should keep the matter confidential and not make your complaint public.

The Assessment Sub-Committee, which is chaired by a person independent of the City Council and of the parish and town councils, will meet to consider your complaint. This will happen as soon as possible, and in any event 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 you will not be able to attend. 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 Assessment Sub-Committee will decide what action, if any to take, using referral criteria which are available on the Council's website www.lancaster.gov.uk/complaints or from the Monitoring Officer. The Sub-Committee may decide to refer your complaint for investigation or for other action, or may decide not to take any action on your complaint

If the Assessment Sub-Committee decides not to refer your complaint for investigation or other action, we will inform you in writing, within five working days, giving you the reasons for this decision. We will also inform the member(s) you have complained about, and, if appropriate the parish or town clerk. We will also explain your right to ask for the decision to be reviewed.

If the Assessment Sub-Committee decides to refer your complaint for investigation or other action, we will inform you in writing. At the same time we write to you, we will also write to the member(s) you have complained about and the parish or 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 member the complaint is about has been given a summary of the complaint. In very limited situations the member may not be given this summary immediately and if so any public inspection will not happen until the member does get the summary.

If the Assessment Sub-Committee refers your complaint for investigation, you will be contacted by the Investigating Officer. In very serious cases, the Assessment Sub-Committee may ask the Standards Board for England to carry out the investigation.

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 person you have complained about to undertake 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.

If the Sub-Committee refers your complaint to the Monitoring Officer for “other action”, the purpose of the action is not to find out whether the person you have complained about has breached the Code, and no conclusion will have been reached as to whether there was a failure to comply with the Code. If a matter is referred for “other action”, it is not possible for the complaint to be subsequently referred for investigation or a sanction imposed.

How should you set out your 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.

We recommend that you use our 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 person you are complaining about 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 member(s) complained about has breached the Code of Conduct.

Wherever possible, you should be specific about what you are alleging the member(s) said or did, and the dates of the alleged incidents. You should

also confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.

Who will be told about your complaint?

The Monitoring Officer and the Assessment Sub-Committee will receive the details of your complaint when it is received. Following the meeting of the Assessment Sub-Committee, your name and a summary of your complaint will be given to the member(s) you have complained about and to the parish or town clerk (if applicable). If the member you have complained about is also a member of another authority such as the County Council or the Police Authority, it may be necessary for your complaint to be passed to the Monitoring Officer or Standards Committee of that authority.

If you have serious concerns about your name and/or the details of your complaint being passed on in this way, you should complete Part 5 of the complaint form. This will be considered by the Assessment Sub-Committee.

The interests of fairness and natural justice generally require that members complained of have a right to know who has made the complaint and what that complaint is. We are unlikely to withhold your identity or the details of your complaint unless there are exceptional reasons for doing so. Such reasons might be that you would be at risk of physical harm or other victimisation or harassment, or less favourable treatment in terms of any service provision or other contractual relationship with the Council if your identity were disclosed, or that there would be medical risks (supported by medical evidence). Reasons for withholding details of your complaint might be a serious risk of intimidation of witnesses, or a serious risk that evidence may be compromised or destroyed.

If the Assessment Sub-Committee does not grant your request for confidentiality, 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 and disclose your name even if you have expressly asked us not to.

What to do when you have completed the form

The completed Complaint Form should be sent by post or electronically to the Monitoring Officer, Mrs Sarah Taylor, Town Hall, Lancaster LA1 1PJ.
STaylor@lancaster.gov.uk