



## **COMPLAINT FORM: CODE OF CONDUCT FOR MEMBERS**

**To: The Monitoring Officer  
Westmorland & Furness Council**

### **A. Your details**

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

<b>Title:</b>	
<b>First Name:</b>	
<b>Last Name:</b>	
<b>Address:</b>	
<b>Contact Telephone:</b>	
<b>Email:</b>	
<b>Signature:</b>	
<b>Date of Complaint:</b>	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

The following people will see this form:

- the Council's Independent Person(s) advising the Standards and Governance Committee
- Monitoring Officer of the Council
- Chair of the Council's Standards and Governance Committee
- the Parish/Town Clerk (if applicable)
- the Standards and Governance Committee, if the matter proceeds to investigation

A brief summary of your complaint may also be shared, with the Member(s) you are complaining against. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete Section C of this Form and also discuss your reasons or concerns with the Council's Monitoring



Officer.

2. Please tell us which complainant type best describes you:

- A member of the public
- An elected or co-opted Member of the Council
- A Member of Parliament
- A Monitoring Officer
- Other council employee, contractor or agent of the Council
- Other (please state)

Equality Monitoring Form — please fill in the attached form.

**B. Making your Complaint**

For a brief summary of sanctions available to the Standards and Governance Committee, please see information at the end of this Form.

- 3. Please provide us with the name of the member(s) you believe have breached the Council's Code of Conduct: or if it is a Town or Parish Member within the area, the details of the Member and relevant Town or Parish Council.
- 4. Please explain in this section (or on separate sheet(s)) what the Member is alleged to have done that you believe breaches the Code of Conduct. 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.

Title	First Name	Last Name	Council/Authority Name



It is also important that you provide all the evidence you wish to have taken into account by the Monitoring Officer when he/she decides whether to take any action on your complaint or not. 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).
- If the allegation(s) being made occurred over **28** days from the alleged behavior or conduct, clearly explain why the complaint was not made during that period of time.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

C.



## Confidentiality of complainant and the complaint details

**(Only complete this next section if you are requesting that your identity is kept confidential.)**

5. 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 him/her. We are, therefore, unlikely to withhold your personal details or the details of your complaint unless you have good reasons to believe that you have justifiable grounds, for example:-
- you 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
  - you feel you 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 or requests for suppression of the personal and complaint details will not automatically be granted. The Monitoring Officer will consider the request with the Independent Person(s) alongside the substance of your complaint and the Monitoring Officer will then contact you with the decision. If your request for confidentiality is not granted, we will usually 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 an investigation (or other action) 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 we should withhold your name and/or the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

## **D. Additional Information**

6. Complaints must be submitted in writing. This includes fax and electronic submissions. Frivolous, vexatious and politically-motivated tit-for-tat complaints are likely to be rejected.
7. In line with the requirements of the Equality Act 2010, 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.
8. If you need any support in completing this form, please contact the Monitoring Officer as soon as possible.

## **E. Process from here**

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9. Once a valid complaint relating to an alleged breach of the Code of Conduct for Members has been received by the Monitoring Officer, it will be considered by the Monitoring Officer with the Independent Person(s). You and the member against whom the complaint has been made will not be allowed to attend these deliberations, as the matter will be considered in private.
10. The Monitoring Officer, in consultation with the Independent Person(s), may resolve to:
  - (a) dismiss your complaint, with reasons;
  - (b) ask you for additional information, with reasons; or
  - (c) refer your complaint for investigation (or other action).
11. You will be notified once the decision is made and given information on any further stage(s) in the process at that time.

Monitoring Officer  
Westmorland & Furness Council  
South Lakeland House, Lowther Street  
Kendal, Cumbria LA9 4UQ

Tel: 0300 373 3300

Email: [Linda.Jones@westmorlandandfurness.gov.uk](mailto:Linda.Jones@westmorlandandfurness.gov.uk)

October 2023



## **Sanctions available to the Standards and Governance Committee**

The Council has delegated to the Standards and Governance Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Standards and Governance Committee may:–

- (1) publish its findings in respect of the member's conduct;
- (2) send a formal letter to the Member;
- (3) report its findings to Council or to the Parish Council for information;
- (4) recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (5) recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (6) instruct the Monitoring Officer to or recommend that the Parish Council arrange training for the member;
- (7) remove or recommend to the Parish Council that the member be removed from all outside appointments to which he/she has been appointed or nominated by the authority or by the Parish Council;
- (8) withdraw or recommend to the Parish Council that it withdraws certain facilities provided to the member by the Council; or
- (9) exclude or recommend that the Parish Council exclude the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Standards and Governance Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances and there is no right of appeal against the decision.

In respect of Parish/Town Councillors, where a finding is referred to a Parish/Town Council with recommendations, the Parish/Town Council will consider the recommendations and take a decision on the basis of the Standards and Governance Committee's report and findings. The Parish/Town Council will not re-open the investigation and there is no right of appeal against the Parish/Town Council's decision.

# CONFIDENTIAL

## EQUALITY MONITORING FORM (completion of this form is voluntary)

Westmorland & Furness Council is committed to ensuring an excellent quality of service and equal access to opportunities for all. To help us to achieve this, please complete the questions below. If you choose not to answer these questions it will not make any difference to the service you receive. The information you provide is anonymous. Responses will be used to provide statistical information for the council to check the fairness of any services you receive.

Please tick boxes as appropriate:

### 1. Ethnicity

Do you consider yourself to be:-

		Tick			Tick
<b>White</b>	British		<b>Mixed</b>	White & black Caribbean	
	Irish			White & black African	
	Gypsy Traveller / Romany			White and Asian	
	Irish Traveller			Any other Mixed background, please state	
	Polish				
	Lithuanian				
	Other White EU			<b>Black or black British</b>	Caribbean
Any other white background		African			
Please state.....		Any other black background please state			
<b>Asian or Asian British</b>	Indian		<b>Chinese or other Ethnic groups</b>	Chinese	
	Pakistani			Philippine	
	Bangladeshi			Other.....	
	Any other Asian background				
	Please state.....		<b>Undeclared</b>		

### 2. Disability

Do you consider yourself to be:

Not Disabled	
Disabled - Long term limiting condition that affects health	
Disabled - Long term limiting condition that does not affect health	
Undeclared	
Other	

### 3. Gender

Are you:

Male	
Female	
Transgender	
Undeclared	

### 4. Age

Are you:

16-24		45-59	
25-34		60-74	
35-44		75+	
		undeclared	

### 5. Sexuality

Do you identify as:

Heterosexual	
Gay	
Lesbian	
Bi-sexual	
Undeclared	

### 6. Religion / belief

Are you:

Buddhist	
Christian	
Hindu	
Jewish	
Muslim	
Sikh	
Non-religious	
Other, please state	
.....	
Undeclared	

### 7. Marital Status

Are you:

Married (inc. separation)	
Single (inc. divorced or widowed)	
Civil Partnership	

### 8. Employment

Are you:

Currently in paid employment?	YES	NO	With Westmorland & Furness Council?	YES	NO
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**If you would like this form in an alternative format, or would like help in completing the form, please contact a member of staff.**

