

# Code of conduct complaint form



Before completing this form, please note the following:

- The Monitoring Officer is unlikely to consider any complaint where there has been no attempt at resolving matters informally.
- There is a high bar of demonstrating code of conduct breach between councillors and other people who are politically active. The code of conduct should not be misused to resolve personal or political grievances between councillors and other political activists. This is likely to be a waste of public money.

## Completing this form

### Please note:

- We can only accept written complaints. However, if you are unable to make your complaint in writing for any reason including disability or limited English, please call 01235 422520 or email [monitoring.officer@southandvale.gov.uk](mailto:monitoring.officer@southandvale.gov.uk)

Please send your complaint, typed, via email. If you are not able to do this, please contact us for further advice.

- An officer from the council may contact you personally to go through the details of your complaint.
- The council is unlikely to be able to keep your identity confidential or the information you have provided. If you have serious concerns about disclosure of your name and a summary of your complaint, please complete section 3 on confidential information.
- The council's full procedure on the way it deals with complaints is on the council's [website](#). If you require a paper copy please call 01235 422520.
- Information about your rights over your personal data is provided at the end of this form.

## Section 1: Your details

First name and surname

Address and postcode<sup>1</sup>

Telephone/mobile<sup>1</sup>

E-mail address<sup>1,2</sup>


<sup>1</sup> We will not share your address, email address or telephone number with those you are complaining about

<sup>2</sup> Please note that, wherever possible, we will contact you via email if you have provided an email address.

Please tick the box which best describes you:

- Member of the public
- Elected/co-opted member of the council
- Member of Parliament
- Local authority monitoring officer
- Other local authority officer/employee
- Other (please specify)

## Section 2: Your complaint

Please give the name of the councillor or co-opted member you consider has broken the code of conduct.

Provide as much information as you can about your complaint to help us decide what action to take. You can use additional or separate sheets if you wish but you should use the headings below to explain your complaint.

If you are complaining about more than one councillor please include additional pages using the headings in this section to set out your complaint.

**Name of individual that you are complaining about**

(include both first and last names)

**Which council is he or she a member of?**

**Do you believe that the councillor was acting in their official role when the incident(s) that is/are the subject of your complaint took place and if so what are your reasons?**

**What happened and when?**

**What do you feel has been the effect of the councillor's action?**

**Which paragraphs of the code of conduct are relevant to your complaint and why do you think the councillor may have breached them?**

**What evidence are you providing?**

Please attach copies of correspondence, documents, or other evidence that you feel are relevant to your complaint. **Do avoid sending large amounts of background information that only relates indirectly to your complaint.**

**Witnesses (if applicable)**

Please tell us the names and details of any witnesses. We may contact them directly without further reference to you. We may also decide that it is not necessary to contact them.

	<b>First name</b>	<b>Last name</b>	<b>Address/ telephone number</b>
<b>1</b>			
<b>2</b>			
<b>3</b>			

**Resolving your complaint informally**

Where the monitoring officer believes there is a case to answer, or other unresolved issue, they may seek to resolve a complaint informally, without the need for a formal investigation. We term this “local resolution”. For example, this may involve the councillor accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the council, or some form of mediation. Where the councillor or the council makes a reasonable offer of local resolution, but you are not willing to accept that offer, the monitoring officer will take account of this in deciding whether the complaint merits formal investigation.

Please use the box below to tell us what steps you have taken to achieve an informal resolution. Please note that the Monitoring Officer may choose not to consider a complaint where there is little evidence to resolve matters informally without good cause.

### Section 3: Confidential information

This section only applies if you are asking for your identity to be kept confidential

In the interests of fairness and natural justice, councillors who are the subject of a complaint have a right to know who has made the complaint and to receive details of your complaint.

We are unlikely to withhold your identity unless there is a good reason. For example, where the disclosure of personal details may result in compromise or destruction of the evidence by the subject of the complaint or if there is a real possibility of intimidation of the complainant or witnesses by the subject of the complaint.

We are unlikely to automatically grant requests for confidentiality. If we do not grant your request for confidentiality, we will allow you the option of withdrawing the complaint.

**Please provide details of why you believe we should withhold your name/details of your complaint below:**

Please consider the complaint I have described above and the evidence attached.

I understand and accept that the details may be disclosed to the councillor/co-optee and any parties involved in the complaints procedure or outside authorities required to monitor the council's complaints procedure by law.

It may also be shared with the police in the prevention or detection of crime.

Signature: \_

Date: \_

Please send this form together with any attachments to:

Monitoring Officer

Abbey House

Abbey Close

Abingdon

OX14 3JE

Email: [monitoring.officer@southandvale.gov.uk](mailto:monitoring.officer@southandvale.gov.uk)

**If you have any questions or difficulties filling in this form or you are in need of any support in completing this form, if for example English is not your first language, or you have a disability that prevents you from making your complaint in writing, please contact the office of the monitoring officer via telephone: 01235 422520 or email [monitoring.officer@southandvale.gov.uk](mailto:monitoring.officer@southandvale.gov.uk)**

## **Privacy Notice**

You have the right to be informed what the council does with your personal data in accordance with the [Data Protection Act 2018](#) and the UK General Data Protection Regulation (UK GDPR). We do this through a privacy notice for our services which covers the following information in addition to that provided in our [privacy policy](#).

### **Purpose of our Processing**

We process your personal data in order to manage the councillor code of conduct complaints process.

### **How we collect your data**

We collect your data directly from you when you contact us regarding your complaint. This is mainly through email but can be by post to our offices or by exception this may be through telephone calls.

### **Lawful basis for processing personal data**

We only process your personal data where we have a lawful reason to do so as set out in Article 6 of UK GDPR. For this purpose, this is Article 6(e) – public task, the processing is necessary for us to perform a task in the public interest or our official functions, and the task or function has a clear basis in law.

The legal basis is under Section 28 (6) (a) and (b) of the Localism Act 2011 which requires the council to have in place arrangements for dealing with complaints against councillors.

### **Categories of personal data being processed**

We ask you to provide us with:

- Your name
- Your address
- Your email address
- your telephone number
- whether you are a member of the public, have a local government role or an elected member

### **Special categories of personal data being processed (sensitive data)**

These are sensitive types of personal data that need more protection. We do not ask you to provide us with any sensitive types of personal data but recognise that you may choose to do so within the nature of your complaint. When this is the case, we ensure that we manage this data in accordance with data protection law and the basis processing will be under the condition of substantial public interest.

## Who your data may be shared with

- Your name:  
Unless exceptional circumstances have been agreed when you submit your complaint, we may share your name with the member(s) concerned. Your contact details will not be shared with the member(s).
- Details of your complaint may be shared with
  - The Independent Persons appointed by the council
  - The member(s)' Group Leader and/or whip (if applicable)
  - The town or parish clerk if the complaint relates to a town or parish member.
  - The complaints panel if the complaint if the complaint goes to the hearing stage
  - The joint audit and governance committee in the annual code of conduct report (although complaints are summarized and anonymised for this purpose)
  - A brief statement of facts will be published on the relevant council's website within a decision notice if a breach is found

We may also share your personal information when there is a legal duty to do so, or we feel there's a good reason that's more important than protecting your privacy. This doesn't happen often, but we may share your information:

- in order to find and stop crime and fraud
- if there are serious risks to the public, our staff or to other professionals
- to safeguard the protection of a child or vulnerable adult

The council is under a legal duty to protect the public funds it administers. To do this we may use the information you have provided to the council for the prevention and detection of fraud. We may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

## Sharing data outside United Kingdom

We restrict processing of your data to the UK.

### Automated decision making

We do not use automated individual decision-making while managing code of conduct complaints.

### How long will the data be kept

We will retain records for no longer than 18 months after the expiration of the term of office of the member being complained about.

## Your rights and contact details

The council is registered for data protection purposes with the Information Commissioner's Office under registration number [Z6629204](#)

We have appointed a Data Protection Officer, who can be contacted by email to [data.protection@southandvale.gov.uk](mailto:data.protection@southandvale.gov.uk) or by writing to the council's address.



Your rights over your personal data depend on our lawful basis for processing the data in UK GDPR terms. As our lawful basis is that of public task, you do not have the right to erasure but do have the following rights:

- to object to our processing of your data and to restrict processing in some circumstances
- to be informed, which is addressed through this privacy notice
- to ask what the council holds about you, known as your right of access

If you believe that we have not handled your personal data as we have described here, or you wish to exercise any of your rights over your personal data please email our Information Governance team via [data.protection@southandvale.gov.uk](mailto:data.protection@southandvale.gov.uk). If, after we have investigated your concerns, you are not satisfied with our conclusion, you have the right to refer the matter to the Information Commissioner's Office (ICO). You can reach the ICO through their website or call them on 0303 123 1113. Their mailing address is:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Further information about your rights can also be found in the Information Commissioner's [website](#).

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