



Code of conduct complaints: fact sheet

WHAT IS THE CODE OF CONDUCT?

The council has adopted a code of conduct for councillors, which is available on the council's [website](#). A person may complain about a councillor if they believe a councillor has failed to comply with the code of conduct.

Each parish and town council is also required to adopt a code of conduct. You should contact the parish or town clerk to see a parish council's code of conduct but you should send your complaint about a parish or town councillor to the address below.

HOW DO I MAKE A COMPLAINT?

You need to complete a complaint form and send it to us. You can get the form from the council's website or it is available on request from 01235 540306.

If you wish to make a complaint, please write to or email the monitoring officer at:

Margaret Reed, Monitoring Officer
South Oxfordshire and Vale of White Horse District Councils
135 Eastern Avenue
Milton Park
Milton
Abingdon
OX14 4SB
email: monitoringofficer@southandvale.gov.uk

Tel: 01235 540306

WHO IS THE MONITORING OFFICER?

The monitoring officer is a senior officer of the council who has statutory responsibility for maintaining the register of councillors' interests and who is responsible for administering the complaints system for councillor misconduct.

WILL THE SUBJECT OF THE COMPLAINT KNOW I HAVE MADE A COMPLAINT?

The monitoring officer will decide whether and when to inform the subject of the complaint about the allegations (unless you have asked for your identity to remain confidential and the monitoring officer or [complaints panel](#) has agreed to the request).

The letter telling the councillor about the complaint will generally name the complainant unless the complainant has requested confidentiality.



If you are completing a complaint form and want to keep your name and address confidential, please explain your reasons in the space provided on the complaint form.

If your complaint relates to a town or parish councillor, the monitoring officer is likely to inform the town or parish council about the complaint and may ask them for information before deciding what action to take. The monitoring officer will also keep the town or parish council informed of progress and the final outcome of the complaint. These arrangements will apply unless there are good reasons not to communicate with the parish council.

WHAT DOES REFERENCE TO BULLYING MEAN IN THE CODE OF CONDUCT?

Bullying may be regarded as offensive, intimidating, malicious, insulting or humiliating behaviour which attempts to undermine, hurt or humiliate an individual or group and which can have a damaging effect on a victim's confidence, capability and health.

Bullying conduct can involve:

- behaving in an abusive or threatening way, or
- making allegations about people in public, in the company of their colleagues, through the press or in blogs, (but within the scope of this code of conduct).

It may happen once or be part of a pattern of behaviour, although minor isolated incidents are unlikely to be considered bullying.

It is unlikely that a councillor will be found guilty of bullying when both parties have contributed to a breakdown in relations.

HOW WILL THE COUNCIL DEAL WITH MY COMPLAINT?

In brief, the monitoring officer or a complaints panel (a panel of the Audit and ~~Corporate~~ Governance ~~Sub~~-Committee) will decide what action to take on a complaint if it meets the criteria for consideration: for instance we are unlikely to consider anonymous complaints. More information about the complaints process is set out in detail in the complaints procedure available on the [website](#).

The monitoring officer may decide to take no action on the complaint, seek a local resolution to the complaint or send it for investigation. The monitoring officer may seek the views of the [independent person](#) at this stage.

WHAT IS LOCAL RESOLUTION?

At any stage, the monitoring officer may consider that they can resolve the matter without investigation or without consideration by the complaints panel. In such a case, the monitoring officer may consult the independent person and you as complainant, and seek to agree what you consider will result in a fair resolution and will also help to ensure higher standards of conduct in future.



Such resolution may include the councillor accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the council of which they are a member.

WHAT IS A COMPLAINTS PANEL?

A complaints panel is a panel of the Audit and ~~Corporate~~ Governance Sub-Committee. It can undertake the same role as the monitoring officer in that it decides what action to take on a complaint. The monitoring officer may ask a complaints panel to consider a complaint if they consider it inappropriate for officers to deal with it.

WHO ARE THE MEMBERS OF THE COMPLAINTS PANEL?

Three members of the council's Audit and ~~Corporate~~ Governance Sub-Committee make up a complaints panel. The chairman of the sub-committee can decide that the full sub-committee should consider a complaint if they feel it is necessary.

WHO IS THE INDEPENDENT PERSON

The independent person is a member of the public who has applied for such a post following advertisement of the vacancy. They don't have associations with the council or with town or parish councils in the district. They are appointed by a vote at a council meeting.

The monitoring officer seeks their views when dealing with complaints. The independent person will attend complaints panel meetings when the panel considers code of conduct complaints. In addition, a complaints panel can seek and take into account their views before the panel reaches any conclusion on whether the councillor's conduct constitutes a failure to comply with the code of conduct. The panel can also seek their views on its recommendations to the monitoring officer for action following a finding of failure to comply with the code of conduct.

WILL MY COMPLAINT BE INVESTIGATED?

The monitoring officer will review every complaint received. Before taking a decision, the monitoring officer may consult the independent person. The monitoring officer may seek further information from you, from the councillor or other sources to help them make a decision. The monitoring officer will make a decision as to whether the complaint merits formal investigation. The monitoring officer will normally take this decision within 10 working days of receipt of your complaint. The monitoring officer will inform you of their decision and the reasons for it.

Sometimes, the monitoring officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the councillor accepting that his/her conduct was unacceptable and offering an apology, or other remedial action.



Where the councillor makes a reasonable offer of local resolution (referred to above), but you are not willing to accept that offer, the monitoring officer will take your views into account in deciding whether the complaint merits formal investigation.

If your complaint identifies criminal conduct or breach of other regulations by any person, the monitoring officer has the power to call in the police and other regulatory agencies. You may also do the same.

HOW IS THE INVESTIGATION CONDUCTED?

The monitoring officer will determine the procedure to adopt if they decide to undertake a formal investigation. This may involve the appointment of an investigating officer, who may be another senior officer of the council, an officer of another council or an external investigator.

The investigator normally writes to the councillor who is the subject of the complaint and provides them with a copy of the complaint, asks them for their explanation of events, and to identify what documents the investigator needs to see and who they need to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the councillor might prejudice the investigation, the monitoring officer may delete your name and address from the papers given to the councillor, or delay notifying them until the investigation has progressed sufficiently.

At the end of the investigation, the investigator will produce a draft report and will send copies of that draft report, in confidence, to you and to the councillor concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

At the end of the investigation, the investigator will prepare a report for the monitoring officer to consider.

WHAT HAPPENS IF THERE APPEARS TO BE NO EVIDENCE OF A FAILURE TO COMPLY WITH THE CODE OF CONDUCT?

The monitoring officer will review the investigating officer's report and consult the independent person. If the independent person is satisfied that the report is sufficient and no further action is required, the monitoring officer will write to you and the councillor giving you both a copy of the final report. Sometimes the monitoring officer may ask the investigator to review their report if they feel it is necessary.

WHAT HAPPENS IF THERE APPEARS TO BE EVIDENCE OF A FAILURE TO COMPLY WITH THE CODE OF CONDUCT?

The monitoring officer will review the investigating officer's report and may consult the independent person. The monitoring officer will then either send the matter for local hearing before a panel of councillors of the Audit and ~~Corporate~~ Governance Sub-Committee (the complaints panel) or seek local resolution (referred to above).



LOCAL HEARING

If the monitoring officer considers that local resolution is not appropriate, particularly if the allegation relates to serious misconduct then, after consulting the independent person, the monitoring officer will report the matter to a panel of the Audit and ~~Corporate~~ Governance Sub-Committee (the complaints panel). The chairman of the sub-committee can decide that the full committee should consider the matter.

The complaints panel will conduct a local hearing to consider whether the councillor has failed to comply with the code of conduct and, if so, whether to recommend action in respect of the councillor.

The panel, with the benefit of from the views of the independent person, may conclude that the councillor did not fail to comply with the code of conduct.

If the panel concludes that the councillor did fail to comply with the code of conduct, the chairman will inform the councillor of this finding and the panel will then consider what action, if any, it should take as a result of the councillor's failure to comply with the code of conduct. In doing this, the panel will give the councillor an opportunity to make representations and will consult an independent person.

The way in which a hearing takes place is set out in full in our procedure.

WHAT HAPPENS AT THE END OF THE HEARING

At the end of the hearing the chairman will state the conclusion of the panel. The monitoring officer will arrange for this to be set out in a decision notice that we will send to you, the councillor concerned and the parish or town council (if applicable).

WHAT ACTION CAN THE COMPLAINTS PANEL TAKE WHERE A COUNCILLOR HAS FAILED TO COMPLY WITH THE CODE OF CONDUCT?

The complaints panel or the full Audit and ~~Corporate~~ Governance Sub-Committee may recommend the monitoring officer to:

- censure or reprimand the councillor;
- publish its findings in respect of the councillor's conduct;
- report its findings to council or to the parish council for information;
- recommend the councillor's group leader (if applicable) to remove the councillor from any or all committees or sub-committees of the council;
- recommend the leader of the council to remove the councillor from the cabinet, or remove them from particular portfolio responsibilities;
- recommend council to replace the councillor as leader of the council;
- instruct the monitoring officer to, or recommend that the parish council, arranges training for the councillor;
- withdraw facilities provided to the councillor by the council, such as a computer, website and/or email and internet access for a specified period, or



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- exclude the councillor from the council's offices or other premises, with the exception of meeting rooms as necessary for attending council or committee meetings for a specified period.

The monitoring officer, the complaints panel and the Audit and Corporate Governance Committee have no power to suspend or disqualify the councillor, to withdraw a councillor's basic or special responsibility allowances, or to recommend other outcomes.

APPEALS

There is no right of appeal for you as complainant or for the councillor against a decision of the monitoring officer or the recommendation of the complaints panel or the Audit and ~~Corporate~~ Governance Sub-Committee.

If you feel that the council has failed to deal with your complaint properly, you may make a complaint via the council's corporate complaints procedure but it is unlikely the council will consider the complaint if the matter complained of relates to the decision of the monitoring officer or panel about what action to take on the complaint.