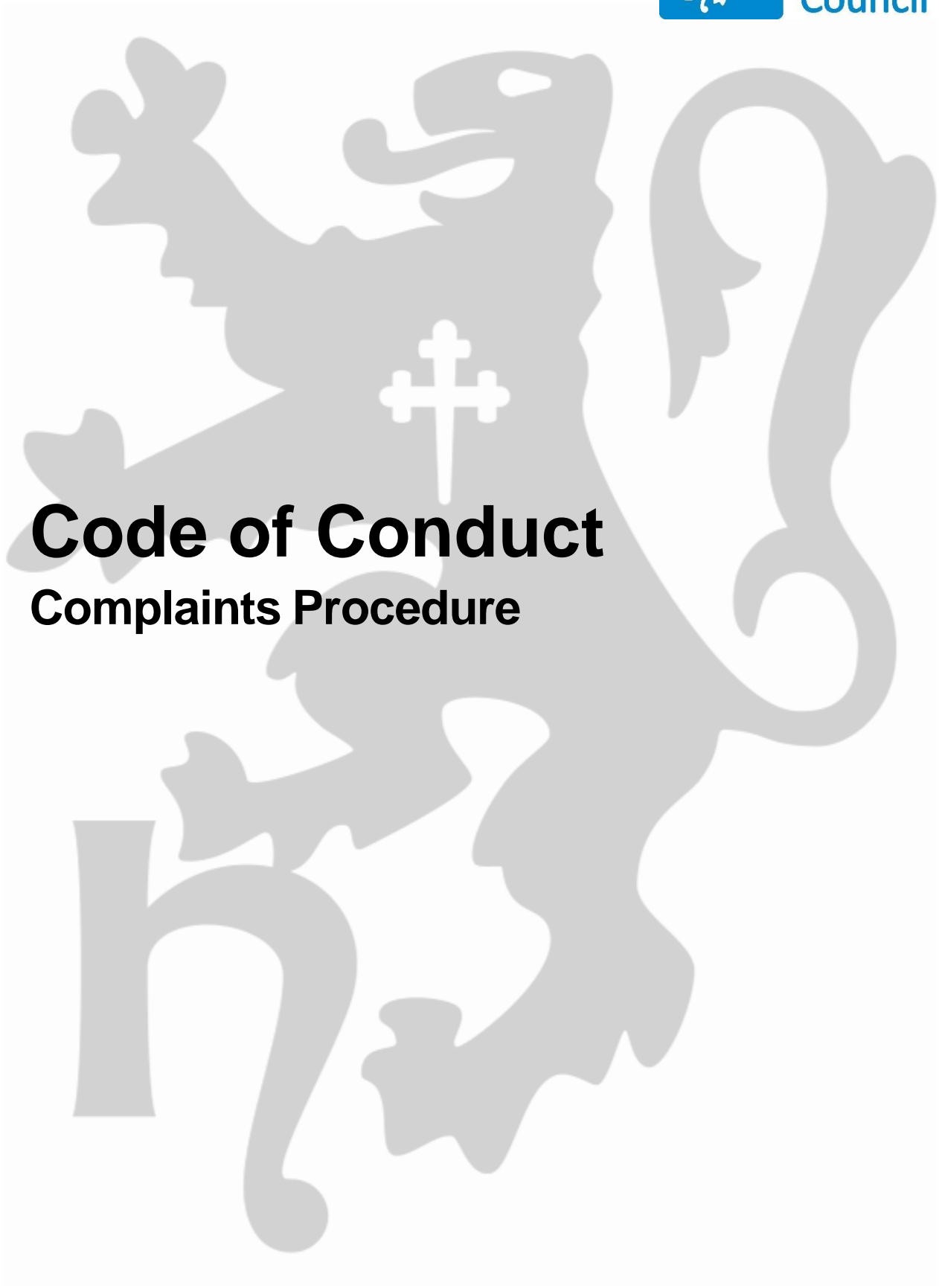




Horsham  
District  
Council



# Code of Conduct

## Complaints Procedure

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## The Code of Conduct Complaints Procedure:

### 1. Introduction

- 1.1 The purpose of this document is to explain:
- (1) how you can make a Code of Conduct complaint (a Complaint) to Horsham District Council (the Council) about a Horsham District Councillor or a Parish Councillor or a Neighbourhood Councillor or a person co-opted onto a District or Parish or Neighbourhood Council Committee as a member and
  - (2) the process which the Council will follow for dealing with the Complaint.
- 1.2 The Council is required by law to have in place arrangements under which an allegation that a Councillor has failed to comply with the relevant Code of Conduct can be investigated and a decision made about such allegation.
- 1.3 The Council is also required by law to appoint at least one Independent Person, whose views must be sought and taken into account before it makes a decision on an allegation which it has decided to investigate. In addition, the views of the Independent Person may be sought by the Council at any other stage, or by a District, Parish or Neighbourhood Councillor or co-opted member against whom an allegation has been made. The Council will endeavour to appoint two Independent Persons whose appointment must be approved by the majority of the members of the Council.
- 1.4 The arrangements and procedures for making a Complaint and the procedure and guidance to be followed upon receipt by the Monitoring Officer of a Complaint are set out in sections 2 to 9 and the Appendices to this document.
- 1.5 The arrangements and procedures for handling a Complaint are dealt with by the Monitoring Officer, who is a senior officer of the Council. The Monitoring Officer may allocate any complaint, and any other standards related matters, to a Deputy Monitoring Officer to deal with, who will have equal responsibility for administering the arrangements. In the absence of the Monitoring Officer, a Deputy Monitoring Officer may deal with all standards matters. Any reference to the Monitoring Officer in this document includes any Deputy Monitoring Officer. will have responsibility for administering the arrangements.
- 1.6 The relevant Code of Conduct, in the case of a Complaint against a Horsham District Councillor or co-opted member, will be the Code of Conduct adopted by the Council. In the case of a Complaint against a Parish or Neighbourhood Councillor or co-opted member, it will be the Code of Conduct adopted by that Parish or

Neighbourhood Council. In this document the person making the Complaint will be referred to as the Complainant and the District or Parish or Neighbourhood Councillor or co-opted member who is the subject of the Complaint will be referred to as the Subject Member.

## **2. How to make a Complaint**

2.1 If you believe there has been a breach by a Subject Member of the relevant Code of Conduct and wish to make a Complaint you will need to fill out the Council's Code of Conduct Complaints Form and return it to the Council's Monitoring Officer. You can find a copy of the Council's Code of Conduct Complaints Form at Appendix A to this document. You can complete the form either online here (<https://www.horsham.gov.uk/codeofconductcomplaint>) or send a copy via email or post. You can also request a form by contacting the Council's Monitoring Officer/Standards Team at [standards@horsham.gov.uk](mailto:standards@horsham.gov.uk).

2.2 When completing the Complaints Form you should answer all sections, clearly identify the relevant Code of Conduct and state what section or sections of the Code is/are alleged to have been breached and why. Your explanation is limited to two sides of A4 to facilitate assessment. Evidence to support the Complaint should be provided and cross-referenced to the specific allegation. The information and detail in the Complaints Form should be clear and concise. If the case is referred for Formal Investigation you may be given the opportunity to provide more information and detail. If recordings of meetings are submitted as evidence, then a copy of the recording or a link to an official recording should be provided. The relevant timings contained in the recording should be given and cross-referenced to the specific allegations. It is important that the Complainant does not just refer to documents and/or recordings with general allegations. All evidence should cross-refer to specific allegations and should be presented clearly. It is not the Monitoring Officer's responsibility to interpret what the Complaint is about. Please do not make purely politically motivated, malicious, vexatious, or tit for tat complaints as they will be rejected.

2.3 A Complaint should be made as soon as possible and, in any event, no later than 28 days after the incident complained about. A Complaint received after the 28 day period will not be processed or dealt with unless exceptional circumstances can be shown.

2.4 We ask you to provide your name and contact details on the Complaints Form, so that we can acknowledge receipt of your Complaint as well as keep you informed of its progress. This also guards against malicious complaints. We will only use the information you provide for the purposes of dealing with your Complaint. The

Council does not accept complaints that are submitted anonymously, unless, in the opinion of the Monitoring Officer, there is an overriding public interest reason to do so and there are extreme circumstances that might justify this.

2.5 Your contact details will not normally be shared unless it is essential for the handling of the Complaint. For example, knowing your address could be important to understanding the context of the Complaint.

2.6 In the interests of fairness and openness and in compliance with the rules of natural justice, we believe that a Subject Member who has had a Complaint made against them has a right to know who has made the Complaint and the substance and detail of the allegations made against them unless there are exceptional circumstances (see section 2.10).

2.7 During the course of dealing with the Complaint, the Monitoring Officer will normally only share information about your name and details of the Complaint with:

- the Subject Member;
- the Standards Team at the Council;
- the Independent Person(s) and Parish Representative (if applicable) who advise on the handling of complaints;
- the Parish or Neighbourhood Clerk if the Subject Member is a member of a Parish or Neighbourhood Council;
- any Investigating Officer appointed to deal with the case;
- members of any Committee or Sub-Committee of the Council who are handling the case;
- any witnesses to the allegations where that is necessary to enable a proper investigation.

However, there may be occasions where such information will be shared with others if it is felt necessary and appropriate to do so. The information may also be published in a Decision Notice following Formal Investigation (see section 2.9) or on earlier publication of details of the Complaint (see section 2.12).

2.8 We may be required or permitted, under data protection legislation, to disclose your personal data without your explicit consent. For example, we may have a legal obligation to do so, such as in relation to law enforcement, regulation and licensing, criminal prosecutions, and court proceedings.

2.9 You should also note that if your Complaint is formally investigated and results in a Decision Notice from the Standards Committee or Sub-Committee your name and details of the Complaint may be published in that notice and this would mean that your name and details of the Complaint could be in the public domain. By

completing the Complaints Form you give permission for your name and details of the Complaint to be included in any Decision Notice that may be published in due course, or as detailed in 2.12, unless there are exceptional circumstances (see section 2.10).

2.10 The exceptional circumstances referred to in sections 2.6 and 2.9 are those where to disclose the identity of the Complainant would be contrary to the public interest or would prejudice investigation of the Complaint and may include, for example: -

- where you have a reasonable belief that you may be victimised or harassed by the Subject Member (or by a person associated with the Subject Member); or
- where you have a reasonable belief that your personal security may be at risk; or
- where you have a reasonable belief that you may receive less favourable treatment from the Council because of the seniority of the Subject Member in relation to any existing Council service provision or any tender/contract that you may have or are about to submit to the Council; or
- you are an officer who works closely with the Subject Member and have a reasonable belief that you may be adversely affected in your employment if your identity is disclosed.

2.11 The identity of the Subject Member who is the subject of the Complaint should remain confidential during the complaints process, subject to 2.12, unless or until there has been a determination of a breach of the relevant Code of Conduct. This is vital to ensure that the Complaint is not prejudiced. Therefore, you should not divulge the identity of the Subject Member nor the nature of the Complaint to the public whilst the Complaint is being dealt with.

The Subject Member should also maintain privacy and confidentiality, particularly in relation to the Complainant's details whilst the Complaint is being dealt with. The Complainant and Subject Member should not make direct contact with each other regarding the Complaint unless authorised to do so by the Monitoring Officer.

2.12 If it is in the public interest and appropriate, details of the Complaint may be published after Assessment or during Informal Resolution. This will be at the discretion of the Monitoring Officer, Standards Committee or Sub-Committee.

If the matter proceeds to Formal Investigation and a Standards Committee or Sub-Committee is convened to determine it, then the relevant Committee or Sub-Committee will be held and the Decision Notice will be published on the Council's website unless there are exceptional reasons not to do so. This will be at the discretion of the Monitoring Officer, Standards Committee or Sub-Committee.

2.13 Your details will be held for 3 years after the Complaint has been dealt with and closed.

## **Complaints procedure:**

### **3. Initial check of the Complaints Form**

- 3.1 The Monitoring Officer receives the completed Complaints Form and accompanying evidence from the Complainant and, following an initial review, may ask for some clarification. If the Complaints Form has not been filled in correctly or there is information missing or it does not comply with sections 2.2 or 2.3, the Complaint may be rejected. In such event, the Complainant will be given the reasons for rejection of the Complaint. The Complainant may be given the opportunity to correct and resubmit the form depending on the circumstances.
- 3.2 If the Complaint does not fall within the scope of the relevant Code of Conduct, the Complaint will be rejected, and the Complainant will be notified.
- 3.3 If the Complaint identifies potential criminal conduct or breach of other statutory regulations, the Monitoring Officer may refer the matter to the Police or other regulatory body.
- 3.4 If at any time at the outset or during Assessment, ~~Informal Local~~ Resolution or Formal Investigation the Monitoring Officer or Investigating Officer identifies any potential breach of criminal law or other statutory regulations by any individual, they may refer the matter to the Police or other regulatory body.
- 3.5 If the Complaint appears to be within the scope of the Code of Conduct and the Complaints Form has been correctly completed and satisfactory information and detail provided, the Complaint will be processed.

### **4. Processing the Complaint**

- 4.1 Upon receipt of a satisfactory Complaints Form, the Monitoring Officer will open a complaints case, allocate to it a unique reference, and inform and provide details of the Complaint to the Subject Member. They will also acknowledge receipt to the Complainant. They will also inform the Parish or Neighbourhood Clerk of the Complaint, if the Complaint is about a Parish or Neighbourhood Councillor or co-opted member of a Parish or Neighbourhood Council Committee. Where possible this will be done within 7 working days of receipt of a satisfactory Complaints Form.
- 4.2 At this stage the Monitoring Officer may offer the Subject Member the opportunity to submit a response to the Complaint. In the interests of fairness, the



Subject Member will be given the same limit of two sides of A4 pages as the Complainant to set out their response.

4.3 Alternatively, the Monitoring Officer may decide to move to Assessment without the need for a response at this stage, depending on the circumstances of the case. If appropriate, the Subject Member will be given the opportunity to respond in more detail following Assessment at the start of either ~~Local~~-Informal Resolution or Formal Investigation.

4.4 The Monitoring Officer has complete discretion as to whether to accept a code of conduct complaint or a response that does not strictly comply with these procedures.

## **6.5. Assessment**

5.1 The Monitoring Officer in consultation with an appointed Independent Person will fully assess the Complaint on the papers and evidence provided. Further information and detail may be requested and other enquiries made if necessary. The Monitoring Officer in consultation with the Independent Person or Standards Committee or Sub- Committee will decide upon one of the following courses of action:

- i. there has been no breach of the Code of Conduct. In such event the Complainant and Subject Member will be informed of the outcome and given reasons;
- ii. there has been no breach of the Code of Conduct but there appears to be a potential breach of criminal law or other statutory regulation. In such event:
  - The Subject Member and Complainant will be informed of the outcome and given reasons; and
  - The matter will be referred to the Police or other regulatory body;
- iii. no further action will be taken (see section 6);
- iv. it is possible that there may have been a breach of the Code of Conduct, but further investigation and evidence are necessary to make that determination. However, rather than commencing Formal Investigation, if the Subject Member agrees to undertake Informal Resolution (see section 7), the Complaint may be resolved without a determination;
- v. it has been determined that there has been a breach of the Code of Conduct and the decision is to undertake Informal Resolution (see section 7) without the need for Formal Investigation;

- vi. there is some other reason why Informal Resolution (see section 7) should be undertaken;
- vii. to carry out a Formal Investigation (see section 8);
- viii. to take any other appropriate action in the circumstances;
- ix. to refer the matter to the Standards Committee or Sub-Committee for it to decide which of the above options is most appropriate.

5.2 So far as is reasonably practicable, the Monitoring Officer aims to complete Assessment and notify the Complainant and Subject Member as to the relevant course of action within two months from the date of receipt of a satisfactory Complaints Form.

5.3 In cases where a Complaint is made against a Parish or Neighbourhood Councillor or person co-opted onto a Parish or Neighbourhood Council Committee as a member, the Monitoring Officer or Investigating Officer may also consult a Parish Representative, if considered necessary, at any time during Assessment, Informal Resolution, or Formal Investigation to obtain their views and may also involve and liaise with the relevant Parish or Neighbourhood Clerk if appropriate.

5.4 No officer or member of the Council or Independent Person or Parish Representative will be permitted to participate in any stage of the procedure if they have a conflict of interest in the matter. Where the Monitoring Officer has a conflict of interest in the matter, or there is any other good reason, the Monitoring Officer may appoint a deputy to act or may ask a Monitoring Officer from a different authority to undertake any stage of the process detailed in this document.

## **7.6. No further action**

6.1 At Assessment, the Monitoring Officer (in consultation with the Independent Person) or Standards Committee or Sub-Committee may consider that:

- A. on the information provided and after assessment of the Complaint there is no clear evidence of a breach of the Code of Conduct, or it is unlikely that a breach will be determined in the circumstances;
- B. the Complaint is insufficiently serious to warrant further action being taken;
- C. the Complaint appears to be purely politically motivated, malicious, vexatious, or tit for tat;
- D. the Complaint (or a similar Complaint about the same event) has previously been considered by the Council or another body with investigatory functions i.e. the issue has already been dealt with;
- E. the Subject Member is no longer a member of the authority concerned or no longer holds the position from which the Complaint arises;

- F. the alleged conduct occurred too long ago to warrant further action being taken or for the information to be considered reliable;
  - G. the Subject Member was acting in a personal capacity at the time of the alleged breach of the Code of Conduct;
  - H. it is not in the public interest to pursue the Complaint (See Appendix C);
  - I. there is some other reason to take no further action.
- 6.2 In any of the above circumstances, the Monitoring Officer may dismiss the Complaint and take no further action. The Monitoring Officer will inform the Complainant and Subject Member that no action will be taken and the reasons for the decision. The Complaint is closed.

### **8.7. Informal Resolution**

- 7.1 At Assessment, the Monitoring Officer in consultation with the Independent Person, or Standards Committee or Sub-Committee may consider that Informal Resolution should be undertaken (see section 5.1 (iv) to (vi)).
- 7.2 Informal Resolution can take any form as agreed with the Independent Person, including but not limited to the following:
- A. the issue of an apology by the Subject Member;
  - B. the issue of an explanation by the Subject Member;
  - C. a personal undertaking from the Subject Member regarding future conduct;
  - D. clarification or rectification of the matter giving rise to the Complaint;
  - E. the requirement for the Subject Member to undertake specified training;
  - F. a form of dispute resolution would be appropriate to resolve an underlying issue or ongoing dispute. If the parties to the dispute are within a Parish or Neighbourhood Council, the recommendation may be to the Parish or Neighbourhood Council to engage a mediator at its own expense;
  - G. a recommendation to introduce or amend policy or procedure so as to avoid circumstances giving rise to a similar Complaint in the future.

#### **Procedure for Informal Resolution:**

- 7.3 The Monitoring Officer informs the Complainant and Subject Member of the Informal Resolution and the reasons for this decision and specifies the action required to close the Complaint and the timescale in which the action must be taken. So far as is reasonably practicable, the aim is to have achieved Informal Resolution within one month of completion of Assessment.

- 7.4 If the requested action is taken within the prescribed timescale, the Complaint is closed and the Monitoring Officer provides written confirmation to the Complainant and Subject Member.
- 7.5 If the Subject Member does not take the requested action within the prescribed timescale, the Monitoring Officer will consult the Independent Person again and decide on one of the following courses of action or any other appropriate action:
- A. the potential breach is not serious enough to warrant further action, or there is any other reason why there should be no further action. In such case, the Monitoring Officer closes the Complaint and gives reasons to the Subject Member and Complainant;
  - B. to attempt a different form of Informal Resolution;
  - C. to proceed with Formal Investigation into the potential breach (section 8);
  - D. if there are exceptional circumstances, to give the Subject Member an extension of time to comply.
- 7.6 If the Informal Resolution requires the co-operation of the Complainant and the Complainant declines to co-operate within a prescribed period, then the Monitoring Officer may decide to pursue a different form of Informal Resolution or close the Complaint following further consultation with the Independent Person.

## **9.8. Formal Investigation**

- 8.1 At Assessment, the Monitoring Officer in consultation with the Independent Person, or Standards Committee or Sub-Committee may consider that:
- A. the Complaint raises issues of bullying, misuse of position, breach of confidentiality or other allegation of a serious breach of the Code of Conduct;
  - B. the Complaint is by or involves a member of staff which ought to be investigated by reason of the nature of the Complaint or in the interests of transparency;
  - C. other forms of action have been tried without a satisfactory outcome and the nature of the Complaint is sufficiently serious to warrant Formal Investigation;
  - D. there has been a history of similar complaints against the Subject Member and the nature of the Complaint is sufficiently serious to warrant Formal Investigation;
  - E. it is in the public interest to carry out a Formal Investigation into the alleged breach of the Code of Conduct (see Appendix C);
  - F. there is some other reason why a Formal Investigation is appropriate.
- 8.2 In any of the above circumstances the Monitoring Officer may pursue a Formal Investigation.

## Procedure for Formal Investigation and Determination:

8.3 The Monitoring Officer in consultation with the Independent Person will appoint an Investigating Officer who may be the Monitoring Officer, Deputy Monitoring Officer or other appropriate person either within or outside the Council, to investigate the alleged breach and will provide their details to the Subject Member and Complainant. The name and contact details of the Independent Person will also be given to the Subject Member who has the right to consult the Independent Person during the investigation process.

The Investigating Officer may then invite the Subject Member and Complainant to submit additional supporting information. The Investigating Officer has complete discretion as to how to conduct and proceed with the investigation including but not limited to:

- interviewing the Complainant;
- interviewing the Subject Member;
- interviewing witnesses;
- requesting copies of documents and/or recordings relating to the investigation.

Both the Complainant and Subject Member should comply with all such requests from the Investigating Officer.

8.4 The Investigating Officer will collate all evidence, responses and any other information relating to the Complaint that could reasonably assist in its determination. This may include documents, interviews, statements, recordings, and any other information the Investigating Officer deems relevant. An information/evidence bundle will be prepared.

8.5 When complete the information/evidence bundle will be submitted to the Independent Person for consideration and response. It may also be submitted to the Parish Representative in Parish or Neighbourhood Councillor or co-opted Parish or Neighbourhood Council Committee member cases, if it is considered appropriate. The Independent Person (and Parish Representative if involved) will be invited in respect of each Complaint to identify whether they consider that the alleged conduct amounts to a breach of the relevant Code of Conduct and to give their reasons for having reached that conclusion.

8.6 If the Investigating Officer and Independent Person (and Parish Representative if involved) agree that there is no breach of the Code of Conduct, the Complaint is referred back to the Monitoring Officer who will decide if no further action is to be taken or if the Complaint will still be referred to the Standards Sub-Committee for

review and determination. The Monitoring Officer will inform the Complainant and the Subject Member of the decision with reasons.

- 8.7 If the Investigating Officer, having considered the views of the Independent Person (and Parish Representative if involved), considers that a breach may have occurred or the Monitoring Officer decides the case should still be reviewed and determined by the Standards Sub-Committee, the Investigating Officer will prepare a draft report.

The draft report will clearly set out the allegations made by the Complainant, the relevant parts of the Code of Conduct alleged to have been breached and provide a statement of the Investigating Officer's findings of fact, referring where possible to the information/evidence bundle. The Independent Person's (and Parish Representative's if involved) views and comments will also be included, and the draft report will conclude as to whether or not the Subject Member may have failed to comply with the relevant Code of Conduct with reasons. It will also suggest the sanctions which may be appropriate. This draft report should state that the report does not represent the Investigating Officer's final findings. This draft report and accompanying information/evidence bundle will be sent to the Subject Member and Complainant (and any other relevant person if considered necessary) for their consideration and response within 14 days.

- 8.8 The Investigating Officer will consider any responses received and will produce a final report having taken them into account. The final report will be submitted to the Monitoring Officer who will organise a Standards Sub-Committee if appropriate to determine the Complaint. Generally, the Sub-Committee will determine the Complaint on the papers and the information/evidence bundle. Personal representation by the Complainant or Subject Member will not be allowed. However, if there are circumstances where the Monitoring Officer considers that personal testimony is required to reach a determination, then the Subject Member, Complainant and/or witnesses may be invited to attend a Sub-Committee for a hearing.

- 8.9 The Standards Sub-Committee will comprise usually three but a quorum of two Standards Committee Council members and an Independent Person as a non-voting member. The meeting will be attended by the Monitoring Officer, who will advise the Sub-Committee throughout, and by the Investigating Officer, who will present their report. If a hearing is deemed necessary where personal testimony is required, then those invited to attend will be informed by the Monitoring Officer of the process and procedure that will be followed at the Standards Sub-Committee.

8.10 The Standards Sub-Committee considers the report and all information and evidence to determine if there has been a breach of the Code of Conduct.

If the Standards Sub-Committee finds there has been no breach of the relevant Code of Conduct, the Complaint is dismissed.

If the Standards Sub-Committee finds there has been a breach of the relevant Code of Conduct, it will decide in consultation with the Independent Person on suitable sanction(s) if this is considered appropriate.

8.11 The Monitoring Officer will issue a Decision Notice which will include a brief statement of facts, the provisions of the Code of Conduct engaged by the allegations, the view of the Independent Person, the decision and the reasoning for that decision, and any sanction(s) applied. The Decision Notice will be sent to the Subject Member, the Complainant and the Parish or Neighbourhood Clerk if necessary and will be published as soon as possible on the Council website as detailed in 2.12.

8.12 So far as is reasonably practicable, the aim is for the Formal Investigation and issue of a Decision Notice to be completed within six months from the date of receipt of a satisfactory Complaints Form.

~~8.13 There is no right of appeal for the Complainant or Subject Member against a decision of the Monitoring Officer, Standards Committee or Sub-Committee. If the Complainant considers that the Council has failed to deal with their Complaint properly, they can make a complaint to the Local Government and Social Care Ombudsman.~~

## **10.9. Sanctions**

9.1 If a breach of the Code of Conduct has been determined or the Subject Member agrees (see section 5.1 (iv)), all or any of the following sanctions may be applied:

- A. issue of a formal letter;
- B. issue of a formal reprimand by motion or otherwise;
- C. recommendation that the Subject Member be removed from any or all committees or sub-committees, cabinet or sub-committees of cabinet;
- D. restriction on the Subject Member's access to the premises of the relevant authority and the use by the Subject Member of the relevant authority's resources, provided that any such restrictions imposed upon the Subject Member are reasonable and proportionate to the nature of the breach and do

not unduly restrict the Subject Member's ability to perform his or her functions as a member;

- E. requirement that the Subject Member undertakes such training as may be specified and detailed;
- F. requirement that the Subject Member submits an apology in such form as may be specified and detailed;
- G. requirement that the Subject Member clarifies or revokes any previous statement as specified and detailed;
- H. requirement that the Subject Member takes part in conciliation or mediation as specified and detailed;
- I. provision of any relevant publicity in the form of a press release or otherwise;
- J. any other sanction which in consultation with the Independent Person is considered appropriate.

9.2 If any sanctions are applied that require the Subject Member's agreement or participation, such as training, conciliation, apology, or remedial action, and are not undertaken satisfactorily by the Subject Member within the specified time, then the matter may come back to the Monitoring Officer or Standards Committee or Sub-Committee to consider any further sanctions, in consultation with the Independent Person.

9.3 Any decision to apply a sanction or sanctions relating to a Parish or Neighbourhood Councillor or to a person co-opted onto a Parish or Neighbourhood Council Committee will be in the form of a recommendation to the relevant Parish or Neighbourhood Council to apply the sanction or sanctions.

## 10. Miscellaneous

10.1 The Monitoring Officer may vary this procedure in any particular instance where he or she is of the opinion that such a variation is desirable and does not conflict with statutory requirements.

10.2 There is no right of appeal for the Complainant or Subject Member against any decision of the Monitoring Officer, Standards Committee or Sub-Committee. If the Complainant or Subject Member considers that the Council has failed to deal with their Complaint properly, they may make a complaint to the Local Government and Social Care Ombudsman.



## Appendix A

# Code of Conduct Complaints Form

### Instructions for completing this form

This form should only be used for Code of Conduct complaints against:

- (1) members of Horsham District Council  
or
- (2) members of parish councils or neighbourhood councils within Horsham District  
or
- (3) co-opted members of Horsham District Council committees or parish or neighbourhood council committees within Horsham District.

These are all referred to as "Subject Member" in this form.

Please read the Code of Conduct Complaints Procedure before completing this form.

You can fill in the form online here: (<https://www.horsham.gov.uk/codeofconductcomplaint>) or alternatively fill in the form below and either e-mail it to [standards@horsham.gov.uk](mailto:standards@horsham.gov.uk) or post it to the Horsham District Council's Monitoring Officer at Parkside, Chart Way, Horsham, West Sussex, RH12 1RL. If you are filling in a printed version of this form please use black ink as it photocopies better.

Please concentrate details of your Complaint into the spaces provided on this form. Do not attach **any** additional material other than as specified in Section 6 of the form as this will not be considered. If additional material is required by the Monitoring Officer or the Standards Committee or Sub-Committee, they will request it.

### **A. Your details:**

1. Please provide us with your contact details:

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Contact telephone:</b>	
<b>Email address:</b>	
<b>Signature or E-Signature:</b>	
<b>Date:</b>	

Note: your name and the details of your Complaint may be made public in accordance with Data Protection legislation and/or the procedural arrangements for dealing with a Complaint (see section 2 of the Code of Conduct Complaints Procedure).



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

- Member of the public
- Council member or co-opted member of a council committee (please specify the council or committee of which you are an elected or co-opted member:\_\_\_\_\_)
- Independent member of a standards committee
- Parish council or neighbourhood council clerk
- Member of Parliament
- Monitoring Officer
- Other council employee, contractor, or agent
- Other (please specify): \_\_\_\_\_

**B. The details of your Complaint:**

3. Please provide us with the name of the Subject Member you believe has breached the relevant council's Councillor Code of Conduct. A separate form should be completed in relation to each Subject Member unless the complaints can appropriately be dealt with together: for example, the complaints arise from the same facts.

Title	First name	Last name	Specify Council

4. Please identify the relevant Councillor Code of Conduct and which particular section(s)/paragraph(s) of the Councillor Code of Conduct you believe has/have been breached:

5. *Please explain why you believe the particular section(s)/paragraph(s) of the Councillor Code of Conduct has/have been breached and state the date of the alleged breach/es:*

(Please use separate sheet(s) as necessary but restrict to 2 pages of A4)

6. *On the next sheet please provide any relevant background information/ documentary evidence to support your allegation(s). Please cross-refer any information / documentary evidence provided to your specific allegations and your reasons why you believe there is a breach.*

*The information should be clear and concise. If recordings of meetings are submitted as evidence, then a copy of the recording or a link to an official recording should be provided and the relevant timings of the recording should be detailed and cross- referenced to the specific allegations.*

*It is important that Complainants do not enclose documents and/or recordings without explaining how they relate to the allegations. It is not the responsibility of the Monitoring Officer to try to interpret what the Complaint is about.*

(Continue on separate sheet(s), as necessary)

7. Please identify any witnesses to the alleged conduct and provide their contact details if possible:

8. The Complaint must be made no later than 28 days after the incident complained about. If the Complaint is made more than 28 days after the incident, please explain why the Complaint was or could not be made within the 28 day period. A Complaint received more than 28 days after the incident will not be processed or dealt with unless exceptional circumstances can be shown.

**C. Fairness and Openness:**

9. In the interests of fairness and openness and in compliance with the rules of natural justice, we believe that a Subject Member who has had a Complaint made against them has a right to know who has made the Complaint and the substance of the allegation made against them unless there are exceptional circumstances (see sections 2.6 and 2.10 of the Code of Conduct Complaints Procedure).

*Do you consider that your name should not be disclosed to the Subject Member i.e. the person against whom you are complaining?*

Yes  No

*If yes, please explain your reason/s:*

#### **D. Check form:**

10. Have you:

- Completed all the sections on this form?
- Signed the form?
- Enclosed any relevant documents and recordings?

*If this Complaints Form is incomplete and/or does not satisfy the requirement of the Code of Conduct Complaints Procedure it may be rejected.*

#### **E. What happens next:**

11. When you have completed this Complaints Form please send it by email to: [standards@horsham.gov.uk](mailto:standards@horsham.gov.uk)

or by post to:

Monitoring Officer (Standards)  
Horsham District Council  
Parkside, Chart Way,  
Horsham, West Sussex  
RH12 1RL

*If this Complaints Form has been satisfactorily completed, the Complaint will be considered in accordance with the Code of Conduct Complaints Procedure. You will be kept informed of progress of the Complaint and of the outcome.*

#### **F. Help:**

12. The procedures for assessing complaints by way of allegations against a Subject Member and for subsequently handling such allegations are regulated by the Localism Act 2011 and any regulations made thereunder by the Secretary of State. Horsham District Council's Procedure for dealing with Code of Conduct complaints can also be found online.

13. Complaints must be submitted in writing using this form, preferably electronically or using the e-form, and are assessed on the basis of the information supplied by you. It is, therefore, important that the information is full and complete.

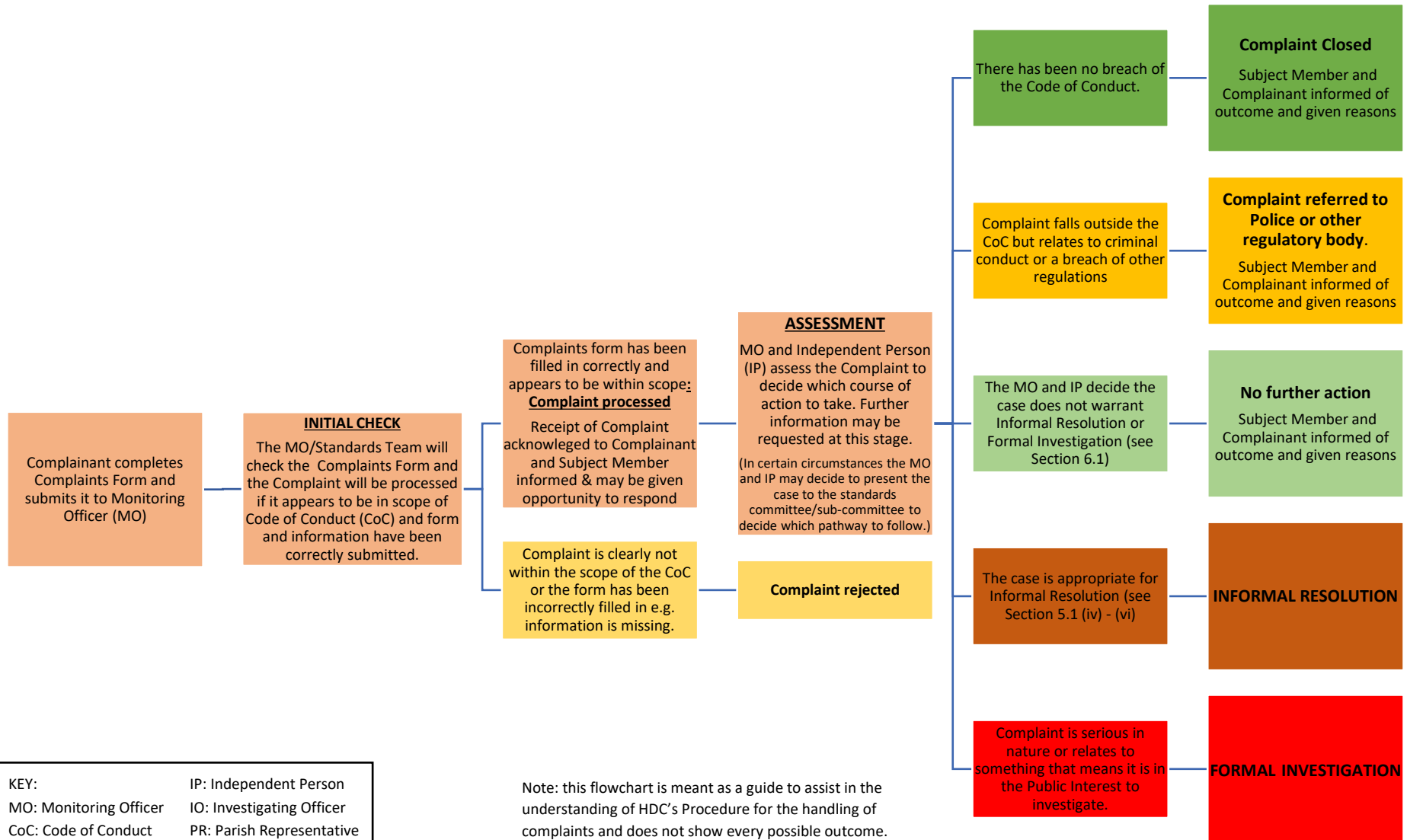
14. In line with the requirements of the Equality Act 2010 we can make reasonable adjustments to assist you if you have a disability that prevents you from making your Complaint in writing. We can also help if English is not your first language.

15. If you have any queries or questions regarding any Code of Conduct matters or you need help in completing this form or you want information on the progress of your Complaint, please contact the Monitoring Officer at [standards@horsham.gov.uk](mailto:standards@horsham.gov.uk)

16. This document is available in alternative formats. Please contact [standards@horsham.gov.uk](mailto:standards@horsham.gov.uk) or call 01403215482.

**Appendix B: Code of Conduct Complaints Procedure Flow chart:**

**1. Initial Check & Assessment:**

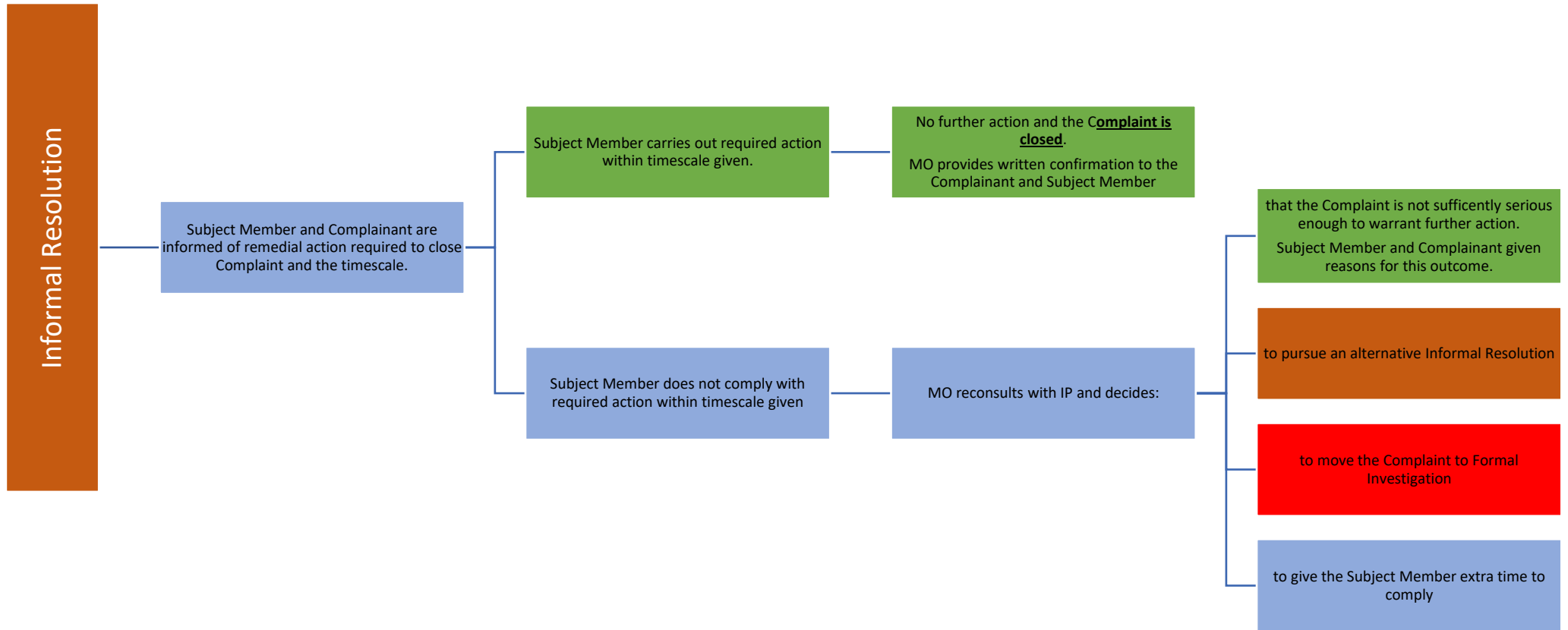


KEY: IP: Independent Person  
 MO: Monitoring Officer IO: Investigating Officer  
 CoC: Code of Conduct PR: Parish Representative

Note: this flowchart is meant as a guide to assist in the understanding of HDC’s Procedure for the handling of complaints and does not show every possible outcome.



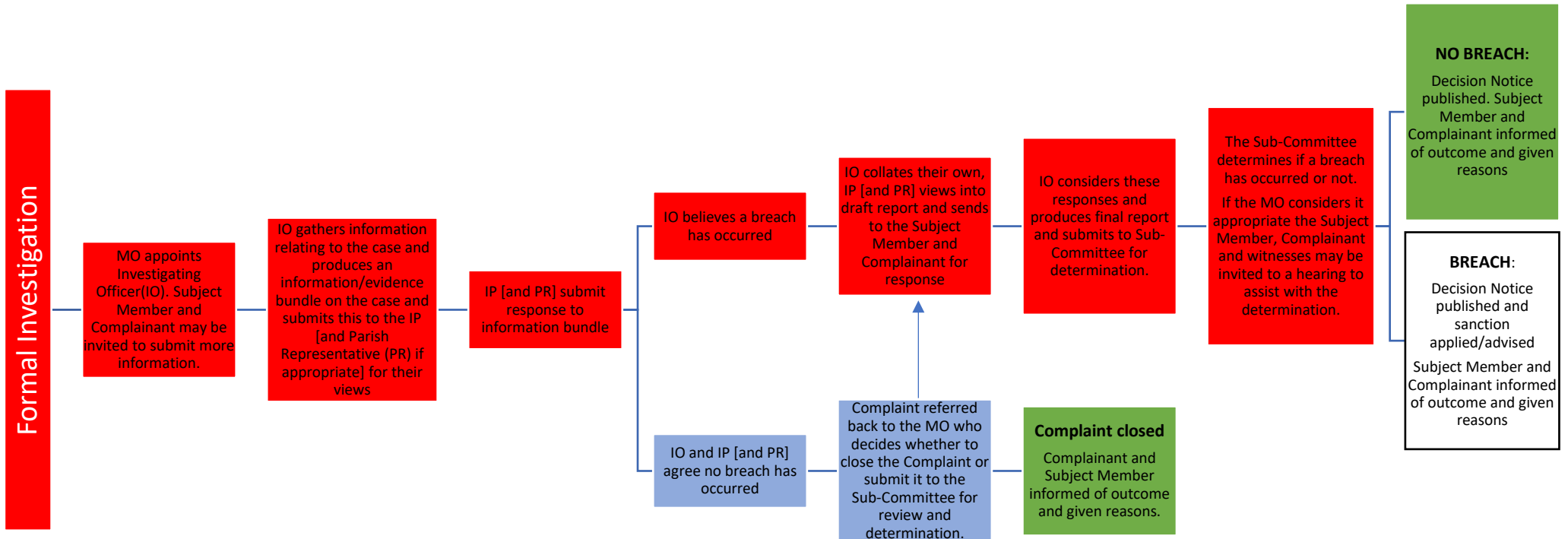
## 2 Informal Resolution:



KEY:	IP: Independent Person
MO: Monitoring Officer	IO: Investigating Officer
CoC: Code of Conduct	PR: Parish Representative

Note: this flowchart is meant as a guide to assist in the understanding of HDC's Procedure for the handling of complaints and does not show every possible outcome.

### 3 Formal Investigation:



KEY:	IP: Independent Person
MO: Monitoring Officer	IO: Investigating Officer
CoC: Code of Conduct	PR: Parish Representative

Note: this flowchart is meant as a guide to assist in the understanding of HDC's Procedure for the handling of complaints and does not show every possible outcome.

## **Appendix C: The Public Interest Test for Assessing a Code of Conduct Complaint**

1. A Code of Conduct for councillors sets out the high standards of behaviour which the public expects from its elected representatives in the authority to which they are elected. The procedure set out in this Code of Conduct Complaints Procedure provides the opportunity for individuals to inform the Council when they believe a member of Horsham District Council or one of Horsham District's Parish or Neighbourhood Councils has breached the relevant Code of Conduct.
2. The Complaints Procedure is crucial in achieving standards of conduct that meet public expectations. Through this process the Council aims to support proper decision-making, the proper use of public resources, and to maintain public confidence in the Council and the democratic process itself. Undertaking investigations that do not support these wider benefits is not in the public interest.
3. The Council is of the view that its limited resources should not be used to investigate matters which are trivial or which have little or no impact upon the public. It is important that we focus our investigations on matters that are serious and are capable of undermining the relationship between councillors and the public they serve, such as: corruption, bullying, damaging the Council's public image, bringing the Council into disrepute, or the misuse of power in public office.
4. At the Assessment stage the Monitoring Officer, in consultation with the Independent Person, will consider if it is in the public interest to pursue a complaint to Formal Investigation, ~~Informal Local~~ Resolution or to dismiss the case.
5. The Monitoring Officer and Investigating Officer will constantly assess in the course of the complaints process whether continuing the Complaint to Formal Investigation is in the public interest.
6. There is no widely accepted definition of public interest, but it has been described as "*something which is of serious concern and benefit to the public*". The public interest therefore relates to something which has an impact on the public and is not merely a matter the public finds to be of interest.
7. The public interest factors which we may take into account are:
  - the seriousness of the breach;
  - whether the Subject Member deliberately sought personal gain for themselves or another person at the public expense;
  - whether the circumstances of the breach are such that a Subject Member has misused a position of trust or authority and caused harm to another; or

- whether the breach was motivated by any form of discrimination against an ethnic group, nationality, gender, disability, age, religion or belief, sexual orientation, or gender identity.

### **Considerations**

8. When taking any of the factors in paragraph 7 into account, relevant considerations can include the circumstances of the Complaint, such as:
  - the extent to which the Subject Member was responsible for, or was to blame for, the alleged breach;
  - whether the alleged conduct was premeditated and/or planned; or
  - whether the alleged conduct has caused harm or impacted on another person, group, or body.
9. Views expressed by the Complainant, or any other person affected by the alleged conduct, relating to the impact and effect will also be considered. Other considerations may be:
  - whether there is evidence of previous similar behaviour on the part of the Subject Member;
  - whether the Subject Member has been the focus of previous complaints or investigations for a similar matter and is, therefore, showing a negative pattern of behaviour or there is evidence of escalating behaviour;
  - whether a Formal Investigation is required to maintain public confidence in elected members within Horsham District;
  - whether Formal Investigation is a proportionate response;
  - whether it is likely that the breach would lead to a sanction being applied to the Subject Member;
  - whether the use of resources in carrying out a Formal Investigation would be regarded as excessive, when weighed against any likely sanction.
10. Public interest will not be decided on the basis of resource alone, but this is a relevant consideration when making an overall assessment. A balanced view will be taken and consideration of the outcomes of previous cases considered by the Standards Sub- Committee will be helpful in achieving this. Not all factors considered here will be relevant to every case and there may be other factors taken into consideration by the Monitoring Officer when deciding if it is in the public interest to pursue a Complaint.