Complaints Form for Complaints Against Councillors in Copeland

Please read carefully before submitting your complaint, your complaint may be rejected if it fails to meet the required criteria.

What kind of complaint can be made about a Councillor

Complaints can be made by anybody about a councillor breaking any part of their authority’s Code of Conduct when they are acting (or giving the impression, they are acting) as a representative of their Council or doing Council business. Acting as a councillor is an important point as many complaints have been received about members using personal Facebook pages and giving no indication that they are a councillor. In those case a councillor is likely to be held as not acting as a councillor. Each case will be determined on a case by case basis.

Typical code of conduct complaints include:

- Failing to treat others with respect.
- Bullying.
- Intimidating a complainant or witness.
- Compromising the impartiality of officers.
- Bringing their Council/office of councillor or executive member into disrepute.
- Disclosing information given in confidence/confidential information unless:
  - They have consent to do so; or
  - Are required to do so by law; or
  - The disclosure is necessary to obtain professional advice, or
  - Disclosure is deemed reasonable, in public interest, in good faith, in compliance with reasonable requirements of the authority.
- Using their position improperly to obtain advantage or disadvantage for anyone.
- Using Council resources for political purposes.
- Preventing anyone accessing information they have a legal right to.
- Failing to register financial or other interests.
- Failing to reveal a pecuniary interest at a meeting.
- Failing to register any gifts or hospitality they have received in their role as a member, worth over £50.
If none of the above applies to your complaint, it is probably not something we can deal with.

The complainant in this instance should be pointed in the direction of other organisations that may be able to help e.g. local Citizens Advice Bureau, Law Centre or other advice centre.

Who can be complained about

Complaints can be about councillors, members and co-opted members of all the authorities we cover. A co-opted member is a voting member of an authority or one of its committees, who was appointed to their position for their skills and experience rather than being elected.

Under this process we can only consider complaints about individual councillors or members. We do not address complaints about councils as a whole. Parish and Town Councils can adopt Copeland Borough Councils code of conduct or develop their own code copies which can be obtained by contacting the relevant Town or Parish Council direct, or visiting their website.

What form do complaints take?

Complaints need to be in writing clearly outlining the alleged breach and on the form set out below or substantially in that form.

What we cannot investigate

There are some complaints that we cannot investigate under this process, including:

- Complaints where a member is not named.
- Incidents or actions that are not covered by the Code of Conduct.
- Complaints about the actions (or inactions) of the Council as a whole.
- Complaints about people employed by local authorities.
- Incidents that happened before a member was elected.
- Complaints about the way in which the authority conducts and records its meetings.
- Repeat or vexatious complaints.

Processing and investigating a complaint

A separate guidance note on procedure exists which is available at via the following link:
Please remember that we can:

- Only consider complaints that are about individual councillors or members, not the authority as a whole or authority employees (there is a separate complaints process for this).
- Only investigate matters where you believe a member has breached their authority’s Code of Conduct.
- Please provide us with as much information as you can about your complaint to help us decide whether or not it should be investigated. We may decide not to proceed with the complaint if there is insufficient evidence presented by the complainant. This will depend on the seriousness of the matter.
- Please avoid sending us large amounts of background information that only indirectly relates to your complaint. Please stick to the facts, what you actually know not what you believe to be so.
- If your complaint is referred for investigation, you will have a further opportunity to provide the investigator with any information or documents that you consider to be relevant.
Copeland Borough Council Complaints form

The form covers complaints about individual Councillors in all Councils within the Borough.

1 Your details
Please provide us with your name and contact details

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<th>Title:</th>
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<tr>
<td>*First name:</td>
</tr>
<tr>
<td>*Last name:</td>
</tr>
<tr>
<td>*Address:</td>
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</tbody>
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Daytime telephone:
Evening telephone:
Mobile telephone:
Email address:

*Sign:
Date:

*Mandatory fields your complaint will not be processed without these completed

Your address and contact details will not usually be released unless necessary or to deal with your complaint. If you have serious concerns about your name, or details of your complaint being released, please complete section 5 of this form.
After a decision has been made regarding your complaint, you will be told about the decision in writing.
Making your complaint against an elected member

2. If making a complaint against an elected member it should be about the behaviour of that member and why you think they have broken any part of the authority’s Code of Conduct. Please state the relevant section that you believe has been breached clearly.

A copy of the relevant Code of Conduct is available from the Copeland Borough Council Website or the Monitoring Officer. Once received details of the complaint will be provided to the Councillor for an initial response. An acknowledgment of your complaint will be sent to you. If additional information is required, we will contact you if necessary. You will be kept informed of progress.

3. Please provide us with the name of the Councillor you believe has breached the Code of Conduct and the name of their authority:

<table>
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<tr>
<th>Title</th>
<th>First Name</th>
<th>Last Name</th>
<th>Council or Authority name</th>
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Have you complained about this member previously?

Yes/No (delete as applicable)

What attempts have been made to resolve the issue with the councillor concerned? Have you asked for an apology, have you given the Councillor the chance to correct and error? If not can you please indicate why not

4. Please explain in this section what the Councillor has done and why you believe it breaches the Code of Conduct including which part of the code it breaches. It is important that you provide all the information and evidence you wish to have taken into account so a decision can be made whether to take any action on your complaint. For example:
You should be specific, wherever possible, about exactly what you are alleging the Councillor said or did. For instance, instead of writing that the Councillor insulted you, you should state what was said, when and in what circumstances and why you found this insulting. We appreciate that not all conversations can be quoted verbatim but it is important you are as accurate as possible.

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 and indicate whether you found the actions of the Councillor distressing or offensive, and were there any consequences as a result of the alleged behaviour.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form include any document to support in the appendix.
Only complete this next section if you are requesting that your identity is kept confidential

5 In the interests of fairness and natural justice, we believe Councillors who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason. Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. Your request will be considered alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, 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 or other action even if you withdraw your complaint. We will not then disclose your name or address.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:
Additional Help

6. Complaints must be submitted in writing. This includes electronic submissions. However, 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.

If you need any support in completing this form, please let us know as soon as possible.

Once completed please return the form to:
   The Monitoring Officer,
   Copeland Borough Council
   The Copeland Centre,
   Catherine Street,
   Whitehaven, Cumbria,
   CA28 7SJ

or electronically to: codeofconductcomplaints@copeland.gov.uk