

BOROUGH OF POOLE

COUNCIL

22 JULY 2008

**PROCEDURE FOR LOCAL INVESTIGATION OF COMPLAINTS: REPORT OF THE
CHAIRMAN OF STANDARDS COMMITTEE**

1. PURPOSE OF REPORT

- 1.1 To seek Council's approval and adoption of revised procedures for the investigation of allegation of misconduct by Members of the Council in the light of the changes brought about by the Local Government and Public Involvement in Health Act 2007 and the Standards Committee (England) Regulations 2008.

2. DECISION REQUIRED

- 2.1 That Council be requested to approve the recommendations of the Standards Committee of its Meeting on 8th July 2008 and to adopt the procedures for the investigation of allegations of misconduct by Members of the Council.

3. BACKGROUND/INFORMATION

- 3.1 The Standards Committee at its Meeting on 8th July 2008 was advised that responsibility for investigating and determining complaints against Councillors of breaches of the Code of Conduct had now passed to Local Authorities. In view of this it was appropriate to adopt specific procedures in order that investigations and determinations were all undertaken in an appropriate and timely manner.
- 3.2 The Standards Committee at its Meeting on 8th July 2008 considered a Report by the Head of Legal and Democratic Services on procedures for the local investigation of complaints. The Standards Committee unanimously supported the procedures as set out in the report (attached).
- 3.3 I urge Council to approve the recommendations of the Standards Committee and adopt the procedures for the investigation of allegations of misconduct.

Mr P J Goodall
Chair
Standards Committee

BOROUGH OF POOLE
STANDARDS COMMITTEE

8TH JULY 2008

**PROCEDURE FOR THE LOCAL INVESTIGATION OF COMPLAINTS: REPORT OF
THE HEAD OF LEGAL AND DEMOCRATIC SERVICES**

1.0 PURPOSE OF REPORT

- 1.1 To set out for Members' consideration and adoption, revised procedures for the investigation of allegations of misconduct by Members of the Council in the light of the changes brought about by the Local Government and Public Involvement in Health Act 2007 and the Standards Committee (England) Regulations 2008.

2.0 RECOMMENDATION

- 2.1 Members are recommended to agree these procedures and recommend them to Full Council for adoption.

3.0 BACKGROUND

- 3.1 As Members of the Standards Committee will be aware, responsibility for investigating and determining complaints against Councillors of breaches of the Code of Conduct has now passed to Local Authorities. As has previously been reported to Members, the Borough of Poole receives a low level of complaints about Member conduct, and at the time of writing this Report, none have been received since the transfer of responsibility on the 6th May 2008. However, it is appropriate for the Committee to adopt specific procedures in order that investigations and determinations are all undertaken in an appropriate and timely manner.
- 3.2 It is suggested that, so that all Members of Council may be aware of these issues, these procedures are adopted by the Full Council.
- 3.3 Attached to this Report is a procedure for the local investigation of complaints. It is appreciated that this document is somewhat lengthy, but in reality the procedures to be adopted by the Committee are quasi-judicial or regulatory in nature, and there is a need for a degree of formality.

3.4 The procedure in outline

It is suggested that complaints should be submitted using a standard complaint form which is attached to the procedure. This has been developed by the Dorset Monitoring Officers and will be used across the County. The Head of Legal and Democratic Services strongly recommends that this form is used, both in order to give a degree of formality to the making of a complaint, and in order to reduce the administrative work in seeking further clarification or information from complainants. The Head of Legal and Democratic Services will of course use his discretion to waive the requirement for compliance with this form in cases where it is unreasonable to expect people to complete this, i.e. where they are disabled, etc.

- 3.5 When an allegation has been received, assuming that it discloses, on the face of the document, a possible breach of the Code of Conduct, an Assessment Sub-Committee of the Standards Committee will be convened and the allegation will be presented to the Sub-Committee for consideration. In reaching their decision, the Sub-Committee will have regard to Assessment Criteria which appear elsewhere on tonight's Agenda. These criteria are designed to provide a framework within which decisions will be made. Obviously they are not intended to bind the Committee, but to help to provide a framework for the thought process of the Sub-Committee.
- 3.6 If the Assessment Sub-Committee direct that the matter be referred to the Monitoring Officer for further investigation, the Monitoring Officer will arrange for an investigating Officer to be appointed so that the matter can be prepared for a Hearing Sub-Committee.
- 3.7 The procedure deals with issues such as the gathering of evidence, the notification of the Member concerned, and the conduct of the investigation generally.
- 3.8 The procedure has again been developed by the Dorset Monitoring Officers for adoption (with any necessary amendments by relevant Authorities). The position in the Borough of Poole is slightly less complicated than it is in some Authorities because as a Unitary without Parish Councils, our Members are less likely to be involved in complaints relating to other Authorities, except in a few cases when Members are appointed to the Police and Fire Authorities.

4.0 CONCLUSION

- 4.1 Members of the Standards Committee are requested to consider this Report and to recommend the procedure to Full Council for adoption.

T M Martin, LL.B Solicitor
Head of Legal and Democratic Services 12th June 2008

BOROUGH OF POOLE

STANDARDS COMMITTEE

PROCEDURE FOR THE LOCAL INVESTIGATION OF COMPLAINTS: REPORT OF THE HEAD OF LEGAL AND DEMOCRATIC SERVICES

1.0 INTERPRETATIONS AND DEFINITIONS

- a) 'Member' means the Member of the Council who is the subject of a written allegation being considered by the Standards Committee, unless stated otherwise. It also includes the Member's representative.
- b) 'The Matter' is the subject matter of the Investigating Officer's report.
- c) "The Monitoring Officer (MO)". The Officer appointed by the Council as its Monitoring Officer or his Deputy as required.
- d) 'Investigating Officer' means the person appointed by the MO to undertake that investigation (which may include the MO and his representative).
- e) 'The Standards Committee' refers to the Standards Committee or the Assessment Sub-Committee or the Review Sub-Committee as the context requires.

2.0 BACKGROUND

- 2.1 This guide sets out the procedure which will be followed in the local investigation of allegations of misconduct by Members of the Council. No departure will be made from this procedure unless and until the Monitoring Officer has first notified the Member against whom the allegation has been made of the proposed variation to the procedure and the reasons for that variation.
- 2.2 This procedure applies to breaches of the Council's Code of Conduct for Members and has been updated to reflect changes brought about the Local Government and Public Involvement in Health Act 2007 and the Standards Committee (England) Regulations 2008. The same procedure shall apply to the investigation of allegations of breaches of the Council's local protocols, in so far as they apply to Members. This procedure supersedes any adopted previously by the Council.
- 2.3 Where the Standards Committee receives a written allegation that a Member or co-opted Member (or former Member or co-opted Member) has failed or may have failed to comply with the Council's Code of Conduct the procedure set out at paragraph 1.9 below will be followed. If the Committee decides to refer the allegation to the Monitoring Officer, then the Monitoring Officer shall arrange for an investigating officer (usually the Deputy Monitoring Officer) to investigate the allegation. In the event that the Monitoring Officer receives an allegation of a failure by a Member to comply with a local protocol it will normally be resolved by the Monitoring Officer, unless the conduct is sufficient to amount to a

potential breach of the Code of Conduct in which case it shall be reported to Committee in accordance with this policy.

- 2.4 In conducting an investigation, the Monitoring Officer (and the Investigating Officer acting for the Monitoring Officer) has a range of powers to make inquiries and to require information and assistance.
- 2.5 In certain circumstances, the MO may refer the investigation to an Ethical Standards Officer (ESO) at the Standards Board for England with a request that the ESO take over the investigation. In such cases, if the ESO agrees to take over the investigation, then the MO's investigation comes to an end.
- 2.6 On completion of the investigation the Investigating Officer must make a finding as to whether the Member has failed to comply with the Code of Conduct. The MO must prepare a report to the Assessment Sub-Committee which includes reference to that finding, to the Standards Committee and the report must be sent to the Member concerned.
- 2.7 In this process, the function of the MO or his investigator is to ensure, as far as possible, that all the information which is relevant to the allegation is identified so as to enable a clear finding to be presented to the Standards Committee. The process is to be conducted in an investigative manner, rather than an adversarial manner, seeking the truth in relation to the conduct of the Member on the balance of the information available. .
- 2.8 Notification of Reference of Allegation to the Monitoring Officer
 - a) Complainants will be requested to complete the standard complaint form (Appendix 1) before a matter can be referred to the Standards Committee unless the MO, in his discretion, feels this is unnecessary, e.g. where the complainant is under some form of disability. A complainant may ask the MO for reasonable assistance in completing the form.
 - b) Upon receipt of a completed complaint form, the MO will convene an Assessment Sub-Committee meeting. Every effort will be made to convene this meeting within 20 days of receipt of the form and any additional information that may be requested. The Assessment Sub-Committee will consider the allegation in accordance with their Assessment criteria (appendix 2) and will need to consider whether the allegation needs to be referred to the MO.
 - c) Upon referral of the allegation from the Standards Committee, the MO will appoint an Investigating Officer in respect of the allegation and instruct him to conduct an investigation of the allegation and to report thereon to the Council's Standards Committee. The Investigating Officer may be an Officer of the Council, an Officer of another local authority, or an external Investigating Officer. The Investigating Officer may appoint persons to assist him in the conduct of his functions and may obtain such professional advice as may be necessary for the conduct of the investigation.

d) Notification of the Investigation

The MO shall, unless otherwise directed by the Assessment Sub-Committee or ESO, inform

- i) the Member who is the subject of the allegation;
- ii) the complainant;
- iii) the Standards Committee of any other authority concerned;

In writing that the matter has been referred for investigation.

In doing so, the MO will set out information as to:

- i) the identity of the person making the allegation (unless identification of the complainant might prejudice the investigation or put the complainant at risk);
- ii) the conduct which is the subject of the allegation;
- iii) the section(s) of the Code of Conduct or local protocol which appear to him to be relevant to the allegation;
- iv) the procedure which will be followed in respect of the allegation, and;
- v) the identity of the Investigating Officer.

Notification to the Standards Committee

f) Initial response of the Member

In notifying the Member of receipt of the allegation, the MO shall request the Member to respond to the Investigating Officer in writing within 14 days of notification as follows:

- i) advising the Investigating Officer whether the member admits or denies the breach of the Code of Conduct or local protocol which is the subject of the allegation;
- ii) listing any documents which the Member would wish the Investigating Officer to take into account in any investigation of the allegation, where possible providing copies of these documents, and informing the Investigating Officer of where the original document may be inspected;
- iii) providing the Investigating Officer with the name, address and telephone number (or other appropriate contact details) of a person or organisation of whom the Member would wish the Investigating Officer to interview in the course of any investigation of the allegation, and;
- iv) providing the Investigating Officer with any information which the Member would wish the Investigating Officer to see from any person or organisation.

- g) Supporting information from the person who made the allegation

In notifying the person who made the allegation as above, the MO will request the person to respond to the Investigating officer within 14 days.

- i) listing any documents which the person would wish the Investigating Officer to take into account in any investigation of the allegation, where possible providing copies of these documents, and informing the Investigating Officer of where the original documents may be inspected;
- ii) providing the Investigating Officer with the name, address and telephone number (or other appropriate contact details) of a person or organisation whom the person would wish the Investigating Officer to interview in the course of any investigation of the allegation; and
- iii) providing the Investigating Officer with any information which the person would wish the Investigating Officer to seek from any person or organisation.

2.9 Conduct of Investigation

- a) Purpose of the Investigation

The purpose of the Investigating Officer's investigation is to enable him to prepare and present the Standards Committee with sufficient information and a clear finding as to whether, in the investigator's view, the Member has acted in breach of the Code of Conduct or local protocol and, where there has been a breach of the Code of Conduct or local protocol, whether any action should be taken in respect of the Member or in consequence of the breach, and what any such action should be.

- b) Termination of the Investigation

The Investigating Officer may terminate his investigation at any point, where he is satisfied that he has sufficient information to enable a finding to be made and for the MO to report to the Standards Committee to enable the Standards Committee to come to a considered decision on the allegation.

- c) Additional Matters

Where, in the course of his investigation, the Investigating Officer becomes aware of any other matter which appears to him to indicate a breach of the Code of Conduct or local protocol by the Member other than the breach which he is currently investigating, the Investigating Officer shall either:

- i) *(where the additional matter relates to an apparent breach of the Council's Code of Conduct by a Member of the principal authority)* report the matter to the MO who will provide the Member with details of the matter in the form set out in paragraphs 2(b)(iii) and 9(iv) above and invite the Member to provide a statement as to why the additional matter does not constitute a breach of the Code of Conduct. The MO will then determine whether to report the additional matter to the Standards Committee;
 - ii) *(where the additional matter constitutes an apparent breach of the Council's local protocols but not a breach of the Code of Conduct by a Member of the principal authority)* report the matter to the MO who will provide the Member with details of the matter and invite the Member to provide a statement as to why the additional matter does not constitute a breach of the Council's local protocols. The MO will then take a decision whether to refer the matter to an Investigating Officer for local investigation and report to the Standards Committee as appropriate. Where the original matter relates to an allegation of breach of a local protocol of the same Council, the MO may, with the consent of the Member, request the original Investigating Officer to extend his investigation to include the additional matter;
- d) Following notification to the Member, the Investigating Officer will identify an initial list of persons to be interviewed, organisations from whom information is to be sought and documents to be inspected as part of the investigation. Where the Member has provided the Investigating Officer with the information requested in accordance with Paragraphs 2(e)(ii) and (iii) above, the Investigating Officer shall include in this list each document, person and organisation referred to in that response, unless he is of the opinion that the inclusion of that document, person or organisation would unreasonably delay the completion of the investigation rather than to contribute to the accuracy of the Investigating Officer's final report. The Investigating Officer may supplement or amend this list at any stage of the investigation.
- e) Production of documents, information and explanations

In accordance with powers contained in the Standards Committee (England) Regulations 2008, the MO (or his investigator) may in conducting an investigation:

- i) make such inquiries of any person as are thought necessary or expedient for the purpose of conducting that investigation;
- ii) require any person to give such information or explanation as is thought necessary or expedient for the purpose of conducting that investigation;

- iii) require any of the authorities concerned to provide such advice and assistance as may be reasonably be needed to assist in the investigation;
- iv) require any of the authorities concerned to meet the reasonable cost of any advice and assistance provided in accordance with subparagraph (iii);
- v) require any of the authorities concerned to afford reasonable access to such documents in the possession of that authority as appear to be necessary for the purpose of conducting the investigation.

f) Interviews

i) Requesting Attendance

In the course of the investigation, the Investigating Officer may request any person to attend and appear before him or otherwise provide any information, document or explanation for the purpose of Paragraph 3(e) as he thinks necessary for the purposes of carrying out the investigation.

ii) Representation

Any person who appears before the Investigating Officer may arrange to be accompanied at their own expense by a solicitor or friend.

iii) Notes of Interviews

Where practicable, following the interview the Investigating Officer shall produce a written note of the material points of the interview, provide two copies of that note to the person interviewed and ask them to return one copy signed as a correct record of the interview, with such corrections or amendments as they may feel necessary for that purpose.

g) Costs

The Investigating Officer may, where he considers that it is appropriate in order to facilitate the conduct of the investigation, pay to any person who provides any document, information, advice or explanation in response to his request, such fees or allowances as he considers to be appropriate.

h) Reference back to the Standards Board for England

In the case of an investigation pursuant to a reference under section 60(2) or (3) of the Act, the MO of an authority may, at any stage prior to the completion of the investigation, by a request in writing to the ESO

concerned, ask that the matter be referred back to that ESO for investigation, and any such request must set out the reasons for making it.

If the ESO agrees to take over the investigation, then the investigation being conducted by or on behalf of the MO must cease.

If the ESO refuses to take over the investigation then there can be no further request to the ESO on the same matter.

Where the ESO does take over the investigation, then the MO shall ensure that the Member concerned, the person who made the complaint, and the Members of the Standards Committee are informed. Where the ESO declines to investigate then the MO shall instruct the Investigating Officer to resume his investigation.

2.10 The Draft Report

- a) When the Investigating Officer is satisfied that he has sufficient information to meet the requirement set out in Paragraph 3(a), or has obtained as much information as is likely to be reasonably capable of being obtained, he shall prepare a draft report setting out;
 - i) the details of the allegation;
 - ii) the relevant provision of statute, of the Code of Conduct and any relevant local protocols
 - iii) the Member's initial response to notification of the allegation (if any);
 - iv) the relevant information, advice and explanations which he has obtained in the course of the investigation;
 - v) a list of any documents relevant to the matter;
 - vi) a list of those persons who he has interviewed and those organisations from whom he has sought information;
 - vii) a note of any person or organisation who has failed to co-operate with the investigation and the manner in which they have failed to co-operate;
 - viii) a statement of his draft findings of fact;
 - ix) his conclusions as to whether the Member has or has not failed to comply with the Code of Conduct for Members of any Authority or a local protocol, and;
 - x) any recommendation which the Investigating Officer is minded to make to any Council concerned for reviewing or reconsidering any decision which was the subject of the breach of the Code of Conduct or local protocol, for rectifying any deficiency in the Council's decision making procedures or for preventing or deterring any breach of Code of Conduct or local protocol or to

remedy the position of any person who may have suffered detriment or injustice as a result of the breach.

- b) The draft reports should also state that the report does not necessarily represent the Investigating Officer's final finding, and that the Investigating Officer will present a final report to the Standards Committee once he has considered any comments received on the draft report.
- c) The Investigating Officer shall then send a copy of his draft report in confidence to the Member and the person making the allegation, and request that they send any comments thereon to him within 14 days.
- d) The Investigating Officer may send a copy of , or relevant extracts from his draft report in confidence to any person on whose evidence he has relied in compiling the draft report, and request that they send any comments thereon to him within 14 days.

2.11 The Final Report

- a) After the expiry of that period (or such extended period as the Investigating Officer may allow), the Investigating Officer shall reconsider and amend his draft report in the light of any comments received, and produce and send to the MO his final report. The final report should state that the report represents the Investigating Officer's final findings and will be presented to the Standards Committee and should have appended to it copies of any documents which the Investigating Officer has relied on in reaching his conclusions, such as background documents of telephone conversations, letters, and notes of interviews with witnesses;
- b) The MO shall then send a copy of the final report to the Member, advising that;
 - i) where the final report concludes that there has not been a failure to comply with the Code of Conduct for Members or a local protocol, he will refer the report to the Standards Committee for their consideration, and
 - ii) where the final report concludes that there has been a failure by the Member to comply with the Code of Conduct for Members or with a local protocol, he will refer the report to the Standards Committee for a formal hearing.
- c) The MO shall ensure that, when the agenda for the Standards Committee is sent out to Members of the Standards Committee, including the final report, the agenda and the report and also sent to:
 - i) The person who made the complaint; and
 - ii) The Ethical Standards Officer (where the matter was referred)
 - iii) The Member, subject to the allegations, together with a note explaining the circumstances under which the Standards

Committee may conduct a hearing into the allegations, and the procedure for these events.

- d) Where the Standards Committee considers the report in accordance with Paragraph 5(b)(i) above, it shall make one of the following findings:
 - i) that it accepts the Investigating Officer's findings that the member has not failed to comply with the Code of Conduct for Members as set out in the allegation;
 - ii) that it accepts the Investigating officer's finding that, on the facts as set out in the report, the member has not failed to comply with a local protocol, or
 - iii) that the matter should be considered at a hearing of the Standards Committee, conducted in accordance with the Council's adopted Procedure for Local Determination Hearings.
- e) Where the Standards Committee finds as set out in Paragraph 5(d)(i) or (ii) above (no failure to comply with the Code of Conduct or with a local protocol), the MO shall, as soon as practicable thereafter, send a written notice of that finding and the reasons on which it was based, together with a copy of the Investigating Officer's report to
 - i) The Member;
 - ii) Any ESO previously involved;
 - iii) The full Standards Committee, if the finding was made by a Sub-Committee of the Standards Committee;
 - iv) The Standards Committee of any other local authority or which the Member is also a member
 - v) The person who made the allegation.

And shall ask the Member whether he objects to the publication of a notice of the finding in at least one local newspaper, and arrange for the publication of such a notice unless the Member so objects.

- f) Where the Standards Committee finds as set out in Paragraph 5(d)(iii) above (that the matter should be considered at a full hearing) or the Investigating Officer's report contains a finding that the Member did fail to comply with the Code of Conduct or a local protocol, the MO shall arrange for the matter to be considered at such a hearing in accordance with the Council's adopted Procedure for Local Determination Hearings, subject to the following variations:
 - i) The hearing shall be conducted no sooner than 14 days from, and no later than 3 months from the date of which the MO received the report of the Investigating Officer;
 - ii) The MO will not conduct Pre-Hearing enquiries of the Member, and;

- iv) The Investigating Officer shall be responsible for presenting the report to the Standards Committee and introducing any witnesses whom he considers that the Standards Committee should hear in order to be able to give the matter proper consideration.

ALLEGATION THAT A MEMBER HAS BREACHED THE COUNCIL'S CODE OF CONDUCT

This form may be used where you wish to make an allegation about the conduct of a Member (Councillor) of the Borough of Poole.

Your allegation will be considered by the Standards (Local Assessment) Sub-Committee. Please note however that the Sub-Committee can only deal with allegations about the behaviour of a member. It will not deal with allegations about things that are not covered by the members' Code of Conduct.

Members of the Standards Committee or Standards (Local Assessment) Sub Committee should not be approached or contacted during or after an investigation. If you need any clarification please contact the Monitoring Officer (Tim Martin 01202 633021 t.martin@poole.gov.uk)

Your details

1. Please provide us with your name and contact details

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint. However, we will tell the following people that you have made this complaint:

- the member(s) you are complaining about
- the monitoring officer of the authority

We will tell them your name and may give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your allegation being released, please complete section 3 of this form.

2. Please provide us with the name of the member(s) you believe have breached the Code of Conduct and the name of their authority:

First name	Last name	Council or authority name

3. Please explain in this section (or on separate sheets) what the member has 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 that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Sub-Committee when it decides whether to take any action on your allegation. 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.
- 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.

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

Only complete this next section if you are requesting that your identity is kept confidential

In the interests of fairness and natural justice, we believe members 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.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Sub-Committee will

- consider the request alongside the substance of your allegation. 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 allegation.
- However, in certain exceptional circumstances where the matter alleged is very serious, we can proceed with an investigation or other action and disclose your name 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:

4. Please tell us which of the following type of person best describes you:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Member of the public |
| <input type="checkbox"/> | An elected or co-opted member of an authority |
| <input type="checkbox"/> | An independent member of the standards committee |
| <input type="checkbox"/> | Member of Parliament |
| <input type="checkbox"/> | Local authority monitoring officer |
| <input type="checkbox"/> | Other council officer or authority employee |
| <input type="checkbox"/> | Other () |

5. Equality monitoring questions

To help us monitor our equal opportunities policy and the effectiveness of our customer care practices, we would be grateful if you would answer the following questions (You are not obliged to provide this information and if you do not provide it will not affect how we deal with your allegation).

1) Are you: Male ☐ Female ☐

2) Date of Birth
 DD MM YYYY

3) Would you describe your ethnic origin as:

4) Are you disabled? Yes ☐ No ☐

Note: A person is deemed to have a disability under the Disability Discrimination Act 1995 "if he or she has a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities".

Additional Help

6. Allegations must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 1995, 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.

If you need any support in completing this form, please let us know as soon as possible by contacting the Monitoring Officer whose details are given below.

Return to:

When you have completed this form, please return it to:

The Monitoring Officer
 Legal and Democratic Services
 Borough of Poole
 The Civic Centre
 Poole Dorset, BH15 2RU

Tel: 01202 633478

E-mail: t.martin@poole.gov.uk

Suggested Assessment Criteria

- Sufficiency of the information provided – has sufficient information been provided to identify the member, to establish that they were in office at the time of the alleged conduct and to describe how the alleged conduct is a potential breach of the Code of Conduct?
- Is the complaint about someone who is no longer a member of the Authority? Are they a member of any other Authority to whom the allegation should be referred?
- History of allegations – has the member against whom the allegation is made been the subject of other allegations? Conversely, has the person making the allegations a history of making unfounded allegations?
- The time that has elapsed between the date on which person making the allegation could reasonably have been aware of the alleged conduct and the date on which they made the allegation to the Standards Committee.
- The wider public interest in supporting the ethical framework balanced against the cost in terms of public finances in investigating and determining a matter.
- Does the complaint appear to be malicious, politically motivated or tit-for-tat and not sufficiently serious to warrant further action.
- Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct or by another regulatory Authority?
- The likelihood that some form of action taken through a reference to the Monitoring Officer might be a suitable resolution of the complaint.

NOTE: Complainants will be required to complete the Council's standard complaint form.