



**MIDDLESBROUGH COUNCIL
MEMBERS' CODE OF CONDUCT
COMPLAINT FORM**

Please use this form if you wish to make a complaint about the conduct of the Elected Mayor of Middlesbrough, a Member of Middlesbrough Council or a Member of one of the parish councils (Nunthorpe / Stainton & Thornton).

Under the arrangements for dealing with Members Code of Conduct complaints the Monitoring Officer can only consider complaints if they relate to the individual's behaviour whilst they are acting, or giving the impression that they are acting, in their official capacity. Complaints which appear to be against a Member acting in their private capacity or do not fall within the Members' Code of Conduct and will be rejected.

'Member' means an Elected Councillor as well as an appointed or co-opted Member or a Parish Councillor. The Code does not apply to Council employees.

Complaints against the Council or Council staff as a whole are outside of these procedures and should be progressed through the Councils 'Corporate Complaints' procedures.

1. YOUR DETAILS

Title: First Name:

Last Name:

Address:

..... Post Code:

Home or Mobile Number:

Email Address:

Preferred Contact Method:

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

- The Member(s) you are complaining about
- The Monitoring Officer of the authority
- The Parish Clerk (if applicable)
- The Independent Person
- An appointed Investigating Officer

We will tell them your name and give them a summary of your complaint. If the complaint results in a hearing it is likely that your name and the content of your complaint will enter the public arena unless your complaint concerns issues of such sensitivity that this is not appropriate. If you have serious concerns about your name and details of your complaint being released, please complete section 3 of this form.



2. YOUR COMPLAINT

Who are you complaining about?

Please provide us with the name of the Member(s) you believe have failed to comply with the Code of Conduct and the name of their Council or authority.

Title	First Name	Last Name	Middlesbrough Council or Parish Council name

Details of your complaint

Please **X** which of the following elements of the Code of Conduct, which you allege the member(s) have contravened (more than one may apply):

- They have not treated other Councillors or members of the public with respect (Code of Conduct 1.7.1a)
- They have not treated local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect or respected the role they play (Code of Conduct 1.7.1b).
- They have bullied any person (Code of Conduct 1.8.1a)
- They have harassed any person (Code of Conduct 1.8.1b)
- They have not promoted equalities and have discriminated unlawfully against any person (Code of Conduct 1.8.1c)
- They have compromised or attempted to compromise, the impartiality of anyone who works for, or on behalf of, the local authority (Code of Conduct 1.9.1)
- They have disclosed information given to them in confidence by anyone (Code of Conduct 1.10.1a)
- They have disclosed information acquired by them, which they ought reasonably to be aware is of a confidential nature (Code of Conduct 1.10.1b)
- They have improperly used knowledge gained solely as a result of their role as a Councillor for the advancement of themselves, their friends, their family members, employers or business interests (Code of Conduct 1.10.1c)
- They have prevented anyone from getting information they are entitled to by law (Code of Conduct 1.10.1d)
- They have brought their role or local authority into disrepute (Code of Conduct 1.11.1)
- They have used or attempted to use their position improperly to the advantage or disadvantage of themselves or anyone else (Code of Conduct 1.12.1)
- They have misused Council resources (Code of Conduct 1.13.1a)

- They have not used the resources of the local authority or authorised their use by others in accordance with the local authorities requirements; and/or they have not ensured that such resources are not used for political purposes unless that use could be reasonably regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which they have been elected or appointed. (Code of Conduct 1.13.1b)
- They have not registered or disclosed their interests (Code of Conduct 1.15.1)
- They have accepted a gift or hospitality and have not complied with the Code of Conduct (Code of Conduct 1.16)

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer when he/she decides whether to take any action on your complaint.

- Be specific, wherever possible, about exactly what you are alleging the Member said or did and explain how you think they have breached the Members' Code of Conduct
- Provide the dates of the alleged incidents. If you cannot provide exact dates give a general timeframe
- It is important that you attach copies of any documents, names and details of any witnesses and any other evidence you feel is relevant to your complaint as this may speed up the process.
- Explain how you think they have breached the Members' Code of Conduct Council



Complaint:

Please continue on a separate sheet if necessary.

In the first instance the Monitoring Officer may decide that your complaint is best resolved informally. What type of action would satisfy you? For example, an apology from the Councillor concerned.

Action:

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

In the interests of fairness and natural justice, generally Members who are complained about have a right to know who has made the complaint 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 can provide a good reason why we should and this will only be done in exceptional circumstances for example; if there is a fear of retribution.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. 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 and disclose your name even if you have expressly asked us not to.

Please indicate fully and giving reasons, in the space provided below, if you feel that your identity should be kept confidential in this case.

Data Protection

The information you provide on this form will be held by Middlesbrough Council and used by us to process your complaint as above. In accordance with the Council's Record Retention Policy, the information you provide on this form will be held for a maximum of 2 years and then destroyed in a secure manner.

Should the complaint progress to an investigation, full details will be shared with Investigating Officer who has been allocated to this complaint so that they may contact you directly. Details of the complaint may also be submitted to a Standards Committee to help determine whether an Elected Member has breached the Members' Code of Conduct.

Please return your completed form to: Councillor Code of Conduct Complaints, Legal Services, Middlesbrough Council, PO box 503, Middlesbrough TS1 9FX or email: codeofconductcomplaints@middlesbrough.gov.uk

