

Further Information

If you need any further information on the process described in this leaflet please contact the Monitoring Officer at the following address:

Nicholas Bishop
Head of Legal Services
Guildhall, High Street
Kingston upon Thames KT1 1EU

Or email him at:

nick.bishop@rbk.kingston.gov.uk

Telephone 020 8547 5110

If you have difficulty reading this document because of a disability or because English is not your first language, we can help you. Please call our helpline on **020 8547 5757** or ask someone to call on your behalf.

Royal Borough of Kingston upon Thames
Legal Services Department
Guildhall, High Street, Kingston upon Thames KT1 1EU

www.kingston.gov.uk

Making a complaint

How to complain
about the conduct
of a **Kingston
Council Member**

If you would like to make a complaint about the conduct of a Member of the Council, please fill out the Complaints Form on the Council's website:

www.kingston.gov.uk/standardscommittee

You can also write to the Council's Standards Committee care of:

Nicholas Bishop
Head of Legal Services
Guildhall
High Street
Kingston upon Thames
KT1 1EU

Alternatively you can email:

nick.bishop@rbk.kingston.gov.uk
or telephone 020 8547 5110

What is the Standards Committee?

The Standards Committee is a group of people appointed by the Council to help maintain and promote high ethical standards. The Standards Committee is made up of seven Councillors and five independent people (who are not Councillors or employees of the Council).

One of the Committee's main tasks is to deal with complaints that a Member of the Council (i.e. an elected Councillor or one of the Co-opted or Advisory Members appointed by the Council) may have broken the Code of Conduct for Members.

What complaints does the Standards Committee deal with?

The Standards Committee can only deal with complaints about the behaviour of a Member of the Council.

If you make a complaint to the Standards Committee it must be in writing. You should say who it is about and why you think they have not followed the Code of Conduct. The complete Code of Conduct for Members can be found in Part 5 of the Constitution which is available on the Council's website: **www.kingston.gov.uk/standardscommittee**

Some examples of ways in which a member of the Council might break the Code of Conduct are set out below.

- Unlawfully discriminating against someone
- Failing to treat people with respect
- Bullying any person
- Intimidating any person involved in any investigation or proceedings about someone's misconduct
- Doing something to prevent those who work for the Council from being unbiased
- Revealing information that was given to them in confidence, or stopping someone getting information they are entitled to by law

- Damaging the reputation of their office or the Council, where the conduct is linked to their public role and not in their private capacity
- Using their position improperly, to their own or someone else's advantage or disadvantage
- Misusing the Council's resources
- Allowing the Council's resources to be misused for the activities of a registered political party
- Failing to register financial or other interests

The Standards Committee will not look at complaints that are about:

- People employed by the Council
- Incidents that happened before a Member was elected or chosen to serve
- Incidents that happened either before the Council adopted the Code of Conduct or before 5 May 2002, whichever is earlier
- The way the Council conducts or records its meetings
- The way the Council has or has not done something. This may be a matter for the Local Government Ombudsman if the Council has not dealt with the matter properly and it has not been resolved locally
- Decisions of the Council or one of the services it provides. In this case, you should ask how to complain using the Council's own complaints system

What will happen to your complaint?

Once you have made a complaint, you will be told in writing what will happen to it. If the Council decides that the Standards Committee will deal with your complaint, it will set up a meeting of no less than three members of the Committee to decide what should happen next. The meeting will be chaired by one of the independent people on the Standards Committee. This should happen within 20 working days.

The Committee can decide to:

- Investigate your complaint
- Take some other action
- Send it to the Standards Board for England to investigate
- Take no further action

What is 'other action'?

'Other action' may take the form of mentoring or further training for a Member/Members. One of the tests for considering 'other action' is where there is evidence of poor understanding of the Code of Conduct and/or the authority's procedures.

What if the Standards Committee decides to take no further action and you don't agree?

The law says that the Standards Committee should take reasonable steps to tell you the reasons for its decision. You may not agree with the reasons, or think that it did not make the decision properly, or you may have new information that you think might affect its decision. If so, you can ask the Committee to review its decision. You have to ask it to do this in writing within 30 calendar days of receiving its decision.

The Standards Committee must consider your request within three months.

The decision will then be reviewed by at least three members of the Standards Committee. None of the people who made the original decision are allowed to take part in the review. This meeting will be chaired by one of the independent people on the Standards Committee. They can uphold the original decision or overturn it, and will tell you in writing what they have decided.

How will a complaint be investigated and what are the possible outcomes?

If it is decided that a complaint should be investigated, an initial investigation will be undertaken by the Council's Monitoring Officer or someone they have appointed to

investigate it on their behalf. The outcome of that investigation will then be referred to a Hearings Sub Committee which will be made up of six members of the Standards Committee (chaired by one of the independent people). The Hearings Sub-Committee can:

- Accept a finding of the Monitoring Officer that there has not been a breach of the Code of Conduct
- Decide that the matter should be formally heard by the Sub Committee
- In particularly serious cases, refer the matter to the national body for Local Government Standards

Where the Hearings Sub Committee decides that a matter should be dealt with by them a formal hearing will take place which will involve the submission of evidence and the calling of witnesses. The hearing will normally be held in public. At the conclusion of the hearing, the Sub-Committee must make one of the following findings:

- There had been no failure to comply with the Code of Conduct
- There had been a failure but no action needs to be taken
- There had been a failure to comply with the Code and a sanction should be imposed, which could include one of the following:
 1. Censure
 2. Restriction on the Member's access to Council premises or use of Council resources
 3. Partial suspension for up to six months
 4. Full suspension for up to six months
 5. A requirement that the Member submits an apology
 6. A requirement that the Member undertakes training or conciliation

In the case of full suspension the Member would not be able to take part in any formal Council business, have access to Council facilities or receive any allowances for the period concerned. Partial suspension could involve the suspension

of the Member from certain of the Council bodies on which they serve and/or restrictions on access to Council premises or individuals.

There is a right of appeal for a Member against the findings of a Hearings Sub-Committee which is dealt with by the national body for Local Government Standards.

What is the role of Standards for England?

Standards for England provides the national independent oversight that is needed for there to be confidence in this locally based system.

It:

- Requires councils and other authorities to tell them how well they are dealing with complaints about the conduct of their Members
- Works with Standards Committees to help them improve if they do not deal with complaints about their Members properly
- Gives Standards Committees and Councillors guidance on understanding the Code of Conduct and how to deal with complaints about the conduct of Members of their Council
- Can take away the power of the Standards Committee to receive complaints about their Members if they believe it necessary
- Investigates the most serious cases where the local Standards Committee believes it is not best placed to deal with the matter
- Publishes information about how councils and other authorities are dealing with complaints about their Members

You can find out more about the work of Standards for England and the Code of Conduct by visiting their website at: **www.standardsforengland.gov.uk**