



HOW TO MAKE A COMPLAINT ABOUT A BREACH BY A MEMBER OF WIGAN COUNCIL OF THE MEMBERS' CODE OF CONDUCT

Issued by the Standards Committee
of Wigan Council

This leaflet tells you how to make a complaint if you are unhappy about the way that a Councillor or member of Wigan Council has behaved

It also explains

- Who you can complain about
- What you can complain about
- What will happen to your complaint

The Standards Committee of Wigan Council

As from May 2008 the Standards Committee of Wigan Council has responsibility for ensuring that there are arrangements in place to consider complaints about possible breaches of the Members' Code of Conduct and for promoting the highest standards of conduct.

An Assessment Committee has been set up to consider all complaints about Wigan Council's members and your complaint will be referred directly to that Assessment Committee. The Committee is assisted by an officer called the Monitoring Officer

1. HOW TO MAKE A COMPLAINT

You will need to send your complaint in writing to the address at the end of this leaflet.

A form is included at the back of this leaflet to help you make sure that you are sending all the information needed to enable the complaint to be dealt with. You can either use that form or write a letter that covers all the points raised in the form. Please send any documents that support your complaint with the form or your letter.

If you cannot write your complaint in English we can arrange to have it translated for you.

If you have any questions or difficulties filling in this form then please contact the office of the Council's Monitoring Officer on 01942 827026 or e-mail newcomplaints@wigan.gov.uk

8. ADDRESS FOR COMPLAINT AND ENQUIRIES

We hope that this leaflet answers your questions about making a complaint. If you have any other questions or you wish to make a complaint then our address is:

The Chair of the Assessment Sub-Committee
Wigan Council
Town Hall
Library Street
Wigan WN1 1YN

Telephone: 01942 827026

Fax: 01942 827093

E-mail: newcomplaints@wigan.gov.uk

Q. Is the complaint about something that happened so long ago that there would be little benefit in taking action now?

R. If the answer is Yes: "The period of time that has passed since the alleged conduct occurred was taken into account when deciding whether this matter should be referred for investigation or further action. It was decided under the circumstances that further action was not warranted."

Q. Is the complaint too trivial to warrant further action?

R. If the answer is Yes: "The matter is not considered to be sufficiently serious to warrant further action."

Q. Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?

R. If the answer is Yes: "The matter appears to be simply malicious, politically motivated or tit-for-tat, and not sufficiently serious and it was decided that further action was not warranted."

2. WHO YOU CAN COMPLAIN ABOUT

You can complain about Wigan Council's Councillors, members and co-opted members. Councillors are the elected members of the Council and co-opted members are appointed to a particular committee or panel of the Council

You can also complaint about members of the Haigh and Shevington Parish Councils

We can only consider complaints about individual Councillors or members. We cannot consider complaints about the Council as a whole or about people employed by the Council. If you want to make a complaint about the Council or its officers then you should use the Council's Complaints Form.

3. WHAT YOU CAN COMPLAIN ABOUT

You can complain about a member breaking any part of the Members' Code of Conduct. This includes:

- Unlawfully discriminating against someone
- Failing to treat people with respect
- 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 authority
- 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
- Failing to reveal a personal interest at a meeting
- Taking part in a meeting or making a decision where the member has an interest that is so significant that it is likely to affect his or her judgement
- Failing to register any gifts or hospitality they have received in their role as a member, worth over £25

If none of the above applies to your complaint, it is probably not something we can deal with. To find out if another organisation can help you, contact your local Citizens Advice Bureau, Law Centre or other advice centre

Q. Is the complaint about someone who is no longer a member of the Council, but is a member of another Council? If so, does the Assessment Sub-Committee wish to refer the complaint to the Monitoring Officer of that other Council?

R. If the answer is Yes: "Where the member is no longer a member of our Council but is a member of another Council, the complaint will be referred to the Standards Committee of that Council to consider."

Q. Has the complaint already been the subject of an investigation or other action relating to the Code of Conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities?

R. If the answer is Yes: "The matter of complaint has already been subject to a previous investigation or other action and there is nothing more to be gained by further action being taken"

- In some cases the Assessment Sub-Committee may decide that while there will be no investigation it may be appropriate to recommend some other action to address issues raised in the complaint

In considering what decision is appropriate the Assessment Sub-Committee will consider the questions listed in Section 7

7. SOME QUESTIONS TO BE CONSIDERED

- Q. Has the complainant submitted enough information to satisfy the Assessment Sub-Committee that the complaint should be referred for investigation or other action?**
- R. If the answer is 'No': "The information was insufficient to make a decision as to whether the complaint should be referred for investigation or other action. So unless, or until, further information is received, the Assessment Sub-Committee is taking no further action on this complaint."

4. WHAT WE CANNOT INVESTIGATE

An Act of Parliament has set out the types of behaviour that we can investigate. There are some complaints that we cannot investigate, including:

- Complaints where a member is not named
- Complaints that are not in writing
- Incidents or actions that are not covered by the Code of Conduct
- Incidents that are about a fault in the way the Council has or has not done something. This is known as maladministration and may be a matter for the Local Government Ombudsman
- Complaints about people employed by local authorities
- Incidents that happened before a member was elected
- Incidents that happened, either before the Council adopted its local Code of Conduct
- Complaints about the way in which the Council conducts and records its meetings

5. CONFIDENTIALITY

In sending the complaint to us you should be aware that your identity will in normal circumstances be revealed to the person about who you are complaining. There could be exceptional circumstances in which your identity may be withheld and any concerns you may have about disclosure of your identity should be given by you when making your complaint

6. WHAT HAPPENS TO YOUR COMPLAINT

When we receive your complaint the Monitoring Officer will write to you to let you know that we have received it. Unless it is clear that your complaint cannot be considered under the complaints process the Monitoring Officer will refer your complaint to the Council's Assessment Committee. It is possible that we may contact you prior to the consideration of your complaint by that Committee but this will only be to clarify any uncertainties

It is anticipated that the Committee will consider your complaint within 20 working days. The Committee may reach the following decisions

- To refer the complaint to the Monitoring Officer for a local investigation. In this event the Monitoring Officer will write to all relevant parties advising of the decision and how the investigation will be carried out
- To refer the complaint to the Standards Board for England. This may arise from the seriousness of the complaint or there could be reasons which would make a local investigation
- To take no action on the complaint. This could be for one of the reasons listed above in Section 4 that we cannot investigate or because any breach is not viewed as being serious enough to justify a full investigation or because a lack of evidence or the length of time since any alleged breach. In this event you will be advised of the decision and also of your right to ask for a review of the decision to take no further action. A Review Sub-Committee has been established for this purpose and you will be advised of a date when the review will take place if you request a review of the decision to take no further action.