

Code of Conduct - Complaints Process

If you want to complain about the conduct of an elected member of Rochford District Council or any Parish or Town Council in the Rochford District you must submit your complaint in writing to:

The Chairman of the Standards Committee
Rochford District Council,
Council Offices, South Street,
Rochford, Essex. SS4 1BW

Alternatively you can download a complaint form or submit your complaint online via the related links.

Making your complaint

The points listed below will help you decide whether this is the correct form to use when making your complaint. You should speak to the Monitoring Officer if you are not clear whether the standards committee can consider your complaint. The assessment sub-committee of the standards committee will make the decision about what action, if any, to take on your complaint.

- Your complaint must be about conduct that occurred while the member(s) complained about were in office. An individual's conduct before they were elected, co-opted or appointed to the authority, or after they have resigned or otherwise ceased to be a member, cannot be considered by the assessment sub-committee.
- Your complaint must be about one or more named members of the following Councils;

Rochford District Council

Ashingdon Parish Council

Barling Magna Parish Council

Canewdon Parish Council

Foulness Island Parish Council

Great Wakering Parish Council

Hawkwell Parish Council

Hockley Parish Council

Hullbridge Parish Council

Paglesham Parish Council

Rayleigh Town Council

Rawreth Parish Council

Rochford Parish Council

Stambridge Parish Council

Sutton Parish Council

- Your complaint must be that the member(s) has, or may have, breached their authority's Code of Conduct. A copy of the Code of Conduct and frequently asked questions about the Code of Conduct are available at: www.standardsboard.gov.uk. You may also contact the Monitoring Officer if you require further information.
- Complaints about dissatisfaction with a decision or action of the authority or one of its committees, a service provided by the authority or the authority's procedures do not fall within the jurisdiction of the standards committee.

It is important to note that not every complaint that falls within the jurisdiction of the standards committee will be referred for investigation or other action. The assessment sub-committee of the standards committee must decide whether investigation is appropriate. If the assessment sub-committee decides not to refer your complaint for investigation or other action it will give you the reasons for this decision. It will also explain any right that you may have to ask for that decision to be reviewed.

What happens once you submit your complaint?

The statutory process requires your complaint to be considered by an assessment sub-committee in the first instance. We will acknowledge receipt of your complaint within 5 working days. It will then be referred to an assessment sub-committee for consideration unless the Monitoring Officer determines that the matter should be dealt with under a more appropriate procedure, for example where it is really a request for service from the authority, a statement of policy disagreement, a legal claim against the authority or a complaint against an officer of the authority.

The assessment sub-committee will meet within an average of 20 working days from receipt of your complaint. Meetings of the assessment sub-committee are 'closed', which means that you will not be able to attend. It is therefore very important that you set out your complaint clearly and provide all the information you wish the assessment sub-committee to consider.

The criteria that will be used to assess your complaint and decide whether it should be investigated is set out in the "assessment sub-committee - terms of reference and procedure rules" which includes the following;

- “1. Was sufficient information submitted by the complainant to satisfy the assessment sub-committee that the complaint should be referred for investigation or other action? If not, then the complainant should be told that unless or until further information is received, the Assessment Sub-Committee will take no further action.
2. Is the subject Member a Member of this authority? If not, if he or she is a Member of another authority then the matter should be referred to the Monitoring Officer of that authority.
3. Has the complaint been the subject of an investigation or other action relating to the Code of Conduct, or the subject of investigation by other regulatory authorities? If so, then there is nothing to be gained by further action being taken.
4. Is the complaint about something that happened so long ago that there would be little benefit in taking action now?
5. Is the complaint too trivial to warrant further action?
6. Does the complaint appear to be simply malicious, politically motivated or tit-for tat? If so, does it still warrant investigation?”

(Full Assessment Sub-Committee Terms of Reference and Procedure Rules are available in the related links)

When the assessment sub-committee has reached its decision we will notify you in writing whether your complaint has been referred for investigation or other action or is not to be pursued. At the same time, we will write to the member(s) complained of and advise them of the substance of your complaint. We will send these letters within 5 working days of the assessment sub-committee reaching its decision.

The assessment sub-committee decision will be available for public inspection once the member that the complaint is about has been given a summary of the complaint. In very limited situations the member may not be given this summary immediately and if so, public inspection will not be permitted until the member does get the summary.

If your complaint is referred for investigation the Monitoring Officer will explain how the investigation is to proceed when he contacts you.

What is meant by 'other action'?

The assessment sub-committee may decide to refer your complaint for 'other action' instead of referring it for investigation. Other action is a deliberately broad term that may include options such as requiring the person you have complained about to apologise or undergo training or mediation. The assessment sub-committee will carefully consider the circumstances surrounding your complaint when deciding whether other action is appropriate. If the assessment sub-committee decides to refer your complaint for other action we will explain what this involves.

How should I set out my complaint?

It is very important that you set your complaint out fully and clearly, and provide all the information at the outset. Where possible, you should also provide any documents or other material that you wish the assessment sub-committee to consider.

We recommend that you use our complaint form or provide a covering note summarising what you are complaining about, especially if your complaint includes a lot of supporting documentation. In the summary you should tell us exactly what each person you are complaining about said or did that has caused you to complain. If you are sending supporting documentation please cross-reference it against the summary of your complaint.

You should be as detailed as possible and substantiate your complaint where you can. Although you are not required to prove your complaint at this stage of proceedings, you do have to demonstrate that you have reasonable grounds for believing that the member(s) complained about has breached the Code of Conduct.

Additional Help

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

Contact details

John Honey
Monitoring Officer,
Rochford District Council,
Council Offices, South Street,
Rochford, Essex SS4 1BW

Tel. 01702 546366

Fax. 01702 545737

Email: john.honey@rochford.gov.uk

Further Information

[Standards Board for England](#) - (external website) The Standards Board for England provides an independent, national overview of how local authorities promote and improve the ethical behaviour of their members.