

Allegation about Member Conduct Form

This form should be completed with reference to the Guidance Notes at the end of the document. Once completed, you should submit it to the Governance Manager who will make arrangements for a meeting of a Standards Sub-committee to assess your allegation. The Governance Manager will keep you informed as the allegation moves through each stage on the process and can answer any queries and provide advice along the way.

Governance Manager Contact details:

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 Governance Manager
 Internal Audit & Ethical Governance
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 London
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1. Your Details

Title	
First Name	
Last Name	
Address	
Daytime telephone	
Mobile Telephone	
E-mail	

2. Are you?

- A member of the public
- A Barnet Councillor
- A co-opted member of one of Barnet's committees
- An Independent Member of Barnet's Standards Committee
- A Member of Parliament
- The Monitoring Officer
- A Council Officer
- A representative of a partner organisation
- Other (.....)

Please tick whichever best describes you

This information pertains to your relationship to the Member in question and is required as part of the Council's quarterly return of information to the Standards Board for England.

3. The Member(s) concerned

Please provide the name of the Councillor(s), or other Members, whom you believe have breached the Members Code of Conduct.

4. Section of the Code Breached

If possible, please identify which section of the Code of Conduct you are alleging that the Member has breached. The Code of Conduct is available from <http://www.barnet.gov.uk/members-code-conduct.pdf>.

If you are not sure what section of the Code applies but still wish to make an allegation then please write 'unknown' in the box.

5. Details of the alleged misconduct

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 Standards Sub-committee assessing your allegation when it decides whether to take any action on your complaint. Please read the guidance notes for suggestions as to the type of information that should be included.

Please continue on separate sheets if there is not enough space on this form and enclose any additional documentation.

Please continue on separate sheets if there is not enough space on this form and enclose any additional documentation.

6. Request for confidentiality

In most cases, Members who are complained about will be told who has made a complaint about them and will be given a summary of the complaint. However, there is provision for the Standards Sub-committee to, in exceptional circumstances, consider requests for anonymity alongside the substance of the complaint. Please see the guidance notes for the criteria against which requests for anonymity will be considered.

If you wish to request that your identity be kept confidential then please provide the details as to why you think it should be so below. If not, please indicate 'not applicable' in the box.

Signed: _____

Print Name: _____

Date: _____

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Guidance Notes for Making a Complaint about the Conduct of a Councillor or other Member

A) Are you using the correct form?

The points listed below will help you to decide whether this is the correct form to use when making your complaint.

- Your complaint must be about one or more named Members of the London Borough of Barnet. These are the 63 elected councillors, the independent members of the Standards Committee and the co-opted members on some of the Council's overview and scrutiny committees.
- Your complaint must be that the Member(s) has, or may have, breached the Code of Conduct. A copy of the London Borough of Barnet Code of Conduct, together with an explanation of what the Code is, can be found at <http://www.barnet.gov.uk/member-code-of-conduct>. Further information about the code generally, together with some frequently asked questions, is available at www.standardsboard.gov.uk. You may also contact the Governance Manager if you require further information.
- The Code of Conduct came into effect on 5 May 2002 and was revised with effect in Barnet from 26 June 2007. If your complaint concerns matters that occurred before 5 May 2002 you should contact the Governance Manager before making your complaint to check whether it is within the jurisdiction of the Standards Committee to consider.
- Your complaint must be about conduct that occurred while the Member(s) complained about were in office. Conduct of an individual 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 a Standards Sub-committee.
 - The Code of Conduct generally only applies when a member is acting in his/her official capacity. It does not apply to private conduct except where such conduct leads to a criminal conviction.

Complaints about dissatisfaction with a decision or action of the authority, or, one of its committees, or, a service provided by the authority, or, the authority's procedures do not fall within the jurisdiction of the Standards Committee. Complaints about the actions of people employed by the authority also do not fall within the jurisdiction of the Standards Committee.

To make a complaint about anything other than a breach of the Code of Conduct by a member of the authority please refer to the Council's complaints procedure and complete an online form at www.barnet.gov.uk/complaints-procedure.

You should speak to the Governance Manager if you are not clear if your complaint is one that a Standards Sub-committee can consider. A Standards Sub-committee will make the decision about what action, if any, to take on your complaint.

B) The Process for a Complaint about Member Conduct

Full details of the processes that a complaint about Member Conduct goes through - including the possibility of appeal and what happens if it is referred for investigation and a hearing held - can be found at www.barnet.gov.uk/conduct-complaint.

The first stage is assessment. When your complaint is received, it will be acknowledged within five working days and further details may be sought from you to assist the assessment process. A meeting of a Standards Sub-committee will then be called to assess the allegation that you have made. This meeting should take place within 20 working days of your complaint being received and will take place in private, not in public. You will not be able to attend the meeting of the Standards Sub-committee making the assessment.

The Standards Sub-committee will assess whether action needs to be taken in respect of the allegation. This assessment will be made against criteria recommended by the Standards Board for England, including whether to conduct an investigation or take other action would be an appropriate use of public money.

You will be notified as soon as possible of the decision of the Standards Sub-committee. The decision may be to refer the matter for investigation, or to refer it for 'other action' instead, or, it may be to take no further action. 'Other action' is a deliberately broad term that may include options such as requiring the person you have complained about to apologise or to undergo training or mediation. The Standards Sub-committee will carefully consider the circumstances surrounding your complaint when deciding whether other action is appropriate and of what type.

If the decision is that your complaint not be referred for investigation and that no further action of any kind should be ordered, you will be written to and given the reasons for this decision. This letter would also explain any right that you may have to ask for the decision to be reviewed.

C) What Details to provide about the alleged misconduct

You should clearly explain 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 describe 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 Standards Sub-committee assessing your allegation when it decides whether to take any action on your complaint. Below are some examples of the type of information that should be included:

- 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*.
- You should also provide any *documents or other material* that you wish the Standards Sub-committee to consider, or, give direction as to what Council documents you would like presented as part of your case; eg minutes of a meeting.

Officers are likely to be in touch to clarify some details but the more information you are able to provide at this stage the better able the Standards Sub-committee will be to consider your allegation quickly and efficiently. You are not required to prove your complaint at this stage but you do have to demonstrate that you have reasonable grounds for believing that the Member(s) complained about has breached the Code of Conduct.

D) Confidentiality

In most cases, Members who are complained about will be told who has made a complaint about them and will be given a summary of the complaint. This is accordance with the law, Standards Board for England guidance and the principles of natural justice and fairness.

However, there is provision for the Standards Sub-committee to consider requests for anonymity alongside the substance of the complaint. Requests for anonymity will only be granted in exceptional circumstances where one or more of the following criteria are met:

- You have reasonable grounds to believe that you, or someone close to you, will be at risk of physical harm if your identity is disclosed.
- You are an Officer of the Council who works closely with the subject Member and you are afraid of the consequences to your employment if your identify is disclosed (please refer to the Council's whistle-blowing policy)

- You suffer from a serious medical condition and there are medical risks from your identity being released. The Standards Sub-committee will need to be provided with evidence of this medical condition.

Please note that, within its deliberations on this point, the Standards Sub-committee will consider whether or not it is practical for an investigation to be conducted while preserving your anonymity. If the Standards Sub-committee decides to refuse your request you will usually be offered the opportunity to withdraw the allegation rather than have your identity disclosed.

However, it is important to understand that that, in certain exceptional circumstances, the Standards Sub-committee may conclude that the public interest in proceeding with an allegation, due to its nature and severity, is such that it outweighs your wish for anonymity. The Council will then proceed with an investigation or other action and disclose your name even without your consent.

E) Additional Help

It is a requirement that complaints that a Member of the Council has breached the Code of Conduct be made in writing. However, If you would find it difficult to make your complaint in writing - for instance if you have a physical disability that prevents this, or, English is not your first language, or, you are a child - then please contact the Governance Manager (or ask someone to on your behalf) to discuss options.

We will take reasonable steps to assist you in exercising your right to make an allegation about breach of the Member Code of Conduct to the Standards Committee.

If you have any queries about completing the form that are not answered by these guidance notes then please contact the Governance Manager; who can advise informally or formally about the process at any stage.

The Governance Manager deals with operational matters on behalf of the Monitoring Officer who is the statutory officer responsible for Conduct, governance and standards matters. If appropriate, queries may also be addressed directly to him or his deputy.

F) Contact details:

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