

Guidance: How to make a complaint about a member of Royal Berkshire Fire Authority



This document tells you how to make a complaint if you are unhappy about the way that a Member of Royal Berkshire Fire Authority has behaved.

It also explains:

- [How to make a complaint](#)
- [Who you can complain about](#)
- [What you can complain about](#)
- [What will happen to your complaint](#)

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If you have any questions or difficulties or are in need of any support in reading or understanding this leaflet, for example- if English is not your first language or you have a disability, please contact the Monitoring Officer on 01189 322284.

Alternatively, you may send an email marked for the attention of the Monitoring Officer to monitoringofficer@RBFRS.co.uk

HOW TO MAKE A COMPLAINT

Your complaint needs to be made in writing. This can be done:

- in writing by completing a complaints form and sending it to the address at the end of this document (see page 7)
- in writing by letter, in which case please make sure that the letter includes all the information we need
- via the complaint form available at www.rbfrs.co.uk/fire_authority_code_of_conduct.html
- by email, in which case the email should be clearly marked for the attention of the Monitoring Officer and should also include all the information we need. It should be sent to monitoringofficer@RBFRS.co.uk

Please send any documents that support your complaint with your form, letter or email.

The following sections of this document are intended to help you make sure you are sending us all the information we need.

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

If you have any questions about the form, please contact the Monitoring Officer in writing or by e-mail to monitoringofficer@RBFRS.co.uk .

SECTION 1-YOUR CONTACT DETAILS

- Please provide your full name, address, contact telephone number and e-mail address if you have one
- Please also specify the type of complainant e.g. a Member of the public, a Councillor, or an Officer of the Council.

Please note that:

- an officer from the Council may need to contact you personally to go through the details of your complaint
- unless you indicate that you would like us to communicate with you via letter, we will where possible communicate with you via email

SECTION 2- WHO YOU CAN COMPLAIN ABOUT

You can complain about Members or Co-opted Members of Royal Berkshire Fire Authority. A full list of current Members is available at the Fire Authority's Reception at Dee Road Reading, or from the Fire Authority's website at www.rbfrs.co.uk/fire_authority_code_of_conduct.html

There are currently also four co-opted members of the Fire Authority who serve on the Standards Committee and their details are also available from the Fire Authority Reception or from the Fire Authority's website at www.rbfrs.co.uk/fire_authority_code_of_conduct.html/

Please note, we can only consider complaints about individual Members or Co-opted Members. We cannot consider complaints about the Fire Authority as a whole or about any people employed by it. A complaint about a service is dealt with under a separate procedure (see "How to comment, compliment or complain" on the Fire Authority's website at http://www.rbfrs.co.uk/how_to_contact_complaints.html or pick up a leaflet from Reception at Dee Road.)

The Monitoring Officer will forward complaints to the Assessment Panel (made up of members of the Standards Committee) for the initial assessment and for a decision as to whether further action will be taken.

If the complaint is clearly not about a Member's conduct, or does not fall within the matters which you can complain about as described below, then the Monitoring Officer does not have to pass it to the Panel for assessment.

SECTION 3- WHAT YOU CAN COMPLAIN ABOUT?

You can complain about a Member breaking any part of the Fire Authority's Code of Conduct for Members. A copy of the Code is included in the Fire Authority's Constitution and may also be found on the Fire Authority's website at www.rbfrs.co.uk/fire_authority_code_of_conduct.html/.

A complaint can be made if you believe a Member has breached any part of the Code whilst acting in their official capacity. This includes:-

- 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 Authority 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 their Authority's resources;
- Allowing their Authority'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 the discussion or making a decision where they have an interest that is so significant that it is likely to affect their judgement of the public interest (known as a 'prejudicial interest');
- Improperly influencing a decision about a matter that they have a prejudicial interest in;
- Failing to register any gifts or hospitality (including its source), that they have received in their role as a Member worth over £25.

What we cannot Investigate

There are some complaints 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. Matters relating to the policies or performance of the authority generally. This is known as maladministration and may be a matter for the Local Government Ombudsman (www.lgo.org.uk) ;
- Complaints about employees;
- Incidents that happened before a Member was appointed or co-opted

Evidence

If you believe a Member has breached the Code of Conduct for Members it would be useful to attach any evidence that you feel is relevant to your complaint. For example, details of any witnesses or details of any dates/times of any incidents etc. You may send accompanying documents if you wish

SECTION 4- CONFIDENTIAL INFORMATION

In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe that they have a right to be provided with a summary of the complaint. We are unlikely therefore to withhold your identity or the details of your complaint unless there is a good reason. For example, where the disclosure of personal details may result in the evidence being compromised or destroyed by the subject member or if there is a real possibility of intimidation of the complainant or witnesses by the subject member.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. A decision on your request will be made by the Panel who which will carry out the initial assessment of your complaint. We will then contact you with the decision. If your request is not granted, we will allow you the option of withdrawing your complaint. It is important to understand that in certain exceptional circumstances where the matter complained of is very serious, we can proceed with an investigation or other action and disclose your name even if you have asked us not to.

SECTION 5 - WHAT HAPPENS TO YOUR COMPLAINT

Initial Assessment

When we receive your complaint, we will write to you to let you know that we have received it. The Assessment Panel will make an initial assessment of your complaint within an average of **20 working days**. It may be that they will decide that your complaint will not be investigated for one or more reasons. The Panel may alternatively refer the complaint to the Monitoring Officer for investigation or take other action. The Panel may alternatively refer the matter to the Standards Board for England.

If the allegation discloses a potential breach of the Code of Conduct then the Assessment Panel will consider what action to take using the following criteria and the Standards Board for England's Guidance and applying the following questions to the facts set out in the complaint:

1. Is the complaint about the conduct of a Member? If yes, then
2. Is the conduct of a type, which is covered by the Code? If yes, then

3. Does the complaint merit an investigation?

In considering the above criteria the Panel will also consider the following questions, as appropriate:

- (i) Is there prima facie evidence of a breach of the Code?
- (ii) Is it serious enough to warrant a sanction?
- (iii) Is this part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the authority and are there no other avenues left to deal with it except investigation?
- (iv) Is it about something that happened so long ago that there would be little benefit in taking action now?
- (v) Would an investigation serve a useful purpose?
- (vi) Is the complaint significant enough to justify spending public money and/or officer and member time on conducting an investigation?
- (vii) Is the case suitable for local investigation?
- (viii) Is this a case where alternative action such as training or mediation would be more appropriate?
- (ix) Would an apology be appropriate?
- (x) Is it malicious, relatively minor, politically motivated or tit for tat?
- (xi) Has the same, or a substantially similar, complaint already been the subject of an investigation or inquiry, or other action relating to the Code of Conduct or has it been the subject of an investigation by other regulatory authorities. If so, is there anything further to be gained by seeking the sanctions available to the Standards Committee or the Adjudication Panel for England?
- (xii) Does the complaint concern acts carried out in the Member's private life, when he/she was not carrying out the work of the authority or had not misused their position as a Member?
- (xiii) Is the complaint really about dissatisfaction with a council decision or action?
- (xiv) Is there enough information currently available to justify a decision to refer the matter for investigation?

The Panel is unlikely to consider that a complaint merits investigation if it fails these tests.

Review

If the Assessment Panel decides that your complaint should not be referred for investigation, we will write to you explaining the reasons why.

If you are unhappy with the outcome you may seek a review of this decision by making a further request in writing with reasons, within 30 days of the date of the notice of the initial assessment decision. A differently constituted Panel must make a decision in relation to the review within three months, but we will aim to deal with it within 20 working days

When considering the matter, the Review Panel will consider the criteria set out above, and decide whether the original decision of the Assessment Panel is upheld or overturned.

If following the review the decision not to investigate is upheld we will write to you with the decision. There is no right of appeal. However, if you are dissatisfied with regard to the

procedures adopted by the Authority then you can write to the Local Government Ombudsman (www.lgo.org.uk)

Investigation/Determination Hearing

If your complaint is referred to the Monitoring Officer for investigation, we will write to you and inform you of the timescales for completing the investigation, and details of any hearings (if appropriate). You will also have an opportunity to provide the investigator with any further information or documents that you consider relevant. You will be able to attend the hearing, and we will of course write to you to tell you the outcome of the hearing.

Please note, however, that the Assessment Panel meeting, and any review meeting, are not open to anyone other than the Panel and its advisers to attend.

Remember, full details of your complaint and your details will be shared with the subject Member and all parties involved in the case. See [Section 4 above](#) (page 29) for more details.

SECTION 6 - AT THE END OF AN INVESTIGATION

Following a hearing, the Standards Committee will make one of the following findings about the Member subject to the complaint:-

- The Member had not failed to comply with the Code of Conduct;
- The Member had failed to comply with the Code of Conduct but that no action needs to be taken;
- The member had failed to comply with the Code of Conduct and that a sanction should be imposed.

If the member is no longer a Member of the Authority the Standards Committee can only censure that person. Otherwise, it can impose any one or a combination of the following sanctions:-

- Censure;
- Restriction for up to a maximum of 6 months of that Member's access to the premises and/or resources of the Authority. This is provided that any such restrictions are reasonable and proportionate to the nature of the breach, and do not unduly restrict the Members' ability to perform their functions as a Member;
- Partial suspension of that Member for up to a maximum of 6 months;
- Suspension of that Member for up to a maximum of 6 months;
- A requirement that the member submit a written apology in a form specified by the Standards Committee;
- Partial suspension of the Member for up to a maximum of 6 months or until such time as the Member submits a written apology in a form specified by the Standards Committee;
- Partial suspension of a Member for up to a maximum of 6 months or until such time as the Member undertakes any training or conciliation specified by the Standards Committee;
- Suspension of the member for up to a maximum of 6 months or until such time as the Member submits a written apology in a form specified by the Standards Committee;

- Suspension of the Member for up to a maximum of 6 months or until such time as the member undertakes such training or conciliation as the Standards Committee specifies.

The Standards Committee can decide that any sanction will start on any specified date up to six months after the date of the hearing.

SECTION 7 - POINTS TO REMEMBER

- We can only consider complaints that are about individual Members of this Authority ;
- We can only investigate matters where you believe a Member has breached the Code of Conduct;
- Your complaint must be in writing and cover all the points set out in the complaints form;
- Your details and details of the complaint are unlikely to remain confidential as we need to share it with all parties involved in the process including the subject Member;
- Do send us as much information as you can in order for us to decide whether or not the matter should be investigated.

We hope the information in this leaflet has answered your questions about making a complaint.

If you have any more questions, you can contact:-

The Monitoring Officer

Royal Berkshire Fire Authority

103 Dee Road

Tilehurst

Reading

Berks RG30 4FS

E-mail: monitoringofficer@RBFRS.co.uk

Further information is also available from the **Standards Board for England:**

<http://www.standardsboard.gov.uk> ; Email: enquiries@standardsboard.gov.uk

Tel: 0161 817 5300;

The Board's guidance to local authorities on the local assessment of complaints about councillor conduct is available to download from

<http://www.standardsboard.gov.uk/Guidance/Standardscommittees/Guidanceandtoolkit/>

As required, the Fire Authority has taken that guidance into account in preparing this document.