

Code of Conduct for Members

Information for Potential Complainants

Are you using the correct Form?

The points listed below will help you decide whether this is the correct Form to use when making your complaint. You should speak to Neeraj Sharma, Monitoring Officer, if you are not clear if 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 was/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 the Assessment Sub-Committee.
- The Code of Conduct came into effect on 1st May 2002,. If your complaint concerns matters that occurred before 1st May 2002 you should contact Neeraj Sharma, Monitoring Officer before making your complaint to check whether it is within the jurisdiction of the Assessment Sub-Committee to consider.
- Your complaint must be about one or more named Members of West Midlands Fire and Rescue Authority.
- Your complaint must be that the Member(s) has, or may have, breached the 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 Neeraj Sharma, 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. Complaints about the actions of people employed by the Authority also do not fall within the jurisdiction of the Standards Committee.
- Your complaint must be in writing. If a disability prevents you from making your complaint in writing you may contact Neeraj Sharma, Monitoring Officer , for assistance.

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 this is appropriate. It will make this decision using referral criteria which is set out below:

- The Assessment Sub-Committee in making a decision to refer a complaint for investigation or other action must have sufficient information upon which to make the decision. In circumstances where there is insufficient information the Assessment Sub-Committee will take no further action on the complaint, unless, or until further information is received.
- If the complaint is about someone who is no longer a Member of this Authority, but is a Member of another Authority, the Assessment Sub-Committee will refer the complaint to Standards Committee of that other Authority.
- If the complaint has already been the subject of an investigation or other action relating to the Code of Conduct, or the complaint has been the subject of an investigation by other regulatory authorities, and there is nothing more to be gained, the Assessment Sub-Committee will take no further action.
- The Assessment Sub-Committee will take into account the period of time that has passed since the alleged conduct occurred. If it is considered that the complaint was about something that happened so long ago that there would be little benefit in taking action now, the Assessment Sub-Committee will take no further action.
- If the Assessment Sub-Committee consider that the complaint is too trivial, it will take no further action.
- If the Assessment Sub-Committee consider that the complaint is simply malicious, politically motivated or tit-for-tat and not sufficiently serious, it will take no further action.

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 the decision to be reviewed.

What happens once you submit your complaint?

When you submit your complaint we will write to you to let you know we have received it. We will also tell the Member that you are complaining about that we have received your complaint, who made the complaint and the relevant paragraphs of the Code of Conduct that it is alleged may have been breached..

In certain exceptional circumstances your personal details may be kept confidential. The Assessment Sub-Committee will decide if this should be the case and may consider factors such as:

- that you believe you may be victimised or harassed by the Member(s) against whom you are submitting a written complaint (or by a person associated with the same); or
- that you believe you may receive less favourable treatment from the Authority because of the seniority of the Member against whom you are submitting a written complaint in terms of any existing Authority service provision or any tender/contract that you may have or are about to submit to the Authority.

The Assessment Sub-Committee will then meet to consider your complaint and decide whether it should be referred for investigation or other action. This will happen within an average of 20 working days of the date we receive 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 your complaint out clearly and provide at the outset 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 above.

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. The Assessment Sub-Committee may decide that no action should be taken and if this is the case you will be given the opportunity to ask for a review of the decision to take no action. At the same time we write to you, we will also write to the Member(s) you have complained about. We will send these letters within five working days of the Assessment Sub-Committee reaching its decision. The decision of the Assessment Sub-Committee is made available for public inspection once the Member 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 any public inspection will not happen until the Member does get the summary.

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. Please use the Complaint Form. You should also provide any documents or other material that you wish the Assessment Sub-

Committee to consider, where possible. Unless the Authority advises you otherwise, you will not be able to attend the meeting of the Assessment Sub-Committee.

Your complaint should be set out on the Complaint Form provided summarising what you are complaining about including supporting documentation where necessary. 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.