



MEMBERS' CODE OF CONDUCT – COMPLAINT FORM

This is the form that should be used if you wish to make an allegation that an elected councillor [or a co-opted member (with the right to vote)] of any local authority on the Isle of Wight has failed to comply with the relevant members' code of conduct. Please read the privacy notice (fair processing notice) at section 6 below and for more information regarding the process please view the [Council's Code of Conduct complaints procedure](#)

Your details

1. Please provide us with your name and contact details

Title:	
First name(s):	
Last name:	
Address:	
Telephone number:	
Email address:	

Your address and contact details will not usually be disclosed unless necessary to deal with your complaint. **If you have serious concerns about your name, or details of your complaint being released**, please complete **section 5** of this form.

Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted member of an authority
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee
- Other

After a decision has been made regarding your complaint, you will be told about the decision in writing/electronically.

Making your complaint against an elected member (or a voting co-opted member)

- 2. If making a complaint against an elected member (or a voting co-opted member) ('the subject member'), it should be about the behaviour of that member and why you think they have broken any part of the relevant authority's code of conduct.

A copy of the relevant code of conduct is available from the particular council the member you want to complain about is a member of.

Once received, details of the complaint will normally be provided to the councillor for an initial response. The council's Monitoring Officer or their deputy will consider your complaint and decide whether or not there should be an investigation, informal resolution, or no further action.

An acknowledgment of your complaint will be sent, and you will be kept informed of progress.

- 3. **Please provide us with the name of the member(s) you believe have breached the relevant code of conduct and the name of their authority:**

Title	First name	Last name	Local authority name

- 4. **Please explain in this section what the subject member has done that you believe breaches the relevant 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 when a decision is made, and what form of informal resolution you may find acceptable.

For example:

- You should be specific, wherever possible, about exactly what you are alleging the subject 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 date(s) of the alleged incident(s) wherever possible. If you cannot provide the exact date(s), it is important to give a general timeframe.
- You should confirm whether there is/are any witness(es) to the alleged conduct and provide their name(s) and contact details if possible.
- You should provide any relevant background information.
- Where an explanation has been given by the subject member of the circumstances surrounding the complaint, you should provide this.
- Where an apology from the subject member has been given, you should provide details of this.
- Where the subject member has agreed to attend relevant training or to take part in a mentoring process, you should provide details of this.
- Where there is an offer to engage in a process of mediation or conciliation between the subject member and the complainant, you should provide details of this.
- Where the subject member is willing to include or correct an entry in a register, you should provide details of this.
- You should provide details of any other action capable of resolving the complaint.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

CONFIDENTIAL

Only complete this next section if you are requesting that your identity is kept confidential

- 5.** 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 they have a right to be provided with a summary of the complaint. **We are unlikely to withhold your identity or the details of your complaint unless we consider you have good reason to justify that we do so.**

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. Your request will be considered alongside the substance of your complaint. We will then contact you with the decision.

If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please note that you are required to keep this complaint confidential until at least the complaint has been resolved by or on behalf of the council.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

CONFIDENTIAL

Privacy notice (fair processing notice)

6. This notice describes how and why we collect, store, protect, process, and share the data you give to us. It is set out on this complaint form as not everyone has a computer to access the council's website www.iow.gov.uk.

We collect personal data to help us exercise the statutory jurisdiction given under the Localism Act 2011 and under all other powers in relation to complaints alleging any breach(es) of the relevant members' code of conduct concerning elected members and voting co-opted members of the county council, and of town councils or parish councils (of whatever description including any community council) on the Isle of Wight, including in order to decide whether or not to (formally) investigate, to investigate, to make decisions and to provide responses to such complaints.

About the Organisation

The Isle of Wight Council is the single principal council on the Island. The council is the data controller. This means that it is ultimately responsible for the data it holds about you.

Contact Address:

Isle of Wight Council, County Hall, Newport, Isle of Wight, PO30 1UD.

Website:

www.iow.gov.uk

Phone Number:

Telephone: 01983 821000

Email:

customer.services@iow.gov.uk

Isle of Wight Council's Data Protection Registration Number:

Information Commissioner's Office (ICO) Isle of Wight Council's Registration Number Z557442X [Information Commissioners - Data protection register - entry details \(ico.org.uk\)](https://ico.org.uk/information-commissioners-data-protection-register-entry-details)

The Data Protection Officer:

The Data Protection Officer is Christopher Potter.

The Data Protection Officer (or their deputies) can be contacted by e-mail on DPO@iow.gov.uk or at the following address (please mark for the attention of the 'Data Protection Officer':

Isle of Wight Council
Corporate Information Unit
County Hall
High Street
Newport
Isle of Wight
PO30 1UD

How do we get your information?

We get information about you directly from you.

What data will we collect about you?

In order to process your complaint, we will need to collect the following:

- your full name
- your contact details (email (if any), telephone number (if any), postal address)
- details of your complaint
- your role (for instance, whether you are complaining as a member of the public, a monitoring officer, a local authority employee or an elected councillor)
- other supporting information which will assist in handling your complaint

What will we use your data for?

We will use the data you give us only to review and (if appropriate) investigate, to make a decision, and to provide a response to the complaint (except that we may also share this information in very limited circumstances – please see below).

We need to know your role in making the complaint as this will affect how we investigate, if it proves appropriate, and may have an influence on whether we can accept your complaint anonymously.

Who will see your data?

Your data will be seen by:

- the council's Monitoring Officer (and/or their deputy)
- if appropriate, the council's independent person(s) (appointed under section 28 of the Localism Act 2011 who is not a member or officer of the relevant authority)
- the person who has been complained about (the 'subject member') and their professional legal advisers (unless exceptionally the Monitoring Officer has granted permission for your identity to remain confidential)
- the council's democratic services officer(s) providing the Monitoring Officer with administrative support
- if appropriate, the relevant town clerk/parish clerk where the complaint relates to that local council (or their deputy, in their absence)
- if appropriate, by an investigator (internal/external) appointed by or on behalf of the council and members of the Appeals Committee/sub-committee (plus in the case of a complaint against an elected member or a voting co-opted member of a town council/parish council (of whatever description including a community council), a co-opted town councillor or parish councillor from another local council)

If an investigation is undertaken and a potential breach of the relevant members' code of conduct is identified, your data and the complaint itself will, in whole or in part, be included in the report that is presented to the Appeals Committee or its sub-committee(s).

The data we collect may be referred to the Director of Public Prosecutions (DPP) or the police where it is suspected that some form of criminal conduct has

occurred in relation to interests that have not been disclosed.

Why do we do this?

The lawful bases for processing are set out in Article 6 of the UK General Data Protection Regulations (GDPR).

The council relies upon the 'public task' reason i.e. processing is necessary for the performance of a task carried out in the public interest or in the official authority vested in the controller. It also relies upon the 'legal obligation task' i.e. processing is necessary for compliance with a legal obligation to which the controller is subject. Without prejudice to the above, the council also relies on your consent i.e. you (as the data subject) consent to the processing of your personal data for the specific purpose of this member complaint. Such consent may be removed at any time and you can do this by contacting the Monitoring Officer.

The council is required to make statutory arrangements in accordance with section 28 (6) of the Localism Act 2011 under which allegations are investigated and under which decisions on allegations can be made.

The council also may undertake pre-investigation enquiries which it is, by law, entitled to do.

The council has, therefore, to provide the means of handling and responding to complaints made against elected members and voting co-opted members under the Localism Act 2011. The data you give the council to handle complaints is processed in the interests of discharging this.

For fairness and in compliance with the rules of justice, the county councillor(s), town councillor(s) and parish councillor(s) who are complained about have the right to know who has made the complaint and what the complaint is about if the complaint is to be duly investigated and determined.

Complainants can request that their identity is not revealed, and the Monitoring Officer, in consultation with one of the independent persons, will review this request and make a decision on it.

Requests for anonymity will be considered on a case-by-case basis and may be accepted, but usually only in exceptional circumstances.

How long will your data be kept?

Your data will not be kept any longer than necessary. This will normally be no later than 3 years after any formal investigation has been concluded. Where no formal investigation has been carried out, this will be usually no later than 18 months after the date of the submission of the complaint. We will then securely dispose of your information under the council's current disposal policy e.g. shredding of physical records.

How is your data stored and processed?

Your data will be held on electronic databases and networked storage with restricted access, and will be protected from unauthorised access using up-to-date technical and organisational security measures. Any paper-based data will be stored securely with restricted access.

Transfer overseas

Your data will not be stored or sent outside of the United Kingdom.

Your rights

You have a number of rights when it comes to the data we hold about you.

The UK GDPR includes the following rights for individuals:

1. The right to be informed
2. The right of access
3. The right to rectification
4. The right to erasure
5. The right to restrict processing
6. The right to data portability
7. The right to object to processing

Please see [Data Protection - Service Details \(iow.gov.uk\)](https://www.iow.gov.uk) and also [Individual rights | ICO](#) for more details.

Complaints

If you've already told us we need to do something, but we haven't responded in a way you're satisfied with, you can complain to the Information Commissioner's Office (the ICO) **if it relates to matters within the ICO's jurisdiction**.

The ICO's contact details can be accessed by clicking on the following link

[Contact us | ICO](#)

It's easiest to do this online via the ICO website, but you can also do so in writing to:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

The ICO's helpline number is 0303 123 1113

Additional Help

7. Complaints under the relevant code of conduct for members should be submitted in writing by filling in this form within 10 working days of the alleged breach of the member's code of conduct. It will, however, assist the processing of your complaint if this is submitted electronically. However, in line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

If you need any support in completing this form or have good reason for submitting it later than 10 working days after the alleged breach, please let us know as soon as possible.

Returning this form

8. I have read and understood the above and give my express consent to the use of my personal data for the purpose of handling the above complaint which I am now submitting to the council.

Dated: _____

Signed: _____

Once completed please return the form clearly marked "Private and Confidential" to:

The Monitoring Officer, c/o Mrs Marie Bartlett, Democratic Services, Isle of Wight Council, County Hall, Newport, Isle of Wight, PO30 1UD

or electronically to: marie.bartlett@iow.gov.uk

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Document History

Version no.	Date	Author	Approval	Comments (if any)
2022/1.0	10.1.2022	C.Potter	Yes.	Privacy notice included within complaint form.

END