

How to make a complaint about a councillor

(or a co-opted member of the council)

At Stockport Council, we want high standards of conduct from everyone elected to serve our communities. If you think a councillor may have breached the Councillors' Code of Conduct, you can make a complaint. This guide explains, in plain English, how to do that and what happens next.

This guide summarises the Monitoring Officer Protocol, which forms part of the Council's constitution. If there is any difference between this guide and the Protocol, the Protocol takes precedence.

The constitution also contains the most up-to-date version of the Councillors' Code of Conduct. You can find the constitution on the Council's democracy pages: [Constitution - Stockport Council](#). Alternatively, contact the Monitoring Officer by email at monitoring.officer@stockport.gov.uk if you need support.

What is the Councillors' Code of Conduct?

The Councillors' Code of Conduct sets out the standards of behaviour expected from councillors and co-opted members when they are acting in their official role. It supports honesty, respect, openness and integrity in council business and when councillors represent the Council.

The Code covers matters such as respect, bullying or harassment, disrepute, interests, council resources and confidential information. These are examples only. The full Code should be checked to understand the exact requirements.

The Code does not cover every disagreement or concern. It normally applies only when a councillor is acting, or appears to be acting, as a councillor. Complaints about council

services, staff or policy decisions usually follow a different process, details of which are on the council's website.

What you can complain about

You can complain if you believe that a named councillor or co-opted member may have breached the Code of Conduct while acting in their official role.

- The councillor or co-opted member must have been in office at the time of the alleged conduct.
- The complaint must explain conduct which, if proven, could amount to a breach of the Code.
- If the matter concerns a council service, employee or policy decision, you may be directed to a different complaints process.

How to make a complaint

A complaint must be made in writing to the Monitoring Officer. You can use the process on the website to make a complaint or you can email monitoring.officer@stockport.gov.uk to request the complaint form in a different format.

The written requirement is applied alongside the Equality Act 2010 duty to make reasonable adjustments, and support will be considered where requested.

When making your complaint, please include:

- your name and contact details
- the name of the councillor or co-opted member
- what happened, including dates, times and places where known
- why you believe the conduct may breach the Code
- copies of relevant documents, screenshots, photographs or other evidence
- whether you are asking for your identity to be withheld, and the reasons for that request

Complaint Process - At a Glance

1. Submit a written complaint via the website or email



2. Acknowledgement and notification

The complaint is acknowledged within 5 working days. At the same time, the Subject Member receives details of the allegations and the Independent Person's contact details.



3. Subject Member representations

The Subject Member has 5 working days from receipt to provide written representations.



4. Initial assessment

Following consultation with the Independent Person, the Monitoring Officer normally decides within 20 working days of receiving the complaint whether it merits investigation or another course of action.



5. Initial outcome

You will receive confirmation in writing of the outcome of the initial investigation. The complaint may be rejected, dealt with informally, referred elsewhere, accepted for investigation or, exceptionally, referred to a Standards Committee Sub-Committee for a decision on how to proceed.



if investigation is required

6. Investigation

Evidence is gathered. A draft report is prepared by the Monitoring Officer and sent to both parties for comments, and the Independent Person is invited to make a written representation before the final report.



7. Decision after investigation

A “no breach” finding may be confirmed, or the matter may proceed to local resolution or a Hearing Sub-Committee.



if a hearing is required

8. Hearing

The Hearing Sub-Committee determines whether the Code was breached and, if so, what proportionate action to take or recommend.



9. Written and published outcome

Within 20 working days of the Hearing Sub-Committee’s decision, the written decision and reasons are provided to the parties and Chief Executive and published on the Council’s website.

Complaint Process – in more detail

What happens after you send your complaint

We will acknowledge receipt within 5 working days. At the same time, the councillor complained about, called the Subject Member, will receive details of the allegations and contact details for the Independent Person.

The Subject Member may make written representations within 5 working days of receipt. Those representations must be taken into account at the initial assessment. Later representations may be considered at the Monitoring Officer’s discretion, but not after the initial assessment has been issued.

Following consultation with the Independent Person, the Monitoring Officer will normally complete the initial assessment within 20 working days of receiving the complaint. The assessment decides whether the Council can deal with the complaint and, if so, whether it should be investigated or dealt with in another way.

How your complaint is assessed

The first stage asks whether the Council can deal with the complaint. It will be rejected if it is not against one or more named councillors or co-opted members, the Subject Member was not in office at the relevant time, or the alleged conduct would not amount to a breach of the applicable Code even if proven.

If the Council can deal with the complaint, the Monitoring Officer then considers whether it should be taken forward. Relevant matters include earlier substantially similar allegations, the age of the events, anonymity, seriousness and proportionality, public benefit, whether the complaint appears malicious, vexatious, politically motivated or tit for tat, any wider problem, the Subject Member's experience or admission of error, and whether training or conciliation is more appropriate.

Possible outcomes at the initial assessment stage

- No further action because the complaint cannot or should not be taken forward.
- Informal resolution, which may include an apology or other practical steps.
- Referral for formal investigation.
- Referral to the police, another prosecuting or regulatory authority, or another appropriate process where relevant.
- In exceptional circumstances, referral to a Standards Committee Sub-Committee to decide how to proceed.

Additional information and deferral

The Monitoring Officer may request additional information and may seek informal resolution before deciding whether a formal investigation is necessary. A reasonable offer of local resolution which is rejected may be taken into account in that decision.

An investigation will be deferred where it would overlap with or prejudice ongoing criminal proceedings, a police investigation or related court proceedings. It may also be deferred for another regulatory investigation, serious illness or genuine unavailability of a key party. Any deferral is decided by the Monitoring Officer and kept under regular review.

The role of the Independent Person

The Independent Person has a separate statutory role and does not investigate or decide the complaint. Their views are sought at required stages, including the initial assessment, review of an investigation finding, local resolution and the Hearing Sub-Committee. The Subject Member and complainant may contact the Independent Person at any stage.

If your complaint is investigated

The Monitoring Officer may investigate or appoint a council officer, an officer from another council or an external investigator. If the Monitoring Officer has a conflict, the matter will be delegated appropriately.

At the end of the investigation, a draft report will be sent to the complainant and Subject Member for comment. The Independent Person will also be invited to make a written representation. Those comments will be considered before the final report is issued by/to the Monitoring Officer.

What can happen after an investigation

If the report finds no failure to comply with the Code, the Monitoring Officer will review it in consultation with the Independent Person. If satisfied, the Monitoring Officer will confirm the finding and send the decision and final report to the complainant and Subject Member. If the Monitoring Officer is not satisfied that the investigation was thorough enough, the report and conclusions may be reconsidered.

If the report finds sufficient evidence of a failure to comply with the Code, the Monitoring Officer will either seek a local resolution or refer the matter to a Hearing Sub-Committee.

Local resolution

If the matter can reasonably be resolved without a hearing, the Monitoring Officer will consult the Independent Person and complainant and seek to agree a fair resolution. This may include an apology or other remedial action. If the Subject Member accepts the resolution, the outcome is reported to the Standards Committee for information. If either party refuses local resolution in principle or does not engage with the agreed outcome, the matter is referred to a local hearing.

The Standards Committee and Hearing Sub-Committee

The Standards Committee oversees the Council's arrangements for councillor conduct complaints. A formal hearing is conducted by its Hearing Sub-Committee. The Hearing Sub-Committee considers the investigation report and evidence, hears the Subject Member's response, seeks and takes account of the Independent Person's views, and decides on the balance of probabilities whether the Code was breached.

The Hearing Sub-Committee comprises five members of the Standards Committee, including at least one co-opted independent member and three councillors drawn from at

least two political parties. The detailed hearing procedure is set out in the Monitoring Officer Protocol.

Possible actions if a breach is found

Any sanction must be reasonable and proportionate. Depending on the circumstances, the Hearing Sub-Committee may:

- censure or criticise the Subject Member, or recommend that the Council does so
- recommend removal from committees, sub-committees, the Executive/Cabinet, portfolio responsibilities or outside bodies, as applicable
- instruct the Monitoring Officer to arrange training
- withdraw specified Council facilities, provided this does not prevent the councillor carrying out their duties
- place reasonable restrictions on access to staff in accordance with the Member/Officer Protocol, provided this does not prevent the councillor carrying out their duties

Confidentiality

The complaints process is confidential. All parties are expected to maintain confidentiality while the initial assessment and any investigation are ongoing.

As a matter of fairness and natural justice, the Subject Member will usually be told who has complained and will receive details of the complaint. A request to withhold the complainant's identity is considered at the initial assessment stage. Identity may be withheld exceptionally where there are reasonable grounds to believe that disclosure may place the complainant or a relevant witness at risk of harm, jeopardise employment, or create a medical risk supported by medical evidence.

If a request for confidentiality is refused, the complainant will be offered the option to withdraw the complaint before their identity is disclosed. The Monitoring Officer will balance that request against the public interest in taking action.

Can I withdraw my complaint?

You may ask to withdraw the complaint at any time before the Hearing Sub-Committee has made its decision. After consulting the Independent Person, the Monitoring Officer may decide that no further steps should be taken. In deciding this, the Monitoring Officer will consider any concern about intimidation or attempted intimidation of a complainant, witness or person involved in the process.

How and when you will be told the outcome

You will be told the outcome in writing. Following a hearing, the Monitoring Officer must provide the full written decision and reasons, including any recommendations, to the Subject Member, complainant and Chief Executive within 20 working days of the announcement of the decision. The decision, reasons and recommendations will also be published on the Council's website and reported to the next Standards Committee meeting for information.

Contact

Please contact the Monitoring Officer, Stockport Council, at monitoring.officer@stockport.gov.uk if you have any questions or require guidance on whether another route may be more appropriate.