

# What constitutes a complaint?

## Public Interest Test

### The Initial tests:

- a) Is the complaint against one or more named members of a relevant council?
- b) Was the named member in office at the time of the alleged conduct and was the Code of conduct in force at the time?
- c) If proven, would the complaint be a breach of the code of conduct under which the subject member was operating at the time of the alleged misconduct?

### If the initial test is met, in order to be investigated a complaint must either:

- a) Demonstrate a continuing pattern of behaviour that is likely to bring the council into disrepute, and or significantly and unreasonably disrupting the business of the Council, and there is no appropriate alternative resolution other than by way of an investigation;
- b) Or, the complaint must comply with all the following criteria:
  - i. Complaint raises matters which would be a breach of the code
  - ii. Complaint is sufficiently serious and particularised to warrant investigation.  
For example the complaint should be :
    - Specific about the allegation i.e. what exactly the member said or did
    - The dates of the alleged incidents
    - Confirm and detail whether there are any witnesses to the allegation (provide their names and contact details)
    - Relevant background information
  - iii. Complaint is not 'tit for tat'
  - iv. Complaint appears not to be politically motivated
  - v. Received within three months of the alleged failure to comply with the Code (unless there are exceptional circumstances for the delay and the delay does not mean that it would be difficult for a fair investigation to be carried out)
  - vi. Is not a duplicate or substantially similar to a complaint that has already been investigated
  - vii. Not an anonymous complaint (unless sufficient documentary evidence to show a significant breach of the Code)
  - viii. Subject member has not already apologised and/or admitted making an error if complaint reveals a criminal offence referred to the police and following investigation and conclusion of any proceedings or the police have confirmed that no proceedings will be issued