

How to Make a Complaint Against a Moray Integration Joint Board Member

This document explains how you can make a complaint against a Moray Integration Joint Board member. Complaints may be made by members of the public, officers or by fellow Board members.

Nothing in this document affects your right to make a complaint to the Commissioner for Ethical Standards in Public Life in Scotland at any stage. Their address is:

**Commissioner for Ethical Standards in Public Life in Scotland
39 Drumsheugh Gardens
EDINBURGH
EH3 7SW**

**Tel: 0300 011 0550
Web: www.ethicalstandards.org.uk**

Section 1 Preliminary Stage – For Complaints by fellow Board Members Only

Section 2 Informal Resolution Stage – This stage will be used by Members of the Public and officers. It is also the second stage for Complaints by Board Members.

SECTION 1

Where any Board Member is alleged to have breached the Board's Code of Conduct ("the Code of Conduct") the following procedure will apply. The procedure is in two stages with the aim of achieving a satisfactory outcome for all involved – Preliminary Stage and Informal Resolution Stage, but at any point the complaint may be referred to the Commissioner for Ethical Standards in Public Life in Scotland.

PRELIMINARY STAGE

The Preliminary Stage should be used for complaints by a Board Member against a Board Member and only if this fails to produce a satisfactory outcome should the Informal Resolution Stage be invoked. Complaints by officers and members of the public will proceed directly to the Informal Resolution stage.

1. The Complainant who alleges the breach of Code of Conduct will discuss the issue with the member who is alleged to be in breach of the Code of Conduct. Both parties should seek to resolve the complaint at this stage. The Standards Officer will on request provide relevant information about the Code of Conduct but shall not at this stage take a view on whether a breach has occurred.
2. If the Complainant is not willing to speak to the member who is the subject of the complaint directly, he/she will approach the Chair of the Board who will assist in attempting to resolve the issue informally through discussion directly with both parties separately/ together.
3. If the Chair of the Board is the subject of the allegation, the Vice Chair will assist the Complainant in attempting to achieve a resolution of the complaint.
4. If the Complainant is not satisfied after the Preliminary Stage, he/she may proceed to the Informal Resolution stage (Section 2). The Preliminary Stage should be completed within no more than 15 working days of the issue which is the subject of the complaint arising.

INFORMAL RESOLUTION STAGE

The Informal Resolution Stage is the first stage for complaints by members of the public and officers, and the second stage for complaints by a Board Member.

How to make a complaint

1. Any complaint about the conduct of a Board Member should be sent in writing to the Board's Standards Officer. The complaint must also include the following details:-
 - (a) The name and address of Complainant
 - (b) The name of the member against whom the complaint is being made
 - (c) The nature of the misconduct alleged
 - (d) The part of the Board's Code of Conduct ("the Code of Conduct) which is alleged to have been breached. The Code of Conduct may be viewed at:
 - (e) Any supporting evidence
 - (f) Reference to whether the Preliminary Stage has been completed and if not, an explanation as to why this stage has been bypassed for all complaints by members

[NOTE: At this stage the Standards Officer is required to advise the Chief Officer that a complaint has been made].

Evidence of alleged criminal offence

2. If at any stage during the course of the complaints procedure evidence that a criminal offence may have been committed comes to the attention of the Standards Officer, the police may be informed. In that event, the complaints procedure will be suspended until after the outcome of any police investigation or criminal prosecution.

Acknowledgement of Complaint

3. The Standards Officer shall record the date of receipt of every valid complaint; shall issue an acknowledgement of receipt to the complainant within 5 working days with a copy of the complaints procedure. The Standards Officer shall advise the Complainant that the full details of his/her complaint will be sent to the member. The Standards Officer may seek clarification from the complainant in relation to any aspect of the complaint. This should be provided by the complainant within no more than 5 working days. The date of receipt of such clarification shall then be deemed to be the date of receipt of the complaint.

Intimation of the Complaint to the Member

4. Within 5 working days of the date of receipt of the complaint, the Standards Officer shall intimate the complaint to the member who shall be informed of the following:
 - (a) Identity of the complainer;
 - (b) The exact nature of the complaint;
 - (c) The provisions of the Code of Conduct which he/she is alleged to have contravened.

The member shall be sent a copy of the complaints procedure.

5. Before processing the complaint the Standards Officer requires to be satisfied that the Preliminary Stage has been exhausted and/or was not appropriate.
6. The Standards Officer may arrange for such investigation(s) to be carried out as he/she considers appropriate, in order to clarify or resolve the complaint. This will include taking a statement from the member detailing their response to the complaint. That statement, once approved by the member, will be issued to the Complainant.
7. In the event that the Standards Officer determines that the complaint is without any merit, he/she will advise the parties accordingly and give his/her reasoning, making specific reference to the right of the Complainant to refer the matter on to the Commissioner for Ethical Standards in Public Life in Scotland. A local decision that a complaint is without any merit will be issued within no more than 15 working days after the date of receipt of the complaint (or as soon as possible thereafter).

Mediation Meeting

8. Where a complaint is accepted as potentially of some merit following investigation by/on behalf of the Standards Officer, the parties and Standards Officer will be invited to attend an informal mediation meeting, facilitated by the Chief Officer to be held no later than 25 working days after the date of receipt of the complaint (or as soon as possible thereafter). (Note: This meeting is intended to allow parties to explore the possibility of a mutually satisfactory resolution. It is described as mediation only in terms of the common usage of that word and it should not be inferred that formal mediation practice will be followed as this is not the case.) At the mediation meeting parties will discuss the results of the Standards Officer's investigation with a view to agreeing a mutually satisfactory resolution to the complaint. That may involve a number of outcomes including withdrawal of the complaint or the issuing of an apology.

Acceptance of Complaint

9. In the event that the member accepts that the complaint is well founded and the Complainant is satisfied with the outcome, the Standards Officer shall be entitled to treat the matter as resolved. If the Complainant is not satisfied with the outcome following stage 7, or indeed at any stage of the process, he/she may refer the complaint to the Commissioner for Ethical Standards in Public Life in Scotland.

Unacceptable Behaviour

10. Occasionally the behaviour or actions of an individual will make it very difficult for the Standards Officer to deal with their complaint. Examples of such behaviour include aggressive or abusive behaviour and unreasonable use of the complaints process. When this happens, the Standards Officer will write to the Complainant advising them that their complaint will no longer be handled in terms of this policy and reminding them of their right to complain directly to the Commissioner for Ethical Standards in Public Life in Scotland. The sort of situations in which the behaviour or actions of a Complainant may be considered as unacceptable are detailed in the Scottish Public Services Ombudsman's [Unacceptable Actions Policy](#) a copy of which will be attached to any letter advising that the complaint will not be progressed any further due to unacceptable behaviour.