

# **LOWER SEVERN (2005) INTERNAL DRAINAGE BOARD**

## **COMPLAINTS AGAINST BOARD MEMBERS**

### **Making a Complaint**

If you wish to make a complaint against a Member of the Internal Drainage Board, you should complete the Board's Complaints Form and send it to the Head of Governance whose address is:

Waterside Buildings  
Oldbury Naite  
Thornbury  
South Gloucestershire  
BS35 1RF

### **What the Procedure Does Not Cover**

It is not appropriate to use this procedure in the following cases:

- To complain about the Board's services or policies.
- Incidents which occurred before the Member was elected or appointed.
- The way in which the Board conducts or reports its meetings.
- Where the person you wish to complain about is no longer a member of the Board.
- Where the complaint relates to the Member's private life.

### **What Will Happen on the Receipt of a Complaint**

- A letter of receipt will be sent to the complainant within 5 working days.
- The member complained about will be notified within this period and will be requested to submit any comments in response within 10 working days.
- The Head of Governance will consider whether the complaint appears to fall within this procedure and to demonstrate a potential breach of the Board's Code of Member

Conduct If it does not, then the complainant will be so informed and no further action will be taken.

- If the allegations are considered to be frivolous, malicious, vexatious or substantially the same as a complaint previously investigated, the Head of Governance will so inform the complainant and that no further action will be taken.
- If the complainant has requested that their identity be withheld from the Member and the matter cannot reasonably be taken forward in these circumstances, the complainant will be so informed.
- No action will be taken under this procedure if the complaint was made anonymously.
- Where a complaint is considered to have merit, the Head of Governance will consider whether it can nevertheless be dealt with informally without formal investigation. Such a course of action would, for instance, probably be appropriate where only a minor infringement appears to have occurred. Informal resolution may include advising the Member about matters of conduct, arranging member training or advising the Member that an apology may be appropriate to resolve the complaint.

### **Formal Investigation**

If the Head of Governance concludes that the complaint cannot be resolved informally and that the issues are such as to require further investigation to determine whether there has been a failure to comply with the Members Code of Conduct, the Head of Governance will investigate the complaint further (either personally or by appointing a separate investigator). A written report indicating the findings of the investigation will be produced to the Complaints Panel.

### **The Complaints Panel**

- A Panel of 4 persons will consider the investigation report and will determine the complaint. 3 of the Panel will be Members of the Governance Committee (chosen in rotation) and the other will be an "Independent" person. The "Independent" person (as understood within the context of Local Government complaints procedures) will chair meetings of the Panel but will not have any voting rights.
- In addition to the investigation report, the Panel will consider any further representations which the complainant or the Member complained about may wish to make. These representations may be either in person or in writing.
- The Panel will decide whether or not to uphold the Complaint. If the Panel concludes that there has been no failure to comply with the Code of Member Conduct, then no further action will be taken. If however the Panel concludes that the Member concerned has failed to comply with the Code of Conduct and that a sanction should be imposed,

it will make a recommendation to the Board as to what action should be taken against the Member concerned.

- Meetings of the Panel will not be open to the public.
- The Panel will aim to meet within 12 weeks of the submission of the complaint to the Board.

### **Possible Sanctions Available to the Board**

- For the Board to formally censure the Member concerned.
- To recommend that the Member be removed from a Committee(s).
- To request the Member to apologise.
- In the case of an Appointed Member, to request the appointing Council to consider whether the Member concerned should continue to represent it.
- Where the complaint is found to be justified after a formal investigation, to publish that conclusion on the Board's website.