

**West Berkshire Council's Standards Committee**  
**Policy for Dealing with**  
**Complainant Requests for Confidentiality**

1. In the interests of fairness and in compliance with the rules of natural justice, Members and Town and Parish Councillors who are complained (subject member) about have a right to know who has made the complaint and the substance of the allegation(s) made against them.
2. Complainants do however have the right to request that their identity is not revealed to the subject member and the Monitoring Officer, in consultation with the Independent Person, may grant such requests at its discretion in exceptional circumstances. The Monitoring Officer is unlikely to withhold a complainant's personal details or the details of the complaint unless they considers there to be good reasons to believe that a complainant has justifiable grounds for anonymity/confidentiality.
3. When considering a request for confidentiality the Monitoring Officer, in consultation with the Independent Person, will consider any such request alongside the substance of the complaint itself and apply the following criteria:
  - the complainant has reasonable grounds for believing that they will be at risk of physical harm from, or that they may be victimised or harassed by the Member(s) against whom they are submitting the complaint (or from or by a person associated with the Member(s));
  - is the complainant an officer of a relevant authority who fears for the consequences for their employment if their identity is revealed?;
  - does the complainant works closely with the subject Member, and is afraid of the consequences to their employment or of losing their job;
  - is there a medical risk to the complainant's health if their identity is revealed and is this supported by medical evidence?;
  - the complainant has reasonable grounds for the belief that they may receive less favourable treatment from the Council because of the identity and/or seniority of the Member(s) against whom they are submitting a complaint, whether in terms of any existing Council service provision or any tender/contract that they may have or are about to submit to the Council; or that
  - do any other exceptional circumstances exist that justify the grant of confidentiality?
4. When considering a request for confidentiality against these criteria the Monitoring Officer will also:
  - balance the request for confidentiality against the substance of the complaint;
  - consider whether it is possible to investigate the complaint without making the complainant's identity known to the subject member, given the requirement for a proper investigation.
5. If the Monitoring Officer, in consultation with the Independent Person, decides to refuse a request for confidentiality it may decide to offer the complainant the opportunity to withdraw their complaint. When deciding whether to allow a complaint to be withdrawn the Monitoring must consider whether the public interest in proceeding with an investigation outweighs the complainant's wish to have their identity withheld from the subject member.

