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# Code of Conduct - General information

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## Introduction

This factsheet explains when and how you can complain to us about the conduct of local councillors. This includes members and co-opted members of

- local authorities
- town and community councils,
- fire and rescue authorities,
- national park authorities and
- police and crime panels in Wales.

In a separate factsheet we explain how we will deal with your complaint (click [here](#)).

Please be aware that we cannot look into complaints about the behaviour of individual employees of these organisations. However, if because of their actions you were treated unfairly, or received bad service, you can complain about the organisation itself. To see more information about how we deal with those complaints, click [here](#).

# What is a breach of the Code of Conduct

All elected and co-opted members of the above organisations are bound by Codes of Conduct. Each of the organisations must adopt a Code of Conduct for its members based upon the Model Code of Conduct introduced in Wales in 2008.

The Code sets out a set of enforceable minimum standards for the way in which councillors should conduct themselves, both in terms of their official capacity and (in some instances) in their personal capacity as well.

Examples of ways in which a councillor may breach their organisation's Code of Conduct include:

- behaving in a way that negatively affects their authority's reputation;
- using their position unfairly to gain an advantage for themselves or someone else – or to do someone else down;
- improper use of their authority's resources;
- failing to declare an interest;
- bullying behaviour;
- failing to treat everybody equally; and
- revealing confidential information without good reason.

Many complaints which come to us are about rude or controversial things that members have said. The Code of Conduct is not meant to prevent robust political debate and we must consider the member's right to freedom of expression.

You can usually find a copy of an authority's Code on its website. Or you can get copies from the Monitoring Officer or Clerk to each organisation.

## **Who can complain**

Anyone can make a complaint, as long as they have direct knowledge of the behaviour they are complaining about.

If you are a councillor, under your organisation's Code you must report any evidence which you have of a fellow councillor breaching the Code to your organisation's Monitoring Officer (where you have one).

If you are a county councillor and your organisation has a local resolution process and you want to complain about another councillor in your organisation, you should first of all make your complaint to your authority's Monitoring Officer. The reason for this is that your complaint may be able to be resolved locally without the need for us to be involved. However, you must remember that you also have a duty under the code not to make complaints which are vexatious (that is, they must not be made just to make mischief).

Some Town and Community Councils also have a local resolution process that can be used to resolve low level complaints between councillors, the Clerk will usually be able to advise whether this is suitable for use.

## **What we can do**

If you think that a councillor may have breached their organisation's Code of Conduct, we may be able to investigate your complaint.

We can usually look at your complaint if:

- there is direct evidence to suggest that a breach may have taken place; and,
- an investigation or referral to the Adjudication Panel or a standards committee is required in the public interest

It is for us to decide whether or not to investigate a complaint of this nature.

We explain in more detail how we may deal with your complaint in a separate factsheet [here](#).

## **What we cannot do**

We cannot:

- impose sanctions such as suspension or disqualification upon a councillor;
- ask or compel a councillor to resign from office;
- ask or compel a councillor to make any form of compensatory payment.

Where we find that a complaint is justified and where we consider that it is in the public interest to do so, we may refer it either to the Standards Committee of the relevant organisation, or to a tribunal convened by the Adjudication Panel for Wales. These bodies then decide if a breach of the Code of Conduct has occurred. Where a

breach is found, it will be for the Standards Committee or Adjudication Panel for Wales to determine and impose an appropriate sanction on the councillor.

## Issues to bear in mind

Your complaint must be in writing. It is best if you use the form on our website [here](#). If you are unable to fill this form yourself, please contact us on 0300 790 0203.

Any complaint about the conduct of a councillor must be supported by direct evidence, as opposed to assertions.

When submitting a complaint to us that a councillor has breached the Code of Conduct, it is crucial to provide as much evidence as possible in support of any complaint. We may contact you to tell you if you have not given us enough evidence to support your complaint.

When you complain, you must give us your name. We cannot look into complaints that are made anonymously.

When submitting a complaint, you must understand that we will disclose your details to the councillor you are complaining about, the complaint form and any documents you send in. If necessary, you must be also prepared to give oral evidence in support of your allegation. We can only make an exceptions to these requirements for you if you are making a whistleblowing complaint.

To find out how we will deal with your complaint, see a separate factsheet [here](#).

# Easy Read

Code of Conduct - General information (Easy Read)

