



Introduction

This factsheet explains how you can complain about the conduct or behaviour of members and co-opted members of local authorities, community councils, fire and rescue authorities, national park authorities and police and crime panels in Wales. It should be read together with our factsheet “What we do when we get your complaint” which provides general information about our service.

All elected and co-opted members of the above bodies are bound by Codes of Conduct. Each of the relevant authorities is required to adopt a Code of Conduct for its Members based upon the Model Code of Conduct introduced in 2008 (in Wales) (“the Code”).

The Code lays down a set of enforceable minimum standards for the way in which members should conduct themselves, both in terms of their official capacity and (in some instances) in their personal capacity as well. The Code includes provisions which require members to give ‘due regard to the principle that there should be equality for all people’; to treat others with respect and not to use bullying or harassing behaviour. There are provisions relating to the disclosure of confidential information, the improper use of the position of member or the resources of an authority and the requirement that members should not behave in a way which could be reasonably regarded as bringing the role of member or the authority into disrepute.

The Code also places responsibilities on members to consider whether they have a “personal interest” (i.e. a potential conflict of interest) in a particular matter and whether the existence and nature of the interest should be disclosed. Where such an interest exists, the Code sets out the extent, if at all, to which a member can continue to participate in business connected with the interest. The Code also provides for the registration of gifts and hospitality.

You can usually find a copy of an authority’s Code on its website. Alternatively, copies can be obtained from the Monitoring Officer or Clerk to each authority.

What the Ombudsman can do

If you think that a member has, or may have breached his/her authority's Code of Conduct, the Ombudsman may be able to investigate your complaint.

He can usually look at your complaint if:

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

This involves the consideration of a number of public interest factors such as: whether the member has deliberately sought a personal gain at the public expense for themselves or others or misused a position of trust, whether an investigation is required to maintain public confidence in elected members or whether an investigation is proportionate in the circumstances. The Ombudsman has discretion as to whether or not to investigate a complaint of this nature.

The Ombudsman cannot:

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

Where the Ombudsman finds that a complaint is justified and where he considers that it is in the public interest to do so, he may refer it either to the Standards Committee of the relevant authority, or to a tribunal convened by the Adjudication Panel for Wales to make a determination on the issues. Where a breach is found, it will be for the standards committee or Adjudication Panel for Wales to determine and impose an appropriate sanction.

Issues to bear in mind

When submitting a complaint to the Ombudsman that a member has breached the Code of Conduct, it is crucial to provide as much evidence as possible in support of any complaint. All complaints must be made in writing. A copy of the Code of Conduct complaint form can be found on our website: www.ombudsman.wales.

If you decide to make a complaint, you must understand that your complaint and all material supplied with it (including your identity) may be disclosed in full to the member against whom you are making a complaint and that this information may become public knowledge. This information will also usually be disclosed to the Monitoring Officer and Clerk (where applicable) of the appropriate Council. You should also be prepared to give spoken evidence in support of your complaint to the authority's Standards Committee, or any case tribunal which may be appointed to consider any report which the Ombudsman may issue if he decides to investigate your complaint.

Where the decision is taken to investigate a complaint, the Ombudsman will usually obtain further relevant documentary evidence, witness evidence and evidence from the member in question. This evidence will be considered in the context of the Code to determine whether it suggests that a breach

may have occurred.

If your complaint is about anything other than the conduct of a Councillor, please refer to the Council's complaints procedure.

Further information

The Ombudsman is independent and impartial; Examples of cases that the Ombudsman has looked at can be found on our website,

[on the 'Publications' tab under 'Our Findings' & 'The Ombudsman's Casebook'.](#)

Contact us

If you are unsure whether the Ombudsman would be able to look into your complaint, please [contact us](#) on 0300 790 0203 or ask@ombudsman.wales

Also available in Welsh.

Easy Read

Code of Conduct

 [Download](#)

This document is available in Welsh and English. You can write to us in Welsh and we will reply in Welsh. This will not lead to a delay in responding.

ask@ombudsman.wales

0300 790 0203 Our phone line is open from 10am-4pm Monday – Friday