

Code of Conduct - Information for witnesses



This factsheet explains the approach taken by the Ombudsman's staff when carrying out interviews in relation to a complaint that an elected or co-opted member of a local authority, community council, fire and rescue authority or national park authority has breached their Code of Conduct.

Individuals may be contacted by this office because they were directly involved in the complaint, have some knowledge of the subject matter of the complaint or because they can explain or have some responsibility for the procedures and policies of the authority of which the Councillor whose conduct is alleged to have breached the Code is a member. This factsheet provides information about the Ombudsman's role.

The nature and format of the interview

Interviews will be conducted face-to-face or by telephone. Face-to-face interviews with employees of the body complained about will normally be arranged through that body's liaison officer; interviews by telephone will normally be arranged by the investigator, who will arrange in advance a suitable time to call you. If you would prefer not to be interviewed by telephone, please say so and the investigator will consider arranging to interview you face-to-face. As well as taking notes of the interview, the investigator will digitally record the interview to ensure that your statement is accurately recorded.

It has been the experience of the Ombudsman that almost all witnesses give evidence willingly. But you should be aware that the Ombudsman has the same powers as a court of law in respect of the attendance and examination of witnesses. The Ombudsman appreciates that, although interviews are conducted as informally as possible, they may sometimes cause a witness anxiety. You are therefore welcome to have someone with you when you see the investigating officer. If you wish to have somebody present at the interview to support you, please let the investigator know who this person will be in good time. It should not be someone who is involved in the investigation; they are allowed to be present simply to offer you support and not to answer questions for you. Interviews will always be on the record.

What you will need for the interview

Make sure that you understand what the interview is about. You should have been given some details of the complaint which sets out what the Ombudsman is investigating. If you have not seen that, ask the person who arranged the interview to explain. Any information provided to you in advance of or during an interview has been disclosed to you for the purposes of the Ombudsman's investigation in accordance with the Local Government Act 2000 and should be held in strictest confidence.

In addition we ask you not discuss the evidence you intend to provide at interview or contained within any witness statement or document provided with persons who may be involved in the investigation, whether directly or indirectly, as such contact may prejudice the Ombudsman's investigation.

If you have any papers - such as letters or diaries or the formal file to which the complaint relates - which you think might be relevant to the interview, take them with you.

If you have any notes you made at the time of the events under investigation, these may help the investigator. It is a good idea to read through all of these documents beforehand to remind yourself what is in them.

In addition to relevant documents, you should ensure that you have with you any other items which you might need during the course of the interview, such as reading glasses, hearing aids or medication (inhalers etc.). You should also ensure that, unless absolutely necessary, any mobile phones or pagers are turned off for the duration of the interview to avoid any disruption.

Please notify the investigator before the interview of any special requirements you may have, including any arising from any of the protected characteristics defined by the Equality Act 2010 e.g. any disability or religious considerations.

Although the investigator will have a timetable and will try to keep to it, sometimes interviews overrun so you should ensure that this is taken into account when planning anything immediately after the scheduled conclusion of the interview.

Issues to bear in mind

The investigator may also take handwritten notes of the interview and may ask you to sign and date these at the end of the interview. As soon as reasonably possible after the interview, the investigator will send you a draft witness statement. This witness statement will include a statement of truth confirming that the facts contained within it are true and accurate. In this instance you may be asked to sign and return the statement. Your signature will need to be witnessed by an independent person i.e. someone who is not directly or indirectly involved in the investigation.

You should bear in mind that your comments may be included in the evidence that is disclosed to the Councillor concerned during the investigation. Ultimately, the evidence contained in a witness statement may be attached to any report on the investigation which the Ombudsman may refer to the Council's Standards Committee, or to the President of the Adjudication Panel for Wales. The Adjudication Panel or Standards Committee may ask you to attend any hearing as a witness.

Further information

You should not discuss the evidence you intend to provide at interview or contained within any witness statement with any persons who may be involved in the investigation. Any information provided to you in advance or during your interview should also be held in strictest confidence.

**If you would like more information about this process,
please contact us:**

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