

# What we do when we get your complaint about the conduct of a local councillor

## Introduction

This factsheet explains what happens after you complain to us about the conduct or behaviour of local councillors. This includes members and co-opted members of

- local authorities
- community councils
- fire & rescue authorities
- national park authorities and
- Police and Crime Panels in Wales.

We explain here how we may deal with your complaint.

## Meeting your needs

We want to make it easy for everyone to use our services. We cannot advocate on your behalf but we can point to you an organisation that can help. We can also change the way we communicate with you depending on your needs. Please let us know what your needs are, and we will do our best to help. You can find more information about the support we can offer [here](#).

## New complaints

All new complaints are considered by our Code of Conduct Team. We will acknowledge that we received your complaint.

We will then examine the complaint and any supporting information against a two-stage test.

At the first stage, we consider whether the evidence suggests that a breach of the Code of Conduct actually happened.

At the second stage, we think whether, if proven, the alleged breach of the Code is serious enough and in the public interest for us to investigate it.

For example, we will consider if:

- a councillor has deliberately sought a personal gain at the public expense for themselves or others
- a councillor has misused a position of trust
- the conduct complained about was motivated by any form of discrimination
- our investigation is needed to maintain public confidence in local councillors
- it would be proportionate for us to investigate

When we have received enough information to assess your complaint, we will aim to tell you **within six weeks** whether or not we intend to investigate it. However, where this is not possible we will let you know.

## If we cannot accept your complaint

If a complaint does not meet the two-stage test, we will write to you to explain why we will not investigate it.

We will also send a copy of the decision to the councillor complained about, the Monitoring Officer (who may share it with their Standards Committee) and the Clerk (if the councillor belongs to a Town or Community Council).

## If we decide to investigate your complaint

If we decide to investigate your complaint, it will be considered by one of our Investigation Officers. We will write to you and the parties involved confirming our decision to investigate.

We will also send a copy of the complaint to the councillor complained about, the Monitoring Officer of the relevant authority and the Clerk (if the councillor belongs to a Town or Community Council).

At this stage, the Investigation Officer will usually get further evidence, such as documents, any witness statements, evidence which may be needed from third parties, and information from the councillor complained about.

Each investigation varies. Although it may be necessary to interview the people involved, we may be able to conclude some cases by considering documents alone.

We aim to complete all investigations **within 12 months**, but most are concluded sooner. We will keep you informed of how the investigation is progressing.

If, for any reason, we consider it necessary to suspend or discontinue our investigation, we will write to you to explain why.

We generally conduct our investigations in private. We therefore ask you not to contact or discuss the details of the complaint or any information that we may share with you with any potential witnesses or persons who may be involved in the matter, whether directly or indirectly, to avoid any prejudice to the investigation. For councillors, disclosing details of our investigation may amount to a breach of the Code of Conduct.

When we have all the information we need, we will write a report or decision notice setting out the evidence we have considered and the conclusions we have reached.

## Investigation outcomes

If we decide there is no evidence of a breach the Code of Conduct, we will close the investigation and write to all parties to explain why.

We may determine in some circumstances that no further action is appropriate. We can also refer the complaint once again to the Monitoring Officer of the relevant authority to consider whether further local investigation is appropriate.

Where we find that a complaint is justified and we also consider it to be in the public interest to do so, we may refer it either to the Standards Committee of the relevant authority, or to a tribunal convened by the Adjudication Panel for Wales. Once we do that, it is up to these bodies to make a final decision about the complaint and whether a breach of the Code has occurred.

We will let you know of our conclusions, and we may send you a summary of the report for your information. We will also send a copy of our report to the councillor complained about. The full version of the report remains confidential until the Standards Committee or tribunal make their decision about the complaint.

## If you are unhappy with our decision

Once we have

- decided not to investigate a complaint against a councillor, or
- decided after investigation that there is no evidence of a breach of the Code of Conduct or that no further action is appropriate,

our task is effectively ended and we close our complaint file.

We will not re-open a case only because you may disagree with our decision. However, you may write to us within twenty working days to ask us to review your case. You may ask for this review if:

- you have relevant new evidence to show us; or
- you can show that in making our decision we have not properly considered the information that we received previously.

Our Review Officer will consider whether there are grounds to review your complaint and whether further action is required.

## Communicating with us

In times of trouble or distress, some people may act out of character. There may have been upsetting or distressing circumstances leading up to a complaint. We do not view behaviour as unacceptable just because someone is forceful or determined.

We believe that all complainants should have the right to be heard, understood and respected. However, our staff also have the same rights. We, therefore, expect you to be polite and courteous in your dealings with us. We will not tolerate aggressive or abusive behaviour, unreasonable demands or unreasonable persistence.