

# **Code of Conduct – Interim Powers**

The Model Code of Conduct (“the Code”) for councillors sets out the high standards of behaviour which the public expects from its elected and co-opted representatives.

Our role is to consider and where appropriate investigate complaints that members of local authorities and other relevant authorities in Wales have breached their authority’s Code of Conduct (Section 69 Local Government Act 2000 and the relevant Orders made by the National Assembly for Wales under that Act).

We are committed to investigating matters that are serious and can undermine the relationship between councillors and the public they serve. The types of complaints investigated by us often include allegations of corruption, discrimination, bullying, misuse of power in public office and actions or behaviour that significantly and negatively impact on the reputation or function of the authority.

During an investigation, we may issue an interim report (Section 72) prior to the conclusion of that investigation, if it appears from the evidence that the matter should be referred immediately to the President of the Adjudication Panel for Wales (“the APW”) for consideration. In doing so we may also recommend the suspension of that member from the authority to which they are appointed or co-opted.

Such action will usually only be taken where we are satisfied that:

- there is *prima facie* evidence that the member who is the subject of the interim report has failed to comply with the Code of Conduct of the authority concerned;
- the nature of that failure is such as to be likely to lead to disqualification by the APW; and

it is in the public interest to suspend or partially suspend that member immediately from their authority or specific activities in their role as member.

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## Considerations

We will not take such action lightly and must consider that doing so is necessary and in the public interest. Factors which may influence a decision of this nature may include, but are not limited to, the need to:

- safeguard any risk to the public posed by the Councillor in their role as member;
- minimise any disruption to the business of the Council to which the Councillor is a member;
- maintain the reputation of the Council;
- protect the Council from legal challenge;
- prevent the intimidation of or any attempts to compromise the position of officers of the Council or attempts to inappropriately access information; or
- facilitate our effective and expeditious investigation of the complaint.

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## Process

Where we produce an interim report copies of it will be shared with:

- the member who is the subject of the report;
- the monitoring officer of the relevant authority (or any other relevant authority that the member may be elected or co-opted to); and
- the president of the Adjudication Panel for Wales.

Any interim report issued by us will be considered by an interim case tribunal of the APW who will decide whether to suspend or partially suspend the member or co-opted member from the Council or a role within it.

We may suspend our investigation pending the outcome of any interim tribunal.

The maximum duration of any suspension or partial suspension is 6 months or if shorter to the end of the members term of office. Unlike case and appeal tribunals of the APW, an interim tribunal is not disciplinary.

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## Contact us

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

Also available in Welsh.

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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](mailto:ask@ombudsman.wales)

0300 790 0203 Our phone line is open 10am-12:30pm and 1:30pm-4pm Monday – Friday