

Code of Conduct - What we do when we get your complaint

Factsheet

Introduction

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

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

It also explains the different approaches we can take when dealing with complaints of this nature. It does not cover every detail of our procedures, a summary of which is available on the '[How to Complain](#)' page, under the 'Making A Complaint' tab.

New Complaints

All new complaints are considered by our Code of Conduct Team. We will acknowledge receipt of your complaint. Any complaint of this nature must be supported by direct evidence, as opposed to assertions. Where necessary, we may contact you to tell you if you have not provided enough evidence to support your complaint. In submitting a complaint, you must understand that your details will be disclosed to the member who you are complaining about and, if necessary, you must be prepared to give oral evidence in support of your allegation.

Each complaint, and any supporting information, will then be examined against a two-stage test. At the first stage, we will consider whether there is direct evidence that a breach of the Code of Conduct has occurred. At the second stage we consider whether an investigation or a referral to a standards committee or the Adjudication Panel for Wales is required in the public interest. This involves the consideration of a number of public interest factors such as: whether a member has deliberately sought a personal gain at the public expense for themselves or others, 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. When we have received sufficient information to assess your complaint, we will aim to tell you within six weeks whether or not we intend to investigate your complaint. 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 provide you with an explanation in writing. We will also send a copy of the decision to the member complained about, the Monitoring Officer (who may share it with their Standards Committee) and the Clerk (if the member belongs to a Town or Community Council).

If we decide to investigate your complaint

If we decide to investigate your complaint, the investigation will be conducted by one of our Investigation Officers. The Officer may contact you to discuss your concerns and explain what will happen next. We will also send a copy of the complaint to the member complained about, the Monitoring Officer of the relevant authority and the Clerk. We will write to you and the parties involved confirming our decision to investigate. At this stage, the Investigation Officer will usually obtain further relevant documentary evidence, witness evidence and evidence from the accused Member.

Each investigation varies and while it may be necessary to interview those involved, some cases may be concluded through examination of 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 discontinue our investigation, we will write to you explaining this decision.

We 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. When we have all the information required, we will write a report or letter setting out the evidence we have considered and the conclusions we have reached.

Investigation outcomes

If we conclude there is no evidence of a breach the Code of Conduct, we will close the investigation and provide written reasons for this decision to all parties.

We may determine in some circumstances that no further action 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 to make a determination on the issues. We will notify you of our conclusions, and may provide a summary of the report for your information. We will also send a copy of our report to the accused member. The full version of the report remains confidential until such time as a determination is made on the issues by the Standards Committee or tribunal.

If you are dissatisfied with our decision

Once we have issued a decision not to investigate a complaint against an elected member or to close an investigation or that no further action is appropriate our task is effectively ended and the file is closed. We will not re-open a case solely because you may disagree with our decision but you can ask in writing (within twenty working days) for us to review your case if:

- you have relevant new evidence to show us; or
- you are able to demonstrate that information we had was not properly taken into account in making our decision.

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

Contact us

If you would like more information, please [contact us](#) on 0300 790 0203 or ask@ombudsman.wales

Also available in Welsh.

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 10am-12:30pm and 1:30pm-4pm Monday – Friday