

This Factsheet is about complaints relating to the conduct or behaviour of Members and co-opted Members of Local Authorities, Community Councils, Fire and Rescue Authorities and National Park Authorities in Wales. It should be read together with our general information leaflet 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 model 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 such as to 'treat others with respect' and to have 'due regard to the principle that there should be equality for all people.' The Code also has provisions relating to bullying and intimidation, as well as the disclosure of confidential information, and using their position unfairly.

The Code places responsibility on Members to consider whether they have a "personal interest" (i.e. a potential conflict of interest) in a particular matter, such that 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 evidence that a breach actually took place; and,
- if the alleged breach would be likely to lead to the imposition of a sanction by a standards committee or the Adjudication Panel for Wales.

The Ombudsman has discretion as to whether or not to investigate a complaint of this nature. In using his discretion, the Ombudsman will take account of the outcomes of previous cases considered by standards committees across Wales, and the Adjudication Panel for Wales, and decide accordingly. He may also take into consideration any previous complaints that may have been raised about a particular member.

What the Ombudsman cannot do

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, 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.org.uk.

If you decide to make a complaint, you should be prepared for your name and the information in your complaint to be passed on to the Member concerned and to the authority, with the possibility that this information may become public knowledge. You should also be prepared to give spoken evidence in public in support of your complaint to the authority's Standards Committee, or to any case tribunal which may be appointed to consider a 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 a breach may have occurred.

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

Further information

The Ombudsman is independent and impartial; he cannot order public bodies to do what he recommends – but, in practice, they almost always do. Examples of cases that the Ombudsman has looked at can be found on our website: www.ombudsman-wales.org.uk.

If you are unsure whether the Ombudsman would be able to look into your complaint, please contact us:

- **phone** 0845 601 0987;
- **e-mail** ask@ombudsman-wales.org.uk;
- **visit the website at** www.ombudsman-wales.org.uk;
- **write to:** The Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae, Pencoed CF35 5LJ