



How to complain
that a local authority
member has broken
the code of conduct



1 Who is the Public Services Ombudsman for Wales?

The Ombudsman is appointed by the Queen to look into complaints about public services in Wales. The Ombudsman also investigates complaints that members of local government bodies have behaved wrongly. He is independent and unbiased. The current Ombudsman is Peter Tyndall.

The Ombudsman can consider complaints about the behaviour of members of:

- county and county borough councils;
- community councils; and
- fire authorities, police authorities and national park authorities.

All these authorities have a code of conduct which sets out in detail how members must follow recognised principles of behaviour in public life.

2 Who can make the complaint and what can you complain about?

Anyone can make a complaint, as long as they have direct knowledge of the behaviour they are complaining about.

If you are a councillor, under your authority's code you must report any evidence which you have of a fellow councillor breaking the code. But you also have a duty under the code not to make complaints which are vexatious (that is, they must not be made just to make mischief). If in doubt, you may find it helpful to have a word with your authority's monitoring officer.

Examples of ways in which a member may break an authority's code of conduct include:

- behaving in a way that negatively affects their authority's reputation;
- using their position unfairly to gain an advantage for themselves or someone else – or to do someone else down;
- improper use of their authority's resources;
- failing to declare an interest;
- bullying behaviour;
- failing to treat everybody equally; and
- revealing confidential information about individuals without good reason.

3 What the Ombudsman cannot investigate

- Complaints about the behaviour of individual employees of an authority.
(But if their behaviour led to you being unfairly treated, or receiving a bad service, you can complain about the authority itself. There is a separate leaflet to help you to do this.)
- Complaints not made in writing, or made anonymously.

4 What the Ombudsman may decide not to investigate

The Ombudsman can decide whether he will investigate any complaint. Some of the complaints he receives are not serious enough to need investigating.

A number of the complaints which come to the Ombudsman are about rude or controversial things that members have said. The code of conduct is not meant to prevent political debate, so only in exceptional cases will the Ombudsman consider it appropriate to investigate whether a member's political views, or criticism of political opponents, was so extreme that it broke the code.

5 How do you make a complaint?

- You must be prepared for your name and what you say in your complaint to be passed on to the member concerned and to the authority, and the possibility that it may become public knowledge. You may need to be interviewed as part of any investigation.
- Your complaint must be in writing, preferably using the form in this leaflet. If you are unable to do this yourself, please contact us on 0845 601 0987 (local call rate).
- You must tell the Ombudsman specifically what you believe the member has done which has broken their authority's code of conduct. (You have to give some direct evidence of this – the Ombudsman will not investigate a complaint which is based on what someone else has told you.)

6 What happens after you have filled in the complaint form and returned it to the Ombudsman?

We will write to acknowledge we have received your complaint. We will then assess it to decide if we will investigate it. Sometimes, we may need to get in touch if some aspect of your complaint is not clear. If we decide not to investigate, we will tell you the reason. If we decide to investigate, we will let you know when we have started, and let you know the outcome.

7 What are the possible outcomes of an investigation?

The Ombudsman will investigate the matter thoroughly and fairly. He will act as quickly as possible. The time taken to complete an investigation will vary according to how complicated it is. Normally it will be completed within nine months. We will keep in touch with you and let you know what progress is being made. If he thinks it is appropriate, the Ombudsman can end his investigation at any time.

Once his investigation is complete, the Ombudsman may decide that there is no evidence that the code has been broken, or decide that no further action needs to be taken.

If he decides that there is enough evidence to do so, he will send a formal report either to the authority's standards committee or to the Adjudication Panel for Wales. You might be asked to give evidence to them. They will then decide if the code of conduct has been broken and, if so, what penalty to give the member concerned. The maximum penalty is five years' disqualification from office.

Contact us

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