# How the Ethical Standards Commissioner checks complaints about Councillors and Board Members

A person holding a piece of paper


A hand holding a magnifying glass




A computer and phone with a email on the screen


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* call 0300 011 0550
* email: [info@ethicalstandards.org.uk](mailto:info@ethicalstandards.org.uk)
* or do it online at: [www.ethicalstandards.org.uk/contact-us](http://www.ethicalstandards.org.uk/contact-us)

## Contents

|  |  |
| --- | --- |
|  | **Page** |
| **What does the Ethical Standards Commissioner do?** | **3** |
|  |  |
| **What is an assessment?** | **4** |
|  |  |
| **What is an investigation?** | **9** |
|  |  |

## What does the Ethical Standards Commissioner do?

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| A document with a list on it | This document is about **how the Ethical Standards Commissioner checks complaints about Councillors and Board Members**. If you would like to read about all the work that we do click here:  <https://www.ethicalstandards.org.uk/publication/esc-purpose-values-and-strategic-objectives-2024-2028-easy-read>  If you would like to read about **how to make a complaint** about Councillors and Board Members click here:  <https://www.ethicalstandards.org.uk/publication/making-complaint-about-councillors-and-board-members-easy-read> |
| A rule book and a set of scales indicating right and wrong | **Ethical standards** are the rules about what is right and wrong.  It means for example treating people the way you would like to be treated. |
| an image of the ethical standards commissioner's investigations manual | We use our **Investigations Manual** to tell the rules about how we will investigate complaints.  Our **Investigations** **Manual** is a document that tells how we check complaints. |

**What is an assessment?**

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| a hand holding a magnifying glass  a rule book | The first part of our **process** is to check your complaint. This is called an **assessment.**  An **assessment** is our way of finding out whether something is covered by the Code of Conduct.  A **process** is a way of doing something in a certain order. |
| A clipboard with check marks | During our assessments we check all of the information that you have given us. |
| A person talking to a doctor | We might ask for more information if it is needed. |
| A computer with a blank screen | We use the internet to find out more information. This might be something like the date of a meeting. |
| A person with his hand on his chin and thumbs up and thumbs down | We will decide whether we will investigate the complaint or whether we will **dismiss** the complaint.  **Dismiss** means we do not investigate the complaint. |
|  | We will dismiss a complaint if: |
| A person sitting at a desk with a computer and thought bubbles | * It is about a councillor or board member who has died or is an **incapable adult.**   **Incapable Adult** means someone who can not make decisions about their own lives. This might be because of a brain injury or a learning difficulty. |
| The years 2022, 2023 and 2024 shown on different calendars | * It has been made over one year after the **incident** took place and there is not a good reason for it taking over one year.   An **incident** is something that has happened. It is usually not nice. |
| A rulebook with a red cross through it | * ‘**On the face**’ of it there has not been a breach of the Code of Conduct.   **On the face** means that even if the incident did take place it is not behaviour that is included in the Code of Conduct. |
| a laptop with a white screenan email symbola man with his thumb pointing down | Some examples of behaviour that is not included in the Code of Conduct are:   * A councillor or board member not replying to your emails * A councillor or board member not helping you in the way that you wanted them to * A councillor or board member making a decision that you are unhappy with * A councillor or board member doing something while they are not working that you are unhappy with * A councillor or board member saying something to you that you did not like but that is not disrespectful or bullying behaviour. |
| a letter with a cross next to it | If we dismiss your complaint we will write you a letter to tell you why. |
| We will also write to the person who you complained about. We will tell them why we have dismissed your complaint |
| An identification card a telephone and a pin on a map with a red line through them | We will share your name with the person you have complained about. We will **not** share any of your contact information like your address, email address, or telephone number. |
| Two people talking to eachother | If there is another person or organisation who can help you instead, we will tell you about them. |
| a letter with a green tick next to it | If we decide to investigate your complaint, we will write you a letter to tell you this. |
| A person with his hand on his head  AI-generated content may be incorrect. | How an investigation works is explained below. |

## What is an investigation?

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| --- | --- |
| One person telling of another person who is looking sand with a rule book behind them. The rule book has a red line through it | An **investigation** of your complaint is the next part of our process.  An **investigation** is a way of carefully checking everything about something that has happened. |
| A person writing on a clipboard  AI-generated content may be incorrect.  A rule book and an evidence book | We will check the information you gave us in your complaint. This will help us to decide whether or not the incident you complained about took place.    We will check if the Code of Conduct has been followed. |
| a letter | When we start our investigation, we will write a letter:   * to you * to the person you have complained about * to the Council or Public Body that they work for. |
| A person holding a clipboard and pen with a green tick next to it | We will ask for any information that we need to complete our investigation. |
| A person in a green shirt standing in front of a document with the word witness on it | We might also **interview** you or other **witnesses**.  A **witness** is someone who saw or heard something happen.  An **interview** is when we ask questions about what happened. |
| An evidence book with a pair of scales | When we have the information we need, we will decide whether or not we think the incident happened. |
| We make this decision based on **the balance of probabilities.**  **The balance of probabilities** means that with the information we have it is more likely that the incident did happen than it did not happen. |
| A rule book | If we decide that an incident did not happen then we say that the Code of Conduct has **not** **been** **breached**.  **Not breached** means we think that the rules have been followed |
| A person thinking about a good choice next to a set of scales | If we decide that an incident did happen then we need to decide whether the councillor or board member did not follow the rules in the Code of Conduct. |
| We also make this decision on the balance of probabilities. |
| A rule book | If we decide that the incident did not break the rules this means we decide that the Code of Conduct has not been breached. |
| A rule book with a line through it | If we decide that the incident did break the rules, then we conclude that the Code of Conduct **has been breached**.  **Has been breached** means the rules have not been followed |
| The standards commission for scotland logoA laptop on a report | If the Code of Conduct has been breached or not breached, we write a **report** and send it to the **Standards Commission for Scotland.**  **The Standards Commission for Scotland** is a public body who also check complaints. You can find more information on their website <https://www.standardscommissionscotland.org.uk/>  A **report** is a description of our investigation that is written down. |
| a report | We will also send our report to   * you * the person you have complained about * the Council or Public Body that they work for. |
| A person with his hand on his chin and thumbs down and thumbs down | The Standards Commission will decide whether the Code of Conduct has been breached or not. |
| A calendar and a rule book with a red line through it | They Standards Commission will do this by either: |
| * Holding a hearing   A **Hearing** is a meeting. In this case it is a meeting to decide if a person has broken the rules. |
| A hand holding a magnifying glass | * Telling us to do more investigating |
| Two people talking to eachother and a red question mark | * Or none of these things. This means that the case is **closed** for us and for the Standards Commission.   **Closed** means that no further action or investigation will happen. |
|  | When the Standards Commission have made their decision, they will tell you. |
| The standards commission for scotland logo | The Standards Commission have Easy Read information about what happens during a hearing. You can find it here: <https://www.standardscommissionscotland.org.uk/sites/standardscommissionscotland/files/FINAL-SCS-EasyRead.pdf> |