

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



If you need this document in another format like large print, audio or Braille please contact us:

- call 0300 011 0550
- email: info@ethicalstandards.org.uk
- or do it online at:
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?



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>

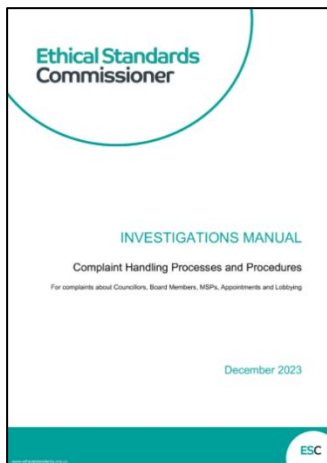
If you would like to read about **how to make a complaint** about Councillors and Board Members click here:

<https://www.ethicalstandards.org.uk/publication/making-complaint-about-councillors-and-board-members-easy-read>



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.



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?



The first part of our **process** is to check your complaint. This is called an **assessment**.

A **process** is a way of doing something in a certain order.



An **assessment** is our way of finding out whether something is covered by the Code of Conduct.



During our assessments we check all of the information that you have given us.



We might ask for more information if it is needed.



We use the internet to find out more information. This might be something like the date of a meeting.



We will decide whether we will investigate the complaint or whether we will **dismiss** the complaint.

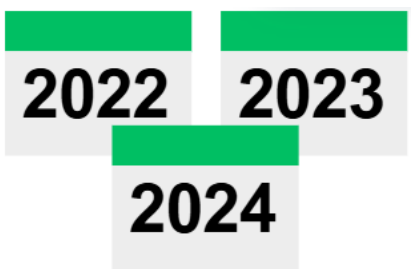
Dismiss means we do not investigate the complaint.



We will dismiss a complaint if:

- 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.



- 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.



- '**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.

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.

X



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



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.



If there is another person or organisation who can help you instead, we will tell you about them.



If we decide to investigate your complaint, we will write you a letter to tell you this.



How an investigation works is explained below.

What is an investigation?



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.



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.



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.



We will ask for any information that we need to complete our investigation.



We might also **interview** you or other **witnesses**.

An **interview** is when we ask questions about what happened.

A **witness** is someone who saw or heard something happen.



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.



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



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.



If we decide that the incident did not break the rules this means we decide that the Code of Conduct has not been breached.



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



If the Code of Conduct has been breached or not breached, we write a **report** and send it to the **Standards Commission for Scotland**.

A **report** is a description of our investigation that is written down.



The Standards Commission for Scotland is a public body who also check complaints. You can find more information on their website

<https://www.standardscommission.scotland.org.uk/>



We will also send our report to

- you
- the person you have complained about
- the Council or Public Body that they work for.



The Standards Commission will decide whether the Code of Conduct has been breached or not.



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.



- Telling us to do more investigating



- 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 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>