

Making a complaint about Councillors and Board Members to the Ethical Standards Commissioner



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

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What does the Ethical Standards Commissioner do?



This document is about **how to complain 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>



Ethical standards are the rules about what is right and wrong.

Ethical standards help us know how to behave in a good way.

It means for example treating people the way you would like to be treated.



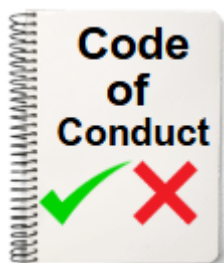
The Ethical Standards Commissioner was set up as part of a law called the Ethical Standards in Public Life (Scotland) Act 2000.



This law says that people who work in **public services** must follow certain rules.



Public services are services we all use like the Scottish Government, schools, hospitals and councils.



The law says that these people must follow a **Code of Conduct**.

A **Code of Conduct** is a set of rules that say how people should behave when they are doing their job.



The Ethical Standards Commissioner can check **complaints** about some people who work in public services.

A **complaint** is when a person says or writes that they are not happy about something.



This document is about **Councillors** and **Board Members**.

A **councillor** is a person who is elected to the local council to represent their own local community.



A **Board** and its **members** look at the work an organisation is doing and check it is working well and following the rules.



Public bodies are organisations that work for the Government and give us public services. Examples of this include health services and national parks.



If Councillors and Board Members do not follow their rules then you can make a complaint about them.

What can you complain about?



We check complaints where you feel that a Councillor or Board Member has not followed their Code of Conduct.



Some things we might check are whether a councillor or board member:

- Has posted something rude on social media
- Has not told at a meeting that what is being debated or voted on might **benefit** them or someone they know due to **connections** they have



A **benefit** is something that is helpful or good for you

A **connection** can include:

- being a member of a club that is asking for money from the council
- knowing a person who has made a planning application

- Has not **registered an interest**.



Registering an interest is a way of telling information so anyone can check.

An **interest** is something that might impact how a councillor or board member does their job.

This might include:

- another job
- owning a business
- **shares** in a company

Shares are part of a company that belong to someone.



The Councillors Code of Conduct can be found at the bottom of this webpage:

<https://www.standardscommissionscotland.org.uk/codes-of-conduct/councillors-code-of-conduct>



The Model Code of Conduct for Members can be found at the bottom of this webpage:

<https://www.standardscommissionscotland.org.uk/codes-of-conduct/members-model-code-of-conduct>

Each public body has to use this model code to make their own Code of Conduct.



You can find these codes on the website of each public body.

What can't you complain about?



We can only check complaints about Councillors and Board Members if it is about the work that they do.

We cannot check complaints about things like:

- NHS waiting times
- Problems with council housing
- Concerns about the services Councils deliver such as school education or bin collections.
- How anyone else who works at a public body or council, like a doctor or a housing officer, has behaved
- A decision made by the council, like raising council tax, or deciding how the budget will be spent in a particular service.
- A decision made by the public body, like whether an NHS board decides to perform a surgery.





We cannot check complaints about how a council or public body is run.

We cannot check complaints about people who work for a council or public body.



This is because the law says that we cannot.



You can check how to complain about these things on the Scottish Public Service Ombudsman's website:

<https://www.spsso.org.uk/how-to-complain-about-public-service>



If we cannot help you then we will tell you who might be able to help.

How do I make a complaint?



The law says that complaints must have certain information before we can check it.

Because of this it is helpful if your complaint is sent using our **complaints form**.

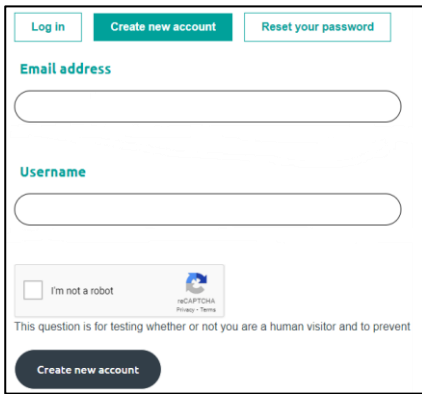
- Councillor
- Board Member
- MSP
- Lobbyist
- Public Appointment
- Complaint about us
- Other

A **complaints form** is a document where you put all the information about your complaint for us to check.



The complaints form can be found on our website:

<https://www.ethicalstandards.org.uk/make-complaint>

A screenshot of a website's account creation form. At the top, there are three buttons: "Log in", "Create new account" (highlighted in green), and "Reset your password". Below these are two input fields: "Email address" and "Username". Underneath the "Username" field is a CAPTCHA section with a checkbox labeled "I'm not a robot" and a reCAPTCHA logo. Below the CAPTCHA is a small text line: "This question is for testing whether or not you are a human visitor and to prevent". At the bottom of the form is a dark green button labeled "Create new account".

Before you fill out the complaints form you will need to make an account on our website.

It will look like this image.



If you are not able to fill out the form online there are others way to give us your complaint.

You can get a copy of the complaint form to fill out and post it to us:

<https://www.ethicalstandards.org.uk/publication/complaint-form>



Our address is:

Ethical Standards Commissioner
Thistle House
91 Haymarket Terrace
Edinburgh
EH12 5HE



If you would like to give us your complaint another way you can phone us to talk about how to do this.

Our telephone number is:
0131 347 3890.

How to complete the complaints form and information you need to give us



The complaints form will tell you what you need to give us.

It will ask for information including:

- The name of the councillor or board member you are complaining about
- Your **personal details**



Personal details is information about you. It includes:

- your name
- your address
- and your telephone number.



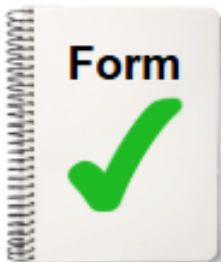
- If you are a **whistle-blower**

A **whistle-blower** is a worker who tells information about an organisation doing things that are against the law or not safe.

A whistle-blower believes that because of sharing this information they might be treated badly at work.

<input type="radio"/>	Councillor
<input type="radio"/>	Board Member
<input type="radio"/>	MSP
<input type="radio"/>	Lobbyist
<input type="radio"/>	Public Appointment
<input type="radio"/>	Complaint about us
<input type="radio"/>	Other

The complaints form will ask you to tell us what you are complaining about.



It is helpful if you give as much information as possible.



The complaints form will ask you to tell the date when the **incident** happened.

An **incident** is something that has happened. It is usually not nice.

**12
Months**

Normally you should make a complaint within 12 months of when the incident happened.



The complaints form will ask if you have made any other complaints to other organisations about the incident.



The complaints form will ask you to give us any other **supporting material** that will help show your complaint.

Supporting material is information you have that helps to show what happened.



Some examples of supporting material include:

- A screenshot of a post on social media
- A copy of an email you have received from a councillor or board member
- A link to a video recording of a meeting



If you are unsure whether you have given the right supporting material then do not worry. If we need anything else from you we will ask you for it.



It is important that you do not give us the **original** copies of any supporting material.

Original means the first of something. For example you should not give us the first copy of a document. You should make a copy and give us that.

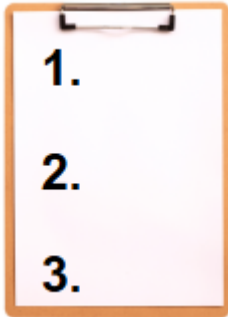


If you do not give us all of the supporting materials, after we have asked for them, we may not be able to look at your complaint.



This is because if we do not have all of the supporting material we will not be able to check whether the rules have been broken.

What happens next?



Your complaint is put in a queue. It will be looked at as soon as possible.

Our **queue** is a list of complaints in order of when we have received them.



First, your complaint will be **assessed**.

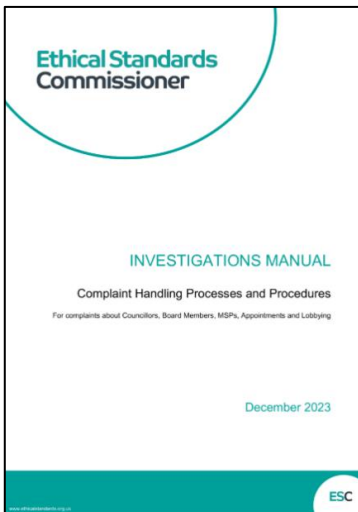
An **assessment** is a way of finding out whether something is covered by the Code of Conduct.

If the incident could be covered by the Code of Conduct then your complaint will be **investigated**.



An **investigation** is a way of carefully checking everything about something that has happened.

Our investigations check all of the information to find out if any rules have been broken.



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.



How the Ethical Standards Commissioner checks a complaint is told in another document:

<https://www.ethicalstandards.org.uk/publication/how-we-check-complaints-about-councillors-and-board-members-easy-read>