



STANDARDS COMMISSION
S C O T L A N D

**Misconduct by Councillors
and Members of
Devolved Public Bodies**

**How to make a complaint to
The Standards Commission
for Scotland**

The Standards Commission for Scotland

This leaflet explains how to make a complaint about alleged misconduct by Councillors or Members of Devolved Public Bodies in Scotland.

We explain:

- who we are and what we do,
- who you can complain about,
- what is covered by the term *misconduct*,
- how to submit a complaint and what happens next.

Who We Are and What We Do

The Standards Commission is an independent body set up by the Ethical Standards in Public Life etc. (Scotland) Act 2000. The Commission encourages high ethical standards in public life through the promotion and enforcement of Codes of Conduct for Councillors and Members of Devolved Public Bodies.

Complaints about misconduct by Councillors and Members of Devolved Public Bodies are investigated by the Chief Investigating Officer (“CIO”) who reports to the Commission. On receipt of the CIO’s report the Commission may decide to:-

- take no further action; or
- direct the CIO to carry out further investigations; or
- hold a Hearing.

If you would like to know more about the Commission, please look up our website or contact us by phone, email or post. Contact details are provided on the back page of this leaflet.



Who Can You Complain About?

Councillors: You can complain about misconduct by a *Councillor* in any of Scotland's thirty-two Local Authorities.

Members of Devolved Public Bodies: You can complain about misconduct by a *Member* of a Devolved Public Body designated under the 2000 Act whose Codes have been approved by Scottish Ministers. These Bodies are*: -

Accounts Commission for Scotland	Scottish Agricultural Wages Board
Boards of Management of most Further Education Colleges	Scottish Ambulance Service Board
Board of Trustees for the National Galleries of Scotland	Scottish Arts Council
Board of Trustees of the National Museums of Scotland	Scottish Children's Reporter Administration
Board of Trustees of the Royal Botanic Garden, Edinburgh	Scottish Enterprise
Common Services Agency for the Scottish Health Service	Scottish Environment Protection Agency
Controlling Bodies of the Area Tourist Boards	Scottish Further Education Funding Council
Crofters Commission	Scottish Higher Education Funding Council
Deer Commission for Scotland	Scottish Homes
Highlands and Islands Enterprise	Scottish Hospital Endowments Research Trust
Mental Welfare Commission for Scotland	Scottish Legal Aid Board
National Health Service Boards	Scottish Medical Practices Committee
National Health Service Trusts	Scottish Natural Heritage
NHS Education for Scotland	Scottish Qualifications Authority
NHS Health Scotland	Scottish Sports Council (sportscotland)
NHS Quality Improvement Scotland	Scottish Tourist Board (Visit Scotland)
Royal Commission on the Ancient and Historical Monuments of Scotland	Scottish Water
	State Hospitals Board for Scotland
	Trustees of the National Library of Scotland
	Water Industry Commissioner for Scotland

* The list is correct at time of print, up to date information is available from the Commission and on the website www.standardscommissionscotland.org.uk

What Can You Complain About?

All Councillors and Members of Devolved Public Bodies are expected to follow a Code of Conduct. There is a single Code of Conduct for Councillors and separate Codes of Conduct for each of the Devolved Public Bodies. If you would like a copy of the relevant Code then please contact us.

If you think that a Councillor or Member of a Devolved Public Body has not followed the relevant Code, you may make a complaint to the Standards Commission.

The following are examples of misconduct that would breach the relevant Codes of Conduct:

- Failure to declare that the Councillor or Member has a personal interest
- Failure to register an interest
- Financial misconduct (for example matters relating to allowances, gifts, hospitality, and misuse of Council and Public Body facilities)
- Disrespect toward employees
- Disrespect toward other Councillors or Members
- Breach of confidentiality
- Misconduct relating to lobbying
- Misconduct by a Councillor relating to decisions on individual applications (for example planning and licensing applications)



The Standards Commission Cannot Look Into

The Standards Commission cannot look into:

- Complaints about misconduct by *employees* of Local Authorities and Devolved Public Bodies
- Complaints where the alleged misconduct took place *before 1st May 2003*
- Complaints which are *not* about a breach of the Codes of Conduct.

If you wish to complain about *maladministration* you should write to

The Scottish Public Services Ombudsman
4 Melville Street
Edinburgh
EH3 7NS

www.scottishombudsman.org.uk

If your complaint is about the *audit of the accounts* of a Council or Devolved Public Body you should write to

The Accounts Commission or the Auditor General
110 George Street
Edinburgh
EH2 4LH.

www.accounts-commission.gov.uk

If your complaint is about a Councillor or a Member of a Devolved Public Body, *after 1st May 2003*, the Standards Commission for Scotland can help.

If you would like help to decide which is the right organisation to deal with your complaint, please get in touch with us.



How Do You Make A Complaint?

Send your complaint *in writing*, with your *signature*, to the Standards Commission at the address printed on the back cover of this leaflet.

The complaint should include the following:

- the name of the Councillor or Member you wish to complain about;
- the Council or Devolved Public Body to which the person belongs;
- a brief description of the circumstances of your complaint, including any relevant dates;
- why you think that the Code of Conduct has been breached.

You may, if you wish, use the complaint form within this leaflet.

If you need help to make a complaint in writing please contact us on the telephone number provided on the back of this leaflet.



What Happens Next?

We will write to confirm your complaint has been passed to the CIO.

If the CIO decides that your complaint is not one that the Standards Commission can deal with, you will receive written confirmation explaining why the Commission cannot help. If it is established that another organisation may be able to help, you will be informed. If you do not agree with the CIO's decision not to investigate, you may ask the Commission to consider the CIO's decision.

If the CIO decides to investigate your complaint it will probably require to be discussed with yourself and others including the person who is being complained about. The CIO is required – by law – to conduct any investigation on a confidential basis so far as it is possible to do so. The CIO is expected to complete an investigation within 3 months.

When the CIO has completed the investigation a report will be submitted to the Commission. The Commission will then decide whether to:

- take no action;
- direct the CIO to carry out further investigations;
- hold a Hearing.

The Commission will write to you to let you know its decision.

Where the Commission holds a Hearing and decides that there has been a breach of the Code, the Commission may impose a sanction of censure, or suspension (for up to one year), or disqualification from office (for up to five years).





STANDARDS COMMISSION
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CONTACTS

The Standards Commission for Scotland

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