



Northern Ireland

Local Government
Commissioner for Standards

How to make a complaint about a local government councillor

This leaflet tells you how you can make a complaint about a councillor's conduct. The service provided is free, independent and impartial.

The Local Government Act (Northern Ireland) 2014 (the Act) gives the Northern Ireland Local Government Commissioner for Standards the authority to investigate, and to adjudicate on, complaints that councillors have, or may have, failed to comply with the Northern Ireland Local Government Code of Conduct for Councillors (the Code).

The Commissioner has delegated the authority to investigate alleged breaches of the Code to the Deputy Commissioner and the Local Government Ethical Standards (LGES) Directorate within his Office. The Commissioner undertakes the adjudication function.

Making a complaint

You must make your complaint to the Commissioner's Office in writing. You do not have to complain first to the councillor's council.

The LGES Directorate does not have to investigate all the complaints that are made to the Commissioner's Office. It will therefore assess the nature and circumstances of your complaint to decide whether it is one that can, and should, be investigated.

The complaint form that accompanies these guidance notes has been designed to help ensure that you provide the LGES Directorate with all the information it needs to decide whether or not to investigate your complaint. It is preferable, therefore, that you use the form to make your complaint. You should read these notes before completing the form.

If you decide not to use the complaint form, you must still provide the LGES Directorate with all the information that is requested in sections 1 to 5 of the form, and you must still sign the declaration that is included at section 6 of the form; otherwise the LGES Directorate will not be able to consider your complaint.

Completing the complaint form

Section 1: Your details

You must provide us with your full name and contact details. If you do not provide this information, we will not consider your complaint.

We will need to contact you about your complaint. It may be necessary for us to do so in writing. For reasons of information security, we may need to send you a letter, rather than an email. You must therefore also provide us with your full postal address.

In this section of the form, we also ask you to provide details of the capacity in which you are complaining, for example, whether you are complaining as a member of the public, as another councillor or on behalf of a public body. We do this so that we can gather information about the types of people who are, or are not, making use of the Code complaints procedure. This helps us to decide where we should focus our efforts in raising awareness about the procedure. You do not have to complete this part of section 1 of the form, if you prefer not to. If you do complete it, the information you provide will not in any way affect how we deal with your complaint.

If you are submitting the complaint on behalf of someone else, for example, because they are unable to complete the form themselves due to a disability, you should include their details in this section of the form.

Section 2: Who are you complaining about?

As well as dealing with complaints about the conduct of people who have been elected to be members of councils (councillors), the Commissioner's Office can accept complaints about the conduct of anyone who has been chosen, between elections, to fill a casual vacancy in a council, or anyone who is not a councillor but who has been appointed to be a member of a council committee.

We can consider complaints about the conduct of anyone within these groups of individuals, even if the person is no longer a member of the council or a member of the committee. However, in these circumstances, the complaint must relate to conduct that happened before the person stopped being a councillor or a committee member.

The term "councillor", as used in the complaint form (and in these guidance notes), means any individual within the groups of people mentioned above.

Section 3: What are you complaining about?

We will only consider investigating your complaint if it relates to the type of conduct that is covered by the Code, for example, a councillor using their position improperly to gain an advantage for themselves or someone else; behaving in a way that negatively affects their council's reputation; or disclosing confidential information without having the authority to do so.

This means that your complaint:

- must relate to the conduct of a councillor, rather than the actions, or the inactions, of a council (such as a council's failure to respond properly to a complaint about excessive noise from neighbours);

- must relate to the standard of conduct that the Code requires of councillors, rather than any dissatisfaction you may have about the standard of a councillor's performance (such as a councillor's poor record of attendance at council meetings);
- must relate to conduct that occurred on or after 28 May 2014, which is the date on which the Code came into effect; and
- if it is about a former councillor, must relate to conduct that occurred on or after 28 May 2014 and before he/she stopped being a councillor.

Generally, we will only consider investigating your complaint if you submit it to us, in writing, within six months of the date on which the conduct you are complaining about occurred. If the conduct you are complaining about happened more than six months ago, you should provide a full explanation of why you did not complain before now. We will decide, on the basis of the information you provide, whether we should still consider your complaint, despite it having been made outside our normal time limit.

Section 4: What evidence do you have to support your complaint?

When you complain to the Commissioner's Office it is not enough for you to simply make an allegation that the councillor you are complaining about has failed to act in a way that is required by the Code. We will expect you to provide some evidence that supports your allegation about the councillor's conduct, and we will take this into account when we assess your complaint to decide whether or not we should investigate it.

Supporting evidence may be letters, emails, minutes of meetings, photographs, the content of websites or social media sites, or video or audio recordings. You should note that we will not accept as supporting evidence any video or audio recording that has been made without the councillor's knowledge and consent.

You should provide us with full details of all the evidence you have and/or that you are aware of, which supports the allegation you are making about the councillor's conduct. If possible, you should provide the supporting evidence to us when you submit your complaint. Otherwise, you should provide full details of where the evidence can be obtained.

Section 5: Are there any witnesses to the conduct you are complaining about?

You should include in this section of the form full details (name, address and telephone number(s)) of any witness(es) who can confirm your allegation about the councillor's conduct. You should also explain how you know the witness(es). You must inform any witness you name here that you are passing their personal details to us, before you submit your complaint to us.

If we decide to investigate your complaint, we will have the authority to compel the witness(es) you have named to provide us with information. In addition, depending on the outcome of our investigation, the witness(es) may later be required to give spoken evidence at a public hearing before the Commissioner. You must make any witness(es) you name aware of these requirements, before you submit your complaint to us.

Section 6: Declaration

We will not consider your complaint unless you sign the declaration in this section of the complaint form.

The purpose of the declaration is to ensure that you are aware of what is involved in making a complaint to the Commissioner's Office. It is important that you understand that in all cases, your name and details of your complaint will be passed to the councillor whose conduct you are complaining about. Also, depending on the outcome of an investigation we undertake, your name and details of your complaint may appear in a report that we publish, and you may be required to give spoken evidence at a public hearing before the Commissioner. It is also important that we know that you have told any witnesses you name in section 5 of the form that you are passing their details to us in connection with your complaint and that you have made them aware of what this will involve. (This is explained in the notes above about section 5 of the complaint form.)

If you are submitting the complaint on behalf of someone else, for example, because they are unable to complete the form themselves due to a disability, you should ensure that they have been made aware, and understand, the content of the declaration and that they include their signature at this section of the form.

What next?

You should post or deliver in person your complaint to us at one of the addresses shown on the last page of the complaint form. We will let you know that we have received your complaint, and will provide you with information about how we are going to deal with it.

Further information

If you require any further information or advice about completing the complaint form, or about submitting your complaint in another written format, you can contact us in the following ways:

Telephone: 028 9023 3821 or **Freephone:** 0800 34 34 24

Text phone: 028 9089 7789

Email: nipso@nipso.org.uk

Post: Freepost NILGCS

or

Northern Ireland Local Government
Commissioner for Standards
Progressive House
33 Wellington Place
Belfast
BT1 6HN

In Person: by calling, between the hours of 9.00am and 5.00pm, Monday to Friday, at the Commissioner's Office at Progressive House, 33 Wellington Place, Belfast, BT1 6HN.