

**Local Government and Social Care Ombudsman decision regarding the Council's handling of a Code of Conduct complaint**

**Purpose**

1. To report on the decision of the Local Government and Social Care Ombudsman (LGSCO) not to investigate a complaint about the council's handling of a Code of Conduct complaint.

**Background**

2. The system of regulation of standards of member conduct in England is governed by the Localism Act 2011. Local authorities must have a Code of Conduct for members, which must be consistent with the Nolan Committee's principles of selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
3. All local authorities (other than parish and town councils) must have procedures in place to deal with complaints about member conduct. Wiltshire Council, as the principal authority, also deals with complaints about the conduct of parish and town councillors.
4. The LGSCO does not offer a right of appeal against a council's decision on member conduct complaints, but it can consider if there was fault in the way the council considered the complaint. It can also investigate complaints about the way the council investigated the complaint about parish or town councillors.

**Main considerations**

5. On 9 March 2023, the council was informed by the LGSCO that it had been asked to investigate the council's handling of a Code of Conduct complaint that was determined as requiring No Further Action by the council's Assessment Sub-Committee. The complainant had asked the LGSCO to investigate the wording of the decision notice setting out the Sub-Committee's decision, which then formed the published minutes of the meeting. The complainant believed that the wording used was prejudicial against them.
6. On 16 March 2023, the LGSCO informed the council that it had decided not to investigate the matter because it was unlikely to find fault by the council. The LGSCO's decision notice is attached at **Appendix 1**. The decision states that, "I understand Mrs X disagrees with the wording of the Council's decision. However, without evidence of fault in the decision-making process, we cannot consider the wording of the decision notices."

## Proposal

7. To note the LGSCO's decision not to investigate a complaint regarding the council's handling of a Code of Conduct complaint.

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### **Perry Holmes, Monitoring Officer and Director Legal and Governance**

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### **Appendices**

Appendix 1 LGSCO decision notice – 16 March 2023

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