

Code of Conduct complaints: Factsheet for member interviewees



This factsheet explains the approach taken by the Ombudsman's staff when carrying out interviews with elected members who are subject to investigation under the Code of Conduct Complaints procedure.

The nature and format of the interview



Interviews will generally be conducted face-to-face, although in exceptional circumstances you may be asked to provide written answers to a series of written questions.

The Investigator will digitally record the interview to ensure that your evidence is accurately recorded. You should be prepared to answer any questions put to you. You will also be given the opportunity to make comments you feel are relevant to the investigation and which you consider the Ombudsman should take account of when reaching his determination on the complaint.

It would be helpful if you could identify any concerns that you have or identify any witnesses who you feel should be contacted during the course of the investigation so that these can be promptly resolved. Failure to comply with any request made by the Investigator to attend an interview in connection with an investigation may amount to a breach of the Code.

The Ombudsman appreciates that interviews may sometimes cause anxiety. You are therefore welcome to have someone with you when you see the investigating officer. You may attend with a legal representative or have somebody else present for support. If you wish to have somebody present at the interview to support you, please let the Investigator know who this person will be in good time. It should not be someone who is involved in the investigation; they are allowed to be present simply to offer you support and not to answer questions for you. Interviews will always be on the record.

What you will need for the interview



Make sure that you understand what the interview is about. You should have been given details of the complaint which sets out what the Ombudsman is investigating and copies of relevant evidence gathered. If you have any papers - such as letters or diaries or the formal file to which the complaint relates - which you think might be relevant to the interview, take them with you. If you have any notes you made at the time of the events under investigation, these may help the Investigator.

In addition to relevant documents, you should ensure that you have with you any other items which you might need during the course of the interview, such as reading glasses, hearing aids or medication (inhalers etc.). You should also ensure that, unless absolutely necessary, any mobile phones or tablet devices are turned off for the duration of the interview and that your colleagues are aware that you should not be disturbed.

Please notify the Investigator before the interview of any special requirements you may have, including any arising from any of the protected characteristics defined by the Equality

Act 2010 (as amended) e.g. any disability or religious considerations. You will be given the opportunity also to conduct your interview in Welsh if you would like to do so.

Although the Investigator will have a timetable and will try to keep to it, sometimes interviews overrun so you should ensure that this is taken into account when planning anything immediately after the scheduled conclusion of the interview.

Issues to bear in mind



The Investigator may also take handwritten notes of the interview and may ask you to sign and date these at the end of the interview. At the end of the interview the digital recorder will produce two compact discs, one disc will be sealed for evidential purposes and the other will be used by the Investigator as a working version of the recording. You will be asked to sign the sealed version as verification of the interview and given a notice explaining how you can request a copy of the disc.

As soon as reasonably possible after the interview, the Investigator will send you a typed transcript of the interview. This transcript will be used to form the basis of your evidence.

You should bear in mind that all comments made during the interview may be attached to any report on the investigation which the Ombudsman may refer to the Council's Standards Committee, or to the President of the Adjudication Panel for Wales.

Further information



The information provided to you in advance or during your interview should be held in strictest confidence.

Disclosure of details relating to an investigation should not be disclosed to anyone other than a legal or other adviser. If the information is disclosed to other persons disclosure may amount to a breach of paragraphs 5(a) and 7(a) of the Code. In addition you should not discuss the evidence you intend to provide at interview or contained within any witness statement with persons who may be involved in the investigation, whether directly or indirectly, as such contact may be construed as similar breaches of the Code.

**If you would like more information about this process,
please contact us:**

- **phone** 0300 790 0203;
- **e-mail** ask@ombudsman-wales.org.uk;
- **visit the website at** www.ombudsman-wales.org.uk;
- **follow us on Twitter:** @OmbudsmanWales;
- **write to:** The Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae, Pencoed CF35 5LJ