



Local Resolution Protocol

Adopted: 10 April 2018

Introduction

The Public Services Ombudsman for Wales and the Code of Conduct for members of Community and Town Councils has agreed that a local Resolution procedure to deal with low level complaints which are made by a Member against a fellow member. This protocol follows the Model Local Resolution Protocol for Community and Town Councils drawn up by One Voice Wales.

Issues which should be considered under this process

The protocol will typically deal with complaints that will fall into two categories of low level complaints;

- Failure to show respect and consideration of others either verbally or in writing.
- Making vexatious, malicious or frivolous complaints against other members

Other breaches of the Code of Conduct may also be determined by the Monitoring Officer to be low level complaints and dealt with under the Resolution Procedure.

Issues which should not be considered under this process

- Complaints instigated by a member of the public
- Serious complaints that breach the Code of Conduct, failure to disclose interests, bullying, abuse of position of trust, repeated breaches.
- Complaints made by the clerk/proper officer
- Vexatious, malicious or frivolous complaints
- Members complaints which should be dealt with using the complaints procedure
- Repetitive low-level complaints.

The Process

The complaint should be sent to the Clerk/Proper Officer to undertake a first sift to ensure that complaint is low level and should not be dealt with by way of a complaint to the Ombudsman. The Clerk/Proper Officer may seek the advice of the Monitoring Officer when determining whether the complaint is suitable to be dealt with under the protocol process. If appropriate the Clerk/Proper Officer should firstly seek an early resolution of any such dispute by liaising informally with the individual members concerned prior to the resolution process.

The Resolution Process

The involvement of the Chair/Vice Chair in the process is not to adjudicate on the complaint but to attempt to get the members involved to come to an agreement as to how the issue(s) could be resolved on an amicable.

The Clerk/Proper Officer will act as a facilitator for the resolution process.

If the complaint is between members other than the Chair, the Clerk/Proper Officer and the Vice Chair will meet individually with the complainant and the member subject of the complaint to seek an agreed resolution.

If the complaint is between members, one of whom is the Chair but not the Vice Chair the Clerk/Proper Officer and the Vice Chair will meet with the complainant and the member subject of the complaint to seek an agreed resolution.

If the complaint has been made by the Clerk/Proper Officer, then it is best practice that the complaint is forwarded by way of a complaint to the Ombudsman.

Possible results of the process

If an agreement is reached by the members during this stage, then no further action is required.

If an agreement cannot be reached the aggrieved members would always have the opportunity of referring the matter to the Ombudsman.

Agreements may include;

- A letter of apology
- A written commitment or undertaking not to breach the Code of Conduct in the future
- Based on the evidence no further action should be taken
- A commitment to undertake further training.

These are only examples and any resolution should be with the agreement of the members involved in the resolution process.

Maintaining transparency of the process

In order to maintain transparency in the resolution process, One Voice Wales suggest that;

- Any meetings held with a view to discussing the issues of complaints and/or resolving matters are minuted to ensure that agreements are captured.
- Minuted meetings will be useful as evidence in the event of further breaches of the Code of Conduct and future conduct.

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Ynysawdre Community Council

Local Resolution Procedure Complaint Form

A Your details

Name in full _____

B Who are you complaining about

Name of the member (or members) you consider has (have) broken the Code of Conduct as adopted by the Council

C How do you think they have broken the Code of Conduct

Please detail what evidence you have for claiming that the member (s) have broken the Code of Conduct and specify the section of the Code which you believe have been breached. Give as much detail as possible and if necessary continue a separate sheet.

Please attach copies of any relevant correspondence, documents etc.

D When did the incident take place

E Are there any witnesses who can confirm what you say. If so, give their full names and contact details if known

F Please indicate how you wish your complaint to be dealt with

e.g. verbal/written apology, undertaking or commitment not to breach the Code of Conduct, no further action. If agreement cannot be reached, then you will always have the opportunity of referring the matter to the Public Services Ombudsman for Wales

Declaration: I understand and accept that my and the details of my complaint will be forwarded to the member who I am complaining about and other individuals as referred to in the Councils Local Resolution Protocol. I also understand and accept that the details may become public knowledge. I confirm that I am prepared to give oral evidence in private in support of my complaint

Please print your full name:

Signature: Date:

