

# LLANFAIR YN NEUBWLL COMMUNITY COUNCIL LOCAL RESOLUTION PROTOCOL

**This Local Resolution Protocol was adopted by the Council at its Meeting held on 15 May 2018.**

## **BACKGROUND**

The Public Services Ombudsman has agreed to the principal of referring some low- level complaints against Community and Town Council Members being resolved at a local level. Issues which should be considered under this process would include:

- Minor complaints from Members about Members
- Minor complaints from Officers about Members
- Members alleged to have not shown respect and consideration for others – either verbally or in writing.

It is intended that this will speed up resolution and/or resolve matters at an early stage.

This document sets out to provide a clear process by which the Llanfair yn Neubwll Community Council would deal with such complaints. It is intended to support the Council's Complaints Procedure and not replace it.

## **ISSUES WHICH SHOULD NOT BE CONSIDERED**

Complaints which must be directed to the Public Services Ombudsman for Wales include

- Complaints instigated by a member of the public
- Breaches of the Code of Conduct
- Serious complaints – failure to disclose interests/bullying/abuse of position or trust/repeated breaches
- Complaints made by the Clerk
- Vexatious, malicious or frivolous complaints
- Members' complaints about officers which should be dealt with using the Council's complaints process.
- Repetitive low- level complaints.

## **THE COMPLAINT**

The complaint must be made in writing to the Clerk of the Council, who will decide whether the complaint is of a low level and that it is appropriate that it should be dealt with by the council.

Having made that decision, the Clerk should in the first instance seek an early resolution of the dispute by liaising informally with the individuals concerned prior to entering into the resolution process.

In the interests of natural justice it is vitally important that the "accused" member is given the full details of the complaint made, against them so that they are in a position to prepare their response.

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### **RESOLUTION PROCESS.**

The Chair/Vice Chair of the Council will work with the Clerk in the resolution process. This involvement is not to adjudicate on the complaint but is intended to get the individuals involved the opportunity to reach a quick and amicable resolution

No formal time limits are set but matters should be concluded without delay in order to avoid unnecessary escalation and to encourage the process of mediation and reconciliation.

### **RECORDS**

The Clerk will act as a facilitator for the resolution process and will minute any meetings held with a view to discussing the issues of the complaints and/or resolving matters.

These minutes may be used to ensure that agreements are captured, or should matters break down or escalate, as evidence if the matter needs to be referred to the Public Service Ombudsman for Wales.

They may also be used as evidence in the event of further similar breaches of the conduct and/or future conduct.

### **PROCEDURE**

- If the complaint is between Members other than the Chair of the council, the Clerk and the Chair will meet individually with the complainant and the Member who is subject of the complaint to seek an agreed solution.
- If the complaint involves Members, one of whom is the Chair of the Council, the Clerk and the Vice Chair will meet with the complainant and the Member who is the subject of the complaint to seek an agreed solution
- If the complaint has been made by an officer/employee but not the Clerk against a member other than the Chair of the Council, the Clerk and Chair of the Council will meet with the officer and the Member subject to the complaint to seek an agreed solution.
- If the complaint has been made by an officer/employee but not the Clerk against the Chair of the Council, the Clerk and the Vice Chair of the Council will meet with the officer and the Chair to seek an agreed solution.
- If the complaint has been made by the Clerk/Proper Officer, then it is likely to be best practice that this complaint is forwarded by way of a complaint to the Ombudsman.

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### ***POSSIBLE RESULTS OF THE PROCESS***

- Agreement is reached between the parties involved and no further action is required.
- If agreement cannot be reached, the aggrieved Member/officer would always have the opportunity of referring the matter to the Ombudsman.

### ***EXAMPLES OF AGREEMENTS***

- A letter of apology by the offending party
- A written undertaking or commitment not to breach the Code of Conduct in the future
- A commitment to undertake training
- An agreement that on the basis of the evidence, no further action be taken and the matter closed.