

# DYFFRYN ARTH COMMUNITY COUNCIL

## Local Resolution Protocol

Adopted by Council 12 May 2022

The Public Service Ombudsman for Wales has agreed to the principle of referring some complaints against Members back to Community and Town Councils for a local resolution.

Please note that this Protocol does not refer to complaints from the public which will be dealt with by way of the Council's Complaints Policy.

### **The Local Resolution Process**

#### **Issues which can be considered under this process**

Low level complaints about Members, including:

- 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
- Repetitive low level and frivolous complaints

#### **Issues which cannot be considered under this process**

Complaints which must be directed to the Public Services Ombudsman for Wales, including:

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

## **The Process**

### **The complaint**

The complaint should need to be sent to the Clerk of the Council who will undertake a first sift to ensure that the complaint is at a low level and should not be dealt with by way of a complaint to the Ombudsman. If appropriate, therefore, the Clerk will firstly seek an early resolution of any such dispute by liaising informally with the individual members concerned prior to the resolution process described below. The 'accused' member will be given full details of the complaint against them so that in the interests of natural justice they are in a position to prepare their response to the accusation.

### **Resolution Process**

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

The Clerk will act as a facilitator for the resolution process below. In each case, the discussion between the individuals concerned will be minuted by an appropriate person.

If the complaint is between Members other than the Chairman of the Council, the Clerk and the Chairman will meet individually with the complainant and Member subject of the complaint to seek an agreed resolution.

If the complaint is between Members, one of whom is the Chairman of Council, but not the Vice Chairman, the Clerk and the Vice Chairman will meet with the complainant and Member subject of the complaint to seek an agreed resolution.

If the complaint has been made by an officer/employee, but not the Clerk, against a Member other than the Chairman of Council, the Clerk and the Chairman of Council will meet with the officer and the Member subject of the complaint to seek an agreed resolution.

If the complaint has been made by an officer/employee, but not the Clerk, against the Chairman of Council, the Clerk and the Vice Chairman

of Council will meet with the officer and the Chair to seek an agreed resolution.

If the complaint has been made by the Clerk, then this complaint will be forwarded by way of a complaint to the Ombudsman.

### **Possible results of the process**

If an agreement is reached by Members and/or officers during this Stage, then no further action will be required.

If agreement cannot be reached the aggrieved Member/officer will have the opportunity of referring the matter to the Ombudsman.

(Examples of agreements might include issue of a letter of apology, a written undertaking or commitment not to breach the Code of Conduct in the future, a commitment to undertake training or an agreement that on the basis of the evidence that no further action should be taken and the matter be closed.)

### **Time for the process**

It is the intention that all of the processes be completed as quickly as possible to resolve the issue. However exact timing will depend on the availability of individuals to attend the meetings.