

CYNGOR CYMUNED LLANILLTUD FAERDREF LLANTWIT FARDRE COMMUNITY COUNCIL



MODEL LOCAL RESOLUTION PROTOCOL

LLANTWIT FARDRE COMMUNITY COUNCIL

MODEL LOCAL RESOLUTION PROTOCOL – STANDARDS OF CONDUCT TO BE FOLLOWED BY MEMBERS

1. INTRODUCTION

The Public Services Ombudsman for Wales has agreed to the principle of referring some complaints against Members back to the Community and Town Councils for a local resolution. This protocol has therefore been devised taking on board guidance received from One Voice Wales and partially adopting what is being used by the Unitary Authority.

This protocol sets out the standards of conduct to be followed by Members of Llantwit Fardre Community Council in dealing with each other and should be read in conjunction with the Members' Code of Conduct.

2. LOCAL RESOLUTION PROCESS

This local resolution process will deal with low level complaints about Members, including:-

2.1 Public Behaviour

- (a) Show respect to each other
- (b) Not make personal abusive comments about each other
- (c) Not publish anything insulting about each other
- (d) Not make malicious allegations against each other
- (e) Not publish or spread any false information about each other
- (f) Show respect to diversity and equality
- (g) Use social media responsibly and in accordance with the Community Council's Social Media Policy, Members' Code of Conduct and this protocol.

2.2 Behaviour in Meetings

- (a) Behave with dignity
- (b) Show respect to the Chair and obey his/her decisions and conversely Members can expect the Chair to show mutual respect to Members
- (c) Not use indecent language nor make racial remarks or remarks which prejudice or may be deemed to be offensive to any section of society.

2.3 Confidentiality

- (a) Keep the confidentiality of exempt papers and any other documents which are not public
- (b) Not release confidential information to the press and public
- (c) Not use confidential information for purposes other than intended

2.4 Minor Complaints from Officers about Members

- (a) Show respect
- (b) Not use indecent language nor make racial remarks or remarks which prejudice or may be deemed to be offensive
- (c) Not make malicious allegations

Note: If the complaint is made by the Clerk and Executive Officer then it is to be made directly to the Public Services Ombudsman for Wales.

3. Issues that should not be considered under this process

Complaints that must be directed to the Public Services Ombudsman for Wales:-

- 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 and Executive Officer
- Vexatious, malicious or frivolous complaints
- Members' complaints about Officers which should be dealt with using the Council's internal complaints process
- Repetitive low level complaints

4. THE PROCESS – THE COMPLAINT

- 4.1 The complaint would need to be sent to the Clerk and Executive Officer to 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.
- 4.2 The Clerk and Executive Officer should in the first instance seek an early resolution of any such dispute by liaising informally with the individual Member(s) concerned prior to the resolution process as outlined in paragraph 5 below.
- 4.3 The `accused` Member is to be given full details of the complaint against him/her so that in the interests of natural justice he/she is in a position to prepare a response to the accusation.

5. RESOLUTION PROCESS

- 5.1 If the Clerk and Executive Officer cannot resolve the matter informally between the parties as outlined in paragraph 4.2 above and the Member(s)/Officer(s) wishes to proceed with the allegation under the protocol the matter will be referred to a Hearing before the Complaints Panel comprising the Chair and Vice-Chair of the Council and two other Members of the Community Council

- 5.2 The involvement of the Complaints Panel 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.
- 5.3 The evidence provided by both parties will be attached to the agenda and circulated to the Members of the Complaints Panel. No additional evidence may be produced without the prior consent of the Chair of the Complaints Panel.
- 5.4 Each Member/Officer must give notification in writing (emails are acceptable) to the Clerk and Executive Officer of any witnesses they intend to call to give evidence at the Hearing. It is the responsibility of the Member/Officer calling the witness to ensure that witness is available to attend on the agreed date.
- 5.5 If either side wishes not to be present or fails to attend, the Hearing may be held in their absence.
- 5.7 The proceedings at the Complaints Panel hearing itself shall be conducted as follows:-
- (a) Opening address by the Chair
 - (b) Member(s) who submitted the complaint be invited to address the Committee
 - (c) Questions by Members of the Panel
 - (d) Member(s) who the allegations have been made against be invited to address the Committee.
 - (e) Questions by Members of the Panel
 - (f) Witnesses for Member(s) who submitted the complaint address the Committee
 - (g) Questions by Members of the Panel
 - (h) Witnesses for Member(s) who the allegations have been made against be invited to address the Panel
 - (i) Questions by Members of the Panel
 - (j) The Member(s) who has made the complaint be invited to address the Panel with any closing remarks
 - (k) The Member(s) who is/are the subject of the complaint be invited to address the Panel with any closing remarks
 - (l) The Panel Members to retire to deliberate in private on the representations and decide whether or not the Member(s) who the allegations have been made against has failed to comply with the protocol. The Clerk and Executive Officer will be available to advise the Panel.
 - (m) The Complaints Panel to reconvene and the Chair to announce the Panel's finding.
 - (n) The Complaints Panel can come to one or more of the following conclusions, namely:-

1. Issue of a letter of apology.
2. A written undertaking or commitment not to breach this protocol or the Code of Conduct in the future.
3. A commitment to undertake training.
4. That on the basis of the evidence submitted that no further action be taken and the matter be closed.
5. To Complaints Panel can also make recommendations to the Community Council regarding changes to the protocol or taking any further action

5.8 If agreement cannot be reached then the aggrieved Member/Officer would have the opportunity to refer the matter to the Ombudsman.

NOTE: If the complaint is made against or by any Member of the Complaints Panel then substitute Member(s) be asked to attend the Hearing in his/her place.

6. TIME FOR THE PROCESS

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

7. RECORDING OF THE PROCESS

Resolution Process meetings are to be minuted to ensure that agreements are captured and reported to the next available Council Meeting for information. This will be useful in the event that matters break down or escalate and need to be referred to the Ombudsman.