**Local Resolution Protocol – Pontardawe Town Council**

**Adopted 9/9/24**

Background:

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

The Local Resolution Process Issues which should be considered under this process Low level complaints about Members (and all complaints relating to Youth Councillors), 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.

* All complaints relating to the conduct of Youth Councillors as they are appointed (as opposed to elected or officially Co-opted, and can be removed by resolution of the Town Council.) (Youth Councillors unlike regular Councillors are not subject a Public Service Ombudsman review)

Issues which should not be considered under this process, are Complaints which must be directed to the Public Services Ombudsman for Wales, including:

• Complaints instigated by a member of the public (Relating to Elected or Co-Opted Councillors)

• Serious complaints – breaches of the Code of Conduct/failure to disclose interests/bullying/abuse of position or trust/repeated breaches (Relating to Elected or Co-Opted Councillors)

• Complaints made by the Clerk/Proper Officer (Relating to Elected or Co-Opted Councillors)

• Vexatious, malicious or frivolous complaints (Relating to Elected or Co-Opted Councillors)

• Members’ complaints about officers which should be dealt with using the Council’s internal complaints process

• Repetitive low-level complaints (Relating to Elected or Co-Opted Councillors)

The Process:

The complaint would need to be sent to the Clerk/Proper Officer of the Council 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.

If appropriate, therefore, 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 described below.

It is vitally important that the ‘accused’ member is 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 Chair/Vice Chair 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/Proper Officer will act as a facilitator for the resolution process below. If the complaint is between Members other than the Chair of the Council (and Youth Councillors), the Clerk/Proper Officer and the Chair 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 Chair of Council, but not the Vice Chair, the Clerk/Proper Officer and the Vice Chair 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/Proper Officer, against a Member other than the Chair of Council, the Clerk/Proper Officer and the Chair 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/Proper Officer, against the Chair of Council, the Clerk/Proper Officer and the Vice Chair of Council will meet with the officer and the Chair to seek an agreed resolution.

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.

Possible results of the process If an agreement is reached by Members and/or officers during this Stage then 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. (excludes Youth Councillors)

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.

All meetings / discussions should be minuted to ensure that agreements are captured

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 the meetings.

Councils also need to be clear on their powers in respect of code of conduct matters. Investigations of possible breaches of the Code are matters for the Ombudsman. The Local Government Act 2000 gives him the authority to carry out such investigations. The Council has no legal authority to undertake such investigations or to make findings of a breach of the Code of Conduct, which are decisions that can only be reached by a Standards Committee or the Adjudication Panel for Wales.

Youth Councillors are appointed by the Town Council and therefore no investigations will be carried out by the Public Service Ombudsman on possible breaches of the code. Complaints relating to the conduct of Youth Councillors will be addressed by the Town Council, in the first instance by providing feedback which will include training/mentoring.

Youth Councillors can as a last resort be removed from the Council during their term of office by a resolution of Council.