

Cyngor Cymuned Trefriw Community Council

Local Resolution Protocol

Background

The Public Service Ombudsman for Wales (hereinafter called “the Ombudsman”) has agreed to the principle of referring some complaints against Members back to the Community and Town Councils for a local resolution. Trefriw Community Council (TCC) have considered this approach and have agreed to formally adopt the Protocol as part of its agreed complaints process. The Protocol will be operated through the TCC Staffing Committee.

The Local Resolution Process

Issues which will 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 will not 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 is 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, the Clerk/Proper Officer 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 member, the subject of the complaint, will be provided with full details of the complaint against them so that they are in a position to prepare their response.

Resolution Process

The involvement of the Staffing Committee 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.

Meetings held as part of this process will be minuted to ensure that agreements are captured. This will also be useful in the event that matters break down or escalate and need to be referred to the Ombudsman. It may also be useful in the event of further complaints and future conduct. Minutes of meetings will be retained in line with the Council's data protection policy.

If the complaint is between Members other than the Chair of the Staffing Committee ('the Chair'), the Clerk/Proper Officer and the Chair will meet individually with the complainant and the Member who is the subject of the complaint to seek an agreed resolution.

If the complaint is between Members, one of whom is the Chair of Staffing Committee, but not the Vice Chair of the Staffing Committee ('the Vice Chair'), the Clerk/Proper Officer and the Vice Chair will meet with the complainant and the Member who is the subject of the complaint 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.

Outcome of the process

If an agreement is reached by Members and/or officers during the resolution process then no further action is required and the matter can be closed.

If agreement cannot be reached during the resolution process the aggrieved Member/officer would have the right to refer the complaint to the Ombudsman.

Examples of agreements might include the issuing 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 no further action should be taken and the matter be closed.

Timeframe for the process

It is the intention that all of the processes will be completed as quickly as possible to resolve the issue. However exact timing will depend on the availability of individuals to attend the required meetings as outlined above. It is expected that all parties will agree to attend meetings in order to try and resolve the issue and to make themselves available for these in a reasonable timeframe.

**This protocol was adopted at a meeting on
14th December 2021
and will be reviewed in June 2024
or sooner should legislation dictate**