



Local Resolution Protocol
Llanstaffan & Llanybri Community
Council

The Local Resolution Process

Issues which should 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 should 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

What is a Complaint?

This Complaints Policy and Procedure applies to complaints about Community Council administration and procedures and may include complaints about how the Clerk (the only employee of Llansteffan and Llanybri Community Council) has dealt with your concerns. Complaints are a result of dissatisfaction with the service provided. An initial request for a service is not a complaint.

For the purpose of this procedure a complaint has been defined as: **'any expression of dissatisfaction about the standard of service, actions, or lack of action by the Community Council or its employee, which the complainant feels should have been provided'**.

The Complaints Procedure is intended to cover issues such as:

- A failure to provide a service at the level or standard expected by the Community Council.
- The unhelpful attitude of the Community Council Clerk.
- Neglect or delay in answering a query or responding to a request for a service.
- A failure to follow the Community Council's agreed policies, rules or procedures.
- A failure to consider all information in coming to a decision.

- A failure to inform people of their rights.
- Malice, bias or unfair discrimination, and in particular discrimination or harassment on the grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation.

The complaint

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, 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.

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 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.

Recording the process

All meetings held with a view to discussing the issues of complaints and/or resolving matters must be minuted, and recorded if practicable. This is 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 PSOW. It may also be useful as evidence in the event of further similar breaches of the conduct and future conduct.

Councils may NOT investigate a code of conduct complaint as 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.

Local Government Ombudsman

If a complainant is unhappy about the way that the Community Council has dealt with their complaint, they can contact the Local Government Ombudsman, who is independent and can investigate complaints about most Community Council matters. The Ombudsman would normally expect a complaint to be made within 12 months of when the complainant first knew of the problem that they are complaining about. Contact details are as follows:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Tel: 0300 790 0203
e-mail: ask@ombudsman-wales.org.uk

The Public Services Ombudsman for Wales normally requires all complainants to go through all stages of their Community Council's own Complaints Procedure before considering the complaint. However, in certain circumstances the Ombudsman has the discretion to waive this requirement. This might be because delay could cause harm to the complainant. The complainant should be advised of the normal requirement to complete the Community Council's Complaints Procedure but also that they can contact the Public Services Ombudsman for further advice using the contact details above.

Full details of how to complain and how the Local Government Ombudsman deals with complaints can be found on the Ombudsman website www.ombudsman-wales.org.uk

