

APPENDIX 2 – revised LPR

UPDATED LOCAL RESOLUTION PROCEDURE FOR COMPLAINTS ABOUT BEHAVIOUR

INTRODUCTION

The aim of the Local Resolution Protocol (LRP) is to seek resolution of low level complaints at an early stage so as to avoid unnecessary escalation of the situation which may damage personal relationships within the Authority and in turn promote good behaviours and co-operation between members and between members and officers, thereby allowing the Authority to fulfil its duties effectively and professionally.

Member are expected to:

- Show respect to each other and officers
- Not make personal or abusive comments about each other or officers
- Not accuse each other or officers of lying or falsifying facts or documents
- Not make malicious allegations against each other or officers
- Not publish anything insulting about each other
- Not publish or spread any false information about each other or officers
- Show respect to diversity and equality
- Show respect to each other's diverse background and circumstances
- Not accuse or imply that officers are acting from political motives
- Use social media responsibly and in accordance with the Members' Code of Conduct

Behaviour in meetings:

- Behave with dignity in meetings
- Show respect to and obey decisions of the Chair and conversely Members can expect the Chair to show mutual respect to Members
- Make points based on the issue under discussion not personal remarks about others
- Allow others to speak without interruption or heckling
- Not to use indecent language nor make discriminatory remarks or remarks which prejudice or may be deemed to be offensive any section of society
- Exclude officers from the scope of political remarks

Confidentiality:

- Keep the confidentiality of exempt papers and any other documents which are not public.
- Not to release confidential information to the press or the public.
- Return or securely destroy confidential papers.
- Not to use confidential information for purposes other than intended.

To achieve this aim, the LRP provides a procedure for resolving low level complaints against a member relating to breaches of the Code quickly and effectively at a local level. This procedure will therefore only apply to incidents or behaviour occurring in the 12 months prior to a complaint being made in writing to the Clerk/Deputy Clerk.

The process is confidential and information will only be shared outside of those involved in the process, by agreement, aside from statistical data that is provided to the Standards Committee for its Annual Report. At each stage there will be a confidential outcome letter that will record what was discussed and any agreed actions.

At all times, a complainant has the statutory right to complain to the Public Service Ombudsman for Wales ("PSOW"). Should the complainant exercise that right then this procedure will not be used, and any efforts to resolve a complaint using this procedure will be stopped. The process will only resume if the matter is referred back for local resolution.

What type of complaints fall within the remit of the Procedure?

This process is available for Members and Officers to seek resolution of low level complaints about an Authority member where both parties agree to the use of the process.

Whether or not a complaint is "low level" in nature will depend on the individual circumstances of a complaint. The PSOW has indicated that "typically these complaints will be about alleged failures to show respect and consideration for others as required by paragraph 4(b) of the Code or the duty to not make vexatious, malicious or frivolous complaints against other members under paragraph 6(1)(d) of the Code".

The Clerk/Deputy Clerk will advise on the suitability of this process based on the facts/circumstances of each case.

What type of complaints do not fall within the remit of the Procedure?

It is not available to members of the public and it does not apply to complaints by members about employees. This procedure is not suitable for allegations of

what might be regarded as serious breaches, these can include (but are not limited to)

- i. whether the member deliberately sought personal gain for themselves or another person at the public expense
- ii. whether the circumstances of the alleged breach are such that a member has misused a position of trust or authority and caused harm to a person
- iii. whether the alleged breach was motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity

b) alleging repeated breaches of the code of conduct

The complainant has the statutory right to complain to the Public Service Ombudsman for Wales ("PSOW") at any time. Should the complainant exercise that right then this procedure will not be used, and any efforts to resolve a complaint using this procedure will be stopped. The process will only resume if the matter is referred back for local resolution.

STAGE 1 OF THE PROCEDURE

Any member or officer who wishes to submit an allegation under this procedure should send the complaint to the **Clerk/Deputy Clerk**. Officers wishing to make a complaint should first consult with their Line Manager.

In the first place the allegation will be referred either to the **Clerk/Deputy Clerk** who will advise whether the allegation falls within this procedure or whether it should be referred to the Ombudsman as an allegation of breach of the Members Code of Conduct.

Should the Clerk/Deputy Clerk advise that the complaint appears to allege a serious breach of the code such that a referral to the Public Services Ombudsman for Wales would be appropriate then it will be for the complainant to refer the matter to the Ombudsman rather than Clerk/Deputy Clerk.

Following receipt of the complaint the Clerk/Deputy Clerk will meet both parties separately to understand their respective positions, to confirm that both parties agree to using the process, and to determine whether the nature of the complaint is suitable for the Local Resolution Process.

If the complaint is not suitable for this procedure then the Clerk/Deputy Clerk will give advice about what (if anything) can be done.

If the complaint is suitable for this procedure then the Clerk/Deputy Clerk will give advice about how to possibly resolve the complaint (this may for example

involve an informal meeting between the parties, a commitment to attend training or an apology).

If following the first stage the complainant wishes to proceed with the allegation under this procedure the matter may be referred to a conciliation meeting under Stage 2.

STAGE 2 OF THE PROCEDURE

Following the first stage, the complainant wishes to proceed with the allegation under this procedure, the matter may be referred to a conciliation meeting under Stage 2.

At Stage 2 a meeting will be held between:

- the complainant
- the member against whom the complaint is made
- the Chief Fire Officer
- the **Clerk/Deputy Clerk**.

It is also possible for the matter to be dealt with in the complainant's absence in exceptional cases. The purpose of this meeting will be to try and resolve the matter by conciliation.

STAGE 3 OF THE PROCEDURE

~~10.~~

~~11.~~

~~The third Stage is a hearing before the Standards Committee. The complainant will be asked to submit the substance of the complaint in writing and the member concerned will be asked for a written response. These papers, together with any additional written evidence that is submitted by either side will be distributed to the members of the Standards Committee.~~

~~Both the complainant and the member have the right to appear before the Standards Committee and to submit evidence from witnesses. Both will have the right to representation or to have a colleague present. The Authority will not meet the costs of representation.~~

~~12.~~

~~13.~~

~~14.~~

~~If either side wishes not to be present or fails to attend, the hearing may be held in their absence.~~

~~After the evidence has been heard, both sides and their representatives will be asked to leave the chamber and the Standards Committee will come to a conclusion on the allegation. The Monitoring Officer will be available to advise the Committee.~~

~~The Committee can come to one of three conclusions, namely :-~~

~~a) That there is no basis to the complaint.~~

~~b) That there is a basis to the complaint but that no further action is required.~~

~~c) That there is a basis to the complaint and that the member should be censured.~~

~~In addition the Committee can make recommendations to the Authority regarding changing any procedures or taking any further action.~~

SUPPLEMENTARY MATTERS

~~The papers for the hearing will be exempt and it will be recommended that the hearing will take place with the press and public excluded. Publicity will not be given to the names of either the member or the complainant unless it is decided TO UPHOLD the complaint and that the member should be censured.~~

~~Stages 2 and 3 do not have to be following sequentially. Although it is possible for a complainant who remains dissatisfied after the conciliation meeting to ask for the matter to be referred to a hearing before the Standards Committee, it is also possible for a matter to proceed directly to the Standards Committee without going first to a conciliation meeting.~~

~~The aim of this procedure is to try and resolve complaints regarding members quickly and effectively. Nothing in this procedure prevents a complainant from submitting a complaint to the Public Services Ombudsman for Wales that a member has breached the Members Code of Conduct.~~