

SECTION 25 – LOCAL RESOLUTION PROTOCOL

Background.

25.1 The Public Service Ombudsman has made representations that Councils institute Local Resolution (LR) Processes to reduce the numbers of complaints sent to the Ombudsman. If there is no progress with setting up these processes there is a risk that Welsh Government will bring forward legislation to make this compulsory.

25.2 Set out below is the Powys County Council's Local Resolution Process.

The Local Resolution Process.

Issues which will be considered under this process

25.3 Low level complaints about Members e.g.

25.3.1 Minor complaints from Members about Members

25.3.2 Minor complaints from Officers about Members

22.3.3 Members alleged to have not shown respect and consideration for others – either verbally or in writing.

Issues which will not be considered under this process

25.4.1 Complaints which must be directed to the Public Services Ombudsman for Wales:

25.4.1.1 Complaints from the Public.

25.4.1.2 Serious complaints – breaches of the Code of Conduct / Failure to Disclose Interests / bullying.

25.4.2 Vexatious, malicious or frivolous complaints

25.4.3 Members' complaints about officers which should be dealt with using the Council's internal complaints process.

25.4.4 Repetitive low level complaints.

The Process

The complaint

25.5 The complaint would need to be sent to the Monitoring Officer of Powys County 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.

Resolution Process.

25.6.1 The involvement of Group Leaders/ Chair of 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.

25.6.2 The Monitoring Officer or Deputy Monitoring Officer will act as a facilitator for the resolution process below.

25.6.2.1 If the complaint is between Members of the same political group – the Monitoring Officer and the relevant Group Leader will meet with the

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complainant and Member subject of the complaint to seek an agreed resolution.

- 25.6.2.2 If the complaint is between Members of different political groups - the Monitoring Officer and the relevant Group Leaders will meet with the complainant and Member subject of the complaint to seek an agreed resolution.
- 25.6.2.3 If the complaint is between a Member of a political group and a non-aligned Member (i.e. not belonging to any political groups) - the Monitoring Officer and the relevant Group Leader together with the Chair of the Council (who will act as the “Group Leader” for any non-aligned Member) will meet with the complainant and Member subject of the complaint to seek an agreed resolution.
- 25.6.2.4 If the complaint is between non-aligned Members (i.e. not belonging to any political groups) - the Monitoring Officer and the Chair of the Council (who will act as the “Group Leader” for any non-aligned Member) will meet with the complainant and Member subject of the complaint to seek an agreed resolution.
- 25.6.2.5 If the complaint has been made by an officer against a Member the Monitoring Officer and the Group Leader / Chair of Council (for any non-aligned Member) will meet with the officer and the Member subject of the complaint to seek an agreed resolution.
- 25.6.2.6 Where a Group Leader is involved in such a dispute, the Monitoring Officer and the relevant Deputy Group Leaders will meet with the complainant and Member subject of the complaint to seek an agreed resolution.

25.6.3 The Monitoring Officer or Deputy Monitoring Officer will not take a note of the meeting on the basis that the meeting is informal and what is said in the meeting cannot be used in any subsequent complaint to the Ombudsman. However, the Monitoring Officer or Deputy Monitoring Officer will note the outcome of the meeting and -send a copy of the note to all participants on a private and confidential -basis.

Possible results of the process

- 25.7.1 If an agreement is reached by Members and/or officers during this Stage then no further action is required.
- 25.7.2 If agreement cannot be reached the aggrieved Member / officer would always have the opportunity of referring the matter to the Ombudsman.

Time for the process.

- 25.8 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.