

Monmouthshire County Council

Local Resolution Protocol

1. Introduction

- 1.1 This Local Resolution Protocol ("the Protocol") has been established in accordance with the Ombudsman's guidance on the Code of Conduct for Members ("the Code") which states that *'low-level, member-on member'* complaints relating to breaches of the Code should be dealt with at a local level. The aim of the Protocol is to avoid the unnecessary escalation of situations which may damage personal relationships within the Council and the Council's reputation.
- 1.2 This Protocol does not prevent members from referring any complaint to the Ombudsman if they wish. However, members should be aware that the Ombudsman has made it clear that, in normal circumstances, it is expected that in the first instance members should exhaust the procedures set out in this Local Resolution Protocol before referring low-level complaints to the Ombudsman.
- 1.3 Whether or not a complaint is 'low level' in nature will depend upon the individual circumstances of each case. However, the Ombudsman's guidance states: *'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 not to make vexatious, malicious or frivolous complaints against other members under paragraph 6(1)(d) of the Code.'*
- 1.4 If you are unsure whether a matter you wish to complain about is within the remit of this protocol, then you should seek advice from the Monitoring Officer.

2. Scope

- 2.1 In order to fall within the scope of this Protocol complaints must meet all three of the following criteria:
 - be made by an **elected** member of the Council and relate to a breach of the Member Code of Conduct **by another elected member**;
 - be low-level in nature; and
 - not relate to repeated occurrences of similar conduct that has already been dealt with under this Protocol or by the Ombudsman.

3. Procedure

- 3.1 Complaints will be dealt with in accordance with the procedures set out below.
- 3.2 It is important that any allegations made under the Protocol are dealt with quickly and effectively with the co-operation of all parties involved. Each party must make themselves available to attend any meetings arranged under the Protocol as a matter of priority.

- 3.3 Both parties must agree to use the Protocol at the outset. If any member elects at any time to refer the matter to the Ombudsman for investigation, the Protocol process will be discontinued and cannot subsequently be resumed.
- 3.4 References within this protocol to the Monitoring Officer shall also include any other appropriate officer appointed in their place.

Stage One - Making The Complaint And Informal Resolution

- 3.5 Any member who wishes to submit an allegation under the Protocol should send the complaint to the Monitoring Officer. The complaint must be submitted to the Monitoring Officer within 30 days of the event that has given rise to the complaint occurring, or within 30 days of the substance of the complaint coming to the attention of the member submitting the allegation.
- 3.6 The complaint must set out the relevant details of the behaviour or conduct complained of and which paragraphs of the Code the member believes has been breached.
- 3.7 Following receipt of the complaint the Monitoring Officer will advise whether the allegation falls within the Protocol or whether the complainant(s) should instead consider referring the matter to the Ombudsman.
- 3.8 If the Monitoring Officer determines that the allegation falls within the remit of the Protocol he/she will seek to try and resolve the matter informally with the agreement of all parties concerned.
- 3.9 All parties involved at Stage one will take into account any advice and guidance of the Monitoring Officer.
- 3.10 If the matter is not capable of resolution at Stage one the complainant may ask that the matter proceed to Stage two.

Stage Two – Mediation

- 3.11 Where informal attempts to resolve the complaint have been unsuccessful, and where the complainant wishes to continue to stage two of the Protocol, the Monitoring Officer shall convene a meeting of all relevant parties, including the complainant, the member who is the subject of the complaint and the relevant Group Leader(s). The Chair of the Standards Committee may also attend this meeting at their discretion.
- 3.12 **This meeting shall be arranged as soon as reasonably practicable after the conclusion of stage one.**
- 3.13 The purpose of the meeting shall be for the parties to attempt to agree a resolution of the complaint to the satisfaction of both parties.
- 3.14 All members shall engage constructively with mediation and make every reasonable effort to resolve the complaint.

- 3.15 Group Leaders shall have regard to their statutory obligation pursuant to s.52A Local Government Act 2000 to take reasonable steps to promote and maintain high standards of conduct by the members of their group.
- 3.16 Where a complaint remains unresolved following stage two, either member may refer the complaint to the Ombudsman.