



LEDBURY TOWN COUNCIL

LOCAL RESOLUTION POLICY & PROCEDURE

Currently there is no common process for Parish Councils to follow in dealing with minor complaints against Members other than referring the complaints to the Monitoring Officer of the Local Government and Social Care Ombudsman. Often when receiving minor complaints, the Monitoring Officer or Ombudsman will return them to the Parish Council to deal with, due to the complaint being considered too minor for the consideration of the Ombudsman.

With this in mind, in an attempt to resolve minor complaints against Members Ledbury Town Council has adopted the following Local Resolution Policy & Procedure.

Policy

It is the Town Council's policy to locally resolve 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

Complaints which will not be considered under this policy, but will be directed to the Local Government and Social Care Ombudsman are:-

- Complaint instigated by a member of the public
- Serious complaints – breaches of the Code of Conduct, failure to disclose interests, bullying, abuse of position of trust or repeated breaches
- Complaints made by the Clerk
- Vexatious, malicious or frivolous complaints
- Members' complaints about officers which should be dealt with using the Council's internal policies
- Repetitive low level complaints

Procedure

For the purpose of clarification, the Town Clerk is accountable to the Council as a whole but on a day to day basis the Mayor (Chairman of the Council) will act as their line manager.

THE PROCESS

The Complaint

The complaint would need to be sent to the Town Clerk, as the Proper Officer of the Council to undertake a first review to ensure that the complaint is at a low level and could be dealt with in-house rather than by way of the Local Government & Social Care Ombudsman. If appropriate, the Town Clerk should seek an early resolution of such dispute by liaising informally with the individual Members concerned prior to the resolution process as outlined below. It is essential 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 Mayor/Deputy Mayor 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 Town Clerk will act as facilitator for the resolution below.

If the complaint is between Members other than the Mayor, the Clerk and the Mayor 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 Mayor, but not the Deputy Mayor, the Town Clerk and Deputy Mayor 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, against a Member other than the Mayor, the Clerk and the Mayor 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 against the Mayor, the Town Clerk and Deputy Mayor will meet with the officer and the Mayor to seek an agreed resolution.

If the complaint has been made by the Town Clerk, then it is likely to be best practice that this complaint is forwarded by way of a complaint to the Local Government and Social Care 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 Local Government and Social Care 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 that no further action should be taken and the matter be closed.

Time for the process

It is the intention that all 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 meetings.

Recording of meetings

Any meetings held with a view to discussing the issues of complaints and/or resolving matters will be minuted and recorded. 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 Local Government and Social Care Ombudsman. It may also be useful as evidence in the event of a further similar breaches of the conduct and future conduct.

Breaches of Code of Conduct

The Town Council must be clear on its powers in respect of the Code of Conduct matters. Investigations of possible breaches of the Code are matters for the Local Government and Social Care Ombudsman. The Local Government Act 2000 gives them the authority to carry out 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.

Adopted by Council
Review Date

