

**LOCAL DISPUTE RESOLUTION PROCEDURE FOR DEALING WITH LOW
LEVEL ALLEGATIONS OF BREACHES OF THE MEMBERS' CODE OF
CONDUCT AND THE VALE OF GLAMORGAN COUNCIL'S PROTOCOL -
STANDARD OF CONDUCT EXPECTED BY MEMBERS**

INTRODUCTION

1. The Public Services Ombudsman for Wales' Guidance on the Code of Conduct for Members of Local Authorities in Wales (September 2012) expects Local Authorities throughout Wales to implement a Local Dispute Resolution Procedure to deal with low level complaints which are made by a Member against a fellow Member.
2. The Vale of Glamorgan Council's Local Dispute Resolution Procedure was introduced in 2014 to meet the Public Services Ombudsman for Wales' ("the Ombudsman") above expectations, and was revised during 2018.
3. Typically the following will fall within the category of low level complaints:
 - failure to show respect and consideration for others contrary to paragraph 18.2.4(b) of the Members' Code of Conduct ("the Code") and
 - making vexatious, malicious or frivolous complaints against other Members under paragraph 18.2.6(d) of the Code.
4. Other breaches of the Code may also be determined by the Monitoring Officer to be low level complaints and dealt with under the Vale of Glamorgan Council's Local Dispute Resolution Procedure ("the Procedure").
5. The Procedure is to be read in conjunction with the Code and the Council's Protocol - Standard of Conduct Expected by Members ("the Protocol").
6. The Protocol establishes the behaviour which is acceptable and unacceptable between Members. It sits alongside the Code and fills the gap between behaviour which possibly in itself is not serious, but creates unpleasantness between Members, and behaviour that is approaching the threshold and serious enough for the Ombudsman to hold an investigation. Breaches of the Protocol will also be dealt with under this Procedure.
7. The Ombudsman assumes that where a Member repeatedly breaches this Procedure, the Monitoring Officer will refer the matter to the Ombudsman.
8. Members will continue to be able to complain directly to the Ombudsman where a breach of the Code has occurred. 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.

9. The Procedure applies to Vale of Glamorgan Council Member complaints against a fellow Member, and not Members of Town and Community Councils. Complaints made by the public and staff will not be dealt with under this Procedure.
10. The key objectives of the Procedure are to:
 - resolve low level allegations of breaches of the Code and Protocol locally and quickly,
 - avoid unnecessary escalation of the situation which might impact on personal relationships within the Council and damage the Council's reputation,
 - avoid unnecessary involvement of the Ombudsman so that his resources are devoted to the investigation of more serious or repeated complaints.

GENERAL PRINCIPLES

11. Members will make all reasonable efforts to resolve disputes via the Procedure.
12. Group Leaders individually and collectively will work to ensure compliance with the Procedure.

WORKING TO AVOID PROBLEMS

13. To minimise the number of instances of alleged breaches the Council has committed to:
 - a Member Development Strategy; and
 - providing relevant Member training events.

STAGE 1 OF THE PROCEDURE

14. Any Member who wishes to submit a complaint under the Procedure (“the Complainant”) is to complete the pro-forma complaint form (‘the Complaint Form’) attached at Appendix A to this Procedure and send it to the Monitoring Officer. Following receipt of the Complaint Form the Monitoring Officer or the Deputy Monitoring Officer will indicate whether the complaint may be dealt with under this Procedure or whether it should be referred to the Ombudsman.
15. If the complaint is to be dealt with under this Procedure the Monitoring Officer or Deputy Monitoring Officer will forward the complaint (including the identity of the Complainant) to the Member who is the subject of the complaint within 7 working days of submission of the complaint.
16. If the Complainant wishes to proceed with the complaint under this Procedure the Complainant may elect as follows:-

- for the complaint to be referred to a Conciliation Meeting (Stage 2) reserving the right to proceed to a Hearing (Stage 3) at a later stage; or
- for the complaint to be referred directly to a Hearing (Stage 3)

STAGE 2 OF THE PROCEDURE

CONCILIATION MEETING

17. A Conciliation Meeting will be held between the Complainant, the Member who is the subject of the complaint, the Leader of the political group for the Member who is the subject of the complaint and the Managing Director (or a nominated Director as determined by the Managing Director) within 15 working days of the complaint being sent to the Member who is the subject of the complaint. The purpose of the Conciliation Meeting will be to attempt to resolve the matter. If deemed necessary the Managing Director or the nominated Director may call on the Monitoring Officer or the Deputy Monitoring Officer for advice and assistance.
18. Where the complaint is made by or concerns a Group Leader, or concerns a non-aligned or unaffiliated Member, the Conciliation Meeting will be attended by the Complainant, the Member against whom the complaint is made, the Managing Director (or a nominated Director as determined by the Managing Director) and the Monitoring Officer or the Deputy Monitoring Officer.
19. Following the Conciliation Meeting should the Complainant be dissatisfied with the outcome he/she may proceed to Stage 3 of the Procedure subject to notifying the Monitoring Officer in writing within 7 working days of the Conciliation Meeting.

STAGE 3 OF THE PROCEDURE

HEARING

20. The Hearing will be before an Independent Member of the Standards Committee nominated by the Chair of the Standards Committee (the nomination will be on a rotational basis subject to availability).
21. The Complainant will submit to the Monitoring Officer and the Member who is the subject of the complaint the substance of his/her complaint in writing within 7 working days of being advised of the nomination of the Independent Member; and the Member who is the subject of the complaint will submit to the Monitoring Officer and the Complainant a written response within 7 working days of receiving the same. These papers, together with any

additional written evidence that is submitted by either side will be provided to the Independent Member (copies of the same are to be exchanged between the Members involved in the complaint in advance of being provided to the Independent Member).

22. Both Members involved in the complaint have the right to appear before the Independent Member and to submit evidence from witnesses.
23. The procedure followed during the Hearing is set out in Appendix to this Procedure. It being noted that the Independent Member chairing the Hearing has discretion to vary or supplement the procedure as deemed appropriate.
24. Both Members will have the right to representation. The Council will not meet the costs of representation.
25. If either side wishes not to be present or fails to attend, the Hearing may be held in their absence.
26. The Independent Member may come to one of three conclusions, namely:-
 - there is no basis to the complaint.
 - there is a basis to the complaint but that no further action is required.
 - there is a basis to the complaint and that the Member be censured.

In addition the Independent Member may make recommendations to the Council regarding changing any procedures or taking any further action. The Independent Member may also direct that an apology be offered to the Complainant and that the Member who is the subject of the complaint attends further training within a specified timescale.

SUPPLEMENTARY MATTERS

28. Publicity will not be given to the name(s) of the Complainant(s)
29. Publicity will not be given to the name of the Member who is the subject of the complaint unless the Member is censured. Such publicity will take the form of a notice being posted on the Council's website for 28 calendar days detailing the name of the Member who is the subject of the complaint, the fact that the Member has been censured pursuant to the Procedure, when the censure decision was made and a summary of the facts as deemed appropriate by the Independent Member presiding at the Hearing.
30. The Hearing at Stage 3 will be dealt with in private.
31. Stages 2 and 3 do not have to be followed sequentially. If the Complainant remains dissatisfied after the Conciliation Meeting he/she may request a

Hearing before the Independent Member, alternatively a complaint may proceed directly to the Hearing before the Independent Member without going first to a Conciliation Meeting.

32. There is no internal right of appeal against the decision made by the Independent Member at Stage 3 of the Procedure.
33. The timescales within the Procedure are a guide to ensure that complaints under the Procedure are dealt with quickly in order to minimise the impact of the complaint; Members and Officers are therefore requested to adhere to the timescales.

D When did the incident take place?

**E Are there any witnesses who can confirm what you say?
If so, give their full names and contact details if known.**

F Please indicate by ticking the relevant box whether you wish your complaint to be dealt with at stage 2 of the Local Dispute Resolution Procedure (“The Procedure”) (ie Conciliation Meeting) reserving the right to proceed to Stage 3 of the Procedure (ie Hearing) at a later stage (if appropriate); or proceed directly to stage 3 of the Procedure.

Stage 2

Stage 3

I understand and accept that my identify and the details of my complaint will be forwarded on to the Member who I am making a complaint about (within 7 working days of submitting this complaint form to the Monitoring Officer) and such other individuals as referred to in the Council’s Local Dispute Resolution Procedure. I also understand and accept that the details of my complaint may become public knowledge. I confirm that I am prepared to give oral evidence in private in support of my complaint.

Signature _____ Date _____

Please send to:

Debbie Marles
Head of Legal Services and Monitoring Officer
Civic Offices
Holton Road
Barry
CF63 4RU

Email: DMarles@valeofglamorgan.gov.uk
Tel: 01446 709402