

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	11 March 2020
REPORT TITLE:	Local Resolution Protocol
PURPOSE OF THE REPORT:	To update the current Local Resolution Protocol
REPORT BY:	Mared Wyn Yaxley Solicitor – Corporate Governance mwyys@anglesey.gov.uk
LINK OFFICER:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxcs@anglesey.gov.uk 01248 752586

1. BACKGROUND

- 1.1 The Public Services Ombudsman for Wales (PSOW) following revision of his test for investigating complaints, encouraged local authorities in Wales to deal with low level misconduct complaints between members through an informal local resolution protocol.
- 1.2 There were a number of objectives behind this development, including:-
 - to reduce complaints submitted to the PSOW;
 - earlier resolution of local issues to avoid escalation;
 - the fostering of good and positive relationships between members (and between members and officers).
- 1.3 Each local authority in Wales was responsible for adopting its own protocol. The PSOW/Welsh Government (which strongly supported the initiative) did not specify the requirements of a protocol, nor provide any standard format to be followed.
- 1.4 The Protocol adopted and approved by the Isle of Anglesey County Council appears as **Enclosure 1**. This was approved in March 2018.
- 1.5 The Protocol has no statutory force and is a voluntary and informal scheme. It is not mandatory for any member to submit to the Protocol but it would be hoped that they do so to ensure effective and fair operation of the scheme for all concerned and as part of sound local governance arrangements. It should be noted, though, that members are still encouraged to resolve any issues direct with one another or through group leaders.

2. REASON FOR CHANGING

- 2.1 Whilst the current Protocol reflects the intention of the Standards Committee when the Protocol was adopted, it seems that, in reality, the process will usually be different. The current Protocol refers to two members of the Standards Committee conducting a mediation meeting between members. The Protocol also refers to a form which must be completed before the process can be instigated.
- 2.2 It is imperative that the written procedure reflects reality and thus it is considered appropriate that the Local Resolution Protocol is amended to reflect the evolved procedure. An amended Protocol, with changes noted, is included as **Enclosure 2**. A clean copy (without tracked-changes) is included as **Enclosure 3**.

3. THE PROPOSAL

- 3.1 Under the amended Local Resolution Protocol:
 - 3.1.1 the process may be used by County Councillors or, at the Chair's discretion, Town and Community Councillors;
 - 3.1.2 the process may be instigated by another member or a senior officer of the County Council (if the matter relates to a County Councillor) but the process may not be instigated by a third party;
 - 3.1.3 the Chair of the Standards Committee may delegate conduct of the process, including the mediation meetings, to any member of the Committee
- 3.2 The intention is for the Standards Committee to consider and agree on the amended Protocol before the same is canvassed with Group Leaders with the Chair of the Standards Committee attending a meeting of the Group Leaders. The amended Local Resolution Protocol will be presented to Councillors within the Standards Committee's annual report to Council in May 2020.
- 3.3 So as to ensure compliance with the Protocol, and to ensure members of the Standards Committee feel confident in their role, external bespoke training on Mediation in the context of the Isle of Anglesey County Council's Local Resolution Protocol will be arranged for Standards Committee members. It is envisaged that this training will be conducted in May / June 2020, subject to availability.

4. RECOMMENDATION

- 4.1 The Standards Committee is asked to:
 - 4.1.1 confirm its agreement to amend the Local Resolution Protocol (as per **Enclosure 2**) and/or with any other provision the Committee deems appropriate;
 - 4.1.2 note that training on Mediation within the context of this Council's Local Resolution Protocol will be arranged in May/June 2020, subject to availability; and
 - 4.1.3 authorise the Chair of the Standards Committee to present the new draft Protocol to the Group Leaders and to the County Council meeting on the 19th May 2020 and seek the support of elected members.

ISLE OF ANGLESEY COUNTY COUNCIL

LOCAL RESOLUTION PROTOCOL

Generally

1. The purpose of this informal Protocol is to:
 - promote high standards of conduct;
 - foster and maintain positive working relationships between members;
 - address low level behavioural complaints which do not meet the Public Services Ombudsman for Wales' (PSOW) threshold in relation to evidence and public interest;
 - deal with matters arising as quickly as reasonably possible to avoid unnecessary escalation of issues;
 - safeguard the Council's reputation.
2. The Protocol will only apply to cases of alleged misconduct against members under two paragraphs of the Code of Conduct, namely:
4(b)
allegations of failure to show respect and consideration for others;
and/or
6(1)(d)
allegations that a member has made vexatious, malicious or frivolous complaints against other members.
3. The Protocol does not apply to complaints by third parties.
4. The Protocol seeks to achieve swift resolution and reconciliation by way of a mediation process. It is a voluntary arrangement, so both parties must agree to mediate. The process has no statutory basis. It is not a legal requirement to adopt such a Protocol but both the Welsh Government and the PSOW have advised, in the strongest terms, that Local Authorities should have such arrangements in place.
5. The Protocol is not intended to interfere with, or take the place of, group or party discipline; nor self-regulation by members.
6. The Protocol is not intended to oust the jurisdiction of the PSOW but, rather, to deal with a limited category of complaints which would not meet the PSOW's threshold test for investigation.

Procedure to instigate a mediation meeting

7. A member wishing to use the Protocol must put their complaint in writing to the Chair of the Standards Committee (form attached) explaining:
 - when and where the alleged breach occurred;
 - how and why paragraph 4(b) and/or 6(1)(d) has been breached;
8. Any written complaint must be sent to the Chair of the Standards Committee within 14 days from the date of the event which is the subject of the complaint, or 14 days from the date when the event came to the knowledge of the complainant.

9. The Chair of the Standards Committee will share the complaint with the member who is the subject of the complaint.
10. The member receiving the complaint will have 14 days, from receipt, within which to send a written reply to the Chair of the Standards Committee setting out their response.
11. Having received a reply from the member complained of, the Chair of the Standards Committee will:-
 - copy the full response to the complainant; and
 - arrange a mutually convenient and private meeting between the complainant and the member who is the subject of the complaint, together with two independent members of the Standards Committee. This will take place as soon as reasonably practicable.
12. The meeting shall take place in private.
13. If no response has been received under paragraph 10 above, within the 14 day period, then no meeting shall be arranged. In order for the mediation process to succeed, the agreement of both parties is required.
14. **The Mediation Meeting**
 - 14.1 The informal “panel” of the Standards Committee shall consist of any two independent members of the Committee, on a rotational basis. Members of the Standards Committee will only facilitate a mediation meeting if they have received training for this purpose.
 - 14.2 Paperwork shall be limited to the initial complaint and response.
 - 14.3 The purpose of the meeting will be for the parties to come to an agreed resolution. The Standards Committee members will not come to a view or make any findings but may make informal recommendations to the parties. Any such recommendations shall not be binding.



LOCAL RESOLUTION PROTOCOL FORM – TO INSTIGATE THE MEDIATION PROCESS

A: Your Details

Surname:	Forename(s):	Title:
Address and Postcode:		
E-mail Address:		
Daytime contact telephone number:		
Mobile Number:		

Please state by which of the above methods you would prefer me to contact you

B: About your complaint (please continue your answers to the following questions on a separate sheet(s) if necessary)

- C.1 Name of the member you are complaining about:
- C.2 What do you think they did wrong?
- C.3 Do you think they broke the Members' Code of Conduct and why?
- C.4 Describe how you have been affected by the conduct which is the subject of your complaint
- C5. When did you first become aware of the matter which is the subject of your complaint?

C.6 Have you already tried to resolve your complaint with anyone else, e.g the member direct, group leader etc? If so, please give brief details of how, when you did so and any outcome.

C.7 What is your expectation at the end of the process?

Signature: _____

Date: _____

When you have completed this form, please send it to:

The Chair of the Standards Committee

Email : mxwcs@ynysmon.gov.uk

Please note that a copy of your completed form will be shared with the member who is the subject of your complaint.

ISLE OF ANGLESEY COUNTY COUNCIL LOCAL RESOLUTION PROTOCOL February 2020

Generally Purpose of the Protocol

1. The purpose of this informal and voluntary Protocol is to:
 - promote high standards of conduct;
 - foster and maintain positive working relationships ~~between members~~;
 - address low level behavioural complaints which do not meet the Public Services Ombudsman for Wales' (PSOW) threshold in relation to evidence and or public interest;
 - deal with matters arising as quickly as reasonably possible to avoid unnecessary escalation of issues;
 - safeguard the Council's reputation.
2. The Protocol seeks to achieve swift resolution and reconciliation by way of a voluntary mediation process, where the parties are assisted by a member of the Standards Committee to reach an amicable resolution.
3. In order to ensure informality, paperwork will be kept to a minimum.
4. It is not a legal requirement to adopt such a Protocol but both the Welsh Government and the PSOW have advised, in the strongest terms, that Local Authorities should have such arrangements in place.
5. The Protocol is not intended to interfere with, or take the place of, group or party discipline; nor self-regulation by members. The Protocol is also not intended to oust the jurisdiction of the PSOW but, rather, to deal with a limited category of complaints which would not meet the PSOW's threshold test for investigation.

Circumstances in which the Protocol applies

6. The Protocol is adopted for the benefit of this Council's members and is to be used in circumstances where a member raises a concern about another member or where a senior officer of this Council raises a concern about a member's conduct. The Protocol does not apply to complaints against members by third parties.
7. At the Chair's discretion, and subject to the agreement of the relevant parties to the concern, this model may be used between members of a Town or Community Council.
- 2-8. The Protocol will ~~only~~ apply to cases of alleged misconduct ~~by against~~ members under the following two paragraphs of the Code of Conduct, namely:
 - 4(a) – allegations of failure to carry out duties and responsibilities with due regard to the principle of equality for all people;
 - 4(b) – allegations of failure to show respect and consideration for others;and/or

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4(c) -

Allegations a member is bullying or harassing another individual;

4(d) -

Allegations a member is acting in a way which compromises/likely to compromise the impartiality of the council's officers

5(a) -

Allegations that a member has disclosed confidential information / information of a confidential nature, without consent

5(b) -

Allegations that a member has prevented a person from gaining access to information to which that person is entitled by law

6(1)(a) -

allegations that a member has acted in a way which could bring her/his office or authority into disrepute;

6(1)(d) - -

allegations that a member has made vexatious, malicious or frivolous complaints against other members.

7(a) -

Allegations that a member has used or attempt to use her/his position improperly to confer an advantage or avoid a disadvantage for herself/himself or any other person

7(b) -

Allegations that a member has used, or authorised others to use, the resources of the authority improperly / unlawfully

9. It will be at the Chair's discretion as to whether she/he considers the concern raised to be too serious for mediation / to be dealt with under this Protocol.

3. The Protocol does not apply to complaints by third parties.

4. The Protocol seeks to achieve swift resolution and reconciliation by way of a mediation process. It is a voluntary arrangement, so both parties must agree to mediate. The process has no statutory basis. It is not a legal requirement to adopt such a Protocol but both the Welsh Government and the PSOW have advised, in the strongest terms, that Local Authorities should have such arrangements in place.

5. The Protocol is not intended to interfere with, or take the place of, group or party discipline; nor self-regulation by members.

6. The Protocol is not intended to oust the jurisdiction of the PSOW but, rather, to deal with a limited category of complaints which would not meet the PSOW's threshold test for investigation.

Procedure to instigate a mediation meeting to follow under the Protocol

10.7. A member wishing to use the Protocol is asked to must put their complaint concern in writing to the Chair/Vice-Chair of the Standards Committee or to meet with the Chair/ Vice-Chair to confirm (form attached) explaining:-

- when and where the alleged breach occurred; and
- how and why paragraph 4(b) and/or 6(1)(d) the Code has been breached. A written form is attached to this Protocol should this be of assistance to members in submitting their concern.

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- If the concern is raised by a senior officer, the referral should be made via the Monitoring Officer.:-

11.8. Any ~~written complaint concern~~ must be ~~made sent~~ to the Chair/Vice-Chair of the Standards Committee within 14 days from the date of the event which is the subject of the ~~complaint concern~~, or 14 days from the date when the event came to the knowledge of the ~~complainant individual instigating the Local Resolution process.~~

9.12 The Chair/Vice-Chair of the Standards Committee will ~~consider the concern and contact the individual raising the same to confirm if s/he considers it appropriate under the Local Resolution Protocol.~~ The Chair/Vice-Chair will contact the individual who raised the concern to advise of her/his decision.

13. If the Chair/Vice-Chair is willing to assist by way of Local Resolution, the Chair/Vice-Chair will contact the individual against whom a concern has been made to explain a concern has been raised and to ask whether s/he would be willing to attend a mediation meeting under the Local Resolution Protocol. ~~share the complaint with the member who is the subject of the complaint. Details of the concern will be shared with the member. The individual will be asked to respond before the expiry of 14 days.~~

10. ~~The member receiving the complaint will have 14 days, from receipt, within which to send a written reply to the Chair of the Standards Committee setting out their response.~~

14.4. Having received a ~~positive~~ reply from the ~~member complained of member~~, the ~~Chair~~Chair/Vice-Chair of the Standards Committee will:-

- ~~copy the full response to the complainant; and~~ arrange ~~four private meetings at a mutually convenient and private meeting times,~~ as soon as reasonably practicable;
The first meeting with the individual who raises the concern so as to gather information and ascertain what sort of resolution s/he wishes to see;
The second meeting with the individual subject to the concern so as to explain the situation, listen to her/his view and ascertain whether s/he would be willing to meet with the person raising the concern so as to reach an amicable solution;
Thirdly, a further meeting with the individual who raised the concern to confirm whether the member is willing to meet with her/him and explain the member's point of view;
Fourthly, a meeting ~~between the person raising the concern complainant and the member who is the subject of the complaint concern with a view to reaching an agreed resolution.~~ The Standards Committee member will not come to a view or make any findings but may make informal recommendations to the parties. Any such recommendations shall not be binding.

15. Whilst this Protocol refers to the Chair/Vice-Chair conducting the mediation process, the Chair/Vice-Chair may delegate actioning points 12 to 14 above to any other member of the Standards Committee. ~~Members of the Standards Committee will only facilitate a mediation meeting if they have received training for this purpose. , together with two independent members of the Standards Committee. This will take place as soon as reasonably practicable.~~

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~~126.~~ The meetings shall take place in private.

~~17.~~ Paperwork shall be limited to any initial written concern and any notes made by the Standards Committee member at the meetings. All notes will be destroyed immediately at the end of the process. No copies will be kept and nothing will be circulated.

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~~138.~~ If no response has been received under paragraph ~~4013~~ above, within the 14 day period, a reminder may be sent. Should there be no further response, then no meeting shall be arranged. In order for the mediation process to succeed, the agreement of both parties is required.

~~14.~~ **The Mediation Meeting**

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~~14.1~~ The informal "panel" of the Standards Committee shall consist of any two independent members of the Committee, on a rotational basis. Members of the Standards Committee will only facilitate a mediation meeting if they have received training for this purpose.

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~~14.3~~ The purpose of the meeting will be for the parties to come to an agreed resolution. The Standards Committee members will not come to a view or make any findings but may make informal recommendations to the parties. Any such recommendations shall not be binding.

~~19.~~ Participation in the Local Resolution Process is voluntary and an individual can withdraw from the process at any time.



LOCAL RESOLUTION PROTOCOL FORM – TO INSTIGATE THE MEDIATION PROCESS

A: Your Details

CC-4948622335-LB/441292(441290)544186

Surname:	Forename(s):	Title:
Address and Postcode:		
E-mail Address:		
Daytime contact telephone number:		
Mobile Number:		

Please state by which of the above methods you would prefer me to contact you

B: About your ~~concern~~complaint (please continue your answers to the following questions on a separate sheet(s) if necessary)

C.1 Name of the member you are complaining about:

C.2 What do you think they did wrong?

C.3 Do you think they broke the Members' Code of Conduct and why?

C.4 Describe how you have been affected by the conduct which is the subject of your ~~complaint~~concern

C5. When did you first become aware of the matter which is the subject of your ~~concern~~complaint?

C.6 Have you already tried to resolve your ~~complaint~~concern with anyone else, e.g the member direct, group leader etc? If so, please give brief details of how, when you did so and any outcome.

C.7 What is your expectation at the end of the process?

Signature: _____ Date: _____

When you have completed this form, please send it to:

The ~~Chair~~Chair/Vice-Chair of the Standards Committee

Email : ~~mxwcc@ynysmon.gov.uk~~

JohnJones@ynysmon.gov.uk

RhysDavies@ynysmon.gov.uk

**~~Please note that a copy of your completed form will be shared with the member who
is the subject of your complaint.~~**

ISLE OF ANGLESEY COUNTY COUNCIL

LOCAL RESOLUTION PROTOCOL

February 2020

Purpose of the Protocol

1. The purpose of this informal and voluntary Protocol is to:
 - promote high standards of conduct;
 - foster and maintain positive working relationships;
 - address low level behavioural complaints which do not meet the Public Services Ombudsman for Wales' (PSOW) threshold in relation to evidence and/or public interest;
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7. At the Chair's discretion, and subject to the agreement of the relevant parties to the concern, this model may be used between members of a Town or Community Council.
8. The Protocol will apply to cases of alleged misconduct by members under the following paragraphs of the Code of Conduct, namely:
 - 4(a) – allegations of failure to carry out duties and responsibilities with due regard to the principle of equality for all people;
 - 4(b) - allegations of failure to show respect and consideration for others;
 - 4(c) - Allegations a member is bullying or harassing another individual;
 - 4(d) –

Allegations a member is acting in a way which compromises/likely to compromise the impartiality of the council's officers

5(a) –

Allegations that a member has disclosed confidential information / information of a confidential nature, without consent

5(b) –

Allegations that a member has prevented a person from gaining access to information to which that person is entitled by law

6(1)(a) –

allegations that a member has acted in a way which could bring her/his office or authority into disrepute;

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allegations that a member has made vexatious, malicious or frivolous complaints against other members.

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Allegations that a member has used or attempt to use her/his position improperly to confer an advantage or avoid a disadvantage for herself/himself or any other person

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Allegations that a member has used, or authorised others to use, the resources of the authority improperly / unlawfully

9. It will be at the Chair's discretion as to whether she/he considers the concern raised to be too serious for mediation / to be dealt with under this Protocol.

Procedure to follow under the Protocol

10. A member wishing to use the Protocol is asked to put their concern in writing to the Chair/Vice-Chair of the Standards Committee or to meet with the Chair/ Vice-Chair to confirm when and where the alleged breach occurred; and how and why the Code has been breached. A written form is attached to this Protocol should this be of assistance to members in submitting their concern.

If the concern is raised by a senior officer, the referral should be made via the Monitoring Officer.

11. Any concern must be made to the Chair/Vice-Chair of the Standards Committee within 14 days from the date of the event which is the subject of the concern, or 14 days from the date when the event came to the knowledge of the individual instigating the Local Resolution process.
12. The Chair/Vice-Chair of the Standards Committee will consider the concern and contact the individual raising the same to confirm if s/he considers it appropriate under the Local Resolution Protocol. The Chair/Vice-Chair will contact the individual who raised the concern to advise of her/his decision.
13. If the Chair/Vice-Chair is willing to assist by way of Local Resolution, the Chair/Vice-Chair will contact the individual against whom a concern has been made to explain a concern has been raised and to ask whether s/he would be willing to attend a mediation meeting under the Local Resolution Protocol. Details of the concern will be shared with the member. The individual will be asked to respond before the expiry of 14 days.

14. Having received a positive reply from the member, the Chair/Vice-Chair of the Standards Committee will arrange four private meetings at mutually convenient times, as soon as reasonably practicable:

The first meeting with the individual who raises the concern so as to gather information and ascertain what sort of resolution s/he wishes to see;

The second meeting with the individual subject to the concern so as to explain the situation, listen to her/his view and ascertain whether s/he would be willing to meet with the person raising the concern so as to reach an amicable solution;

Thirdly, a further meeting with the individual who raised the concern to confirm whether the member is willing to meet with her/him and explain the member's point of view;

Fourthly, a meeting between the person raising the concern and the member who is the subject of the concern with a view to reaching an agreed resolution. The Standards Committee member will not come to a view or make any findings but may make informal recommendations to the parties. Any such recommendations shall not be binding.

15. Whilst this Protocol refers to the Chair/Vice-Chair conducting the mediation process, the Chair/Vice-Chair may delegate actioning points 12 to 14 above to any other member of the Standards Committee. Members of the Standards Committee will only facilitate a mediation meeting if they have received training for this purpose.
16. The meetings shall take place in private.
17. Paperwork shall be limited to any initial written concern and any notes made by the Standards Committee member at the meetings. All notes will be destroyed immediately at the end of the process. No copies will be kept and nothing will be circulated.
18. If no response has been received under paragraph 13 above, within the 14 day period, a reminder may be sent. Should there be no further response, no meeting shall be arranged. In order for the mediation process to succeed, the agreement of both parties is required.
19. Participation in the Local Resolution Process is voluntary and an individual can withdraw from the process at any time.



LOCAL RESOLUTION PROTOCOL FORM – TO INSTIGATE THE MEDIATION PROCESS

A: Your Details

Surname:	Forename(s):	Title:
Address and Postcode:		
E-mail Address:		
Daytime contact telephone number:		
Mobile Number:		

Please state by which of the above methods you would prefer me to contact you

B: About your concern (please continue your answers to the following questions on a separate sheet(s) if necessary)

- C.1 Name of the member you are complaining about:
- C.2 What do you think they did wrong?
- C.3 Do you think they broke the Members' Code of Conduct and why?
- C.4 Describe how you have been affected by the conduct which is the subject of your concern
- C5. When did you first become aware of the matter which is the subject of your concern?
- C.6 Have you already tried to resolve your concern with anyone else, e.g the member direct, group leader etc? If so, please give brief details of how, when you did so and any outcome.
- C.7 What is your expectation at the end of the process?

Signature: _____

Date: _____

When you have completed this form, please send it to:

The Chair/Vice-Chair of the Standards Committee

Email :

JohnJones@ynysmon.gov.uk

RhysDavies@ynysmon.gov.uk