

CYNGOR SIR YNYS MON / ISLE OF ANGLESEY COUNTY COUNCIL	
COMMITTEE:	Standards Committee
DATE:	14 December 2022
REPORT TITLE:	Local Resolution Protocol
PURPOSE OF THE REPORT:	To advise the Standards Committees on the revised Local Resolution Protocol
REPORT BY:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxcs@ynysmon.llyw.cymru 01248 752586
LINK OFFICER:	Lynn Ball Director of Function (Council Business) / Monitoring Officer lbxcs@ynysmon.llyw.cymru 01248 752586

1. BACKGROUND

The purpose of a Local Resolution Protocol (LRP) is to achieve swift resolution and reconciliation between members of the Council where complaints are made or concerns raised on low-level behavioural breaches of the Code of Conduct for Members. It is an informal means of supporting the practical provision of the Code of Conduct for Members, at a local level and using the LRP process gives the parties involved access to assistance by the Standards Committee, where necessary.

A LRP has been in place for several years, with its aim to address low level behavioural complaints which do not meet the Public Services Ombudsman for Wales' (PSOW) threshold for investigations and/or deal with matters arising promptly in an effort to avoid unnecessary delay or escalation of matters. In turn, this assists to promote high standards of conduct, foster and maintain positive working relationships and safeguard the Council's reputation. The LRP is not intended to oust the jurisdiction of the PSOW but is intended to deal with a limited category of complaints which wouldn't meet the PSOW's two-stage test for investigation.

There is no statutory requirement to adopt a LRP and there is no standard format; it is a matter for each authority. However, both Welsh Government and the PSOW have made it clear that they expect all local authorities to have such an arrangement in place. More recently, the Penn Report: "Independent Review of the Ethical Standards Framework" details that "*The aim of local resolution is to resolve matters at an early stage so as to avoid the unnecessary escalation of the situation which may damage personal relationships within the authority and the authority's reputation*".

In light of the changes brought into force by the Local Government and Elections (Wales) Act 2021, particularly in relation to the new Group Leader duties, the Standards Committee has reviewed its LRP and prepared a new version, to reflect the Code as it now stands. The new version takes into account the enhanced role expected of Group Leaders in relation to the conduct of their group members.

2. THE PROPOSED NEW LOCAL RESOLUTION PROTOCOL'S JOURNEY TO DATE

A copy of the current version of the Local Resolution Protocol is included as **ENCLOSURE 1** to this report.

The amended LRP was presented by the Chair and Vice Chair of the Standards Committee at a meeting of the Group Leaders on 29 September 2022. A copy of the covering report that was submitted to the Group Leaders is included as **ENCLOSURE 2**.

There was consensus among the Group Leaders that they were supportive of the principles of the revised LRP and they noted their willingness to work in accordance with the proposal.

The draft LRP has been subject to a Members' Briefing session to all members on 1 December 2022.

The intention is for the LRP to be available on Monitor for members from now on.

3. HOW THE NEW LOCAL RESOLUTION PROTOCOL WILL WORK

3.1 The principles of the LRP process:

- The LRP process is a voluntary mediation process and Members are not required to participate. Members are also able to withdraw from the process at any time and no inference may be taken from such a withdrawal.
- If disputes arise, Members are requested and encouraged to attempt to resolve through the LRP if it is possible and appropriate.
- The LRP is for member-member issues.
 - A complaint by a member that relates to a member of their own group will be dealt with by their Group Leader. Party/group conduct is the primary focus with Group Leaders taking management responsibility for their own members.
 - For officer-member concerns, the [Relationship Protocol for Members and Officers](#) should be reviewed.
- Whilst the LRP relies on a commitment to internal resolution, the LRP is not intended to stifle legitimate political debate, challenge or scrutiny.
- Serious breaches of the Code of Conduct e.g. where a member has sought to influence or participate in a decision which would benefit their personal interest would fall outside the scope of the LRP and would require referral to the external regulator.

3.2 A brief overview of the LRP process included in the new document:

- The LRP is applicable in situations involving a complaint by a member (complainant) about a member of their own group or a different political group (respondent).
- A complaint by a member about another member of the same political group will be dealt with by their Group Leader.

- A complaint by a member about a member of a different political group should be raised with their own Group Leader; that Group Leader will discuss the matter with the respondent's Group Leader.
- Group Leaders are expected to take a proactive approach to resolving such issues, with the emphasis on early resolution and could include mediation, conciliation, training, development or education, or a combination of these.
- Group Leaders may, at their discretion, consult with the Chair of the Standards Committee (or their nominee) about any proposed action the Group Leader intends to take. Group Leaders may also use the Chair of the Standards Committee (or their nominee) as a sounding board at any stage during the process.
- In cases of significant misconduct, or after persistent breaches, the Monitoring Officer may advise that the matter be referred to the PSOW.
- If the complaint relates to a Group Leader, the Chair of the Council will be asked how best to address the complaint, in consultation with the Chair of the Standards Committee (or their nominee)
- The Chair of the Council will undertake the Group Leader's role should a member or members be unaffiliated.
- The meetings that take place during the LRP process are held in private and discussions are confidential; there will be no paperwork or records retained after the mediation process is completed.
- There will be general feedback to Group Leaders, where both members agree; any feedback will be anonymous and focused on outcomes and good practice.

3.3 The Standards Committee's role in the LRP process:

- In addition to the advisory and support role to the Group Leaders (if requested), should the matter not be resolved through party/group discipline, a complainant may refer the matter to the Chair of the Standards Committee (or their nominee). Such referral should be made within 7 days of party/group discipline failing; consideration outside this time limit will be at the discretion of the Chair of the Standards Committee (or their nominee).
- Any nomination made by the Chair of the Standards Committee must be a lay member of the Standards Committee.
- The role of the Standards Committee members will be to facilitate – not to come to a view, apportion blame or make any findings; though they may make informal recommendations which the parties may or may not follow.
- The Chair of the Standards Committee (or their nominee) will only facilitate mediation meetings if they have received training for that purpose.
- Whilst the process details having four meetings in total, it is only a guide as the Chair of the Standards Committee (or their nominee) will be very much guided by the parties in the matter.
- The mediation process:
 - ➔ Standards Committee receives a referral from a complainant.
 - ➔ Meeting 1:
The Chair of the Standards Committee (or their nominee) meets with the complainant.
Alternatively, this stage may be done with the complainant sending their written concerns to the Chair of the Standards Committee (or their nominee). Whichever route is selected, the purpose of this first stage is to ascertain from the complaint what has happened, how the complainant considers the Code has been breached and what the complainant is seeking by way of resolution.

- If the Chair of the Standards Committee (or their nominee) is willing to undertake a mediation role, they will contact the respondent.
- Meeting 2:
The Chair of the Standards Committee (or their nominee) may decide on asking the respondent to meet with them.
Alternatively, the Chair of the Standards Committee (or their nominee) will write to the respondent.
Either way, at this stage, the respondent will be provided with information so they can understand the details of the complaint against them and consider if they agree to proceed with a mediation meeting with the complainant and the Chair of the Standards Committee (or their nominee).
The respondent will have 7 days to confirm their willingness to participate in the mediation process; should the respondent not respond or refuse the offer of mediation, the Standards Committee will not take any further action.
- Meeting 3:
If the respondent has agreed to meet with the Chair of the Standards Committee (or their nominee), in order to participate in the mediation process, a further meeting will be arranged with the respondent in order to discuss their response to the complaint/their point of view.
- Meeting 4 – the mediation meeting:
The mediation meeting will take place between the complainant, the respondent and the Chair of the Standards Committee (or their nominee). The purpose of the meeting is to narrow down the issue(s) and see if it is possible to reach an agreed resolution.
- Further meetings may be arranged if the parties agree.

4. RECOMMENDATIONS

4.1 For the Standards Committee to:

- 4.1.1 note the agreement of the Group Leaders to the Local Resolution Protocol in **Enclosure 1**;
- 4.1.2 be given a verbal update on the outcome of the briefing session that took place on 1 December 2022 with all Council members;
- 4.1.3 approve and adopt the Local Resolution Protocol as per the draft in **Enclosure 1**;
- 4.1.4 encourage the use of the Local Resolution Protocol in **Enclosure 1** by members in relevant circumstances; and
- 4.1.5 review the process adopted and the document itself in 12 months' time.

LOCAL RESOLUTION PROTOCOL

PART 1 – BACKGROUND	
Why do we need a Local Resolution Protocol (LRP)?	<p>The purpose of the LRP is to:</p> <ul style="list-style-type: none"> • 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 for investigations; • deal with matters arising as quickly as reasonably possible to avoid unnecessary escalation; • safeguard the Council's reputation. <p><u>In Summary</u>, the LRP seeks to achieve swift resolution and reconciliation with the parties being assisted by the Standards Committee, where necessary.</p>
Is it compulsory?	<ul style="list-style-type: none"> • It is not a statutory requirement to adopt such an LRP but both the Welsh Government and the PSOW have made it clear that they expect all local authorities to have such arrangements in place. • The Penn Report: 'Independent Review of the Ethical Standards Framework' states: <p style="margin-left: 20px;"><i>“The aim of local resolution is to resolve matters at an early stage so as to avoid the unnecessary escalation of the situation which may damage personal relationships within the authority and the authority’s reputation”.</i></p> • Members are not required to participate. This is a <u>voluntary mediation process</u>.
What other processes are available to members?	<ul style="list-style-type: none"> • The LRP is not intended to interfere with, or take the place of, group/party discipline. Each political party/group will have their own internal processes to follow in relation to party/group discipline. • The LRP 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.

	<ul style="list-style-type: none"> • It is NOT intended to replace the Code of Conduct, rather, it is an informal means of supporting the Code, at a local level. • The LRP does not replace the Relationship Protocol for Members and Officers set out in the Council's Constitution. • Members should make all reasonable attempts to resolve disputes through the LRP, where possible and appropriate, and always subject to their obligations under the Members' Code of Conduct.
<p>What are the general principles of the LRP?</p>	<ul style="list-style-type: none"> • To promote high standards of conduct as a way of strengthening respect and trust among members to enable members and officers to focus on "the work". • Referral to external regulators is a last resort, unless there is a serious breach of the Code of Conduct, eg where a member has sought to influence or participate in a decision which would benefit their personal interests. Such matters fall outside the scope of the LRP. • Members will avoid personal confrontation in any public forum, especially full Council, and through the media. • These commitments to internal resolution must not stifle legitimate political debate, challenge or scrutiny. • Party/group conduct will be the primary focus, with group leaders taking management responsibility for their own members.
<p>What are the responsibilities of the group leaders?</p>	<ul style="list-style-type: none"> • The leader of a political group should take reasonable steps to promote and maintain high standards of conduct by the members of their group, in accordance with their statutory duty under the Local Government and Elections (Wales) Act 2021. • Reasonable steps that a group leader might undertake include:- <ul style="list-style-type: none"> • Demonstrating personal commitment to and attending relevant development or training around equalities and standards; • Encouraging group members to attend relevant development or training around equalities and standards; • Ensuring nominees to a committee have received the recommended training for that committee;

	<ul style="list-style-type: none"> • Promoting civility and respect within group communications and meetings, and in formal Council and committee meetings; • Promoting informal resolution procedures in the Council, and working with the Standards Committee and Monitoring Officer to achieve local resolution; • Promoting a culture within the group which supports high standards of conduct and integrity; • Attending a meeting of the Council's Standards Committee, if requested, to discuss Code of Conduct issues; • Working to implement any recommendations from the Standards Committee about improving standards; • Working together with other group leaders, within reason, to collectively support high standards of conduct within the Council.
<p>What are the responsibilities of the Standards Committee?</p>	<ul style="list-style-type: none"> • To monitor and encourage group leaders to comply with their duty to promote and maintain high standards of conduct by members of their group; • To advise on the adoption or revision of the Code of Conduct, this LRP, as well as any other documents/consultations within the Committee's remit; • To monitor the operation of the Code of Conduct; including occasional attendance at Council / Committees meetings; • To provide advice, or provide or arrange, training on the Code for members; • To receive any reports from group leaders; • To share best practice; • To provide timely and meaningful feedback to group leaders.
<p>PART 2 – HOW DOES THE LRP WORK?</p>	
<p>What is expected of the Group Leaders?</p>	<ul style="list-style-type: none"> • A complaint by a member, relating to a member of their own group, will be dealt with by their group leader. <p>A complaint by a member, about a member of a different political group, will first be raised by the complainant with their own group leader. Their group leader will then refer the matter to the group leader who has responsibility for the</p>

	<p>respondent.</p> <ul style="list-style-type: none"> • Upon receiving a complaint, whether from a member of their own group, or from the leader of another group, it is the role of every group leader to take management responsibility (though not personal responsibility) for the conduct of their members. • Subject to existing processes/arrangements within each party/group, group discipline should seek to be informal, and resolved through face to face meetings, as quickly as possible. • Group leaders may choose to retain some records but the process should not be burdensome. • The emphasis should be on early resolution and may include mediation, conciliation, training, development or education; or some combination thereof. Clearly, it should seek to be fair and consistent. • During the course of this process, the group leader may, at any stage and at their discretion, consult with the Chair of the Standards Committee (or their nominee) about any proposed action the group leader intends to take. Group leaders may also use the Chair of the Standards Committee (or their nominee) as a “sounding board”. • Prior to considering any sanction, or training/development etc., the relevant group leader may consult with the Chair of the Standards Committee (or their nominee) who will use best endeavours to provide frank, fair, consistent and confidential advice to any group leader requesting such a discussion. • In cases of significant misconduct, or after persistent breaches, a complainant may be advised by the Monitoring Officer to refer the matter to the Public Services Ombudsman for Wales. • Where a complaint is made about a group leader, the Chair of the Council will be asked to consider how best to address the complaint, in consultation with the Chair of the Standards Committee (or their nominee) • If the issue involves an unaffiliated member or members, the Chair of the Council will undertake the role of Group Leader.
<p>What is expected of the Standards Committee?</p>	<ul style="list-style-type: none"> • In addition to the advisory and support role to the group leaders, described above, if the matter has not been capable of resolution through party/group discipline, a complainant

	<p>may refer the matter to the Chair of the Standards Committee (or their nominee).</p> <ul style="list-style-type: none"> • The member making the complaint will be asked to put their concerns in writing to the Chair of the Standards Committee (or their nominee). Alternatively, if the complainant prefers, to meet with the Chair of the Standards Committee (or their nominee). In either case, the purpose will be to confirm: <ul style="list-style-type: none"> • when, where and how the relevant incident occurred • how and why the incident breached the Code of Conduct • what the complainant is seeking by way of resolution • The Chair of the Standards Committee (or their nominee) will consider the complaint and advise the complainant as to whether or not the Standards Committee is willing to undertake a mediation role. • If the Chair of the Standards Committee (or their nominee) is willing to undertake a mediation role, then they will contact the respondent, explain the substance of the complaint, and ask whether or not the respondent is willing to participate in mediation with the complainant, and a member of the Standards Committee. • The respondent will be asked to respond to the offer of mediation within 7 days. If the offer of mediation is refused, or the respondent fails to respond, then there will be no further action and the Standards Committee will treat the matter as closed.
<p>Are there any time limits?</p>	<ul style="list-style-type: none"> • Any complaint should be made within 7 days of the date when party/group discipline has failed to resolve the matter. • Consideration of any complaint raised outside this time limit will be at the discretion of the Chair of the Standards Committee (or their nominee).
<p>How many meetings may be necessary?</p> <p>Preliminary meeting 1</p>	<ul style="list-style-type: none"> • The number of meetings held may vary according to the circumstances of the case and, in particular, the potential for resolution. <p>So the following is a guide only with the number of meetings/process suggested not being mandatory. It very much depends on what the parties agree. Subject thereto, the following is an example of what may happen in practice:-</p> <ul style="list-style-type: none"> • The Chair of the Standards Committee (or their nominee) will have a first meeting with the complainant, as described above, in order to receive necessary

	<p>information about the complaint and establish the desired resolution</p>
<p>Preliminary meeting 2</p>	<ul style="list-style-type: none"> • Similarly, a second meeting, with the respondent, will have taken place, as described above, to explain the complaint and confirm whether or not the respondent is willing to meet with the complainant and a member of the Standards Committee, to see whether it is possible to mediate a solution.
<p>Preliminary meeting 3</p>	<ul style="list-style-type: none"> • If the offer of mediation has been made and accepted, then the Chair of the Standards Committee (or their nominee) will meet with the respondent in order to discuss their response to the complaint/their point of view.
<p>Mediation meeting</p>	<ul style="list-style-type: none"> • The mediation meeting will take place between the complainant, the respondent, and the Chair of the Standards Committee (or their nominee). The purpose of the meeting will be to narrow down the issue/s in dispute and see if it is possible to reach an agreed resolution. • Further mediation meetings may take place if all parties are agreed that a further meeting or meetings are necessary/desirable and that there are reasonable prospects of achieving a resolution. • During the mediation meeting/s, and thereafter, the Chair of the Standards Committee (or their nominee) will not come to any view, apportion blame or make any findings. They may, however, make informal recommendations to the parties. Any such recommendations shall not be binding. • The Chair of the Standards Committee (or their nominee) will only facilitate a mediation meeting if they have already received training for this purpose and that the training they have received is current. • All the meetings shall take place in private. Discussions will remain confidential. • There will be no paperwork nor records retained after the completion of the mediation process. This applies equally to digital records. • There will be general feedback to group leaders, where both members concerned have agreed. Any feedback will be anonymous and will be focused on outcomes and good practice. Absolutely no sensitive information will be shared.

Footnotes:

1. There are several references in the LRP to the Chair of the Standards Committee (or their nominees). Nominees refer to lay members only. Elected members of the County Council, and co-opted members of the town and community councils, will not participate in the LRP mediation process.
2. As stated in the document, participation in the LRP is voluntary and the members concerned in any matter may withdraw from the process at any time; including where they have already given their consent/agreement to the mediation process. No inference may be taken from such a withdrawal.
3. Having been agreed by the group leaders, any changes to this LRP shall be made by the Monitoring Officer, but only after consultation and explicit agreement of all the group leaders.

DRAFT

Report to Group Leaders by the Standards Committee

The framework for conduct in public life, in Wales, consists of the ten following principles (derived from, and expanding upon, Lord Nolan's "Seven Principles of Public Life"):

- Selflessness
- Honesty
- Integrity and propriety
- Duty to uphold the law
- Stewardship
- Objectivity in decision-making
- Equality and respect
- Openness
- Accountability
- Leadership

Local Government and Elections (Wales) Act 2021

The above Act changes existing legislation to require that a leader of a political group must take reasonable steps to promote and maintain high standards of conduct by members of their group.

The duty does not make leaders of a political group accountable for the behaviour of their members, as conduct remains a matter of individual responsibility. However, it does mean that leaders must take positive steps to uphold high standards by members of their group.

The relevant draft guidance, issued to accompany the Act, suggests that the reasonable steps a group leader may take includes the following:-

- Demonstrating personal commitment to and attending relevant development or training around equalities and standards;
- Encouraging group members to attend relevant development or training around equalities and standards;
- Ensuring nominees to a committee have received the recommended training for that committee;
- Promoting civility and respect within group communications and meetings, and in formal Council and committee meetings;
- Promoting informal resolution procedures in the Council, and working with the Standards Committee and Monitoring Officer to achieve local resolution;
- Promoting a culture within the group which supports high standards of conduct and integrity;
- Attending a meeting of the Council's Standards Committee, if requested, to discuss Code of Conduct issues;
- Working to implement any recommendations from the Standards Committee about improving standards;
- Working together with other group leaders, within reason, to collectively support high standards of conduct within the Council.

The purpose of the new duty is to build on and support a culture which is proactive, acts on and does not tolerate inappropriate behaviour.

What the Council is doing

Enquiries have been made of the Wales Local Government Association (WGLA) about any resources which may be available to assist the Council in supporting group leaders with their additional responsibilities.

The WGLA has informed us that there are no plans to provide training, or resources, on these duties.

The Council does, though, provide the following assistance:

- Regular meetings are held between members of the Standards Committee and group leaders to discuss standards issues. The last meeting was held on 15 September 2022.
- Code of Conduct training is offered to all members and is available at <https://ynysmon.learningpool.com/login/index.php>
- The Constitution, which the Council has adopted, contains the [Relationship Protocol for Members and Officers](#), which seeks to encourage appropriate relationships between officers and members
- All members are legally required to sign up to the Members' Code of Conduct upon being elected.
- Members of the Standards Committee are also available to advise group leaders on any Code of Conduct issues.
- There is a standing item on the Standards Committee agenda about reports of breaches of the Code of Conduct within Wales and any sanctions imposed by local standards committees or the Adjudication Panel for Wales.
- A newsletter including links to these reports is sent to every member of the Council by the Standards Committee after every meeting of the Committee.
- Opportunities for all members to undergo a personal development review and support for all members to publish an annual report of their activities and training/development.
- A new Local Resolution Protocol (LRP) has been developed and is being discussed by the Standards Committee and group leaders. The LRP will be the cornerstone of the standards regime, with Richard Penn, in his report to Welsh Government recommending that every council operate an LRP to help 'nip any low level complaints or concerns in the bud'.

Recommendation

The group leaders are asked to consider this report and what, if any, further support they require to assist them in effectively undertaking their new statutory duty.