

## Appendix 2 IRP - Herefordshire Council

# **Informal Resolution Protocol (IRP) for Herefordshire Council**

Herefordshire Council wishes to use this IRP as a first step in trying to resolve any disputes or disagreements between Members which may amount to a breach of the Code of Conduct.

The Council has determined that any complaint by member against a Member of Herefordshire Council under the Code of Conduct shall not be accepted by the Council until the terms of this IRP has been complied with.

The Audit & Governance Committee of the Council has delegated authority to determine and vary the IRP. The Monitoring Officer (MO) is delegated by Audit & Governance Committee with all decision making as required by the operation of the IRP.

### **The Scope of the IRP**

#### **Issues which should be considered under this process**

Low level minor complaints about Members, including:

- Minor complaints from Members about other Members ('the accused Member');
- Minor complaints from the public about accused Members, where Herefordshire Council has received a complaint from the public and such member of the public has agreed to use this protocol; and
- Minor complaints from council Officers about accused Members (where the Officer has agreed to use this IRP).

Minor complaints are not prescriptive but includes where accused Members are alleged to have not shown respect and consideration for others – either verbally or in writing – or where the outcome or sanction would be as described in the paragraph 'Possible results of the process'.

#### **Issues which should not be considered under this process**

Complaints which must be directed to the MO, including:

- Complaints *of a significant nature* (not a minor complaint) instigated by a member of the public;
- Serious complaints/breaches of the Code of Conduct/failure to disclose interests at meetings/bullying/abuse of position or trust/repeated breaches of the Code of Conduct;
- Vexatious, malicious or frivolous complaints (such will also be rejected by the MO)
- Members' complaints about officers which should be dealt with using the Council's internal complaints process
- Repetitive low-level complaints

Any matter received by the MO which is considered to be a minor complaint will be referred to the appropriate Group Leaders.

### **The Process**

### The complaint

The complaint would need to be sent to the appropriate Group Leaders of the respective parties involved to undertake a first sift to ensure that the complaint is a minor complaint and should not be dealt with by way of a complaint to the MO.

If appropriate, therefore, the Group Leaders should firstly seek an early resolution of any such dispute by liaising informally with the individuals concerned. It is vitally important 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.

If the complaint involves a member who is not part of a group, the complaint would be sent directly to them (if they are the accused Member).

### Resolution Process

The involvement of the Group Leaders of the Council in the following process is not to adjudicate on the complaint, but to attempt to get the members/officers/member of the public involved to come to an agreement as to how the issue(s) could be resolved on an amicable basis. The outcome of any resolution is therefore by agreement.

The Group Leaders will act as a facilitator for the resolution process below. If the complaint involves a member, who is not part of a group, they may nominate another member to facilitate the resolution process.

If the complaint is between Members other than the Group Leaders the appropriate Group Leaders from each respective group will meet individually with the complainant and the accused Member to seek an agreed resolution.

If the complaint is between Members, one of whom is a Group Leader, an alternative member of their group may be nominated and will meet with the complainant and accused Member to seek an agreed resolution.

If the complaint has been made by an officer/employee against a Member other than a Group Leader the appropriate Group Leader 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, against a Group Leader, an alternative member of their group may be nominated and will meet with the officer and the Group Leader to seek an agreed resolution.

In respect to the resolution process, 'meet' shall be as determined appropriate by the Group Leaders and could include a meeting in person, by phone, electronic meeting or exchange of correspondence.

### Possible results of the process

If an agreement is reached by Members and/or officers, then no further action is required.

If agreement cannot be reached or the agreed outcome not performed, then the aggrieved Member/officer would always have the opportunity of referring the matter to the MO.

Examples of agreements might include:

- issue 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 of 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 the meetings.

#### Important Points to Note in preparing a process for use by Group Leaders.

The Group Leaders of Herefordshire Council should consider receiving appropriate training in facilitation and mediation to be in a position to maximise the benefit of this process.

It is suggested that any meetings held with a view to discussing the issues of complaints and/or resolving matters are at the very least minuted, if not 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 MO. It may also be useful as evidence in the event of further similar breaches of the conduct and future conduct.

#### Group Leaders powers in respect of code of conduct matters.

It would not be appropriate for Group Leaders or a nominees to formally investigate a Code of Conduct complaint or decide that there has been a breach or to consider the issue of sanction/censure. They are there to offer support and guidance to the relevant Members only.

#### Herefordshire's Code of Conduct arrangements

No complaint under Herefordshire Council's Code of Conduct arrangements will be accepted from a complainant about an accused Member unless this IRP has been followed.

Where this IRP has been unsuccessful (where no agreement between the complainant and accused member has been reached), the Group Leaders should direct the complainant to the MO. No referral shall be made or accepted by Herefordshire Council if the complainant has refused to engage with the IRP.