



Bishopstoke Parish Council

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**Members of the People Committee are summoned to attend a meeting on
Tuesday 25th October at 7:00pm at Bishopstoke Methodist Church, Sedgwick Road.
This meeting is open to the public.**

AGENDA

PUBLIC SESSION

1. Apologies for Absence
2. To adopt and sign Minutes of the Human Resources Committee meeting held on 4 July 2022
3. Declarations of Interest and Requests for Dispensations
4. To receive an update on staff appraisals
5. To discuss, amend if necessary, and adopt the Vexatious Complaints policy
6. Date, time and place for next meeting

D L Wheal
Clerk to Bishopstoke Parish Council
19th October 2022

**Minutes of a Meeting of the Human Resources Committee
held at Bishopstoke Methodist Church
commencing at 7:00pm on 4 July 2022**

Present: Cllrs R Dean (Chair), A Dean, Hillier-Wheal and Tidridge (from para 4)

In Attendance: Mr D Wheal (Clerk to Bishopstoke Parish Council)

Public Attendance: 1 member of the public was present.

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Public Session

1 Apologies for Absence

1.1 All Committee members were present.

2 To adopt as a true record, and sign, the Minutes of the Human Resources Committee meeting held on 1 March 2022

2.1 The Minutes of the above meeting had been circulated prior to the meeting.

2.2 Proposed Cllr R Dean, Seconded Cllr A Dean, **RESOLVED** that the minutes of the Human Resources Committee meeting held on 1 March 2022 be adopted as a true record.

3 Declarations of Interest and Requests for Dispensations

3.1 None declared or requested.

Cllr Tidridge arrived at this point

4 To recommend adoption of the Human Resources Committee Terms of Reference

4.1 The Terms of Reference had been circulated with the papers for the meeting.

4.2 The Committee discussed the role of the Committee in appointing new members of staff and felt that it would be appropriate for them to have a lead role in both agreeing the job specifications, conducting the interviews and making the appointment, and that these should be included in the delegated responsibilities of the Committee. The Committee also felt they should take a role in overseeing the general productivity and efficiency of the Council and asked for the additional responsibility of conducting an annual review of the Council's requirements and the subsequent roles assigned to its officers. Finally, the Committee agreed that the Committee should be renamed the People Committee.

4.3 Proposed Cllr R Dean, Seconded Cllr Tidridge, **RECOMMENDED** unanimously that the Council adopt the Terms of Reference, amended to include responsibility for the appointment of staff and for annually reviewing the requirements of the Council and adjusting officer roles accordingly, and that the Committee be renamed the People Committee.

5 To discuss, amend if necessary, and recommend the Council Mission Statement and Objectives

5.1 The Mission Statement and Objectives had been included with the papers for the meeting.

5.2 Proposed Cllr A Dean, Seconded Cllr R Dean, **RECOMMENDED** unanimously that the Council approve the unchanged Mission Statement and Objectives.

6 To discuss, amend and recommend the details of the current officer vacancy

6.1 The recommended details for the vacancy to be filled had been circulated with the papers for the meeting.

6.2 The Committee discussed the increase in staffing levels over the past six years and the potential impact of additional employees on Council Tax. The Clerk noted that the increase had allowed the Council to make improvements in a number of areas and also to bring the Council more into compliance with current requirements. The Clerk reminded the Committee that the need for an additional staff member had been identified in the previous year and provision had been included in the budget for an additional 15 hours per week, so there would be no impact on Council Tax from this proposed role. Finally, the Clerk noted that the scope of the proposed role included the vacancy created by the resignation of the current Cemeteries Officer and also the various inspections the Council is expected to undertake of its Assets as this has been identified as a weakness within the current structure.

6.3 The Committee noted that not all applicants would have taken GCSEs and requested that the Person Specification be amended to expect GSCE level 4 (or equivalent qualifications) in Maths and English. The Committee also requested that experience in admin be added to the Person Specification. Finally the Committee requested that the job title be changed to Assets Officer.

6.4 Proposed Cllr R Dean, Seconded Cllr Hillier-Wheal **RECOMMENDED** unanimously that the Council approve the job details as amended and advertise the vacancy as soon as possible.

7 Date, time, place and agenda items for next meeting

7.1 The next meeting of the Human Resources Committee is expected take place at 7:30pm on Tuesday 25th October at the Bishopstoke Methodist Church. These details are subject to change.

There being no further business, the Chair closed the meeting at 7:45pm

Chair's Signature: _____ Date: _____

Clerk's Signature: _____ Date: _____

People Committee - Staff Appraisal Update

25th October 2022

The staff appraisal process has previously been conducted in September and October to allow the recommendations to be considered by the relevant group or committee and their subsequent approval (or otherwise) at Full Council in time for their inclusion in the budget.

Last year this timetable was not followed as the Clerk's appraisal did not take place until February. However this did not disrupt the Council's plans for the year as the budget had been prepared to include the potential salary increases that resulted from the process.

This year it has also not been possible to follow the usual timetable for reasons of workload, staff changes and circumstance.

One member of staff has left. Their replacement began working for the Council in September and so there is little point in subjecting them to an October appraisal. Another member of staff is unable to progress further up their pay scale. To the best of my knowledge the Clerk's appraisal has not yet commenced.

It would seem sensible then to repeat the precedent set last year and conduct the appraisals in late January / early February. Recommendations would then be considered at the February meeting of the People Committee and go on to be approved in the March Full Council meeting in time for implementation on 1st April. Anticipated scale point rises would be included in the budget calculations and in the event they do not happen then the money would remain available for other purposes (e.g. overtime).

With reference to the Clerk's appraisal and targets, it proved impossible to remove the Clerk from the general business of the Council for two weeks in August as hoped. It is anticipated that this will now take place in the first two weeks of December. The planned Project Management course has been delayed until approval of sufficient funds for the course can be agreed but once this has been approved then the course should be relatively quick to undertake and complete.



Bishopstoke Parish Council

Listening to you

BISHOPSTOKE PARISH COUNCIL

VEXATIOUS COMPLAINTS POLICY

**This Policy was adopted
by the People Committee at its meeting on dd mmm yyyy**

D Wheal

Clerk to Bishopstoke Parish Council

**BISHOPSTOKE PARISH COUNCIL
VEXATIOUS COMPLAINTS POLICY**

Amendment Sheet

Amendment No.	Date Incorporated	Subject
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DRAFT

VEXATIOUS COMPLAINTS POLICY

1 Introduction

- 1.1 Dealing with a complaint is a straightforward process but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the council. This can happen either while their complaint is being investigated, or once the council has finished dealing with the complaint.
- 1.2 Bishopstoke Parish Council is committed to dealing with all complaints equitably, comprehensively, and in a timely manner.
- 1.3 We will not normally limit the contact which complainants have with council staff or offices.
- 1.4 We do not expect Councillors or staff to tolerate unacceptable behaviour by complainants, or any customer. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:
 - 1.4.1 Using abusive or foul language on the telephone, face-to-face, by letter. Fax, email, text, etc.
 - 1.4.2 Any form of intimidating or threatening behaviour.
 - 1.4.3 Sending multiple emails.
 - 1.4.4 Leaving multiple voicemails.
- 1.5 We will take action to protect staff and Councillors from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy.
- 1.6 Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to the complaint being regarded as vexatious.
- 1.7 Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled unreasonably persistent.

2 Aim of this Policy

- 2.1 The aim of this policy is to contribute to our overall aim of dealing with all complaints in ways which are demonstrably consistent, fair and reasonable.
- 2.2 It sets out how we will decide which complaints will be treated as vexatious or unreasonably persistent, and what we will do in those circumstances. The policy is for the information of staff, Councillors and customers.

3 Definitions

- 3.1 We have adopted the Local Government Ombudsman's (LGO) definition of "unreasonable complainant behaviour" and "unreasonable persistent complaints".

- 3.2** We define unreasonably persistent and vexatious complaints as those which, because of the frequency or nature of the complainant's contacts with the council, hinder our consideration of their or other people's complaints. The description "unreasonably persistent" and "vexatious" may apply separately or jointly to a particular complaint.
- 3.3** Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of our decision about the complaint.
- 3.4** Features of an unreasonably persistent and/or vexatious complaint include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the complaint and the person making it will be considered as being in this category):
- 3.4.1** There are insufficient or no grounds for the complaint and it is made only to annoy (or for reasons that the complainant does not admit or make obvious).
- 3.4.2** There are no specified grounds for the complaint.
- 3.4.3** The complainant refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- 3.4.4** The complaint is about issues not within the power of the Parish Council to investigate, change or influence (examples could be a complaint about a private car park, or something that is the responsibility of another organisation) and where the complainant refuses to accept this.
- 3.4.5** The complainant insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint or insisting the complaint is only dealt with by the Chair).
- 3.4.6** There appears to be groundless complaints about the staff or Councillors dealing with the complaints, and an attempt to have them dismissed or replaced.
- 3.4.7** There is an unreasonable number of contacts with the Parish Council, by any means, in relation to a specific complaint or complaints.
- 3.4.8** There are persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls, texts, emails, etc).
- 3.4.9** Attempts to harass, verbally abuse or otherwise seek to intimidate staff or Councillors dealing with their complaint by use of foul or inappropriate language or by the use of offensive or discriminatory language.
- 3.4.10** Subsidiary or new issues are raised whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process.
- 3.4.11** Trivial or irrelevant new information is introduced whilst the complaint is being investigated and an expectation that this to be taken into account and commented on.
- 3.4.12** There is a change to the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
- 3.4.13** The complainant denies statements he or she made at an earlier stage in the complaint process.

3.4.14 The complainant electronically records meetings and conversations without the prior knowledge and consent of others involved.

3.4.15 The complaint is the subject of an excessively “scattergun” approach; for instance, the complaint is not only submitted to the council, but at the same time to a Member of Parliament, other councils, elected councillors of this and other councils, the council’s independent auditor, the Monitoring Officer or Standards Committee, the police, solicitors, and/or the Local Government Ombudsman.

3.4.16 The complainant refuses to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.

3.4.17 The same complaint is made repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and where the complainant insists that the minor differences make these 'new' complaints which should be put through the full complaints procedure.

3.4.18 The complaint remains “active” through the complainant persisting in seeking an outcome which we have explained is unrealistic for legal, policy or other valid reasons.

3.4.19 Documented evidence is not accepted as factual by the complainant.

3.4.20 The complaint relates to an issue based on a historic and irreversible decision or incident.

3.4.21 The complaint combines some or all of these features.

4 Imposing restrictions

4.1 The Parish Council will ensure that the complaint is being, or has been, investigated properly according to the corporate complaints procedure.

4.2 In the first instance the Clerk investigating the complaint will consult with their Chair, or the Vice Chair in their absence, prior to issuing a warning to the complainant. The Clerk will contact the complainant either in writing or by email to explain why this behaviour is causing concern and ask them to change this behaviour. The Clerk will explain the actions that the Parish Council may take if the behaviour does not change.

4.3 If the disruptive behaviour continues, the Clerk will issue a letter or email to the complainant advising them that the way in which they will be allowed to contact the Parish Council in future will be restricted. The Clerk will inform the complainant in writing of what procedures have been put in place and for what period, either in this letter or a subsequent letter. The Clerk can consult with the Monitoring Officer or other member of the Parish Council’s legal team if they so wish.

4.4 Any restriction that is imposed on the complainant’s contact with the Parish Council will be appropriate and proportionate, and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

- 4.5** Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:
- 4.5.1** Banning the complainant from making contact by telephone except through a third party e.g., solicitor/councillor/friend acting on their behalf.
 - 4.5.2** Banning the complainant from sending emails to individual Councillors and/or all council officers and insisting they only correspond by letter.
 - 4.5.3** Requiring contact to take place with the Clerk only.
 - 4.5.4** Restricting telephone calls to specified days / times / duration.
 - 4.5.5** Requiring any personal contact to take place in the presence of an appropriate witness.
 - 4.5.6** Letting the complainant know that the Parish Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff will be identified who will read future correspondence).
 - 4.5.7** Informing the complainant that any further complaints from him or her will only be considered if a Clerk agrees that it warrants investigation.
- 4.6** When the decision has been taken to apply this policy to a complainant, the Clerk will contact the complainant in writing to explain:
- 4.6.1** Why the Parish Council has taken the decision.
 - 4.6.2** What action the Parish Council is taking.
 - 4.6.3** The duration of that action.
 - 4.6.4** The review process of this policy, and the right of the complainant to contact the Local Government Ombudsman about the fact that their complaint has been treated as a vexatious/persistent.
- 4.7** The Clerk will enclose a copy of this policy in the letter to the complainant.
- 4.8** Where a complainant continues to behave in a way which is unacceptable, the Clerk may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.
- 4.9** Where the behaviour is so extreme, or it threatens the immediate safety and welfare of staff or Councillors, the Parish Council will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the Parish Council may not give the complainant prior warning of that action.
- 4.10** The Parish Council does not have a legal duty to respond to those members of the public who are not Bishopstoke parishioners. The Bishopstoke Parish Council will consider this fact when receiving complaints or communications as described in policy in terms of whether they are or are not a parishioner of Bishopstoke.

5 New complaints from complainants whose previous complaints have been treated as abusive, vexatious or persistent

- 5.1** New complaints from people who have come under this policy will be treated on their merits. The Clerk will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. The Parish Council does not support a “blanket policy” of ignoring genuine service requests or complaints where they are founded.
- 5.2** The fact that a complaint is judged to be unreasonably persistent or vexatious, and any restrictions imposed on contact with the complainant will be recorded and notified to those who need to know within the Parish Council.

6 Record Keeping

- 6.1** Adequate records will be retained by the Clerk along with the details of the case and the action that has been taken. This will include:
 - 6.1.1** The name and address of each customer who is treated as abusive, vexatious or persistent.
 - 6.1.2** When the restriction comes into force and ends.
 - 6.1.3** What the restrictions are.
 - 6.1.4** When the customer and officers were advised.
- 6.2** The complainant will be advised in the communication of the intention to keep the information as per GDPR Regulations.