



## LONDON COLNEY PARISH COUNCIL

To: Councillor H Pakenham (Chair), M MacMillan, N Mahony and L Winstone

2 March 2021

You are hereby summoned to attend a **HUMAN RESOURCES COMMITTEE** meeting to be held on **TUESDAY 9 MARCH 2021, 3PM TO BE HELD VIRTUALLY**

Join Zoom Meeting

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**Emma Payne**  
Clerk

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## AGENDA

- 1. APOLOGIES**
- 2. DECLARATION OF INTERESTS**  
To receive members declarations of interest in items on the agenda.
- 3. MINUTES**  
To approve the minutes of the meeting held on 17 February 2021.

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Caledon Road, London Colney AL2 1PU  
Tel 01727 821314 Web: [www.londoncolney-pc.gov.uk](http://www.londoncolney-pc.gov.uk)



**4. STAFF MATTERS (NON-CONFIDENTIAL)**

**4.1 Furlough**

To consider the extension of furlough for the relevant staff.

**4.2 Training and Development Policy**

To review the Council's policy for training and development of Members and Officers

**4.3 Member/Officer Protocol**

To review and adopt a Member/Officer Protocol

**4.4 Unreasonable Complainant Policy**

To review and adopt the updated Unreasonable Complainant Policy

**5. CONFIDENTIAL ITEMS**

To resolve to exclude the Press and public from the following items in accordance with the Public Bodies (Admissions to Meetings) Act 1960.

5.1 Staff Salaries 2019/20 & Clerk's Pension

5.2 Staff Review (verbal report)

**6. DATE OF NEXT MEETING**

25 May 2021 (provisional date)

**COLNEY PARISH COUNCIL  
MINUTES OF HUMAN RESOURCES COMMITTEE MEETING  
WEDNESDAY 17 FEBRUARY 2021, 6PM  
HELD VIRTUALLY**

**PRESENT:** Councillors H Pakenham, D Gordon (substituting for N Mahony), M MacMillan & L Winstone

**IN ATTENDANCE:** E Payne, Clerk

**1. APOLOGIES**

Apologies were received from Cllr Mahony who was substituted for by Cllr Gordon.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest received.

**3. MINUTES FROM THE PREVIOUS MEETING**

The minutes of the previous meeting held on 26 January 2021 were adopted as a true record of the meeting.

**4. CONFIDENTIAL ITEMS**

To resolve to exclude the Press and public from the following items in accordance with the Public Bodies (Admissions to Meetings) Act 1960

**4.1 Vexatious Complainant**

Members received a confidential report which outlined the Clerk's actions regarding a Vexatious Complainant. Members were advised that the Clerk had followed the adopted policy, in consultation with the Chair and Vice Chair and that this course of action was being reported to the HR Committee as detailed in the policy. Members considered that the Unreasonable Complainant Policy should be updated to include three steps of the procedure: 1) verbal warning to the complainant; 2) meeting between both parties and lastly, 3) a written warning. All Members should be informed if this policy was triggered and what action had been taken. It was **RESOLVED** that:

***The policy will be revised and adopted at the next HR Committee meeting scheduled for 9 March 2021.***

**4.2 Member/Officer Protocol**

Following on from discussion on the Vexatious Complainant incident, and addressing Members' concerns, the Clerk will draft a Protocol for the next Meeting, laying out a procedure on the way in which Members' queries should be raised directly with the Chair of the Council.

**5. DATE OF NEXT MEETING**

9 March 2020.

The meeting closed at 1840

Signed: ..... Date: .....

## **LONDON COLNEY PARISH COUNCIL**

**COMMITTEE: HUMAN RESOURCES**

**DATE: 9 MARCH 2021**

**REPORT BY: EMMA PAYNE, CLERK**

**SUBJECT: FURLOUGH**

### **1. SUMMARY**

To consider the extension of the furlough scheme to the relevant staff following the latest announcement in the budget that the scheme would be extended until the end of September 2021.

### **2. RECOMMENDATION**

Members are asked to give delegated authority to the Chair of the Human Resources Committee, in consultation with the Clerk, to furlough staff as and when required. Any decisions will be reported to the next available HR Committee.

### **3. BACKGROUND**

3.1 The furlough scheme has been operational since March 2020 when the pandemic caused a national lockdown.

3.2 The parish council have taken advantage of the scheme to offset the loss of income from hires and have furloughed those staff that are directly employed in areas where the pandemic has most affected the council's operation.

3.3 As of 1/3/2021 the following positions are furloughed:

- Bar Manager
- Cleaner
- Weekday Caretaker
- 2 x Cooks

3.4 The cleaner will be brought back from furlough when the sports bookings recommence on 29 March 2021. The caretaker will be part furloughed when the community centre reopens to children's activities on 12 April 2021, and then subsequently on 17 May when other activities can recommence. These dates are dependent on the latest government advice.

### **4. FINANCE**

4.1 Furlough is currently paid at 80% of the staff's salary level.

4.2 The announcement at the budget on 3 March 2021, indicated that employers would be expected to contribute 10% towards the hours that staff do not work in July, increasing to 20% in August and September.

4.3 To date (28/2/21), the Council has received £13,256 in furlough payments from HMRC.

**5. IMPACT ASSESSMENT**

Strategic Plan	N/A
Equalities	All staff must be treated in accordance with Equality Act
Environmental/Sustainability	N/A
Crime & Disorder	N/A
Financial	Furlough payments offsets loss of income from hires.
Resources (including workforce)	Has direct effect on staff resources
Risk Management	N/A

## LONDON COLNEY PARISH COUNCIL

**COMMITTEE: HUMAN RESOURCES COMMITTEE**

**DATE: 9 MARCH 2021**

**REPORT BY: EMMA PAYNE, CLERK**

**SUBJECT: TRAINING AND DEVELOPMENT POLICY**

### 1. SUMMARY

This policy was adopted by the Council in March 2019 and is due to be reviewed by this committee.

### 2. RECOMMENDATION

Members are asked to adopt the attached policy.

### 3. BACKGROUND

- 3.1 The Council should ensure that training is available to both Members and Officers to fulfil their respective roles.
- 3.2 Members' training is predominantly offered through membership of HAPTC/NALC. They offer courses on a variety of subjects, including chairing meetings and planning matters. Other courses are available through partnership working with the District Council. District Councillors also receive training to support their role as a ward member and any relevant committees that they sit on.
- 3.3 Officer training needs are identified, but not exclusively, as part of their annual appraisal and these needs are reported to this committee. Appraisals were not undertaken during 2020 due to the difficulties of operating in the pandemic. They are being undertaken in March/April 2021 and any identified training needs will be reported to this committee.
- 3.4 Some of the training undertaken by staff is a legal requirement of their role e.g., food hygiene, manual handling. Other training courses are relevant to the individual role of the officer e.g., allotment training for the Administration Officer.
- 3.5 All staff recently undertook Health and Safety Training when the Council adopted their new Health & Safety Policy. The Grounds Maintenance Manager will be undertaking Manual Handling Training, which is a legal requirement (Manual Handling Operations Regulations 1992)
- 3.4 Training undertaken during 2020/21 includes:

Officer/Member	Training Course	Training Provider
Administration Officer	Allotment Training	HAPTC
Clerk	Declaring a Climate Emergency	SLCC
	Creating Accessible Documents for Websites	SLCC

	Virtual National Conference	SLCC
Finance Officer	VAT For Councils	HAPTC
	End of Year	Scribe Accounts
Community & Events Officer	Effective Communications and Engagement with Residents	HAPTC
	Mapping software	Parish Online
	Social Media Training to Enhance Your Council's communication with residents	HAPTC
	Effectives Comms and Engagement in a Lockdown World	HAPTC
Groundsman	PA1/PA6 Spray	Keits
Cllrs Gordon, Lillico, Pakenham, with NP Officer and Clerk	Neighbourhood Plan Training	James Parker via HAPTC

3.5 In addition, the Clerk regularly attends SLCC branch meetings and there has been a regular Zoom meeting with Clerks, organised by HAPTC, which has included free to attend training on a variety of subjects including Parish Online mapping software, FOI requests etc.

3.6 The delivery of training course has changed since the arrival of the pandemic and most training is now available via virtual platforms. This meant that training is more readily available and is often cheaper consequently. It is also more environmentally friendly to undertake virtual training, and more time efficient with no travelling to venues.

#### 4. FINANCE

4.1 There is a budget for training:

100/4045	Councillor training	£500
100/4030	Staff training	£500

#### 5. IMPACT ASSESSMENT

Strategic Plan	Demonstrates a forward-thinking council.
Equalities	Ensures Council complies with Equality Act
Environmental/Sustainability	N/A
Crime & Disorder	N/A
Financial	N/A
Resources (including workforce)	Investment in workforce and Members
Risk Management	Relevant training reduces risk



## **LONDON COLNEY PARISH COUNCIL**

### **TRAINING & DEVELOPMENT POLICY**

London Colney Parish Council is committed to the ongoing training and development of all Councillors and employees. The Council wants to ensure that staff and Members are provided with the means to develop and enhance their skills and abilities to deliver high quality services, along with management skills to manage and plan those services and to be kept informed of new legislation.

The purpose of this policy is to encourage Members and staff to undertake appropriate training, ensure necessary training is undertaken, allocate training in a fair manner and to ensure that all training is evaluated to assess its value.

The Council will commit to:

- Develop employees and Members to achieve the objectives of the Council.
- Regularly review the needs of, and to plan training and development for employees and Members.
- Regularly evaluate the investment in training and training budgets

#### **Identification of Training Needs**

There are various circumstances in which training needs may arise such as:

- Induction training
- Legislative requirements i.e., first aid, fire safety, manual handling
- Changes in legislation
- Changes in internal systems
- New or reviewed qualifications become available
- Accidents
- Professional error
- Introduction of new equipment
- New working methods or practices
- Complaints to the Council
- A request from a member of staff or Councillor
- Devolved services/delivery of new services

#### **Officers**

An employee who feels they have a training need should in the first instance, discuss this with their line manager. Similarly, if it is felt that an employee needs training, the line manager will discuss this with the employee. Training needs should not be left to be identified during the annual appraisal process they may arise at any point of the year and should be addressed as soon as possible. That said, training needs will be considered at each appraisal meeting.

The training need will be reviewed and assessed against the objectives of the Council, the responsibilities of the role and the development of the employee.



The current or any new Clerk to hold CiLCA or equivalent. The Clerk to be a Member of the Society of Local Council Clerks with training provided no less than the minimum requirement of Continuous Professional Development (5 points).

## **Members**

A Members folder will be provided for all newly elected Members setting out the Council's policies and procedures including Standing Orders and Financial Regulations.

If a Councillor feels they have a training needs, they should discuss this in the first instance with the Clerk. They will be able to assess the request and ascertain whether this is something that all Councillors may be interested in/benefit from undertaking.

The Council will undertake a training needs analysis with Councillors soon after each Annual Meeting of the Council in May. This will encourage councillors to look at any personal development areas or knowledge gaps as a councillor that they wish to address and importantly, consider any training needs they feel they may have with regards to Committees they are member of following the Annual Meeting. This is particularly important with regards to the Human Resources and Finance Committees. On completing the training needs analysis, the results will be collated and reviewed by the Clerk. Steps will then be taken by arrange any training required.

## **Training Methods**

There are different ways in which training, and development can be achieved:

- Internally - If training can be given utilising the in-house expertise and knowledge, this possibility will be explored. This often includes general IT training, training of specific work procedures or Council specific practices and legislation.
- Partnership - The Council is often offered to attend training sessions being organised by St Albans City & District Council
- Day Workshops/Seminars - When Council officers receive information on workshops and seminars, this is shared with employees and Councillors, where relevant
- Conferences - Details of conferences are shared with employees and Councillors, again where relevant. Occasionally the Council has nominated representatives that are invited to attend, such as SADC's Parish & Town Council conference, or Community Conference.
- Professional Qualifications - Training towards a professional qualification will often be sourced from an external provider and completed at a local training establishment.

External Training Providers - There are numerous trainers available. When sourcing training from an external provider, the Council will also seek to obtain the best price and where possible, from a nearby location. This may involve working with other local Councils to pool together to organise relevant training.

## **Financial Implications**

Each year, as part of the annual budget setting process, the Council will include a training budget for employees and Councillors. When calculating this, any training needs identified in the annual appraisal process and councillors training needs analysis will be taken into consideration.

All sponsored training must be appropriate to the needs of the Council and is subject to the availability of financial resources.

For approved courses, the Council will cover the course fee, examination fees, associated membership fees and one payment to re-take a failed examination. Employees or Councillors attending training outside of London Colney, may submit an expense claim to cover travel costs to and from the venue. Where practical and possible, if there is more than one attendee from the Council, car-pooling or shared travel arrangements should be made.

### *Recouping Costs*

It is standard practice that where the Council is covering the costs of an employee's training course or qualification, (this being a course or qualification rather than a one-day course or workshop), a written agreement will be made that if the employee leaves the Council's employ during a set period of time during or having completed the course, the employee will be expected to reimburse the Council as per the agreement. This does not apply to employees in apprenticeship positions.

## **Time Off Work**

The Council will grant paid time off work for one off training courses lasting one day or less, providing these are approved with the line manager. Where a training course or workshops falls on an employee's non-working day, time off in lieu (TOIL) may be accrued for hours in attendance at the training.

An employee undertaking a longer training course or qualification will be required to use TOIL to cover these absences, the only exception here is with NVQ qualifications for trainees sponsored by the Council or which paid leave from work will be granted, provided this is approved in advance by the Clerk.

Where an employee requires time off work for an exam or study leave prior to an exam, the Council will be flexible to ensure this time off can be granted using either TOIL or annual leave, providing adequate notice is given by the employee.

## **Evaluation**

It is vital that any training undertaken is evaluated for effectiveness. Except for internal/on the job training, upon completing a training session/course/workshop, the employee or Councillor should complete a Training Evaluation Form and return this to the Clerk.

Report forms will be reviewed and collated annually as part of a report to the Human Resources Committee.

The completion of these forms will also help assess whether the training is suitable for another individual at a future date and helps ensure any key points taken from the training are learned and/or acted on.

### **Record Keeping**

Each employee and Councillor have a Training Log which is held securely by the Clerk. This log should be updated with any training undertaken. Copies of any attendance or qualification certificates should also be given to the Clerk to be held with these records.

These records will be kept in accordance with the Council's Document Retention policy, after which they will be disposed of as confidential waste.

## LONDON COLNEY PARISH COUNCIL

**COMMITTEE:** HUMAN RESOURCES COMMITTEE

**DATE:** 11 MARCH 2021

**REPORT BY:** EMMA PAYNE, CLERK

**SUBJECT:** MEMBER/OFFICER PROTOCOL

### 1. SUMMARY

Members are asked to consider the attached Member/Officer Protocol which the Clerk was asked to investigate and draft at the last HR committee meeting.

### 2. RECOMMENDATION

Members are asked to recommend to Council that the attached Member/Officer Protocol is adopted.

### 3. BACKGROUND

- 3.1 It is good practice to outline the expectations of Members and Officers when it comes to a working relationship. This is equally relevant to newer and more experienced Members of the Council.
- 3.2 It outlines what Members should expect from Officers and vice versa. It also outlines what to do if Members are dissatisfied with the service they have received from an Officer.
- 3.3 The attached policy is based on best practice, derived from model documents available through SLCC/NALC and through researching other Council's protocols including Colney Heath Parish Council.
- 3.4 It is not intended to be prescriptive and can be open to interpretation.

### 4. FINANCE

There are no financial implications.

### 5. IMPACT ASSESSMENT

Strategic Plan	Demonstrates best practice and would count towards Local Council Award Scheme Foundation Level
Equalities	Ensures Members and Officers adhere to Equality Act.
Environmental/Sustainability	N/A
Crime & Disorder	N/A
Financial	N/A
Resources (including workforce)	Manages staff resources
Risk Management	Reduces risk by ensuring a good working relationship between Members and Officers, negating need for disciplinary action which may open the Council to risk.



## **LONDON COLNEY PARISH COUNCIL**

### **MEMBER/OFFICE PROTOCOL**

#### **1. INTRODUCTION**

- 1.1 Mutual trust and respect between Members and Officers is essential to ensure good governance and the effective running of the Council. The purpose of this protocol is to guide Members and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council and to satisfy the ethical standards required.
- 1.2 It is important that there is a written protocol which can cover the respective roles and responsibilities of the Members, the Clerk, and other Officers; the relationships between Members and Officers; how concerns can be raised and who is responsible for making decisions.
- 1.3 Given the variety and complexity of such relations, this protocol cannot be prescriptive or cover all eventualities. However, it does aim to be instructive and offer guidance on some common issues and provide points of principle that can be applied to other issues that may arise.

#### **2. ROLE OF MEMBERS AND OFFICERS**

- 2.1 Members and Officers depend on each other carrying out the work of the council.
- 2.2 Members are responsible to their electorate for so long as their term of office lasts and have a duty to act in the best interests of the electorate and the Council. Officers are responsible to the Council.
- 2.3 Members undertake many roles, broadly these are:
  - To determine Council policy and provide community leadership.
  - To monitor and review council performance in delivering services
  - To represent the council externally; and
  - To act as advocates for their constituents.
  - Expressing political values and supporting policies of the party or group to which they belong
- 2.4 Officers have the following roles:
  - Initiating policy proposals
  - Implementing agreed policy
  - Managing, and providing services and being accountable for the efficiency and effectiveness of the services provided
  - Providing professional advice to the Council, its various bodies, and individual members
  - Ensuring the Council always acts in a lawful manner.

### **3. EXPECTATIONS**

#### **3.1 All Members can expect:**

- A commitment from Officers to the Council as a whole, and not to an individual Member, group of Members or political group
- A working relationship
- Officers to understand and support respective roles, workloads, and pressures.
- A timely response from Officers to enquiries and complaints.
- Reports will always contain a recommendation unless the issue is clearly one where political judgement is required.
- An officer's professional advice not influenced by political views or personal preferences.
- Regular, up to date, information on matters that they reasonably be considered appropriate and relevant to their needs; having regard to any individual responsibilities or positions that they hold.
- Respect, courtesy, integrity, and appropriate confidentiality from Officers.
- Training and development opportunities to help them carry out their role effectively.
- Not to have personal issues raised with them by Officers outside the Council's agreed procedures.
- That Officers will not use their contact with Members to advance their personal interests or to influence decisions improperly.
- That Officers will comply with the relevant code of conduct.

#### **3.2 Officers can expect from Members:**

- A working partnership.
- An understanding of, and support for, respective roles, workloads, and pressures.
- Leadership and direction.
- Respect, courtesy, integrity, and appropriate confidentiality.
- Not to be bullied or put under undue pressure.
- That Members will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly.
- That Members will, at all times, comply with the Council's adopted Code of Conduct.

### **4. GENERAL PRINCIPLES**

4.1 Close personal relationships between Members and Officers can confuse their separate roles and get in the way of the proper conduct Council business. Special relationships between Officers with individuals or political groups should be avoided as it can create suspicion that an employee favours that Member or political group above others.

4.2 Members should not raise matters relating to the conduct or capability of officers at meetings held in public, or before the Press, as Officers have no means of responding to the same in public and such conduct would breach the trust and confidence the Officer is entitled to expect from the Council as their employer.

4.3 If any Member feels that they have not been treated with proper mutual trust, respect or courtesy, or has any concerns about the conduct or capability on officer, they should raise the matter, in private, with the Clerk. Should the officer in question by the Clerk, the matter should be confidentially brought to the attention of the Chair of the Council.

4.4 Members should be aware that Officers are constrained in the response they may make to public comment from Members and should not abuse officers in public or through the press

or not seek to undermine their position by abuse, rudeness or ridicule. In meetings, individual Chairmen should be aware of discussion which may become abusive towards an employee and must protect that employee.

- 4.5 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, photocopying, transport to members) is to assist them in discharging their role as members of the council. Such support services must therefore only be used on Council business. They should never be used in connection with political or campaigning activity.

## **5. CHAIRMAN/VICE CHAIRMAN, COMMITTEE CHAIRMAN – WORKING RELATIONSHIPS**

- 5.1 The Chairman/Vice Chairman and Committee Chairmen have additional responsibilities. These responsibilities mean that their relationships with Officers may be different and more complex than those of other Members. However, they must still respect the impartiality of Officers and must not ask them to undertake work of a party-political nature or to do anything which would prejudice their impartiality.
- 5.2 It is important that there is a constructive working relationship between these roles and Officers of the Council.
- 5.3 Although, wherever possible, Officers will consult with respective Members as part of the process of drafting agendas and reports for meetings, the Clerk has ultimate responsibility for the final content for that agenda because setting the agenda constitutes an effective act which cannot be delegated to any individual Member.
- 5.4 Officers are fully responsible for agendas and the contents of reports which are prepared in their name.
- 5.5 At some meetings, a resolution may be passed which authorises named Officers to take action between meetings, in consultation with the Chairman and/or specified Members(s). It must be recognised that it is the Officer, rather than the Chairman and/or Member(s) who takes the action and it is the Officer who is accountable for it.
- 5.6 Officers are solely accountable to the Clerk and whilst they can seek to assist Members, they must not, in doing so, go beyond the bounds of whatever authority they have been given.

## **6. POLITICAL GROUPS**

- 6.1 The operation of political groups is becoming more of a feature within Councils. Members are elected to serve their communities and should ensure that this is the guiding principle by which decisions are made. Party politics within a Council can pose particular difficulties for officers in terms of accountability. The Council remains their employer and staff, via the management structure, are answerable to the Council as a whole.
- 6.2 To be recognised as a political group it must contain two or more members and a request to be recognised should be made to the Clerk. If this request is in order, the Clerk will advise all members that a political group exists. In these circumstances, the Clerk will follow guidance on political groups from NALC and bring forward any proposed changes to Council.
- 6.3 Political groups have no power to require the Parish Clerk or any other officer to attend group meetings or to prepare written reports for them and officers can legitimately refuse to do so. Any decision to do so will be taken by the Parish Clerk alone. The Clerk and other

Officers are responsible to the Council as a whole and should not take action under instructions from any individual Member, even if they have been styled 'leader' of the Council.

- 6.4 If the council has adopted political groupings, officer should ensure that where any reports or advice are offered to a political group, the statements are of relevant facts with an appraisal of options and do not deal with the political implications of the matter or options or make any recommendations. It is not the role of officers to make recommendations to a political group.
- 6.5 If a report is prepared for one political group, the Clerk should advise all other political groups and individual Members that the report has been prepared or that advice was given.

## **7. ACCESS TO INFORMATION & ADVICE**

- 7.1 Members have a statutory right to inspect any Council document which contains material relating to the business which is to be transacted at a Council or other meeting. This right applies irrespective of whether the member is a member of the body which is meeting and extends not only to reports which are to be submitted to the meeting, but also to any relevant background documents. This right does not, however, automatically apply to background documents relating to certain items which may appear as an exempt item on the agenda for a meeting e.g., information relating to Officers or criminal investigations.
- 7.2 The common law right of Members is based on the principle that any Member has prima facie right to inspect Council documents as far as the access to the document is reasonably necessary to enable the Member properly to perform their duties as a Member of the Council. This principle is commonly referred to as the 'need to know' principle.
- 7.3 The exercise of this right depends, therefore, upon an individual Member being able to demonstrate that they have the necessary 'need to know'. In this respect, a member has no right to a 'roving commission' to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the 'need to know'.
- 7.4 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e., in connection with the proper performance of the Member's duties as a member of the council. This point is emphasised in the Code of Conduct.
- 7.5 Members must not disclose information given to them in confidence by anyone without the consent of the person authorised to give it, or unless they are required to do so. Equally, Members should not prevent other persons from gaining access to information to which those persons are entitled by law.
- 7.6 In order to safeguard against breaches of Data Protection legislation, Members should always seek advice from the Clerk before disclosing confidential information. Generally, personal information cannot be released without the consent of the person to whom it relates. Improper disclosure of confidential information can put the Member and the Council at legal and financial risk.
- 7.7 Regular contact between Members and senior Officers is necessary to ensure the efficient working of the Council and should occur on a planned and reasonable basis in order that it is constructive and not destructive to the ability of Officers to perform their duties on behalf of the Council. Planned appointments, where meetings are needed to further the interests of the Council, are the best way of arranging contact between Members and Officers. This protects the interests of the Council and its employment responsibilities by ensuring that the



ability of the Officer to carry out the work of the Council is not impeded and to ensure that the Officer can set aside an appropriate amount of time to meet with a concentrate on a Member of Group of Members.

## **8. CORRESPONDENCE**

- 8.1 Correspondence between an individual Member and Officer may be copied to others with a relevant interest at the Officer's discretion unless it has been marked 'confidential'.
- 8.2 Where correspondence from a Member relates to Council policy or the interpretation of Council policy, a copy should be sent to the Chair/Vice chair and the Clerk.
- 8.3 Under no circumstances should silent or bcc copies be made available to a third party and copies should only be sent to third parties with the express permission of the individuals concerned.
- 8.4 Official letters on behalf of the Council should, unless express authority has been given by Council, be normally sent out in the name of the Clerk.
- 8.5 The Clerk has overall responsibility for public relations and press releases issued on behalf of the Council. Political and lobby/action press releases and publicity must not be issues at the initiative of individual Members or Officers using the resources of the Council. There is nothing to prevent Members from communicating with the media, but they should bear in mind that they are not doing so on behalf of the Council and should not use Council facilities or resources for this purpose.

## **9. BREACH OF CONFIDENTIALITY**

- 9.1 Members and Officers must comply with the Council's data protection policy.
- 9.2 Members and Officers should never disclose or use confidential information for personal advantage or to the disadvantage or discredit of the Council or anyone else.
- 9.3 Any unauthorised disclosure of confidential information by a Member constitutes a breach of the Code of Conduct and will be reported to the Monitoring Officer. In respect of Officers, could lead to disciplinary action being undertake.

## **10. RESOLUTION OF ISSUES**

- 10.1 From time to time the relationship between Members and the Parish Clerk (or other employees may break down or become strained. Whilst it is always preferable to resolve matters informally, through conciliation by an appropriate third party.
- 10.2 The law requires all employers to have a disciplinary and grievance procedure which should be used. The Chair of the Council, nor any other individual member cannot, formally, resolve such matters on their own. A staffing committee or no less than, and no more than three members, with devolved authority to resolve such matters should be used.
- 10.3 If a Member is dissatisfied with the conduct, performance or behaviour of the Clerk or another employee, the matter should be raised in the first instance with the Clerk (if it applies to another member of staff) or the Chair of the Council (if it applies to the Parish Clerk). If the matter cannot be resolved formally, it may be necessary to invoke the council's disciplinary procedure.

10.4 Questions of interpretation of this protocol will be determined by the Parish Clerk.

## LONDON COLNEY PARISH COUNCIL

**COMMITTEE:** HUMAN RESOURCES

**DATE:** 9 MARCH 2021

**REPORT BY:** EMMA PAYNE, CLERK

**SUBJECT:** UNREASONABLE COMPLAINANT POLICY

### 1. SUMMARY

This policy was recently used in relation to a Vexatious Complainant and as a result, there have been some amendments made to the attached policy.

### 2. RECOMMENDATION

Members are asked to recommend to Council that the Unreasonable Complainant Policy is adopted.

### 3. BACKGROUND

3.1 This policy was originally adopted in March 2019. It was due to be reviewed in March 2020. The attached policy reflects the proposed changes that were agreed at the HR Committee meeting held on 17 February 2021.

3.2 The principle change to the policy is the adoption of a three-stage process to deal with Vexatious Complainants which will be reported to the Council meeting at every stage (under confidential items). This communication could be via email if the matter is time sensitive.

3.3 Where amendments have been made, they are in *italics*.

### 4. FINANCE

There are no financial implications.

### 5. IMPACT ASSESSMENT

Strategic Plan	Demonstrates a well-run Council.
Equalities	Ensures adherence to Equality Act
Environmental/Sustainability	N/A
Crime & Disorder	N/A
Financial	N/A
Resources (including workforce)	Ensures staff resources are managed.
Risk Management	Reduces risk of being the Council into disrepute.



## LONDON COLNEY PARISH COUNCIL

### UNREASONABLE COMPLAINANT POLICY

London Colney Parish Council has a Complaints Policy to handle issues where residents are not happy with the outcome of a decision or service of the Parish Council. We are committed to dealing with all complaints fairly and impartially, to use them as a way of improving service and to providing a high quality of service to those who make them. We also have a duty to make sure that public money is spent wisely and achieves value for complainants and the wider public, and to protect the safety and welfare of our staff.

Occasionally there are complainants who's unreasonable behaviour makes this difficult to achieve and this policy has been developed to meet guidance on 'unreasonably persistent' complainants and 'unreasonable complainant behaviour'.

#### **What is unreasonable behaviour?**

Unreasonable behaviour is where the frequency or nature of a complainant's contact with us takes up an unjustifiable amount of time and/or resources, making it hard for us to handle their complaint and those of other people, or where the complainant's behaviour is offensive or abusive.

This policy does not cover the few complainants who are orally or physically abusive or threatening – these incidents will be dealt with under the Parish Council's Harassment Policy.

#### **Procedure if complainant is behaving unreasonably.**

If a member of staff dealing with a complaint considers that a complainant is behaving unreasonably, they should seek the advice of Clerk. They should submit evidence to support their view which may include copies of e-mails, case notes or independent witness statements.

*On being notified of a complainant behaving unreasonably the following stages will be followed:*

<b>Stage One</b>	<i>A verbal warning will be issued to the complainant by the Clerk advising them that they are acting unreasonably and if they continue then further steps will be taken.</i>	<i>This course of action will be reported to the HR Committee and Council depending on which meets first, under Confidential Items.</i>
<b>Stage Two</b>	<i>If the complainant persists, then they will be invited to attend a meeting with the Clerk and a Councillor, supported by an independent adjudicator. The complainant will be invited to bring a friend.</i>	<i>Stage two will be reported to either the HR Committee and Council depending on which meets first, under Confidential Items.</i>

<b>Stage Three</b>	<i>A final written warning will be issued to the complainant, sent confidentially outlining the methods of contacting the parish council set out below*.</i>	<i>Stage three will be reported to either the HR Committee and Council depending on which meets first.</i>
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\* The options we are most likely to consider are:

- requesting contact in a particular form (for example, letters only).
- requiring contact to take place with one named officer only.
- restricting the telephone calls to specified days and times.
- asking the complainant to enter into an agreement about their future contacts with us; and/or
- refusing to respond to continued communication about a case which has been through the persistent complainant's procedure (see below).

**Procedure for closing contact with persistent complainants.**

Most of these cases tend to make contact by letter or e-mail, but the following approach can be adapted for telephone calls.

- **First contact after having decided to close the communication:** send a polite reply, explaining that the complaint procedure has been exhausted, that the unreasonable complainant policy is being applied and saying that the complaint is not to be pursued further.
- **Second contact:** refer the person back to previous response, enclose a copy of that response with the new reply, and restate politely but firmly why the matter is not to be pursued further.
- **Third contact:** refer the person back to the previous two responses and add "Any further communication from you about this matter will be read and placed on file without acknowledgement."

The Clerk will be responsible for reading all correspondence from that complainant. Unless there is fresh evidence which affects our decision on the complaint, we will simply place any subsequent correspondence on the complaints file.

**Informing the complainant of the decision**

In all cases where we decide to apply this policy, we will write to tell the complainant, *in a confidential letter*, that the decision has been made and why, what it means for his/her contact with the council and how long any restrictions will last. We will also tell them how they can challenge the decision if they disagree with it and enclose a copy of this policy.

**Challenging the Council's decision**

Complainants may challenge the decision to apply the unreasonable complainant behaviour policy and/or the restrictions imposed by writing to the Clerk. This challenge must be made within 10 working days of the date of the letter and will be referred to a meeting of the Complaints Committee.

**Who will be aware of the decision and where will this be recorded?**

We will notify the appropriate staff, managers and/or Councillors who need to know that contact with a named complainant is to be restricted and why. A record of this decision will be held on the complaints file by the Clerk.

## **Reviewing our decision**

Where restrictions have been put on a complainant and the complaint is still being investigated, we will carry out a review after 6 months and decide if the restrictions will continue.

## **Considering new complaints**

New complaints from people who have come under the unreasonable complainant behaviour policy will be treated on the merits of the new complaint.