

Councillors are hereby summoned, and members of the public and press are invited, to attend a meeting of the Policy & Resources Committee to be held on Monday 13 February 2023, following the Planning & Highways Committee meeting, and not commencing before 19.00 in the Council Chamber, Town Hall, Market Square, Crewkerne.

Note:

- Members of the public who wish to view the meeting proceedings, either in real time or afterwards, can access the meeting through the following link:
<https://www.youtube.com/channel/UCTA9K-7L4Onjcli2Gtz7tCg>

K. Sheehan, Town Clerk (signed on original)
7 February 2023

Agenda

Open Forum: Questions may be put to the Committee in person during this Public Participation Session of up to 15 minutes and a maximum of 3 minutes per person. Issues notified to the Clerk a minimum of 3 working days before the meeting (i.e., by 5pm on the preceding Wednesday) will receive a response during this session. Issues raised in this session without prior notice may be referred to the Clerk to respond to within 10 working days or listed on a subsequent agenda.

1. To note apologies for absence.
2. Declarations of interest in items on the agenda.
3. To confirm the minutes of the Policy and Resources Committee meeting held on 9 January 2023.
4. Clerk's Progress Report: to receive a verbal update report (for information).
5. Review of Existing Policies (proposed changes in red):
 - a. Model Publication Scheme
 - b. Records Management policy
 - c. To review the Terms of Reference of the Staffing Sub-Committee and agree any changes
 - d. To receive the updated policy review schedule and identify policies for review at the next meeting.
6. New policies:
 - a. To receive an update on the development of an Open Spaces Management Policy (Cllrs. Maxwell & Wakeman).
 - b. To consider adopting a draft Tree policy.
 - c. To consider adopting a Dignity at Work policy.
 - d. To consider adopting a council agenda reporting sheet.
 - e. To consider adopting an Abusive, Unreasonable and Vexatious Complaints policy.
7. To receive Matters of Report (for information only).

8. Next meeting: Monday 12 June 2023 following the Planning and Highways Committee meeting, Council Chamber, Town Hall.

Information available from Crewkerne Town Council under the model publication scheme

Information to be published	How the information can be obtained	Cost
<p>Class1 - Who we are and what we do (Organisational information, structures, locations and contacts)</p> <p>This will be current information only</p> <p>N.B. Councils should already be publishing as much information as possible about how they can be contacted.</p>	(hard copy and/or website)	
Who's who on the Council and its Committees	Website/Hard copy - contact Town Council office	Free 10p/sheet
Contact details for Town Clerk and Council members (named contacts where possible with telephone number and email address (if used))	Website/Hard copy – contact Town Council office	Free 10p/sheet
Location of main Council office and accessibility details	Website/Hard copy – contact Town Council office	Free 10p/sheet
Staffing structure	Website /Hard copy – contact Town Council office	10p/sheet
<p>Class 2 – What we spend and how we spend it (Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit)</p> <p>Current and previous financial year as a minimum</p>	(hard copy and/or website)	Free 10p/sheet
Annual return form and report by auditor	Website /Hard Copy – contact Town Council office	Free 10p/sheet
Finalised budget	Website /Hard Copy – contact Town Council Office	Free 10p/sheet
Precept	Website/Hard copy – contact Town Council office	Free 10p/sheet

Borrowing Approval letter	Hard Copy – contact Town Council office	10p per sheet
Financial Standing Orders and Regulations	Website/Hard copy – contact Town Council office	Free 10p/sheet
Grants given and received	Website/Hard copy – contact Town Council office	Free 10p/sheet
List of current contracts awarded and value of contract	Website/Hard copy – contact Town Council office	Free 10p/sheet
Members' allowances and expenses	Hard Copy – contact Town Council office	10p/sheet
Class 3 – What our priorities are and how we are doing (Strategies and plans, performance indicators, audits, inspections and reviews)	(hard copy or website)	
Annual Report to Parish or Community Meeting (current and previous year as a minimum)	Website/Hard copy – contact Town Council office	Free 10p/sheet
Class 4 – How we make decisions (Decision making processes and records of decisions)	(hard copy or website)	
Current and previous council year as a minimum		
Timetable of meetings (Council, any committee/sub-committee meetings and parish meetings)	Website/Hard copy – contact Town Council office	Free 10p/sheet
Agendas of meetings (as above)	Website/Hard copy – contact Town Council office	Free 10p/sheet
Minutes of meetings (as above) – nb this will exclude information that is properly regarded as private to the meeting.	Website/Hard copy – contact Town Council office	Free 10p/sheet
Reports presented to council meetings - nb this will exclude information that is properly regarded as private to the meeting.	Website/Hard copy – contact Town Council office	Free 10p/sheet
Responses to consultation papers	Hard Copy – contact Town Council office	10p/sheet
Responses to planning applications	Website/Hard copy – contact Town Council office	Free 10p/sheet

Bye-laws	Hard Copy – contact Town Council office	10p/sheet
Class 5 – Our policies and procedures (Current written protocols, policies and procedures for delivering our services and responsibilities) Current information only	(hard copy or website)	Free 10p/sheet
Policies and procedures for the conduct of council business: Procedural standing orders Committee and sub-committee terms of reference Delegated authority in respect of officers (included in Standing Orders) Code of Conduct Policy statements	Website/Hard copy – contact Town Council office	Free 10p/sheet
Policies and procedures for the provision of services and about the employment of staff: Equality and diversity policy Health and safety policy Policies and procedures for handling requests for information Media policy Website policy Social Media policy Community Engagement Strategy Investment and Borrowing Management policy Delegation to Officers policy Grant Applications policy Training policy Discipline policy and procedures Capability policy and procedures Protocol for Councillor and Employee relations Use of Council vehicles policy Absence Management policy	Website/Hard copy – contact Town Council office	Free 10p/sheet

Data Protection policy Information Security policy Complaints procedures (including those covering requests for information and operating the publication scheme) CCTV policy Policy on audiovisual recording and photography at council meetings Allotments policy Flag Flying and Logo policy Children and Vulnerable persons protection policy Customer Care Tree policy		
Records management policies (records retention, destruction and archive)	Hard Copy – contact Town Council office	10p/sheet
Schedule of charges (for the publication of information)	Website/Hard copy – contact Town Council office	Free 10p/sheet
Class 6 – Lists and Registers Currently maintained lists and registers only	(hard copy or website; some information may only be available by inspection)	
Any publicly available register or list (if any are held this should be publicised; in most circumstances existing access provisions will suffice) Burial Registers including all burials and grave registers	Hard Copy – contact Town Council office Available to view in the Town Council office. Copies not available	10p/sheet N/A
Assets Register	Website/Hard Copy – contact Town Council office	Free 10p/sheet
Disclosure log (indicating the information that has been provided in response to requests; recommended as good practice, but may not be held by parish councils)	Website/Hard Copy – contact Town Council office	Free 10p/sheet
Register of members' interests	Website/Hard Copy – contact Town Council office	Free 10p/sheet
Register of gifts and hospitality	Hard Copy – contact Town Council office	10p/sheet

Class 7 – The services we offer (Information about the services we offer, including leaflets, guidance and newsletters produced for the public and businesses) Current information only	(hard copy or website; some information may only be available by inspection)	
Allotments	Website/Hard copy – contact Town Council office	Free 10p/sheet
Burial grounds and closed churchyards	Website/Hard copy – contact Town Council office	Free 10p/sheet
Community centres and village halls	Website/Hard copy – contact Town Council office	Free 10p/sheet
Parks, playing fields and recreational facilities	Website/Hard copy – contact Town Council office	Free 10p/sheet
Seating, litter bins, memorials and lighting	Hard Copy – contact Town Council office	10p/sheet
Bus shelters	Hard Copy – contact Town Council office	10p/sheet
Markets	Website/Hard copy – contact Town Council office	Free 10p/sheet
Public conveniences	Website/Hard copy – contact Town Council office	Free 10p/sheet
Agency agreements	Website/Hard copy – contact Town Council office	Free 10p/sheet
A summary of services for which the council is entitled to recover a fee, together with those fees (e.g. burial fees)	Hard Copy – contact Town Council office	10p/sheet

Contact details:

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Town Clerk

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Email: towncouncil@crewkerne-tc.gov.uk

www.crewkerne-tc.gov.uk

The Council Offices are open to the public during the following hours: Monday to Friday 9.30am -1pm

SCHEDULE OF CHARGES

This describes how the charges have been arrived at and should be published as part of the guide.

TYPE OF CHARGE	DESCRIPTION	BASIS OF CHARGE
Disbursement cost	Photocopying @ 10p per sheet (black & white)	Actual cost * 0.5p per sheet
	Postage	Actual cost of Royal Mail standard 2 nd class

* the actual cost incurred by the public authority

Approved February 2009

Reviewed Policy & Resources Committee February 2015 Min No 48

Reviewed Policy & Resources Committee February 2016 Min No 49

Reviewed Policy & Resources Committee February 2023 Min No



CREWKERNE TOWN COUNCIL

Records Management Policy

1. Introduction

Records created and maintained by the Council are an important asset and as such measures need to be in place to safeguard this information. Properly managed records provide authentic and reliable evidence of the Council's transactions and are necessary to ensure it can demonstrate accountability.

2. Aim and scope of the Policy

The aim of this policy is to provide a framework for Council records retention and disposal. Records may be in both electronic and paper form.

3. GDPR

The Council take the protection of personal data seriously and is committed to protecting this information in accordance with the requirements of the General Data Protection Regulation (GDPR). As such, the Council will strive to ensure that personal data is retained and disposed of in accordance with the key principles of GDPR, which state that personal data must be:

- Processed fairly, lawfully and in a transparent manner.
- Collected for specified and legitimate purposes and not further processed in a manner that is incompatible with those purposes.
- Limited to what is necessary in relation to the purposes for which it is processed.
- Accurate and, where necessary, kept up-to-date.
- Kept for no longer than is necessary.

4. Document retention protocol

Records will be managed in accordance with the retention schedule attached as Appendix A to this policy. This schedule is based upon NALC Legal Topic Note 40.

5. Document disposal

When records are scheduled for disposal, the Council will ensure that the method of disposal is appropriate to the nature of the record, ensuring that the confidentiality of personal data is respected.

Version control:

Approved at Policy and Resources Committee 14 May 2018 Min. No. 17/18 45

Reviewed at Policy and Resources Committee 13 February 2023 Min. No.

CREWKERNE TOWN COUNCIL

TERMS OF REFERENCE

STAFFING SUB-COMMITTEE

Composition:

The Sub-Committee shall consist of three members from the full Town Council, and first reserve councillor in the event of an absence. The reserve members shall also have full voting rights.

The Chairman shall be the Mayor.

A minimum number of members present at a meeting for there to be a quorum shall be three.

Appointments and removals from office shall be by resolution of full Town Council for such reasons as long term sickness.

Authority

The Sub-Committee shall not hold delegated powers.

Minutes of the Sub-Committee meeting shall be presented to the Policy and Resources Committee, and the recommendations of which to be ratified by the Full Town Council in confidential session, or directly to Full Town Council if there is no scheduled meeting of Policy & Resources Committee.

Frequency of meetings

Annually prior to the annual budget deliberations and at other times when deemed necessary. All meetings shall be conducted with the exclusion of the public and press.

Purpose

The Staffing Sub-Committee oversees all staffing issues such as welfare, superannuation, remuneration, recruitment, training, qualifications, health and safety aspects and other conditions of service of all employees and to ensure the Council's compliance with current legislation governing employment matters, including grievance and disciplinary, equal opportunity policies and procedures.

Responsibilities:

1. To make recommendations on the pay and conditions of employment of the staff and to review and update these as necessary to comply with the law and with good practice.
2. To periodically review the staffing levels necessary to efficiently discharge the work required by the council.
3. To pursue the recruitment, short listing, and interviewing of candidates for the posts of Town Clerk and Responsible Finance Officer and recommend to Full Council that an offer of employment at a specified point on the appropriate current NALC pay scale be made to the selected candidate(s). After ratification by the Council, the Staffing Sub-Committee has the power to decide when the employment process is satisfactorily completed, including references received (and medical certificates if deemed necessary) and to confirm the offer of employment by issuing a contract of employment for acceptance by that candidate.
4. The Chairman of the Staffing Sub-Committee or in their absence the Vice Chair shall be responsible for appraising the performance of the Town Clerk/RFO annually and shall keep a record of it. Confirmation of the review shall be reported back and be subject to approval by resolution of the Committee.

5. To receive the Clerk's report on the review the annual staff appraisals of all the other Council employees conducted by the Town Clerk with particular reference to action pending or any issues.
6. To assist in the preparation and approval of job descriptions and annual performance objectives for all employees. To develop staff skills to undertake all the work of the council.
7. Responsible for preparing a draft revenue budget for each coming financial year in respect of functions falling within the terms of reference of the Staffing Sub-Committee and submit to the Policy and Resources Committee for consideration no later than the end of September in any year.
8. To oversee and ensure the Health and Safety of staff employed by providing appropriate working spaces, equipment and training as deemed necessary;
9. To undertake reviews of working practices, job descriptions, procedures, and potential within the workforce for undertaking additional local services from the principal authorities when so requested and to make recommendations to Policy and Resources Committee.
10. To approve long term absence through sickness; to grant special or compassionate leave of absence; and to approve and receive reports from the Town Clerk on staff training courses within the approved budget.
11. To deal with all complaints relating to the conduct or performance of employees and, if deemed necessary, to request an investigation. The investigation officer shall be the Town Clerk or one of the designated investigation councillors.
12. If required by the investigating officer the committee will instigate a Grievance or Disciplinary Sub-Committee meeting for a hearing in accordance with the Council's, Grievance and Disciplinary policy. The Vice- Chairman (or Chairman) of Planning and Highways shall conduct the investigation if the Clerk is unable for whatever reason.
13. To convene an Appeals Sub-Committee meeting in the event of hearing an appeal in accordance with the Council's Disciplinary and Grievance policy.
14. To consider and recommend as appropriate any changes required to comply with employment Law, employees specific Health and Safety Law and terms and conditions of service as laid down by the National Joint Council (NJC 'Green Book') and the Society of Local Council Clerks (SLCC).
15. To consider and make recommendations to Policy and Resources Committee regarding schemes for the people under job creation, mentoring and youth training programmes.
16. To comply with confidentiality and data protection policies when discussing employees and their personal data, including issues relating to their appointments, salaries, appraisals, health, discipline, grievance, dismissal, and other terms and conditions.

Version control:

Ratified by the Full Town Council 26th July, 2010 Min No. 57

Reviewed by the Policy & Resources Committee 13 February 2023 Min. No.

CUSTOMER CARE TREE POLICY

For Crewkerne Town Council owned trees, we will endeavour to:

- Maintain our trees in a safe condition.
- Prune our trees when they are causing an actual nuisance, i.e. damage to buildings.

Tree Works the Council are not able to do:

- Prune privately owned trees.
- Prune trees back because they are overhanging.
- Systematically prune trees to control their size or height.
- Prune or remove trees in order to improve light.
- Prune or remove trees to improve a view.
- Prune or remove trees because of falling leaves, sap, seeds or debris.
- Prune or remove trees to improve television or satellite reception.

Common tree related enquiries:

If the tree does not belong to CTC and the resident is concerned about:

- Electricity cables (trees interfering with) and supply: National Grid (formerly Western Power) 0800 096 3080
- Telephone wires – BT Faults – 0800 800151
- Trees threatening or obstructing the Highway (including pavements) – Somerset County Council Highways – 0300 123 2224
- Trees obstructing streetlights – Somerset County Council Streetlight Department – 01823 423366
- Trees obstructing right of way – Somerset County Council Highways – 0300 123 2224
- High evergreen hedges – refer to land owner or SSDC Tree Officer.
- Nesting birds and roosting bats – contact the police – 101
- If the resident is unsure about which arborist to employ, helpful consumer advice and directories are available at www.trees.org.uk

Doing the work yourselves:

In common law, a property owner can cut back overhanging branches to the boundary of their property. Crewkerne Town Council will usually have no objection to property owners carrying out this type of tree works or engaging a contractor at their own expense, **providing:**

- Access is not gained via Council land or trees, without written permission of the Clerk to the Council. 01460 74001.
- The tree is not situated within a Conservation Area or subject to a Tree Preservation Order. Refer to the Town Clerk. 01460 74001.
- That any work to the tree is not detrimental to its health or stability and is carried out in accordance with British Standard 2998:2010 – Tree Works.
- That the cut branches are disposed of in a responsible manner and that no unauthorised damage to Council property occurs.

- Works to any tree situated in a Conservation Area, whether Council or privately owned, should have the correct permissions obtained from the Local Planning Authority (LPA) before commencement.

Version control:

Date Adopted:

Minute Reference:

DIGNITY AT WORK POLICY

Crewkerne Town Council believes that civility and respect are important in the working environment, and expects all councillors, officers and the public to be polite and courteous when working for, and with the council.

Purpose

Crewkerne Town Council is committed to creating a working environment where all council employees, councillors, contractors and others who come into contact with us in the course of our work, are treated with dignity, respect and courtesy. We aim to create a workplace where there is zero tolerance for harassment and bullying

We recognise that there is a continuum where unaddressed issues have the potential to escalate and become larger, more complex issues and this policy sets out how concerns will be managed however the emphasis of this policy is on resolution and mediation where appropriate, rather than an adversarial process.

This document:

- explains how we will respond to complaints of bullying or harassment;
- ensures that we respond sensitively and promptly; and,
- supports our employees in ensuring their behaviour does not amount to bullying and/or harassment by giving examples.

Scope

This policy covers bullying and harassment of and by clerks and all employees engaged to work at Crewkerne Town Council. Should agency staff, or contractors have a complaint connected to their engagement with Crewkerne Town Council this should be raised to their nominated contact, manager, or the Chair of the Council, in the first instance. Should the complaint be about the chair of the council the complaint should be raised to the deputy chair.

Agency staff, or contractors are equally expected to treat council colleagues, and other representatives and stakeholders with dignity and respect, and the council may terminate the contract, without notice, where there are suspicions of harassment or bullying.

Complaints about other employment matters will be managed under the council's grievance policy.

It is noted that the management of a situation may differ depending on who the allegations relate to (e.g. employees, contractor, councillor), however, the council will take appropriate action if any of its employees are bullied or harassed by employees, councillors, members of the public, suppliers or contractors.

The position on bullying and harassment

All staff and council representatives are entitled to dignity, respect and courtesy within the workplace and to not experience any form of discrimination. Crewkerne Town Council will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether harm is intended or not. Neither

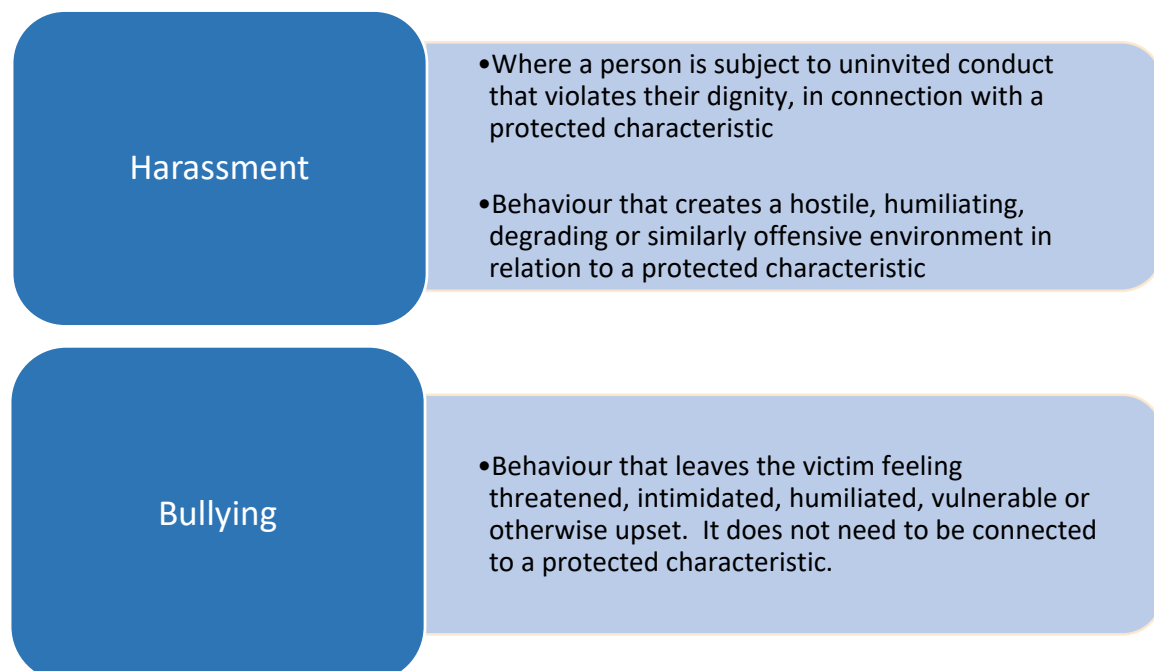
will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. You should also be aware that, if you have bullied or harassed someone (e.g. physical violence, harassment), in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We expect all representatives of the council to treat each other with respect and uphold the values of the code of conduct, equality opportunities policy, and all other policies and procedures set by the Council.

We expect you to demonstrate respect by listening and paying attention to others, having consideration for other people's feelings, following protocols and rules, showing appreciation and thanks, and being kind.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. See the grievance policy for further details regarding the process. Employees and others who make allegations of bullying or harassment in good faith will not be treated less favourably as a result.

False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff and others have a responsibility not to make false allegations. While we will assume that all complaints of bullying and harassment are made in good faith, in the event that allegations are found to be malicious or vexatious the person raising the complaint may be subject to action under the council's disciplinary procedure.



What Type of Treatment amounts to Bullying or Harassment?

'Bullying' or 'harassment' are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

Examples of bullying and harassment include:

- Physical conduct ranging from unwelcome touching to serious assault
- Unwelcome sexual advances
- The offer of rewards for going along with sexual advances e.g. promotion, access to training
- Threats for rejecting sexual advances
- Demeaning comments about a person's appearance
- Verbal abuse or offensive comments, including jokes or pranks related to age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Unwanted nicknames, especially related to a person's age, disability, gender re-assignment, marriage, civil partnership, pregnancy, maternity, race, religion, belief, sex or sexual orientation
- Spreading malicious rumours or insulting someone
- Lewd or suggestive comments or gestures
- Deliberate exclusion from conversations, work activities or social activities.
- Withholding information a person needs in order to do their job
- Practical jokes, initiation ceremonies or inappropriate birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Rifling through, hiding or damaging personal property
- Display of pictures or objects with sexual or racial overtones, even if not directed at any particular person
- Isolation or non-cooperation at work
- Subjecting a person to humiliation or ridicule, belittling their efforts, whether directly and / or in front of others
- The use of obscene gestures
- Abusing a position of power

Bullying and harassment can occur through verbal and face to face interactions, but can also take place through sharing inappropriate or offensive content in writing or via email and other electronic communications and social media.

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable and behaviour could be harassment when the person had no intention to offend. We all have the right to determine what offends us. Some behaviour will be clear to any reasonable person that it is likely to offend – for example sexual touching. Other examples may be less clear, however, you should be aware that harassment will occur if behaviour continues after the recipient has advised you that the behaviour is unacceptable to them.

Harassment can also occur where the unwanted behaviour relates to a perceived characteristic (such as offensive jokes or comments based on the assumption someone is gay, even if they are not) or due to their association with someone else (such as harassment related to their partner having a disability for example). See the council's equality and diversity Policy.

All employees must, therefore, treat their colleagues with respect and appropriate sensitivity and should feel able to challenge behaviour that they find offensive even if it is not directed at them.

It is important to recognise that bullying does not include appropriate criticism of an employee's behaviour or effective, robust performance management. Constructive and fair feedback about your behaviour or performance from your manager or colleagues/Councillors is not bullying. It is part of normal employment and management routines, and should not be interpreted as anything different.

Victimisation

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

Reporting Concerns

What you should do if you feel you are being bullied or harassed by a member of the public or supplier (as opposed to a colleague)

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with your nominated manager in the first instance or, with the clerk/or a councillor. Any such report will be taken seriously, and we will decide how best to deal with the situation, in consultation with you.

What you should do if you feel you are being bullied or harassed by a councillor: If you are being bullied or harassed by a councillor, please raise this with the clerk/chief officer or the chair of the council in the first instance. They will then decide how best to deal with the situation, in consultation with you. There are two possible avenues for you, informal or formal. The Informal Resolution is described below. Formal concerns regarding potential breaches of the Councillors Code of Conduct must be investigated by the Monitoring Officer.

The council will consider reasonable measures to protect your health and safety. Such measures may include a temporary change in duties or change of work location, not attending meetings with the person about whom the complaint has been made etc.

What you should do if you witness an incident you believe to be harassment or bullying: If you witness such behaviour you should report the incident in confidence to the clerk/chief officer or a

councillor. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

What you should do if you are being bullied or harassed by another member of staff: If you are being bullied or harassed by a colleague or contractor, there are two possible avenues for you, informal or formal. These are described below.

Informal resolution

If you are being bullied or harassed, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to the council's policy and must stop. Alternatively, you may wish to ask the clerk/chief officer, your nominated manager or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by your own nominated manager, you should raise the issue with the chair of the council. (If your concern relates to the chair, you should raise it with the chair of the personnel/staffing committee). The chair (or another appropriate person) will discuss with you the option of trying to resolve the situation informally by telling the alleged perpetrator, without prejudicing the matter, that:

- there has been a complaint that their behaviour is having an adverse effect on a member of the council staff
- such behaviour is contrary to our policy
- for employees, the continuation of such behaviour could amount to a serious disciplinary offence

It may be possible for this conversation to take place with the alleged perpetrator without revealing your name, if this is what you want. The person dealing with it will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The chair (or another appropriate person) will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as extremely serious allegation or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about bullying and harassment through the council's grievance procedure. You should raise your complaint to the clerk/chief officer or the chair of the council. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s) where they are employed.

The clerk/chief officer or the chair of the council will appoint someone to investigate your complaint in line with the grievance policy. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s),
- The nature of the harassment or bullying,
- The dates and times the harassment or bullying occurred,
- The names of any witnesses and
- Any action taken by you to resolve the matter informally.

The alleged perpetrator(s) would normally need to be told your name and the details of your grievance in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to make temporary adjustments to working arrangements whilst the matter is being investigated.

Where your complaint relates to potential breaches of the Councillors Code of Conduct, these will need to be investigated by the Monitoring Officer. The council will consider any adjustments to support you in your work and to manage the relationship with the councillor the allegations relate to, while the investigation proceeds.

Investigations will be carried out promptly (without unreasonable delay), sensitively and, as far as possible, confidentially. When carrying out any investigations, we will ensure that individuals' personal data is handled in accordance with the data protection policy.

The council will consider how to protect your health and wellbeing whilst the investigation is taking place and discuss this with you. Depending on the nature of the allegations, the Investigator may want to meet with you to understand better your complaint (see the grievance policy for further information, and details of your right to be accompanied).

After the investigation, a panel will meet with you to consider the complaint and the findings of the investigation in accordance with the grievance procedure. At the meeting you may be accompanied by a fellow worker or a trade union official.

Following the conclusion of the hearing the panel will write to you to inform you of the decision and to notify you of your right to appeal if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with the decision. Your appeal will be heard under the appeal process that is described in the grievance procedure.

The use of the Disciplinary Procedure

If at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. We will keep you informed of the outcome.

This is a non-contractual policy and procedure which will be reviewed from time to time.

Version Control:

Date adopted:

Minute reference:

AGENDA REPORTING SHEET

To consider adopting the agenda reporting sheet below to create clarity in what is being requested by a councillor in submitting a motion for an agenda. This acts as an audit trail of communication.

AGENDA ITEM DETAILS (To be completed by the councillor)	
Date of meeting	
Committee/Council	
Agenda Item: Insert wording to appear on the agenda. The recommendation the motion/resolution that you are seeking i.e., "to resolve to..." "To note that ..."	
Background Information: Insert as much information as possible so that councillors have the detail, they need to make an informed decision e.g., cost, time, long term/short term project, where, how, when why?	
Background Documents: insert names of any supporting documents/links to be included with the paperwork.	

IMPLICATIONS (To be completed by the Town Clerk)	
Staffing implications	
Council objectives	
Equalities and human rights	
Financial	
Legal	
Risk Management	

PLEASE NOTE Agenda item requests: these must be received by the Town Clerk at least 6 working days before the meeting at which you would like your item to be considered.

Abusive, unreasonable and vexatious complaints policy

SUMMARY

This document sets out the council's policy on dealing with abusive, unreasonable or vexatious complaints. The policy is intended to support the council's complaints procedure. It is also intended to help us to protect our staff, in line with our duty of care as an employer.

Introduction

1. Dealing with a complaint is a straightforward process covered by the Council's complaints procedure, but in a minority of cases people pursue their complaints in a way that is abusive to staff or can either impede the investigation of their complaint or have significant resource issues for the council. This can happen either as part of making the complaint, while their complaint is being investigated, or once the council has finished dealing with the complaint.

2. If this occurs as part of the making of a statutory or corporate complaint, the incident will be dealt with using this policy.

3. We will not normally limit the contact which complainants have with council employees. It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are simply being difficult. It must be recognised that people may sometimes act out of character at times of anxiety or distress and reasonable allowances should be made for this.

4. We do not expect staff to tolerate abusive, vexatious or unacceptable persistent behaviour by complainants. Where a person's behaviour threatens the immediate safety and welfare of staff, a decision will be taken to place that person on the council's Potentially Violent Persons Register (PVPR). Abusive, vexatious or unacceptable persistent behaviour in the context of the PVPR is defined as conscious, deliberate or malicious acts of violent, aggressive or abusive behaviour towards Council employees including physical assault. The following behaviours will not be tolerated and apply to all of the access channels including: telephone, face to face, email, web form and social media:

- Using abusive or foul language
- Multiple contact to the service
- Physical assault

5. 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 someone being regarded as a vexatious or an unreasonably persistent complainant.

6. Even where an applicant displays abusive, vexatious or unacceptable persistent behaviour they can still make requests for information. These will be assessed according to the relevant access to information legislation, and there are grounds within the Freedom of Information Act to declare a request as vexatious in certain conditions.ⁱ

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 vexatious or unreasonably persistent. The principles outlined in paragraph 10 must be applied.

Abusive, unreasonably persistent and/or vexatious definitions

8. The Council defines abusive, vexatious or unreasonably persistent complainants as those complainants who, because of the frequency or nature of their contacts with the council, hinder our consideration of their or other people's complaints. The description 'abusive', 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

9. 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.

10. Features of an abusive, unreasonably persistent and/or vexatious complainant include the following (the list is not exhaustive, one single feature on its own does not necessarily mean the person will be considered as being in this category):

An abusive, unreasonably persistent and/or vexatious complainant may:

- have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious);
- refuse to specify the grounds of a complaint despite offers of assistance;
- refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure (e.g. staff disciplinary issues; policy decisions);
- refuse to accept that issues are not within the power of the 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);
- insist 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);
- make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced;
- make an unreasonable number of contacts with us, by any means in relation to a specific complaint or complaints;
- make 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 or emails);
- harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive language;
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed;
- deny statements he or she made at an earlier stage in the complaint process;
- refuse 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;

- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure;
- persistently approach the council through different routes about the same issue;
- persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons;
- refuse to accept documented evidence as factual;
- complain about or challenge an issue based on a historic (more than a year old) and irreversible decision or incident;
- have knowingly recorded meetings or face to face/telephone conversations without prior knowledge and consent by the parties involved.

Imposing restrictions

11. We will seek to ensure that the complaint is being, or has been, investigated properly according to the Council's complaints procedure if possible. In the case of an abusive complainant, we may refrain from investigating the complaint until such time as the complainant stops the abusive behaviour.

12. In the first instance the officer will consult with the Town Clerk prior to issuing a warning to the complainant. The Town Clerk will contact the complainant either in writing, by phone or face to face to explain why this behaviour is causing concern, and ask them to change this behaviour. If a complainant has a disability, reasonable adjustments will be made if necessary. The Town Clerk will explain the actions that the council may take if the behaviour does not change. All telephone or face to face conversations will be documented.

13. If the abusive, vexatious or persistent unacceptable behaviour continues, the Town Clerk will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact the council in future will be restricted. The Town Clerk will make this decision and inform the complainant in writing of what restrictions have been put in place and for what period.

14. Any restriction imposed on the complainant's contact with the 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 3 and 6 months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis. Any entry onto the Potentially Violent Person's Register will be for 12 months, any repeat instance of violence or aggression within the PVPR timeframe will result in a reset of the PVPR entry, effectively resetting the entry for a further 12 months.

15. Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- banning the complainant from making contact by telephone except through a third party e.g. councillor/friend acting on their behalf;
- banning the complainant from using some council buildings to access services;
- banning the complainant from accessing any council building except by appointment agreed by relevant service manager;

- requiring contact to take place with one nominated single point of contact;
- restricting telephone calls to specified days / times / duration;
- requiring any personal contact to take place in the presence of an appropriate witness and/or advising that the conversation will be recorded;
- letting the complainant know that we 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 should be identified who will read future correspondence);
- in extreme circumstances, the Council may involve the Police. Where this is the case, the complainant will be advised that this is the course of action that the Council is taking and why. Examples include:
 - abusive and threatening behaviour
 - physical abuse
 - refusal to leave the premises

16. When the decision has been taken to apply this policy to a complainant, the Town Clerk will contact the complainant in writing (and/or as appropriate) to explain:

- why we have taken the decision;
- what action we are taking;
- the duration of that action;
- the review process of this policy

17. The Town Clerk will enclose a copy of this policy in the letter to the complainant.

18. Where a complainant continues to behave in a way which is unacceptable, the Town Clerk, in consultation with the Council's Legal advisors, may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

19. The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Town Clerk after three months and at the end of every subsequent three months within the period during which the policy is to apply. During this period an integrated restorative practice approach will be considered to try and find a positive way forward for all parties involved.

20. The complainant will be informed of the result of this review if the decision to apply this policy to them has been changed or extended.

21. Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action. In those cases the complainant will be put on the Potentially Violent Persons Register for a minimum of 12 months.

New complaints from complainants who are treated as abusive, vexatious or persistent

22. New complaints from people who have come under this policy will be treated on their merits. The Town Clerk will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. We do not support a 'blanket policy' of ignoring genuine service requests or complaints where they are founded.

ⁱ See 'Dealing with vexatious request (section 14)', Information Commissioner's Office, here:
<https://ico.org.uk/media/for-organisations/documents/1198/dealing-with-vexatious-requests.pdf>

VERSION CONTROL:

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Minute reference: