

MINUTES OF A MEETING OF THE HUMAN RESOURCES COMMITTEE OF ABERTILLERY AND LLANHILLETH COMMUNITY COUNCIL (ALCC) HELD ON 29 April at 10:30pm in the Council Chamber Mitre Street, Abertillery

PRESENT: Councillors:

Gary Oakley (Chair), Rob Phillips, Allen Rees, Nick Simmons

Officers: Steve Edwards, Clerk Sian Hookins Assistant Clerk

Others: None

ABSENT: None

1. APOLOGIES FOR ABSENCE AND WELCOMES

No Apologies

2. DECLARATIONS OF INTEREST

None

3. EXCLUSION OF PRESS AND PUBLIC

RESOLVED that, by virtue of the Public Bodies (Admission to Meetings) Act 1960, the press and public be excluded from discussions on the following items on the basis that disclosure thereof would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

4. CONFIRMATION OF MINUTES OF HR COMMITTEE MEETING 04 March 2021

Committee **RESOLVED**: that the minutes of the Committee meetings held on 4 March 2021 be confirmed as a correct record, and confirmed the Confidential annex HR1-2021

5. UPDATE ON STAFFING MATTERS

a) Data breach and breach of Confidentiality

The Clerk updated the committee on the advice he has received from the information commission and the legal advice from the Solicitor. Following the new advice and a brief discussion the committee do not wish to proceed with any further action

Committee **RESOLVED** to:

Take no further action on the breach of confidentiality and not to pursue the complaint with the Public Service Ombudsman.

(b) Councillor White's email

The committee have considered the complaint from Councillor White and wish to no longer respond to this nature of complaint except by directing the complainant to the correct body to deal with the complaint.

Committee **RESOLVED** to:

Instruct the Clerk to draft a standard letter with directions on how to follow the local resolution with regard to the nature of the complaint. This letter will now be sent in response to these complaints.

The meeting ended at 11:20 am.

Signed as a correct record by the Chair

Minutes produced by Sian Hookins, Assistant Clerk

DRAFT

(b)

ABERTILLERY AND LLANHILLETH COMMUNITY COUNCIL

COMPLAINTS POLICY

If you have a complaint, you can contact the Council in the following ways:

By telephone: (01495) 217323

By email: council.aberlan.lesley024@googlemail.com

By letter: Council Offices, Mitre Street, Abertillery, Blaenau Gwent. NP13 1AE

This complaints procedure is aimed at dealing with those situations where a complaint has been made about the administration of the Council or about its procedures. Complaints against staff are dealt with as employment matters and against Councillors by the Public Services Ombudsman. The aim is to deal with complaints efficiently through a transparent process. The procedure deals with complaints that have not been capable of resolution on a less formal basis, or by explanations from the Clerk or Chair of Council. It gives the complainant the assurance that their grievance has been properly and fully considered.

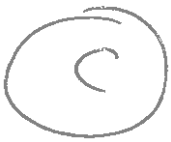
How we will deal with your complaint:

- We will acknowledge receipt of your complaint within three working days and investigate your complaint within ten working days. If we cannot meet these deadlines we will inform you of the reasons why.
- Your complaint will be treated as confidential unless it is a matter which must be reported such as illegal activity.
- We will deal with your concern in an open and honest way and ensure that any of your future dealings with the Council do not suffer because you have expressed a concern or made a complaint.
- If you are making a complaint on behalf of someone else we will need to satisfy ourselves that you have the authority to act on behalf of the person concerned.

Process for making a complaint:

- All formal complaints must be in writing addressed to the Clerk of the Council. This may be in the form of written correspondence either by letter or email.
- The Clerk will respond to your complaint following investigation of the matter concerned within the appropriate timescale.
- If the complaint is against the Clerk, or if you are dissatisfied with the response you receive then you may ask for the complaint to be dealt with by the Complaints Committee of the Council, which will comprise of four elected members, to be chosen by the Clerk in consultation with the Chairman of the Council, depending on the nature of the complaint. The complainant will be invited to attend a meeting of the Complaints Committee to present their case and bring such representation as they wish. The decision of the Committee will be confirmed in writing within 7 working days, together with details of any action taken.
- All complaints about the conduct of Councillors must be addressed to the Public Services Ombudsman for Wales at 1 Ffordd Yr Hen Gae, Pencoed, CF35 5LJ.

Adopted at Council 26 July 2017



ABERTILLERY AND LLANHILLETH COMMUNITY COUNCIL

POLICY FOR DEALING WITH UNREASONABLY PERSISTENT CUSTOMERS AND COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR

1. Introduction

- 1.1. This policy identifies situations where a customer or complainant, either individually or as part of a group, might as a result of his/her actions be considered to be unreasonably persistent, habitual, vexatious or otherwise unreasonable and ways of responding to these situations.
- 1.2. The policy intends to assist in identifying cases where people appear to be seeking to be disruptive to the Council through pursuing an unreasonable course of conduct.
- 1.3. The term "complaint" in this policy includes requests made under the Freedom of Information Act (FOIA) 2000 and the Data Protection Act (DPA) 1998. It also includes any other requests or forms of contact, whether received verbally, by letter, by email or by any other means. The term "complainant" in this policy refers to anyone making a complaint or any other form of request.
- 1.4. Habitual, vexatious and unreasonably persistent complaints and unreasonable behaviour by complainants are time consuming and wasteful of resources. Under this policy, restrictions can be placed on unreasonably persistent or unreasonably behaved complainants where there is evidence to justify them.

2. Habitual or Vexatious or Unreasonably Persistent Complainants

- 2.1. For the purposes of this policy the following definition of habitual or vexatious or unreasonably persistent complaints and complainants will be used:

The repeated and/or obsessive pursuit of:

- a. unreasonable complaints and/or unrealistic outcomes; and/or
- b. reasonable complaints in an unreasonable manner.

- 2.2. Where complaints or requests continue over a protracted period or they or the complainant is persistently unreasonable, in accordance with the criteria set out in Section 3, the Clerk will consult with the members of the Human Resources Committee and seek agreement to treat the complaint or complainant as a habitual, vexatious or unreasonably persistent complaint or complainant under this policy. The Clerk in consultation with the members of the Human Resources Committee will decide on the appropriate course of action to be taken. The Clerk may also consult other relevant councillors (including but not limited to the Chairman or Vice-Chairman of the Council and/or members of a relevant committee and/or members of the Complaints Committee, if that Committee has previously dealt with a relevant complaint or complainant).

Adopted at Council 26 July 2017

3. Definitions

- 3.1 Abertillery and Llanhilleth Community Council defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the Council, hinder the Council's consideration of their or other people's complaints or requests, or the Council's consideration of other matters. The descriptions 'unreasonably persistent' and 'vexatious' may apply to an individual complaint or request or the number of complaints or requests that an individual has made.
- 3.2 Where there is evidence of people working together (e.g. emails copied in to each other or similar content or patterns of contact), a group of individuals may also be considered to be unreasonably persistent or vexatious.
- 3.3 Features of an unreasonably persistent and/or vexatious complainant include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category).

An unreasonably persistent and/or vexatious complainant may:

- Have insufficient or no grounds for their complaint or request and may appear to be making the complaint or request only to annoy, disrupt or frustrate.
- Refuse to co-operate with the Council's formal complaints process whilst still wishing their complaint to be resolved.
- Insist on the complaint being dealt with in ways which are incompatible with the complaints procedure.
- Refuse to accept that issues are not within the remit of the complaints policy and procedure.
- Refuse to accept that issues are not within the power of the Community Council to investigate, change or influence.
- Make an unreasonable number of contacts with the Council, by any means in relation to a specific request or complaint(s).
- Make persistent and unreasonable demands of staff and/or the complaints procedure after the unreasonableness has been explained to the complainant.
- Harass or verbally abuse or otherwise seek to intimidate staff dealing with their request or complaint.
- Use foul, inappropriate, offensive, defamatory or racist language.
- Raise subsidiary or new issues whilst a request or complaint is being addressed, which were not part of the request or complaint when it was originally made.
- Refuse to accept the reply given or the outcome of the complaints 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 requests or complaints repeatedly, perhaps with minor differences, after the requests or complaints have been concluded and insist that the minor differences make these 'new' requests or complaints which should be dealt with again or through the full complaints procedure.
- Persistently approach the Council through different routes about the same issue.
- Complain about an issue based on an historic and/or irreversible decision or incident.

4. Imposing restrictions

- 4.1. The precise nature of the action that the Community Council takes should be appropriate and proportionate to the nature and frequency of the complainant's contacts with the authority. The action will be decided by the Clerk in consultation with the members of the Human Resources Committee and other members whom the Clerk considers appropriate and may include (this list is not exhaustive):
- limiting the complainant to one medium of contact (e.g. by letter only)
 - limiting the complainant to one point of contact only (e.g. a named member of staff)
 - limiting the complainant to contact only at certain times of the day
 - refusing to register any further complaints or requests regarding the same matter
 - refusing to deal with any further requests on the same matter or
 - informing the complainant that the Community Council will not reply to or acknowledge any further contact with them on specific topics.
- 4.2. The Clerk on behalf of the Council will notify the complainant in writing of the reasons why their complaint/s or requests have been treated as habitual, vexatious or unreasonably persistent and the action that will be taken. The Clerk will explain that the complainant may appeal the decision through the Council's complaints process, except where the complaints process has already been exhausted.
- 4.3. Where a complainant continues to behave in a way that is unacceptable the Clerk, in consultation with the members of the Human Resources Committee and other members whom the Clerk considers appropriate may refuse all future contact with the complainant and stop any investigations into his/her behaviour. This may be for a specified period of time (e.g. six months).
- 4.4. Where the behaviour is so extreme or it threatens the immediate safety of staff, other options will be considered, e.g. reporting the matter to the Police.
- 4.5. A review of a decision to restrict a complainant's contact or the Council's response to them should be undertaken every 6 months, in light of the circumstances prevailing during that 6 months. The review will be conducted by the original decision maker(s) (i.e. the Clerk in consultation with the members of the Human Resources Committee and any other members consulted on the matter or by the Complaints Committee if it has previously considered a complaint on the matter).