



Malvern Hills Trust

Meeting of the

STAFFING COMMITTEE

Thursday 4 November 2021 7.00 pm

**United Reformed Church
Malvern Link WR14 1SS**

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Members: Mr D Baldwin, Mr R Bartholomew, Mr M Davies, Mrs H I'Anson, Ms S Rouse, (non-voting), Mrs C Palmer, Prof J Raine, Mrs G Rees.

1. Apologies for absence
2. Chair's announcements
3. Declaration of Interests
4. Public comments
5. Matters arising from previous meeting not otherwise on agenda

Recruitment

6. Update on Health and Safety Issues Paper A
7. Abusive, Persistent or Vexatious Complainants Policy Paper B
8. Bullying and Harassment Policy Paper C*
9. Urgent Business
10. Date of next meeting 7 April 2022
11. Confidential business

Resolution to exclude the public for discussion of item 12 on the agenda on the grounds that publicity would be prejudicial to the public interest by reason of the exempt or confidential nature of the business to be transacted (personnel matters).

Confidential

12. Estate Supervisor post.

* Draft policy not available - to follow

If you or anyone in your household/bubble has experienced any Covid symptoms in the last 7 days, please do NOT attend this meeting. Delta variant symptoms for those who have been vaccinated are commonly runny nose, sore throat and headache, and not necessarily a cough, fever or loss of sense of taste or smell.

There are still high numbers of Covid cases and it is clear that notwithstanding vaccination, people can still catch the virus. Each venue is risk assessed by the Trust and is allocated a maximum capacity so that a minimum distance can be maintained between attendees. Once the capacity for the venue has been reached, in order to keep attendees safe, no further people will be admitted. If you attend the meeting you will still be asked to wear a face mask as a courtesy to other attendees.

Out of consideration for others, we ask all attendees to undertake a lateral flow test and not to attend if this shows positive result.

Anyone (other than Staffing Committee members) who wishes to attend must apply in writing to cindy@malvern hills.org.uk (or write to Mrs L Parish at the Trust's office), giving their name, E-mail address and contact number. Places will be allocated on a first come first served basis. Cindy will confirm whether there is a place available.

If you turn up at the meeting without pre-booking you risk not being admitted.

Staffing Committee
Health and Safety Report
4th November 2021

1 Health and Safety Incidents

Reported Accidents in the period 21/06/21 to 04/11/21 None

Notifiable Accidents in last 12 months: None

Reported Accidents in last 12 months: None

Near Misses reported 3

2 Health and Safety assessment.

The Trusts external health and safety advisor, Mr Keith Tompkins undertook an assessment of Trust properties and procedures on 13th July. This included inspection of the three main buildings (Manor House, Top Shed and Bottom Shed), an assessment of a volunteer activity (thistle pulling on Castlemorton Common), inspection of the Swinyard car park and Gullet Quarry, as well as a review of paperwork and procedures. The main points arising were

Manor House – Advisories on access ways, cabling, storage of tools and no smoking signage.

Top Shed – signage compliance (actioned), PUWER recording, as well as potential lighting improvements and floor markings.

Bottom Shed – Advisories on storage of materials and tools, lighting, power and battery charging.

Swinyard/Gullet Quarry – Advisory on review of provision of throwlines, marking of car park bays

Volunteer activity – no advisories

Paperwork – Review of H & S policy had been recently carried out which Mr Tompkins has agreed.

3 Near miss reporting.

Comments and advice from both Keith Tompkins and others in the field indicate that, in light of low numbers of near-misses being reported, adopting a system for “hazard / safety spotting” may serve the Trust better in generating more alerts amongst staff of potential health and safety issues. This will be trialled over the next 6 month period.

4 Training

COSHH and ladder access training will need to be updated / provided to some staff over the coming 6 month period.

5 Covid precautions.

Precautions and measures for visitors accessing Manor House remain in place, in accordance with current Government guidelines and the Trust's own Risk Assessments. Similarly measures for Covid secure working for staff remain in place in the offices and buildings. These are being regularly reviewed to take account of any changes to Government guidelines or restrictions.

Duncan Bridges
CEO
25/10/2021

Staffing Committee
Revision of Abusive, Persistent and Vexatious Complainant Policy
1 July 2021

The current policy was approved by the Board in 2018. It became clear when the Trust looked at implementing the policy that it would be helpful to make some revisions.

Recommendation

That the Staffing Committee review the revised draft policy, consider whether any further amendments are required and recommend the revised policy for adoption by the Board.

Susan Satchell
Secretary to the Board
25 October 2021

Abusive, persistent or vexatious complainants

Introduction

Dealing with a complaint is usually a straightforward process but in a very small minority of cases people can pursue their complaints in a way which can either impede the investigation of their complaint, has an unacceptable impact on staff members or creates significant resource issues for the Trust.

MHT is committed to dealing with all complaints fairly, comprehensively, and in a timely manner. Everyone who contacts MHT has a right to be heard, understood and respected and MHT recognises that people may have difficulty expressing themselves when anxious or upset, and make allowances for this. MHT will not normally limit the contact which complainants have with staff.

However MHT has a duty to its employees and volunteers (collectively referred to as staff in this policy) and does not expect them to tolerate unacceptable behaviour. This may include

- Using abusive or foul language
- Any form of personal abuse, intimidating or threatening behaviour
- Sending multiple emails, making multiple calls or visits.

MHT will take action to protect staff from such behaviour, and to protect the resources and reputation of the organisation. If someone behaves in this way the Trust will follow this policy.

The issues – identifying inappropriate behaviour

Raising legitimate queries should not lead to a complainant being labelled vexatious. Likewise, if a complainant is unhappy about the outcome of a complaint and seeks to challenge it, that should not necessarily lead to him/her being labelled as unreasonably persistent.

If it is clear that a complainant genuinely believes his complaint has merit (even though Trust staff know it is without foundation) then it is not vexatious and should be dealt with in accordance with the Trust's complaints process. There should be a proportionate investigation and if the evidence does not support the complaint, the complainant will then be informed of the outcome.

Abusive, persistent or vexatious behaviour can take many forms and the outline below should not be taken to exclude other forms of behaviour.

Using foul, inappropriate or discriminatory language.

Unreasonable demands or being unreasonably persistent impacts on the ability of staff to do their jobs. It might include requesting responses within an unreasonable timescale; insisting on speaking to or corresponding with a particular member of staff, frequent phone calls, visits, e-mails, or letters; repeatedly changing the substance of the complaint or raising unrelated concerns.

Unreasonable persistence includes continual refusal to accept that a decision has been made in relation to a complaint; insisting that staff answer questions when

they have already done so or explained why they will not; persistent refusal to accept explanations about what the Trust can or cannot do; sending e-mails to multiple members of staff, Board members or to external bodies or individuals; or repeatedly trying to revisit a case once the complaints process, has come to an end.

Vexatious complaints are ones without foundation or which are disproportionate, and which may have the effect of overwhelming, victimising, harassing, embarrassing or worrying Trust staff. They may also include complaints made with such high frequency that they become an unnecessary drain on resources.

Handling behaviour as outlined above could place a strain on resources and cause unacceptable stress for staff, who may need support in difficult situations.

The procedures outlined in this document will only be used as a last resort and after all reasonable measures have been taken to try to resolve issues, including use of the complaints procedure.

Dealing with abusive, persistent or vexatious complainants

There is an internal staff policy for dealing with difficult situations arising from the way in which a member of the public is behaving. With phone calls, this may culminate in extreme cases in the member of staff ending the telephone call if the caller is aggressive, offensive or abusive. Staff must be accountable for their actions and are required to log all instances of when calls have been terminated, noting the reason(s) for ending the call. The policy also covers the procedure for dealing with a difficult member of the public visiting the office.

A difficult first contact may be the start of a series of interactions and it is important that staff record the event contemporaneously in as much detail as possible. Staff should always report what has happened to their line manager or, if the conduct is persistent or is serious, to the CEO.

A record should be made and retained of all subsequent communications.

Complainants may not realise that their attitude/behaviour is causing unnecessary distress to others. Where staff consider that a member of the public's actions or behaviour is likely to have a negative effect, the member of the public should politely be informed that their behaviour is not acceptable and the reasons why. If appropriate the request may be given or reinforced by a senior member of staff or the CEO.

Staff must be satisfied before taking any further action under this policy that the complainant's circumstances have been taken into account, including any protected characteristics.

If the actions or behaviour by the individual continues, MHT will take steps to prevent or minimise the negative effects. If a complaint has been dealt with, and the complainant informed of the outcome, the first step may be to inform the complainant that the Trust will enter into no more correspondence on the relevant topic. Wherever appropriate, MHT will continue with a review of the person's complaint whilst ensuring that action is taken to protect staff and to ensure that they can work effectively.

The CEO will decide if an individual should be classified as an abusive, persistent or vexatious complainant and whether measures need to be implemented pursuant to this policy. The CEO should make a written record of his/her decision, the control measures to be used and the reasons why it has been made. If the CEO does so decide, he/she should notify the Chair.

In the event that the complaint is directed at the CEO, the Secretary to the Board will act in place of the CEO.

The appropriate control measures to be used will vary depending on the circumstances. Examples of some of the control measures (not intended as an exclusive list) which might be authorised by the CEO to restrict future contact from a person are:

- Designating a single method and named point of contact
- Limit the person to making telephone calls on a specified day and time per week;
- Stipulate that MHT will call them at an agreed time instead of them calling MHT;
- Not accept any further telephone calls from the person but in those circumstances keep at least one other form of contact.
- Limit the number of emails which may be sent each week, and designate an email address
- Removing the 'implied licence' to visit the office if they are a continual or abusive visitor
- Require the person to communicate with MHT through a representative or a different representative where it is the representative whose behaviour is causing concern.
- Read and file any future correspondence but acknowledge receipt
- Not respond to further contact in relation to a specific topic.
- Informing the complainant that any further complaints will only be considered if the CEO agrees they warrant investigation.

If the CEO decides it is necessary to block or restrict contact, the complainant should be informed in writing of:

- the decision which has been taken
- why the decision has been taken,
- the duration of the action and
- when it will be reviewed.

A restriction on contact should normally be time limited but will be kept under review by the CEO (see below).

If the conduct is extreme MHT may have to consider legal action or if the behaviour constitutes an offence, the police should be notified. MHT need not warn the complainant prior to taking either of these courses of action.

Expiration and limitation of status as an abusive, persistent or vexatious complainant

When individuals have been classified as abusive, persistent or vexatious, the designation will usually be applied for a fixed time period, depending on circumstances. At the end of that period, the designation will be reviewed by the CEO and may be extended or withdrawn if, for example, the person subsequently demonstrates a more reasonable approach.

New Complaints from those designated as an abusive persistent or vexatious claimant

The status of abusive, persistent or vexatious complainant will normally only apply in relation to a specific issue. If a new issue is raised by someone who has been designated under this policy, it will be considered by the CEO in consultation with the Chair of Staffing Committee and investigated if it might have substance. The individual will not be deemed to be abusive, persistent or vexatious in relation to a new topic unless that behaviour is also demonstrated in relation to the new issue.

Ceasing all contact with a complainant

In some circumstances it may be appropriate or necessary for the CEO to authorise cessation of all contact between staff and an individual for a period of time, such as in the case of having an issue investigated by the police, having taken legal action, or if there is some form of ongoing investigation by another regulatory body.

Review

The complainant has a right to request a review of any decision reached in accordance with this policy. Review requests must be received within 28 days of the date of the decision. Review requests will be investigated by any 2 committee chairs and the outcome confirmed in writing.

Staffing Committee
Revision of Bullying and Harassment Policy
4 November 2021

It was identified that the Trust's Bullying and Harassment Policy did not expressly cover the behaviour of trustees as well as employees. Staff have consulted the Trust's HR advisor and have incorporated some changes into a revised draft.

Recommendation

That the Staffing Committee review the revised draft of the policy, consider whether any further amendments are required and recommend the revised policy for adoption by the Board.

Susan Satchell
Secretary to the Board
26 October 2021