

20th July 2020

COMPLAINT DECISION NOTICE

COMPLAINT REFERENCE: COUNCILLOR VALERIE PIKE
DECISION: BREACH OF THE CODE OF CONDUCT

Power to determine the Complaint

This Code of Conduct complaint against Cllr Valerie Pike, a Member of Sunningdale Parish Council, has been determined under Part 7 of the Royal Borough of Windsor and Maidenhead's Members' Code of Conduct complaints process, Appendix 4.

I assessed the complaint under paragraph 3 of Appendix 4, and considered that the criteria stated in that paragraph was met with regard to accepting the complaint. Under paragraph 4 of Appendix 4, I consulted Mr. David Comben, the Royal Borough's Independent Person with regard to his views of this decision.

The Complaint

The complaint was submitted by the Chairman of Sunningdale Parish Council and was as follows:

In August 2019, in a public forum, Cllr. Pike inappropriately posted criticism of the Parish Clerk by saying that a paper she alleged had been written by her, and presented by the then Chairman of the Operations Committee, contained erroneous information. Cllr. Pike also stated that the Chairman failed to advise the Clerk that her role was advisory when she intervened in meeting proceedings, and that the Clerk was acting ultra vires. She also made reference to her salary level. She named the Parish Council in that posting which would have led to the Parish Clerk's identification, and her comments could have led the public to draw a conclusion that the Parish Clerk was incompetent. An independent consultant from Croner HR Services was appointed to deal with a grievance complaint made by the Parish Clerk against Cllr. Pike. It was concluded by them that the postings amounted to bullying conduct towards the Parish Clerk and they upheld the grievance complaint against Cllr. Pike 'in its entirety'.

On 10th September 2019 the Chairman sent Cllr. Pike an email which said: "There has been a formal complaint regarding your behaviour towards a member of staff of the Parish Council and, therefore, I have to request that you do not visit the office, telephone, email or have any other type of communication with members of staff at the Parish Council office until this matter is resolved." Cllr. Pike nevertheless contacted the Parish Clerk on four separate occasions, two on 31st October and 23rd November 2019 and the other two in response to a call to a Parish Council meeting. She also attended the offices at a time when the Parish Clerk was there when there was no need to do so. These communications to the Parish

Duncan Sharkey - Managing Director

Town Hall, St. Ives Road, Maidenhead, SL6 1RF

W: www.rbwm.gov.uk E: customer.service@rbwm.gov.uk T: 01628 683800

 @rbwm  search: rbwm

Clerk were unnecessary, they could have been directed to the Chairman or another Member.

Cllr. Pike was asked to apologise but to date this has not been done.

The complaint alleged that Cllr Pike had breached the following paragraphs of Sunningdale Parish Council's Code of Conduct, which were:

- x. You must not act in a way which a reasonable person would regard as bullying, or in any way which is intimidating to others.
- ix. Councillors must not behave in such a way that a reasonable person would regard as disrespectful to others. You should encourage and foster respect in others.

Cllr. Pike responded as follows:

She did not consider that the grievance report from Croner HR Services should be given any weight in this Code of Conduct complaint. She asked to see the grievance complaint from the Parish Clerk. She also stated that her public comments referred to in the complaint were not directed to an individual but to the Council. She added that she had a duty of care to the electorate to scrutinise the actions and decisions of the Council and 'in the process some rough and tumble is to be expected'. She referred to her right to freedom of expression under Art 10 of the ECHR and that included a right to opinions. She said that she was prepared to discuss any misunderstandings with regard to the grievance complaint but that this was not taken up.

Cllr. Pike referred to her email contact with the Parish Clerk on 31st October and 23rd November, having been asked not to contact her. She explained that she was seeking clarification about legal advice allegedly given about her removal from the Finance Committee. She concluded that she did not consider her behaviour to be 'in any way, shape or form [to] be considered bullying' but that her actions were those of legitimate challenges which a Member can make in challenging policy or scrutinising performance.

My response to these points is as follows. The professional grievance report from Croner HR Services provided evidence for the Code of Conduct complaint and therefore was centrally relevant to it. The Parish Clerk's grievance is confidential and does not add anything to the facts, which are not disputed by Cllr. Pike. She also stated that there is no definition of bullying and sought to provide her own definition; however there is guidance on the meaning of bullying and intimidation on page 8 of Sunningdale Parish Council's Code of Conduct. This was pointed out to Cllr. Pike by me when I informed her of the complaint. With regard to her point about stating that her comments were directed to the Council rather than an individual, she clearly identified the Parish Clerk in those postings. The facts of the public postings were not disputed, and Cllr. Pike has not apologised for the clear upset she knew had been caused by them.

Analysis

The part of this complaint about reference to a posting about the Parish Clerks salary was dealt with in a previous Code of Conduct complaint against Cllr. Pike, where the decision dated 24th February 2020 found she was in breach of para. x) of the Code of Conduct. I am therefore unable to make a decision with regard to that part of the complaint here and do not consider that it would add anything to this decision to find her in breach of para. x) again. This complaint does however refer to other statements made by Cllr. Pike in a

public forum criticising the Parish Clerk, and the subsequent report from Croner HR Services clearly upheld the accusation of bullying 'in it's entirety' by reference to those postings. I have relied on the report in my decision here by finding her in breach of para. ix) of the Code of Conduct. I consider that the fact that she continued to contact her on four occasions after being asked not to do so a clear indication that she intended to continue to undermine and humiliate the Parish Clerk. Whilst I understand that Cllr. Pike may wish to question certain actions of the Council, it is clearly unacceptable that she can do so in a way that involves Parish employees in 'some rough and tumble'. If she wished to express disagreement with a Parish employee, she should do so appropriately and in accordance with guidance in the Parish Code of Conduct. I am not satisfied with Cllr. Pike's explanation about her subsequent contact with the Clerk, having been told not to contact her, when there were clearly other ways of obtaining the information that she was seeking.

Cllr. Pike expressed no lack of remorse for the upset caused to the Parish Clerk, and did not consider the request not to contact her after the grievance was made known to her as something she should comply with. By way of sanction, I would ask Cllr. Pike to apologise to the Council's Parish Clerk, although I note that I had asked her to do so for the previous complaint and she has refused to do so for reasons which are not understood. Her response and her behaviour generally in connection to this complaint does not come up to the high standard which I would regard as appropriate for the highly responsible role given to her by the local electorate. There are no other sanctions available to me to suggest to the Parish Council; however they may wish to consider sanctions of their own after taking independent advice on powers available to them to do so.

Decision: I consider that Cllr Valerie Pike is in breach of paragraph ix) of Sunngindale Parish Council's Code of Conduct.

Notification of Decision

My decision has been sent to Sunningdale Parish Council and will be published on the Borough Council's webpage for a period of 24 months. The Parish Council may also do so on their own website.

Under Part 7 Appendix 4 of RBWM's complaints procedure there is no further right of appeal. Anyone dissatisfied with this decision may however write to the Local Government Ombudsman. Further details are on the Local Government Ombudsman's website. Please note that Councillor complainants are unable to use this service.

Mary Severin
Monitoring Officer

20th July 2020