

Governance Committee

22 June 2020

Part I

Notice of Motion on Abuse of Members and Staff

Report by the Director of Law and Assurance and the Interim Director of Human Resources and Organisational Change

Summary

A notice of motion on the Abuse of Members and Staff was put to the County Council by Cllr David Edwards in December 2019 and was referred to the Cabinet Member for Economy and Corporate Resources for consideration. The Cabinet Member is broadly supportive of the aims of the motion and has initiated several workstreams to investigate opportunities in support of the proposals, including revisions to the policy on dealing with malicious communications, which the Committee is asked to approve. The report also includes an update on action taken to address the other issues raised on the motion.

Recommendations

The Committee is asked to:

- (1) Approve the revised Policy on Dealing with unreasonable complaints and unacceptable behaviour (attached at Appendix A); and
- (2) Note the action taken to date to address issues raised in the notice of motion.

Proposal

1. Background and Context

- 1.1 A notice of motion on Abuse of Members and Staff was put to the County Council in December 2019 by Cllr David Edwards. This asked for more to be done to address the abuse of members and staff. The Cabinet Member for Economy and Corporate Resources was asked to:
- (a) Lobby the Government to broaden the definition of a hate crime to include the victim's political beliefs in order to prevent elected members being threatened for expressing different political opinions;
 - (b) Devise a policy for dealing with malicious communication;
 - (c) Provide elected members and officers with training on dealing with malicious communication; and

- (d) Compile a register of people who send or verbalise malicious communication in any format in order to better protect members and staff.
- 1.2 The Chairman referred the motion to the Cabinet Member for Economy and Corporate Resources who held a meeting with Cllr Edwards on 14 April to discuss the proposals. The Cabinet Member is broadly supportive of the aims of the motion and has initiated several workstreams to investigate opportunities in support of the proposals. Of specific relevance to the Governance Committee is the proposed revision of the Procedure and Guidance on Handling Unreasonably Persistent Complainants and Unacceptable Behaviour.

2. Proposal

- 2.1 Details of the workstreams on each of the notice of motion recommendations are set out below, including as appropriate outcomes and proposed actions.
- 2.2 **Lobbying the Government to broaden the definition of hate crime:** a letter of enquiry has been sent to the Local Government Association (LGA) to find out if other local authorities have made representation on this matter. The letter also asked if the LGA would assist in lobbying the Government to have abuse due to a victim's political beliefs included in the definition of 'hate crime'. A response to this letter is awaited and next steps will be agreed with the Cabinet Member in due course.
- 2.3 **Policy for dealing with malicious communication:** investigation was made into existing policy and guidance for members and officers. The document 'Procedure and Guidance on Handling Unreasonably Persistent Complainants and Unacceptable Behaviour' (attached at **Appendix A**) has been updated and extended to cover members as well as officers and arrangements made to ensure members know how to access it. The Committee is asked to endorse the document.
- 2.4 **Training for members and officers:** existing training available for officers and members has been explored. In addition to support offered on the LGA's website there are various internal training programmes offered via the Council's Learning and Development Gateway including: Unconscious Bias; Workplace Diplomacy, Communicating Under Pressure, Introduction To Dealing With Compliments And Complaints and a more detailed course, Responding To Complaints. While these courses are predominantly aimed at staff, members are also able to access these. It was felt, however, that it would be useful to consider drawing up a new training course with specific content for the role of the elected representative which could include:
- Information on what residents can expect from members
 - Key legislation - Malicious Communications Act 1988, s.1., Communications Act 2003, s.127 & Public Order Act 1986
 - What constitutes malicious communications
 - What constitutes persistent and unwanted communications
 - How to respond to communications
 - How to log and record incidents
 - Support available.

It is proposed that a report be taken to the Member Development Group in October for it to consider what tailored training and induction should be provided for members. The outcome of this work will be reported to this Committee.

- 2.5 **Compile a register of people who send or verbalise malicious communication:** the potential to hold and maintain a register has been examined with the Director Law and Assurance and has been addressed as part of the review of the policy review referred to in 2.3 above. A data privacy impact assessment was completed to ensure full compliance with data protection principles. Appropriate controls and safeguards have therefore been incorporated into the policy revision and the list will be closely managed within the customer relations team’s arrangements. The criteria for inclusion and the actions to manage, control and remove from the list will be carefully managed in compliance with the policy should it be approved.

3. Resources

- 3.1 There may be costs arising from any training developed for members and officers. These costs can be met from within existing budgets.

Factors taken into account

4. Consultation

- 4.1 The development of proposals has involved consultation with the Cabinet Member for Economy and Corporate Resources, the proposer of the motion, the LGA, the Interim Director of Human Resources and Organisational Change and members of her team and the Director of Law and Assurance. As the proposer of the notice of motion, Cllr Edwards has been invited to attend the Committee.

5. Risk Implications and Mitigations

Risk	Mitigating Action (in place or planned)
Data breach or misuse of personal data linked to policy on managing behaviour	A full data privacy impact assessment has been undertaken and the policy reflects the output of the DPIA
The policy and procedures are ineffective	Attention will be given to review the policy in light of experience and learning.

6. Other Options Considered

- 6.1 N/A

7. Equality Duty

- 7.1 This has been addressed as part of the DPIA referred to in the risk item above

8. Social Value

8.1 It is not considered that the social value policy is engaged in this matter.

9. Crime and Disorder Act Implications

9.1 The issue of possible criminal conduct and how it may be avoided or mitigated will be addressed in the actions referred to in this report.

10. Human Rights Implications

10.1 This is covered within the measures to address data privacy.

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Appendix A

Procedure and Guidance on Handling Unreasonably Persistent Complainants and Unacceptable Behaviour

Background Papers

None