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| <b>Report title</b>  | <b>Review of the Unreasonable Complainant Behaviour Protocol</b> |
| <b>Report author</b> | Clare Pinnock, Democratic Services Officer                       |
| <b>Department</b>    | Law and Governance   |
| <b>Exempt?</b>       | No   |

**Purpose of report:**

- To resolve

**Synopsis of report:**

To present a revised policy and procedure for dealing with unreasonable actions by complainants and to provide the Committee with details of how the motion passed at full Council in April 2024 is being progressed

**Recommendation that:**

The revised policy for dealing with people who act unreasonably in respect of their complaints be approved

**1. Context and background of report**

1.1 At the meeting of the full Council in April 2024, there was a motion in respect of the Local Government Association’s campaign called ‘debate not hate’.

**Extract from full Council Minutes:**

**Motivation:**

This motion is being brought forward to publicly demonstrate the commitment of Runnymede Borough Council to improving the quality of public and political debate and to challenging abuse and intimidation of people in public life, by supporting the Local Government Association (LGA) Debate Not Hate Campaign.

**The Council notes:**

Increasing levels of toxicity in public and political discourse is having a detrimental impact of local democracy.

Prevention, support and responses to abuse and intimidation of local politicians must improve to ensure councillors feel safe and able to continue representing their residents.

The LGA Debate Note Hate campaign aims to raise public awareness of the role of councillors in local communities, encourage healthy debate and improve the response to and support those in public life facing abuse and intimidation.

### **Guiding Principles of the Debate Not Hate Campaign**

Based on workshops and interviews with council officers, the LGA have some guiding principles to help councils who wish to support the Debate Not Hate Campaign. These are:

- 1) Zero-tolerance approach to abuse: Establish and enforce a strict policy that clearly outlines expectations for interactions and promotes respectful debate.
- 2) Clarity of process and responsibility: Clearly define the process for raising concerns and assign responsible individuals within the council to provide support to councillors.
- 3) Relationships with local police: Proactively develop strong relationships with the police to enhance coordination and foster mutual understanding of abuse affecting councillors and the role of police in addressing it.
- 4) Tailored risk assessments: Consider individual councillors' needs and proactively identify risks through dynamic and periodic risk assessments.
- 5) Prioritise councillor wellbeing: Recognise and consider how your council can support councillor wellbeing and address the negative impacts of personal attacks.

### **The Council believes that:**

- The intimidation and abuse of councillors, in person or online, undermines our community; preventing elected members from representing the wards they serve, deterring individuals from standing for election, and undermining public life in democratic processes.
- Some councillors have been put off from standing in future elections due to abuse and intimidation.
- A cross-party approach is required to ensure that Runnymede can remain a Council where healthy debate and discourse thrives without turning into personal abuse.

### **The Council resolves:**

- 1) To endorse the LGA Debate Not Hate Public Statement and its guiding principles.
- 2) To ask the Chief Executive to email [debatenohate@local.gov.uk](mailto:debatenohate@local.gov.uk) on behalf of the Council to add Runnymede Borough Council's signature to the LGA Debate Not Hate Public Statement.
- 3) To ask all Group Leaders and the proposer of this motion (Cllr Jenkins) to sign the attached Press Release and to ask the Chief Executive's Office to publish the signed release via the Council website, newsletters to all residents and RBC social media.
- 4) To ask the Leader of the Council to write to the Member of Parliament for Runnymede and Weybridge to ask him to support the LGA Debate Not Hate Campaign.

### **The Council additionally resolves to ask the Standards and Audit Committee to consider:**

- 1) Including the LGA Debate Not Hate Campaign as a standing item on the committee work programme from May 2024 onwards, allowing it to be kept informed of any developments.

- 2) Reviewing the Council's Complaints Procedure to ensure a robust, zero-tolerance approach to harassment, intimidation or abuse with clear reporting and monitoring mechanisms, and to ensure that the guiding principles of Debate Not Hate are supported by the Protocol for the Management of Unreasonable Complainant Behaviour.
- 3) Regularly reviewing the support available to Councillors and Officers in relation to abuse, intimidation and safety.

## **2. Report and, where applicable, options considered and recommended**

- 2.1 Following the meeting of full Council a [press release](#) was issued and this Council now appears on the list of those who have signed up to the statement on the LGA website.
- 2.2 In respect of 1) above, Officers consider that the appropriate course of action would be to rather than add it to the work programme, keep the Committee informed if any updates on the campaign are issued by the LGA which are relevant to the remit of this Committee. If there are any instances where councillors cross the boundary in respect of appropriate standards of debate, they will be dealt with under the Member Code of Conduct as opposed to the Debate Not Hate Campaign.
- 2.3 Members will recall that at its meeting in July, this Committee was advised that the protocol for dealing with unreasonable complainant behaviour was being reviewed. At the same meeting, the Committee approved an updated complaints policy which makes reference to the debate not hate campaign and includes a zero tolerance approach to abuse.
- 2.4 The 'debate not hate' campaign is separate from the protocol for dealing with unreasonable complainant behaviour. The concept of debate not hate mainly applies to conduct by and between councillors in the course of carrying out their role, and to do so respectfully and without using language or behaviour that could bring them or their office into disrepute, which is underpinned by the Councillors' Code of Conduct.
- 2.5 The principle extends to Councillors' interactions with the public and if a councillor feels threatened they should feel confident to report the matter to the Monitoring Officer, or the Police as appropriate. In those situations, councillors can be signposted to support, training can be arranged either through the LGA or another appropriate organisation and the councillor's own political group or party would be asked to offer support. We now have a spreadsheet to report concerns from councillors. Should any information come to light which needed further action this would be considered by the Monitoring Officer.
- 2.6 In terms of other protection for councillors, we have taken the default position of not publishing home addresses, unless a councillor specifically says they want it to be publicly available. We also have the provisions for withholding 'sensitive information', as defined, from a councillor's declarations of interest if they feel that revealing the information would put them or a person connected with them at risk of intimidation or violence.
- 2.7 Officers have prepared a risk assessment in the context of evening meetings which includes the scenario of any aggression either from the public or councillors. The Council's Rules of Procedure set out in the Council's Constitution cover standards of behaviour, respect for others and what happens in the event of disorderly conduct.

- 2.8 We were asked to ensure that the campaign's guiding principles supported the protocol for dealing with unreasonable complainant behaviour. Officers consider that there are enough similarities in approach in the protocol to be confident that the expectation of people's behaviour is articulated sufficiently to manage our interactions with the public and in dealing with complaints. The LGA has issued [guidance](#) for Councillors about handling abuse and similar behaviour.
- 2.9 In respect of point 3 above, the Council's Safety Committee has oversight of fulfilling the Council's duty of care to staff under the Health and Safety At Work Act etc 1974 to ensure as far as reasonably practical a safe working environment.
- 2.10 The Council conducts regular reviews of risk assessments in respect of for example lone working, home visits, interviews with customers and service users and data held securely with regard to potentially difficult situations. Whilst the protocol is not directly linked to this it is relevant given that complaints may arise from our interactions with people whose behaviour is challenging. Training is also provided to the Council's Health and Safety Leads and other relevant staff in each Business Centre.
- 2.11 There is an employee assistance programme which includes a confidential counselling service and there is access to other support for staff that may be needed. Staff are encouraged to report accidents and near misses which could include incidents involving abuse, intimidation and potential threats to safety.
- 2.12 Officers have reviewed the protocol and a new 'clean' version is attached at Appendix A. Members will note from the 'tracked changes' version at Appendix B that this has been substantially re-worded and simplified, it largely follows the model approach of the Ombudsman's own policy for dealing with people that make complaints about their service including the reference to 'actions' instead of 'behaviour'.
- 2.13 It may be appropriate to use this policy to cover relentless and time-consuming contact from customers who say they are aggrieved but are not being dealt with through the complaints process (e.g. because they have totally exhausted that route).
- 2.14 In the last 12 months there have been a handful of occasions where the policy has been invoked. However, one needs to bear in mind that using the policy should be a last resort and to look behind the circumstances in which someone's behaviour may be considered unreasonable.

### **3. Policy framework implications**

- 3.1 The revised policy seeks to allow our communities to be empowered while still protecting our staff, contractors and councillors from abusive behaviour.
- 3.2 Whilst the policy is primarily aimed at dealing with the formal complaints process it can be employed to cover what can be considered relentless and time-consuming contact from customers who say they are aggrieved but are not being dealt with through the complaints process (e.g. because they have totally exhausted that route).

### **4. Resource implications/Value for Money**

- 4.1 The policy is administered within existing resources, noting that the call on time for Complaint Handlers in Housing and Environmental Services can be significant.

## **5. Legal implications**

- 5.1 It is not a legal requirement to have a policy for dealing with people whose behaviour is considered unreasonable; rather the Council has a duty of care under health and safety legislation towards its staff.

## **6. Equality implications**

- 6.1 Councillors need to demonstrate that they have consciously thought about the three aims of the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010, as part of the decision-making process. The three aims the authority must have due regard for are:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic

- 6.2 The Council must pay due regard to any obvious risk of such discrimination arising from the decision before them as well as consider the potentially positive effects of a policy or procedure. The Council's Equality Policy states that an Equality Impact Assessment will be used. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion or belief, sex or sexual orientation.

- 6.3 A Full Equality Impact Assessment was carried out and referred to the Council's Equalities Group (Appendix B). Their comments have been considered and incorporated into the new policy.

## **7. Environmental/Sustainability/Biodiversity implications**

- 7.1 None identified.

## **8. Risk Implications**

- 8.1 Having robust policies and procedures in place reduces the risk of staff, contractors and councillors being exposed to unreasonable behaviour and gives a clear message to all about our expectations, boundaries and action that could be taken to deal with people that behave unreasonably.

## **9. Other implications**

- 9.1 None identified.

## **10. Timetable for Implementation**

- 10.1 If approved by this Committee, the revised policy will be applied with immediate effect and the Staff Home pages and public facing website will be updated accordingly.

## **11. Conclusions**

11.1 It is important to set parameters for our customers on how they will be dealt with if considered to be acting unreasonably or in a way that is discriminatory and threatens the health and wellbeing of staff, contractors and councillors who may be trying to assist them with making a complaint.

**12. Background papers**

- Working papers on complaints held on the file 61.21.11 including a tracked changes version of the policy available on request.

**13. Appendices**

- Appendix A – Reviewed policy in new format
- Appendix B – tracked changes version of the policy
- Appendix C – Full Equality Impact Assessment