

# Forward, together

**Recommendations for a  
new anti-bullying strategy in  
the Royal Borough of  
Greenwich**

**May 2013**



# Contents

<b>Introduction</b>	page 3
<b>What is bullying?</b>	page 5
<b>Setting the scene: the council's current anti-bullying procedures</b>	page 11
<b>How anti bullying procedures can be improved</b>	page 18
• Awareness, advice and training	page 19
• Objective investigation of complaints	page 23
• Supporting complainants	page 26
• Confidentiality	page 28
• Recruitment procedures	page 30
• Fiduciary duties	page 32
<b>Summary of conclusions and recommendations</b>	page 34
<b>Appendix: The Seven principles of public life</b>	page 37

# Introduction

The Royal Borough of Greenwich has many recent successes it can be proud of - a generally good record at financial management, a determined effort to protect frontline services as far as possible at a time of financial challenges, success at physical regeneration and the opening of new transport links, rapid improvement in school standards, the successful hosting of many Olympic events in 2012, and the recent Local Government Chronicle "Council of the Year" award.

But just as these successes have been notched up, increasingly widespread concerns have been expressed within the council, and outside it, about the way that concerns about bullying in the council are responded to.

There have been many concerns expressed about bullying in Greenwich, over several years, and while these have not been centrally recorded and reported, anecdotal evidence suggests that the volume and seriousness of these concerns has increased over time.

In some cases the concerns are about fairly low-level bullying - hostile body language, unpleasant emails, phone calls, phone messages and verbal comments.

But there have also been much more serious cases. There have been complaints of councillors and council staff being shouted at, hung up on by telephone, and sent hostile correspondence after raising concerns about value for money at the council, or about council appointments - in other words, simply doing their jobs. In one case, a councillor was even "warned" to think twice about raising concerns again about value for money in the council (a threat which was later found to be possibly unlawful).

This report concentrates on concerns about bullying expressed by councillors, but council officers also report a similar, depressing story. If serious concerns about bullying are expressed by councillors - the people elected to run the council - this suggests that the problem is equally serious, if not more so, for the staff who work for the organisation.

Those who feel they are at the receiving end of bullying are not always threatened directly - sometimes they are warned verbally that they should "watch their back" as they step out of favour and may be victimised next. Councillors - and council staff - who do voice concerns about their treatment have from time to time been labelled as troublemakers, criticised for being over-sensitive, or even accused of bringing the council, and/or their political party, into disrepute.

In some cases such behaviour has not lead to formal complaints - often because complainants do not feel their complaints will be listened to - but when complaints are made, these are rarely taken seriously, and in some cases complainants have felt intimidated or stigmatised for speaking out. There have been several cases of complaints about bullying being either ignored – or complaints of bullying being investigated (and dismissed) by the very person who is accused of bullying.

There have also been cases where other councillors have been instructed not to talk to complainants about their concerns, or even to refer the complaint on to the councillor who is accused of bullying to investigate. Complainants whose complaints have not been properly investigated have, strangely, sometimes been later told that they had never made a complaint at all. In one case, a complaint was only acknowledged **after** it had been reported in the media many months after it was first made.

These problems are not unique to Greenwich of course: the largest survey of workplaces in Britain - the Workplace Employment Relations Survey (WERS) - reported that three per cent of workplaces (with 10 or more employees) had experienced at least one grievance relating to bullying and harassment in the year prior to the 1998 survey; by 2004 this had risen to seven per cent.

A study in 2011 by the public sector union Unison reported that six out of 10 public sector workers in the UK had either been bullied themselves or had witnessed bullying in their workplace. The findings also suggested a strong link between the increased incidence of bullying and the economic downturn, with one in four workers believing that staff cutbacks had been a direct cause of workplace bullying.

The majority of those polled in the 2011 Unison survey - 53% - said they would be too scared to raise concerns over bullying in the current climate, compared with just 25% two years before. But if people at work are not speaking out about bullying, it does not mean they are not suffering its affects. There is a clear link between increased bullying and rates of workplace stress and sickness absence. The Chartered Institute of Personnel Development recently reported that stress is now the major cause of long-term sickness absence for both manual and non-manual workers.

Problems with bullying seem to be deeply ingrained in Greenwich, and dealing with this culture of bullying may not be a quick or easy task. While Greenwich does not seem to collect data on complaints of bullying, or the outcome of such cases, anecdotal evidence suggests that the problem is growing. The problems outlined in this report do not make for comfortable reading, but it is vital that this culture is confronted and changed. Not only is this having an adverse impact on the wellbeing and productivity of staff and councillors who have been the victims of bullying. The growing amount of officer and Member time being spent on dealing concerns about bullying is also beginning to impair the council's ability to deliver services effectively.

In 2011 the Localism Act removed the statutory requirement for local authorities to have a Code of Conduct - just as public trust in politicians, and public institutions in general, has sunk to an all-time low (see

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5959/1896534.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5959/1896534.pdf)

f for a summary of the Act). Councils are still required to "promote and maintain high standards" of ethical behaviour and are encouraged, but not required, to have a locally-determined Code of Conduct in place, and a mechanism to deal with complaints that high standards have not been maintained by elected councillors.

It is thus more important than ever that local authorities consider whether they are doing all they can to maintain high standards of probity and conduct, and whether they have effective procedures to deal with complaints.

Increasingly, local authorities are adopting corporate anti-bullying policies, examples of which include:

**Woking Borough Council** recently adopted an Anti-Bullying and Harassment Policy, which aims to "heighten awareness of the need for fair treatment, for individuals to raise their concerns about bullying or harassment and have these concerns dealt with fairly." (see <http://www.woking.gov.uk/jobs/package/handbook?item=239>)

The **London Borough of Hackney** has an Anti Harassment & Bullying Policy, which aims to "provide a working environment which respects the rights of each individual employee and where colleagues treat each other with the utmost respect." (see [apps.hackney.gov.uk/servapps/Reports/s\\_ViewRptDoc.ASP?ID=6550](http://apps.hackney.gov.uk/servapps/Reports/s_ViewRptDoc.ASP?ID=6550))

The **Greater London Authority** has a "Dignity at Work policy which states "The Greater London Authority respects the dignity of all employees and values the contribution they make in the workplace. The GLA is committed to providing a working environment that is free from all forms of bullying and harassment and in which everyone is treated with respect" (see [https://www.london.gov.uk/sites/default/files/code\\_ethics\\_standards\\_staff.pdf](https://www.london.gov.uk/sites/default/files/code_ethics_standards_staff.pdf))

**Wiltshire Council** has a Harassment Code Of Practice, that applies to both employees and elected members, and which included detailed definitions of both

harassment and bullying, and procedures on how incidents should be investigated. (see [https://cms.wiltshire.gov.uk/Data/Personnel;%20Licensing%20and%20Administration%20Committee%20\(NWDC\)/20080603/Agenda/Appendix%201%20to%20Report%2013.pdf](https://cms.wiltshire.gov.uk/Data/Personnel;%20Licensing%20and%20Administration%20Committee%20(NWDC)/20080603/Agenda/Appendix%201%20to%20Report%2013.pdf))

The starting point of any such corporate anti-bullying policy in Greenwich must be the Nolan Principles of Public Life - attached to this report as an appendix - which underpin the existing Code of Conduct, and which need to underpin any new anti-bullying strategy at the council, too.

This document does not include detailed accounts of individual complaints of bullying in Greenwich – which have been extensively documented elsewhere - but rather it concentrates on general patterns that have emerged, common problems that have been repeated, and above all, lessons to learn.

This report has two key objectives:

- 1. to examine the council's current anti-bullying procedures, and how effective they are;**
- 2. to consider how procedures can be improved to ensure that**
  - a) incidents of bullying are challenged at an early stage to avoid recurrence,**
  - b) that complaints are investigated promptly and transparently, and**
  - c) that more support is given to complainants.**

This report contains a number of recommendations to help improve the council's approach to complaints about bullying, and thus improve the quality of life for council staff, councillors and the residents we serve, and ensure the council can work more effectively, harmoniously and positively to improve the Royal Borough for all who live and work here.

# What is bullying?

There is no single legal definition of bullying. The usual dictionary definition of bullying, which is widely quoted in guidelines from the Advisory, Conciliation and Arbitration Service (ACAS) and other reputable bodies, is “any behaviour that someone finds unwelcome, unwarranted or causes a detrimental affect”.

ACAS's guidance goes on to explain that:

*“Bullying and harassment means any unwanted behaviour that makes someone feel intimidated, degraded, humiliated or offended. It is not necessarily always obvious or apparent to others, and may happen in the workplace without an employer's awareness.*

*"Bullying or harassment can be between two individuals or it may involve groups of people. It might be obvious or it might be insidious. It may be persistent or an isolated incident. It can also occur in written communications, by phone or through email, not just face-to-face...*

*Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the 'grey' areas that cause most problems. It is good practice for employers to give examples of what is unacceptable behaviour in their organisation and this may include:*

- spreading malicious rumours, or insulting someone (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief)*
- copying memos that are critical about someone to others who do not need to know*
- ridiculing or demeaning someone – picking on them or setting them up to fail*

- *exclusion or victimisation*
- *unfair treatment*
- *overbearing supervision or other misuse of power or position*
- *unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected*
- *making threats or comments about job security without foundation*
- *deliberately undermining a competent worker by overloading and constant criticism*
- *preventing individuals progressing by intentionally blocking promotion or training opportunities.*

*Bullying and harassment are not necessarily face to face, they may be by written communications, visual images (for example pictures of a sexual nature or embarrassing photographs of colleagues), electronic email (so called 'flame-mail'), phone, and automatic supervision methods – such as computer recording of downtime from work, or recording of telephone conversations – if these are not universally applied to all workers.*

*Bullying and harassment can often be hard to recognise – they may not be obvious to others, and may be insidious. The recipient may think 'perhaps this is normal behaviour in this organisation'. They may be anxious that others will consider them weak, or not up to the job, if they find the actions of others intimidating. They may be accused of 'overreacting', and worry that they won't be believed if they do report incidents.*

*People being bullied or harassed may sometimes appear to overreact to something that seems relatively trivial but which may be the 'last straw' following a series of incidents. There is often fear of retribution if they do make a complaint. Colleagues may be reluctant to come forward as witnesses, as they too may fear the consequences for themselves. They may be so relieved not to be the subject of the bully themselves that they collude with the bully as a way of avoiding attention.*

(see [http://www.acas.org.uk/media/pdf/l/r/Bullying\\_and\\_harassment\\_employer\\_2010-accessible-version-July-2011.pdf](http://www.acas.org.uk/media/pdf/l/r/Bullying_and_harassment_employer_2010-accessible-version-July-2011.pdf))

Not all these forms of bullying are necessarily prevalent or common in Greenwich. However, it is important to realise the wide range of forms that bullying can take to assist the council to understand the scale and nature of the problem.

# Setting the scene: the council's current anti-bullying procedures

The Royal Borough of Greenwich does not have a single corporate anti-bullying policy. But like other local authorities, it has made a number of commitments to challenge bullying, which can be summarised as follows:

## Member's Code of Conduct

The council's Code of Conduct, which sets out the principles that elected councillors are expected to abide by, can be found at

[http://www.royalgreenwich.gov.uk/downloads/file/1398/code\\_of\\_conduct](http://www.royalgreenwich.gov.uk/downloads/file/1398/code_of_conduct).

In line with the code used by most local authorities, section 3 of the Greenwich Code of Conduct says that there is a general requirement on councillors not to "bully any person".

Councillors are also required not to "intimidate or attempt to intimidate any person who is or is likely to be a complainant, witness, or anyone involved in the administration of any investigation or proceedings." The Code goes, quite rightly, into a great deal of detail about pecuniary interests and how these should be declared by elected councillors. But it is much less detailed about other aspects of probity and conduct, such as bullying. The Code does

not define bullying, or set out any detailed procedures for dealing with complaints of bullying, or about what action can be taken to prevent bullying from happening again

## **Standards Committee procedures**

Although the council's Standards Committee follows set procedures for how complaints of breaches of the Code of Conduct should be investigated, the council's website still only carries out-of-date procedures relating to the now-defunct Probity and Conduct Panel (see [http://www.royalgreenwich.gov.uk/downloads/file/733/criteria\\_for\\_assessing\\_complaints\\_about\\_members](http://www.royalgreenwich.gov.uk/downloads/file/733/criteria_for_assessing_complaints_about_members)), These procedures do not include specific guidance on how complaints of bullying should be treated.

## **General rules of Conduct and Breaches of Discipline**

The council's "General rules of conduct and Breaches of Discipline" document (dated March 2003) says "Employees must not bully any person with whom they come into contact in carrying out their work". However, it does not explain what action should be taken when complaints of bullying are received, or make any other mention of bullying.

## **Whistle-blowing procedure**

The council's Whistle-blowing procedure, which was last updated in November 2009, says "the council is committed to "openness, probity and accountability". The procedure continues: "In line with this commitment the Council encourages all employees with serious concern about any aspect of the council's work to come forward and raise their concerns without fear of being disloyal or suffering harassment or victimisation as a result."

The document goes on to say that "no employee will be subject to victimisation or the detriment by reporting concerns which they believe to be true", and that these concerns will always be treated in confidence - indeed it says the disclosure of concerns to the press and media "will result in disciplinary action".

The procedure applies to concerns about financial malpractice, risks to health and safety, conduct that is a breach of the law, as well as other forms of unethical conduct. But while the document does not specifically exclude concerns raised by councillors, other council partners, or members of the public, it clearly is designed to cover concerns raised by members of staff, not others. It does not make any reference to whistle-blowing concerns raised by councillors, and makes no explicit reference to bullying.

## **Royal Borough of Greenwich Equality Objectives**

The Royal Borough of Greenwich's Equality Objectives, which are re-published every four years, can be found at

[http://www.royalgreenwich.gov.uk/info/200041/equality\\_and\\_diversity/1098/equality\\_commitment\\_and\\_compliance/3](http://www.royalgreenwich.gov.uk/info/200041/equality_and_diversity/1098/equality_commitment_and_compliance/3).

The following objectives have been identified for the years 2012 to 2016:

- Improve the accessibility of services so that they are delivered appropriately and sensitively.
- Provide information about services in accessible formats and languages.
- Improve the diversity of the workforce to make it more representative of the local community.
- Treat our staff equitably in all areas of employment including career development, pay and training.
- Tackle harassment and bullying in the workplace.
- Improve our understanding of the needs of different communities in the borough through effective community profiling, consultation, liaison and involvement.
- Improve participation in local democracy and representation on public and voluntary bodies.
- Improve community relations and promote diversity through events, publicity and other initiatives.
- Improve opportunities for disabled people so that they are able to enjoy a good quality of life

- Tackle all forms of hate crime and harassment and promote safety and security.
- Ensure that all sections of the community have opportunities to benefit from the regeneration of the borough.

However, this document only makes a passing reference to bullying and does not explain exactly how harassment and bullying in the workplace should be tackled.

## **Employment Monitoring**

The council's most recent Employment Monitoring Annual Report (for the Financial year 2011/12) says that the council's Human Resources section "monitors bullying and harassment cases, grievances raised and any incidents of homophobia", but it does not go into any detail about the number and type of bullying cases reported, how these have been responded, or include a summary of this monitoring.

The council reports absence figures on grounds of Stress, Depression, Mental Health, Fatigue as 16% of all absences in 2011-12 (a similar percentage as 2010-11). But no data on how many absent members of staff have been victims of bullying, or many complaints of bullying have been made or upheld, is reported to Members. Data on allegations of bullying made by councillors, and/or against councillors, does not appear to be collected or reported.

## **Joint Code of Conduct for the council's Neighbourhood Housing panel representatives**

This code of conduct – entitled "A Guide for Working Together For Panel Members, Tenant Associations and Greenwich Council" advises panel members to "Keep language and tone of voice moderate at all times (avoid shouting or speaking in an aggressive tone which could be considered to be intimidating or bullying)".

The document (which can be found online at [http://www.royalgreenwich.gov.uk/downloads/file/975/joint\\_code\\_of\\_conduct](http://www.royalgreenwich.gov.uk/downloads/file/975/joint_code_of_conduct) ) is undated but does not appear to have been updated for several years, as it refers to the directorate of Neighbourhood services (a directorate which changed its name to Housing Services several years ago), and their now-demolished offices, Crown Building.

## ‘Restorative Approaches’

The Royal Borough of Greenwich’s Inclusion, Learning and Achievement Service encourages 'Restorative Approaches', inspired by the philosophy and practices of restorative justice, as a way of resolving complaints in schools and other settings used by young people who "are bullying others or [are] bullied themselves",

These approaches put ”repairing harm done to relationships and people over and above the need for assigning blame and dispensing punishment. The ultimate aim of the training is to build a strong, mutually respectful, safe and inclusive school community or setting, in which everyone feels, valued and heard and where young people learn to resolve conflict in a positive way.” (please see <http://inclusion.greenwich.gov.uk/ViewCourse.aspx?cid=11> for more information).

In 2011, an anti-bullying month was held, in which over 4450 primary and secondary pupils accessed workshops provided. When asked; **How will you personally promote anti-bullying?** Young people demonstrated their commitment by responding:

- *‘If I see my friend bullying someone – I will tell them to stop and then report the behaviour to a teacher’*
- *‘By not contributing to bullying and by letting other people know what effect bullying has on people’*
- *‘Set an example for other students’*

However, there does not appear to be any examples of such restorative approaches being practiced, or encouraged, in any other part of the council.

## School anti-bullying policies

Maintained schools in Greenwich, like other local authorities, are required to have an anti-bullying policy, which generally follow a consistent model: defining what bullying is, and recommending how complaints about bullying should be investigated. A typical policy reads as follows:

*"Any incidents of bullying should be reported to your child's class teacher or a member of staff without delay. The member of staff may record the incident you are reporting to ensure that important details are not forgotten. The Behaviour Team will be informed via a slip or report and the Behaviour Manager will investigate any on-going concerns thoroughly. The Behaviour Manager will inform the Leadership or Head Teacher of complaints and will provide regular updates of any action taken. The Head Teacher will monitor any action taken to ensure that it is consistent with school policy and is implemented fairly. A clear account of the complaint will be made and individual circumstances taken into account. Class teachers will be kept fully informed during any investigation. Parents/carers will also be kept fully informed of any decisions made affecting their children. If appropriate, restorative approaches will be used to resolve issues of bullying and to ensure that offenders are made to accept responsibility for their actions and to understand the hurt or harm they caused as a result of their behaviour."*

(taken from Charlton Manor Primary School's anti-bullying policy, to be found at <http://www.charltonmanorprimary.co.uk/images/anti-bullying-policy.pdf>)

## Conclusion

Despite a number of council policies being in place to discourage bullying, the Royal Borough of Greenwich does not have a corporate strategy to combat bullying, or a corporate anti-bullying policy, and no systematic training programme in place to help councillors and council staff recognise bullying, support complainants and investigate their concerns fairly and objectively.

Many of the strategies and procedures in place make only a passing reference to bullying, are out of date, or only apply to school pupils, members of staff, and certain public volunteers (such as neighbourhood housing panel representatives). There is no clear procedure on how complaints of bullying made by and/or against councillors should be investigated.

# How anti-bullying procedures can be improved

In the following pages, an analysis is made of current practice in the following areas, and how these practices can be improved:

- Awareness, advice and training
- Objective investigation of complaints
- Supporting complainants
- Confidentiality
- Recruitment procedures
- Fiduciary duties

## • **Awareness, advice and training**

The usual definition of bullying is any behaviour that someone finds "unwelcome, unwarranted or causes a detrimental affect" (more detailed definitions were discussed at an earlier stage in this report).

But there seems to be a lack of understanding of what bullying is in Greenwich – it is common for behaviour that is perceived as bullying by a victim not to be recognised as bullying by others.

More fundamentally, this bullying stems from a frequent lack of basic courtesy and respect from councillors to each other, council officers, and the public. It is currently all too common for councillors – and council officers - to be shouted at, shunned, threatened, belittled, hung up on by telephone, or to find themselves at the receiving end of verbal insults.

This bullying results in a number of related problems:

- When perpetrators are politely informed that their conduct has been inappropriate, apologies are rarely made. Councillors - and council staff - with concerns about bullying are not normally offered any informal resolution of their complaints. Victims are often challenged to make formal complaints, and are told that action can only be taken if they do make a formal complaint. But complainants are also often discouraged from making formal complaints, and even when formal complaints are made, these are often ignored or not investigated fully, fairly or objectively. When such complaints are made these are often not recorded, and complainants are sometimes later told that they have never raised concerns previously.
- In some cases, where perpetrators have been told that their behaviour is perceived as bullying, and have been asked to desist, they have continued regardless with aggressive demands for meetings, hostile correspondence, spurious threats of disciplinary action, or other forms of bullying. Such behaviour has sometimes continued even after the victim has told the perpetrator, and others, that such bullying is having an adverse impact on their health.

- In some cases, victims who report adverse effects on their health and wellbeing are offered no pastoral support and are told these effects are their own fault for not having "engaged" further with the person who they see as bullying them.
- When those with concerns about bullying have approached others (such as other councillors, or council officers) to discuss their concerns, the person they have asked to meet is often ordered not to meet with complainants, and has on some occasions been asked to refer complainants' concerns back to the very councillor who has been accused of bullying.
- Meeting invitations are often used as a subtle form of bullying. A common scenario is for a meeting to be demanded by someone whose behaviour has been perceived as bullying at previous meeting. When their request is politely declined, and the reason explained, the demand for a meeting is repeated. When a meeting is requested with another councillor instead of the perpetrator, the perpetrator says that the meeting has to involve them. When the victim asks again to meet with other councillors to discuss the problem, the request is summarily refused.
- It is not uncommon for those with concerns about bullying or other matters to feel victimised or stigmatised for voicing these concerns. Worryingly, councillors who have raised concerns about bullying, or other matters such as Value for Money at the council, have on occasion been told that they are suddenly under "investigation" for having raised their concerns in the wrong way. The nature of the complaint that is being investigated, or the identity of the complainant, is rarely explained. In one case, a "complainant" who was identified denied all knowledge of having made a complaint against the councillor who was being "investigated" for the way they had raised concerns about Value for Money at the council - yet the "investigation" of this non-existent complaint was allowed to continue.
- Little or no training is offered to councillors about what constitutes bullying, how to avoid bullying behaviour, or how to confront bullying when it is experienced or witnessed. When training on probity and conduct is offered (normally every four years, straight after council elections), attendance at most sessions is optional, even for newly-

elected councillors.

The worrying feature of these problems is not just that they occur at all, but that they have increasingly been seen as perfectly normal (or even acceptable) behaviour. Those who object to these forms of behaviour are often seen as unhelpful, misguided, over-sensitive, or troublemaking.

## Recommendations

### Recommendation 1

Drawing on best practice in other authorities, a corporate anti-bullying policy needs to be devised, adopted and embedded throughout the Royal Borough of Greenwich - and should apply equally to the council's managers, employees and elected Members. The policy must ensure there is zero tolerance of bullying, that those who experience or witness bullying are encouraged to come forward, and that any complaints of bullying will always be objectively and fairly investigated. This anti-bullying policy should be made accessible on the council's website and Intranet.

### Recommendation 2

A "restorative approach" should be offered to complainants as an alternative to a formal complaints procedure, whereby complaints can wherever possible be resolved less formally through mediation, conflict resolution techniques, and/or reconciliation meetings (where the person who is accused of bullying can hear about the impact of their actions, and if necessary apologise or explain their actions).

### Recommendation 3

Regular training should be offered to help councillors, independent members of the Standards Committee and council staff to understand the anti-bullying policy and its implications for them.

Training on the revised Code of Conduct for councillors is already planned for later in 2013. Careful thought needs to be given to what that training consists of, and it is essential that such training includes guidance to members on

- **what bullying is,**
- **how to avoid it, and**
- **the procedure to follow if a member of staff, member of the public or councillor complains that they are being bullied by anyone at the council, or if bullying is witnessed or suspected.**

This training should be conducted by an external facilitator and should be offered at several

different times prior to the 2014 council elections, with councillors required to attend at least one session. Further sessions can then be arranged for newly-elected councillors after the 2014 council elections.

**Recommendation 4**

Data on complaints of bullying, and the outcome of investigations into these complaints, should be reported annually to the council's Standards Committee and the Overview and Scrutiny Committee. Data should be anonymised to respect the confidentiality of complainants and those accused of bullying, but should be broken down by council directorate and also include data on how many complaints were made by and/or about elected members.

## • **Objective Investigation of complaints**

There have been incidents where those complaining about bullying have found that their concerns are investigated, and dismissed, by the very person who has been accused of bullying - or not investigated at all.

An assumption is often made that if the alleged perpetrator does not perceive their own behaviour as bullying, no bullying can have taken place, and that the victim's complaint of bullying is groundless and does not need to be independently investigated.

Councillors complaining about bullying at the hands of other councillors are advised that the matter is best resolved within their Party groups if possible, rather than by the council's Standards Committee (which has guidance in place to say that all complaints will be resolved by the party group of the councillor that is being complained about, if at all possible). But, as outlined above, in practice complaints of bullying are rarely investigated properly, if at all.

Current procedures are unclear on what action should be taken when a complainant has not had their concerns investigated by a political group, or if they are dissatisfied with the outcome. There have been occasions when complainants have been discouraged from raising concerns about bullying with the council's Monitoring Officer, Independent Person or independent members of the council's Standards Committee. This means that complaints can "fall between two stools" and not be properly investigated either by the relevant political group, or the council's Monitoring Officer.

Although the Standards Committee (which was only formed in the summer of 2012) has yet to formally consider a complaint about bullying by a councillor, there are questions about how well this can be accomplished in practice. The council's Standards Committee has only three voting members, all councillors (the Leader of the Largest Party, the Chief Whip of the Largest Party, and the Leader of the Opposition) and only a small pool of other councillors to act as substitute members - all of whom are Deputy Leaders, Deputy Whips, or Chairs of their political groups.

This is very unusual: in all other London Boroughs, most or all of the councillors serving on Standards Committees are backbenchers, and in most cases independent members have voting

rights. Greenwich appears to be the only London Borough where the Leader of the Council is a member of the Standards Committee. In some boroughs, independent members of the Standards Committee are in the majority of members, with voting rights.

It is not clear how complaints that have already been considered by either of the council's political groups can then be considered objectively by councillors who act as Leaders, Whips or other officeholders in those groups. Although the Standards Committee has independent members (one of which is its chair), these members do not have voting rights and their role is unclear.

Concerns have been expressed about the recruitment procedure for the "Independent Person" who advises the standards committee, a post that was not widely advertised when it was created in the summer of 2012, with a very short period of time allowed for applications. While the integrity and suitability of the recommended candidate was not questioned, there were concerns expressed about attempts to "whip" some councillors voting on the appointment at a meeting of the Full Council in July 2012, and one councillor was subjected to verbal abuse after raising concerns about the process. These incidents do not inspire much confidence in the Standards Committee's objectivity, its effectiveness in upholding high standards of Probity and Conduct, and its ability to consider complaints of bullying effectively and fairly.

## **Recommendations**

### **Recommendation 5**

All Party groups in the council will be required to adopt clear procedures for the investigation of concerns about bullying that cannot be resolved informally, to include

- clear guidelines on the time taken to investigate concerns and complaints,
- a guarantee that these concerns will always be investigated promptly and objectively, and
- safeguards to ensure that investigations into concerns about bullying will never be conducted by the councillor(s) who are accused of bullying.

### **Recommendation 6**

The council's Standards Committee should be reconstituted in line with best practice in other authorities, with the councillor places reserved for backbench councillors who do not act as Leaders or Whips of political groups, and Independent members given full voting rights.

When vacancies arise for Independent members of the Standards Committee, or the "Independent Person" who advises it, these vacancies should be advertised widely both in the press and on the council's website, with a period of at least three weeks for applications to be received, in line with the council's usual recruitment procedures. Such appointments should always be made on merit alone, and staff and councillors deciding on serves in these roles should not be co-erced or "whipped" into voting for or against any candidate's appointment.

## • **Supporting complainants**

Complaints about bullying by councillors are currently referred to that councillor's political group in the first instance, as required by the procedures of the council's Standard Committee (see

[http://www.royalgreenwich.gov.uk/downloads/file/1454/procedure\\_for\\_dealing\\_with\\_complaints\\_against\\_councillors\\_concerning\\_breaches\\_of\\_the\\_code\\_of\\_conduct](http://www.royalgreenwich.gov.uk/downloads/file/1454/procedure_for_dealing_with_complaints_against_councillors_concerning_breaches_of_the_code_of_conduct)).

But in many cases there are no set procedures for how complaints should then be investigated by political groups - or when procedures do exist, these are not routinely followed. No timescale is given for investigations to be investigated by, and as explained earlier, complaints are sometime not investigated at all, or dismissed by the very councillor who is the subject of the complaint.

There are no standards for pastoral support to be given to complainants, even when complaints have expressed concern over the impact that bullying behaviour has had on their health. Nor are there procedures in place to offer training, advice or pastoral support to those accused of bullying, who may not have been previously aware of the impact their behaviour was causing.

There have been occasions when those raising concerns about bullying have been denigrated in the media and other public settings. This appears to be at odds with both the Code of Conduct, which states that elected Members are required not to "intimidate or attempt to intimidate any person who is or is likely to be a complainant", and the council's whistle-blowing procedures, which state that those making serious complaints about wrongdoing should not be intimidated from doing so, or suffer any ill effects from having raised concerns.

## **Recommendations**

### **Recommendation 7**

Pastoral support should be given to complainants - be they council staff, councillors or members of the public - wherever necessary, in line with the council's whistle-blowing

procedures. Training, advice or pastoral support should also be offered to those accused of bullying, who may not have been previously aware of the impact their behaviour was causing.

### **Recommendation 8**

The council's whistle-blowing procedures, which apply to staff, should be relaunched, and confirmation given that the procedures apply to councillors and members of the public, as well as to council staff.

## • Confidentiality

Elected members have a duty of confidentiality to the council corporately – information given to them in confidence should not be disclosed without good reason – but they also have a duty of confidentiality to each other. But all too often, councillors find this confidentiality is broken, and concerns they have raised (either about bullying, or other matters) are not treated in confidence.

In one recent case a councillor's correspondence, raising concerns about value for money at the council and sent to officers in confidence, was handed over to another councillor without their knowledge or consent, and without any apparent good cause – in breach of the Code of Conduct's provisions on confidentiality, and possibly the Data Protection Act. Rather than to help the resolution of concerns that were being raised, it turns this information was handed over so the councillor raising these concerns could then be "warned" to desist from raising their concerns any further. Such "warnings" were later found to be possibly unlawful, and in breach of the Code of Conduct.

In another recent case, a councillor's concerns about bullying at the council were reported in the local media, to whom comments were made, seemingly from other councillors, saying that no bullying problem exists in Greenwich, that airing such concerns had "done no credit to" the councillor who had raised concerns - and who was, it was claimed, "semi-detached" from their political group . Such responses do not inspire much confidence in the ability of the council to deal with concerns about bullying fairly and objectively, and does little to encourage those with genuine concerns to come forward.

## Recommendations

### Recommendation 9

Councillors should be reminded that they have a duty to respect each other's confidentiality, as well as that of officers and members of the public whose personal information they may come across, and that they should normally seek a third party's consent before trying to obtain or pass on their personal information, correspondence or data - including complaints about bullying or any other matter.

**Recommendation 10**

All concerns about bullying need to be investigated in confidence, and those who are investigating concerns, or are due to do so, should keep an open mind until investigations are complete. Care should be taken by those councillors who are investigating concerns about bullying (or are due to do so) to avoid making any derogatory comments about complainants at any time - and particularly not in the media or any other public setting.

## • **Recruitment procedures**

The council has a clear Recruitment and Selection Procedure (last updated in September 2012) to ensure that all appointments are made on merit. These clearly state that all members of staff and councillors who decide on appointments cannot under any circumstances be threatened with disciplinary action, or any other form of disadvantage, for decisions they have made on any appointment.

However, in practice there have been cases where councillors have been told a "whip" can apply to public appointments, and even staff appointments. In one case, a councillor who expressed concerns over the recruitment process for a post required by law to be politically independent - the Independent Person to advise the council's Standards Committee - was subjected to verbal abuse, and even a threat of disciplinary action, for having done so. There have been other reports of councillors being treated discourteously by other councillors who have disapproved of the way they have voted on staff appointment panels.

The government's guidance on public appointments (to be found at <http://publicappointmentscommissioner.independent.gov.uk/wp-content/uploads/2012/02/Code-of-Practice-20121.pdf/>) says "the overriding principle is selection on merit. This means providing Ministers with a choice of high quality candidates, drawn from a strong and diverse field, whose skills, experience and qualities have been judged to best meet the needs of the public body or statutory office in question.... Selection processes must be objective, impartial and applied consistently to all candidates. Each candidate must be assessed against the same published criteria."

Recent experience suggests that these principles - which do not technically apply to local authorities' appointments, but are relevant to them - are not well understood.

## **Recommendations**

### **Recommendation 11**

The council should adopt explicit guidelines for all appointments - including appointments of co-

opted members and all other "public appointments" to paid and unpaid positions - in line with Cabinet Office guidelines. These guidelines should make it clearer that all such non-political public appointments:

- must always be made on merit alone
- Cannot be "whipped" by any political group at the council
- That no councillor, or member of staff, should be bullied, intimidated or suffer any other kind of disadvantage for having supported, or not supported, any particular candidate(s) for any such post.

- **Fiduciary duties**

Councillors have a legal responsibility to manage the council's resources wisely and the Code of Conduct says they must "do all they can" to ensure that value for money is achieved. It is established practice that genuine concerns about value for money, fraud, or resources being managed unwisely, should be sent in confidence to the Chief Executive or another chief officer, and the council's whistle-blowing procedure says that no council officer (and by implication, no councillor or member of the public) should face disciplinary action, or any other disadvantage, for having raised concerns, as long as they are genuine and not malicious.

In practice, councillors have on occasion found they are discouraged from raising concerns about value for money, both with council officers, and even the District Auditor, who has a statutory role to investigate concerns about Value for Money at local authorities.

As mentioned earlier, there was a worrying case in 2011 of a councillor being sent a "warning" to think twice before raising concerns about value for money at the council again, even though the District Auditor was investigating these concerns, and later recommended that the council's procedures for property disposals should be improved.

At one point, this councillor was even refused access to information by another councillor on the basis that they might pass this information to the District Auditor as part of their investigation (this could be potentially a criminal offence under the Draft Local Audit Bill, which says "The draft Bill makes it a criminal offence for an individual at an audited body, a connected entity, or the auditor of a connected entity to prevent the local auditor from having access to any information they require" - see page 12 of [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/8350/2174738.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8350/2174738.pdf))

## **Recommendations**

### **Recommendation 12**

Training given to Members about the Code of Conduct, and how to combat bullying, must

include training on councillors' fiduciary duties and the fact that councillors, council staff and members of the public must not be bullied or suffer any disadvantage for having raised concerns about Value for Money. Councillors, council staff and members of the public should never be discouraged from raising such concerns, either internally or with an appropriate outside body such as the District Auditor, or penalised for having done so.

The Code of Conduct should be revised to ensure these principles are made more explicit and properly codified , and that these are compatible with the Draft Local Audit Bill, once any such Bill is passed into Law.

# Summary of recommendations

## **Recommendation 1: A new corporate anti-bullying policy**

Drawing on best practice in other authorities, a corporate anti-bullying policy needs to be devised, adopted and embedded throughout the Royal Borough of Greenwich - and should apply equally to the council's managers, employees and elected Members. The policy must ensure there is zero tolerance of bullying, that those who experience or witness bullying are encouraged to come forward, and that any complaints of bullying will always be objectively and fairly investigated. This anti-bullying policy should be made accessible on the council's website and Intranet.

## **Recommendation 2: "Restorative approaches"**

A "restorative approach" should be offered to complainants as an alternative to a formal complaints procedure, whereby complaints can wherever possible be resolved less formally through mediation, conflict resolution techniques, and/or reconciliation meetings (where the person who is accused of bullying can hear about the impact of their actions, and if necessary apologise or explain their actions).

## **Recommendation 3: Training**

Regular training should be offered to help councillors, independent members of the Standards Committee and council staff to understand the anti-bullying policy and its implications for them.

Training on the revised Code of Conduct for councillors is already planned for later in 2013. Careful thought needs to be given to what that training consists of, and it is essential that such training includes guidance to members on

- **what bullying is,**
- **how to avoid it, and**
- **the procedure to follow if a member of staff, member of the public or councillor complains that they are being bullied by anyone at the council, or if bullying is witnessed or suspected.**

This training should be conducted by an external facilitator and should be offered at several different times prior to the 2014 council elections, with councillors required to attend at least one session. Further sessions can then be arranged for newly-elected councillors after the 2014 council elections.

## **Recommendation 4: Monitoring**

Data on complaints of bullying, and the outcome of investigations into these complaints, should be reported annually to the council's Standards Committee and the Overview and Scrutiny Committee. Data should be anonymised to respect the confidentiality of complainants and those accused of bullying, but should be broken down by council directorate and also include data on how many complaints were made by and/or about elected members.

### **Recommendation 5: Anti-bullying procedures in political groups**

All Party groups in the council will be required to adopt clear procedures for the investigation of concerns about bullying that cannot be resolved informally, to include

- clear guidelines on the time taken to investigate concerns and complaints,
- a guarantee that these concerns will always be investigated promptly and objectively, and
- safeguards to ensure that investigations into concerns about bullying will never be conducted by the councillor(s) who are accused of bullying.

### **Recommendation 6: Reconstituting the Standards Committee**

The council's Standards Committee should be reconstituted in line with best practice in other authorities, with the councillor places reserved for backbench councillors who do not act as Leaders or Whips of political groups, and Independent members given full voting rights.

When vacancies arise for Independent members of the Standards Committee, or the "Independent Person" who advises it, these vacancies should be advertised widely both in the press and on the council's website, with a period of at least three weeks for applications to be received, in line with the council's usual recruitment procedures. Such appointments should always be made on merit alone, and staff and councillors deciding on serves in these roles should not be co-erced or "whipped" into voting for or against any candidate's appointment

### **Recommendation 7: Pastoral support**

Pastoral support should be given to complainants - be they council staff, councillors or members of the public - wherever necessary, in line with the council's whistle-blowing procedures. Training, advice or pastoral support should also be offered to those accused of bullying, who may not have been previously aware of the impact their behaviour was causing.

### **Recommendation 8: Relaunching the council's whistle-blowing procedures**

The council's whistle-blowing procedures, which apply to staff, should be relaunched, and confirmation given that the procedures apply to councillors and members of the public, as well as to council staff.

### **Recommendation 9: Confidentiality**

Councillors should be reminded that they have a duty to respect each other's confidentiality, as well as that of officers and members of the public whose personal information they may come across, and that they should normally seek a third party's consent before trying to obtain or pass on their personal information, correspondence or data - including complaints about bullying or any other matter.

**Recommendation 10: Respecting complainants**

All concerns about bullying need to be investigated in confidence, and those who are investigating concerns, or are due to do so, should keep an open mind until investigations are complete. Care should be taken by those councillors who are investigating concerns about bullying (or are due to do so) to avoid making any derogatory comments about complainants at any time - particularly not in the media or any other public setting.

**Recommendation 11: Council appointment and recruitment procedures**

The council should adopt explicit guidelines for all appointments - including appointments of co-opted members and all other "public appointments" to paid and unpaid positions - in line with Cabinet Office guidelines. These guidelines should make it clearer that all such non-political public appointments:

- must always be made on merit alone
- Cannot be "whipped" by any political group at the council
- That no councillor, or member of staff, should be bullied, intimidated or suffer any other kind of disadvantage for having supported, or not supported, any particular candidate(s) for any such post.

**Recommendation 12: Fiduciary duties**

Training given to Members about the Code of Conduct, and how to combat bullying, must include training on councillors' fiduciary duties and the fact that councillors, council staff and members of the public must not be bullied or suffer any disadvantage for having raised concerns about Value for Money. Councillors, council staff and members of the public should never be discouraged from raising such concerns, either internally or with an appropriate outside body such as the District Auditor, or penalised for having done so.

The Code of Conduct should be revised to ensure these principles are made more explicit and properly codified, and that these are compatible with the Draft Local Audit Bill, once any such Bill is passed into Law.

# Appendix

## The Seven Principles of public life (otherwise known as the Nolan principles)

The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

### **Selflessness**

Holders of public office should act solely in terms of the public interest.

### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

## **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

## **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

## **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

## **Honesty**

Holders of public office should be truthful.

## **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

(extract taken from <http://www.public-standards.gov.uk/about-us/what-we-do/the-seven-principles/>)