

**R E P O R T I N T O T H E A L L E G A T I O N S
O F A S E X I S T C U L T U R E A T
S T R A T F O R D O N A V O N D I S T R I C T
C O U N C I L**

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INTRODUCTION

1. On Saturday 25 May 2019 Ms Isabel Briançon, Stratford on Avon District Council's ("the Council") Head of Paid Service, who had, in effect, left the Council the previous day (although her formal employment did not end until June 14, 2019), issued a Facebook posting which contained the following comments:
2. *"If you think sexism doesn't exist anymore then read on. It is with sadness and great relief that I left my employer yesterday. When I went into my recent appraisal I was expecting it to be a positive reflection on the previous six months. No one had said otherwise. However, I came away utterly disillusioned. Rather than focusing on my achievements and providing meaningful feedback, I was told I needed to "chat "more, do more "corridor "conversations. The feedback was that elected members wanted me to be more informal. That was it. Nothing else. Taking this feedback on board I spoke to other elected members to find out where they felt my leadership needed to grow. This is what I got back, and I quote verbatim... "it would help if you were six foot two; "you need to throw your opinions around a bit more"; and "be more dominant".*
3. *"I went on a ward walk with a councillor and he told me unashamedly (being the farmer type that he is) that I had good breeding hips and if I wanted fertility support he would do a pagan ritual for me. I did not want to tell him that I did not have a womb! When I sat down with another councillor he told me thought it was a disgrace to have to enforce gender equality on a public board".*
4. *"I got the message. I left. Culture is everything...when you are faced with a bunch of men that think leadership means being a man and that a woman should be chatty, with breeding hips...get the eff out". I shall be writing my complaint this week but seriously do not have much hope for them"*
5. Although these comments were supposedly made by Ms Briançon to a closed group which contained around 60 close friends and family members, and Ms Briançon apparently intended and believed that the post would not be shared outside that group, it was leaked and subsequently received a great deal of coverage in the local, regional and national news and in the local government press. Such coverage was seen as very damaging to the Council. Although the posting refers to Ms Briançon making a complaint, and she wrote one, she did not ever send it into the Council or publish it elsewhere.

6. Following the allegation, the Interim Chief Executive of the Council, Mr David Buckland, issued an email to all staff referring to the allegations and asking, *"if anyone has concerns of a similar nature that they come forward to help inform the review"*. As a result, seven witnesses came forward who were later interviewed by me; an eighth witness later came forward and was interviewed, and three anonymous complaints were also made.
7. Given Ms Briançon's allegations about some members together with the further witness evidence, the then Interim Chief Executive, David Buckland, made complaints under the Code of conduct into four individual councillors and one former councillor. The Council's Monitoring Officer, Phil Grafton, instructed me to carry out an investigation into these complaints. The reports about the five individuals are referred to later in this report.
8. I was also instructed to investigate the allegations Ms Briançon made about sexism which pertained at the Council and prepare this report.

METHODOLOGY

9. In order to complete this report my work was as follows.
10. I interviewed a number of officers and members at the Council. I also interviewed Ms Briançon. Following these interviews statements were written up and signed by the witnesses as a true record. Whilst these statements are available, due to the process described below some of the witnesses were assured anonymity and so they have not been referred to by name. I also spoke to the Council's Human Resources Manager (Organisational Development), Ms Doman.
11. I also considered a large number of documents either provided by the Council or which were publicly available. A list of the documents I considered is appended.
12. As mentioned above, following the Facebook posting David Buckland issued complaints against two councillors; Cllr Barnes, Cllr X and one against the former Cllr Y. One councillor referred to in the posting was not and had never been a member of the Council and I am not instructed in relation to that person. Following the receipt of comments from staff after his email of 10 June a complaint was made by him against Cllr Feilding and he also made a second complaint in respect of Cllr Barnes. A later complaint was made against Cllr Z. This complaint is still under investigation.

13. The complaints against Cllrs Barnes and Feilding were upheld. Both were found to have breached the Councils Code of Conduct relating to respect and bringing the role of Councillor into disrepute; both accepted these findings and agreed to apologise and undergo further training. The complaints against them centred on long standing inappropriate behaviour, especially towards female officers.
14. The complaints against Cllr X and the former Cllr Y were not upheld. At the time of writing this report the investigation into the complaint against Cllr Z is continuing.
15. The evidence I obtained in respect of the Code of Conduct complaints has also been used in this report.
16. The Council has all the policies which one would expect a local authority to have; and I have considered these. They are listed in the Appendix. In my view some of these are very good and quite innovative. For example, I was impressed by the guidance which has been issued for members assisting with interpretation of the whole of the new Code of Conduct adopted by the Council in 2018 and the easily available You Tube video about this <https://www.youtube.com/watch?v=mnNHolSQqzs>
17. I was also impressed by the way in which the Employee Code and Member Code of conduct are strongly aligned, with for example the Nolan principles now incorporated in the Employee Code of Conduct as well as underpinning, as is required, the Member Code.
18. However, having agreed policies, aims and objectives is one thing; the reality of how an organisation actually operates can be very different. Accordingly, I considered the relevant evidence from the witnesses I interviewed.

WITNESS EVIDENCE

19. Amongst the officers and members, I interviewed it is fair to say that views in relation to the culture of the Council were mixed. There was no doubt that the behaviour of Cllrs Barnes and Feilding was condemned by all. Mr Buckland said *"I am shocked and very disappointed by the allegations made by Isabel and the complaints raised by a number of other council officers. I, the Chairman and Leader of the Council, take this matter very seriously which is why we appointed independent investigators to undertake the investigation. We await the outcome of the investigation and any action which may be taken as a result and it is our intention to publish the findings to the*

fullest extent. In the meantime, we are already acting which has included relaunching the Council's' values, revising the Council's Code of Conduct and incorporating equality, diversity and sensitivity training into the councillor training programme".

20. *Witness B said "I have been employed for ten years. I am aware of things that have gone on in the past and felt this was the right time to come forward having been invited to – if we don't raise issues now when we have been given the opportunity, we cannot moan that things are going on".*
21. *Witness F said "Junior officers have to have a route of complaint and I think that several exist for them to use. They can raise a formal complaint, they can complain to me, the Monitoring Officer, their manager, a HR officer or a Union rep – there are a number of ways. If junior officers think they will not be believed or there will be no proper sanctions, that is a concern".*
22. *"I think it would be good if staff were empowered to challenge inappropriate behaviour at the time, directly with the offending councillor or officer – this would be a good position for the council to get to. It would be useless if a line manager raised a complaint on behalf of a team member only to be told that the team member would have to make the complaint themselves".*
23. *"I am not aware of any guidance for any officers or any "form of words" which could be used to challenge inappropriate behaviour at the time it occurs, and this is something which I have been advocating. I think complaints are taken seriously to a degree, but perhaps where "moans" have been relayed I don't believe that a lot of change has been seen as a result, or if change does occur it doesn't last long"*
24. *"I am a bit uncertain about how things could be improved without exposing the Council to the risk of malicious or false accusations and I don't think the Council needs an overreaction which would probably cause more damage".*
25. *"I do not think there is an old fashioned or sexist view across the Council and the notion that either Cllr X or Mr Y would say anything deliberately sexist I struggle to understand. In the whole I do not see the Council as alleged – i.e. sexist...it seems a shame and unfair that with a new respectful leadership and new members, the Council is being accused in this way – in the past may be but not now, I think my relationship with colleagues is such that they could raise issues with me and I have not had any of my officers who previously worked in larger or urban local authorities raise anything*

with me about what might be tolerated at this Council which would not be where they had previously worked”.

26. *Witness A said “It tends to be the members who are the worst at making sexist and inappropriate comments, particularly Cllr Barnes...because Cllr Barnes is so overt and says things that are so inappropriate its almost easier to put up with because everyone knows it’s wrong, whereas some other members’ behaviour, whilst still inappropriate, is more subtle. This I think makes it harder to explain and more difficult to form a coherent complaint. I would feel less comfortable trying to report a complaint about the less obvious inappropriate behaviour for fear of being thought of as too sensitive...I think it would be good if the managers did intervene when Cllr Barnes comes into the office and says the things that he says and behaves how he does. If I had cause to report Cllr Barnes I do think my concerns would be taken seriously, but the consequences for him of any action being taken against him would be very limited...when colleagues have tried to report him in the past they have been told that they must make a formal complaint...if Cllr Barnes said something to me which I felt was highly inappropriate I would like to think I would tell him but I am not really sure that I would”.*
27. *“I have not been given any advice or guidance on what to say in such a situation, but I would at least report it to my line manager”.*
28. *“Generally, I do not think there is a culture of sexism at the Council, but one of my older male colleagues does have what I would consider to be old fashioned views and some of the things he says sometimes, I do not think are right for the office and can be a bit demeaning”.*
29. *Witness G said “I think senior management should do more to challenge Cllr Feilding and Cllr Barnes. It is difficult for officers to challenge members, particularly when the officers are young and inexperienced and if they did challenge the members or make a complaint I am not sure they would be supported by senior management”.*
30. *“We are always told to raise any concerns...it is not easy to do, and I would not feel comfortable doing so and I think we are waiting for more formal guidance from senior management”.*
31. *“I do feel that Stratford on Avon District Council has a problem with a culture of sexism which would not be tolerated at the other councils which I have worked at, particularly the larger urban authorities...part time workers and women are not treated fairly in my*

view. I think the Council could provide more instruction and guidance on what is appropriate/inappropriate behaviour and provide better means to report issues”.

32. *Witness C said, “We have had no real instances of behaviour that we would regard as unacceptable, sometimes members make a few flippant comments but that is it...overall I think the culture of the Council is really good and I don’t think the Council has a sexist attitude”.*
33. *Witness E said “At the time there was some physically demonstrative behaviour amongst a number of officers which appeared to be accepted as part of the day to day culture of the office...it is my impression that there is a gender bias reflecting that many female employees take a quite traditional gender stance and are passive in their integration with councillors and do not promote themselves for higher level career progression. Women occupy a significant number of lower status positions in the Council and have limited female representation at higher senior management level which may reflect the reticence of women to pursue a career path and aspire to higher level management positions in the Council...the culture is one that appears to be uncomfortable to raise, for what are embarrassing and/or intimidating behaviours from certain councillors. This may be exacerbated due to the predominantly male gender of senior managers”.*
34. *“A number of women have told me about specific incidents but have felt there was no “safe” mechanism to deal with such instances. I do however, consider that bullying of officers by a limited number of individual councillors was culturally imbedded but has predominantly resolved itself in recent months following the elections”.*
35. *Witness H said “On commencing my employment at the Council I was pleasantly surprised by what a good employer the Council is. I have experience of many different working environments, but I found the Council to have a very positive, equal and open attitude and culture. My feeling is that if one can do the job one is respected here regardless of your sex or age”.*
36. *“The Council has very good family friendly working policies and is especially attractive to moms with children because of the flexibility and supportive environment. Career opportunities are open to everyone, regardless of age, sex or orientation; career development is open to everyone...I think staff who have issues or problems are encouraged to raise them. I believe the environment here is such that an employee who wanted to raise such an issue or problem would not be worried about doing so”.*

37. *"There are a number of women in senior roles at SDC and I believe they are respected in the jobs they do. In the four to five years I have been here I have never seen any sex discrimination. I certainly do not feel there is a culture of sexism at the Council. I interact with several other departments and I have never heard staff or officers expressing the view that they were unhappy with their treatment because they were women. On the contrary, I believe that the environment is such that if they experienced sex discrimination, they would not only feel able to, but be encouraged to raise such matters at the earliest occurrence".*
38. Cllr X said *"The Council recently underwent a peer review with a good result and no issues such as these were raised. Female officers have no apparent issues talking to me and it is unfortunate that we have a couple of members at the Council who are in my opinion not in the right century. The behaviour of the two members in question should have been reported before and it is quite right that it should be reported now. Officers should be supported in raising such issues and such behaviour should not be swept under the carpet. I am confident that this matter will change the rules for the Council".*
39. Mr Y said *"During my eight years as a councillor I never saw, experienced or heard suggestions that SDC had a culture of sexism. If officers have reported that they feel behaviour which would be considered unacceptable and not tolerated at a larger urban authority but is tolerated at Stratford Council and which could have a severe effect on younger female staff, this surprises me. Likewise, if junior officers have reported that they felt they could not raise such issues and that if they did the matter would be swept under the carpet. I am amazed that I did not notice anything because I think I am quite observant".*
40. I interviewed a senior female officer who asked to remain anonymous. She said that she had worked at Stratford for over 20 years and she thought that she had been given *"lots of opportunities"*. Whilst the Council had a *"blame culture"* until a change in the Leader and Chief Executive happened a few years ago, she said that she did not recognise the picture that was painted by Ms Briançon.
41. She told me that after the comments *"Everyone felt like rallying together as they did not recognise the picture painted of their Council"*. She explained - and this was also repeated by others, that the Council was seen almost as a family. A lot of officers had worked at the council for a long time, and the general feeling once the allegations appeared was one of hurt and bewilderment.

42. In order to check out some of these issues I spoke to Ms Doman on 21 October 2019. I asked her the following questions.
43. **What training has been given to members and senior officers on gender equality and diversity?**
44. Ms Doman told me that all officers go through a full day of equality and diversity training as part of their induction. So far as members are concerned the induction process for members run by the Monitoring Officer includes training on equality and diversity as part of the wider behaviour requirements within their code of conduct.
45. Ms Doman said that the officer training is currently carried out by Warwickshire County Council but given what has happened in relation to the complaints of a sexist culture, Ms Doman said the Council now intend to run refresher mandatory training for all officers and for members which would cover equalities generally and not just gender. She believed that they are likely to outsource this training to an experienced third-party provider and it is likely to take place sometime in early 2020.
46. All recruitment managers receive training on recruitment from West Midlands Employers, which covers equality and diversity and unconscious bias. Interview panels will always include a trained manager. Members, when they interview for very senior officers, have a training session delivered by either the HR Team at the Council or West Midlands Employers and this takes place immediately prior to the interview. Member panels will always have a trained advisor with them, this will either be one of the in-house HR advisors or a colleague from West Midlands Employers.
47. **Are job descriptions and personal specifications screened for bias?**
48. At present they are not as most job descriptions have evolved over time to suit the role and are written by managers. However, given the concerns which have been expressed the HR Team will consider these and look to see whether the job descriptions and personal specifications are effective, and they will be screened for unconscious bias.
49. **If policies and guidelines had been reviewed to check whether they had a disproportionate effect on women?**
50. All key policies and procedures have an equality impact assessment undertaken with Unison and this should pick up any diversity points. The Council has a harassment and bullying procedure in place and complaints of sexist behaviour would be dealt with

under this. No sexist complaints had been raised under the harassment and bullying procedure.

51. **Can officers be confident that if they raised complaints of sexist behaviour these would be dealt with effectively and there would be no adverse comeback on them for raising such issues?**
52. It is hoped this would be the case but as there is evidence from some witnesses that some officers were not confident to raise these issues, the HR Team would be specifically looking to see that both the procedure and the communications about the procedure were fit for purpose. Ms Doman accepted they may need to do some more work on communication to assure staff that they are able to raise these issues in a way where they will be protected from bullying, harassment and from any comeback on them for raising complaints of inappropriate behaviour.
53. Complaints under the bullying and harassment procedure have been made three or four times over the last five years each time in respect of allegations of general bullying. The procedure also would cover any discrimination issues, but no complaints have been made citing any form of discrimination.
54. **Are officers able to raise complaints on behalf of others – if for example they overheard a sexist comment being made to a colleague, but the colleague did not want to make a complaint themselves?**
55. The Council has amended the Bullying and Harassment procedure so that a manager can make a complaint on someone's behalf. The procedure itself sets out different roles. If a complaint is made informally the procedure enables the officer affected to speak to the person who had made the sexist comment or ask their manager to do that for them. The formal procedure which is in place mirrors the general complaint process at the Council. The Council would always wish to protect individuals who are raising such issues. ¹
56. **Is the Council open to flexible working and if women or men were discriminated against if they chose flexible working?**

¹ It should be noted that following the Harvey v Ledbury [2018] EWHC 1151 (Admin) case any formal action against members has to follow a complaint and investigation under the Member Code of Conduct. However, the Council can ensure that its procedures take account of this and that managers and staff are aware of the necessary procedures to follow.

57. The Council has a very open mind about flexible working and will always consider any flexible working requests; doing so before it became mandatory. Of the 25 third tier officers in the Council, 16 are male and 9 females. Of the 9 female officers 4 are working part time or flexibly.
58. **Does the Council take any steps to actively support gender inequality and diversity?**
59. There are no particular action plans at this time, but the Council's current organisational strategy is looking at the gender pay gap with a view to addressing this.
60. **Is it possible to identify turnover amongst men and women?**
61. Ms Doman said that the current workforce was as follows:

Men 127 40%

Women 191 60%

Turnover (1.04.15 -3.10.19):

Men 48 40%

Women 72 60%

This turnover exactly mirrors the gender split in the workforce.

62. **Has sexist behaviour been raised in any exit interviews over the last five years?**
63. It had not been raised. The template which comprises the leavers survey includes questions such as "I was unhappy due to workplace relationships". Ms Doman could not recall that sexist behaviour had been specifically raised at all.
64. Ms Doman pointed out that there were 320 members of staff at Stratford DC, the equivalent of 250 FTE's. As the Council has outsourced a large proportion of operational services, all officers have access to emails throughout the day as they use computers and email to carry out their tasks. Therefore, Mr Buckland's email to all staff on 10 June would have been received by all staff. Given this a very small percentage of staff came forward to mention sexist issues.
65. Ms Doman pointed out that there had previously been women in post as both Head of ICT and Head of Personnel at the Council but over the last few years the flattened senior management structure both in Stratford DC and in local authorities more widely,

meant that there was not so much movement, especially of senior officers. However, the Council has just (23.10.2019) approved a new structure of senior management and appointed a new Chief Executive (25.10.2019). There will now be an appointment to the role of Deputy Chief Executive, and as a result there will be either one or two Head of Service vacancies. Ms Doman said that they would especially welcome applications from women as they hope they will be able to attract women to do these roles and after all, the Council did appoint a woman as Head of Paid Service.

66. Ms Doman pointed to the staff survey which last took place in 2017 (the Council carries it out every two years and the next survey will be launched in November 2019) and in particular question 5 which asks, "How much do you agree or disagree with the following statements about trust and respect".
67. I found this to be a very valuable piece of evidence. In particular I noted the responses to the following questions: "*I am treated with fairness and respect by senior management*"; responses were:
- 30% strongly agreed,
 - 55% agreed,
 - 12% neither agreed or disagreed,
 - 2% disagreed and
 - 1% strongly disagreed.
68. The following question was "*I am treated with fairness and respect by councillors*" and I noted that
- 6% strongly agreed,
 - 32% agreed, 4
 - 45% neither agreed or disagreed,
 - 11% disagreed;
 - 3% strongly disagreed and
 - 2% said it was not applicable.
69. The next question was "*I am treated with fairness and respect by fellow employees*"; responses were

- 26% strongly agreed,
- 60% agreed,
- 12% neither disagreed or agreed and
- 2% disagreed.

70. Another question was *"I trust my Head of Service/ Executive Director"*;

- 29% strongly agreed,
- 47% agreed,
- 17% neither agreed or disagreed,
- 5% disagreed,
- 1% strongly disagreed

71. The question was *"I trust my Services Manager"* results were

- 24% strongly agreed,
- 43% agreed,
- 19% neither agreed or disagreed,
- 6% disagreed,
- 1% strongly disagreed,
- 6% said it was not applicable.

72. The question *"I trust councillors"* results were

- 2% strongly agreed,
- 20% agreed,
- 50% neither agreed or disagreed,
- 21% disagreed,
- 6% strongly disagreed,
- 1% said it was not applicable.

73. The question *"I trust fellow employees"* results were

- 18% strongly agreed,
- 63% agreed,

- 15% neither agreed or disagreed
 - 3% disagreed.
74. The documents which I have considered as part of this investigation are appended, together with a list. It is worthwhile drawing attention to certain of these in particular. For example, the comments made in the Staff Survey 2017 as referred to by Ms Doman (see above). There were hundreds of comments made and I have seen all of them – 49 pages worth in total - and whilst there are some very negative comments, these are far outweighed by the very positive comments.
75. There are several comments about bullying and particularly about the behaviour of councillors (see below). However, it has to be born in mind that this survey is now some two years out of date (the second survey is due) and that there have been a number of changes amongst members since then. The Council has a new Leader and at the last election there was a 50% turnover of members. It is worth noting that of the 49 pages of comments, no one raised the issue of the Council having a sexist culture.
76. Question 5, which related to *“trust in councillors”* is where most of the negative comments are made. Even there, where some very robust comments are made, such as *“they are a very arrogant and rude bunch of people. They treat the officers like dirt for their own misgivings...none of them listen to us when we try to tell them how things work...they really need to be brought down a peg and have actual respect for what officers do”*; *“I don’t feel that councillors are respectful towards us”*; *“duplicitous, self-interested, reactive management”*; *“a condescending attitude of patronising superiority”*; there are no comments or complaints about any sexist culture made either in response to that question or, so far as I can see, more generally. Given that the Staff Survey is filled out by all members of staff (72% of staff completed the survey), and that many officers quite clearly, given the anonymity, have not “held back” on giving their views, some of which are very robust, I think that if there was a widespread or deeply felt perception of the Council being a sexist place to work, it is reasonable to think that comments would have been made about this. The fact that they were not is, I think, significant. I have however born in mind that when this survey was undertaken, in 2017, both Cllrs Barnes and Feilding were members and were behaving inappropriately, so it may be that this is evidence which shows, by its absence, an acceptance. If this was the case the fact that witnesses did come forward in 2019 is, I think positive.

77. I have also considered the Code of Conduct and the guidance given. The guidance is, I believe very good practice and it is clear that it is designed to assist members in carrying out their role. I note specifically that the guidance says, *“In particular you must be careful not to act in a way which may amount to any of the prohibitive forms of discrimination or do anything which hinders your authority’s fulfilment of its positive duties under equality laws”*.
78. I have considered the Council’s gender pay report for 2018 and 2017. Whilst there is undoubtedly a gender pay gap, I think that the Council is justified in saying *“This does not mean paying men and women differently for the same or equivalent work. Rather its gender pay gap may be as a result of the roles in which men and women undertake within the Council on the salaries these roles attract”*.
79. The 2017 report goes into more detail about this saying *“Across the UK, as a whole, men are more likely than women to be in senior roles (especially very senior roles at the top of organisations), while women are more likely than men to be in front line roles at the lower end of the organisation.*
80. *This trend is reflected in the Council’s make up with the majority of administrative and customer service roles being undertaken by women...this pattern is further exacerbated in the lower quarter by the fact that the Council outsource many of its operational functions such as refuse and recycling and street cleaning; all areas of work which traditionally attract male employees. If these roles were employed directly by SDC then there would be an increased number of men within the lower quartile and it is likely that the gender pay gap would be significantly reduced”*.
81. *“Women are more likely than men to have had breaks from which has affected their career progression, for example to bring up children. They are more likely to work part time and many of the jobs that are available across the UK on a part time basis are relatively low paid. The Council has a scheme considering job share for all vacancies and only in a relatively few posts is job share not appropriate. In addition, SDC has a flexible working procedure which applies to all employees regardless of their role and gender”*.
82. Another factor restricting the movement of women in to the more senior roles at the Council is the flattening of management structures and hierarchies which have restricted the available opportunities. This is complicated by similar changes across

the public sector meaning that turnover in senior roles has reduced significantly again restricting opportunities for women to gain promotion.

83. I have also considered that the 2018 gender pay gap for SDC was very comparable to the public sector and to the West Midlands Public Sector so far as the median gender pay gap was concerned; the median gender pay gap at SDC at 15.99% was compared to 19% for the public sector and 23.3% for the West Midlands Public Sector. I also note that in 2018 in all but the upper middle quartile the proportion of females had increased since the 2017 analysis.
84. Arising from this is the question of whether the Council is simply accepting the picture of the number of women carrying out lower paid work and that of part time work being relatively low paid.
85. I think that the Council can demonstrate that its attitude towards part time working being available for better paid and more senior roles through the situation quoted by Ms Doman, which demonstrates that even senior and higher paid roles are available for part time workers.
86. In the Council's single equality scheme the steps the Council is taking to address the requirements of the public-sector equality duty are set out. These seem to me to be comprehensive. The scheme details the steps that the Council is already taking including *"making equality the responsibility of every officer and elected member"* and *taking positive action to address all forms of disadvantage or exclusion"*. In the Council's organisational development strategy, the Council says, *"We want to work harder to ensure that development and progression opportunities are available equally to all staff"*. One of the strategy aims is to *"attract and retain a diverse, capable, flexible and committed workforce who are supported and empowered to achieve their best within today's working environment"*.
87. I consider that these are all very positive statements to which the Council is committing itself.
88. I noted that in neither the 2017 Peer Review and in the Corporate Peer Review Follow Up Visit dated 18 March 2019 was there any mention of a culture of a sexist nature. Given that Ms Briançon was one of the executive directors at the time, to whom the 2019 letter is addressed, and who would surely have been interviewed by the Peer Review Team, I find it surprising that if this was a real issue which concerned her, Ms Briançon did not mention this. I am however concerned that in her seven months or so

at the council, that if she was as concerned at sexism at the council as her Facebook posting suggests, she did not raise this at the time, when she was in post as the Council's Head of Paid Service.

89. It is also the case that the Council was not only open to senior women officers but did appoint a female Head of Paid Service, Ms Briançon herself. More than one member I interviewed made it plain that she was, following a lengthy interview process, seen as the best candidate for the job, and the Council wanted her to succeed.

FINDINGS

90. The statements of witnesses however do disclose in more than one instance concerns about raising matters and how this would be considered. It seems to me that whilst there is a split between those officers who feel that matters can be raised easily there is also some concern, particularly amongst some junior staff about how they should raise issues of unacceptable and inappropriate behaviour, particularly from members. As Witness E put it, there should be a *“safe mechanism”*.
91. It is clear that all officers were given the opportunity by David Buckland to raise matters that cause them concern and some officers, a relatively small percentage of the total, took the opportunity to raise their concerns. It is also worth noting that most of these concerns were about the behaviour of the two members who have been the subject of findings in breach of the Code of Conduct where the Council has, in my view, taken the appropriate action possible under the provisions of the legislation in respect of them. Without the behaviour of these two members, the evidence of an inappropriate and sexist culture is much reduced, and I think it would be unfortunate if the whole Council was to be stigmatised largely because of their behaviour.
92. However, there is the issue of why this behaviour, which has been known about for a considerable amount of time, had not been effectively tackled previously. Whilst there is some evidence of these two members being spoken to about their behaviour in part, it clearly had little effect; and yet the evidence is of longstanding, inappropriate and unacceptable conduct which would have justified a Code of Conduct investigation much earlier. Some of this, as some of the witness evidence says, is because officers did not feel confident that they would be supported they did raise this behaviour, and believed, whether or not this was true, that it had to be tolerated, even though it was widely known and regarded as unacceptable.

93. I believe that the Council needs to demonstrate that it not only tolerates but positively expects officers to raise issues of unacceptable behaviours, whether or not these are committed by councillors and that if they do so their concerns will be taken seriously.
94. I also think that it is important that officers can be confident that should they raise matters of concern they will not be treated unfairly for doing so; that there is that “safe mechanism”.
95. My belief is that both Mr Buckland and Cllr Jefferson, as the new Chief Executive and Leader respectively are genuine in their commitment to do what they can to make sure that the Council does not have and is not seen as having a sexist culture. I believe that they will do what they can to make sure that this is firmly embedded in the authority.
96. The plans the Council has to take forward this approach must be made clear to officers and the further training for both officers and members which Ms Doman referred to needs to be put in place promptly. I also believe that it is important the Council considers how it communicates to all officers, particularly junior ones, that raising matters which concern them is the right thing to do and that they will be given support if they choose to do so. Making a complaint against a member is quite a step for officers, especially younger officers to take and the evidence from a notable proportion of the witnesses shows that officers often felt that they had to put up with behaviour which they found inappropriate and offensive.
97. I have taken account of the evidence from a couple of witnesses that behaviour is tolerated at the Council which would not be tolerated in other councils they have worked in; although I accept that this was not a universal view. Where officers (and members) have experience of other work places – including but not limited to local authorities – it can be useful to get their views once they have been in place for a little while, to see if they have suggestions from their previous roles. This may be especially useful where, as at the Council, there are many officers of longstanding employment.
98. Given the evidence I have considered, it seems to me that it would be unfair to brand the Council as having a “*sexist culture*”. I have born in mind that Ms Briançon was extremely upset about her appraisal process and the results of that, particularly some of the comments that she reports in her evidence. She clearly was genuinely sensitive to what she saw and heard and quite clearly the behaviour of Cllr Barnes towards her

was unacceptable. My instructions do not extend to examining the assessment process.

99. Furthermore, as stressed above, many of the comments and complaints in the witness evidence are related to the behaviour of two particular members. These members, namely Cllrs Barnes and Feilding, have been the subject of separate Code of Conduct investigations carried out by me and have been found guilty of breaches of the Code of Conduct, have apologised to all staff at the Council and are going through a training process in an attempt to amend their behaviour. I note that, with the exception of complaints made by Ms Briançon, no other member was specifically referred to by Council officers with the exception of Cllr Z who I am also investigating. Given the hoped-for improvement in the behaviour of Cllrs Barnes and Feilding this should significantly, in my view, amend the way in which the Council can be judged by its officers, particularly female officers.
100. Ms Doman referred to steps that the Council is taking to improve the situation. It is true that there are presently very few women in the most senior positions although I am told, and have no reason to doubt, that the Council hopes to change this following the recruitment to new posts at the top of the organisation once the new management structure is in place; provided of course that these are suitable candidates who are appointed on merit.
101. I heard much from the witnesses about the way in which the Council has changed since Cllr Jefferson became Leader, and none of those I interviewed, with the exception of Ms Briançon, had a bad word to say about him.
102. It does however always take time to change the way in which the Council operates; and in particular the way in which behaviour is viewed, especially the behaviour of members. Those I spoke to felt that where the behaviour of anyone, officer or members, is seen to be inappropriate it needs to be challenged, whether formally or through a more informal process, and that officers should be encouraged to do so and supported in doing so.
103. Finally, I have particularly noted that there was some concern expressed in the witness statements as identified above, where officers feel that they either do not know how to raise matters of concern, or that they feel there is little point to them doing that. I would therefore recommend that the Council considers, as indicated by Ms Doman,

ways in which the Council can assess how its current arrangements are working and see if and how they need to be improved.

104. Following this, the Council shall see how it can communicate better to its employees the way in which they should raise concerns if they feel that the behaviour either of officers or members is something that is causing them concern. There should be no suggestion or feeling within the workforce that to do so would be inappropriate and certainly that any repercussions from raising legitimate concerns should not happen.

RECOMMENDATIONS

105. That the Council demonstrates that it positively expects officers to raise issues of unacceptable behaviours, whether these are committed by councillors or not, and for officers to be confident that if they do so their concerns will be taken seriously, and they will not be treated unfairly for doing so.
106. That the further training for both officers and members on equality and diversity is put in place promptly.
107. That the Council considers how it communicates to all officers that raising matters which concern them is the right thing to do and that they will be given support if they choose to do so.
108. That where officers and members have experience of other workplaces their views about how the Council operates are sought to consider if they have useful suggestions from their previous roles.
109. That the Council assess its current arrangements whereby officers can raise concerns and consider if and how they need to be improved.

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