

EAST DEVON DISTRICT COUNCIL

Minutes of the meeting of Scrutiny Committee held at Online via the Zoom app on 4 March 2021

Attendance list at end of document

The meeting started at 6.00 pm and ended at 9.07 pm

131 Public speaking

There were no members of the public wishing to speak

132 Minutes of the previous meeting

The minutes of Scrutiny Committee held on 4 February 2021 were confirmed as a true record.

Members noted that the figure stated in minute 128, the supplementary question to question 9 was incorrect. The Chair read out a statement on behalf of the Service Lead – Streetscene stating that the costs to East Devon District Council was closer to £75,000 and not £250,000 advising it was a joint beach management plan covering Dawlish and Sidmouth, led by the Environment Agency.

133 Declarations of interest

Minute 137. Report on staff morale.
Councillor Ian Hall, Personal, Member of GMB Union.

Minute 137. Report on staff morale.
Councillor John Loudoun, Personal, Receives a pension from Unison.

Minute 139. Forward Plan.
Councillor Andrew Colman, Personal, Exmouth Town Councillor.

Minute 139. Forward Plan.
Councillor Chris Wright, Personal, Director of Exmouth Rugby Club, a tenant of East Devon District Council.

Minute 139. Forward Plan.
Councillor Iain Chubb, Personal, Devon County Councillor.

Minute 139. Forward Plan.
Councillor Olly Davey, Personal, Exmouth Town Councillor.

Minute 139. Forward Plan.
Councillor Vicky Johns, Personal, Ottery St Mary Town Councillor.

134 Matters of urgency

There were no matters of urgency.

135 Confidential/exempt item(s)

There were no confidential/exempt items.

136 **Decisions made by Cabinet called in by Members for scrutiny in accordance with the Overview and Scrutiny Procedure Rules**

There were no items called-in.

137 **Report on staff morale**

The Chair welcomed Mark Everdon from Unison to assist Members with their discussions and reminded Members that discussions of employment matters including staff morale should remain general and individuals should not be identified in any way.

The Chief Executive addressed the reasons for the report which followed expressions of concerns made by Committee Members and said in response to those concerns a Health and Safety survey was undertaken of all staff over a 10 day period. Members noted 67% of staff had responded. In response to queries raised by Members about the choice of survey the Chief Executive confirmed it was a recommended form of survey with a proven methodology for analysing work related stress focusing on the last six months at work.

He asked Members to be mindful when considering recommendations, advising that he had a duty of care and a legal obligation to keep all employees safe from harm and addressed the difficulty of fulfilling his duty and obligation when the harm resulted from Members behaviour towards staff.

The Chief Executive gave a detailed overview of his report and referred Members to the LGA Peer Review report and the Investors in People report. He felt it was important to note that both reports were independent external validations of the quality of this organisation and that this was very important to staff morale.

Members noted the key issues identified in the survey included:

- Staff morale/sickness during Covid-19 - challenges of homeworking, work load, depression and stress and anxiety.
- An overall increase of 66% in all absences related to depression and stress during April 2020 to January 2021 compared to the same period of the previous year.
- 42 employees (8.4% of the workforce) had given depression or stress as the reason for absence.
- 6% of employees in the last six months had experienced bullying and 11% had seldom been bullied.
- 38% of employees had stated they were seldom, sometimes, often or always subject to personal harassment in the form of unkind words or behaviour.
- The two lowest scores related to demand and change which included:
 - Having to work intensively.
 - Having to work very fast.
 - Having to neglect some tasks.
 - Different groups demanding things that are hard to combine.
- Priority for further assessment was required in Housing, Streetscene and Planning Departments.
- Appendix 3 comprised of a total of 164 employees leaving comments.
- The most positive comments included:

- Colleagues / my team is supportive.
- My Manager is supportive.

The most common negative comments included:

- Our already large workload has increased significantly recently / my / my team's workload is overwhelming / too large.
- We need more staff / previous staff or managers have left and not been replaced.
- Conduct of some Councillors.
- Home schooling children and working is hugely stressful.

The Chief Executive reminded Members that the Council had regularly carried out staff surveys and that the results had always been treated with respect to help build up a picture of a hard-working organisation and a well-earned reputation as a good employer.

He asked Members to consider:

- The number of issues raised in the latest survey as he felt it was clear that depression, stress and anxiety amongst staff was a concern and said he was in no doubt Officers were continuing to work whilst being depressed or otherwise impacted.
- The issues related to workload and staff absences to help understand and prioritise these workloads.
- Impact on staff (mainly managers) of a change of political culture and the working environment.

The Chief Executive, felt from his own personal perspective, it was very hard to maintain a high sense of morale and motivate for his staff because of what he had experienced from the issues that had been highlighted in the survey and drew Members attention to the Member / Officer protocol in the Member Code of Conduct.

Finally, he asked Members to consider the Council's future reputation as a good employer and the possible legal liabilities in terms of employment based claims as to whether the changes that had been experienced over the last six months were temporary changes or permanent.

The Chair invited Mark Everdon from Unison to speak.

Mark Everdon representing Unison gave an overview of his role as a Regional Organiser for Unison working with employers on stress, mental health issues within the workplace and outlined to Members about how to deal with these issues and what happens if they were not dealt with highlighting the impact of cost implications of sick absences, productivity issues within the workplace, turnover of staff and loss of experience within the workplace.

Before questions and debate commenced, the Chair reminded Non-Committee Members that they were not able to recommend any motions nor should they name individuals.

Comments and questions raised by Non-Committee Members and responses from the Chief Executive and Mark Everdon including:

- The Portfolio Holder for Council and Corporate Co-ordination said he took the survey very seriously as it was a snapshot and indicator of staff concerns and advised Members it was not a political tool and should not be dealt with in a partisan way. He felt it should be set against the backdrop of the pandemic which clearly had an impact.

He drew Members attention to the negative comments in Appendix 3 about the new Councillors / new political leadership. He said it was a broad phrase used to collect comments made by staff relating to some or possibly all Members and felt that the term 'new members' could apply to any new member in all the political group. He referred to the new political leadership being Cabinet and the broader leadership of the ruling group and the recognition for the need to all look at what we are doing, the implications of what we are doing and how we need to change and asked for each group leader to look at their group also. He invited the Chief Executive to go away with his SMT to look at the detail to be done to support staff and come back to Scrutiny to give an update and said he was happy to work with the Chief Executive and SMT as Portfolio Holder.

- Clarification sought on whether this Council's rate was with the national norm in terms of sickness / absence. Mr Everdon commented that he was not able to answer the question as he did not know the sick absence rate but highlighted the need to look at the rise that was happening and whether it was different to the previous year. The Chief Executive drew Members attention to the 66% increase in staff absence being attributed to depression, stress and anxiety.
- Clarification sought on whether this Council's levels of stress and mental health was above or below experienced in other councils. Mr Everdon commented that stress was unique to each council and could not be compared to other councils.
- From an organisational wellbeing point of view it's been on a downward trajectory for quite a few months.
- Concerns raised that Members do not listen or draw on the experiences of their officers.
- As Members we need to carefully look at our Code of Conduct, understand what the issues are, understand why things are going wrong and try and do something about it.
- The need to develop an action plan for the Council's future direction.
- In September 2019 the LGA Peer Review described this council as an organisation with a hard-working and committed work force and staff morale has always been high achieving gold and platinum level standards. The February 2021 shows that staff morale has disappeared replaced by depression, stress and anxiety amongst staff brought on by additional pressures resulting from changing political behaviours, uncertain organisational direction and a more interfering approach to operational matters.
- The February 2021 survey shows we now have an inappropriate working environment and a blame culture with officers increasingly fearful to do their jobs.
- Concerns raised about inadequate equipment for members of staff to work from home. In response the Chief Executive advised all members of staff working from home are required to carry out an online safe workplace assessment.
- The data on absence increases caused by depression, stress and anxiety are serious and cannot be left to go with mitigation and resolution.
- The ICT should be made more reliable to ensure that working from home is made as pleasant as possible and a suggestion was made to assess the evidence in appendix one.
- Working as a team working together with common objectives, common goals to serve the residents of East Devon to the best of our ability.
- There would be quite a lot of people with the same responses as the survey who have experienced general anxiety felt during the second lockdown including anxiety about job insecurities.
- A suggestion to hold more regular surveys to understand where things are going and to hear what officer have to say.

- It is clear from the survey that the stress has been caused by the new administration and the mistreating of officers.
- The role of the Leader is to take charge and be responsible for all councillors across the Council regardless of political party. We need to stop micro-managing of officers.
- The recognition of many other factors influencing morale which needs to be addressed.
- The most upsetting and serious claims stem from the change of administration last year.
- Does the Leader accept the outcome of the report and agree that it is totally unacceptable that 7 staff members say they are being bullied, intimidated and harassed. Does the Leader agree that as Leader he is totally responsible for the deplorable actions of his administration and consider his position? The Leader commented that it had been the most challenging times for local government in our history and could not be more proud of our staff and officers. He raised concerns that the focus of the meeting had been on the path of the report which had a political element to it and said correlation is not causation. He referred to new councillors being Conservatives, Cranbrook, Liberals, Greens, Independents, Independent Progressive Group and East Devon Alliance and there was no proof or indication from where any problems are coming and replied a blanket no to all the questions raised.
- Support was shown to the Chief Executive for being open and honest.
- Allegations of rumours that there had been bullying and harassment of Officers from Cabinet Members of East Devon District Council and clarification was sought from the Chief Executive whether this was still affecting the health and wellbeing of officers and whether the Chief Executive had experienced any harassment or bullying since the new administration had been put in power following an email sent by the Chief Executive on 23 October 2020 outlining the treatment by a Cabinet Member. In response the Chief Executive confirmed bullying was still on-going and that he had also been personally bullied and advised the core issue was for all Members to understand the Code of Conduct for Councillors that each councillor had signed up to and to adhere and uphold those standards expected. The Chief Executive advised Members that he had personally spoken to a number of Officers who were off sick with stress as a long term condition and the reason given was because there was nowhere to go when the issue was Member behaviour. He said it was an impossible situation for an officer to deal with.

Comments and questions raised by Committee Members and responses from the Chief Executive and Mark Everdon including:

- Support was shown to the Chief Executive for his comprehensive report and his honesty and sadness was shown for the morale of staff being so low.
- Members were reminded about a duty of care to the Chief Executive.
- Clarification sought about whether the Chief Executive had kept the menacing emails online and whether he know who they are from and a suggestion was made to bring in an outside body to address this. The Chief Executive commented there would be a record of all the emails received but had not kept a separate file and advised at this stage to bring in an outside body would be premature and addressed the reasons why.
- Staff have had an extremely difficult year working from home, trying to juggle home life, home schooling, child care issues and IT issues which is a reflection of the national mood as well.

- There are lessons for the management and there are lessons for Members to be learned. Members need to reflect on their own behaviour.
 - The need to not act defensively and the need to recognise we do have a problem and to decide how to deal with it.
 - Suggestion to use the same survey in six months to see if there is an improvement to make like for like comparisons. The Chief Executive gave reassurance that the Health and Safety Executive survey was used as a consequence to what was identified in appendix two.
 - Suggestion to take some of the main issues and survey down into them.
 - The survey highlighted a lot of officers were feeling overloaded with work.
 - Clarification should whether the same survey would be used in the future. In response the Chief Executive confirmed for consistency purposes the same survey would be used.
 - It would be good to obtain information across the sector to compare sickness levels and stress with other industries. In response the Chief Executive confirmed information could be obtained in due course to look at comparisons and highlighted a key point that as Chief Executive it was his duty to provide a safe working environment for employees.
 - Clarification sought on whether the wording on bullying was phrased differently in the previous survey. The Chief Executive commented that staff morale was worse and that perceived bullying had been a feature in the most recent survey.
 - Suggestion to receive feedback and engagement from the next stage so that Members can understand what they can do to make things better.
 - Clarification sought on whether there were additional resources to assist SMT and Managers.
 - Suggestion to introduce mandatory Code of Conduct training. In response the Strategic Lead – Governance and Licensing and Monitoring Officer advised that following the May 2019 elections it was a mandatory requirement for all Councillors to undertake Code of Conduct training and highlighted the difference of reading it and having it in practice.
 - Bullying is not accepted and had been highlighted at the Peer Review to improve Officer / Member relationships.
 - It is not acceptable that 5% of the entire workforce mention bullying but must remember that 95% did not mention it.
 - The need to treat officers with respect.
- Cllr Val Ranger proposed the following;
- Early informal verbal intervention in the event of any suggestion of bullying should be considered
 - Restorative justice as a form of mediation should be considered

It was proposed by Councillor Parr, seconded by Cllr Chapman that:

1. The Chief Executive be thanked for his for his very thorough and comprehensive report.
2. The Administration acknowledges the serious problem of decline in staff morale, which if left unresolved will put at risk the Council's reputation as a good Employer and also possible legal liabilities in terms of employment based claims.
3. In view of the recent lack of effective enforcement action in the case of a councillor found to be in breach of 4[a] and 5[h] of the Code of Conduct, the Administration endorses the Member Code of Conduct and the Member/Officer Protocol, and states its expectations that effective enforcement action is taken in the future, where breaches of the Codes occur.
4. The Scrutiny Committee invites Councillors Arnott, Loudoun and Gardner to attend a meeting of the Committee to be arranged at the earliest opportunity to

address the matters in the report of the Chief Executive, and say how they intend to deal with this most serious problem. This should include requesting the Chief Executive undertakes more regular staff surveys to monitor progress and if necessary involves an outside agency.

The Committee resolved that there should be a recorded vote.

The above motion failed following a recorded vote as follows:

Councillor Brown	For
Councillor Ranger	Against
Councillor Chapman	For
Councillor Chubb	For
Councillor Colman	Against
Councillor Davey	Against
Councillor Hawkins	Against
Councillor Johns	Against
Councillor King	Against
Councillor McCollum	Against
Councillor Parr	For
Councillor Rylance	Against
Councillor Taylor	Against
Councillor Wright	For

The following was proposed by Councillor Ranger and seconded by Councillor King.

That the Committee:

1. Thanks the Chief Executive for his report.
2. Asks the Chief Executive to undertake a follow up staff survey at a suitable future point.
3. Requests the Chief Executive to discuss this survey data with staff representatives and to feedback to the Portfolio Holder for Council & Corporate Co-ordination the outcome and actions resulting from that engagement to form an action plan.
4. Recommends that the Chief Executive, Members of the SMT and the Portfolio Holder for Council & Corporate Co-ordination discuss this survey data, and any other relevant information, and identify what actions are necessary to address the four key broad sets of issues identified within this report at Appendix 3 –
 - (i) Workload, staffing shortages / vacancies and management support for staff;
 - (ii) Home working and staff isolation;
 - (iii) Member conduct with staff;
 - (iv) Staff communications.
5. Ask the Chief Executive to update this Committee in light of the completion of the above four recommendations.

The Committee resolved that there should be a recorded vote.

The above proposal was carried on a recorded vote as follows:

Councillor Brown	Against
Councillor Ranger	For
Councillor Chapman	Against
Councillor Chubb	Against
Councillor Colman	For
Councillor Davey	For
Councillor Hawkins	For
Councillor Johns	For
Councillor King	For
Councillor McCollum	For

Councillor Parr	Against
Councillor Rylance	For
Councillor Taylor	For
Councillor Wright	Against

RESOLVED:

1. That the Chief Executive was thanked for his report.
2. That the Chief Executive undertake a follow up staff survey at a suitable future point.
3. That the Chief Executive discusses this survey data with the staff representatives and to feedback to the Portfolio Holder for Council and Corporate Co-ordination the outcome and actions resulting from the engagement to form an action plan.
4. That the Chief Executive. Members of the SMT and the Portfolio Holder for Council and Corporate Co-ordination discuss this survey data, and any other relevant information, and identify what actions are necessary to address the four key broad sets of issues identified within this report at Appendix 3 –
 - (i) Workload, staffing shortages/vacancies and management support for staff;
 - (ii) Home working and staff isolation;
 - (iii) Member conduct with staff;
 - (iv) Staff communications.
5. That the Chief Executive updates this Committee in light of the completion of the above four recommendations.

138 **Quarterly Monitoring of Performance - Quarter 3 2020-21**

Members agreed to postpone this item until the next meeting.

139 **Forward Plan**

Members agreed to postpone this item until the next meeting.

Attendance List

Councillors present:

C Brown (Chair)
V Ranger (Vice-Chair)
E Rylance
M Chapman
I Chubb
A Colman
V Johns
O Davey
S Hawkins
F King
T McCollum
H Parr
B Taylor
C Wright

Councillors also present (for some or all the meeting)

F Caygill
M Allen
M Armstrong
P Arnott

J Bailey
D Bickley
K Blakey
K Bloxham
S Bond
G Jung
S Chamberlain
B De Saram
A Dent
P Faithfull
I Hall
M Hartnell
P Hayward
N Hookway
B Ingham
S Jackson
P Jarvis
D Key
D Ledger
J Loudoun
A Moulding
G Pook
G Pratt
M Rixson
J Rowland
P Skinner
I Thomas
P Twiss
J Whibley
T Woodward
T Wright

Officers in attendance:

Henry Gordon Lennox, Strategic Lead Governance and Licensing
Wendy Harris, Democratic Services Officer
Susan Howl, Democratic Services Manager
Sarah Jenkins, Democratic Services Officer
Anita Williams, Principal Solicitor (and Deputy Monitoring Officer)
Mark Williams, Chief Executive

Councillor apologies:

Non-Committee Member:
P Millar

Chairman _____

Date: _