

**Update on actions from minute 110.18 CLERK REPLACEMENT AND INVESTIGATION 10/05/2018**

***Action 1.** Produce a comprehensive public record of written and electronic communication between the relevant parties without any commentary or judgement. Cllr Barry will ask the aggrieved parties whether they wish to continue with this and if they do then it will be done. If it is done then sensitive personal information from all parties will be redacted.*

GBPC wrote following the parish council meeting on 12/7/18 to Joanna Pike as the primary aggrieved party informing her of minute 110.18 and requesting whether she wished the council to publish a comprehensive record of communications in this matter.

The response from Joanna Pike was that publishing a record of communications was not her wish.

As the primary aggrieved party did not wish for publication to proceed the recommendation is therefore that GBPC does not publish a record of communications in this matter.

It is acknowledged that there are additional aggrieved parties beyond Joanna Pike however these parties were all GBPC councillors at the time and therefore are considered secondary aggrieved parties. As the primary aggrieved party does not wish for publication to proceed, the secondary aggrieved parties have not been contacted for their wishes on publication as without the primary aggrieved party's consent, publication should not proceed.

***Action 2.** Lessons learned regarding clerk protection. Cllr Barry will conclude his investigation and make a statement about this for agreement at the next meeting.*

Introduction

In preparing for this investigation I have reviewed all relevant information. This comprises the clerk's old email account and letters as well as the minutes and any other submissions relating to the period in question. Beyond this, no parties have been interviewed and no further information or submissions from the relevant parties have been solicited.

Summary of Events

Clerk Joanna Pike resigned in October 2017 as she felt her role was no longer viable because of the behaviour of some councillors which was alleged to be obstructive towards her and the office of Clerk and that in the case of one councillor's behaviour amounted to bullying, harassment and intimidation. The councillors named are ex-GBPC councillors.

It is my view that treatment of Joanna Pike and the office of Clerk by some ex-councillors and some members of the public was without doubt totally unacceptable and in the case of the ex-councillors was a clear breach of the Councillors' Code of Conduct to which all councillors have agreed. There was a very large volume of requests made to the Clerk over the many months preceding her resignation and the sheer sustained volume and density of these requests was unreasonable for any Clerk to have dealt with. The tone of the emails was frequently disrespectful and in many cases contained threats of a legal and professional nature. I believe that much of the communication Joanna Pike dealt with amounted to a campaign against the GBPC.

Throughout this period, Joanna Pike calmly and patiently responded to almost all requests and frequently went to lengths to explain procedures and situations to assist the complainants and

attempt to satisfy them. Joanna Pike was over-generous in her responses and this sustained the campaign.

After the situation intensified and complaints were made, councillors Howell and Gardner (chair and vice chair at the time) took steps to resolve the situation by writing to the primarily-accused party to stop all direct communication between them: All communications would now be routed to Vice Chair Gardner who would respond as necessary. This did improve the situation marginally for a short while. Unfortunately, the ex-councillor decided to resume direct communication with the Clerk and with email now being effectively blocked they took to delivering letters to the Clerk at her home. It is alleged that this ex-councillor loitered around the Clerk's home in the evening on several occasions to attempt to deliver their letters in person. This led to Joanna Pike understandably feeling at threat personally and her resignation.

### Lessons

I am aware and feel personally very strongly that it is the council's responsibility to protect its employees. As our only employee at the time I want to consider whether we did everything reasonable to protect Joanna Pike in this case and whether there are any lessons to be learned.

I want to be clear that I do not see it as the council's responsibility to protect its councillors in a comparable way. The councillors are the employers, not employees. It is the employers' duty to protect the employees and treat with them respect at all times. Therefore, I want to consider whether the council did everything that it reasonably could to ensure that all councillors abided by the Code of Conduct and whether there are any lessons to be learned here.

### Lessons for GBPC in stopping Councillor breeches of Code of Conduct

Currently, once it becomes clear that a severe and sustained breach of the Code of Conduct has occurred, there are, unfortunately, no effective options available to a council to respond. It is possible to report behaviour to Wiltshire Council; while their investigations are handled very professionally, they do not have the power to remove a councillor. A councillor can be effectively removed via an election which is regularly every 4 or so years and can be forced by the resignation of a quorum of councillors. Considering the lack of councillor nominations and the extremely low turnout at historic parish elections, an election cannot be effectively used to block poorly behaving councillors. Often councillors have been forced to step down, in time, after being confronted by the public following evidence of their behaviour being brought to light. However, this process is not quick and is severely inhibited by personal privacy legislation. It requires other councillors to take a stand which due to their lack of independence inevitably leads to accusations of bias.

Over the course of this situation, Chair Howell and Vice Chair Gardner made several formal interventions once the poor behaviour became serious: This was through "Code of Conduct"-related agenda items in council meetings and by repeated letters to remind councillors of their duties under the Code of Conduct and to demand that specific unacceptable behaviours stop. They took a public stand against the unacceptable behaviour and this did, with public support, lead to one councillor stepping down, albeit for reasons stated by them as being unrelated to this subject. Unfortunately, this was after the situation had become untenable for our Clerk.

In this situation I am satisfied that GBPC took all reasonable steps to investigate and counter poor councillor behaviour. With the benefit of hindsight, more prompt actions may have remedied the situation sooner, however I feel that increasingly strong actions were undertaken broadly in line with the escalating situation.

The recommendations here is that Councillors should continue be regularly reminded of their duties under the Code of Conduct and that breaches of the code should be reported promptly to the Chair and if appropriate to Wiltshire Council.

While this section focused predominantly on dealing with councillors I would also recommend that members of the public be regularly reminded that it is their duty to hold their council to account in a respectful manner and that abuses of this will not be permitted.

#### Lessons for GBPC in protecting its employees

As previously stated, when the situation became serious, Chair Howell and Vice Chair Gardner stepped in to block all communication between the Clerk and the principally-accused councillor to protect the Clerk from having to deal with this party in any way. It was made very clear to the party that they were not to contact the Clerk and that all communications should be relayed via Councillor Gardner who would filter, relay and respond as appropriate. It was also implied that the Clerk should not contact the party. The block was effective for a time but did go on to be breached by both sides.

This step to isolate the accused party from the employee following a complaint was exactly the correct one to be taken and is the standard approach for any organisation following any allegation of improper behaviour. Following this every effort to maintain the block and thereby protect Joanna Pike was made by councillors Howell and Gardner. Therefore, I believe GBPC took all reasonable steps to protect its employee in this case.

There are however some recommendations that I believe should be considered by GBPC to further improve the protection of its employees:

- 1) Isolation of communications between accused parties (whether internal or external) and employees should be put in place in circumstances where it is clear there is a problem and should not necessarily wait for a formal complaint from the employee.
- 2) Any communications blocks should work in both directions and the employee must not communicate with the accused parties.
- 3) The employee should be reminded of their option to report behaviour that potentially meets the standards for the criminal offence of harassment to the police.
- 4) All employees should have a formal line manager appointed from the body of councillors. The line manager should meet with the employee regularly, provide support and protection and represent them when appropriate in the normal way of a line manager. This would improve the likelihood that issues were dealt with promptly.

#### Conclusion

In conclusion I believe that GBPC took all reasonable steps in the circumstances to deal with the serious issues. There are some important recommendations that we should consider for the future to further improve protection of our employees in similar circumstances. As is clear these focus on reinforcing the message that this council will act to protect its employees from inside and outside.

This concludes this report and I request GBPC accept this report and its recommendations.

Cllr Ian Barry  
Vice Chair