

REPORT TO CABINET

27 June 2018

Subject:	Approval of the proposed Engagement and Acceptable Behaviour Protocol and Guidance
Presenting Cabinet Member:	Councillor Steve Trow – Cabinet Member for Culture and Core Council Services
Director:	Director – Monitoring Officer – Surjit Tour
Contribution towards Vision 2030:	
Key Decision:	Yes
Forward Plan (28 day notice) Reference:	SMBC01/05/2018
Cabinet Member Approval and Date:	Councillor Steve Trow – 7 June 2018
Director Approval:	Surjit Tour
Reason for Urgency:	Urgency provisions do not apply
Exempt Information Ref:	Exemption provisions do not apply
Ward Councillor (s) Consulted (if applicable):	Ward councillors have not been consulted
Scrutiny Consultation Considered?	Scrutiny have not been consulted
Contact Officer(s):	Surjit Tour – Director – Monitoring Officer surjit_tour@sandwell.gov.uk

DECISION RECOMMENDATIONS

That Cabinet:

1. Considers and agrees the proposed Engagement and Acceptable Behaviour Protocol and Guidance at Appendix 1 to this report.

1 PURPOSE OF THE REPORT

- 1.1 This report provides details of the proposal to introduce a new Engagement and Acceptable Behaviour Protocol and Guidance.
- 1.2 The Protocol and Guidance is set out at Appendix 1 to this report.

- 1.3 The Council engages with its staff, residents, partners, stakeholders and others in many positive and effective ways. The Protocol and Guidance captures and details how the Council seeks to engage with such persons/bodies, and how the Council expects them to engage with the Council.

2 **IMPLICATION FOR THE COUNCIL'S AMBITION**

- 2.1 The protocol and guidance is relevant to all the ten Vision ambitions, relating most strongly to Ambition 10.

3 **BACKGROUND AND MAIN CONSIDERATIONS**

- 3.1 The Council aims to ensure a consistently positive experience in its engagement with Council staff, residents, partners, stakeholders, with service providers and with councillors.
- 3.2 With changing demands, expectations and financial challenges facing the Council, it is recognised that ensuring and maintaining an effective conversation with Sandwell residents and its communities is vitally important.
- 3.3 The Council's success in delivering Sandwell's 2030 Vision, providing excellent services and supporting people relies upon Sandwell's residents and communities having the opportunity to engage with, influence and shape the outcomes that are delivered by the Council, its partners and other stakeholders.
- 3.4 The Council recognises that well-informed and engaged communities are important for the well-being and life chances of its residents, as well as the level of trust and confidence they have in the Council.
- 3.5 Involvement by and feedback from Sandwell's residents and its communities enables the Council to not only improve the provision of its services, but ensures only those outcomes that truly make a difference are prioritised and delivered.
- 3.6 The protocol sets out **five principles** that will underpin and govern the Council's relationship and dealings with Sandwell's residents and its communities:

- **Principle one**

The Council is here to serve Sandwell's residents and the rich and diverse communities that are found in each of its six towns.

- **Principle two**

The Council will aim to deliver outcomes that residents and communities truly want.

- **Principle three**

Engagement is essential to achieving the right outcomes and building and maintaining public trust and confidence in the Council. The Council is a learning Council and is committed to continuous improvement.

- **Principle four**

Engagement means: -

- listening to and understanding the needs and aspirations of Sandwell's residents and its communities;
- Sandwell's residents and communities are empowered to participate in decisions and in the democratic process; and
- supporting and responding positively, professionally and effectively to those that seek help, advice and/or assistance from the Council.

- **Principle five**

Sandwell residents and communities are encouraged to constructively challenge and question the Council in a fair, open and respectful manner.

- 3.7 The Council acknowledges that some residents have multiple needs and their circumstances can be both complex and emotionally distressing. Council staff are committed to supporting all Sandwell residents, particularly those in need.
- 3.8 The protocol details how Council staff will interact with Sandwell's residents and its communities, for example, in a respectful, open, honest manner. This approach is reciprocated by the vast majority of Sandwell's residents.
- 3.9 The protocol does not amend, affect or otherwise seek to interfere with the operation of any other Council policies or procedures. The rights of residents and others under other Council policies such as complaints and compliments and whistleblowing remain unaffected and individuals can avail themselves of them at any time.

- 3.10 The Council acknowledges that Sandwell's residents and communities have the right and ability to question and challenge the Council. The Council embraces the right to lawful, peaceful protest and the freedom of speech and expression that is enshrined in law. However, it is also recognised that residents expect that such rights should not be abused and that no one, whether a member of Council staff, another member of the public, Council service user or a councillor, should be subjected to unacceptable behaviour.
- 3.11 An emerging national trend over recent years is the increase in incidents of unreasonable behaviour, particularly concerning incidents involving social media against those in public office.
- 3.12 The protocol and guidance directly addresses the behaviour and actions of some members of the public that is considered to go beyond what the Council considers to be acceptable.
- 3.13 Unacceptable behaviour compromises how the Council wants to engage with Sandwell residents and how the vast majority of residents wish to engage with the Council.
- 3.14 Unacceptable behaviour is an unwelcome distraction, wastes time and resources and undermines constructive discussion with those genuinely seeking to have an open and honest conversation with the Council.
- 3.15 Moreover, the Council has a duty of care not only to its staff but to other users of its services, its councillors and other members of the public more generally and so is required to take steps to effectively tackle unacceptable behaviour in all its forms.
- 3.16 The protocol and guidance defines the nature and scope of the unacceptable behaviour and the reasonable and proportionate steps the Council may take to address it.

4 THE CURRENT POSITION

- 4.1 The Council does not have a policy or protocol that sets out the Council's engagement approach or adequately defines unreasonable behaviour.
- 4.2 It is important that the Council makes residents and communities aware of how it wants to engage with them and sets a clear expectation and standard of behaviour that can be expected from the Council and its staff. It is equally important for those engaging with the Council to be advised of the Council's expectations and what the Council may do to address any behaviour falling below the standard expected.

- 4.3 The Protocol and Guidance codifies existing arrangements, activities and provides a holistic context and narrative to the Council's general approach to engagement and the different kinds of behaviour it encounters.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 There has been no formal consultation undertaken. The Council is entitled to set out its engagement approach and how it will address unacceptable behaviour given the various legal duties and obligations that the Council is obliged to discharge.

6 ALTERNATIVE OPTIONS

- 6.1 The Council is not legally required to have an Engagement and Acceptable Behaviour Protocol and Guidance or their equivalent. The Council can address unacceptable behaviour under the existing legal framework. However, such an approach does not accord with the Council's desire to have a constructive and positive relationship with Sandwell residents and communities.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 There are many ways to engage positively with residents and communities. Not all will have financial resource implications, however engagement such as statutory consultation will have resource implications which will need to be addressed by each directorate responsible for the engagement.
- 7.2 The level of resources required to address unacceptable behaviour will be dependent upon a number of factors such as nature of the behaviour, what is considered a reasonable and proportionate course of action and whether the behaviour can be addressed amicably. Each case will need to be assessed on its own facts and merits.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 Some of the legal obligations are detailed in the main body of this report.
- 8.2 The Council has various legal obligations with regards to consultation. Those obligations vary depending on the nature of the subject matter and impact of the proposed/planned action.
- 8.3 When considering taking action to address unreasonable behaviour, the Council must act reasonably, proportionately and have regard to the Wednesbury principles.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 Equality issues and factors must be considered when the council engages, consults and/or takes action to address unacceptable behaviour.

10 DATA PROTECTION IMPACT ASSESSMENT

- 10.1 There are no data protection issues arising directly from this report.

11 CRIME AND DISORDER AND RISK ASSESSMENT

- 11.1 The proposed protocol and guidance assist with managing expectations and behaviours to help avoid matters escalating to potential criminal levels.
- 11.2 Appropriate risk assessments will be undertaken to address risks and identify relevant mitigating measures to protect staff, residents, other council service users and councillors.

12 SUSTAINABILITY OF PROPOSALS

- 12.1 There are no such implications arising directly from this report.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

- 13.1 The proposed Protocol and Guidance supports and contributes to the better health and well-being of Council staff, residents, communities, others service users and councillors by seeking to address issues that could adversely affect health and well-being.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

- 14.1 There are no such implications arising.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 15.1 The proposed Protocol and Guidance supports the delivery of Vision 2030 and helps manage expectations of the Council and everyone engaging with the Council.

15.2 The approach is aimed at capturing the Council's desired relationship with Sandwell residents and communities, and provides clarity on how the Council will address issues and behaviours that seek to undermine the positive and constructive relationship the Council has with residents, communities, partners, stakeholders and others.

16 **BACKGROUND PAPERS**

16.1 None

17 **APPENDICES:**

Appendix 1 – Proposed Engagement and Acceptable Behaviour Protocol and Guidance

Surjit Tour
Director – Monitoring Officer