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**REPORT OF THE DIRECTOR GOVERNANCE AND LEGAL SERVICES AND  
MONITORING OFFICER**

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**REVISION OF THE ELECTED MEMBER SURVEY**

**Reason for this Report**

1. To consider proposals for the revision of the questions relating to unacceptable behaviours contained in the Elected Member Survey which are within the remit of the Standards and Ethics Committee.

**Background**

2. At its meeting on 25th October 2022 the Committee considered a report which provided a comparative analysis of the 2017 and 2022 Members Exit Survey.
3. The committee identified several issues arising from the data provided and requested that a report be submitted for consideration at its next meeting which would provide:
  - a. the possible definitions of bullying, harassment and discrimination
  - b. providing questions which would better reflect the impact of unacceptable behaviours on individuals with protected characteristics
  - c. identifying the frequency that unacceptable behaviours were experienced or witnessed
  - d. confirming an understanding of the reporting process for unacceptable behaviours
  - e. clarifying that incidents of unacceptable behaviours had been appropriately managed particularly for the individuals who had experienced these incidents
  - f. ensuring that there were opportunities within the protected characteristics responses to reflect all personal identifications.

**Issues**

Definitions

4. The Standards and Ethics Committee's Terms of Reference include monitoring, overseeing and advising the Council on the Code of Conduct for Councillors. The

questions are included in the members survey in relation to these objectives. It is therefore considered appropriate to use the definitions of bullying, harassment and discrimination which are included in the Ombudsman's Guidance on the Code of Conduct, as these are the definitions which would be used to inform a decision on whether or not the Councillors' Code of Conduct had been breached. .

a. Bullying:

Bullying can be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person, or a person over whom you have some actual or perceived influence. Bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health. This can be contrasted with the legitimate challenges which a member can make in questioning policy or scrutinising performance. An example of this would be debates in the chamber about policy, or asking officers to explain the rationale for the professional opinions they have put forward. You are entitled to challenge fellow councillors and officers as to why they hold their views.

The Ombudsman guidance states when considering allegations of bullying and harassment, I will consider both the perspective of the alleged victim, and whether the member intended their actions to be bullying. I will also consider whether the individual was reasonably entitled to believe they were being bullied. Bullying is often carried out face to face but, increasingly, it can be carried out in print or using electronic media. The standards of behaviour expected are the same, whether you are expressing yourself verbally or in writing. You need to ensure that your behaviour does not cross the line between being forceful and bullying. There can be no hard and fast rules governing every set of circumstances, but the relative seniority of the officer will be a factor in some cases. Very senior officers can be involved in robust discussion with members and be well placed to put their own point of view forcefully. The same is not true of more junior officers and members need to be aware of this. This is not to say that I condone the bullying of senior officers, only that the greater the power difference between the officer and the member, the greater the likelihood that the officer will consider behaviour to constitute bullying, Paragraph 2.14-2.16 of the Guidance. [General : 27 FINAL Investigation Report Template s21 casework support only \(ombudsman.wales\) \)](#)

b. Harassment

Engaging in unwanted conduct on the grounds of gender, race, disability, sexual orientation, age or religion, which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment. Paragraph 2.3 of the Ombudsman's Code of Conduct Guidance. . [General : 27 FINAL Investigation Report Template s21 casework support only \(ombudsman.wales\) \)](#)

## Discrimination

5. . There are four main forms of discrimination:

- Direct discrimination: treating people differently because of their gender, race, disability, sexual orientation, age or religion.
- Indirect discrimination: treatment which does not appear to differentiate between people because of their gender, race, disability, sexual orientation, age or religion, but which disproportionately disadvantages them.
- Harassment: engaging in unwanted conduct on the grounds of gender, race, disability, sexual orientation, age or religion, which violates another person's dignity or creates a hostile, degrading, humiliating or offensive environment.
- Victimisation: treating a person less favourably because they have complained of discrimination, brought proceedings for discrimination, or been involved in complaining about or bringing proceedings for discrimination

The Ombudsman's guidance states, "You should at all times seek to avoid discrimination".

6. It is recommended that these definitions be used at the start of the relevant section of the survey to provide the respondent with an understanding of the relevant behaviour.

## Survey questions

7. The unacceptable behaviours questions contained within the existing Member survey has been reviewed and the revised questions are shown at **Appendix A**. The Committee should be mindful that the number and complexity of questions in a survey and the frequency that similar surveys are undertaken can affect the completion rate and quality of the survey responses. Care has been taken to provide suitable response options to enable ease of completion of the survey.

8. The questions are divided into several sections which include:

a. Your Experience of Bullying

This section seeks to identify if the respondent has experienced bullying and if they have, the nature, type, frequency, method and source of bullying that they have experienced. If the respondent has not experienced any bullying behaviours they will automatically be taken to the next section of the survey.

b. Your Experience of Harassment

This section seeks to identify if the respondent has experienced harassment and if they have, the nature, type, frequency, method and source of harassment that they have experienced. If the respondent has not experienced any harassment they will automatically be taken to the next section of the survey

c. Your Experience of Discrimination

This section seeks to identify if the respondent has experienced discriminatory behaviours and if they have, the nature, type, frequency, method and source of the discriminatory behaviours that they have experienced. If the respondent has not experienced any discriminatory behaviours they will automatically be taken to the next section of the survey.

d. Reporting of unacceptable behaviours you experienced

This section identifies if others were informed (formally or informally) of the behaviours that were experienced and identifies who incidents were reported to and provides options as to why incidents were not reported.

In addition, the views of the recipient of unacceptable behaviours are requested to determine how they were supported, how the organisation managed the incidents that were reported and if they considered that the outcome for the groups and/or individuals who were undertaking unacceptable behaviours was appropriate.

e. Observations of or witnessing unacceptable behaviours

The section is not as detailed as the previous sections and seeks to confirm the recipient of these unacceptable behaviours, the type of behaviours that were witnessed, the groups and/or individuals who were undertaking these behaviours and the reporting of these incidents. There are also questions seeking the views of the witness regarding the support of the recipient and the outcome of the perpetrator.

f. Knowledge of and confidence in reporting unacceptable behaviours

This section seeks confirmation of the awareness and process for reporting unacceptable behaviours. It also identifies whether incidents were reported and whom incidents were report to.

9. Each of the questions within **Appendix A**, includes a short rationale for the question and the expected outcomes from asking that question.
10. The survey will be produced using the SNAP survey software which will enable its completion on a laptop, personal computer or Smartphone. Indications of the likely routing have also been included in Appendix A, to show how questions will progress depending on the response provided. This will also limit the number of responses required when the question is not relevant.
11. Hard copy versions of the survey will also be provided to those members who would prefer to complete the survey using this method. Anyone requiring additional support to complete the survey may seek assistance from Democratic Services Officers.
12. The survey will be anonymous and Democratic Services will use proven practices to ensure that anonymity is maintained whilst providing an opportunity for maximise completions.

13. In addition to the questions in **Appendix A**, a series of demographic monitoring questions will be added to the end of the survey. These will identify the respondents, protected characteristics and will be used in the analysis of the completed survey. Minor revisions the survey to include more “Other, please specify” options will be added to ensure that the respondents are able to identify themselves in respect of protected characteristics i.e. non-white Welsh which are not included in the standard categories.

#### Analysis of the completed survey

14. A detailed analysis of the completed survey will be undertaken by a researcher from Democratic Services. The analysis will use the relevant data to provide responses for the intended outcomes identified in **Appendix A**.

#### Collaboration with the Democratic Services Committee

15. In 2016, the Chairs of the Standards and Ethics Committee and the Democratic Services Committee agreed that a Member Exit Survey be undertaken to enable lessons to be learned about the experiences of Councillors during their five-year term of office, and reasons for leaving or not standing for re-election.
16. Other collaborative surveys have been carried out in the intervening years. At its meeting on 6 February 2023, the Democratic Services Committee considered the benefits of including questions within its remit in a subsequent interim survey. It was determined that currently, the Committee had no specific research requirements for inclusion in an interim survey although this will remain under review.

#### Timescale for future surveys

17. It is considered appropriate that an interim survey be held between January and March 2024. This survey is intended to make use of the responses to the questions in Appendix A to provide evidence of any unacceptable behaviours and assist in identifying actions to address any concerns respondents may have.
18. There is an intention to launch an Exit Survey late in 2026 for completion by January 2027. The resulting data will be analysed and compared with previous exit surveys. All future survey are intended to be mapped to previous surveys to provide reasonable comparisons.
19. The questions contained within the draft survey at Appendix A are anticipated to be used in both the 2024 survey and 2026 Exit survey for comparative purposes. This analysis will assist in identifying trends on the prevalence of unacceptable behaviours during this administration.
20. However, additional surveys could be undertaken if other aspects of unacceptable behaviours need be considered and addressed.

### **Legal Implications**

21. Relevant legal implications are set out in the body of the report.

## **Financial Implications**

22. The costs from any surveys undertaken with Elected Members will be met from existing budgets.

## **Recommendations**

23. The Committee is recommended to:

- a. consider the contents of the report and the draft survey questions at Appendix A.
- b. agree the definitions be used with the surveys.
- c. Propose relevant amendments to be made to the questions at Appendix A for inclusion in the survey in January 2024.
- d. Approve that the agreed questions will be used in an interim survey in 2024 and in the 2026 Exit Survey

**DAVINA FIORE**

**DIRECTOR OF GOVERNANCE AND LEGAL SERVICES AND MONITORING OFFICER**

8 February 2023

## **Appendices:**

Appendix A Proposed Questions – Unacceptable Behaviours

## **Background papers:**

[Elected Member Exit Survey Comparison 2017 & 2022](#) report to Standards and Ethics Committee on 25 October 2022

[General : 27 FINAL Investigation Report Template s21 casework support only \(ombudsman.wales\) \)](#)