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## REPORT OF THE DIRECTOR GOVERNANCE & LEGAL SERVICES

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### 2022 ELECTED MEMBER EXIT SURVEY

#### Reason for this Report

1. To provide the Standards and Ethics Committee with the analysis of information gathered from the 2022 Members Exit Survey which is within the remit of the Committee.
2. For the Committee to consider any trends or matters that should be further considered by the Committee.

#### Background

2. 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. Further surveys of members were also carried out in the municipal years 17/18 and 19/20.
3. At the end of the 2022 term of office for the 75 Elected Members in office a further exit survey was carried out. All Elected Members were circulated an electronic survey and invited to complete the Exit Survey.
4. The Exit Survey, sought to provide Members feedback on:
  - a. the previous five years in office, in particular views of Members who had indicated that they were not standing for re-election.
  - b. their training and development needs,
  - c. the challenges Members encountered during their term of office.
5. A copy of the 2022 Elected Member Exit Survey is attached at **Appendix A**. The responses to the survey were to be collated and assessed before the relevant information was presented to the Democratic Services and Standards and Ethics Committees for consideration.

#### Issues

##### General

6. The 2022 Exit Survey again encouraged Members to give feedback and have an opportunity to raise issues around their views on behaviours within the Council setting and the support provided when incidents may occur. Of the 75 Elected members who were invited to complete the survey 43 Councillors (57.3%) answered all or part

of the survey. This was a slight decrease in the number of respondents compared to 47 (63%) Elected Members who completed the survey in 2016-17. Some of this difference may be attributed to the later circulation of the survey in February – March 2022 , as opposed to January-February 2016.

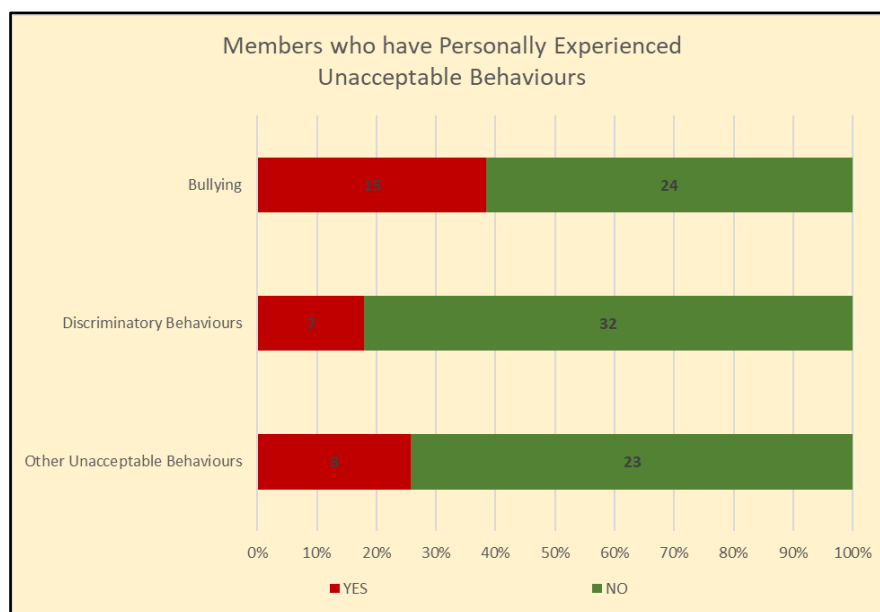
7. Just over half of these respondents (in total 52%) had been in service since 2017 or soon after. Nearly a third (in total 30%) were elected since 2012 while less than a fifth (19%) have been in service for more than 2 political administrations.
8. The political affiliations of those responding to the survey generally reflected the political make-up of the Council although Propel members did not participate in the 2021-22 Exit Survey. The following table describes the percentage of respondents by political Group for the surveys that have been undertaken in the past 5 years.

2016-17 Exit Survey	Lab	Con	Lib Dem	Plaid	Other
	44%	18%	23%	5%	10%
2017 – 18	Lab	Con	Lib Dem	Plaid	Other
	45%	27%	21%	(>1%)	(>1%)
2019 – 20	Lab	Con	Lib Dem	CW Ind	Other
	45%	30%	18%	0%	7%
2021-22 Exit Survey	Lab	Con	Lib Dem	Propel	Ind
	60%	26%	12%	0	2%

9. A detailed analysis of 2022 Exit Survey relevant to the Standards and Ethics committee are set out in **Appendix B**.

#### Personal experience of unacceptable behaviours

10. A substantial proportion of respondents (up to 38% in total) confirmed that they have personally experienced various types of unacceptable behaviours. In total, as many as 15 out of 39 respondents or 38% responded that they had experienced bullying during their term in office.
11. A much lower proportion and number confirmed that they experienced discriminatory (21%) and/or other unacceptable behaviours (26%).

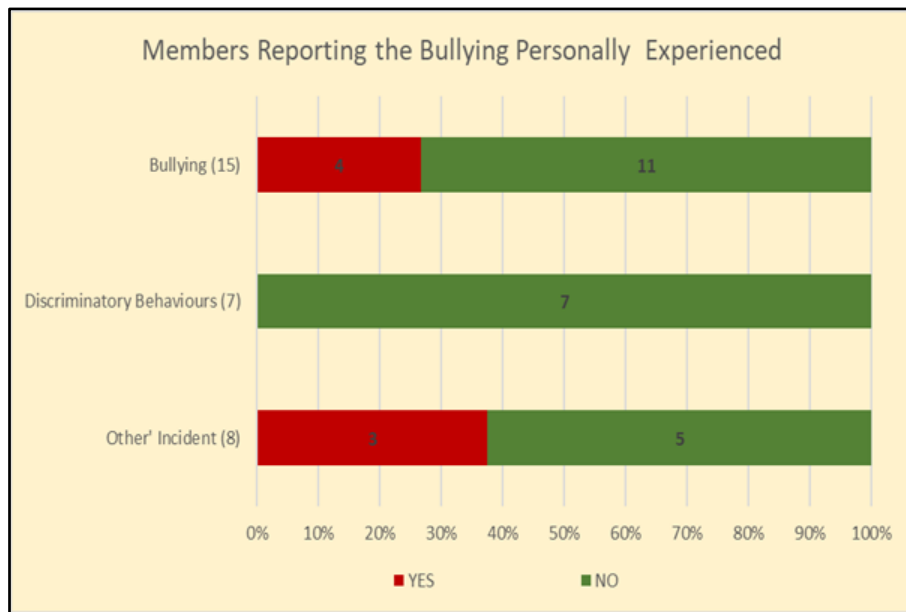


12. This compares to the outcomes of previous surveys as follows:

	2016-17 (Exit)	2017-18	2019-20	2021- 22 (Exit)
<b>Experienced bullying</b>	36% (14)	21% (7)	12% (5)	38% (15)
<b>Experienced discriminatory behaviours</b>	31% (6)	15% (5)	15% (6)	21% (7)
<b>Experienced other unacceptable behaviours</b>	15% (5)	21% (7)	10% (4)	26% (8)

Reporting of personally experienced unacceptable behaviours

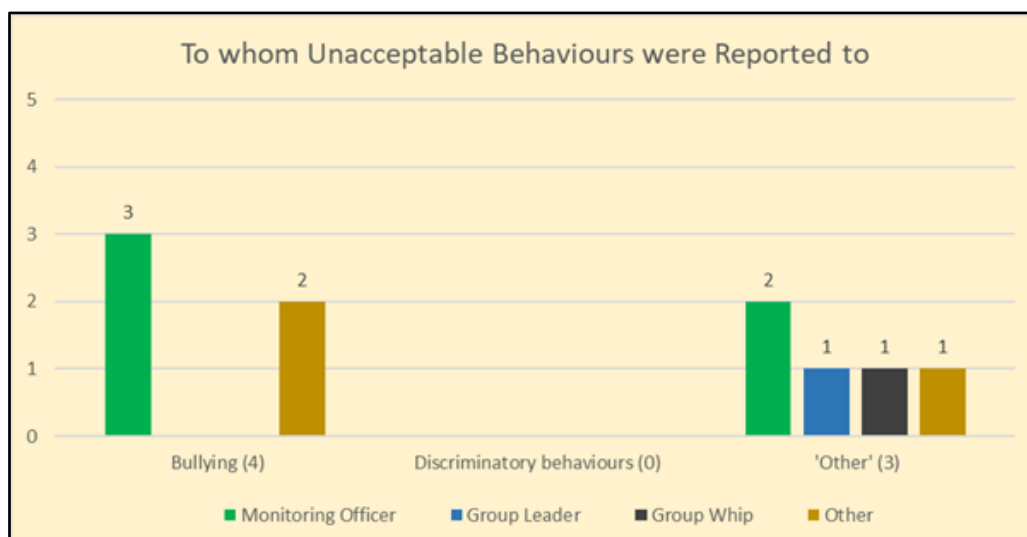
13. Only a small proportion (27% and 38%) of respondents who experienced various unacceptable behaviours reported these incidents. The majority chose not to do so with just over a quarter (27%) who experienced bullying reporting it. In comparison a slightly higher proportion (38%) of those who experienced 'Other' unacceptable behaviours confirmed doing so. None of those who (100%) experienced discriminatory behaviours reported the incident.



14. This compares to the outcomes of the 2016-17 Exit survey which identified that 44% (14) of respondents reported incidents of unacceptable behaviours which they witnessed or experienced from a total of 32 incidents.

To whom personally experienced unacceptable behaviours were reported

15. The results in the chart below show that not all of those who report unacceptable behaviours they experienced have taken the matter to the Monitoring Officer. It is worth noting that it is possible that some of these incidents took place in Group Meetings, where officers are not present and so will not have witnessed what happened. If the Monitoring Officer witnesses unacceptable behaviour, she follows it up with the member concerned and if appropriate with other members. Only 3 out of 4 or 75% of these respondents reported the bullying incidents to the Monitoring Officer. One of these respondents chose not only to report the incident to the Monitoring Officer but also reported the incident to Groups Leaders or Group Whips. One other respondent had chosen to report the incident experienced using a different avenue i.e. the Chair of a committee.
16. Most of those (2 out of 3 or 67%) who experienced 'Other' unacceptable behaviours reported to the Monitoring Officer.



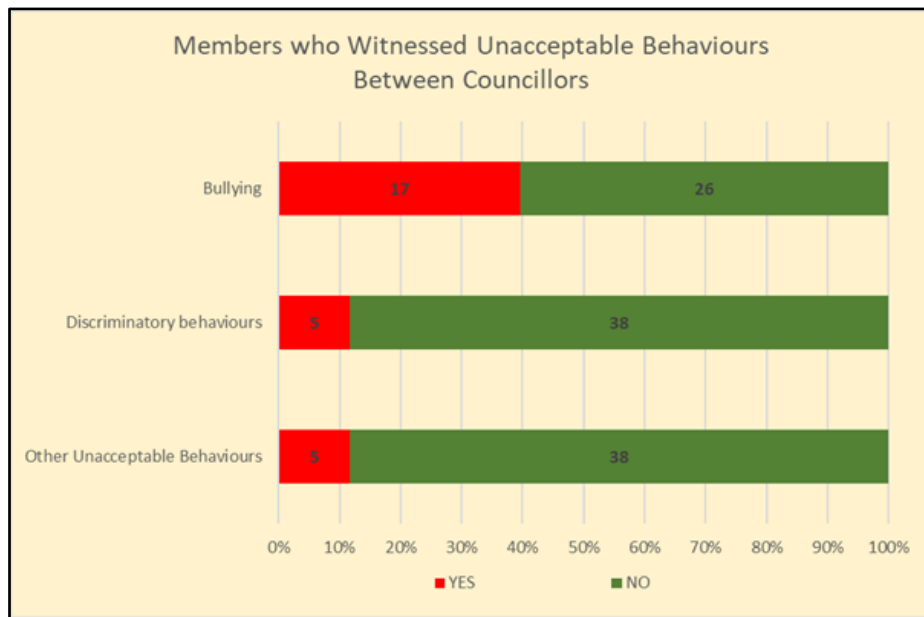
17. Reports of incidents of experienced and witnessed unacceptable behaviours made to the Monitoring Officer in the 2021-22 Exit Survey have remained broadly consistent to the results of the 2016-17 Exit Survey

Satisfaction with outcome of reporting experienced unacceptable behaviour incidents

18. The majority of those who reported unacceptable behaviours that they experienced confirmed that they were happy with how it was dealt with. Only a few respondents indicated a negative response. This compares favourably to the outcomes of the 2016-17 Exit survey with 71% (10) not satisfied with the outcome. Please note there have been some instances where a member considers behaviour to be unacceptable, but it would not be a breach of the Code of Conduct.

Witnessed unacceptable behaviours between Councillors

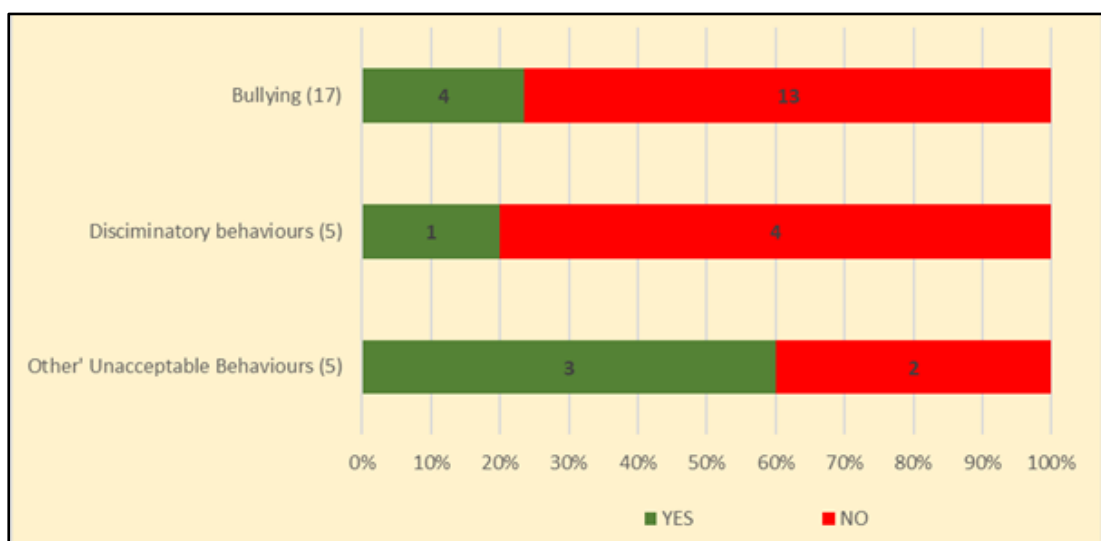
19. A substantial proportion of Members confirmed that they have witnessed unacceptable behaviours between Councillors. As many as 17 out of 43 respondents (40%) indicated that they witnessed bullying incidents between Councillors. A much lower number 5 out of 43 (12%) have witnessed discriminatory behaviours or 'Other' unacceptable behaviours between Councillors.



20. It must be noted that the figures on the number and proportion of those who have witnessed (40%) bullying incidents between Councillors is slightly higher compared to those Members (38%) who confirmed that they have personally experience bullying. This suggests that some unacceptable behaviours may not necessarily be regarded as bullying by those who experienced it but could be perceived as a bullying by those witnessing it.

Reporting of witnessed unacceptable behaviours between Councillors

21. Only a small proportion of Members who have witnessed bullying (24%) and discriminatory behaviours (20%) between Councillors confirmed that they reported the incident they witnessed. A greater proportion of Councillors of who witnessed 'Other' unacceptable behaviours stated that they have reported the incident (60%) compared to those who did not (40%).

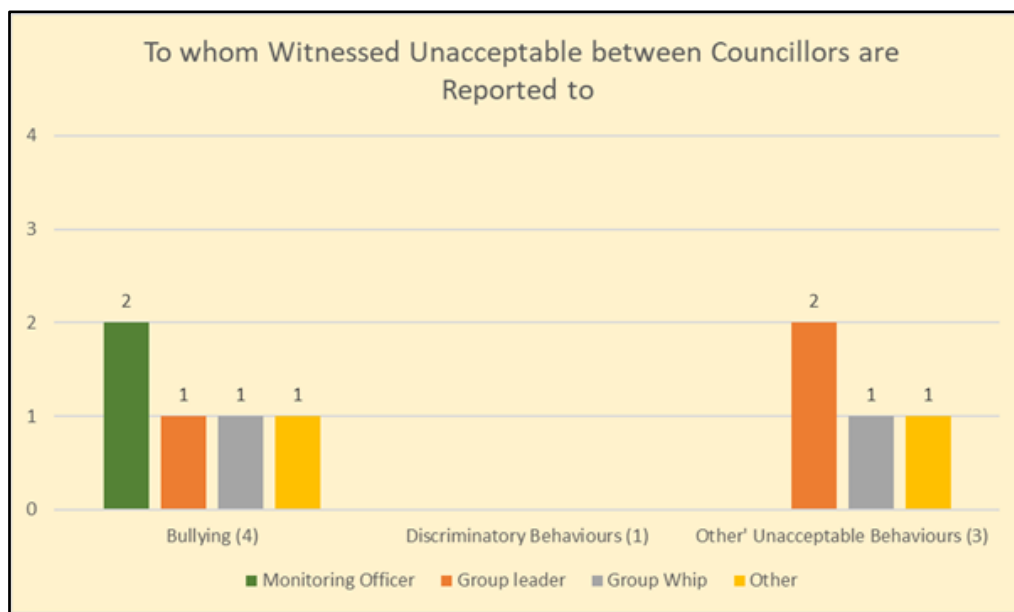


22. It must be noted that the figure on those who reported bullying that they have personally experienced (27%) is higher when compared to those that reported

bullying that they witnessed (24%). However, the results show that a substantial proportion (73% -76%) chose not to report these incidents.

To whom witnessed unacceptable behaviours between Councillors were reported

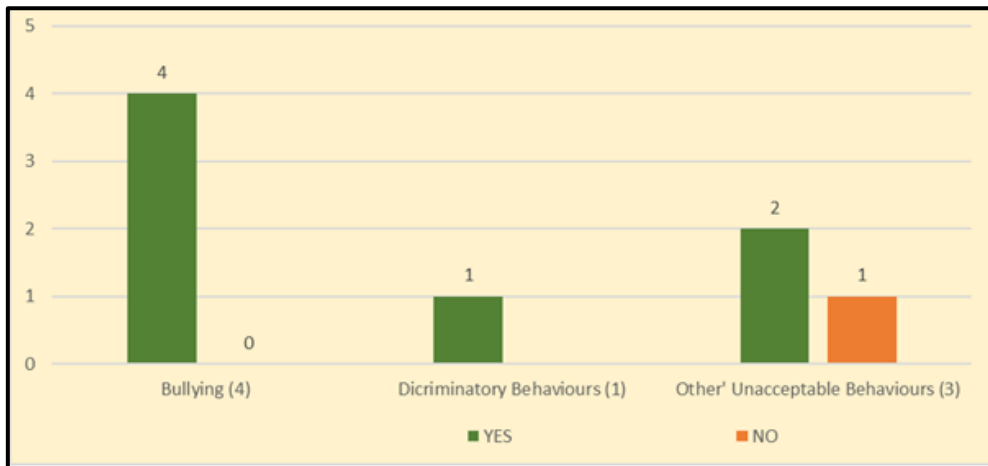
23. Those Members who reported the unacceptable behaviours they witnessed confirmed that they not only reported these incidents to the Monitoring Officer but to other responsible Officers or individuals within their Political Group and to other Officers they have chosen to take the matter to. No information was provided as to whom the discriminatory incident was reported.



24. Furthermore, the results above also show that not all of those who have witnessed bullying incidents and other unacceptable behaviours between Councillors reported these to the Monitoring Officer. Only half of the bullying incidents (2 out of 4 or 50% of total) were reported to the Monitoring Officer, while others have chosen to report instead to the Group leader or the Group Whip. None of the 'Other' unacceptable behaviours witnessed were reported to the Monitoring Officer.

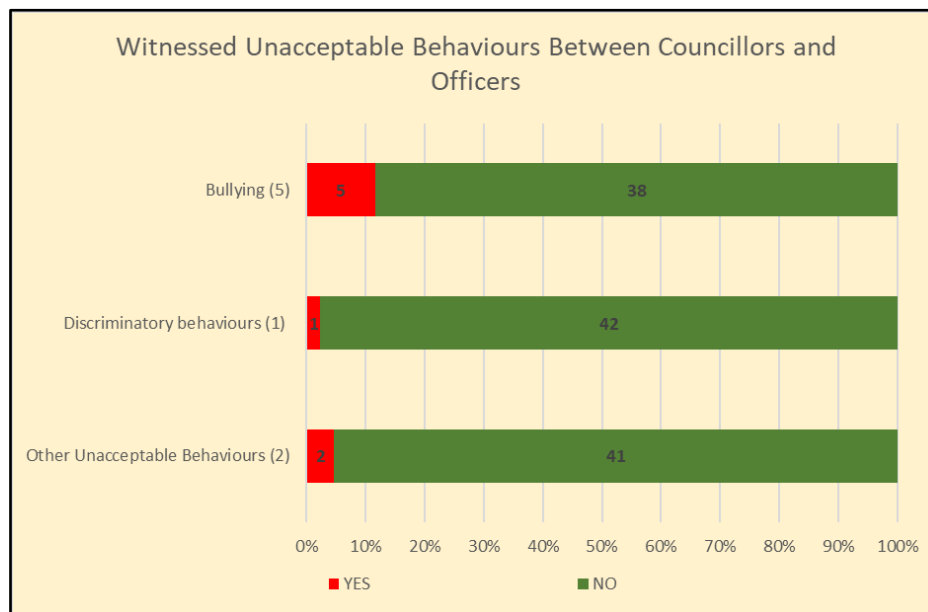
Satisfaction with outcome of reporting of witnessed unacceptable behaviour incidents between Councillors

25. The vast majority of members who reported the unacceptable behaviours that they witnessed were happy with how the incidents were dealt. Only one (1) respondent was not happy with the how the 'Other' incident' was dealt with.



### Witnessed unacceptable behaviours between Councillors and Officers

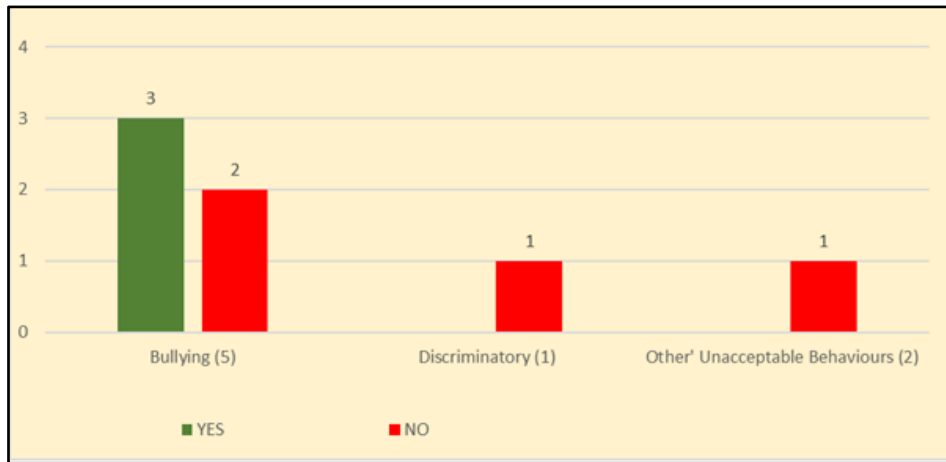
26. Only a very small number and proportion of Members confirmed that they have witnessed various unacceptable behaviours between Councillors and Officers. Only 5 out of 43 respondents (12% of total) confirmed that they had witnessed such bullying incidents. A comparatively smaller number and proportion indicated that they witnessed discriminatory (2%) and 'Other' (5%) unacceptable behaviours between Councillors and Officers.



### Reporting of witnessed unacceptable behaviours between Councillors and Officers

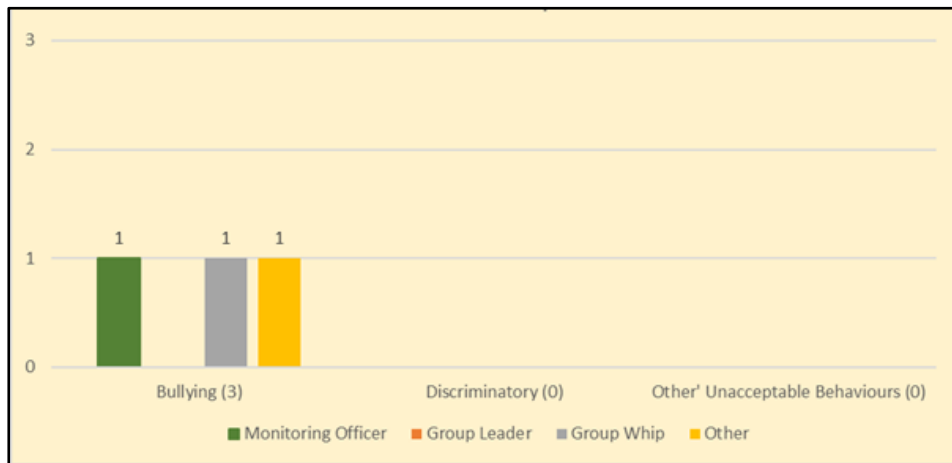
27. A substantial proportion of those who witnessed unacceptable behaviours between Councillors and Officers confirmed that they reported these incidents. The majority of those (3 out of 5 or 60%) who have witnessed these also confirmed that they reported these incidents. A smaller number (2 out of 5 or 40%) stated that they did not report the incident they have witnessed.
28. All other respondents who witnessed 'Discriminatory' and 'Other' unacceptable behaviours between Councillors and Officers did not report these incidents.





To whom witnessed unacceptable behaviours between Councillors and officers were reported

29. A small number and proportion of those who witnessed unacceptable behaviours have reported these to the Monitoring Officer and other relevant officers in their Political Group. More specifically only 1 who witnessed bullying incidents between Councillors and Officers reported this to the Monitoring Officer. Others reported to other avenues they felt appropriate.



Satisfaction with outcome of reporting of witnessed unacceptable behaviour incidents between Councillors and officers

30. The majority of the Members who witnessed the bullying incident between Councillors and Officers were happy with how the incident was dealt with. Only one respondent gave a negative response.

Opportunities for Improvement

31. This latest Exit Survey identifies the views of a number of respondents which indicate some of the possible reasons for the outcomes of the survey and how those individuals consider future behaviours and outcomes could be improved. These include:
- Enhancing awareness of unacceptable behaviours
  - Application of appropriate sanctions for bullying and unacceptable behaviours

c. Self-policing within groups with the Monitoring Officer only involved outside of the individual group.

32. Unfortunately, the Code of Conduct and associated guidance is a national Code and while we can make local additions to it (and have done by including the social media protocols as part of the Code), there are still likely to be incidents which in law are not a breach of the Code of Conduct, although the member concerned considers they should be. Caselaw has confirmed that the duties under the Code of Conduct must be read in a way which is compliant with the right to freedom of expression, protected under the Human Rights Act, Article 10; and that enhanced protection is given to 'political expression'. Political expression is interpreted broadly to include criticism of political opponents and is not restricted to comments made during formal Council meetings. This means that comments which Members may consider to be rude, sarcastic and mocking of them may be protected by law under the right to freedom of (political) expression, and unlikely to constitute a breach of the Code, unless they are regarded as highly offensive or outrageous [R (on the application of Calver) v. Adjudication Panel for Wales, 2012].
33. It is also worth noting that available sanctions in relation to breaches of the Code are set out in legislation and are only available where there has been a complaint in relation to a breach of the Code, a Hearings Sub Committee hears the complaint and makes a finding that there was a breach of the Code, and then national guidance needs to be considered in applying a sanction. Please note this does not prevent informal action being taken by the Monitoring Officer (such as discussing behaviour, requesting an apology or the removal of comments on social media) or by a political group (such as removal from a committee or withdrawal of the whip) although the group may have its own policies and procedures which would need to be followed.
34. The Local Government and Election (Wales) Act introduced a duty on Political Group Leaders to take reasonable steps to promote and maintain high standards of conduct by the members of their group. This may provide an opportunity to enhance the behaviours of all political groups and may also provide a suitable channel for appropriate support for individual members to report unacceptable behaviours.
35. The Council also approved the adoption of the Diverse Council Declaration in 2022 which included the following commitments:
- a. Continuing to promote the highest standards of behaviour and conduct from elected members and those intending to stand for office on the Council.
  - b. We will:  
Achieve the Wales Charter for Member Support and Development to demonstrate the highest possible standards of support and development for our elected members to assist them in meeting the challenges and expectations of their diverse roles ranging from of community leader to their special responsibilities within the Council. This relates to evidencing that Members are supported in undertaking their duties according to high standards of conduct.
36. The new cohort of Elected member is currently undertaking their induction which includes a number of mandatory topics relating to appropriate behaviours which include:

a. What Councillors need to know – Decision Making, Code of conduct and more

This session provided Elected Members with an understanding of:

- Governance structure & Decision-Making.
- Councillor’s Code of Conduct; Ethical Standards and Interests.
- Member safeguarding protocol.
- Social media protocol.
- Role of Standards & Ethics Committee

Note:

The following table outlines the sessions and attendance that have been held and currently planned for this topic:

Date	10 May 22	12 May 22	24 May 22	24 June
<b>In - Person</b>	9	17		
<b>Remote</b>			21	scheduled
<b>Total Attendance</b>	47			
<b>Total Expected</b>	79			
<b>Percentage</b>	59.49%			

b. The Constitution and Committee Procedures

This session provided Elected Members with a briefing on the key elements of the Council’s Constitution to increase their awareness of the following topics

- The procedures used at formal Council meetings
- The Cabinet and Scrutiny Procedure Rules including call-in
- Statutory, Regulatory Committee procedures
- Recent changes made to Constitution to reflect the Local Government and Election (Wales) Act 2021

Note:

The following table outlines the sessions and attendance that have been held for this topic with further sessions being planned:

Date	10 May 22	12 May 22
<b>In - Person</b>	17	10
<b>Total Attendance</b>	27	
<b>Total Expected</b>	79	
<b>Percentage</b>	34.18%	

c. Supporting Equality in Cardiff’s Diverse Communities

The session provided an overview of the Equalities Act 2010 (inc. General and Specific Duties) and increase the awareness of Elected Members on the following topics:

- Socio-economic Duty
- Protected Characteristics
- Different types of discrimination
- Unacceptable behaviour
- Hate Crime
- Additional learning opportunities i.e. Unconscious Bias E-Learning Module

Note:

The following table outlines the sessions and attendance that have been held for this topic with further sessions being planned:

Date	16 June 22	28 June 22
Remote	24	0
<b>Total Attendance</b>	24	
<b>Total Expected</b>	79	
<b>Percentage</b>	30.38%	

#### Additional Considerations

37. The outcomes shown in this report relate to the Elected Members of the previous administration and a significant number of these Elected Members (18) identified that they were standing down at this Election. This may have led to those members being more open in the responses they provided to the survey.
38. The 2021-22 Exit Survey was undertaken in March-April 2022 which was closer to the election period than the 2016/17 Exit Survey which was completed in January-February. It is possible that the behaviours reflected in the recent exit survey related to the stressful nature of a pre election period.
39. The Local Government Elections in May 2022 increased the number of Elected Members from 75 to 79 and delivered a 35.4% change in the Elected Members of the Council.
40. The Member induction will be ongoing until September which should enable all the mandatory topics identified in paragraph 36 to be completed by all Elected Members. The survey following the 2016-17 Exit Survey showed a noticeable improvement in the behaviours that were experience and witnessed. This could be a direct reflection of the beneficial impact of the Member Induction in 2017.
41. The learning from the induction and the introduction of the new duties of the Group Leaders will need time to be embedded into the new administration and for the councillors to apply their learning and responsibilities to their day-to-day business for the Council.

#### Proposal

42. That a period of monitoring be undertaken for approximately 12 months before carrying out a similar survey in April 2023 to identify if the Member Induction has been successfully assimilated by the Councillors elected in 2022 and reflects the improvements in behaviours as shown in 2017-18 survey.

#### **Legal Implications**

43. There are no direct legal implications arising from the content of this report.

#### **Financial Implications**

44. There are no direct financial implications arising from this report.

## Recommendations

The Committee is recommended

- (1) to consider the analysis of the responses received from the 2022 Exit Survey that fall within the remit of this Committee;
- (2) to consider the proposal regarding the outcome of the exit Survey; and
- (3) to consider whether any areas require further consideration by the Committee as part of its 2022/23 Work Programme.

**DAVINA FIORE**

**Director of Governance & Legal Services**

16 June 2022

### Appendix:

Appendix A - 2022 Elected Member Exit Survey

Appendix B - 2022 Elected Member Exit Survey Outcomes

### Background papers:

- [Members Exit Survey 2016-2017](#) Report to Standards and Ethics Committee dated 22 March 2017.
- [Members Annual Survey 2017-18](#) Report to Standards and Ethics Committee dated 5 December 2018
- [Members Annual Survey 2019 - 2020](#) Report to Standards and Ethics Committee dated 30 September 2020
- [Section 62 Local Government and Election \(Wales\) Act 2021](#)
- Political Group Leader Role Description considered by [Cardiff Council on 25 November 2021](#)
- Minute 99: Elected Member Learning and Development [Cardiff Council dated 25 November 2021](#)
- Diverse Council Declaration Report to [Cardiff Council dated 27 Jan 2022](#)