



**AGENDA ITEM: 6**

## **CORPORATE AFFAIRS COMMITTEE**

**20 APRIL 2005**

### **POLICY FOR PERSONAL SAFETY FOR ELECTED MEMBERS**

**RICHARD LONG - DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES**

#### **PURPOSE OF REPORT**

1. To recommend procedures and remedies where the safety of Councillors is at risk.

#### **BACKGROUND**

2. From time to time Members are identified as being at risk as a result of their duties as an elected Member. Such risks can arise from undertaking their duties as a Ward Councillor, or as a result of the office or portfolio held within the Council. At present, the Council has no policy or procedures for dealing with matters relating to the personal safety for members
3. The Council has a legal duty under the Health & Safety at Work Act 1974 to provide for the safety of its employees and certain other people. Amongst other things, the Council must, so far as is reasonably practicable, protect the 'health, safety and welfare' of its employees: must carry out a risk assessments where necessary: and make arrangements for implementing the health and safety measures identified, appoint competent people to implement the arrangements, and provide clear information and training to employees.
4. Whilst elected Members are not employees as such, the Council clearly has a duty toward Members who might face risks as a result of their duties as Councillors.

#### **PROPOSALS FOR ACTION**

5. It is proposed that whenever a Member identifies that he or she is at risk as a result of undertaking their duties as a Councillor, then there should be an objective assessment of the level of risk in order to identify appropriate levels of actions and

support, having considered the nature and level of the risk. These actions should be undertaken within the proposed Policy Statement attached at Appendix 1.

6. In addition to responses to individual situations reported by Members, it is proposed that more general information and briefings are made available to all Members. The Council's Risk Management Officer has offered some initial briefing and training sessions to Councillors and these have been well received. Information should also be made available by way of the Members' Handbook.
7. Clearly, all incidents should be reported where an identified risk exists or threat has been made to Councillors. The appropriate 'levels' of reporting are in the table in Appendix 1. In all instances, it is suggested that incidents should be reported to the Members' Office.
8. Where an incident has occurred that poses a threat to personal safety, then a risk assessment will be offered by the Council's Risk Management Officer. This will identify what action(s), if any, are necessary and appropriate. In some circumstances, it might be appropriate to provide financial support to Members where the level and nature of the risk require this. In such cases, the financial support will be made available from the Members' Budget.

## **RECOMMENDATIONS**

9. It is recommended as follows:
  - i. That the attached policy statement is approved
  - ii. That risk awareness sessions are built into the Member Development programme.
  - iii. That a section on risk and personal safety guidance for Members is incorporated within the Members Handbook.
  - iv. That the Members' Office establishes procedures for recording incidents that are reported.
  - v. That following the report of an incident, an objective appraisal will be undertaken by the Council's Risk Management Officer to assess the threat to personal safety.
  - vi. That appropriate advice and assistance, including financial assistance where necessary, is offered as identified by the risk assessment.

## **CONCLUSIONS**

10. The Council needs to have appropriate policies and practices in place to ensure that perceived or actual threats, and lack of support, do not undermine the ability or willingness of potential and existing Councillors to stand for office and undertake their duties as elected members of the community.

11. The recommendations contained in this report are intended to ensure that where a threat is identified there are objective, expedient and transparent processes in place to safeguard the interests of all elected Members of the Council.

## **BACKGROUND PAPERS**

None

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## **POLICY STATEMENT**

### **PERSONAL SAFETY FOR ELECTED MEMBERS**

Middlesbrough Council has a commitment to support all employees, members and agents whose personal safety is threatened as a result of their responsibilities and duties as required by the Council.

Inherent in this commitment is the requirement to record incidents that threaten personal safety, and where required provide advice and resources to ensure all reasonable physical measures have been considered as appropriate.

Elected members require a unique approach to the protection of their personal safety, primarily due to their public role and the requirement to publish their personal contact details for the purposes of election and accessibility. They are frequently the “spokesperson” for the Council in its engagement with the Community, and the nature of activities and duties can leave them exposed and vulnerable.

So far as is reasonably practicable, The Council will proactively provide advice, best practice and guidance to elected Members in respect of risk and personal safety matters.

Members should report any incidents that threaten their personal safety to the Members’ Office Manager.

A risk assessment will be completed to determine what measures might be implemented to protect Members’ personal safety and the security of their property. These measures will be in terms of support in bringing legal action against any identified perpetrators; advice how to access support and Council services available to any Middlesbrough resident; advice regarding improved physical measures, and awareness training on all relevant personal safety matters.

Where it can be shown that on the balance of probabilities a threat, or actual damage, was as a direct result of their role and responsibilities as an elected Member, then the Council shall consider if it is reasonable to provide financial assistance for any measures that would improve personal safety. Such payments are discretionary, would only be considered on the recommendation of the Council’s Risk Unit following the outcome of a risk assessment undertaken by them, and are liable for Income Tax.

Elected members are expected to comply with any measures recommended by the Council’s Risk Unit following the outcome of a risk assessment undertaken to protect their personal safety; to note the advice they are given; and to minimise any potential risks that exist by virtue of their own actions.

**Completing the Risk assessment and implementing the recommendations.**

<b>Incident Occurs that threatens personal safety;</b>		<b>Actions</b>
Is the risk as a result of criminal actions (e.g. damage to property/assault/malicious treats)?	Yes	Report immediately to the Police and note incident number  Notify Members Services and complete appropriate form.
No criminal actions/perceived threat (e.g. verbal abuse, repeated Anti social behaviour).	Yes	Notify Members' Services and complete appropriate form. Members' Services refers to Risk Unit.  Risk assessment to be completed by Risk Unit in co-operation with the Member.
Does the Risk Assessment identify a requirement for training/awareness on best practice?	Yes	Risk Unit to provide and ensure Member is briefed. To provide record to Members' Services
Does the Risk Assessment identify further additional physical measures that will improve on personal safety?	Yes	Risk Unit to advise Members' Services and elected Member
Does the risk assessment consider that on the balance of probability the incident occurred as a result of the Members roles and responsibilities, and that that recommended measures have financial implications?	Yes	Risk Assessment to recommend to Members' Office Manager that financial support be considered, and suggest the appropriate level of contribution.
Recommendation for financial support accepted	Yes	Decision delegated to the budget-holder, the Members' Office Manager