

LUDGERSHALL TOWN COUNCIL



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Investigation into Allegations that the Council condones bullying, racism is corrupt and permits breaches of GDPR

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1 Purpose

The purpose of this investigation and report is to provide Ludgershall Town Council with an independent investigation into five broad allegations that the Council condones bullying (resulting in staff leaving), racism, breaches of GDPR and is corrupt. This follows a period of considerable division within the Council and the departure of several Administration Assistants and Councillors.

The report aims to clarify if any or all of the allegations can be substantiated and makes recommendations as to measures the Council should take as a result of the investigation.

2 Background

2.1 Specifically, the investigation is to investigate the following allegations made in an email by Councillor when resigning from the Council.

2.2 *“Please take this email as my resignation as a Councillor with Ludgershall Town Council, active immediately*

I no longer wish to be associated with LTC, it is a corrupt Council, with a Clerk who is not only not qualified but untrained, rude, and disrespectful to staff and Councillors. A gang mentality is very visible in the Council, minimal interest for the Town of Ludgershall

The Council ignores reports of bullying, racism, corruption, intimidating behaviour, and consistent rule/policy breaches, but is fully aware the allegations and reports are true, they accept no responsibility publicly for the claims are true, which is unacceptable, and I no longer wish to be associated with such vile and offensive behaviours

There is a group mentality within LTC, if you are liked and agree with the majority you are safe but if you disagree and refuse to be a sheep and follow the group you are hunted and ganged up on, I have witnessed this behaviour many times from the clerk and other councillors, I do not agree in the way people are treated by the remaining Councillors and the clerk.”

2.3 This email was headed “This email is open and available for everyone to access.” As it contained allegations against an employee the Council owes a duty of care to that employee, accordingly the email should not have been shared publicly and if the resigning Councillor had an issue with an employee they should have followed the Councils policies dealing with misconduct. Making this email in effect “public” could be interpreted as

bullying behaviour in itself, albeit clearly from an individual who was frustrated and annoyed.

- 2.4 Equally a letter of resignation from the Administration Assistant dated the day before namely the 25th April 2022 was supplied detailing allegations of incompetence (with no detail of how) against the Town Clerk. It was sent to all Councillors again, which does not follow procedure and means that all Councillors become involved in a matter which should be reserved solely for the Personnel Committee. The letter goes on to allege “LTC is fully aware of the toxic environment, with racism, consistent bullying, reports going un-challenged, oppressive behaviour towards staff among many other concerning problems. Ludgershall Town Council suffers from a discriminating culture, where rules are changed and amended to suit situations, and people as and when needed.” No evidence is provided to support the allegations other than the fact that the Council has a HR support contract. The original resignation letter dated the 7th April is also supplied, this makes similar allegations.
- 2.5 Finally, an allegation of previous Administrative Assistants leaving due to bullying has been repeated in documentary correspondence and during interviews.
- 2.6 Accordingly, the complaints to investigate can be summarised as:
 - 2.6.1 Does bullying exist within the Council?
 - 2.6.2 Has this resulted in previous Administration Assistants leaving the Council ?
 - 2.6.3 Does racism exist within the Council?
 - 2.6.4 Does corruption exist within the Council?
 - 2.6.5 Have there been breaches of GDPR?
- 2.7 I have been supplied with all the information and documentation requested throughout the investigation and am grateful to the Town Clerk for doing so.

3 Investigation

3.1 The investigation undertaken by James Corrigan of Council HR & Governance Support included an examination of the documentary evidence provided and requested, listed in Appendix 1. This evidence was reviewed thoroughly and fed into the interviews to seek clarity on the points made in the various documentation listed in the Appendix. The details of each piece of correspondence are not detailed within this report the main relevant points are detailed in section 2 above.

3.2 In total 17 individuals were interviewed, taking in excess of 35 hours to do so, including time to write up notes. This was more than anticipated but did ensure that a rounded picture was secured of the goings on at the Council. Additional individuals did offer to be interviewed, however after reviewing all of the evidence gathered it was clear that the individuals would be providing similar information to interviews already conducted. Specifically similar to the individuals from the same “side” in this dispute. It was not therefore considered prudent to follow up on any further interviews once 17 had been completed as interviews were becoming repetitive. The details of the 17 interviewees are listed on Appendix 2

3.2 A review of the allegations set out below highlights certain recommendations to protect the Council and its employees into the future.

3.4 1st Allegation – Bullying is condoned within the Council

One specific area repeated in complaint correspondence is that previous Administration Assistants have left due to bullying from the Town Clerk. Examining the details of previous holders of this post since the existing Town Clerk took office I have been able to interview three of the four permanent holders of this post.

The first post holder, went on maternity leave less than a year after the Town Clerk taking up her post on the 1st August 2016. Unfortunately, after her maternity leave she was unable to return to work due to personal reasons.

The second post holder who I have interviewed, and she has advised that the reason for leaving was personal and not at all to do with bullying from the Town Clerk.

The third post holder who I have again interviewed. Her reasons for leaving were again personal and not to do with the behaviour of the Town Clerk.

The final former Administration Assistant I have interviewed is the complainant who believes she was bullied. There clearly was friction between the Administration assistant and the Town Clerk but both allege the other to be at fault. This deterioration in relationship should have ideally been dealt with when it first became apparent however, there was so much ill feeling within the Council at that time it is of no surprise that it was not resolved.

The Town Clerk denies that there was any bullying.

Accordingly, it is difficult to conclude that there was any bullying though it has to be recognised that the complainant may genuinely feel she was bullied.

There were also allegations that bullying took place between Councillors and by the Clerk towards some Councillors.

The interviews revealed that there were clearly two entrenched camps within the Council of Councillors and that the Town Clerk was in the middle, a location the Clerk should never have been placed. Some witnesses stated clearly that they had witnessed the Clerk being bullied in the office and at meetings by certain Councillors. This is corroborated by the circulation of letters and emails to all Councillors making accusations against the Town Clerk and not following confidential procedures within the Council to deal with such matters in a dignified and professional manner.

Both sides of the Council did claim that certain behaviour by the other side was intimidating and bullying. However, both sides equally deny any such activity. This could be that there has been robust debate within the Council that has spilled over beyond meetings. It is impossible to say who was in the wrong if anyone, however it does seem highly likely that on occasions there has been some behaviour that went beyond robust debate with both groups potentially being at fault.

Reassuringly after a number of Councillor changes I am advised that the behaviour of Councillors is now much more dignified and respectful of one another. This therefore is an ideal time to undertake an inhouse training session on the Nolan Principles and regarding what is defined as bullying and responsibilities regarding duty of care towards employees.

Aligned to this training the Council should look to adopt the new Dignity at Work Policy recently developed as a result of a joint programme with NALC and the SLCC. A copy of the policy is attached as Appendix 3 for ease of reference.

3.5 1st Allegation conclusion: Does bullying exist within the Council?

There is insufficient evidence to conclude that bullying is an issue as detailed in the complaints. However, it would be good practice in the circumstances to undertake appropriate action (training and policy adoption) to ensure that this is not an issue in the future.

Recommendation 1: That some in house training is commissioned for all Councillors and staff to attend / undertake on Dignity at Work

Recommendation 2: That the Council adopts the new SLCC / NALC Dignity at work policy

3.5 2nd Allegation conclusion: Has this (bullying) resulted in previous Administration Assistants leaving the Council ?

The only former employee alleging bullying by the Town Clerk resulting in their resignation was the current admin assistant, Previous Admin Assistants who have been interviewed have been clear this was not the cause of their resignation. It is not therefore an endemic issue. It has to be accepted that they did feel she was bullied, and this must be respected. Equally it is noted that their behaviour towards The Town Clerk could be construed as bullying. The only person who witnessed the alleged bullying of them was the admin assistant herself.

Accordingly, there is insufficient evidence to conclude this did occur.

Nevertheless, it would be prudent for the Town Clerk to undertake training on leadership and relationship management to ensure the Council has taken appropriate action against a potential future risk.

Recommendation 3: That the Town Clerk undertakes Appropriate training in Leadership and relationship management

3.6 3rd Allegation - Does racism exist within the Council?

Allegations have been made by a former Councillor and employee that racist language has been used within the Council and that Councillors are racist towards certain groups of people. This is again a matter that is divided into two clear camps although only one person was able to make a specific allegation against one Councillor which was not substantiated. The one Councillor who is from an ethnic background and who was interviewed did not support these allegations he had not so far as he was aware been subject to any racism within the Council.

There was an allegation that a former Councillor who was German was subject to racism as certain Councillors questioned if she could be a Councillor. This is a genuine question however as non-EU nationals cannot be a Councillor whereas EU ones could at the time of this incident. This is a very technical point so to ask the question is not unreasonable.

Having discussed this with the Councillor who raised this question I am satisfied that it was a genuine concern to ensure a Councillor was legally entitled to be a Councillor as if they were not this could cause issues for any decisions the Council may make as a result of a non-entitled "Councillor" voting on the matter.

There were allegations of the use of inappropriate terms to describe ethnic minorities. These were again not witnessed and denied.

3.7 3rd Allegation Conclusion - Does racism exist within the Council?

There is insufficient evidence due to the contradictory viewpoints that racism does exist. However, to protect the Council's reputation and to ensure that none does accidentally occur the following are recommended.

Recommendation 4: That the Councillors and officers attend an in house equality and diversity training course

3.8 4th Allegation – That corruption exists within the Council ?

Under interview and via the complaints it became clear that there was a

misunderstanding by the complainant as to what the word “corruption” actually means; which is “dishonest or fraudulent conduct by those in power, typically involving bribery.”

However, the behaviour being complained of was that the Council would not agree to spend funds on an event / project presented by a former Councillor when the Council had “lots of funds in reserves”.

This is clearly a democratic decision of the Council on how it wishes to spend its funds and is in no way corrupt. The Council is required to retain significant reserves in any event as directed by its auditors.

3.9 4th Allegation Conclusion – That corruption exists within the Council ?

There is no evidence whatsoever that this is the case

3.10 5th Allegation - Breach of GDPR

An allegation was made that there had been a breach of GDPR when the Clerk asked for a Councillor to assist her in pulling together a response to a GDPR request from a former Councillor. The sharing of the name of the person making the request was not necessary unless there was the possibility that the details of the request could have been held on individual Councillors email accounts in which case it would be essential to do so. However, this does not appear to be the case.

This does therefore potentially represent a minor breach of GDPR, but it is such a minor one that it is de minimus and not worthy of a disciplinary action in any way. It is a training issue.

The Council should note that principal authorities and other public sector bodies employ full time professionals to deal with all of their GDPR matters. This is simply one of many skills a Clerk has to master to a similar level as the professionals. In the circumstances this is simply a learning outcome that is required. The Clerk should therefore attend a suitable GDPR / Freedom of Information Act training Course and spread good practice throughout the Council.

Recommendation 5: That the Town Clerk attends a suitable GDPR / Freedom of Information Act training course as soon as possible

Recommendation 6: That good practice with regards to GDPR and Freedom of information Act practice is distilled throughout the Council

3.11 Some of the complainants referred me to the report as evidence of “issues” within the Council. Having interviewed them and having read his report in detail I am satisfied that there is nothing in the report which is of a disciplinary nature. The report highlights a number of areas the Council could address to improve its efficiency and effectiveness. It is in effect a brief “critical friend” report. It is not known if all of the recommendations have been acted on though it is understood that most have. Some of these are an opinion on how to do things better some are clear facts on how to improve. It is recommended therefore that the report is revisited now that the office is functioning effectively and ensure all recommendations are at least considered if not implemented.

The report was of assistance in that it demonstrated that there were some areas within the Council that could be improved but no mention was made of any incompetence on the part of the Clerk as alleged within the administration assistants resignation letter.

Recommendation 6: That the report is revisited to ensure all recommendations are considered and acted on where appropriate.

4 Conclusions

Ludgershall Town Council has endured a sustained period of hostility between Town Councillors which has drawn the Town Clerk into the arena. This concluded in one fraction of Councillors believing the Clerk was working in cahoots with the other fraction of Councillors, with some justification. However, the Clerk should never be put in such a position by either side and should be allowed to be neutral and “Friendly to all Councillors but friend to none”. As tensions rose this became increasingly unlikely.

It is understood that the Council now is operating in a far more friendly and professional manner. To ensure it is kept this way it is important that Councillors and employees do undertake the training recommending within this report and any other relevant training that is available. It is much easier to train stakeholders in a positive atmosphere than a negative one.

The Council should now set out a clear strategy for the future with SMART goals (Specific, Measurable, Achievable, Realistic and Time Constrained).

This will enable the team to focus on what is important to the Town and the Council and to avoid unnecessary distractions. To support this a visioning day for Councillors and staff would be appropriate to enable a simple plan to be developed that all key stakeholders (staff and Councillors) buy into.

Recommendation 7: That the Council holds a visioning Day and develops a simple Strategic Plan to ensure key objectives are attained