

NOTICES OF MOTION

Report of the Director of Legal and Democratic Services

Recommendation: that consideration be given to any recommendations to be made to the Council in respect of the Notices of Motion set out hereunder having regard to the relevant factual briefing/background papers and any other representations made to the Cabinet.

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The Notices of Motion submitted to the County Council by the Councillors shown below have been referred to the Cabinet in accordance with Standing Order 8(2) - for consideration, reference to another committee or to make a recommendation back to the Council.

A factual 'Briefing Note/Position Statement' prepared by the relevant Director is included, to facilitate the Cabinet's discussion of each Notice of Motion.

### **(a) Debate not Hate - Councillor Hannaford**

'The intimidation and abuse of councillors, in person or otherwise, undermines democracy; preventing elected members from representing the communities they serve, deterring individuals from standing for election, and undermining public life in democratic processes.

Devon County Council notes that increasing levels of toxicity in public and political discourse is having a detrimental impact on local democracy, and that prevention, support and responses to abuse and intimidation of local politicians must improve to ensure councillors feel safe and able to continue representing their residents.

Devon County Council therefore commits to challenge the normalisation of abuse against councillors and officers and uphold exemplary standards of public and political debate in all it does. Devon County Council further agrees to sign up to the LGA's Debate Not Hate campaign. The campaign aims to raise public awareness of the role of councillors in local communities, encourage healthy debate and improve the response to and support those in public life facing abuse and intimidation.

In addition, this Council resolves to

- Write to the local Members of Parliament to ask them to support the campaign.
- Write to the Government to ask them to work with the LGA to develop and implement a plan to address abuse and intimidation of politicians at every level.

- Ensure that Devon County Council has a clear reporting mechanism which councillors can use to monitor and record incidents of harassment and abuse of councillors and officers.
- Regularly review the support available to Councillors in relation to abuse and intimidation and councilor safety.
- Work with the local police to ensure there is a clear and joined-up mechanism for reporting threats and other concerns about the safety of councilors and their families and discuss the need to take a preventative approach that accounts for the specific risks that councilors face, as they do with other high-risk individuals, like MP's.
- Take a zero-tolerance approach to abuse of councilors and officers'.

## **Briefing Note / Position Statement from the Director of Legal and Democratic Services**

This Council has recently undertaken a number of actions in support of this incredibly important agenda.

Staff have ensured that recent bulletins issued to Members have included articles on the LGA's Debate not Hate campaign, the thrust of course being that whilst debate and disagreeing with one another is a healthy part of democracy, abuse and intimidation crosses the line into dangerous territory.

The [Debate Not Hate toolkit](#), which builds on from the report [Debate Not Hate: The impact of abuse on local democracy](#) is designed to provide Councillors with resources to raise awareness of the campaign's aims and it includes a range of digital and physical resources to use, including brand guidelines and logos, virtual meeting background and social media assets.

We have also promoted to Members to [sign up to receive regular updates](#) on the LGA's democracy, civility and voluntary sector work.

The Council has a mechanism in place to log incidents of abuse and / or intimidation and communications have been sent out asking Members to do the same. This is important for the Council to understand what is happening in communities. It was noted that up until the most recent Member survey, there were no incidents logged concerning Elected Members, yet when the survey was analysed, a number of incidents came to light. The Council logged these incidents on behalf of those Members. The Council's risk register has also been updated to include the risk of abuse / harassment / intimidation towards Elected Members.

The Council's [Unacceptable Customer Behaviour Policy](#) provides guidance on what to do if a service user, their family or a member of the public is abusive to staff or Members. The guidance also what to do 'in the moment' if faced with unacceptable behaviour (record, request, remove, report), report forms, including a report form for online abuse (social media), what to do if the abuse continues and where to get further advice and support.

Quick links:

- [Log incidents \(please also read Guidance for Managers\)](#)
- [Log incidents of unacceptable behaviour on social media](#)
- [Personal safety advice from the Local Government Association](#)

The Council offers an employee assistance programme [Employee Assistance Programme \(EAP\) \(Health and wellbeing\) - tasks and guides \(devon.gov.uk\)](#) which offers support on a number of issues including personal and work as well as daily living for example, which of course is available to Members.

In support of this agenda, the Council considered the matter of home addresses on the website. Following a report to the Procedures Committee, all Members were asked if they wished for their home address to be published on their profile page, or whether the County Hall address or another Council premises address was utilised as a correspondence / business address. This preference is then reflected on the profile page on the website.

The Council is still in the position where Elected Members are expected to declare their home address on their declaration of interest form (as outlined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012). However, there can be a threshold for determining non-disclosure of councillor addresses known as the 'sensitive register'. A sensitive interest is one which the Member and the Monitoring Officer, consider that disclosure of its details could lead to the member, or a person connected to the member, being subject to violence or intimidation.

The Councillor webpages (where the public would search for their Elected member) have also been updated to state that Elected Members should be able to carry out their role without intimidation, abuse, bullying or threatening behaviour from anyone, including the general public. This has been further reflected in the Council's Code of Conduct.

The Monitoring Officer undertook training with Elected Members in April 2023 on the Code of Conduct, but within this presentation was advice and support and signposting in terms of how the Council could help.

In terms of training, the LGA have run a number of events relating to Personal Safety which have been promoted via the bulletin and the presentations are still available to view - [PowerPoint Presentation \(local.gov.uk\)](#). This outlines the general principles of personal safety, use of phones and technology to assist, safety App's, canvassing and other important pointers.

In addition, the Democratic Services Team have a small stock of personal alarms, which are available to Members.

## **(b) DCC to Treat Care Experience as a Protected Characteristic - Councillor Hannaford**

### **Devon County Council recognises:**

- Every elected member and employee of this Council is a corporate parent to the children and care leavers in our care.
- We are all responsible for providing the best possible care, safeguarding and outcomes for the children who are looked after by us.
- That Councils have a duty to put the needs of vulnerable people at the heart of decision-making through co-production and collaboration.

### **Devon County Council notes:**

- A UCL study which showed 70% of care experienced people die early. Over 50% of people who are in custody up to the age of 21 have been in care (Become Charity) and a quarter of the homeless population is care experienced (The Independent Review of Children's Social Care).
- The Government commissioned an independent national review of children's social care, chaired by Josh Macalister, and one recommendation was to look at making care experience an additional protected characteristic; another was that all public bodies become corporate parents.

### **Devon County Council believes:**

- Our children in care and those who have left care have the right to expect everything from a corporate parent that would be expected from a good and responsible parent. This includes how families continue their support, care, and ambition for their children after they leave home and gain independence including through employment opportunities.
- This authority has already taken important steps to support our care experienced children and care leavers better, but we can always do more.
- That we cannot wait until the government decides which recommendations to implement and therefore, here in the Devon County Council area of responsibility, we should act to be the best corporate parents we can be.
- That when making any decisions in relation to our policies or formulating our Corporate Plan that we should recognise care experienced people as a vulnerable group who face discrimination.
- That whilst we cannot change national legislation, we can use our powers to ensure that the Council consider care experienced people as part of its decision making to seek to prevent discrimination and improve life chances, in doing this. This will mean that we treat people with care experience the same as those with a protected characteristic.

### **Devon County Council therefore resolves:**

1. That the Chief Executive and Monitoring Officer ensure that all council making decision documentation has in it appropriate sections to allow for the impact upon 'care experienced people' to be considered in decision making, where relevant.

2. Officers consider how information might be captured and reported upon on these matters in a similar way to that of the Public Sector Equality Duty Annual report.
3. Any publication of information relating to people who share a Protected Characteristic also includes 'care experienced people'
4. To proactively seek out and listen to the voices of care experienced people of all ages when developing new Council policies and plans and, where possible, those where the Council produces them in partnership with others.
5. To request that the Chief Executive, as Head of Paid Service, explore with the Director of HR how the Council could seek to guarantee all care experienced persons an interview where they meet the essential criteria of the post applied for.
6. That the Cabinet Member for Children's Services and Schools writes to all public bodies represented in the Devon County Council area of responsibility ,the Chamber of Commerce and the Federation of Small Businesses to make them aware of this motion and, where possible and within available resources, offer training on corporate parenting and issues facing care experienced people and to work with our partners and our care experienced population to understand what corporate parenting means for them.
7. That the Leader of the Council, writes to Devon's MPs making them aware of this motion and asking them to press government to amend the law to include Care Experienced persons as a Protected Characteristic and for the extension of Corporate Parenting to all public bodies, following the recommendations of the Macalister Report.
8. That the Chief Executive, Monitoring Officer, and Section 151 Officer attend a Corporate Parenting forum meeting to report on the actions taken because of this motion on notice.

## **Briefing Note / Position Statement from the Director of Childrens and Young Peoples Futures**

The question before the Council is should Devon County Council Adopt a position that supports that Care Experience is a Protected Characteristic?

In order to support the decision making of the Council this is a briefing note that looks at what the struggles are that can be faced by Care Experienced People. The note starts with a reference to the recent National Independent Review of Children's Social Care and this provides some helpful context around this question.

When reading the information and the recommendation, the ask of the reader is to consider that children rarely enter the care of any local authority because the care that they receive at home is good, warm, nurturing and safe. Children entering the care system therefore have generally experienced trauma, separation, various forms of abuse perpetrated towards or around them and have been harmed. Care is about helping them to heal because family was not safe. Children and young people who have experienced a poor start in life due to the impact of what has occurred to them are not to blame for what has occurred to them. They need systems around them that support them, promote them and demonstrate and validate their experience, rather that perpetuate the previous trauma they have been subject to.

## **The independent Review of Children’s Social Care**

The **Independent Review of Children’s Social Care** headed by **Josh McCallister** published in May 2022 had a final report and recommendations that included:

“Government should make care experience a protected characteristic” and “New legislation should be passed which broadens corporate parenting responsibilities across a wider set of public bodies and organisations.”

It also outlined the following: “Many care experienced people face discrimination, stigma, and prejudice in their day to day lives. Public perceptions of care experience centre on the idea that children are irredeemably damaged and that can lead to discrimination and assumptions being made.

This stigma and discrimination can be explicit, and often comes with assumptions about the likely characteristics of children and adults that have care experience. They can also be implicit and are evidenced in the way care experience is discussed in schools, workplaces, and the media.

At its worst this can lead to care experienced people being refused employment, failing to succeed in education or facing unfair judgements about their ability to parent when they have children and families of their own.

Hearing testimony from care experienced people sharing the discrimination they have experienced, even from a very young age, such discrimination can be similar in nature to other groups that have a legally protected characteristic under the Equality Act (2010). So, while there may be ways that society can help reduce stigma and discrimination, including creating greater public consciousness on these issues, just as with other areas of equality, there is a case to go further. Therefore, the government should make care experience a protected characteristic.

Making care experience a protected characteristic would provide greater authority to employers, businesses, public services, and policy makers to put in place policies and programmes which promote better outcomes for care experienced people. It will make the UK the first country in the world to recognise care experienced people in this way. As a measure, it will bolster and pave the way for several the recommendations in this chapter.”

### **Points for Devon County Council to consider**

- Care Experienced people face significant barriers that impact them throughout their lives.
- Despite the resilience of many Care Experienced people, society too often does not take their needs into account.
- Care Experienced people often face discrimination and stigma across housing, health, education, relationship, employment and in the criminal justice system.

- Care experienced people may encounter inconsistent support in different geographical areas.
- As corporate parents, councils and councillors have a collective responsibility for providing the best possible care and safeguarding for the children who are looked after by us as an authority.
- All corporate parents should commit to acting as mentors, hearing the voices of looked after children and young people and to consider their needs in any aspect of council work.
- Councils and Councillors should be champions of the children in our care and challenge the negative attitudes and prejudice that exists in all aspects of society.
- The Public Sector Equality Duty requires public bodies, such as councils, to eliminate unlawful discrimination, harassment, and victimisation of people with protected characteristics.

### **Counter argument**

- Children's services would respectfully submit that there are not really any strong counter arguments that would promote the adoption of a position that did not support the recognition of care experience as a protected characteristic.
- There are other societal groups who would potentially submit that they should be similarly protected, however as discussed earlier children do not choose how they are parented. Impact of parenting that leads to the need for care in childhood is therefore something that is done to children. The impact of this is what makes this group so special in terms of the need for recognition.

### **Other Councils that have agreed that Care Experience should be a protected characteristic have agreed the following**

- That it recognises that care experienced people are a group who are likely to face discrimination.
- That it recognises that Councils have a duty to put the needs of disadvantaged people at the heart of decision-making through co-production and collaboration.
- That future decisions, services and policies made and adopted by the Council should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a protected characteristic.
- That in the delivery of the Public Sector Equality Duty the Council includes care experience in the publication and review of Equality Objectives and the annual publication of information relating to people who share a protected characteristic in services and employment.

- That this Council will treat care experience as if it were a Protected Characteristic.
- To formally call upon all other bodies to treat care experience as a protected characteristic until such time as it may be introduced by legislation.
- For the council to continue proactively seeking out and listening to the voices of care experienced people when developing new policies based on their views.

### **(c) Teachers Pay – Investing in Children’s Futures - Councillor Hannaford**

#### **Council notes that:**

Members of the National Education Union (NEU) have voted in overwhelming numbers to take strike action for a fully funded, above-inflation pay rise.

Teachers across England have been offered a 5 per cent pay rise, which represents a 7 per cent real terms cut to their pay when compared to the very high rates of inflation.

One in four teachers leave the profession within two years of qualification: a third within five. Nearly one third of the teachers who qualified in the last decade are no longer teaching.

Children are losing out because there are not enough teachers. One in eight maths lessons is taught by a teacher not qualified in the subject.

The Government missed its target for recruitment of new secondary school teachers by 41 per cent this year and by 11 per cent for primary school teachers.

There has been a fall of 23 per cent in trainee teacher recruitment in 2022 compared with the year before.

Teachers are leaving the profession because of a mix of excessive workload and poor pay. A teacher who started working in 2010 and made normal progress up the pay scale has lost over £64,000 in real terms.

Teachers in England top the OECD league table for working time outside lessons. In addition to their teaching timetable, primary teachers spend nearly 32 hours and secondary teachers nearly 33 hours working in addition to their teaching every week. This means working weeks of 55-60 hours are commonplace in staff rooms all over the nation.

Secondary class sizes are at their highest for 40 years. Primary class sizes are now at their highest for 22 years.

According to a survey sent out by the Department for Education (DfE) to all schools and trusts in England in May 2022 regarding gas and electricity contracts, the average quote given on renewal for gas has increased from £0.03 per kWh to £0.09



kWh for gas; and from £0.16 per kWh to £0.32 per kWh for electricity. These substantial cost increases are placing significant pressure on school budgets.

**This Council also notes that:**

Our teachers do not want to go on strike – they want to be in properly resourced classrooms with enough support staff, teaching and supporting our amazing children and young people in the way they deserve.

Teachers in Devon are doing their best for our children.

However, the proportion of reception age children achieving a good level of development, the proportion of Y1 children achieving expected level in phonics; and KS2 children achieving expected standard in reading, writing and maths are all ongoing concerns.

In recent years there have been substantial ongoing increases in the numbers of children in Devon requiring additional support in school due to Special Educational Needs and Disabilities (SEND), or significant anxiety and mental health difficulties which act as a barrier to accessing their education.

Staff and budgets can only stretch so far. Looking at the entire picture, is not difficult to see that faced with escalating running costs and unfunded pay rises heads will have no choice but to make cuts in areas which directly impact children such as additional support for those with SEND and other needs.

These growing cost pressures are borne out by projections for Devon County Council which show that without making compensatory cuts primary schools maintained by the local authority will struggle to balance their budgets in 2023/24, if no further funding is forthcoming.

It is short-sighted for the Government to expect schools to make savings which impact on children when it simply creates system pressures elsewhere such as increased demand for EHCPs and places at specialist schools and alternative provision.

**This Council resolves:**

To support the campaign for the Westminster Government to provide a fully funded, above-inflation pay rises for all teachers and support staff.

To write to the Prime Minister and Chancellor to call for a fully funded, above-inflation pay rise.

To resist the Government's ongoing cuts to school budgets and call for more funding to be invested in education.

## **Briefing Note / Position Statement from the Director of Children and Young People's Futures**

Whilst we recognise the importance of pay awards in helping us to recruit and retain a strong and dedicated workforce, we are concerned that an unfunded pay rise would have significant impact on our maintained schools. The increase of £1,925 for NJC staff along with the proposed 6.5% for teachers represents an additional £13.8 Million in costs to DCC maintained schools in the 2023/24 financial year. This is an average of 7% of total schools funding of £185 Million (calculated as Schools Budget Share plus Mainstream Additional Grant). At the end of March 2023, 12 schools were in deficit (totalling £759,000). The most recent budgets submitted by schools show 77 schools and single budget federations projecting in year deficits (totalling £5.9 Million) for the period 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2024. Devon receives historically low levels of funding and falling pupil numbers throughout Devon are increasingly impacting on the ability of schools to remain financially sustainable. We would support the recommendation that any pay award be fully funded and that the importance of financial investment in education is recognised.

### **(d) Governance Review and Council Consultations - Councillor Atkinson**

It is noted that the council intends to review its consultations procedures as part of its governance review. This council notes that in response to the threat of a judicial review challenge by Mencap the consultation on the closure of the respite care facilities for disabled adults has been withdrawn. Other recent consultations also appear to be similarly flawed as not being genuine consultations as they were issued after a decision to make the cuts had already been made. These had not been made clear at the budget preparation and scrutiny and the budget cut had therefore not been scrutinised by the Adult Social Care Scrutiny Committee. These are

- The wellbeing Exeter Cessation of contribution
- Homelessness18 + prevention: cessation of contribution
- A cut in the day care service at the Nicholls Centre Exeter from a 5 day a week service to a 3 day a week service (plus closures of similar day care centres elsewhere in the county)
- Closure of the respite facility at either Pine Parks in Honiton or the Nicholls Centre in Exeter
- The reduction in the grant to Devon Carers.
- Closure of North Devon Link Mental Health and Wellbeing Service in Barnstaple Bideford and Ilfracombe

This council therefore agrees to withdraw these consultations and to take no further steps to proceed with the planned cuts until after the governance review of its consultation procedures has taken place

## **Briefing Note / Position Statement from the Director of Integrated Adult Social Care**

All Local Authorities have found this year's budget challenging for a variety of reasons including recovery from the pandemic.

Full Council agreed the annual budget for the Council earlier this year set the financial envelope for DCC and individual directorates, in so doing no proposals or decisions were made in relation to how services would be delivered, nor did the council commit itself to delivering any specific proposals. The setting of the budget is in line with case law. Following agreement of the budget, IASC published proposals through six public consultations that would support IASC in achieving a balanced budget. These proposals were flexible and subject to public consultation. No decisions have been made at this point as to the outcome of the consultations.

### **(e) Devon 20's Plenty - Councillor Hodgson**

In light of the support for the 'Devon 20's Plenty' campaign, this Council will support the implementation of 20 mph zones where the local Parish Council has passed the 20's Plenty motion.

## **Briefing Note / Position Statement from the Director of Climate Change, Environment and Transport**

20's Plenty are a campaign group for "a speed limit of 20mph to be normal on residential streets and in town and village centres, unless full consideration of the needs of vulnerable road users allows a higher limit on particular streets". As the Highway Authority, the Council understands that appropriate speed limits are important to our communities.

At the July 2022 Cabinet meeting the first tranche of 20mph schemes was agreed to be progressed. An additional £150,000 has been secured in our Road Safety Capital Allocation for a further tranche in this current financial year. There has been a huge amount of interest from communities in this project with almost 160 expressions of interest received in total.

Data will be gathered from the sites delivered in the first tranche to inform future policy, design and funding.

A number of communities have approached the Authority with regards funding their own 20mph limits and officers are working with them to deliver these projects.

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This Report has no specific equality, environmental, legal, or public health implications that will not be assessed and appropriate safeguards and/or actions taken or included within the detailed policies or practices or requirements in relation to the matters referred to herein.

MARIA PRICE

[Electoral Divisions: All]

**Local Government Act 1972: List of Background Papers**

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| <b><u>Background Paper</u></b> | <b><u>Date</u></b> | <b><u>File Reference</u></b> |
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NIL