

COMPLAINT DECISION NOTICE

Complaint Reference: RBWM 7.15

DECISION: NO BREACH



Complaint

On 24th July 2015 the Interim Managing Director received a complaint from Ms Catherine Sheehan concerning the conduct of Councillor Burbage. A general summary of the complaint is set out below:

Complaint summary

It is alleged that Councillor Burbage breached the Code of Conduct in his use of the word 'hostile' when responding to a question by Ms Sheehan on his blog.

On 22nd July Mrs Sheehan was mentioned in Councillor Burbage's blog which is read by a large number of people throughout the political spectrum. The comment about her was: *'Kate Sheehan Q : Why is one of his officers now not willing to respond to our questions? A: because they've been answered numerous times! Kate is a long standing opponent of Holyport College, asking hostile questions on the same topic of HC, since 2013.'*

Mrs Sheehan considered that using a word like 'hostile' evokes an image of aggression and intimidation which she finds offensive and that an interpretation of his comments was that he was attempting to bully her.

Consultation with the Independent Person

The Independent Person was of the view that Mrs Sheehan asks perfectly legitimate questions which conform to Equality law and good practice. If this equates with the sort of questions she is asking the College they cannot be thought of as hostile. However the word hostile has to be construed in the context in which it appears. In context it means Mrs Sheehan is asking questions that are strongly opposed to the way Holyport College is being managed and it can also be said that in its context the perception of her hostility in part at least arises from the perception of asking unfriendly questions persistently after they have been answered numerous times. While there is no judgement of whether her questions have been answered adequately or not, in the context of this blog, the use of the word "hostile" cannot be grounds that amount to a breach of the Code of Conduct.

Decision on the complaint

No breach of the Code of Conduct was found.

Reasons for the Decision

Having made preliminary investigations, the Interim Managing Director agreed with the Independent Person and found no breach of the Code of Conduct.

Notification of decision

This decision notice will be sent to the Complainant and the Member against whom the complaint was made.

What happens now

Under Appendix 6, Arrangements for dealing with breaches of the Code of Conduct, there is no further right of appeal to the Council. Members of the public are able to write to the Local Government Ombudsman.

Terms of Reference

Sections 26 to 34 of the Localism Act 2011 sets out the requirements in relation to standards and the arrangements for dealing with complaints. On 26th June 2012 the Council approved the RBWM Code of Conduct and in particular, Appendix 6, the Arrangements, which are set out in the Constitution.

Signed:

Date: 11th August 2015

**Christabel Shawcross
Interim Managing Director
Royal Borough of Windsor and Maidenhead**