

WARWICKSHIRE COUNTY COUNCIL
COUNCILLOR CODE OF CONDUCT – DECISION NOTICE

Subject Member	Cllr Brian Hammersley
Council	Warwickshire County Council
Relating to	Comments made during a debate of an item entitled SEND Analysis at a meeting of the Children and Young People Overview and Scrutiny Committee on 25 th January 2024
Aspects of the Code of Conduct considered	General Principle 2 and Standards 3a, 3c, 3f, 3m
Breach of Councillor Code of Conduct – Y/N	No breach of the Code of Conduct
Date of Decision	13 June 2024
<p>Following a debate on an item entitled SEND Analysis at the Children and Young People Overview and Scrutiny Committee on 25th January 2024, the Monitoring Officer received a significant number of complaints related to the comments made by Cllr Hammersley during the debate. In February 2024, Cllr Hammersley made an apology and stepped down from the CYP Overview and Scrutiny Committee.</p> <p>The essence of the complaints received was that the language used and comments made by Cllr Hammersley during the debate did not represent parents and families of children with Special Educational Needs and Disabilities; were disrespectful and discriminatory with no humility or understanding; were offensive because of the derogatory terms used; belittled parents and families of children with Special Educational Needs and Disabilities; were flippant and that the throwaway colloquial comments used were in poor taste, trivialising the lived experience of many families; showed no kindness, care and compassion; made complainants feel judged and saw a lack of empathy for their situation.</p> <p>The Monitoring Officer decided that the complaints should be referred for an independent investigation and appointed an external investigating officer, a lawyer of Anthony Collins, Solicitors, to undertake the investigation. The investigation was to;</p> <ol style="list-style-type: none"> 1. Establish the specific facts surrounding the alleged failure to comply with the Councillor Code of Conduct 2. Establish whether there is potential evidence to justify a finding of a failure to comply with the Councillor Code of Conduct 3. Provide a view on what any appropriate sanction, if applicable, might be <p>The investigating officer has provided the Monitoring Officer with a final investigation report.</p> <p>The investigation has concluded that;</p> <ol style="list-style-type: none"> 1. There was insufficient evidence to justify a finding of breach of Standard 3c and no evidence that Councillor Hammersley acted in the way he did because of any protected characteristics (Standard 3(c) - I will not bully, harass, or unlawfully discriminate against anyone) 	

2. There was no evidence that Cllr Hammersley did not read the papers or took irrelevant information into account (Standard 3(f) of the Code of Conduct (I will take account of all relevant information)).
3. That the references to 'Where were they in the past when I was at school?' was a legitimate question, and fixing the 'problem at source' was suggesting that things may need to be looked at in different ways, and were not disrespectful. (Standard 3m – I will always treat people with respect).
4. Whilst certain words/ phrases used by Cllr Hammersley - 'is it something in the water?', 'badge of SEND', 'let's go back to some of those ways they dealt with them')
 - (i) were disrespectful and showed a lack of care and sensitivity (Standard 3m – I will always treat people with respect)
 - (ii) did not champion the needs of the parents and families of children with Special Educational Needs and Disabilities who are part of the whole community in Warwickshire - (Standard 3a – I will champion the needs of the whole community)
 - (iii) have caused reputational damage to the Councillor and the Council (General Principle 2 - I will behave in a manner that maintains public confidence in the Council)

by virtue of the enhanced protections afforded by Article 10 of the European Convention on Human Rights (right to freedom of speech) during political debate, the comments made by Cllr Hammersley during the debate do not constitute a breach of the Councillor Code of Conduct.

The Council's appointed Independent Person was consulted in considering the matter.

The Monitoring Officer, taking into account the views of the Independent Person, accepts the findings of the investigation that the comments made by Cllr Hammersley during the debate at the Children and Young People Overview and Scrutiny Committee on 25th January 2024, do not amount to a breach of the Councillor Code of Conduct.

The Monitoring Officer however recommends that the Chief Executive considers ways in which councillors can be supported to engage fully in debate at scrutiny and other committee meetings whilst ensuring that the language used is respectful, courteous, and sensitive to the matter concerned.