

**WARWICKSHIRE COUNTY COUNCIL**  
**COUNCILLOR CODE OF CONDUCT – DECISION NOTICE**

Subject Member	Cllr Clare Golby
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 <sup>th</sup> 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 (CYP) Overview and Scrutiny Committee on 25<sup>th</sup> January 2024, the Monitoring Officer received a significant number of complaints related to the comments made by Cllr Golby during the debate. In February 2024, Cllr Golby 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 Golby during the debate were disrespectful and discriminatory with no humility or understanding; were offensive because of the apparent lack of understanding and implication of blame; belittled children with Special Educational Needs and Disabilities; stigmatised and sought to blame parents; sought to portray a conspiracy and as if there was some sort of prize to win; showed no kindness, care or 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"> <li>1. Establish the specific facts surrounding the alleged failure to comply with the Councillor Code of Conduct</li> <li>2. Establish whether there is potential evidence to justify a finding of a failure to comply with the Councillor Code of Conduct</li> <li>3. Provide a view on what any appropriate sanction, if applicable, might be</li> </ol> <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"> <li>1. When set in the context of the debate and considering the full content of what she said and the questions she was raising, the words used/ questions asked by Cllr Golby; <ol style="list-style-type: none"> <li>(i) ‘what comes down to parenting and what comes down to actually SEND issues?’ – were not about children with Special Educational Needs and Disabilities but were about those children with other struggles that result in some additional educational need, and when considering the full content of</li> </ol> </li> </ol>	

- what she said, were not disrespectful (Standard 3m – I will always treat people with respect) -
- (ii) 'can we correlate that with things like a rising social media use for families because I have seen sites where families are swapping tips on how to get their children diagnosed?' – this enquiry was about whether the increase in help available on the internet had an effect on the increase in successful assessments of need and was not disrespectful (Standard 3 m - I will always treat people with respect)
  - (iii) 'it's not the Council's job to change the culture of the environment that we're in' – this was an opinion expressed, as a direct response to a statement made, and was not disrespectful (Standard 3m – I will always treat people with respect)
  - (iv) did not evidence a failure to champion the needs of the whole community (Standard 3a – I will champion the needs of the whole community)
  - (v) have not caused reputational damage (General Principle 2 - I will behave in a manner that maintains public confidence in the Council)
2. There was insufficient evidence to justify a finding of breach of Standard 3c and no evidence that Councillor Golby acted in the way she did because of any protected characteristics (Standard 3(c) - I will not bully, harass, or unlawfully discriminate against anyone)
3. There was no evidence that Cllr Golby 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))

On that basis the investigation has concluded that the comments made by Cllr Golby during the debate do not constitute a breach of the Councillor Code of Conduct.

Although the findings above have not required consideration of Article 10 of the European Convention on Human Rights (right to freedom of speech) during political debate, the investigator nevertheless has also considered this point and concluded that the enhanced protections would have been afforded to Cllr Golby had the findings been different.

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 Golby during the debate at the Children and Young People Overview and Scrutiny Committee on 25<sup>th</sup> January 2024 do not amount to a breach of the Councillor Code of Conduct.**