

POLICY REVIEW AND DEVELOPMENT PANEL REPORT

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| REPORT TO: | Corporate Performance Panel | | |
| DATE: | 5 th April 2023 | | |
| TITLE: | Councillor Mental Health | | |
| TYPE OF REPORT: | Information Paper | | |
| REPORT AUTHOR: | James Arrandale, Deputy Monitoring Officer and Principal Solicitor | | |
| OPEN/EXEMPT | Open | WILL BE SUBJECT TO A FUTURE CABINET REPORT: | No |

REPORT SUMMARY/COVER PAGE

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| PURPOSE OF REPORT/SUMMARY: |
| <p>This item has been requested by CPP following discussion at its 3rd October 2022 meeting. The discussion concerned the potential for provision of health and wellbeing support to Members, particularly around mental health support, and the powers available for this. It was requested that a report outlining these be brought to a future meeting.</p> |
| KEY ISSUES: |
| <p>Members are referred to the attached report.</p> |
| OPTIONS CONSIDERED: |
| <p>Not applicable - the report outlines information requested by CPP on 3rd October 2022</p> |
| RECOMMENDATIONS: |
| <p>That the report is considered by Panel members to familiarise themselves with the issues and to inform their consideration of the Notice of Motion 7/22 regarding the Menopause Workplace Pledge.</p> |
| REASONS FOR RECOMMENDATIONS: |
| <p>To fulfil the Panel's request for further information.</p> |

REPORT DETAIL

1. Introduction and Background

On 13 July 2022, Council considered Motion 7/22 regarding the Menopause Workplace Pledge. The motion included a proposal that the Council should arrange regular support and advice sessions that can be accessed by councillors.

It was resolved to refer the Motion to Corporate Performance Panel, which considered it on 3 October 2022. The minutes record comments that there was a disparity between Councillors and Staff, and that Councillors would like to see services available to Councillors as well as staff, not just relating to the Menopause, but to all elements relating to health and support.

The Assistant Director, Central Services clarified that resources available were only available to support initiatives relating to staff. The Monitoring Officer explained that the Council had to work within legislation, and currently there was no legislation relating to a Duty of Care for Councillors.

2. Issues for the Panel to Consider

As discussed in the 3rd October meeting, Councillors are not employees of the Council. The duties and services provided by the Council to its staff exist in the context of the relationship of employment.

There are no specific legal powers which enable the provision by the Council of general health support to councillors. This point has been checked with the Local Government Association.

The Council has canvassed experiences from other Councils around the country in relation to mental health support, in the context of the LGA's work around supporting Members with intimidation in public life. It is not aware of any other council which budgets for mental health provision to councillors. In discussion with other councils, the view was shared that (i) there was no power to provide a general support service, and (ii) it would be inappropriate to provide such a service given the nature of the councillor relationship.

Circumstances could arise in which the mental health issues that a councillor was experiencing could be classed as a disability as defined under the Equality Act 2010. In those cases, assistance with mental health from the Council would class as a "reasonable adjustment" and could be justified on a case-by-case basis. Members will be asked to disclose any disabilities as part of the appointment process for new members in May 2023 so that reasonable adjustments can be considered.

All councillors have the option of self-referral to public services (NHS etc.). In addition, there are various further resources through which councillors can access mental health support which is more tailored to their role as councillors. These include:

- LGA peer support;
- Group level support (including through the LGA Independent Group); and
- Training offered by charities.

3. Corporate Priorities

A mental health support programme for members does not directly address any of the Corporate Priorities as set out in the Corporate Business Plan.

4. Financial Implications

If the legislative framework were to be extended, or a specific power introduced, which enabled the provision of general health support services to Members, then there would be a financial cost to implementing this. This would need to be budgeted for, together with the resource implications from officers and policies introduced around appropriate use.

As a benefit, a funded support programme would need to be assessed by an Independent Remuneration Panel.

5. Any other Implications/Risks

None identified.

6. Equal Opportunity Considerations

The non-provision of general health support is consistent with the Council's equalities duties, as the Council would still assess any Councillor for reasonable adjustments in relation to any disability meeting the definition within the Equality Act 2010 under the Equality Policy.

7. Environmental Considerations

Not applicable.

8. Consultation

Not applicable.

9. Conclusion

CPP sought information raised at its meeting of 3 October 2022 in relation to health support available to Councillors. These issues have been addressed in this paper.

10. Background Papers

None