

PROTOCOL BETWEEN SWINDON BOROUGH COUNCIL AND TRADE UNIONS

Protocol – naming of staff in Court Judgements

The following protocol applies to any staff who work within the Council and who may, in the course of carrying out their duties, be named in court proceedings in the Family Courts.

This protocol has been agreed jointly with the Trade Unions and is in response to the Transparency in the Family Courts – Publication of Judgements Practice Guidance issued on 16 January 2014 by Sir James Munby, President of the Family Division.

The specific section of the guidance that is relevant to the Council is section 20, which states:

“In all cases where a judge gives permission for a judgement to be published:

- (i) Public authorities and expert witnesses should be named in the judgement approved for publication, unless there are compelling reasons why they should not be so named;”

First Steps

When the Council or an employee becomes aware that there is going to be an employee named in a court judgement, the first steps to take are:

- A discussion between the Manager and Employee – to include any specific concerns the employee has about risks, either to themselves or others; to encourage the employee to contact their Trade Union, if they are a member; to carry out a risk assessment; and to signpost the employee towards any support that may be available, i.e Counselling through Occupational Health.
- Consideration should be given as to whether there are “compelling reasons” that can be put forward as to why the employee should not be named, as appropriate such as the potential adverse

impact upon the social worker which should be detailed as only 'compelling reasons' will be considered by the Judge.

Media Contact

If employees are approached directly by the media, in line with the Council's Code of Conduct, they should refer them to the Communications Team. Section 3.14 of the Code of Conduct covers this issue and states "All media requests for information and enquires that relate to policy and procedures or operational activities must be referred to the Council's Communications Team. The Council procedure should be followed in these instances."

In all cases, an appropriate Senior Officer should be nominated to act as spokesperson with regards to the particular case. They should :

- Take full responsibility for the conduct of the case
- Act as spokesperson for media contacts and interviews

If the employee in question is a Trade Union member, then Communications should liaise with the appropriate Trade Union's press office about media handling.

Council's Responsibilities

The Council has a duty of care to its employees and takes a proactive approach to this, aiming to attain best practice and not simply the bare legal minimum. This duty of care means that Managers must:

- Take all reasonable steps to ensure the health, safety and wellbeing of their staff
- Complete a robust risk assessment in relation to the likely consequences of an employee being named, and take appropriate steps to protect identities in proceedings in the event that risk could result following identification
- Take all reasonable steps to protect the employee from threats and attacks by the public or service users. Such steps could include consideration regarding security guards/added security

features to then staff members home or work place; provision of temporary alternative work accommodation; provision of personal alarms, tagging staff addresses with the Police, so the Police are aware of the background and can prioritise calls for help; and with agreement, consideration of temporarily redeploying the employee to an alternative role

- Take all reasonable steps to prevent physical and mental injury to staff arising from their work and take steps to prevent work related stress. Such steps should include consideration of counselling through Occupational Health; a temporary reduction in workload; other negotiated support; Occupational Health referral; a sensitive approach to the application of the Sick Absence procedure; and reasonable adjustments (where appropriate)
- Where relevant consider what appropriate action can be taken to protect the family of the Social Worker, including e.g provision of alarms to family members; whether to (following consultation with the Social Worker) notify schools their children attend, and /or other organisations if necessary to safeguard the Social Worker and others in their family.

Pro Active Steps

In anticipation that there will be times when employees are named, the Council will take the following steps to help prepare staff:

- Ensure that employees feel confident and able to deal with challenging situations at court, i.e by providing training on court skills, legal updates, support from the respective Principal Social Workers (in Children's and Adult Social Care) and the Team Manager, as appropriate.
- Managers will ensure that employees are given adequate time and support (administrative/supervisory/legal) to prepare for proceedings.
- Provide encouragement and help to employees to review their personal social media profiles and check their privacy settings. In addition, provide encouragement to assess what is publically

available that could lead to the employee or members of their family being identified and addresses located.

Representation at Meetings

Employees would not normally be accompanied at informal meetings by their Trade Union representative or work colleague, but given the serious nature and potential consequences of an employee being named in court proceedings, employees should be able to be accompanied to meetings such as:

- Discussions about an application for anonymity
- A risk assessment/safety planning meeting
- Discussions about media handling

This protocol is dated 21st day of 2016

Original document signed on behalf of Swindon Borough Council and UNISON