

# **POLICY & RESOURCES URGENCY SUB-COMMITTEE UPDATED - ADDENDUM**

**12.00PM, THURSDAY, 12 SEPTEMBER 2019**

**HOVE TOWN HALL, - COUNCIL CHAMBER**

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## **ADDENDUM**

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<b>Subject:</b>	<b>Support for Youth Strikes and Other Climate Action</b>		
<b>Date of Meeting:</b>	<b>12 September 2019</b>		
<b>Report of:</b>	<b>Executive Director for Families, Children &amp; Learning</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Pinaki Ghoshal</b>	<b>Tel: 01273 290446</b>
	<b>Email:</b>	<b>pinaki.ghoshal@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>(All Wards);</b>		

## **FOR GENERAL RELEASE**

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that additional information was required from external partners

### **1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 On Thursday 25 July at Full Council a Notice of Motion was agreed regarding 'Support for Youth Strikes and Other Climate Action.' The Agreed Notice of Motion requested officers to bring a report to an urgency sub-committee of Policy & Resources in early September detailing how the council can:
- work with our family of schools to establish a standard protocol for attending the school strikes and encourage the schools to take this up;
  - seek to enable, ensure and support those employees who wish to take action in the general strike, through an approach which does not seek to penalise those employees;
  - explore the potential for such a day to also coincide with council efforts to deliver 'car free' days in the city, to support the wellbeing of strikers but also in response to this council's declaration of a climate emergency.

### **2. RECOMMENDATIONS:**

- 2.1 That the Committee agrees that the council should liaise with the police and with schools and to develop guidance to schools on the attendance of young people at the planned climate change event on 20 September.
- 2.2 That the Committee agrees that should staff wish to participate in the 'General Strike on Climate' on 20 September 2019 that this can be facilitated through annual leave, flexi time or unpaid leave, subject to reasonable notice being given and the requirements for maintaining service delivery as set out in 3.12 and that guidance on this is issued to managers.
- 2.3 That the Committee recommend that, subject to preliminary checks, Brighton & Hove City Council shall support the UN e-learning Climate Change course as

soon as possible, with a view to train at least one teacher in every maintained school.

### **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 From February 2019 there have been monthly marches on a Friday which have included young people who have been absent from school. The council understands that the next march will be taking place on 20 September 2019 under the banner of being a 'General Strike on Climate Change.' This march will take place regardless of the position of the Council and any advice it might provide to schools. The Council therefore has a responsibility to provide advice and support that seeks to ensure that children and young people attending the event are not at risk of harm.
- 3.2 If employees wish to participate in the 'General Strike' on 20<sup>th</sup> September then they may do so and may use annual leave, flexi time or may formally request unpaid leave. Release will not be withheld to employees providing reasonable notice is given and this is not at detriment to the service. The Council will consult with unions over staffing arrangements where required. Where the Council continues to have concerns about the organisation of the event then those employees attending will be doing so at their own risk. No employee shall be subject to disciplinary action or penalised for participating in the event on 20<sup>th</sup> September providing notice is given and permission given.
- 3.3 It is a matter for individual schools how they respond to climate strikes or other events such as these and whether they allow children to attend. Previously, the council has provided brief guidance to schools. This has included the following: "As a council, we are encouraging of pupils to be engaged in both local and global matters. We also recognise that opportunities for children and young people to express their views about issues important to them are beneficial to their development as conscientious citizens. The council's clear expectation is that all pupils should attend school every day unless permission is granted by the School. We've been reinforcing the importance of school attendance in our Miss School Miss Out campaign." In order to note the issues about climate concerns being raised by young people, a number of schools have organised events and talks which pupils have been able to attend safely.
- 3.4 Throughout the period during which marches have taken place previously, council officers have liaised with the Police as there was a concern that children who left school premises unsupervised had the potential to be unsafe. The Police had expressed concerns both about the organisation of the marches and the stewarding of marches on the day.
- 3.5 When any public procession is being planned, organisers are required by section 11 of the Public Order Act 1986 to notify the Police of the plans. The notification requirements are for 6 days' notice in writing, setting out certain details. The Police can then take steps to manage the procession by imposing conditions, such as changing the location and stopping a sit-down protest if it blocks roads or public walkways.

- 3.6 In preparation for this report the Police were contacted to provide their advice on any future council involvement or support for future marches or events.
- 3.7 The Police have raised concerns about some of the previous protests which involved processions on 'live' roads which have taken different routes through the city centre and involved varying numbers of people. Sussex Police had not been formally notified of the protests in Brighton but they have been advertised on the group's Facebook page. With the exception of the first 2 protests, the Police received very little engagement from the protest organisers. On two occasions the protesters have sat down in the middle of the road and there have been several instances of the procession moving against the flow of traffic on the road.
- 3.8 Inspector Nicholas Dias who has been responsible for the police response to the marches has advised that any procession on a 'live' road where vehicles are passing at the same time as pedestrians is unsafe; however, the Police have a duty to facilitate peaceful protests in accordance with the European Convention on Human Rights. In certain circumstances those who obstruct the highway commit an offence under Section 137 of the Highways Act 1980 which states that "If a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence." While the Police have taken no action against those who are involved in the marches, they were concerned about the lack of a clear organising group, their lack of liaison with the police and the poor stewarding of events on the day which has meant that at the events the routes have been unclear and that young people might potentially be at risk of harm.
- 3.9 As this report is being published the Council is aware that GMB Union will support to the march organisers to help them comply with the legal requirements of holding such an event and that an appropriate route has been proposed to the police. The GMB will also support the organisers to brief stewards at the start of the procession.

#### The involvement of the family of schools with future events

- 3.10 In preparation for the event on 20 September and following the agreed Notice of Motion on 25 July 2019 the Council has liaised with the police and, via the GMB, with the organisers to assure itself that children will not be placed at risk during the event on 20 September. If future events are felt to be dangerous to young people then the Council would not be able to encourage them to attend. To encourage such attendance would not be a reasonable exercise of the council's powers or position and could be subject to legal challenge. There would also be a risk that pupils or parents could seek to hold the council responsible for any injuries or other losses sustained on the grounds that they believed the marches to be safe and appropriately managed because their attendance was encouraged or endorsed by the council.
- 3.11 Given the improved liaison and assurances regarding both the route and the stewarding of the event, and following the agreed Notice of Motion, the Council

will develop a protocol for pupil attendance with city schools. This will state that schools should not release children to attend the event on 20 September without the written permission of parents/carers agreeing that they are happy for their children to attend. For primary age children parents/carers should confirm that they will be accompanying their children at the event. For secondary age young people the schools may want to arrange that at least one member of staff accompanies their pupils to the event. For all schools there should be a risk assessment carried out by the school to ensure that arrangements are in place to support their pupils. For each school it is a decision of the school that children are able to attend the event and schools may want to consider if representative from the school attend on behalf of the wider school community.

- 3.12 In addition to the above, the Council has become aware of an opportunity that is being promoted by the UN to support school staff to better understand the issues around climate change. The UN has set up an e-learning course with a view to train and certificate teachers to deliver a climate change curricula and coordinate this in schools. The UN accredited provider states that the course involves 15 hours of work and at the end teachers obtain certification to be a climate change teacher. It is the recommendation of this committee that subject to preliminary checks Brighton & Hove City Council shall launch the training initiative as soon as possible, with a view to train at least one teacher in every maintained school. Subject to provisional checks, the course will be discussed and recommended to schools and could provide an opportunity for them to support such work with pupils; schools will be advised and encouraged to release staff to take part in the e-learning.

Support for council employees participating in the General Strike on Climate Change and attending the climate marches

- 3.13 It is not appropriate for the Council to promote the attendance of employees at the climate marches. If employees wish to do so they are at liberty to do so in their own time or if they are due to be at work, to request annual leave, flexi leave or unpaid leave to attend in a personal capacity. However, any request for time off from work to attend would have to be at the discretion of their manager and should not be to the detriment of the service they provide on behalf of the council. Release to attend will not be unreasonably withheld to employees providing reasonable notice is given and this is not at the detriment of the service. No employee shall be subject to disciplinary action or penalised for participating in the event on 20 September subject to 3.16 below and if participating during their normal working hours, providing their time off has been authorised to take annual, flexi or unpaid leave.
- 3.14 The Council shall provide guidance to managers on the above and share this with recognised trades unions and with schools.
- 3.15 Schools shall be advised of the above guidance. It should be noted that the Council is not in a position to direct schools on this matter as they are self-governing organisations.



- 3.16 No employee shall be subject to disciplinary action or penalised for attending the event on 20<sup>th</sup> September. It should however be noted that if a member of staff commits a criminal offence at a strike or protest, or whose conduct falls below that expected of officers of the council as set out in the Code of Conduct or brings the council into disrepute then this can become a matter that requires disciplinary action. If the council was seen to have supported their attendance, the situation becomes more complex and may carry additional reputational harm.

Explore the potential for 'car free' days in the city

- 3.17 Historically, the council has organised and managed Car Free Days, coinciding with European Mobility Week, involving closing streets and strategic traffic routes for Car Free Events, such as Ship Street, East Street and Bartholomews that ultimately led to the introduction of significant traffic reduction schemes such as The Old Town Project that now includes the closure of Ship Street and weekend pedestrianisation of East Street.
- 3.18 Funding and officer resourcing to organise and manage such major events is no longer available to the council, however following requests made to Full Council and Environment, Transport and Sustainability Committee it has been agreed to bring a report this year to ETS Committee outlining options to consider how Car Free Day events could take place. This Report will outline recommendations on how an event or events could align with European Mobility Week and other National Car Free Days to support Active Travel and Clean Air and further support the council's ambition to be Carbon Neutral by 2030.
- 3.19 A lot of work is already being carried out under a number of themes. It is intended that these are used to form a communications campaign leading up to the day. Some examples of the themes are listed below:

Themes:

- Cycle September – encouraging people to cycle;
- LCWIP (Local Cycling and Walking Infrastructure Plan)– investing in walking and cycling;
- Bike it – supporting school bike clubs in partnership with Sustrans;
- School Streets days – working with Sustrans on air quality around schools;
- Bike share – encouraging greater use ;
- City Cycling skills – highlighting council run maintenance and training sessions;
- Bike it – supporting school bike clubs with Sustrans;
- E-bike project working with business to promote e-bikes.

## **4 ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 As set out above, the council has a duty to ensure that children are safe and that it does not encourage children or staff to engage in activity which is unlawful. Therefore, until such time that the events are properly organised it would be an inappropriate use of the council's powers and position to endorse or support attendance at the climate marches.

## 5 COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 There has been no specific consultation with residents on this matter. There has been liaison previously with the Police and information has been shared with schools.

## 6. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 6.1 There are no direct financial implications arising from this report. However, if attendance of children or staff is supported at events this may have indirect financial impacts relating to the cost of any additional staff time, for example, additional supervision of children at events or agency/relief cover for staff rotas. Financial implications of major events, such as Car Free Days, will be addressed in any reports to ETS or other service committees.

*Finance Officer Consulted: Nigel Manvell*

*Date: 21/08/19*

### Legal Implications:

- 7.1 Specific legal implications arising are addressed in the body of this report.
- 7.2 In terms of any pupil absence in order to attend marches, Regulation 7 of the Education (Pupil Registration) Regulations 2006 provides that leave of absence shall not be granted unless the parent has made an advance request for leave and the Head teacher considers that leave of absence should be granted due to the exceptional circumstances relating to that request.
- 7.3 There is no guidance from the DfE as to what constitutes 'exceptional circumstances' so it is unclear whether participation in a climate march would be perceived as an exceptional circumstance. The decision will rest with the individual head teacher, not the Local Authority.

*Lawyer Consulted:*

*Sandra O'Brien*

*Date: 21/08/19*