
Dated: April 2019

STRICTLY CONFIDENTIAL – Independent Report of Frances Woodhead

Complaint of Councillor Brett – Enfield Council

Report of Frances Woodhead in respect of complaint of Councillor Brett, Enfield Council.

1. Background

- 1.1 Councillor Brett complained to Mr Jeremy Chambers, the Council's Monitoring Officer, about the behaviour of Councillor Caliskan, the Leader of the Council. The complaint is set out in detail in the standard form of complaint dated 11 January 2019. A copy of the complaint and supporting documents is attached at Appendix 1.
- 1.2 Councillor Brett has complained that Councillor Caliskan has undermined her in front of officers and members, has written to her and behaved in an intimidating manner and made it very difficult for Councillor Brett to perform her role as Cabinet Member for Public Health. Councillor Brett considers that Councillor Caliskan has breached a number of the expectations of the Members Code of Conduct, particularly paragraphs 8.8 (respect for others), 11 (conduct yourself in a manner which will maintain and strengthen the public's trust and confidence in the integrity of the authority and never undertake any action which would bring the Authority, you or members or officers generally into disrepute), 12.1 (treat others with respect and courtesy) and 12.2(b) (not bully any person).
- 1.3 Councillor Brett submitted a second related complaint about the Leader's treatment of her in an informal Cabinet meeting on 21 January 2019.

2. Methodology

- 2.1 On 25 February 2019, I interviewed Councillors Brett, Caliskan, Orhan, Erbil, Pite and Anderson. I have also spoken on the telephone on 1 March and 18 April 2019 to Mr Jeremy Chambers, the Council's Monitoring Officer. Notes of the interviews were prepared and have been seen and where appropriate amended by the individual Councillors and officers.
- 2.2 I have reviewed the information in the complaint form and supporting documents and I was provided with additional documents during the interview process by Councillor Brett, Councillor Caliskan and Councillor Pite.

3. Summary of Findings

- 3.1.1 It is unusual for councillors to make complaints under the Code of Conduct in respect of the behaviour of other councillors and particularly where the complaint is by a councillor about a member of their own party. In this case the complaint is about the conduct of the leader of the party and is set against the background of a change in the leadership in 2018. Based on the interviews I have conducted, it is clear that this change has caused upset within the Labour party councillors and damaged the working relationships between the Leader and some councillors. I sincerely hope that the recommendations I have made in this report enable Councillor Caliskan and Councillor Brett to develop a relationship based on mutual trust and respect so they can focus on what they both say are priorities – serving the communities in Enfield well.
- 3.1.2 That Councillor Caliskan failed to treat Councillor Brett with respect in removing her from her role as Cabinet member prematurely and prior to meeting with her to discuss the concerns Councillor Caliskan had about collective Cabinet decision making. This was contrary to principles in the Member Code of Conduct about treating others with respect (paragraphs 8 and 12) I have also concluded that the way the Leader made and communicated decisions about this, how arrangements for a meeting with Councillor Brett were made and the conduct of the meeting on 19 November 2018 amounted to bullying of Councillor Brett by the Leader of the Council, Councillor Caliskan. This behaviour was in breach of paragraph 12.2(b) of the Code of Conduct.
- 3.1.3 Councillor Brett clearly felt bullied during the process for the meeting with the Chief Whip on 11 September 2018 and she said that this complaint was driven by a complaint initiated by Councillor Caliskan and as such she was responsible

for the bullying. Whilst I am satisfied it is likely the matter was referred to the Chief Whip by the Leader, I have not seen conclusive evidence this was the case. I do not think it is fair for the way the Chief Whip dealt with the process to be the responsibility of the Leader of the Council.

- 3.1.4 I accept that Councillor Brett genuinely felt bullied and victimised by the Leader of the Council over a period of time and this has caused her distress and upset. Councillor Caliskan has also expressed upset and frustration about some of the things Councillor Brett has said or done. Rather than make a specific finding about the general allegations of bullying, I strongly recommend that this concern is dealt with through an informal mediated meeting between the 2 Councillors to include apologies and a better understanding about appropriate behaviours and communication styles.
- 3.1.5 I have not found any evidence that Councillor Caliskan has brought the Council into disrepute or damaged public confidence as a result of the matters complained about here.
- 3.1.6 I have not found any evidence that the complaints of Councillor Brett are politically motivated or vexatious.
- 3.1.7 I have not found evidence that a counter complaint of Councillor Caliskan (made during the interview process but not a formal complaint) that Councillor Brett instigated a smear campaign against Councillor Caliskan and used bullying tactics is made out.

4. **Recommendations**

- 4.1 That an informal mediated meeting takes place between Councillor Brett and Councillor Caliskan with a view to facilitating understanding about improved effective and respectful communication, behavioural styles and the interplay between party discipline and a councillors duty and right to declare an interest in an item of business.
- 4.2 That Councillor Caliskan offers a written apology to Councillor Brett about removing her from Cabinet.
- 4.3 That a confidential statement is issued by Councillor Caliskan to all Cabinet members acknowledging that the decision to remove Councillor Brett from Cabinet was done with undue haste and in an inappropriate fashion which was contrary to the Code of Conduct for Members.

4.4 **Information Considered and Views Reached**

- 4.5 Councillor Brett set out her complaints in detail in the complaint form and summarised them as:-
 - 4.5.1 repeated, unexplained and surprising changes to my portfolio;
 - 4.5.2 emails that are unreasonably challenging in tone;
 - 4.5.3 attacks in front of officers and other members;
 - 4.5.4 encouraging the Chief Whip to investigate my actions without foundation;
 - 4.5.5 the precipitate, public and disproportionate removal of my Cabinet post, including termination of my SRA, all without warning or debate or seeking advice from Labour Group officers.
- 4.6 Councillor Brett has complained about incremental occurrences of behaviour since May 2018 and in particular about the removal of her Cabinet post in November 2018. She has also made the point that her dual heritage is significant.

- 4.7 Most of the councillors I interviewed referred to the change in Leadership of the Labour party in May 2018, when Councillor Caliskan took over as Leader of the Council. This change has caused upset and disruption to relationships within the Labour party and has created a background of general tension as context for the complaint of Councillor Brett and also other complaints I have been asked to investigate.
- 4.8 I have set out below each of the matters of complaint and my views about each of them:-
- 4.8.1 **Repeated, unexplained and surprising changes to my portfolio; Encouraging the Chief Whip to investigate my actions without foundation.**
- 4.8.1.1 One element of this part of the complaint is that the Chief Whip investigated a vexatious complaint against Councillor Brett, who believes this complaint was initiated by Councillor Caliskan, the Leader of the Council. Councillor Caliskan has not confirmed one way or the other whether she initiated the complaint. The matter was investigated under Labour Party rules. The investigation began in early September 2018 and concluded on 10 October 2018 when the Chief Whip, Councillor Erbil wrote to Councillor Brett to say there had been no breach of party rules and the case was now closed. Councillor Brett felt the process and investigation was discriminatory and part of a pattern of deliberate victimisation.
- 4.8.1.2 I have been provided with agreed notes of the meeting on 11 September taken by Councillor Pite, the Deputy Whip. There were questions from Councillor Erbil to Councillor Brett about whether she felt she had strayed into the portfolio areas of other cabinet members. Councillor Brett referred to examples of meetings she had attended where she had spoken about mental health issues which were the responsibility of a different portfolio holder, albeit mental health did fall within her overall responsibility for Public Health. Councillor Brett also indicated that the changes she felt had been made to her portfolio made her feel insecure and uncomfortable and less effective as a Cabinet member. She said she felt victimised by the process and the email correspondence between her and the Leader trying to confirm her role.
- 4.8.1.3 I have also been provided with copies of emails asking about the nature of the complaint and the procedures to be followed at the hearing on 11 September. It is my view that the procedures and the purpose of the meeting could have been articulated more clearly and as a result there would have been less tension at the hearing and a better outcome. The poor process led to further mistrust on the part of Councillor Brett and other Councillors present. It is important to note that the procedures followed were internal Labour Party procedures and as such not a matter for complaints under the Member Code of Conduct.
- 4.8.1.4 Councillor Brett has provided me with a number of emails about the changes to Cabinet portfolios in spring and early summer 2018. The Cabinet portfolio roles are set out on the Council website. It is acknowledged by both Councillor Brett and Councillor Caliskan that after the roles were published, there was a change to allocate Welfare Reform, Policy and Advice to Councillor Brett from Councillor Keazor.
- 4.8.1.5 There was an exchange of emails between the Leader and Councillor Brett and Councillor Keazor reflecting confusion about some of the roles. On 3 October Councillor Brett raised her concerns with the Chief Whip and other Councillors saying she

found "the insecurity being created around her role undermining". In her email she says she feels she is being singled out for harassment and refers to speaking at a pre Cabinet meeting where she was jeered at by the Leader. Councillor Brett also described to me in her interview how she was side-lined at external public meetings and there was a lack of clarity about whether she was able to speak at those meetings or not. There were particular issues for Councillor Brett about responsibility for the portfolios for Art, Animal Welfare and Anti-Poverty.

4.8.1.6 Councillor Caliskan has told me that the role for Animal Welfare was not a Cabinet portfolio role, rather it was a party role. She also said that no other Cabinet member was confused about their role and also that Councillor Brett herself caused confusion. I have seen an email which Councillor Caliskan provided, from Councillor Keazor to Councillor Brett which reflects this frustration. Councillor Caliskan said other Cabinet members had also raised concerns with her that Councillor Brett drifted into their portfolio areas. She also said Council officers raised concerns with her because it made their job difficult.

4.8.1.7 Councillor Caliskan said she had several one to one meetings with Councillor Brett (as she does with all Cabinet members) about priorities and focus. She does not think Councillor Brett has "stuck to what we have agreed or demonstrated progress." Councillor Caliskan says that Councillor Brett has refused to meet with her since she was removed from Cabinet. (Councillor Caliskan describes this as "suspension").

4.8.1.8 It is for the Leader of the Council to determine responsibility for Cabinet portfolios. There is inevitably some overlap and an expectation that Cabinet members work together to avoid duplication and also work seamlessly and effectively on areas of shared responsibility. I have concluded that the uncertainty and its consequences had a significant and adverse impact on Councillor Brett and uncertainty about what her responsibilities were. I have seen email exchanges between Councillors about some of the consequences of the respective allocations which reflect the uncertainties, sometimes using heated language.

4.8.1.9 I have not found a breach of the Code of Conduct by Councillor Caliskan in respect of how Cabinet Portfolios were allocated or changed. I can nonetheless understand this created distress and confusion for Councillor Brett. I also conclude that there were understandable frustrations for Councillor Caliskan and other councillors. I think it would be helpful for lessons to be learned from this when portfolios are allocated in the new municipal year so that responsibilities are clearly allocated and appropriately recorded.

4.8.1.10 I have concluded that Councillor Brett felt victimised during the investigation and also that there was overlap and possible confusion about her portfolio and role, particularly where there was an overlap with other portfolios.

4.8.1.11 I do not consider that the exercise of Labour party disciplinary processes are matters which should be considered as issues of complaint under the Member Code of Conduct. Matters about procedural fairness should be dealt with under the Labour Party procedures or principles of general law.

4.8.2 **Emails that are unreasonably challenging in tone.**

- 4.8.2.1 The emails from Councillor Caliskan to Councillor Brett about the concerns the leader had about Councillor Brett declaring an interest at the Cabinet meeting on 14 November are focused and clear about expectations. They are formal in nature, probably more formal than usual exchanges between a Leader and Cabinet member. In some instances, text is underlined.
- 4.8.2.2 I have not reviewed other emails between Councillor Caliskan and Councillor Brett in detail. I have seen emails which could be seen as naming and shaming individual Cabinet members, including Councillor Brett, for not submitting regular updates to other Cabinet members. Councillor Brett clearly feels upset by the tone and content of emails from Councillor Caliskan.
- 4.8.2.3 Councillor Brett described how her one to one meetings with the Leader felt like performance management with targets being set.
- 4.8.2.4 Councillor Brett also said there was discrimination and racial tension in some of the actions taken against her.
- 4.8.2.5 It is clear that Councillor Brett was distressed by the communication style of the Leader, Councillor Caliskan, who was also frustrated with Councillor Brett's behaviour. Councillor Caliskan raised concerns about Councillor Brett recording meetings.
- 4.8.2.6 I have concluded that this is a concern of both parties which should be dealt with by apology and mediation. I conclude that this is largely about misunderstanding, the Leaders style in exercising authority and lack of sensitivity and suspicion of both parties about each other's motive. I have not found clear evidence of a breach of the Code of Conduct in respect of this element of the complaint.

4.8.3 **Attacks in front of officers and other members.**

- 4.8.3.1 Councillor Brett cited a number of examples of Councillor Caliskan belittling her in meetings. For example, the pre Cabinet meeting of 14 November 2018, an informal Cabinet meeting on 21 January 2019 and public meetings. She describes being bullied on a daily basis and said that the unpleasantness started when Councillor Caliskan was elected as Leader. She said that prior to that they had a reasonable relationship. Councillor Anderson said that Councillor Brett was singled out by the Leader.
- 4.8.3.2 Councillor Caliskan felt that the issue Councillor Brett was questioning had been subject to many months debate and also that the item should have been placed on the agenda.
- 4.8.3.3 I have concluded that the evidence I have seen about this element of the complaint and the response of Councillor Caliskan setting out her views about what happened are symptomatic of the breakdown in trust and respect between the 2 Councillors. I have not found clear evidence of a breach of the Code of Conduct in respect of this complaint.

4.9 **The precipitate, public and disproportionate removal of my Cabinet post, including termination of my SRA, all without warning or debate or seeking advice from Labour Group officers.**

- 4.9.1.1 Councillor Brett said this was the thing she had found most distressing. She described it as "the most awful thing was being thrown off Cabinet" and spoke about how she felt it had damaged her good reputation and her good name. Other Councillors have also said they felt it was inappropriate and disproportionate to suspend her from Cabinet and also tried to persuade the Leader not to do so.
- 4.9.1.2 I have been provided with email correspondence which sets out the background to the decision of the Leader of the Council, Councillor Caliskan, to remove Councillor Brett from her Cabinet role for a 2 week period in November 2018.
- 4.9.1.3 Councillor Brett declared an interest at the Cabinet meeting on 14 November 2018 when the report about the North London Waste Project was discussed. She did this after taking advice from the Council's legal department because she felt she had a lot of difficulty supporting the report and had particular concerns about using the Pinkham Way site.
- 4.9.1.4 Councillor Caliskan, the Leader of the Council wrote an email to Councillor Brett after the meeting (15 November 2018) expressing concerns about her view that it was unnecessary to declare an interest and that this undermined the agreed position, leaving her Cabinet colleagues in a difficult position. Councillor Caliskan asked for a meeting with Councillor Brett to explain why she decided to declare an interest and before she decided "what the appropriate step is for me to ensure I protect the integrity of Cabinet structure for this Labour Council".
- 4.9.1.5 There was an exchange of emails about the time of the meeting and it was agreed it would take place on Monday 19 November. Councillor Caliskan was keen for the meeting to take place on Friday 16 November but diary commitments of other councillors who were attending meant that was not possible.
- 4.9.1.6 Councillor Caliskan sent a further email to Councillor Brett asking for a written apology "for breaking an agreed position" and suggesting a meeting between 9am and 10am on Monday 19 November. Councillor Brett replied to say she would attend on Monday 19 November if Councillor Orhan is able to join her. She also offered an apology. Councillor Caliskan and Councillor Erbil told me they were not sure that the meeting was going ahead at 9am on Monday 19 November and other priorities meant they were away from the Council building. Councillors Brett, Orhan and Anderson turned up at 9 am and were upset that the Leader and Whip had not turned up as expected. Councillor Anderson said in interview he considered this was a power game by the Leader.
- 4.9.1.7 Councillor Caliskan replied by email at 16.02 on 16 November to say that since Councillor Brett had not provided an explanation about why she "took a decision to break the previously agreed collective decision by Cabinet" she felt she had no choice but suspend her until they were able to meet. She also said she hoped to be able to reappoint her within 2 weeks "once we've had the opportunity to discuss your actions and reflect upon them together". Immediately before sending that email to Councillor Brett, Councillor Caliskan had sent emails to Jeremy Chambers and all Cabinet members informing them about the suspension of Councillor Brett.

- 4.9.1.8 Councillor Orhan and Councillor Anderson indicated in their interviews with me that they felt that the Leader victimised Councillor Brett. Councillor Brett commented that in the pre Cabinet meeting on 14 November, the Leader "showed a complete lack of empathy and demonstrated immature leadership". He said that under the previous Leader, councillors could be accommodated and abstention from voting was facilitated. He said that the Leader spoke to Councillor Anderson (the Deputy Leader) after the meeting about punishing Councillor Brett by suspending her for abstaining from the vote about the Waste Project at the meeting. Councillor Caliskan refers to Councillor Brett being "suspended " from her Cabinet role, which is incorrect – she is either on Cabinet or removed. The language Councillor Caliskan uses when describing her decision to remove Councillor Brett from her role is in the context of punishment and maintaining control, rather than for objective reasons.
- 4.9.1.9 Councillor Pite said she considered the meeting process was badly handled and that she and others had advised the Leader it was not appropriate to suspend Councillor Brett for her decision to declare an interest. Councillor Pite confirmed her view in an email on 19 November 2018 about the rights of members to declare an interest and also the importance of a reminder to Cabinet members about the importance of collective decision making. The email is balanced and thoughtful, recognising the right of the Leader to remove and reinstate Cabinet members but also making the point she felt it was regrettable and unnecessary.
- 4.9.1.10 Councillor Anderson also made the point to me in interview that Councillor Brett could have dealt with the matter in a better way but also that her views about environmental issues were well known and implied that the likelihood of her declaring an interest should be understood and respected.
- 4.9.1.11 Jeremy Chambers made the point in an email to Councillor Brett on 18 November, that the Leader was entitled to determine the make-up of Cabinet and the portfolio allocation.
- 4.9.1.12 Councillor Caliskan considers that the complaint is vexatious and politically motivated. Councillor Caliskan has provided me with a statement setting out how she also feels victimised and unfairly treated because she is the first young, female mixed race Leader of the Council. She also made the point that the email exchanges between her and Councillor Brett about arranging a meeting to discuss the declaration of interest are an example of the lack of commitment and communication from Councillor Brett and why she felt she had no choice within the powers she has as Leader of the Council.
- 4.9.1.13 I am of the view that removing Councillor Brett from her role as Cabinet member, albeit temporarily, caused considerable and understandable upset to Councillor Brett. She felt victimised, bullied and humiliated. In everyday language, bullying, victimisation and harassment can be used almost interchangeably to mean similar things. Victimisation is defined as "the action of singling someone out for cruel or unjust treatment". Bullying can be defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power that undermines, humiliates, denigrates or injures the recipient (emotionally or physically).

4.10 **General Comments**

- 4.10.1.1 There is frustration and upset on the part of both Councillor Brett and Councillor Caliskan about the approach each of them had to the allocation of Cabinet responsibilities, the general ongoing relationship, conduct in meetings and the removal of Councillor Brett as a Cabinet member in 2018.
- 4.10.1.2 I am convinced that Councillor Brett felt she had been bullied over a long period of time and she and others provided evidence to support this assertion. Councillor Caliskan also provided a rational reason for some of the events given as examples and was frustrated with Councillor Brett's actions, at times. Councillor Caliskan says Councillor Brett has "orchestrated with others a campaign to smear me and bully me out of my role" and "Councillor Brett has been on a mission to be disruptive and undermining. She has used psychological pressure on me to retreat from being Leader".
- 4.10.1.3 Councillor Orhan and Councillor Anderson felt that Councillor Brett had been unfairly treated and singled out by the Leader of the Council.
- 4.10.1.4 I have listened carefully to the councillors I have spoken to and on balance I have concluded that Councillor Caliskan should have behaved differently towards Councillor Brett following her appointment as Leader of the Council. Councillor Caliskan was in a position of control and it is my view that her drive to deliver change and adopt a new approach to leading the Council meant she did not take sufficient account of how her approach and behaviour had an impact on Councillor Brett. I also think that Councillor Brett did not always behave appropriately, for example by recording meetings or in the use of social media about her removal from Cabinet. These are issues which can be explored in mediation and apology.