

Committee(s) Standards Committee	Date(s): 24/01/2020
Subject: Annual review of the Protocol on Member/Officer Relations 2019	Public
Report of: Comptroller & City Solicitor and Director of Human Resources	For Information
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Summary

This report provides the Committee with the annual review of the Protocol on Member/Officer Relations highlighting any related issues that have arisen during 2019. The report also includes commentary from the Comptroller and City Solicitor on Employment Tribunal cases in the past year.

Recommendation

Members are asked to note the report.

Main Report

Background

1. This annual report has been requested by the Committee to:
 - review the Protocol on Member/Officer Relations highlighting any related issues in the past year
 - keep under review the Employee Code of Conduct
 - include a commentary about the Employment Tribunal cases in the past year

Current Position

2. The Committee's Terms of Reference include responsibility to keep under review and monitor the Protocol on Member/Officer Relations. Members will recall that at its meeting in January 2019 this Committee approved a slightly revised Protocol which was intended to clarify the dispute procedures available to an Officer who is dissatisfied with the conduct or behaviour of a Member. The revised wording also acknowledged that the Aldermanic Chairmen perform a similar role in relation to the welfare and conduct of Aldermen as the Chief Commoner has traditionally had in relation to Common Councilmen. These amendments were subsequently endorsed by the Establishment Committee and approved by the Court of Common Council and the current Protocol is attached at Appendix 1.
3. There has been one formal dispute under the Dispute Procedures which are set out in the Protocol for the period under review. This was the subject of a complaint to the Standards Committee that was originally assessed in 2018. The

Member in question was found to be in breach of the Code of Conduct following a hearing in July 2019 and an appeal in December 2019.

4. The Terms of Reference also include keeping under review by way of annual update the Employee Code of Conduct. The Employee Code of Conduct broadly sets out the standards of conduct expected of employees and covers political neutrality, relationships with Members and the wider Nolan Principles. Breaches of the Code of Conduct are dealt with as disciplinary matters although minor breaches are dealt with informally in accordance with the statutory ACAS Code of Practice.
5. Since the last annual report to this Committee, there have been further amendments to the Code of Conduct. The Establishment Committee at its meeting in April 2019 approved revisions to the Code of Conduct and a separate Conflicts of Interest Policy which now includes the Declaration of Interest process which previously sat within the Code of Conduct. This has enabled the Code of Conduct to focus on the principle standards and behaviours of Officers, whilst the separate Conflicts of Interest Policy provides a more comprehensive approach to matters pertaining to conflicts or potential conflicts.
6. The changes to the Code of Conduct include clarity about employees who are also resident and who may wish to raise local matters in their capacity as a resident. This matter was raised at the Standards Committee when it reviewed the Code of Conduct last year. The second issue raised at the Standards Committee last year was in relation to personal and pecuniary interests. The new Conflict of Interest Policy and associated processes for making declarations and identifying conflicts of interest are now addressed in the new Policy (attached for information). The new semi-automated processes for making declarations are currently being tested.
7. Formal Disciplinary Cases during 2019:
There were 40 formal cases related to conduct and/or behaviour that fell short of the standards expected under the Code of Conduct. Most cases resulted in a formal warn. 7 employees left before the conclusion of the investigation or shortly after the disciplinary outcome and 8 employees were dismissed.
8. Formal Grievances:
There were 40 formal grievances raised in 2019.
10 cases related to standards of conduct in relation to bullying and harassment
11 related to management issues
9 related to terms and conditions of employment
6 related to a protected characteristic (discrimination)
2 related to other type of discrimination
2 were other types of complaints not covered by the above
9. There were no disciplinary or grievance cases which related to the Protocol on Member/Officer Relations.

10. Members are not of course ordinarily involved in day-to-day employment matters but may be required to hear appeals against dismissal of employees. Of the 8 cases which resulted in dismissal, 5 of these employees raised appeals against their dismissal of which 4 were heard by Members. All four decisions to dismiss were upheld.
11. The Establishment Committee receives regular reports in relation to the progress of Employment Tribunal cases. Four cases were concluded in this reporting period. There are currently 11 outstanding cases, four of which have been brought by police officers (one is a class claim with 49 claimants). One case relates to the Protocol on Member/Officer Relations.

Implications

12. This report provides Members with information needed to monitor and review the Protocol on Member/Officer Relations and to consider whether any amendments or actions arising are appropriate.

Conclusion

13. This report summarises activity over the past year in relation to the Protocol on Member/Officer Relations and the Employee Code of Conduct.

Appendices

- Appendix 1 - Protocol for Member/ Officer Relations – April 2019
- Appendix 2 - Employee Code of Conduct
- Appendix 3 - Conflict of Interest Policy

Background Papers

- Protocol on Member/Officer Relations: Report to Establishment Committee February 2019
- Code of Conduct and Conflict of Interests: Report to Establishment Committee April 2019

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