

Committee(s)	Dated:
Standards Committee	02/10/2015
Subject: Annual review of the Protocol on Member/Officer Relations	Public
Report of: Director of Human Resources	For Information

Summary

This report provides the Committee with the annual review of the Protocol on Member/Officer Relations highlighting any related issues that have arisen in the year 1 August 2014 – 31 July 2015. The report also includes a review of the Employee Code of Conduct and 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 and refresh 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 Protocol on Member/Officer Relations was reviewed by the Committee at its meeting in May 2014. The Committee's Terms of Reference were amended to include responsibility to keep under review and monitor the Protocol on Member/Officer Relations. A copy of the protocol is attached as Appendix 1 to this report.
3. There have been no formal disputes raised under the Disputes Procedures which is set out in the Protocol.
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 Practise. A summary of the cases that have been dealt with formally are as follows:

7 cases related to standards of conduct in relation to insubordination or issues with a colleague

8 cases related to conduct and/or behaviour that fell short of the standards expected under the Code of Conduct

4 cases related to both of the above

1 case related to breaches of the Health and Safety Policy

5. There were no cases which related to the Protocol on Member/Officer Relations.
6. Members are not of course ordinarily involved in day-to-day employment matters but may be required to hear appeals against dismissal of employees as part of the Staff Appeals Committee. Of the 20 cases listed above 3 resulted in dismissal. Of these one was upheld by the Staff Appeals Committee and two were dismissed.
7. It should be noted that the Disciplinary and Grievance procedures have been revised and are currently subject to a review of the first year of operation. In addition there have been changes to the Data Protection and Whistleblowing Policies and a new Social Media Policy is due to be reported to Establishment Committee. The Employee Code of Conduct was last reviewed in 2012 but with these recent changes it will be reviewed and updated in this financial year.
8. There have been two Employment Tribunal cases concluded in the last year. Both were Police civilian employees. The Police, both officers and civilians make up the majority of cases. There are currently four cases outstanding of which two are police officers, one is a police civilian, and one is a former employee of Community and Children's Services. None of the cases involved the conduct of elected Members.

Corporate & Strategic Implications

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

Conclusion

10. 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 on Member/Officer Relations

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