

<b>Committee(s)</b>	<b>Dated:</b>
Standards Committee	07/10/2016
<b>Subject:</b> Annual review of the Protocol on Member/Officer Relations 2015-16	<b>Public</b>
<b>Report of:</b> Director of Human Resources	<b>For Decision</b>

### 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 2015 – 31 July 2016. 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
- approval the inclusion of specific reference to equality and diversity in the Protocol on Member/Officer Relations as outlined in paragraphs 9 – 11.
- approve the recommendation of the Establishment Committee to append the Protocol on Member/Officer Relations to the Employee Code of Conduct as set out in paragraph 8 of this 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:
  5. 

Formal Disciplinary Cases

    - 10 cases related to standards of conduct in relation to insubordination or issues with a colleague
    - 11 cases related to conduct and/or behaviour that fell short of the standards expected under the Code of Conduct
    - 2 cases related to both of the above

Formal Grievances

    - 7 cases related to standards of conduct in relation to insubordination or issues with a colleague
    - 3 related to policies and procedures
    - 2 other
6. There were no disciplinary or grievance cases which related to the Protocol on Member/Officer Relations. However the Standards Committee will be aware that there was one matter as a result of a whistleblowing complaint which was referred to and considered by the Standards Committee but which was not upheld.
7. 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 23 disciplinary cases listed above, 4 resulted in dismissal. One of these was considered by the Staff Appeals Committee and the decision to dismiss was up held on appeal.
8. The Employee Code of Conduct is under review and the Protocol on Member Officer Relations was discussed at the last meeting of the Establishment Committee. It has been proposed at the Establishment Committee that in the interests of transparency that the Protocol on Member Officer Relations is appended to the Employee Code of Conduct and referenced in the Employee Handbook, subject to the views of the Standards Committee. Once finalised and approved by the Establishment Committee the revised Employee Code of Conduct will be communicated on the intranet for all employees and built into the induction of new employees.

9. The Policy and Resources Committee at its meeting in April 2016 considered a report on Increasing Diversity in the Court of Common Council. It is recommended that it would be appropriate to align the Protocol on Member/Officer Relations to the commitments made in that report by including specific reference to equality and inclusion.
10. It is proposed that the Protocol's Expectations are amended as follows:
- 1) (e) impartial, professional advice and guidance *that as appropriate takes into account our Public Sector Equality Duty*
  - 2) (c) leadership and policy direction *that as appropriate takes into account our Public Sector Equality Duty*
11. It is further proposed that the Expectations include an additional point as follows:
- 1) (m) *Commitment to equality, diversity and inclusion in their relationship with Members and colleagues*
  - 2) (i) *Commitment to equality, diversity and inclusion in their relationship with Officers and colleagues*
12. The Establishment Committee receives regular reports in relation to the progress of Employment Tribunal cases. Four cases have been concluded in the last year. There are currently three outstanding cases, only one of which related to the Protocol, and is the matter referred to in paragraph 6 above.

### **Corporate & Strategic Implications**

- 3) 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**

- 4) 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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