

Committee(s):	Date:
Standards Committee	26 January 2018
Subject: Annual Review of the Protocol on Member/Officer Relations 2016-17	Public
Report of: Director of Human Resources and Comptroller and City Solicitor	For Information
Report author: Tracey Jansen, Town Clerk's Department	

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 2016 – 31 July 2017. The report also includes commentary from the Comptroller and City Solicitor on Employment Tribunal cases in the past year. The report includes the information requested at the meeting of the Committee in October 2017.

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 Protocol on Member/Officer Relations was reviewed by the Committee at their meeting in October 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 for the period under review. There has been one instance more recently of a member of staff wishing to make a complaint to the Standards Committee (in November 2016), who subsequently requested that the

matter be dealt with outside the complaints procedure by the Monitoring Officer, and the matter was ultimately resolved informally. The Monitoring Officer is aware of one other similar situation which was resolved through the Chief Commoner.

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. A copy of the Employee Code of Conduct is attached as Appendix 2. It should be noted that the Employee Code of Conduct is currently subject to review following various changes to policy and legislation that need to be addressed. A summary of the cases that have been dealt with formally are as follows:
5. Formal Disciplinary Cases during this reporting period-
17 cases related to conduct and/or behaviour that fell short of the standards expected under the Code of Conduct
1 case related to attendance
6. Formal Grievances-
4 cases related to standards of conduct in relation to bullying and harassment
2 related to management issues
2 related to discrimination
7. There were no disciplinary or grievance cases which related to the Protocol on Member/Officer Relations.
8. 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 18 disciplinary cases listed above, 2 resulted in dismissal. One of these was considered by the Staff Appeals Committee and the appeal was upheld.
9. The Protocol on Member/Officer Relations has been updated to include specific reference to equality and inclusion. In the interests of transparency, the Protocol on Member/Officer Relations is now referenced in and appended to the Employee Code of Conduct in the Employee Handbook.
10. The Establishment Committee receives regular reports in relation to the progress of Employment Tribunal cases. Three cases were concluded in this reporting period. There are currently three outstanding cases, none of which relate to the Protocol on Member/Officer Relations.

Implications

11. 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

12. 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
- Appendix 2 - Employee Code of Conduct

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