

<b>Committee(s)</b> Standards Committee	<b>Date(s):</b>  <b>25/01/2019</b>
<b>Subject:</b> Annual review of the Protocol on Member/Officer Relations 2018	<b>Public</b>
<b>Report of:</b> Comptroller & City Solicitor and Director of Human Resources	<b>For Decision</b>
<b>Report author:</b> Tracey Jansen, Assistant Director of Human Resources	

### **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 2018. The report also includes commentary from the Comptroller and City Solicitor on Employment Tribunal cases in the past year.

### **Recommendation**

Members are asked to:

- (a) Note the report;
- (b) Review the Protocol on Member/Officer Relations, as modified by this Committee in May 2018, for endorsement by the Establishment Committee and onward approval by the Court of Common Council.

### **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
2. Members will recall that at its meeting in May 2018 this Committee approved a slightly revised Protocol on Member/Officer Relations which is attached at Appendix 1. The revised Protocol on Member/Officer Relations 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.

## Current Position

3. Unfortunately, it seems that the revisions to the Protocol on Member/Officer Relations that your Committee made in May 2018 were not subsequently progressed with the Establishment Committee and the Court. Members are therefore asked to review the Protocol on Member/Officer Relations again at this stage, with the previous amendments highlighted. Those changes can then be sent on to the Establishment Committee, together with any new comments.
4. There has been one formal dispute raised under the Disputes Procedures which is set out in the Protocol for the period under review. This is the subject of a complaint to the Standards Committee that is currently under investigation.
5. 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.
6. Since the last annual report to this Committee, a review of the Declaration of Interest process for officers has taken place having last been reviewed in 2012. The Establishment Committee at its July 2018 meeting approved revisions to the declaration of interest process within the Employee Code of Conduct including a refreshed declaration form. The revised Employee Code of Conduct and revised declaration process is attached as Appendix 2. Further work is underway to appropriately align the Officer Declaration of Interests process with that of Members and will be reported to the Committee in due course.
7. It should be noted that further amendments to the Employee Code of Conduct are planned in relation to other HR policy reviews and development currently underway such as security, use of information technology and recruitment and selection.
8. Formal Disciplinary Cases during this reporting period:  
23 cases related to conduct and/or behaviour that fell short of the standards expected under the Code of Conduct  
1 case related to attendance
9. Formal Grievances:  
1 case related to standards of conduct in relation to bullying and harassment  
3 related to management issues  
1 related to terms and conditions of employment
10. There were no disciplinary or grievance cases which related to the Protocol on Member/Officer Relations.

11. 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, 2 resulted in dismissal. Both of these were considered by the Staff Appeals Committee and the appeals were upheld.
12. The Establishment Committee receives regular reports in relation to the progress of Employment Tribunal cases. Two cases were concluded in this reporting period. There are currently two outstanding cases, none of which relate to the Protocol on Member/Officer Relations.

### **Implications**

13. 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**

14. 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 - Revised Employee Code of Conduct

### **Background Papers**

Protocol on Member/Officer Relations: Report to Standards Committee May 2018  
Declaration of Interests: Reports to Establishment Committee July and October 2018

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