

<b>Committee(s)</b>	<b>Dated:</b>
<b>Standards Committee</b>	<b>29 January 2021</b>
<b>Subject: Annual Review of the Protocol on Member/Officer Relations 2020</b>	<b>Public</b>
<b>Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?</b>	<b>Contribute to a flourishing society - People are safe and feel safe.</b>
<b>Does this proposal require extra revenue and/or capital spending?</b>	<b>no</b>
<b>If so, how much?</b>	<b>n/a</b>
<b>What is the source of Funding?</b>	<b>n/a</b>
<b>Has this Funding Source been agreed with the Chamberlain's Department?</b>	<b>n/a</b>
<b>Report of: Director of Human Resources and Comptroller and City Solicitor</b>	<b>For Information</b>
<b>Report author: Tracey Jansen</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 during 2020. The report also includes commentary from the Comptroller and City Solicitor on Employment Tribunal cases in the past year.

### **Recommendation(s)**

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. 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the subject of a complaint to the Standards Committee that was originally received in October 2019, but subsequently withdrawn prior to assessment in April 2020.
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. There have been no revisions to the Code of Conduct during 2020 and the current text is attached at Appendix 2.
5. **Formal Disciplinary Cases during 2020:**  
There were 11 formal cases concluded related to conduct and/or behaviour that fell short of the standards expected under the Code of Conduct. Most cases resulted in a formal warning. There were no dismissals during this period.
6. **Formal Grievances during 2020:**  
There were 5 formal grievances resolved in 2020.  
3 cases related to bullying and harassment  
1 related to terms and conditions of employment  
1 related to a protected characteristic (disability discrimination)  
1 related to working conditions
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 noted above there were no dismissals during 2020.
9. 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 14 outstanding cases, 3 of which have been brought by police officers (one is a class claim with 50+ claimants) and 2 by Police Civilian Staff. Most of these cases are at Employment Tribunal but some are at the appellate courts. One case relates to the Protocol on Member/Officer Relations.

## **Corporate & Strategic Implications**

10. Strategic implications  
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. The provisions within the

Protocol on Member Officer Relations support the corporate objective 'People are safe and feel safe.'

11. Legal and risk implications

Non-compliance with the Protocol on Member/Officer Relations does not in itself amount to a breach of the Member Code of Conduct. However, the purpose of the Protocol is to provide a guide to working relationships between Members and Officers, and therefore the Protocol may be referred to when interpreting the provisions of the Code in such circumstances. Other implications would need to be considered on a case by case basis.

12. Equalities implications

This is a report for information and Members will note the small number of cases referred to. Monitoring of protected characteristics is undertaken in relation to case work to identify any potential cause for concern and/or patterns that should be looked at more closely. All casework is supported by trained HR advisers who receive periodic refresher training. Additional new training is planned to support the introduction of the new Bullying and Harassment Procedure. Members also receive training prior to any involvement in disciplinary appeals against dismissal.

13. Financial & Resource, Climate, and Security Implications – no direct implications

## **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.

Appendix 1 [Protocol on Member/Officer Relations](#)

Appendix 2 [Employee Code of Conduct](#)

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