



Belfast District Council (Shadow)

Report to	Shadow Strategic Policy and Resources Committee
Subject:	Response to the Draft Revised Code of Conduct for Local Government Employees and the Draft Local Government Employees and Councillors Protocol
Date:	29 August 2014
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1.0	Introduction
1.1	The purpose of this report is to present Members with a draft Shadow Council response to the consultations on the Draft Revised Code of Conduct for Local Government Employees and the Draft Local Government Employees and Councillors Protocol.
1.2	The deadline for the response to these two consultation documents (attached at Appendix One and Two) is 5 September 2014 . Members should note that whilst the Council seeks to submit a response agreed by this Committee to the Local Government Reform Joint Forum (LGRJF) in line with the 5 September deadline, this response will remain subject to ratification by the Shadow Council at its meeting on 9 September 2014.
2.0	Background
2.1	The purpose of the Draft Revised Code of Conduct for Local Government Employees is to set guidelines for council employees which will help maintain and improve standards and protect employees from criticism or misunderstanding.
2.2	The Draft Local Government Employees and Councillors Protocol is intended to provide guidance on all aspects of the working relationship between Councillors and employees of councils and to advise of the steps to be taken to deal with concerns at an early stage to ensure the prompt resolution of any difficulties which may arise.

<p>2.3</p> <p>2.4</p>	<p>Status of the revised Code of Conduct</p> <p>Under Article 35(1)(b) of the Local Government (Miscellaneous Provisions) (NI) Order 1992, the functions of the Local Government Staff Commission include, “<i>establishing and issuing a code of recommended practice as regards conduct of officers of councils</i>”. The draft document aims to be a model Code of Conduct for individual councils to adapt to suit their particular requirements, structures and procedures. The LGRJF has issued a revised model Code of Conduct for consultation with key stakeholders.</p> <p>Status of the draft Local Government Employees and Councillors Protocol</p> <p>The draft Local Government Employees and Councillors Protocol, prepared by the Department of the Environment (DOE), is intended to complement both the Code of Conduct for Local Government Employees and the Northern Ireland Local Government Code of Conduct for Councillors. It has also been issued by LGRJF for consultation.</p>
<p>3.0</p>	<p>Key Issues</p>
<p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p> <p>3.5</p>	<p>The LGRJF has invited comments from the Council on both draft documents and the full draft response is attached at Appendix Three.</p> <p>Proposals in the draft Code of Conduct which may be of particular interest to the Shadow Council and the relevant draft responses are summarised below:</p> <p>In section 4.4 <i>Relationships with Councillors</i>, the draft code states that employees, “<i>should not approach nor attempt to influence councillors out of personal motives...</i>” It is suggested that the wording could be clarified to balance an employee’s democratic right, as a ratepayer, to access their Councillor, while making explicit the need for both council officers and councillors to follow the relevant Council procedures, protocols and processes in relation to an employee’s personal concerns or interests.</p> <p>In section 4.4 <i>Relationships with Contractors, Planning Applicants and those applying for Council Grant</i>, and in section 4.8 <i>Equality Issues</i>, there are references to “<i>the local community</i>”. It may be helpful to clarify this phrase and provide a more detailed or broad definition of the relevant stakeholders in the work of the council, who may live outside the council boundary.</p> <p>In section 4.4 <i>Political Activity</i>, it may be helpful to make reference to any changes in practice arising from the draft Local Government (Disqualification) (Prescribed Offices and Employments) Regulations (Northern Ireland) 2014, and provide specific guidance to those council officers who are seeking election or who serve as elected members in other council areas.</p>
<p>3.6</p> <p>3.7</p>	<p>Local Government Employees and Councillors Protocol</p> <p>Proposals in the Draft Local Government Employees and Councillors Protocol which are of particular interest to the Shadow Council and the relevant draft responses are summarised below:</p> <p>Conduct of Local Government Employees toward Councillors</p> <p>In section 3.1 the protocol states that “<i>Employees should not seek to influence or lobby a Councillor with regards to personal issues.</i>”</p>

Again, it is suggested that the wording could be clarified to balance an employee's democratic right, as a ratepayer, to access their Councillor, while making explicit the need for both council officers and Councillors to follow the relevant Council procedures, protocols and processes in relation to an employee's personal concerns or interests.

It may also be helpful to provide advice to Councillors on how they should respond when approached by an employee of the Council in this way, and to whom they should divert any staff query.

3.8 Procedure – Section 4.0

At Section 4.6, the protocol stipulates that if a Councillor wishes to raise a formal complaint regarding the conduct or behaviour of an employee, the relevant Head of Service/Director/Chief Executive *“will ensure the matter is investigated according to the council disciplinary procedures, consulting with appropriate human resource sections.”*

It may be preferable to include a more general statement that the matter will be investigated according to relevant council procedures, thereby permitting scope to ensure the correct procedure is applied.

At Section 4.8 the protocol stipulates that the Head of Service/Director/Chief Executive will *“write to the Councillor and Group Party Leader advising of the outcome.”* It is suggested that it would be appropriate for the Councillor to be informed that the matter has been referred for investigation and appropriate action will be taken, in order to ensure that councils are operating in line with their responsibility to maintain an appropriate level of confidentiality.

It is suggested that at both informal and formal stages of this procedure, employees should be permitted to be accompanied by a colleague or trade union representative at any meetings.

3.9 Conduct of Councillors towards Employees – Section 5.0

It is noted that the draft protocol states, at Section 5.6 that the matter would be investigated according to *“the council’s investigatory process within its disciplinary procedures”*.

It does not appear that disciplinary procedures would be applicable in these circumstances as such procedures apply to Council officers. It may, therefore, be more feasible to use the investigation framework set out in the councils' grievance procedures to make this kind of complaint.

It is suggested that at both informal and formal stages of this procedure, employees will be permitted to be accompanied by a colleague or trade union representative at any meetings.

3.10 Confidentiality: As a general point, the protocol and code should have due regard to the need to maintain confidentiality.

4.0	Resource Implications
4.1	None
5.0	Equality and Good Relations Implications
5.1	None
6.0	Call In
6.1	This decision is subject to Call In.
7.0	Recommendations
7.1	It is recommended that Members: <ul style="list-style-type: none"> (i) Note the contents of the report including the draft consultation documents at Appendix One and Appendix Two; and (ii) Consider and approve the attached Shadow Council consultation responses at Appendix Three subject to any amendments proposed by the Committee
8.0	Documents attached
	Appendix 1 – Draft Code of Conduct for Local Government Employees Appendix 2 – Draft Local Government Employees and Councillors Protocol Appendix 3 – Proposed Shadow Council consultation response to the Draft Code of Conduct for Local Government Employees and the Draft Local Government Employees and Councillors Protocol