

Draft Revised Code of Conduct for Local Government Employees – Draft consultation response

2.0 Framework for the Code

In Section 2.2 it is suggested that the wording of the opening paragraph should be amended to state, *“those in public life should practice;”*

It is suggested that for consistency, the Nolan Principles and the Northern Ireland Assembly Five Principles of Conduct could be structured and referenced in the same way as in the Local Government Employees and Councillors Protocol.

4.0 Model Code of Conduct for Local Government Employees

In section 4.4 *Relationships with Councillors*, the draft code states that employees *“should not approach nor attempt to influence councillors out of personal motives...”*

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.

In section 4.4 *Relationships with Contractors, Planning Applicants and those applying for Council Grant*, and in section 4.8 *Equality Issues*, there are references to *“the local community”*. 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.

In section 4.4 *Political Activity*, 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.

Appendix 1

In the section, *“Key Terms Used in the Code of Conduct”*, the definition of *“Employee/s or Member/s of Staff”* is extended to casual staff, agency workers and volunteers while they are engaged in work for a council.

It noted that councils may encounter difficulty in providing awareness training in respect of the Code to these specific categories of worker. Additionally, dealing with alleged breaches of the Code by these categories of worker is likely to be complex and largely unsatisfactory. Guidance on how these matters would be resolved would be welcome.

Draft Local Government Employees and Councillors Protocol – Draft consultation response

Title

The title of the protocol may not strictly reflect its purpose. A more explicit title may more accurately set out the document's intentions.

Introduction

It is noted that the protocol stipulates at Section 1.4 that the term "employee", *"includes permanent employees, fixed term employees, secondees, temporary workers and volunteers"*. It is suggested that the term "employee" might therefore be replaced by "worker". It is unclear what the difference is between a temporary employee and fixed term employee. (Within Belfast City Council all employees engaged on short term contracts are referred to as temporary employees.) Consideration may also be given to whether agency workers should be included in this protocol.

Purpose

It is suggested that for consistency, the Nolan Principles and the Northern Ireland Assembly Five Principles of Conduct in section 2.3 could be structured and referenced in the same way as in the Code of Conduct for Local Government Employees.

Conduct of Local Government Employees toward Councillors

In section 3.1 the protocol states that *"employees should not seek to influence or lobby a Councillor with regards to personal issues."*

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.

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 section."*

There may, however, be situations when it would not be appropriate to deal with a matter through a disciplinary procedure, e.g. if the matter relates to capability. It may be preferable, therefore, 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. Sections 4.7 and 4.9, regarding potential outcomes, would also have to be amended to reflect any amendment to Section 4.6.

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 noted that councils’ procedures may not be inclusive of volunteers, who are included in the definition of “employee” at Section 1.4, and therefore the extent to which this definition is appropriate in this context is queried.

It is suggested that it may be helpful to articulate the formal process in a structure procedure document and/or diagram, which councils could then populate to reflect their internal management structures.

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.

Conduct of Councillors towards Employees – Section 5.0

It is suggested that for consistency, the structure/layout of section 5.0 should reflect sections 3.0 and 4.0. It is suggested that, for consistency with the previous section, this section is entitled, “Conduct of Councillors towards **Local Government** Employees.”

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. In addition, councils may have different investigatory processes dependent upon the seriousness of a disciplinary allegation to be investigated (i.e. minor, serious or gross misconduct).

It may, therefore, be more feasible to use the investigation framework set out in the councils’ respective grievance procedures to make this kind of complaint.

It is again noted that councils’ procedures may not be inclusive of volunteers, who are included in the definition of “employee” at Section 1.4, and therefore the extent to which this definition is appropriate in this context is queried.

It is suggested that it may be helpful to articulate the formal process in a structure procedure document and/or diagram, which councils could then populate to reflect their internal management structures.

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. The reference to consultation with trade union representatives should, therefore be removed from Section 5.5, as it is considered that the approach to trade union representation will be same for both formal and informal stages of the process.