

Draft Local Government Employees and Councillors Protocol

1.0 Introduction

- 1.1 The Local Government Act (Northern Ireland) 2014 (the 2014 Act) creates a new environment for Local Government in Northern Ireland. The 2014 Act includes a new ethical framework for local government, a key element of which is the introduction of a mandatory Code of Conduct for Councillors.
- 1.2 The 2014 Act imposes a mandatory requirement for Councillors to observe the Northern Ireland Local Government Code of Conduct for Councillors (the Councillor Code), which establishes mechanisms for the investigation and adjudication of complaints and for appeals. With the exception of Part 9 (Planning), the Code came into force on 28 May 2014 the Part of the Code which deals with planning will come into effect from 1 April 2015.
- 1.3 The Local Government Staff Commission for Northern Ireland was responsible for issuing the Code of Conduct for Local Government Employees (2004) (the Employee Code). In conjunction with the Local Government Reform Joint Forum, the Commission has prepared a revised Code of Conduct for Local Government Employees due to come into effect from 1 April 2015.
- 1.4 Local Government has already established policies and procedures to resolve issues that Employees (for the purpose of this protocol the term 'Employees' includes permanent employees, fixed term employees; secondees; temporary workers and volunteers), may encounter in the workplace. This protocol does not override any existing Employee policies or legal obligations but seeks to clarify the expected working relationship between Councillors and Employees.

2.0 Purpose

- 2.1 This protocol is intended to set out the working relationship between Councillors and Employees of councils. It relates to all aspects of the working environment, both physical and virtual. The protocol also advises of the steps to be taken to deal with concerns at an early stage to reduce negative impacts upon Councillors or Employees and ensure the prompt resolution of any difficulties which may arise.
- 2.2 This should assist in furthering and developing a harmonious working environment with positive, constructive and professional relationships between Employees and Councillors.
- 2.3 The protocol reflects the content of both Employee and Councillor Codes of Conduct that demand the highest standards of personal conduct at all times. It upholds the seven Nolan Principles and the additional principles of public life:-

- **Public Duty** – have a duty to uphold the law and to act on all occasions in accordance with the public trust placed in them; to act in the interests of the community as a whole.
- **Selflessness** - should act in the public interest at all times and should take decisions solely in terms of the public interest. They should not act in order to gain financial or other material benefits for themselves, their family, friends or associates.
- **Integrity** - should not place themselves under any financial or other obligation to outside individuals or organisations, which might reasonably be thought by others to influence them in the performance of their duties.
- **Objectivity** - in carrying out public business, including considering public appointments, awarding contracts, or recommending individuals for rewards and benefits, they should make choices on merit.
- **Accountability** - are accountable to the public for their decisions and actions and for the way that they carry out their responsibilities and must submit themselves to whatever scrutiny is appropriate to their office.
- **Openness** - should be as open as possible about the decisions and actions that they take. They should give reasons for their decisions when required and restrict information only when the wider public interest clearly demands it.
- **Honesty** – should act honestly. They have a duty to declare any private interests relating to their public duties and should take steps to resolve any conflicts between their private interests and public duties at once and in a way that protects the public interest.
- **Leadership** - should promote and support these principles by leadership and example in order to establish and maintain the trust and confidence of the public, to ensure the integrity of their council in conducting business.
- **Equality** - should promote equality of opportunity and not discriminate against any person by treating people with respect regardless of race, age, religion, gender, sexual orientation, disability, political opinion, marital status and whether or not a person has dependants.
- **Promoting Good Relations** – should act in a way that is conducive to promoting good relations by providing a positive example for the wider community to follow and that seeks to promote a culture of respect, equality and embrace diversity in all its forms.
- **Respect** – Employees and Councillors are reminded that it is acknowledged that the exchange of ideas and opinions on policies may be robust but this should be kept in context and not extended to individuals being subjected to unreasonable and excessive personal attack. They should keep in mind that rude and offensive behaviour may lower the public's regard for, and confidence in, Councillors and councils, they should therefore show respect and considerations for others at all times.
- **Good Working Relationships** - Councillors and Employees are servants of the public, and are interdependent upon one another. But their responsibilities are distinct. Employees are ultimately responsible to the Chief Executive; Councillors are responsible to the electorate. The working relationship between Councillors and Employees must at all times be professional, courteous and based on mutual respect and trust. Neither party should seek to take unfair advantage of their position. All Councillors and Employees are responsible for ensuring they understand what behaviour is required of them,

complying with respective Codes of Conduct. Both share a responsibility for understanding sensitivities and feelings of others and avoiding behaviour that could cause offence or distress.

3.0 Conduct of Local Government Employees towards Councillors

- 3.1 Employees must treat all political groups and individual Councillors equally, fairly and remain politically neutral at all times. Employees will provide sufficient professional, impartial and effective support, to enable Councillors to fulfil their role to the council. Employees will not seek to influence or lobby a Councillor with regards to personal issues.
- 3.2 It is important that there should be good working relationships between senior council employees and Chairs of Committees / Mayors. However such relationships should not be allowed to become so close as to cast doubt either on an officer's ability to deal impartially with other councillors, or the Chair/Mayor's ability to deal impartially with other employees.

4.0 Procedure

- 4.1 In the event that a Councillor wishes to raise either an informal or formal complaint regarding the conduct or behaviour of an Employee, the following process should be followed:

Informal Approach

- 4.2 A Councillor should seek to raise the matter in the first instance with the relevant Head of Service or Director who should seek to resolve the matter with the Employee concerned. The Councillor must not engage directly with the Employee, nor make any attempt to reprimand or discipline the Employee.
- 4.3 If the matter is about the conduct of an Employee at Head of Service or Director level, the Councillor should address their concern to the Chief Executive.
- 4.4 The Head of Service/Director/Chief Executive will undertake to resolve the matter through discussions with the Employee concerned and report on the outcome to the Councillor.

Formal Approach

- 4.5 If the Councillor is unhappy with the outcome of the informal approach or considers the initial complaint to be of a serious nature, they should raise the matter with the relevant Head of Service or Director and make their Party Group Leader, if relevant, aware of the complaint.
- 4.6 The relevant Head of Service/Director (or Chief Executive if applicable), will ensure the matter is investigated according to the council disciplinary procedures, consulting with appropriate human resource sections as appropriate.

4.7 The outcome of the investigation may result in:-

- no further action being required,
- a verbal or written apology to the Councillor with an acknowledgement by the Employee that their conduct failed to meet the agreed standard and an undertaking that there will be no recurrence or
- an informal or formal disciplinary action, subject to appeal, being incurred by the Employee.

4.8 The Head of Service/Director (or Chief Executive if applicable), will write to the Councillor and Group Party Leader, if relevant, advising of the outcome.

4.9 The Employee will be informed in accordance with the council's disciplinary procedure.

4.10 If the complaint is in relation to the Chief Executive the procedures specified in the Joint Negotiating Committee (JNC) for Chief Executives of Local Authorities will be followed.

5.0 Conduct of Councillors towards Employees

5.1 Councillors' engagement with Employees must be equitable, reasonable, courteous and respectful and ensure that the impartiality of Employees is not compromised. Councillors must abide by the Code and their council's standing orders.

Procedure

5.2 In the event that an Employee wishes to raise either an informal or formal complaint regarding the conduct or behaviour of a Councillor, the appropriate support must be provided by their respective line manager to facilitate this and the following procedure should be followed:

Informal Approach

5.3 An Employee should seek to raise the matter in the first instance with their relevant Head of Service or Director, providing details of the incident that has occurred. The Employee must not engage directly with the Councillor. If necessary, the Head of Service or Director may involve the Group Party Leader, if relevant.

5.4 The Head of Service or Director will undertake to resolve the matter through discussions with the Councillor concerned and report on the outcome to the Employee and the Chief Executive.

Formal Approach

- 5.5 If the Employee is unhappy with the outcome of the informal approach or considers their complaint to be of a serious nature, they may wish to consult with their Trade Union representative prior to raising the matter formally (verbally or in writing) with the relevant Head of Service or Director. The Employee and their representative may also raise the complaint directly with the senior Human Resource Employee in the Council.
- 5.6 The relevant Head of Service/ Director, (or senior HR Employee if applicable), will ensure the matter is investigated according to the council's investigatory process within its disciplinary procedures.
- 5.7 The Councillor and Party Group Leader will be advised of the complaint and will agree to comply with the investigation to establish the facts.
- 5.8 The outcome of the investigation may result in:-
- no further action being required, or
 - a verbal or written apology to the Employee with an acknowledgement by the Councillor that their conduct failed to meet the agreed standards and an undertaking that there will be no recurrence.
- 5.9 If the Head of Service/Director (or senior HR Employee), considers that the circumstances of the complaint is sufficiently serious or a pattern of behaviour emerges, they may recommend to the Chief Executive that the matter is raised at a formal meeting with the Party Group Leader, if relevant. The minutes of this meeting should be presented to the appropriate governance committee for consideration.
- 5.10 The Head of Service/ Director (or senior HR Employee), will write to the Employee (and their Trade Union representative) advising of the outcome. If the Employee is unhappy with the outcome, they may request that their complaint be reviewed by the Chief Executive. The Chief Executive will review the complaint and advise the Employee (and their Trade Union representative) of their decision.
- 5.11 The Councillor and the Group Party Leader, if relevant, will be informed in writing of the outcome of the investigation and consideration of further action which may include referral for a breach of the Councillor Code.

(To note: This protocol does not preclude an employee, at anytime, if they think it necessary, to write to the Commissioner for Complaints setting out how, in their opinion, a Councillor has breached the Code).

This protocol is the interface between current Councillor and Employee Codes of Conduct, which require the highest standards of personal conduct, including activities on social media, to be maintained at all times.