

Report to	North Wales Fire and Rescue Authority
Date	15 July 2024
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Subject	Protocol on Member/Employee Relations



PURPOSE OF REPORT

- 1 To review the Protocol on Member/Employee Relations (the Protocol) to ensure that it remains up to date and pertinent.

EXECUTIVE SUMMARY

- 2 The Protocol was last reviewed in 2018 and was recently considered by the Standards Committee (the Committee) at their meetings on 14 February 2024 and 5 April 2024. The Committee is of the view that it remains pertinent but has recommended that it be amended to apply to all categories of worker regardless of their legal status of employment as well as minor amendments to paragraphs 2.2 and 2.14.

RECOMMENDATIONS

- 3 It is recommended that Members:
 - i) agree that the revised Protocol be adopted as part of the Constitution.

OBSERVATIONS FROM THE EXECUTIVE PANEL/AUDIT COMMITTEE

- 4 This report has not previously been considered by Members of the North Wales Fire and Rescue Authority (the Authority).

BACKGROUND

- 5 The Committee reviews each code and protocol once per authority term to ensure that it remains up to date and pertinent. The Protocol was last reviewed in 2018.
- 6 The Protocol serves to illustrate and reinforce the underlying principles of the legally binding regulatory codes that apply to Employees and Members. However, fundamentally it is about good ways of working and standards of communications between Members and those who work for North Wales Fire and Rescue Service (the Service).

- 7 Prior to 2018, the Protocol referred to "Officers". At that time, amendments were made meaning it now refers to "Employees". "Employee" has a particular meaning in law, that is someone who is engaged under an employment contract.
- 8 Senior managers within the Service were consulted and it was reported to the Committee that there had not been any reported problems with the application of the Protocol.
- 9 The Committee considered that the Protocol remains pertinent, but that the core principles of the Protocol are equally as applicable whatever the legal status of a person's employment and regardless of whether they are subject to regulatory codes. The Protocol should therefore be expanded to cover other potential categories of paid worker so it remains up to date.
- 10 The word "Staff" is considered to hold a suitably broad meaning and is used throughout the revised Protocol in place of "Employee." A definition is set out in paragraph 1.2 of the Protocol. It encompasses anyone "employed or engaged to work for the Service on a remunerated basis (regardless of employment status) to advise the Service and implement its decisions." It covers staff that have regular dealings with Members.
- 11 Paragraph 2.2 has been amended to clarify that the provisions of that paragraph are applicable to politically restricted posts, rather than simply referring to Senior Employees. The word "personally" has been added to paragraph 2.14 for clarity.
- 12 It is considered that widening the scope to include other categories of employment status represents a minor change and not one that would likely require consultation with employee representatives (given that it doesn't change the scope of the protocol in so far as it applies to employees).

INFORMATION

- 13 Senior managers in the Service have been consulted on the revisions to the Protocol.

APPENDICES

- 14 Revised draft Protocol.

IMPLICATIONS

Wellbeing Objectives	Considered not relevant
Budget for 2023/24	Considered not relevant
Legal	The role of the Committee under section 54 Local Government Act 2000 is: (a) promoting and maintaining high standards of conduct by the members and co-opted members of the Authority; and (b) assisting members and co-opted members of the authority to observe the authority's code of conduct
Staffing	None identified
Equalities/Human Rights/ Welsh Language	It is not considered that there are any issues that need addressing as the guidance within the Protocol applies equally to all Employees / Members regardless of protected characteristics
Risks	None identified