

BELFAST CITY COUNCIL

MEMBERS' INTERNAL DISPUTE RESOLUTION PROTOCOL

CONTEXT

The Northern Ireland Local Government Code of Conduct for Councillors came into effect in 2014, providing ethical standards and rules for all councillors in Northern Ireland. The Code places personal responsibility on each elected member to manage their own conduct and behaviour and the Local Government Commissioner for Standards is legally empowered to investigate and adjudicate on any alleged breaches of the provisions of the Code.

Council fully endorses both the letter and spirit of the Code and the functions of Council's Standards and Business Committee include a 'commitment to uphold the high standards of values and behaviours in a relationship of mutual trust'.

As part of that commitment and in order to afford members to resolve basic issues of respect and consideration for others which may arise in the course of 'member to member' engagement, the Standards and Business Committee is providing a simple, informal, mediation mechanism to address such issues without necessarily having to seek the involvement of the Commissioner through the lodging of a formal complaint of a breach of the Code. In this way, the Committee hopes to ensure a speedy outcome for all the parties within the process, thus making it easier for relationships to be restored without continuing rancour.

Details of the purpose, scope and operation of the Protocol are set out below.

PURPOSE OF PROTOCOL

The purpose of the Protocol is to provide an internal mechanism for the prompt resolution of disputes between individual members of Council in relation to their behaviour towards each other.

SCOPE OF PROTOCOL

The Protocol will only apply to disputes between Members in respect of alleged misconduct under paragraph 4.13(a) of the Northern Ireland Local Government Code of Conduct for Councillors:

Code Paragraph 4.13(a) - You must show respect and consideration for others

The Protocol offers a mediation mechanism to seek a swift resolution of member to member disputes and since it is a voluntary arrangement, both parties must agree to participate in the process if it is to be utilised. The Protocol cannot consider complaints by any third parties, including members of staff.

Complaints in relation to conduct which is claimed to be in breach of any other provisions of the Code cannot be dealt with under the Protocol but can, if desired, be made directly to the Local Government Commissioner for Standards.

The operation of the Protocol is not intended to impinge upon the jurisdiction of the Local Government Commissioner for Standards but, rather, to deal informally with a limited category of complaints which may obviate the need for referral to the Commissioner.

The Protocol is not intended to interfere with, or take the place of, group or party discipline, nor self-regulation by members.

The involvement of the Party Group Leaders and Monitoring Officer is not to make any adjudication on the merits or otherwise of the complaint but rather to facilitate a simple mediation process to provide both parties to the complaint with an opportunity to reach an agreed settlement.

OPERATION OF PROTOCOL

The Monitoring Officer will facilitate the operation of the Protocol.

A member wishing to utilise the Protocol must put his/her complaint in writing (using the form provided or simply by email) to the Monitoring Officer explaining:

- when and where the alleged breach occurred;
- how he/she considers that paragraph 4.13(a) of the Members' Code of Conduct has been breached;

Such written complaint must be sent to the Monitoring Officer within fourteen days from the date of the event which is the subject of the complaint, or within fourteen days from the date when the event came to the knowledge of the complainant.

The Monitoring Officer will then share the complaint with the member who is the subject of the complaint.

The member who is the subject of the complaint will have fourteen days, from receipt, within which to send a written reply to the Monitoring Officer setting out a response and, in particular, indicating willingness or otherwise to participate in the dispute resolution process. Should the member fail to respond during this fourteen day period or indicate unwillingness to participate in the process, the Monitoring Officer will terminate the process at this point and inform the complainant accordingly.

In the event of receiving a reply from the member complained of indicating a willingness to proceed to the mediation process available, the Monitoring Officer will:-

- copy the full response to the complainant; and
- arrange a mutually convenient and private meeting between the complainant and the member who is the subject of the complaint, together with their respective Party Group leaders. This will take place as soon as reasonably practicable and will be held in private.
- If the complaint is between Members from the same political group – the Monitoring Officer and the relevant Group leader will meet with the complainant and Member who is the subject of the complaint to seek an agreed resolution.
- If the complaint is between Members of different political groups – the Monitoring Officer and the relevant Group Leaders will meet with the complainant and Member who is the subject of the complaint to seek an agreed resolution.

- If the complaint is between a Member of a political group and a non-aligned Member (i.e. a member who does not belong to any political group) – the Monitoring Officer and the relevant Group Leader together with the Chair of the Council (the Lord Mayor) will meet with the complainant and Member who is the subject of the complaint to seek an agreed resolution.
- If a Group Leader is involved either as complainant or as the subject of the complaint, the Monitoring Officer and the relevant Deputy Group Leaders will meet with the complainant and Member who is the subject of the complaint to seek an agreed resolution.
- The Monitoring Officer will make and retain a note of the meeting and a note of the outcome of the meeting. The Monitoring Officer will provide a copy of the note of the outcome of the meeting to all participants in the process on a private and confidential basis.
- The Monitoring Officer will also advise the Standards and Business Committee on the number of cases dealt with through the Protocol and the respective outcomes of such cases (i.e. whether the case was resolved successfully or otherwise).

All documentation in respect of this process will be treated in the strictest confidence and all participants in the process will be expected to respect the rights to confidentiality of all other participants.

MEMBERS' INTERNAL DISPUTE RESOLUTION PROTOCOL

COMPLAINT FORM

The Members' Internal Dispute Resolution Protocol only deals with disputes between Members in respect of alleged breaches of Code Paragraph 4.13(a) – “You must show respect and consideration for others.”

Complaints in relation to conduct which you consider is in breach of other provisions of the Code cannot be dealt with under the Protocol. Such complaints may, if desired, be reported directly to the Local Government Commissioner for Standards

A: Your Details

Surname:	Forename(s):	Title:
Address and Postcode:		
Email Address:		
Contact telephone number (s) :		

Please state by which of the above methods you would prefer to be contacted.

B: About your complaint (please continue your answers to the following questions on a separate sheet(s) if necessary)

Name of the member you are complaining about:

In what way do you consider that a breach of Paragraph 4.13(a) of the Members' Code of Conduct has occurred?

(Code Paragraph 4.13(a) - You must show respect and consideration for others)

Describe how you have been affected by the conduct which is the subject of your complaint.

When did you first become aware of the matter which is the subject of your complaint?

Have you already tried to resolve your complaint with anyone else, e.g. directly with the member concerned, group leader, etc.? If so, please give brief details of how, when you did so and any outcome.

In what way do you consider this complaint might be remedied to your satisfaction?

Signature: _____ **Date:** _____

When you have completed this form, please forward it to:

The Monitoring Officer

Email: monitoringofficer@belfastcity.gov.uk

Please note that a copy of your complaint will be shared with the member who is the subject of your complaint. All documentation in respect of this process will be treated in the strictest confidence and all participants in the process are expected to respect the rights to confidentiality of all other participants.

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