



Northern Ireland Assembly

NORTHERN IRELAND ASSEMBLY SECRETARIAT STAFF / MEMBER PROTOCOL

Introduction

The Northern Ireland Assembly Commission (the Commission) has responsibility under section 40(4) of the Northern Ireland Act 1998 to “*provide the Assembly, or ensure that the Assembly is provided, with the property, staff and services required for the Assembly’s purposes*”. The Northern Ireland Assembly Secretariat (the Assembly Secretariat) has responsibility for delivering the Commission’s responsibilities as they relate to Members of the Legislative Assembly (MLAs). Therefore, Assembly Secretariat staff are required to provide services to MLAs on a daily basis.

The Assembly Secretariat has in place policies and procedures to resolve issues that staff may encounter in the workplace, for example the Dignity at Work Policy and Grievance Policy. However, the scope of these existing policies and procedures does not extend to the relationship between staff and MLAs. For that reason, issues or difficulties arising between an MLA and a member of Secretariat staff should be managed in accordance with the Staff / Member Protocol (the Protocol). [This does not include staff who are acting in their capacity as a trade union representative.]

The purpose of the Protocol is to provide a fair, equitable and effective means of attempting to resolve a situation of conflict or dispute in which an MLA or a member of Secretariat staff, considers that they have been treated in an inappropriate or unfair manner. The Protocol is intended to deal with complaints at an early stage thereby supporting a prompt return to positive and constructive working relations.

Scope

For the sole purpose of the Protocol, “Assembly Secretariat” staff is deemed to include permanent employees and inward secondees, temporary workers, and volunteers working on behalf of the Assembly Commission. This includes individual staff or groups of staff working in Parliament Buildings or at any other venue used by the Assembly. “MLA” is defined as a Member of the Legislative Assembly but is also taken to include persons employed or engaged by Members or Parties.

Conduct of Assembly Secretariat Staff towards MLAs

The principles which all staff are expected to demonstrate in their daily work and interactions with MLAs are captured in the Assembly Secretariat's Values:

Professionalism	<i>....in everything we do.</i>
Respect	<i>...for each other, Members and the Public.</i>
Impartiality and Integrity	<i>....in all our work.</i>

Assembly Secretariat staff (or their representatives) must not attempt to bring political influence, or the influence of bodies external to the Assembly to support their own personal claims as an employee of the Assembly Secretariat. For example, staff must not approach or lobby an MLA in relation to a grievance or complaint regarding their employment. An MLA should not hear, consider or comment on a grievance or complaint made by Secretariat staff regarding their employment.

MLAs can therefore expect to receive a helpful, professional and efficient service from all Assembly Secretariat staff and for their interactions with staff to be courteous and respectful. In the event that an MLA wishes to raise either an informal concern or a formal complaint regarding the conduct or behaviour of a member of staff, the following procedure should be followed:

Informal Approach

- Where possible, an MLA is encouraged to use the informal approach to resolve their concerns regarding the conduct or behaviour of a member of staff. The MLA should not engage directly with the member of staff regarding the matter and in particular, must not criticise or reprimand a member of staff in public. The MLA should instead raise the matter with the relevant Head of Business or Director who will endeavour to resolve the matter through discussion with the member of staff.
- If the issue is regarding the conduct of a Head of Business, this should be raised with the relevant Director. Where appropriate, the Head of Business or Director may involve the Party Whip in these discussions.
- The Head of Business/Director will write to the MLA confirming the outcome of the matter.

Formal Complaint

- Where a MLA is unhappy with the outcome of the informal approach or considers their complaint to be of a serious nature, they should raise the matter with the relevant Head of Business or Director. The MLA should also make the Party Whip aware of their complaint.
- The Head of Business/Director should ensure that the matter is investigated and addressed in accordance with the principles and procedures set out in the Assembly Secretariat's Discipline Policy. In such cases, the Human Resources Office will be consulted before an investigation is commenced.
- The outcome of the investigation may include (for example):
 - No further action being required;
 - An acknowledgement from the member of staff that their conduct may not have been appropriate and an undertaking that it will not recur;
 - A verbal/written apology to the MLA; or
 - A formal disciplinary penalty e.g. a written warning.
- The Head of Business/Director will write to the MLA and the Party Whip confirming the outcome of the matter. The member of staff will be informed as per the Disciplinary Policy.

Conduct of MLAs towards Assembly Secretariat Staff

In the same way as MLAs expect their interactions with staff to be courteous and respectful, Assembly Secretariat staff are entitled to be treated with courtesy and respect by MLAs and to protection from improper treatment by MLAs. Examples of improper treatment might include ridiculing or demeaning a member of staff, making abusive or threatening remarks or seeking to coerce a member of staff to provide services (or apply judgments) in a manner that is not approved by the Assembly Commission.

As an employer, the Assembly Commission is committed to providing its staff with a positive and respectful working environment. It is also committed to offering protection from improper or inappropriate treatment. It is recognised that the Code of Conduct for Members of the Northern Ireland Assembly explicitly states that "*The relationship between Members and Assembly staff must at all times be professional, courteous and based on mutual respect*". In the event that a member of staff wishes to raise an informal concern or formal complaint regarding the conduct or behaviour of an MLA, the following procedure should be followed:

Informal Approach

- Where possible, staff are encouraged to use the informal approach to resolve their concerns regarding the conduct or behaviour of an MLA. Staff should raise the matter with their Head of Business, providing the details of the incident that has occurred. The Head of Business will endeavour to resolve the matter through discussion with the MLA. Where appropriate, the Head of Business may involve the relevant Director and/or Party Whip in these discussions.

Formal Complaint

- Where a member of staff is unhappy with the outcome of the informal approach, or considers their complaint to be of a serious nature, they are entitled to submit a formal complaint. In the first instance, the member of staff may wish to consult with their Trade Union Representative.

STEP 1

- The complaint may be raised by the member of staff with the Head of HR. The member of staff may be supported by their Trade Union Representative. The complaint may be made in writing or verbally by requesting a meeting with the Head of HR (in which case the Head of HR will ensure that an accurate record of the complaint is made).

STEP 2

- The Head of HR will discuss the matter with the Director of Corporate Services.
- The MLA will be made aware of the complaint. The Party Whip will also be made aware of the matter. Where appropriate, the Head of HR or Director of Corporate Services will investigate the matter through discussion with the member of staff and their Trade Union Representative (where appropriate) the MLA and any other relevant parties (for example, a potential witness to the alleged incident) in order to establish the facts of the case. The MLA will be expected to comply with the investigation.
- Having established the facts, these will be communicated to both the member of staff and the MLA. The outcome of the investigation may include (for example);
 - no further action being required,
 - an acknowledgement from the MLA that their conduct may not have been appropriate and an undertaking that it will not recur or
 - a verbal/written apology to the member of staff.
- If the Head of HR and Director of Corporate Services consider that the circumstances giving rise to the complaint is sufficiently serious or the complaint arises as a pattern of inappropriate behaviour (towards the member of staff who has raised the complaint or where the same MLA

has been the subject of similar complaints from other staff), and taking into account the views of the member of staff, they may recommend to the Clerk/Chief Executive that the matter is raised with the relevant Party Leader or a Senior Party representative in a formal meeting. The Minutes of that meeting will then be presented to the Assembly Commission at its following meeting.

STEP 3

- The Head of HR will advise the member of staff (and their Trade Union Representative) of the outcome of this process. If the member of staff is unhappy with the outcome, they may request that their complaint be reviewed by the Clerk/Chief Executive. In doing so, they should set out how, in their view, the matter should be resolved. The Clerk/Chief Executive will advise the complainant and their Representative of their decision.

It is also recognised that the relationship between MLAs and staff is covered by the provisions of the Code of Conduct (as noted above).