



STANDARDS COMMITTEE

Date of Meeting	Monday 3 rd June 2024
Report Subject	Review of Member/Officer Protocol
Report Author	Chief Officer, Governance

EXECUTIVE SUMMARY

The Protocol on Member/Officer Relations (informally called the Member/Officer Protocol) explains how the nature of the relationship between elected Councillors and employed officials should work and describes their different but complementary roles within the Council. It also sets out the behaviours and treatment that each can expect from the other and thereby expands upon the Councillors Code of Conduct.

The Protocol is due for review as part of the Committee's rolling programme of looking at each of the codes and protocols in the Constitution. Also the Council has recently undertaken some training on respectful communication and how to set a good working culture.

RECOMMENDATIONS

1	That the committee considers the changes currently proposed but that it doesn't make any recommendations for amendment until it has received the outcome of the review of the training on respectful communication
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REPORT DETAILS

1.00	ROLE AND STATUS OF THE MEMBER/OFFICER PROTOCOL
1.01	<p>The Member/Officer protocol is an adjunct to the Councillors' Code of Conduct and is an important contributor to the working culture within the Council. It sets out:</p> <ul style="list-style-type: none"> • the differing roles of members and officers and what they can expect from each other; • further explanation and guidance on appropriate behaviours; • mechanisms for handling concerns or problems within the relationship.
1.02	<p>The Protocol is due to be considered as part of the Committee's rolling programme of reviewing the codes and protocols in the Constitution. As such the Committee needs to consider whether:</p> <p>the document is still pertinent;</p> <p>changes in other parts of the Constitution impact upon the Protocol;</p> <p>it is up to date generally (i.e. does it reflect current working practices and arrangements within the Council);</p> <p>any other circumstances that might indicate a change is required. These would include the feedback received as part of the recent training for councillors and also the outcome of the recent case tribunal where allegations of bullying officers were admitted.</p>
<u>Explaining the Proposed Amendments</u>	
1.03	<p>The Protocol predates the adoption of the Flintshire Standard. Whilst it does reference the Flintshire Standard, it needs to be updated in a number of places to incorporate expectations from the Standard into the protocol (e.g. paragraph 10.3) or to show that the Flintshire Standard is the right mechanism for enforcing the expected behaviours in respect of members (see insertion at paragraph 5.3).</p>
1.04	<p>The document has also been updated to reflect recent changes made in other documents such as the addition to the members' code of conduct about relationships with employees (see paragraph 9.1) or the changes to the employees' code about public criticism of the council (paragraph 14.3).</p>
1.05	<p>The paragraphs listed below have been amended to reflect recent experience/issues:</p> <p>3.1, 3.4 and 4.2 – to reflect an increasing propensity for councillors to seek to direct officers to make specific operational decisions</p> <p>3.3 – to clarify that officers must implement legislation even where it is unpopular</p> <p>6.1, 13.1 and 13.8 – to update outdated references</p> <p>11.2 – members often find that employees want proof of consent from residents before sharing personal details. Where a councillor is acting on behalf of a resident in their own ward this can be assumed to exist</p>

1.06	<p>In its first annual report the Committee recommended that training be put in place on respectful communication. That is taking place in the weeks prior to the Committee's June meeting. Also, at the Ethical Liaison Meetings it has been agreed to provide training on how the political/professional interface should operate within the council. It is possible that the either or both might cause reflection on the expectations of members and/or officers. The review of the communication training is not due to take place until the autumn. The committee therefore has a range of options open to it</p> <ol style="list-style-type: none"> 1) agree the proposed changes now and put them forward for adoption noting that a further review is likely soon; 2) make no changes pending the review of the training on respectful communication; 3) make no changes at all.
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2.00	RESOURCE IMPLICATIONS
2.01	There are no extra resource requirements as a result of the proposed amendments to the protocol.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Chief Officers and HR have been consulted on proposed amendments to the Protocol. Should the proposed amendments be agreed by the Committee then they will be considered by the Constitution and Democratic Services Committee before being reported to Full Council for adoption.

4.00	RISK MANAGEMENT
4.01	There are minimal risks associated with the issues in this report.

5.00	APPENDICES
5.01	<p>Appendix A – the Protocol on Member/Officer Relations showing tracked changes</p> <p>Appendix B – “clean copy” of the Protocol on Member/Officer Relations</p>

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>The Flintshire Standard</p> <p>Contact Officer: Gareth Owens, Chief Officer, Governance Telephone: 01352 702344</p>

	E-mail: Gareth.Legal@flintshire.gov.uk
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7.00	GLOSSARY OF TERMS
7.01	Public Services Ombudsman for Wales - Public Services Ombudsman for Wales is a statutory role to consider complaints about public services in Wales and complaints that members of local authorities have broken the Code of Conduct.