

## 5.5 PROTOCOL ON MEMBER/OFFICER RELATIONS

### 1 INTRODUCTION

- 1.1 A good relationship between Councillors and officers is characterised by mutual respect and trust, and is essential to the successful working of the organisation. Councillors and officers speak to each other openly and honestly. Nothing in this Protocol is intended to change this relationship.
- 1.2 The purpose of this Protocol is to help Councillors and officers perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this Protocol lies with the Chief Executive Officer and the Monitoring Officer.
- 1.3 The Protocol must be read and operated in the context of all relevant legislation, national and local Codes of Conduct, the Council's Complaints and Whistle blowing procedures and any other procedure for confidential reporting.

### 2 ROLES OF COUNCILLORS AND OFFICERS

- 2.1 The respective roles of Councillors and officers can be summarised as follows:

Councillors and officers are servants of the public and they are indispensable to one another. Their responsibilities are distinct.

Councillors are responsible to the electorate and set policy and direction. Officers are responsible to the Council.

An Officer's job is to give advice to the Council, and to carry out the Council's work under the direction and control of the Council, the Executive, and relevant committees, etc.

Mutual respect and co-operation between Councillors and officers is essential to good local government

- 2.2 Councillors

Councillors have four main areas of responsibility:

- \_\_\_ contributing to determining the policy of the Council and giving it leadership,
- \_\_\_ monitoring and reviewing the performance of the Council in implementing that policy and delivering services
- \_\_\_ representing the Council in their local areas and externally
- \_\_\_ acting as advocates on behalf of their constituents.

All Councillors should respect the impartiality of officers' information and advice, must not ask them to undertake work of a party political nature, or to do anything that would put them in difficulty in the event of a change in the political composition of the Council.

Councillors should recognise that no officer should be expected to give political advice, and those that are in 'politically restricted' posts are specifically debarred from engaging in active political work.

When dealing with Council business, Members should be mindful of the provisions relating to interests in the Code of Conduct, and avoid involvement in matters that could be deemed to be breaches of these provisions. Members should also be aware of legislative constraints on their behaviour. For example, they should not visit certain Council establishments without the appropriate checks having been completed.

### 2.3 Members of the Executive and Chairmen.

Members of the Executive and Chairmen and Vice Chairmen of Committees, Boards, Panels etc. have additional responsibilities and their relationships with Council employees may be different from, and more complex than those of Councillors without those responsibilities. A list of these Members current responsibilities, which were accepted in principle by the County Council at its meeting on 18 July 2002, is attached for information at Appendix A of this protocol.

### 2.4 Officers

An officer's role is:

- \_\_\_ to give advice and information to all Councillors on an impartial basis and
- \_\_\_ to implement the policies determined by the authority, provided the policies are within the law.

In all advice, including reports, it is the responsibility of the officer to express his/her own objective advice in a professional manner, and make recommendations based on these. An officer may report the views of individual Councillors on an issue. If the Councillor wishes to express a view contrary to the recommendation, he/she should not seek to pressure the officer to make a recommendation contrary to the officer's professional view.

Certain officers e.g. Chief Executive Officer, Monitoring Officer and Head of Finance (Section 151 Officer) have responsibilities in law over and above their obligations to the Council and to individual Councillors. These obligations should be respected. These officers must not be obstructed in the discharge of these responsibilities, and/or be victimised for discharging these responsibilities.

## 3 EXPECTATIONS

### 3.1 Councillors can expect from officers:

- (a) A commitment to the Council as a whole, and not to any political group
- (b) A working partnership
- (c) An understanding of and support for respective roles, workloads and pressures
- (d) Timely response to enquiries and complaints
- (e) Objective advice, not influenced by political views or preference, which does not compromise the political neutrality of officers
- (f) Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold
- (g) Awareness of and sensitivity to the political environment
- (h) Respect, courtesy and dignified behaviour appropriate to the occasion

- (i) Training and development in order to carry out their role effectively
- (j) A high level of integrity and confidentiality, appropriate to the situation
- (k) Not to have officers' personal issues raised with them outside the agreed procedures
- (l) That they will not attempt to influence improperly any Councillor to advance officers' personal interests or influence improperly a decision
- (m) At all times compliance with the Code of Conduct for Officers
- (n) Support for the role of Councillors as the local representatives of the Council, within any scheme of support for Councillors, which may be approved by the authority.

### 3.2 Officers can expect from Councillors:

- (a) A working partnership
- (b) An understanding of and support for respective roles, workloads and pressures
- (c) Leadership and direction
- (d) Respect, courtesy and dignified behaviour appropriate to the occasion
- (e) A high level of integrity and appropriate confidentiality, appropriate to the situation
- (f) Not to be subject to bullying or to be put under undue pressure to accord with a Councillor's wishes
- (g) Not to use their position or relationship with officers improperly to advance their personal interests, or those of others, or influence improperly decisions
- (h) That Councillors will at all times comply with the Council's Code of Conduct.

### 3.3 Limitations upon Behaviour

The distinct roles of Councillors and officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:

- (a) Close personal relationships between Councillors and officers can confuse these separate roles and get in the way of the proper discharge of the Council's functions, not least in creating the perception in others that a particular Councillor or officer may secure advantageous treatment. Where close personal relationships do exist it is necessary to ensure that confidential knowledge is respected and not discussed inappropriately.
- (b) The need to maintain the separate roles means that there are limits to the matters on which officers should be expected to give advice. Officers are unlikely to be able to give advice on personal matters and party political matters.
- (c) Relationships with particular individuals or party groups should not be such as to create public suspicion that an employee favours that Councillor or group above others. The issue of officer attendance and advice to political groups is specifically covered below.

## 4 POLITICAL GROUPS

4.1 The operation of political groups is now an integral feature of local government, and such political groups have an important part to play in the development of policy and the political management of the Council. It is in the interests of the Council to support an effective operation of political groups, but the operation of political groups can pose particular difficulties in terms of the impartiality of officers.

### 4.2 Officer Attendance

- (a) Any political group may request the Statutory Officers, Strategic Directors or Heads of Service to attend a meeting of the group to advise on any particular matter relating to the Council.
- (b) An Officer may decline a request to attend if he/she is of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.
- (c) Officers' advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the Council. Advice will not deal with any political implications of the matter or any option, and officers will not make any political recommendation to a political group.
- (d) Where an officer attends a political group, the Chief Executive Officer will advise all other groups that the officer has attended and the subject upon which he/she has advised, and ensure that other groups are afforded the same opportunity.
- (e) Officers will respect the confidentiality of any lawful matter, which they hear in the course of attending a political group meeting.

## **5 WHEN THINGS GO WRONG**

### **5.1 Procedure for officers**

From time to time the relationship between Councillors and officers may break down or become strained. If this is the case, matters may be resolved informally, or through conciliation by an appropriate senior manager or Councillor. Officers also have recourse to the Grievance Procedure, Whistleblowing Procedure, or to the Council's Monitoring Officer, as appropriate to the circumstances. Should a grievance or complaint be upheld, the matter will be referred to the Chief Executive Officer, who, having advised the Leader of the Council and the appropriate group leader, will decide on the course of action to be taken, following consultation with the Chairman and Vice Chairman of the Standards Committee.

## 5.2 Procedure for Councillor

In the event that a Councillor is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the appropriate Head of Service. Where the officer concerned is a Head of Service, the matter should be raised with the appropriate Strategic Director. Where the officer concerned is a Strategic Director, the matter should be raised with the Chief Executive Officer. Where the employee concerned is the Chief Executive Officer, the matter should be raised with the Head of Human Resources. If the matter cannot be resolved informally, it may be necessary to invoke the Council's Disciplinary Procedure.