

8. Protocol for Member/Officer/Staff Relations

Good member/officer/staff relations, based on mutual respect and understanding, are essential to the effective operation of the council. Members and Officers/Staff are servants of the public and they are indispensable to one another. But their responsibilities are distinct. At the heart of the Members' and Officers' Codes of Conduct and this protocol, is the importance of mutual respect. Member/officer/staff relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and officers/staff should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.

Role of Members

Members are responsible to the electorate and serve only so long as their term of office lasts. The Constitution sets out detailed job profiles reflecting the many and varied roles and responsibilities which members may take on at various times whilst they sit on the council. In undertaking those roles and responsibilities, elected councillors are required to operate within the law, the Constitution and within local and national codes and protocols. Members must always act in the public interest. Ultimately however, members are accountable to the electorate through the ballot box.

Role of Officers/Staff

Officers are paid by the council and staff are paid employees of the council (not of elected members). Officers/staff are also required to operate within the law, the Constitution, local and national codes and protocols and must always act to achieve the objectives of the council. Ultimately, officers are accountable under their contracts and staff are accountable under their contracts of employment. Some officers/staff are in politically restricted posts and cannot stand for election, nor hold certain posts in political parties

Officers/staff have a duty to provide information, advice and recommendations to elected members. Such information, etc, can be given both formally and informally, but where significant or potentially controversial issues are at stake should be given formally and in writing.

It must be recognised by all officers/staff and members that in discharging their duties and responsibilities, officers/staff serve the council as a whole and not any political group, combination of groups or any individual member of the council.

Proper, open dialogue between elected members and officers/members of staff of all grades and seniority is essential to good governance. In order to ensure that dialogue is mutually respectful, productive and contributes to the effective running of the council, certain principles should be followed.

Member Decision Making

Officers/staff should never lobby members or otherwise improperly seek to influence their decision making, nor should they seek to act for personal rather than professional motives.

The principal focus of member decision making is to determine policy and strategic objectives. Members will only exceptionally be involved in operational or managerial decisions designed to deliver those policies and strategic objectives. One exception to this principle is that members sitting in a regulatory capacity will take decisions which affect the rights of individuals, for example

in relation to development management and licensing matters, to which specific codes of practice apply.

Member decision making is always formal, public and auditable on the basis of written reports and advice from relevant officers.

Accordingly, members should not purport to give instructions directly to officers/members of staff on an informal basis, except to the small number of officers/staff contracted/employed specifically to provide support services to elected members.

Members need to be aware that some, particularly more junior, officers/members of staff can feel intimidated by direct approaches by members, and in particular should avoid being in a position where they could be seen as asking an officer to act against council policy, against the officer's/member of staff's professional judgement or otherwise under pressure from the member.

Provision of Information

Members have a need to know a wide range of information, but there are some limits to their rights. In order to protect the council and those about whom information is held, officers/staff are entitled to request members identify the purpose for which they require information. Those purposes may only be in connection with the members' duties as an elected member and not for personal, political or other purposes.

Equally on the rare occasions when a request by a member for information is refused, the member is entitled to request written reasons and that a copy of those reasons is sent to the Monitoring Officer for advice.

Officer's/Member of Staff's Advice

Advice by officers/staff must be confined to council business and must be sought and given, in a manner which will avoid compromising the political neutrality required of employees.

Many officers/members of staff are willing to be contacted by members at home outside normal working hours, but this step should only be taken in cases of genuine importance or urgency or by prior arrangement.

Group Briefings

Political groups may request private and confidential briefings, including the provision of written information on matters of policy, which are, or may become, the subject of discussion by the Full Council, Cabinet or any committee.

Officers/members of staff must respect the confidentiality of any political group discussions at which they are present in the sense that they should not relay the content of any such discussion to another political group.

Attendance by officers/members of staff at group meetings may be requested, but officers will always have the option of declining to attend and giving written advice as an alternative. It is not usually considered good practice for officers to attend such briefings alone.

Officer/staff support must not extend beyond providing information and advice in relation to matters of council business. Officers must not be involved in advising on matters of party business.

Group Leaders and members who receive such advice will treat it as strictly confidential to the council and must ensure that, if such advice is further shared or disseminated within their groups, their groups understand that the advice is confidential to the council and not to be disclosed further under any circumstances.

In relation to budget proposals:

- (a) The Leader and Cabinet are entitled to confidential information and discussions with officers regarding options and proposals. These will remain confidential until determined by the Executive or until published in advance of Cabinet/Committee/Council meetings, whichever is the earlier; and
- (b) Opposition groups are also entitled to confidential information and discussions with officers to enable them to formulate alternative budget proposals. These will remain confidential until determined by the respective political groups or until published in advance of Cabinet/Committee/ Council meetings, whichever is the earlier. Officers giving such advice must not be named in public.

It must not be assumed by any party group or member that any officer is supportive of any policy or strategy developed because of that officer's/member of staff's assistance in its formulation.

Complaints and Criticism

Neither officers/staff nor members should pass comment about officers/staff in a way which could be taken as personally critical of, or as undermining, that officer/member of staff. Similarly, it is never the role of an officer/member of staff to criticise or undermine a member.

A member should not raise matters relating to the conduct or capability of an officer/member of staff in a manner that is incompatible with the objectives of this protocol. This is a longstanding tradition in public service. An officer/member of staff has no means of responding to such criticisms in public. Complaints about officers should be made to their head of service, or where necessary, to their Director or the Chief Executive. Such complaints will be dealt with by appropriate disciplinary, capability or other established procedure.

Complaints about elected members should be made to the Monitoring Officer. A breach of this protocol may be evidence of a breach of the Member Code of Conduct.

Except as part of an appointment and employment committee or appeals committee panel, members are prevented by law from becoming involved in matters relating to individual officers/employees. Information about disciplinary, capability or other employment processes are one of the exceptions to the rights of members to access information.

Cabinet and Overview and Scrutiny Function

The Constitution of the council establishes a separation of powers between the Cabinet and the scrutiny committees. Officers/staff owe an equal duty to both the Cabinet and the Overview and Scrutiny function. Sometimes real or perceived conflicts may arise, for example, when the scrutiny function wishes an officer/a member of staff to explain their advice in relation to a controversial policy or decision. In such circumstances, conflict can be avoided by officers advising impartially on the relative merits of alternative approaches.

Advice and Guidance

This protocol deals with general principles and is not designed to address particular circumstances. Advice can be sought from the Monitoring Officer or Chief Executive whenever difficult situations arise.

Personal/Family/Financial Relationships

Usually it is incompatible with good member/officer/staff relations for close personal, or any financial, relationships to develop between officers/staff and members. Very occasionally there may be exceptions to this rule, and/or that family relationships will exist.

Where there are unusually close relationships (and in the case of any financial relationships) guidance should be sought and the relationship notified in writing to the officer's/employee's Director (or in the case of Directors to the Chief Executive).