

APPENDIX J: Protocol on Councillor/Officer Relations

1. Introduction

- 1.1 The relationship between Members and Officers is an essential ingredient that goes into the successful working of the organisation. This relationship within the District Council is characterised by mutual respect, informality and trust. Members and Officers feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is rather to help Members and Officers to 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.
- 1.2 The Protocol must be read and operated in the context of any relevant legislation and national and local Codes of Conduct and any procedure for confidential reporting.
- 1.3 For the avoidance of doubt, failure to comply with this Protocol on Councillor/Officer Relations may constitute a breach of the Members' Code of Conduct or the Code of Conduct for Employees.
- 1.4 Members and Officers may carry out their roles from a home environment and it will not always be necessary or possible for face-to-face meetings to take place. Both Members and Officers recognise this as a feature of the modern workplace and must endeavour to meet each other through agreed channels and at agreed times so as to avoid unnecessary difficulties.

2. Roles of Members and Officers

- 2.1 The respective roles of Members and Officers can be summarised as follows:

Members and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Members and to the District 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 between Members and Officers is essential to good local government.

Members

- 2.2 Members as Councillors have four main areas of responsibility:

- (a) determining the policy of the District Council and giving it political leadership;
- (b) monitoring and reviewing the performance of the Council in implementing that policy and delivering services;
- (c) representing the Council externally; and
- (d) acting as advocates on behalf of their constituents.

It is not the role of Members to involve themselves in the day to day management of the Council's services. Furthermore, Members may not approach individual Officers to discuss operational areas of work without first raising the issue with the relevant Chief Officer.

Members of the Executive, Chairmen and Vice-Chairmen

- 2.3 Members of the Executive and Chairmen and Vice-Chairmen of Committees, Boards, Groups etc. have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from, and more complex than those of other Members without those responsibilities, and this is recognised in the expectations they are entitled to have. However, such Members must still respect the impartiality of Officers, must not ask them to undertake work of a party political nature, or to do anything which would put them in difficulty in the event of a change in the political composition of the authority.

Officers

- 2.4 The role of Officers is to give advice and information to Members upon which they may determine policy issues and to implement the policies determined by the Council, and to provide advice to Members as to how this might properly be done.
- 2.5 In giving such advice to Members, and in preparing and presenting reports, it is the responsibility of the Officer to express his/her own professional views and recommendations. Whilst an Officer may report the views of individual Members on an issue, if the Member wishes to express a contrary view he/she should not seek to pressure the Officer to make a recommendation contrary to the Officer's professional view.
- 2.6 Certain Officers, for example the Chief Executive (Head of Paid Service), Chief Officer - Finance and Trading (Section 151 Officer) and the Head of Legal and Democratic Services (Monitoring Officer), have responsibilities in law over and above their obligations to the Council and to individual Members. Members must respect these obligations, must not obstruct Officers in the discharge of these responsibilities and must not victimise Officers for discharging any such obligation.

3. Expectations

3.1 Members can expect from Officers:

- (a) a commitment to the District 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) professional 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 which 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, dignity and courtesy;
- (i) training and development in order to carry out their role effectively;
- (j) integrity, mutual support and appropriate confidentiality;
- (k) not to have personal issues raised with them by Officers outside the agreed procedures;
- (l) that employees will not use their relationship with Members to advance their personal interests or to influence decisions improperly;
- (m) that Officers will at all times comply with the relevant Code of Conduct for Employees;
- (n) support for the role of Members as the local representatives of the authority, within any scheme of support for Members, which may be approved by the Council.

3.2 Officers can expect from Members:

- (a) a working partnership;
- (b) an understanding of and support for respective roles, workloads and pressures;
- (c) political leadership and direction;
- (d) respect, dignity and courtesy;
- (e) integrity, mutual support and appropriate confidentiality;

- (f) not to be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of Officers in determining what are reasonable requests, having regard to the power relationship between Members and Officers, and the potential vulnerability of Officers, particularly at junior level;
- (g) that Members will not use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly;
- (h) that Members will at all times comply with the relevant Code of Conduct;
- (i) that Members will recognise the boundaries between the Officer's personal and office life, even if that Officer is working from home, and will not seek to approach Officers other than through work channels.

Limitations upon Behaviour

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

- (a) close personal relationships between Members and Officers can confuse these separate roles and get in the way of the proper discharge of the Authority's functions, not least in creating the perception in others that a particular Member or Officer may secure advantageous treatment;
- (b) the need to maintain the separate roles means that there are limits to the matters on which they may seek the advice of Officers, both in relation to personal matters and party political issues;
- (c) relationships with a particular individual or party group should not be such as to create public suspicion that an employee favours that Member 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 the effective operation of political groups, but their operation can pose particular dangers in terms of the impartiality of Officers.

Reports:

- 4.2 (a) any political group may request the Chief Executive to prepare written reports on matters relating to the Council for consideration by the group;
- (b) Officer reports 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. Reports will not deal with any political implications of the matter or any option, and Officers will not make any recommendations to a political group.

Officer Attendance:

- 4.3 (a) any political group may request the Chief Executive and/or a Chief Officer to attend a meeting of the group to advise on any particular matter relating to the Council;
- (b) the Chief Executive and/or a Chief Officer may arrange for the attendance of a representative in his/her stead, or may decline to attend or to provide a representative where 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 recommendation to a political group;
- (d) Officers and Members will respect the confidentiality of any matters, which are discussed in the course of attending a political group meeting.

5. When Things Go Wrong

Procedure for Officers

- 5.1 From time to time the relationship between Members and Officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or Members, Officers will have recourse to the Council's Grievance Procedure or to the Council's Monitoring Officer, as appropriate to the circumstances. In the event of a grievance or complaint being upheld, the matter will be referred to the Chief Executive, who, having advised the Leader of the Council and the appropriate group leader, to the Standards Committee for consideration and determination.

Procedure for Members

- 5.2 In the event that a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate Chief Officer. Where the Officer concerned is a Head of Service

or Chief Officer, the matter should be raised with the appropriate Chief Officer or with the Chief Executive. Where the employee concerned is the Chief Executive, the matter should be raised with the Head Human Resources. If the matter cannot be resolved informally, it may be necessary to invoke the Council's Disciplinary Procedure.

6. Updates

- 5.1 Both Members and Officers recognise that the workplace may change from time-to-time. In particular, new technologies are replacing established ways of working. Flexible hours, remote attendance at meetings and other innovations have enhanced productivity, attracted residents to elected office and reduced staff turnover.
- 5.2 The role of elected Members is not static. Members may experience pressures today which were unheard of yesterday. It is inevitable that there will be future challenges which put pressure on the relationship between Members and Officers but which could not have been envisioned at the time this Protocol was adopted.
- 5.3 For that reason, Members agree that the Monitoring Officer may periodically update this Protocol on Councillor and Officer Relations as necessary to reflect the changing nature of both employment and elected Membership of the Council.