



Member/Officer Protocol

Background

1. This protocol is intended to assist Councillors and employees in approaching some of the sensitive circumstances which arise in a challenging working environment. The reputation and integrity of the Council is significantly influenced by the effectiveness of Councillors, the Town Clerk and other staff working together to support each other's roles. The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy. Close personal familiarity should be avoided.

Roles of Councillors and Employees

2. The respective roles can be summarised as follows:
Councillors and Officers are servants of the public and they are indispensable to one and other, but their responsibilities are distinct. Councillors 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 Councillors and to the Council, and to carry out the Council's work under the direction and control of the Council and relevant committees.

Councillors

3. Councillors have four main areas of responsibility:
 - To determine council policy and provide community leadership;
 - To monitor and review council performance in delivering services;
 - To represent the council externally; and
 - To act as advocates for their constituents.
4. All Councillors have the same rights and obligations in their relationship with the Town Clerk and other employees, regardless of their status or political party, and should be treated equally.
5. Councillors should not involve themselves in the day to day running of the Council. This is the Town Clerk's responsibility, and the Town Clerk will be acting on instructions from the Council or its Committees, within an agreed job description.

Chair and Vice-Chair of the Council and Committees

6. Chair and Vice-Chairs have additional responsibilities. These responsibilities mean that their relationships with employees may be different and more complex than those of other Councillors. However, they must still respect the impartiality of Officers and must not ask them to undertake work of a party political nature, or to do anything which would prejudice their impartiality.

Officers

7. The role of Officers is to give advice and information to Councillors and to implement the policies determined by the Council. In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the Officer to express his/her professional views and objective and evidenced recommendations. An Officer may report the views of individual Councillors on an issue, but the recommendation should be the Officer's professional view. If a Councillor wishes to express a contrary view they should not pressurise the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging his/her responsibilities.

Expectations

8. All Councillors can expect:
 - A commitment from Officers to the Council as a whole, and not to any individual Councillor, group of Councillor's or political group;
 - A working partnership;
 - Officers to understand and support respective roles, workloads and pressures;
 - A timely response from Officers to enquiries and complaints;
 - Officer's professional advice, not influenced by political views or personal preferences;
 - Regular, up to date, information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold;
 - Officers to be aware of and sensitive to the public and political environment locally;
 - Respect, courtesy, integrity and appropriate confidentiality from Officers;
 - Training and development opportunities to help them carry out their role effectively;
 - Not to have personal issues raised with them by Officers outside the council's agreed procedures;
 - That Officers will not use their contact with Councillors to advance their personal interests or to influence decisions improperly;
 - That Officers will at all times comply with the relevant code of conduct.

9. Officers can expect from Councillors:
 - A working partnership;
 - An understanding of, and support for, respective roles, workloads and pressures;
 - Leadership and direction;
 - Respect, courtesy, integrity and appropriate confidentiality;
 - Not to be used to make a political statement;
 - Not to be bullied or to be put under undue pressure;
 - That Councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
 - That Councillors will at all times comply with the council's adopted Code of Conduct.

Relationship Between Members and Officers

10. Councillors need to remember that the Council as a whole is the Employer and that as such they are not entitled to sensitive data about individual employees unless it is within their capacity as a member of the Personnel Committee and in collaboration with an Officers line manager. All information regarding officers is strictly confidential.
11. It is important that any dealings between Members and Officers, both written and oral, should observe professional standards of courtesy.
12. The relationship between Members and Officers will be enhanced by friendly relations. However, mutual respect and the belief that Officers are providing objective professional advice to Members must not be compromised. Members and Officers should be cautious in developing close friendships.
13. To avoid reputational damage to the Council, disagreements between Members and Officers should be acknowledged and resolved in private, rather than in public or through the media.
14. This policy prohibits Members raising matters related to the conduct or capability of employees in public. They must be aware of the lines of accountability within service areas and must not apply pressure to an Officer to act in a manner contrary to the instructions of his or her line manager.
15. Officers must not allow their personal or political opinions to influence or interfere with their work. Officers should not take part, and Members should not ask Officers to take part, in any activity which could be seen as influencing support for a political party. Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business.
16. Officers must not be involved in advising Members on matters of party political business.
17. Officers must respect the confidentiality of any party group discussions at which they are present. They should not relay the content of any such discussion to another party group or the media. If Officers receive information which, although confidential, they have a duty to disclose elsewhere (e.g. under FOISA legislation), Officers must indicate that this is the case.
18. Both Members and Officers should adhere to the rules and regulations set by Council to manage committee business, for example, Procedural Standing Orders and Committee Terms of Reference and Delegated Functions.
19. Special care needs to be exercised if Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members. Such persons will not be bound by the Councillors' Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality). Officers may not be able to provide the same level of information and advice as they would to a meeting where those in attendance are bound by the provisions of the Code.

20. Some Officers are in posts which are “politically restricted” by law. This means that individual postholders are prevented from carrying out any active political role either outside or inside the Council.
21. Members should raise with the Town Clerk any concerns about the political neutrality of an Officer.
22. Officers should ensure that they provide the necessary respect and courtesy due to Members in their various roles. Equally, Members should ensure that they provide the necessary respect and courtesy due to Officers in their roles.
23. Members should not put pressure on an Officer with regard to matters which have been delegated for Officer decision under the Scheme of Delegation to Officers. Officers should be left to make decisions that are objective and can be accounted for; and are fair and consistent in their application.
24. Members should not bring influence to bear on any Officer to take any action which is contrary to law or against the Council's approved procedures, including but not limited to the following procedures: a breach of Personnel procedures; conflict with standing orders; or policies.

Confidentiality

25. Both Members and Officers have access to information which has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. Confidential information must never be disclosed or used for personal or political advantage or to the disadvantage or the discredit of the Council or anyone else. The Town Clerk will instigate any appropriate investigations into actual or alleged breaches of confidence in relation to the release of confidential information.

Political Groups

26. Party political groups have no power to require the Town Clerk or any other employee to attend group meetings or to prepare written reports for them, and employees can legitimately refuse to do so. The Town Clerk and other Officers are responsible to the Council as a whole and should not take action under instructions from any individual Councillor, even if he/she has been styled as ‘Leader’ of the council.
27. The Town Clerk will ensure that any reports or advice offered to a political group are statements of relevant facts, with an appraisal of options and do not deal with the political implications of the matter or options, or make any recommendations. It is not the Town Clerk’s job to make recommendations to a political group.
28. If a report is prepared for one political group, the Town Clerk will advise all other political groups that the report has been prepared, or that advice was given.

Complaints

29. Procedure for officers. The relationship between Councillors and the Town Clerk (or other employees) may break down or become strained. Whilst it is always preferable to resolve matters informally, through conciliation by an appropriate third party, it is important to adhere to the Council's formal grievance policy.
30. The Unitary Council's Monitoring Officer may be able to offer a mediation/conciliation role or it may be necessary to seek independent advice. For example, the Society of Local Council Clerks may be able to provide an independent person.
31. If a Councillor is dissatisfied with the conduct, behaviour or performance of the Town Clerk or another employee, the matter should be raised with the Town Clerk in the first instance. If the matter cannot be resolved informally, it may be necessary to invoke the council's disciplinary procedure.