

# Protocol on Member/Officer Relations

## 1. Introduction

Standards of Conduct for members and officers are contained in separate Codes of Conduct set out in this Constitution. Whilst these are detailed documents, they do not cover explicitly some of the issues arising from the close working relationships which are needed between the members and officers if high value quality services are to be delivered and if the mutual confidence of members and officers is to be maintained. Any misunderstandings on these issues can, particularly at times of great uncertainty and change, give rise to unnecessary stresses and tensions which, if not resolved, can harm the effectiveness of these relationships. This protocol cannot and does not seek to cover every eventuality, but it does seek to strengthen the good working relationships which already exist, to clarify possible areas of doubt and to offer advice as to how any difficulties which might arise can best be resolved properly and speedily without recourse, if possible, to the Council's more formalised procedures. Advice on the interpretation of the protocol will be given by the Monitoring Officer.

## 2. Underlying Principles

- (a) The following general principles apply to all relations involving Members and Officers:-

All relations shall be conducted:-

- with respect for others and in a way which promotes equality;
- with honesty and integrity;
- acknowledging the duty to uphold the law and act in accordance with the trust placed in them by the public;
- in a way which promotes objectivity, accountability and openness;
- acknowledging the duty of confidentiality that exists in relation to information given in confidence and which the Council is entitled by law to treat as confidential;
- with a view to establishing and promoting positive working relationships.

- (b) Much of this protocol primarily concerns the relationship between members and senior managers, but the same principles apply to all employees (termed officers in the Constitution).

### 3. Roles and Responsibilities

#### (a) Members

All members have important roles to play which will include representing the views of their constituents and promoting the welfare of the communities they represent and acting together as the full Council. The Council will appoint members to serve on the Cabinet, Scrutiny and Council Committees as appropriate. Members can also be appointed to represent the Council on a range of external bodies whose work is of importance to the Council and the community. Further details on the rights and responsibilities of members are set out in the Protocol on Members' Rights in this Constitution. The role and conduct of members is also defined by statute, primarily the Local Government Act 2000.

#### (b) Officers

- (i) Officers are employed by and serve the whole Council. They are responsible for the day-to-day managerial activities and operational decisions which the Council takes and should provide support to all members in their several roles. All officers whether or not they hold politically restricted posts as defined by the Local Government & Housing Act 1989, must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions to interfere with their work. They should at all times maintain impartiality and be aware of the potential for conflict in providing effective support to members. Where an officer feels that her/his political neutrality or integrity is being compromised in any way, s/he will notify her/his Director and where appropriate the Head of Paid Service. All officers are required to abide by the County Council's Anti-Fraud and Corruption Strategy and also the Council's Code of Conduct for Officers set out in this Constitution.
- (ii) Directors have responsibilities and accountabilities to the Head of Paid Service who has responsibilities for the proper management of the Authority's officers. Some officers have specific statutory responsibilities as statutory office holders as well, such as the Monitoring Officer and the Chief Finance Officer; these are set out in this Constitution. Officers are responsible to the Council through their line manager and ultimately their Director and the Head of Paid Service. The Council places considerable importance on effective communication and consultation with its officers and the Protocol on Consultation with Employees in this Constitution sets out the formal arrangements for this. Directors and senior managers are also expected to foster effective communications

for those for whom they are responsible and to ensure that effective mechanisms are in place for doing this.

#### **4. The Relationship Between the Cabinet and Officers**

The Head of Paid Service, Directors and other senior officers, will inevitably need to work closely with members of the Cabinet if there is to be effective executive decision-making. This relationship has to function without compromising the ultimate responsibilities of officers to the Council as a whole, and with due regard to such technical, financial, professional and legal advice that officers legitimately provide. The Cabinet will seek advice from the relevant officers before taking decisions. Appropriate officers should also attend decision-making meetings of the Cabinet as required.

#### **5. The Relationship Between the Scrutiny Committees and Officers**

- (a) Where Scrutiny Committees are undertaking policy development and review activities commissioned by the Cabinet, officer advice and support will be made available by Directors responsible for managing those activities. It shall be the duty of all officers to provide the support necessary to enable a Scrutiny Committee to undertake policy development and review activities commissioned by the Cabinet.
- (b) Where a Scrutiny Committee commissions work as part of its own programme of reviews (whether internal to the Council or external), or wishes to review a decision to be made or which has been made by the Cabinet, then officer advice and support will be provided by those staff who are directly allocated to support the scrutiny function. In addition, the Council will make funding available to enable a Scrutiny Committee to purchase internal or external support, and to pay the expenses of expert witnesses etc. to assist it in undertaking its scrutiny review role. It shall be the duty of all officers to comply with requests for information and assistance to enable the Scrutiny Committees to discharge their responsibilities effectively. The effective use of staff and financial resources will be overseen by the Co-ordinating Group of Chairmen and Deputy Chairmen as set out in the Scrutiny Procedure Rules of this Constitution.
- (c) A Scrutiny Committee may ask members of the Cabinet, Directors or their nominees to attend a meeting of that Committee in order that they can be questioned about their decisions and performance. The member or officer concerned will be given 10 working days notice of the meeting and informed about the issues to be raised and whether the Committee require any background information. Where, in exceptional circumstances the relevant person is unable to attend on the required date, an alternative date shall be arranged.

- (d) Where in (c) above officers are asked to attend meetings of Scrutiny Committees to answer questions, their evidence should as far as is possible be confined to questions of fact and explanation. Officers should explain what the policies are, the justification and objectives of those policies as the Cabinet sees them, the extent to which those objectives have been met and how administrative factors may have affected both the choice of policy measures and the manner of their implementation. Officers may also be asked to explain and justify decisions they have taken under delegated powers.
- (e) Where officers attend Scrutiny Committees in accordance with (c) above, they should as far as possible avoid being drawn into discussion about the merits of alternative policies where this is politically contentious. Where such comment is required this should be provided by a member of the Cabinet. Any comment by officers on the Cabinet's policies and actions should always be consistent with the requirement for officers to be politically impartial.
- (f) Where a Scrutiny Committee conducts investigations and asks people to attend its meetings to give evidence, such meetings are to be conducted in accordance with the following principles:
  - (i) That the investigation is conducted fairly and all members of the Committee are given the opportunity to ask questions, contribute and speak;
  - (ii) That those assisting the Committee are treated with respect and courtesy;
  - (iii) That the investigation is conducted so as to maximise the efficiency of the investigation or analysis.

## **6. Relationships Between Council Committees and Officers**

Committees of the Council shall seek advice from relevant officers before taking decisions and when considering any report or matter.

## **7. Respect and Courtesy**

- (a) For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between members and officers. This, too, plays a very important part in the Council's reputation and how it is seen in public. It is very important that both members and officers remember their obligations to enhance the Council's reputation and it is inappropriate for members to criticise individual officers personally in public forums where officers have no opportunity to respond.

- (b) If an officer is in breach of this requirement then her/his Director or the Head of Paid Service will need to consider whether there had been a breach of the Officers' Code of Conduct as set out in this Constitution, and what appropriate action would be taken. If a member is in breach, then the Leader of her/his political group within the County Council will treat the matter as extremely serious and, if appropriate, the Monitoring Officer will be asked to consider whether there has been a breach of the Members' Code of Conduct as set out in this Constitution.

## **8. Undue Pressure**

- (a) In their dealings with officers (especially junior officers) members need to be aware that it may be easy for officers to be overawed and feel at a disadvantage. Such feelings can be intensified where members hold official and/or political office. A member should not apply undue pressure on an employee, either to do anything that s/he is not empowered to do or to undertake work outside normal duties or outside normal hours.
- (b) Similarly, an officer must neither seek to use undue influence on an individual member to make a decision in her/his favour nor raise personal matters to do with her/his job nor make claims or allegations about other employees. The Council has formal procedures for consultation, grievance and discipline.

## **9. Familiarity**

Without detriment to the need for effective working relationships, particularly between the Cabinet and senior officers, close personal familiarity between individual members and officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information, or information which should not properly be passed between them, e.g. personal details. Such familiarity could also cause embarrassment to other members and/or other employees and even give rise to suspicions of favouritism. For instance, it is not generally appropriate for officers and councillors to request or accept each other as 'Friends' on social media such as Facebook.

## **10. Redress**

- (a) If a member considers that they have not been treated with proper respect or courtesy, they may raise it with the employee's line manager or Director without delay if they fail to resolve it through direct discussion. If the issue is not resolved, a member may raise the issue with the Head of Paid Service who will need to consider whether there had been a breach of the Officers' Code of Conduct as set out in this Constitution, and what appropriate action would be taken.

- (b) If an officer feels the same way about a member, s/he should raise the matter with her/his line manager or Director as appropriate without delay - especially if s/he does not feel able to discuss it with the member concerned. In such circumstances the Director will take such action as is appropriate, by approaching either the individual member and/or Party Group Leader. The Director will inform the Head of Paid Service and the Monitoring Officer if the Party Group Leader becomes involved, or in any other case where that is appropriate and will approach the Monitoring Officer if it seems that there has been a breach of the Members' Code of Conduct as set out in this Constitution.

## 11. Political Activity

- (a) Senior officers, except those specially exempted, cannot be local authority councillors or MPs, nor can they "speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party".
- (b) Officers are employed by the County Council as a whole and are ultimately responsible to the Head of Paid Service and not to individual members of the Council, whatever office they might hold. Their conduct is subject to the application of the County Council's employment policies and procedures and the Code of Conduct for Officers set out in this Constitution.
- (c) Where attendance of officers is requested at meetings of political groups the following will apply:-
  - (i) Officers must not be involved in advising any political group of the Council or attend any of their meetings in an official capacity without the express consent of their Director and the Head of Paid Service. All requests for attendance of Directors or their appropriate representative at group meetings shall be submitted by the appropriate political group to the Head of Paid Service with a brief note of the items to be discussed.
  - (ii) Directors invited to attend group meetings may be accompanied by such other officers as they consider necessary and such other Directors or their representatives as the Head of Paid Service may consider desirable in the light of the items to be discussed. No officer shall be required as a condition of her/his service to attend political group meetings, if s/he prefers not to do.
  - (iii) Where officers attend political group meetings, members present should be particularly mindful of the political neutrality of officers. Members should avoid making any comments which would compromise the integrity and impartiality of the officers present. They should also avoid situations which involve conflicts between the interests of the political group and the interests of the Council.

- (iv) Proceedings at group meetings are confidential and officers must not disclose information obtained from such meetings to other persons without the consent of the Leader of the Group concerned.
- (v) Meeting of Political Groups shall not be deemed meetings for the purposes of this Constitution.
- (vi) This procedure does not apply to Directors or, with the Directors' agreement, their staff involved in informal private meetings of the Cabinet with the County Council Management Team. Nor does this procedure obviate the necessity for regular contact between the Head of Paid Service, Directors and other senior officers and the Cabinet, the Leader and Deputy Leader of the Council and other members of the Cabinet, the Chair and Vice-Chair of the Council, the Chairs and Deputy Chairs of Scrutiny Committees and Council Committees, other members or the leadership of political groups.

## **12. Press and Media**

Officers dealing with the press and media, and any press/media releases that are issued on behalf of the Council, should not seek to further the interests of a political group or a particular member other than as a representative of the Council. The Council will follow such national codes and guidance on press and publicity as are in force from time to time.

## **13. Application of Protocol to Non-Councillors**

This Protocol shall apply as appropriate to non-councillors who are members of any Committee or Sub-Committee of the Council. They will also have the same rights to advice from officers on Council related matters as members have.