

**PROTOCOL ON MEMBER/OFFICER RELATIONS**

**1. PURPOSE AND SCOPE**

- 1.1 The purpose of this protocol is to guide members and officers of the Council in their relationships with one another. The Protocol is not prescriptive or comprehensive but supports and reflects the Codes of Conduct for officers and members contained within the Constitution.
- 1.2 The Protocol applies to all members and officers when acting in their official capacity.
- 1.3 A breach of this Protocol by members may constitute a Code of Conduct breach. A breach of this Protocol by officers may constitute a disciplinary matter.
- 1.4 The Council as an employer has a duty of care to protect employees from harm and regard has been had to the Council's Dignity at Work, Health and Safety Policies and other relevant Employee policies when developing this protocol.

**2. PRINCIPLES OF EFFECTIVE MEMBER-OFFICER RELATIONS**

- 2.1 Members and officers are public office holders and as such the Seven Principles of Public Life (Nolan Principles) apply to both. These principles are that members and officers act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership. This Protocol provides clear expectations around consistent behaviour which supports mutual respect and trust between members and officers and supports strong ethical conduct which is the overarching principle of member-officer relations.
- 2.2 Mutual respect and trust is the cornerstone to effective member-officer relations. Mutual respect and trust is a two-way street requiring active commitment from both members and officers to maintain healthy, professional working relationships. Trust has to be earned and maintained by both parties through consistent, respectful behaviour. Trust enables open, constructive dialogue. Members can feel confident that officers will provide honest, impartial advice and officers can trust that members will use that advice responsibly.
- 2.3 Constructive challenge is a vital part of this relationship: members have a responsibility to scrutinise recommendations and advice objectively, in support of transparency and accountability. Where it applies to their actions or advice, it is important that officers recognise that constructive challenge is not personal, but a legitimate and necessary aspect of good governance and continuous improvement.
- 2.4 When members and officers work together respectfully, it reflects positively on the authority. The public is more likely to trust an authority that demonstrates professionalism, unity and integrity in its internal relationships.

- 2.5 A breakdown in trust between members and officers can seriously undermine the effectiveness of the authority. When trust erodes, officers may hesitate to offer honest advice, fearing criticism. Members may disregard professional advice, leading to decisions which do not consider all potential implications (with a risk of unlawfulness). Operational boundaries can be blurred, causing inefficiencies, confusion and confrontation over respective roles. Public meetings can become arenas for confrontation, where officers feel personally challenged rather than having their advice or implementation constructively examined. Public confidence in the authority can suffer, especially if internal tensions become visible, damaging its reputation. Morale among officers may decline, resulting in disengagement and higher turnover. Ultimately, without mutual trust and respect, the authority's ability to govern effectively and serve its community is compromised.

### **3. ROLES AND RESPONSIBILITIES**

- 3.1 Members are elected by the public to represent their local communities. Their role is primarily strategic and political, and includes:
- deciding the authority's priorities, approving overarching budgets and setting the authority's high level strategic direction
  - acting as advocates for residents, raising concerns and ensuring local voices are heard
  - holding the executive and officers to account through scrutiny committees and other governance mechanisms
  - involvement in senior officer appointments/ dismissals as set out in the constitution.

Some members, especially those in executive or committee roles, also make decisions on services, policies and/or applications.

- 3.2 Officers are employed to provide expert professional advice, implement decisions, and manage day-to-day operations. Their role is operational and administrative, and includes:
- supporting members by providing professional, legal, and technical advice
  - implementing the decisions made by members and ensuring services are delivered effectively
  - day to day staff management, leading teams and overseeing budget, staff, performance standards and service delivery
  - ensuring the authority operates within legal and regulatory frameworks
  - providing information to members which they need to perform their roles.
- 3.3 Some officers also have specific responsibilities which are set out in legislation. For example, by law every local authority must appoint a Head of Paid Service (Chief Executive), a Monitoring Officer and a Section 151 Officer (Chief Finance Officer), each of whom have specific statutory duties to support lawful, ethical and financially sound decision-making. Regard must be had to the advice provided by or on behalf of these officers.
- 3.4 Both members and officers should respect the boundaries of their own roles. Members must not involve themselves in operational matters and officers must not engage in political activity in the authority. Senior officers in what are known

as ‘politically restricted posts’ are barred by law from engaging in any political activity and should demonstrate a higher level of impartiality.

#### 4. MEMBER/OFFICER RELATIONSHIPS

- 4.1 It is important that there are close working relationships between members and officers, particularly where officers are providing advice to Committee Chairs, Portfolio Holders or the Leader of the Council. Such relationships should however maintain professionalism and not become so close or appear to become so close that impartiality of the officer or Member is brought into question.
- 4.2 Where there is a close personal relationship between an officer and a member this should be reported to the Monitoring officer and the Chief Executive and can be recorded if appropriate in the relevant Register of Interests with appropriate mitigatory measure put in place to ensure impartiality.

#### 5. BEHAVIOURS

Below are some other examples of acceptable and unacceptable Member/officer behaviours.

**Table 1: Acceptable member behaviour**

Do	Don't
Treat all officers with dignity, respect and courtesy.	Personally attack or undermine officers.
Ask officers for advice on matters relevant to their role as member.	Ask officers to change professional advice.
Have regard to evidence and professional advice provided by officers when making decisions (but may accept or reject recommendations at formal meetings).	Attempt to bypass council processes or improperly influence decisions.
Provide political leadership and make timely decisions.	Get involved in day-to-day management or pressure officers making delegated decisions.
Act with integrity and maintain appropriate confidentiality.	Instruct officers to act unlawfully or improperly.
Declare personal interests relevant to council business.	Participate in processes or decisions involving relatives, friends or close associates.
Respect officers' free (i.e. non-Council) time.	

**Table 2: Acceptable officer behaviour**

Do	Don't
Treat all members with dignity, respect, and courtesy.	Form friendships or close relationships with members or appear to hold such relationships through conduct, for example visiting members home addresses for meetings.
Serve the Council as a whole, working to the instructions of their senior officers and alert to issues which are, or are likely to be contentious or politically sensitive.	-
Provide professional, impartial advice on policy, make recommendations and ensure operational delivery.	Let personal or political opinions interfere with service delivery or advice.
Follow procedures for member enquiries efficiently and within agreed timescales and keep members fully informed about significant issues which affect their wards.	Conceal information that should be disclosed to members.
Act with integrity and maintain appropriate confidentiality.	Seek to improperly influence members or disclose member information improperly.
Respect members' free (i.e. non-Council) time.	-

## **6 ADVICE TO PARTY GROUPS**

- 6.1 Officers may be called upon to give advice to political party groups. The support provided by such Officers can take many forms, ranging from a briefing meeting with a chair or spokesman prior to a committee meeting, to a presentation to a full party group meeting. Such support is available to all party groups.
- 6.2 Certain points must however be clearly understood by all those participating in this type of process, members and officers alike. In particular:-
- (a) Officer support in these circumstances must not extend beyond providing information and objective advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. Officers are not expected to be present at meetings, or parts of meetings, when matters of party business are to be discussed.
  - (b) party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
  - (c) similarly, where Officers provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a

substitute for providing all necessary information and advice to the relevant Council decision making body when the matter in questions is considered.

- 6.3 Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting which includes persons who are not members of the Council. Such persons will not be bound by the Code of Conduct for Members adopted by the Council (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons officers may not be able to provide the same level of information and advice as they would to a Councillors only meeting. The Senior Council Member at the Group meeting should inform the Officer(s) if any non-members of the Council are present.

## **7 COMMUNICATION**

- 7.1 Communication between members and officers should be respectful and professional at all times.
- 7.2 Officers should respond to members within appropriate timeframes and having regard to any specific statutory or corporate response times.
- 7.3 Officers should ensure members are aware of local issues to ensure they can effectively carry out their roles
- 7.4 All media relations must be conducted in accordance with the Council's agreed procedures and the rules on Local Authority Publicity.
- 7.5 Both officers and members must ensure compliance with Data Protection legislation, access to Information Rules (as set out in the Constitution) and confidentiality requirements when communicating with each other and should only communicate using appropriate channels.
- 7.6 Members and officers should have regard to the Social Media Protocols and guidance.

## **8 WHAT IF THINGS GO WRONG?**

- 8.1 If a member is dissatisfied with the conduct, behaviour or performance of an officer they should raise the matter privately with the relevant Director or Business Manager and not in a public forum. Other parties (including other members) should not be cc'd into correspondence relating to the conduct of an officer. If a member's concern relate to the conduct of a Director, the concern should be raised with the Chief Executive. If the concern relates to the conduct of the Chief Executive then the concern should be raised with the Monitoring Officer and Business Manager responsible for Human Resources.
- 8.2 If an employee is unhappy with the conduct or behaviour of a Councillor they should raise the matter in the first instance with their Director and the Monitoring Officer who will consider what action should be taken.

- 8.3 Complaints in relation to the conduct of members and officers should be confidential.
- 8.4 Not all concerns raised about conduct will amount to a Code of Conduct issue or a disciplinary matter. Many concerns raised can be addressed informally between parties, however where there is evidence of misconduct by members or officers the appropriate processes will be followed.
- 8.5 As an employer the Council will take all reasonable steps to provide a safe, healthy and fair working environment in which employees are treated with dignity and respect, and in which unacceptable behaviour is not tolerated.