

## **PART 5D - PROTOCOL FOR MEMBER/OFFICER RELATIONS**

### **1. Introduction**

#### **Purpose of the Protocol**

- 1.1 Together, members and officers of the Council combine the essential skills, experience and knowledge to manage an effective public sector organisation. They work together in the interests of the citizens of Central Bedfordshire. Members provide a democratic mandate to the Council whereas officers contribute professional expertise and experience to deliver the policy framework agreed by councillors.
- 1.2 Collaborative working is the accepted norm for member and officer relations in Central Bedfordshire Council, but it is important to recognise and take account of their different roles. This is important for day-to-day interaction between Members and officers and for the public perception of the Council; by ensuring transparency between the political role of Members and the professional, impartial role of officers.
- 1.3 The Protocol's purpose is to provide guidance on member-officer relations and to address some key areas of interaction. The Protocol is not intended to be comprehensive. Members and officers may seek advice from the Monitoring Officer on any matter not covered by this Protocol.
- 1.4 The Protocol should be read alongside other documents relevant to the interaction between Members and officers including any relevant legislation and national and local codes of conduct, conditions of service and any procedure for whistleblowing. Of particular importance in this context are the codes of conduct for Members and officers. These codes have direct relevance to many of the issues covered in the Protocol. The Planning and Licensing Codes of Good Practice are also important. These Codes can be found in the [Ethical Handbook](#). [Ethical Handbook](#).

## Quick Guide to Member and Officer Roles

<b>Members</b>	<b>Officers</b>
Democratically elected accountable to the electorate	Accountable to the Council
Community leader for their ward	Serve the whole Council.
Add a political dimension	Politically impartial
Set policy and strategy, including the Budget/Council Tax	Provide advice and operational delivery within budget
Bound by a statutory Code of Conduct	Bound by their contract of employment and the current Code of Conduct for Officers (these may be supplemented in the near future by a statutory code).
Involved in senior appointments only.	Responsible for the management of staff

### Application of the Protocol

- 1.5 The Protocol is adopted by full Council and applies to all elected and co-opted members of the Council and all officers employed or engaged by the Council. The term 'officer' refers to all the Council's employees. It also includes consultants and agency staff who work for the Council. Managers must bring the Protocol to the attention of officers as soon as they commence work. Where appropriate, the principles in this Protocol should be incorporated into contracts for services. This applies in particular to 'partnership' type contracts.

## 2. Principles of Member/Officer Relations

### Basic Principles

- 2.1 Like all effective partnerships, Member-officer relations are based on the following principles:-
- 2.1.1 Mutual trust and respect of the different roles of Members and officers;
  - 2.1.2 A common purpose; providing the best possible service to the residents and other stakeholders of Central Bedfordshire Council;
  - 2.1.3 A commitment to non-confrontational resolution of disputes.

- 2.2 Mutual trust and respect is based upon an understanding of the distinct contribution Members and officers make and respect for the boundaries between those roles. A key principle for officers is their political impartiality; they serve the whole Council and not particular groups or Members. This is particularly important for some officers, who occupy politically restricted posts and are therefore prevented by law from engaging in political activities beyond party membership.
- 2.3 Further, some officers hold posts with mandatory statutory responsibilities including the Chief Executive, the Monitoring Officer and Chief Financial Officer. Members must respect these responsibilities and accept that these officers may be required to give advice or make decisions which Members may not agree with or support.

### **Expectations**

- 2.4 Members can expect and will receive from officers:-
- 2.4.1 A commitment to the Authority as a whole, and not to any political group;
  - 2.4.2 A working partnership;
  - 2.4.3 An understanding of and support for respective roles, workloads and pressures;
  - 2.4.4 Timely response to enquiries and complaints;
  - 2.4.5 Professional and balanced advice, based on evidence and including options, not influenced by political views or preference, which does not compromise the political neutrality of officers;
  - 2.4.6 Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
  - 2.4.7 Awareness of and sensitivity to the political environment;
  - 2.4.8 Respect, dignity and courtesy;
  - 2.4.9 Training and development in order to carry out their role effectively;

- 2.4.10 Integrity, openness, mutual support and appropriate confidentiality;
- 2.4.11 Not to have personal issues raised with them by officers outside the agreed procedures;
- 2.4.12 That officers will not use their relationship with Members to advance their personal interests or to influence decisions improperly;
- 2.4.13 That officers will at all times comply with the Code of Conduct for Officers.

2.5 Officers can expect and will receive from Members:-

- 2.5.1 A working partnership;
- 2.5.2 An understanding of and support for respective roles, workloads and pressures;
- 2.5.3 Political leadership and direction;
- 2.5.4 Respect, dignity and courtesy;
- 2.5.5 Integrity, openness, mutual support and appropriate confidentiality;
- 2.5.6 Not to be subject to bullying, harassment or to be put under undue pressure. Members should have regard to the seniority of officers in determining what reasonable requests are, having regard to the relationship between Members and officers, and the position of officers, particularly at junior levels;
- 2.5.7 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;
- 2.5.8 That Members will at all times comply with the Code of Conduct for Members.

If these expectations are not met then difficulties are likely to arise and this may lead to complaints and the dispute resolution procedure in section 8 may need to be used.

- 2.6 The remainder of this Protocol addresses specific areas of Member-officer interaction

### **3. Working Arrangements**

- 3.1 Members and officers work together on a regular basis in meetings, committees and less formal settings. It is inevitable that relationships will form and to ensure the principles of Member-officer relations are upheld, the following guidance applies.

#### **Forms of Address and Conduct at Meetings**

- 3.2 In formal Council, Executive, committee or sub-committee meetings:-
- 3.2.1 Members should normally be referred to by their office: e.g. Leader, Chairman or Councillor and, otherwise, normal courtesies shall be observed;
  - 3.2.2 Relations can be friendly and cordial but not over familiar, as the public or other Members and officers could perceive this as inappropriate or favouritism;
  - 3.2.3 Criticism should be constructive and not personal;
  - 3.2.4 Officers will not allow themselves to be drawn into a party political debate.
- 3.3 This guidance also applies to informal meetings to the extent that all present consider it necessary. Members and officers should ensure that their interaction does not embarrass others, suggest favouritism or personal dislike or otherwise damage working relationships.

#### **Personal Relationships**

- 3.4 If a friendship or closer relationship (including relatives) exists or forms between a Member and an officer, this needs to be addressed openly. Friendship is likely to be something closer than an acquaintance or work colleague and include some social interaction. In such situations:-
- 3.4.1 Members should seek advice from the Monitoring Officer and, if in doubt, must declare their interest at formal and informal meetings;
  - 3.4.2 Officers must raise the matter with their Assistant Director or Director to discuss appropriate action.

## 4. Supporting Political Groups and Individual Members

### Support for Political Groups

- 4.1 Political groups (including the Cabinet) may ask the Chief Executive (or the relevant Director) for a briefing on Council business. If the Chief Executive or the Director agrees, the following principles will apply:-
  - 4.1.1 Only senior officers will give briefings (although they may be accompanied by junior officers with specialist knowledge);
  - 4.1.2 Briefings will cover Council business only and officers will not be asked or allow themselves to be involved in a political discussion or discussion of any other matter than the subject of the briefing;
  - 4.1.3 Briefings given to one group will be available to any political group, on request;
  - 4.1.4 Officers will respect the confidentiality of political group meetings;
  - 4.1.5 Officers may refuse to brief meetings attended by a non-member (except for other council officers), as they are not bound by the Code of Conduct's obligations of confidentiality and also, other than the above, officers must not attend political party meetings, as this may jeopardise their impartiality;
  - 4.1.6 Briefings are not a substitute for the provision of information and advice in formal Council meetings.
- 4.2 For clarity, briefings are restricted to the political groups within the Council and do not include any meeting arranged by a political party itself.

## 5. The Management of Officers

5.1 Although officers will support, advise and respond to Members' requests, the law is clear that only other officers can manage officers. This means that:-

5.1.1 day to day management of officers is the responsibility of managers and ultimately the Chief Executive, acting as Head of the Paid Service;

5.1.2 officers will comply with all reasonable requests from members but individual Members cannot instruct officers to do any piece of work or take any course of action;

5.1.3 officers will not seek any Member's support in any employment or other dispute or a Council appointment or promotion except in so far as is provided at paragraph 1.2 of the Officer Employment Procedure Rules at [Part 4K-Part H4](#) of the Constitution;

5.1.4 Members are responsible for the recruitment and appointment of the Chief Executive, Directors, the Chief Finance Officer and the Monitoring Officer, in accordance with the Council's Officer Employment Procedure Rules;

5.1.5 officers are responsible for the recruitment of all other officers;

5.1.6 a Member's role in any formal action against an officer or grievance involving an officer is limited to reporting an officer's actions to their manager and/or as a witness (except where the Officer Employment Procedure Rules at [Part 4K-Part H4](#) of the constitution provide otherwise);

5.1.7 when representing the Council at meetings about industrial relations matters, Members must remember that they represent the Council as an employer and are not there to represent the officers. This applies in particular to meetings with trade union representatives. If any Member considers that they cannot undertake this task from this perspective, they should withdraw from this role.

## 6. Access to Information

6.1 To carry out their duties effectively, Members must have broad access to Council information. The following principles apply here:-

6.1.1 Members' access to information will be compliant with their statutory and common law rights (see [Part 4F Access to Information Procedure Rules Appendix A](#) for details);

6.1.2 Officers will not withhold information from a Member who is entitled to receive it (see [Part 4F Access to Information Procedure Rules Appendix A](#) for details);

6.1.3 Where confidential, personal or otherwise sensitive information is provided to a Member, they will deal with that information in accordance with the Members' Code of Conduct at [Part 5A Part F2](#) of the Constitution;

6.1.4 Any disputes relating to access to information will be referred to the Monitoring Officer for determination;

6.1.5 Further information on access to information is available in [Part 4F Access to Information Procedure Rules at Appendix A](#).

### 6.1.6 Use of IT Systems

- a) Members are bound by the terms of the Council's Acceptable Use Policy when using Council systems and must sign the Policy prior to accessing systems and data;
- b) under no circumstances should Council information identified as RESTRICTED be forwarded from Council email addresses to external email addresses. Great care must be taken when sending an email marked as PROTECTED outside the Council's network to ensure that it is addressed only to authorised recipients;
- c) access to Council email from a fixed location, such as a home or workplace address, will be provided, using a personally owned device such as a laptop or personal computer, and the Council's Citrix system and a two-factor authentication token;



- d) Members may synchronise their Council email and calendars with their smartphone or tablet devices providing the approved mobile device management solution has been installed and configured on the device. Members agree that the Council can wipe the Council email and calendar information from the smartphone / tablet device if it is lost or stolen. This application does not provide the Council with access to any other data stored on the device.

## **Members' Enquiries**

- 6.2 Members' enquiries may be communicated by any means.
- 6.3 Officers will make every effort to provide a substantive response to a Member enquiry within **2 working days**, but if a substantive response cannot be provided officers will acknowledge receipt of the enquiry. If it is not possible to provide a substantive response within 5 working days, officers must explain:-
  - 6.3.1 The reason for the delay;
  - 6.3.2 What action is being taken to pursue the enquiry; and
  - 6.3.3 The timescale within which a substantive response will be sent, which must be within 15 days, unless agreed otherwise by the Member and officer.
- 6.4 Directors are responsible for ensuring that Member enquiries are dealt with promptly and accurately in their Directorates.
- 6.5 Where an enquiry imposes a disproportionate burden on an officer's work, this should be explained and discussed with the Member concerned and senior management to agree an alternative deadline and/or response.
- 6.6 Members' enquiries, which are in fact constituent complaints, will be handled under the Council's Complaints Procedure.
- 6.7 This Members' enquiry procedure supplements and does not replace Members' statutory and common law rights to information.
- 6.8 Co-opted and independent Members' right of access to information will be limited to those areas that fall within the remit of the body to which they are appointed and their statutory rights.

## **7. Media Relations and Publicity**

7.1 The Council's Communications Service leads on all media and publicity events. The following principles are relevant to Member-officer relations and the media:-

7.1.1 Members and officers will comply with the Council's Media and Publicity Protocol when speaking for or on behalf of the Council;

7.1.2 Members are free to speak to the media on any matter on behalf of a political party or as an individual but should make this clear in any statement made;

7.1.3 Officers must also act in accordance with the Code of Conduct for Officers when speaking about the Council in public.

## **8. When things go wrong: dispute resolution**

8.1 The Council's experience is that Members and officers work well together and with few formal complaints. However, it is still necessary to have a clear process to handle complaints.

8.2 The key principle for dispute resolution is that both Members and officers are committed to informal, non-adversarial solutions. Where a dispute arises, the first step should be for both parties to seek to resolve any differences informally between themselves or, where necessary, with the assistance of a manager.

8.3 When an informal resolution is not possible, the following processes will apply.

### **Formal complaints about officers**

8.4 Members should make any formal complaints about officers to their Director or the Chief Executive, copied to the Monitoring Officer. The matter will be investigated and the Member will be informed of the complaint's progress and outcome.

8.5 In appropriate cases, breaches of this Protocol may also constitute offences under the Code of Conduct for Officers and in such cases, disciplinary action may be taken.

8.6 Members must remember that the decision to take formal action against an officer and the action taken is the sole responsibility of management. A Member's evidence will be considered but Members must:-

8.6.1 respect the confidentiality of the investigation and disciplinary process;

8.6.2 not seek improperly to influence the action taken against an employee;

8.6.3 accept the management decision.

### **Formal complaints about Members**

8.7 An officer's complaint about a Member should be reported to the Chief Executive and copied to the Monitoring Officer and the officer's Head of Service or Director.

8.8 The Monitoring Officer will, where appropriate, investigate the complaint and report the outcome to the Chief Executive, the Member, the officer and officer's Director or Head of Service.

8.9 In appropriate cases, the Monitoring Officer will notify the relevant political group leader of the complaint and his/her findings.

8.10 The Monitoring Officer will seek to find a resolution to the complaint which is mutually acceptable to the Member and officer concerned. If this is not possible then the Monitoring Officer will recommend necessary actions.

8.11 If the Monitoring Officer considers that in breaching the terms of this Protocol, the Member may have breached the Code of Conduct for Members, then an appropriate referral will be made.

### **Interaction with the Members' Code of Conduct and the Whistleblowing Policy**

8.12 A complaint against a Member may disclose evidence of a breach of the Code of Conduct. The Protocol's aim is, in part, to provide guidance and resolve disputes informally and thereby prevent Code of Conduct complaints. However, an officer's use of the dispute resolution procedure in this Protocol does not prohibit them from making a complaint under the Code of Conduct about the same matter.

8.13 Equally, officers and members are not prevented by this Protocol from using the Council's Confidential Reporting Policy (also known as 'Whistleblowing'), particularly for matters involving potential fraud, deception or other criminality.

## 9. Monitoring and Review

9.1 The Protocol will be monitored and reviewed by the Council's General Purposes Committee on an annual basis.

## 10. Further sources of information

Topic	Source
Employment and appointment of officers	Officer Employment Procedure Rules Officer Terms and Conditions of Employment
Member conduct	The Code of Conduct for Members The Monitoring Officer <a href="http://www.standardsboard.co.uk">www.standardsboard.co.uk</a> Planning and Licensing Codes of Good Practice
Officer conduct	Code of Conduct for Officers
Media and Publicity	Media and Publicity Protocol Statutory Recommended Code of Practice on Local Authority Publicity
Complaints	Corporate Complaints Policy
Whistleblowing	Confidential Reporting Policy and Anti-Fraud Strategy
Members' Access to Information	<del>Appendix A.</del> Access to Information Procedure Rules
Freedom of Information and Data Protection	Freedom of Information and Data Protection Acts <a href="http://www.informationcommissioner.gov.uk">www.informationcommissioner.gov.uk</a>

