

PROTOCOL FOR OFFICER/MEMBER RELATIONS

A Protocol for Employee/Councillor Relations

1. Purpose of the Protocol

- 1.1** The Protocol sets a framework to assist Councillors (including any Co-opted Members) and Employees of the Council to work together in a spirit of co-operation and mutual respect. The objective is to ensure that Councillors receive objective and impartial advice and that Employees are protected from accusations of bias and any undue influence in the execution of their duties.

2. Basis of the Protocol

- 2.1** To support the principles of the Codes of Conduct
- 2.2** To support Councillors and Employees in their roles as servants of the public, each with their distinct responsibilities. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Employees are responsible to the Council, and carry out the Council's work under the direction and control of the Council, their committees and subcommittees
- 2.3** To generate mutual respect and assist Employees and Councillors observe high standards of courtesy and probity in their working relationships

3. Dealing with a breakdown in relationships

- 3.1** Where a Councillor has a concern or cause for complaint about an Employee's performance or behaviour s/he should attempt to resolve the issue through informal discussion in private. If that fails, the matter should be taken up with the Employee's line manager.
- 3.2** Where an Employee has cause for complaint against a Councillor, s/he should raise the matter informally with the Councillor in private. Where this is not possible or fails to resolve the issue, the matter should be raised with the Employee's line manager or if the line manager is unable to deal with the issue, the matter can be referred to the appropriate Director.

NB Nothing in 3.2 prevents an Employee making a complaint that a Councillor has breached the Code of Conduct direct to the Monitoring Officer.

4. Provision of Employee advice to Councillors and Party Groups

- 4.1** Employees serve the Council as a whole and not any political grouping or individual Councillor. Employees must always operate in a fair and even-handed manner.
- 4.2** Employee support is limited to information and advice on Council business. It does not extend to Party or external business.

- 4.3 Employees need to be aware that should they attend political group meetings these may include non-members of the Council who are not subject to the Council of Conduct.
- 4.4 When providing information or advice to political groups, Employees must at all times maintain confidentiality and political neutrality.
- 4.5 Requests from Councillors for written factual information about service delivery or other operational issues must be appropriate, reasonable and proportionate. Councillors must not seek information on such matters as case work, eg benefits, grants, individual personal matters, etc.
- 4.6 The Monitoring Officer will arbitrate on any dispute as to provision of information with a final appeal to the Chief Executive who will consult with the relevant Group Leader(s) before reaching a final decision.

Advice on budget proposals

- 4.7 The governing Administration shall be entitled to confidential discussions with Employees regarding their budget options and proposals.
- 4.8 The Opposition shall be entitled to confidential discussion with Employees to enable them to formulate alternative budget proposals.
- 4.9 In both cases, options and proposals remain confidential until such time as the Administration or Opposition decide to release them.
- 4.10 Any issue or uncertainty concerning advice on budget proposals should be raised with the Chief Executive who will discuss them with the relevant Group Leader.

5. Provision of Support Services to Members and Party Groups

- 5.1 By law, the Council may only provide support services (e.g. office services and logistics) to Councillors to assist them in discharging their role as elected members of the Council. They should never be used in connection with party political or campaigning activity or for private purposes.

6. Councillors' Access to Information and to Council Documents

- 6.1 Councillors may request such information, explanation and advice as they reasonably need in order to assist them in discharging their role as an elected member of the Council. Such approaches should normally be made to the appropriate Employee.
- 6.2 Councillors have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted by the Council. This right does not, however, apply to documents relating to certain items which may appear as a confidential green item on the agenda for a meeting. Councillors have the same rights as members of the public under Freedom of Information legislation.

- 6.3** The common law right of Councillors is much broader and is based on the principle that any Councillor has a right to inspect Council documents in so far as access to the document is reasonably necessary for the proper performance of his/her Council duties. This principle is commonly referred to as the “need to know” principle. There is no right to “a roving commission”.

Further advice in connection with access to information can be obtained from the Monitoring Officer.

7. Employee/Cabinet Member Relationships and lines of authority.

- 7.1** Whilst some Employees work closely with Cabinet members, it is important that professional “distance” is maintained so as not to compromise the Employee’s impartiality.
- 7.2** Whilst Cabinet Members will routinely be consulted as part of the process of drawing up proposals for consideration or the agenda for a forthcoming meeting, the content of any report provided to the Cabinet will be the responsibility of, and reflect the professional judgement of the appropriate report author. Any issues arising between a Cabinet Member and a Director in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.
- 7.3** Resolutions may be passed, which authorises named Employees to take action between meetings following consultation with a Councillor or Councillors. In all cases, it is the Employee who takes the action and is accountable for it.
- 7.4** Employees are accountable to their Director and whilst Employees should always seek to assist a Councillor, they must not exceed the authority they have been given by their Director.

8. Correspondence

- 8.1** Correspondence between an individual Councillor and an Employee should not normally be copied to any other Councillor without the permission of the Councillor.
- 8.2** Official letters on behalf of the Council should normally be sent in the name of the appropriate Employee, rather than in the name of a Councillor. It may be appropriate in certain limited circumstances (eg. representations to a Government Minister) for a letter to appear in the name of a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

9. Involvement of Ward Councillors.

- 9.1** Whenever a consultative exercise or public meeting is organised by the Council, all the Councillors representing the Ward or Wards affected should as a matter of course, be notified and invited to attend any meeting.

- 9.2** Employees should consider whether policy or briefing papers, or other topics being discussed with a Cabinet Member, should be discussed with relevant Ward Councillors. Employees should seek the views of the appropriate Cabinet Member(s) as to with whom and when this might be done.

10. Publication of the Employee/Councillor Protocol

- 10.1** Copies of the Protocol will be issued to all Councillors along with other documentation upon election or appointment.
- 10.2** Questions of interpretation of this Protocol will be determined by the Monitoring Officer.

11. Establishing Good Employee/Councillor Relations – Checklist

11.1 Employees should:

- Work with Councillors in a spirit of mutual respect and co-operation.
- Remember that as an Employee, you serve the Council as a whole and not any particular group or individual.
- Maintain impartiality.
- Maintain political neutrality.
- Respect confidentiality.
- Observe the protocols with regard to access to information.
- Try to resolve any issues with Councillors informally and in a spirit of understanding. Formal complaints must always be handled in accordance with the Council's Procedures.

11.2 Councillors should:

- Respect confidentiality.
- Respect the impartiality of WBC Employees.
- Place no undue pressure on WBC Employees to operate outside their remit.
- Observe the protocols with regard to access to information.
- Promote equality and mutual respect between Councillors and Employees. Check that your behaviour and action does not constitute discrimination, bullying or harassment against Employees.
- Try to resolve any issues with Employees informally and in a spirit of understanding. Formal complaints must always be handled in accordance with the Council's Procedures.