

## Elmswell Parish Council

### **PROTOCOL ON MEMBER/OFFICER RELATIONS**

*adopted 18.10.10*

#### Introduction

Mutual trust and respect between Members and Officers is essential to ensure good governance. They are essential to the partnership necessary for the effective running of a town/parish council to succeed.

In order to ensure that relationships do not go awry, it is advisable to have a written protocol, which can cover matters, such as:-

- The respective roles and responsibilities of Members and Officers
- Relationships between Members and Officers
- Clarifying where the town/parish clerk should go to if he or she has concerns
- Clarifying who is responsible for making decisions

It should be noted that this protocol should be amended to reflect the particular circumstances of the council.

It is essential that council Members and Officer(s) should sign up to and own the protocol if it is to be effective.

The fundamental principles will remain the same regardless of the nature and size of the council, but smaller councils which do not operate on party political lines may wish to modify some of the detailed provisions.

## **MODEL PROTOCOL ON MEMBER/OFFICER RELATIONS**

### **1. BACKGROUND**

- 1.1 This protocol is intended to assist Councillors and officers in approaching many of the sensitive circumstances which arise in a challenging working environment.
- 1.2 The integrity of the Council is significantly influenced by the effectiveness of Councillors and officers working together to support each other's roles. The pursuit of rapport, trust and collaboration is an elusive and continuing challenge for each Councillor and officer. These conventions are intended to be an important support to that process.
- 1.3 The aim is to produce effective professional working relationships between members and officers. Close personal familiarity between individual members and officers is to be avoided, since this distorts the productive, professional relationship, which is characterised by mutual trust, respect and courtesy.

### **2. ROLES OF COUNCILLORS AND OFFICERS**

- 2.1 The respective roles of Councillors and officers 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 authority, and to carry out the authority's work under the direction and control of the Council and relevant committees.

Mutual respect between Councillors and officers is essential to good local government.

- 2.2 Councillors

Councillors have four main areas of responsibility:

- (a) determining the policy of the authority and giving it political and public leadership,
- (b) monitoring and reviewing the performance of the authority in implementing policies and delivering services,
- (c) representing the authority externally, and
- (d) acting as advocates on behalf of their constituents.

It is not the role of councillors to involve themselves in the day to day management of the authority's services.

### 2.3 Chairs and Vice Chairs of Committees

Chairs and Vice Chairs of committees have additional responsibilities. Because of those responsibilities, their relationships with employees may differ from, and be more complex than those of Councillors without those responsibilities, and this is recognised in the expectations they are entitled to have. However, such Councillors must still respect the impartiality of officers, must not ask them to undertake work of a party political nature, or to do anything which would put them in difficulty in the event of a change in the composition of the authority.

### 2.4 Opposition Councillors

As individual Councillors, all Councillors have the same rights and obligations in their relationship with officers and should be treated equally. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between officers, particularly those at a senior level in the organisation, and the administration will differ from that with opposition groups.

### 2.5 Officers

The role of officers is to give advice and information to Councillors and to implement the policies determined by the authority.

In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations. Whilst an officer may report the views of individual Councillors on an issue, if the Councillor wishes to express a contrary view he/she should not seek to pressure the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging his/her responsibilities.

## **3. EXPECTATIONS**

### 3.1 Councillors can expect from officers:

- (a) a commitment to the authority as a whole, and not to any individual member or group of members or political group
- (b) a working partnership
- (c) an understanding of and support of respective roles, workloads and pressures

- (d) timely response to enquiries and complaints
- (e) professional advice, not influenced by political views or preference, which does not compromise the political neutrality of officers
- (f) 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
- (g) awareness of and sensitivity to the public and political environment
- (h) respect and courtesy
- (i) training and development in order to carry out their role effectively
- (j) integrity, mutual support and appropriate confidentiality
- (k) not to have personal issues raised with them by officers outside the agreed procedures
- (l) that officers will not use their contact with Councillors to advance their personal interests or to influence decisions improperly
- (m) that officers will at all times comply with the relevant Code of Conduct
- (n) support for the role of Councillors as the local government representatives of the authority, within any scheme of support for Councillors which may be approved by the authority

3.2 Officers can expect from Councillors:

- (a) a working partnership
- (b) an understanding of and support for respective roles, workloads and pressures
- (c) leadership and direction
- (d) respect and courtesy
- (e) integrity, mutual support and appropriate confidentiality
- (f) not to be subject to bullying or to be put under undue pressure. Councillors should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between Councillors and officers, and the potential vulnerability of officers, particularly at junior levels.

- (g) 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
- (h) that Councillors will at all times comply with the relevant Code of Conduct

### 3.3 Limitations upon behaviour

The distinct roles of Councillors and officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:

- (a) Close personal relationships between Councillors and officers can confuse these separate roles and get in the way of the proper discharge of the authority's functions, not least in creating the perception in others that a particular councillor or officer may secure advantageous treatment.
- (b) The need to maintain the separate roles means that there are limits to the matters on which they may seek the advice of officers, both in relation to personal matters and party political issues.
- (c) Relationships with particular individuals or party groups should not be such as to create public suspicion that an employee favours that Councillor or group above others. The issue of officer attendance and advice to political groups is specifically covered below.

## 4. **POLITICAL GROUPS \***

4.1 The operation of political groups is increasingly a feature of local government within Parish and Town Councils, and such political groups have an important part to play in the development of policy and the political management of the authority. It is in the interests of the authority to support the effective operation of political groups, but their operation can pose particular dangers in terms of the impartiality of officers.

### 4.2 Reports:

- (a) Political groups may request the Clerk to prepare written reports on matters relating to the authority for consideration by the group.
- (b) The Clerk's reports to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Reports will not deal with any political implications of the matter or any option, and the Clerk will not make any recommendation to a political group.

- (c) Where a report is prepared for a political group, the Clerk will advise all other groups that the report has been prepared.

#### 4.3 Officer Attendance

- (a) Any political group may request the Clerk to attend a meeting of the group to advise on any particular matter relating to the authority.

- (b) The Clerk may arrange for the attendance of a representative in his/her stead, or may decline to attend or to provide a representative where he/she is of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.

- (c) The Clerk's advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Advice will not deal with any political implications of the matter or any option, and the Clerk will not make any recommendation to a political group.

- (e) Where an officer attends a political group, the Clerk will advise all other groups that the officer has attended and the subject upon which he/she has advised.

- 4.4 Where correspondence from an officer to a member is copied to another person, the addressee of the letter will be made aware that a copy is being forwarded to that other person.

## 5. WHEN THINGS GO WRONG

### 5.1 Procedure for officers

From time to time the relationship between Councillors and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or Councillors, officers will have recourse to the Grievance Procedure or to the Council's Monitoring Officer, as appropriate to the circumstances. In the event of a grievance or complaint being upheld, the matter will be referred to the Clerk, who, having advised the Chairman of the Council will decide on the course of action to be taken.

NOTE: 1. In politicised Councils it may be appropriate to consult group leaders.

- 2. The Monitoring Officer may be able to offer a mediation/conciliation role or it may be necessary to seek independent advice. The Society of Local Council Clerks may be able to provide an independent person.

### 5.2 Procedure for Councillors

In the event that a councillor is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised

with the Clerk. Where the officer concerned is the Clerk, the matter should still be raised with the Clerk. If the matter cannot be resolved informally, it may be necessary to invoke the Council's disciplinary procedure.

- Note: It is NALC policy that party politics should have no place in parish Councils, the concept being that parish Councillors are there to serve their community as members of the community and should not be sidetracked by party political issues. It does not therefore encourage parish Councils to adopt political groupings.

(Extracted from the Parish Council Toolkit 3<sup>rd</sup> Revision 24<sup>th</sup> April 2009)