



## **MEMBER/OFFICER PROTOCOL**



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## **1. BACKGROUND**

- 1.1 This protocol is intended to assist Members (Councillors) and Officers (employees), in approaching some of the sensitive circumstances which arise in a challenging working environment.
- 1.2 The reputation and integrity of the Council is significantly influenced by the effectiveness of Councillors, the Clerk and other employees working together to support each other's roles.
- 1.3 The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy. Close personal familiarity should be avoided.

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

- 2.1 The respective roles of Councillors and employees can be summarised as follows:

Councillors and employees 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. Employees are responsible to the Council. Their job is to give advice to Councillors and to the Council, and to carry out the Council's work under the direction and control of the Council and relevant committees.

### **Councillors**

- 2.2 Councillors have four main areas of responsibility:

- To determine Council policy and provide community leadership;
- To monitor and review Council performance in delivering services;
- To represent the Council externally; and
- To act as advocates for their constituents.

- 2.3 All Councillors have the same rights and obligations in their relationship with the Clerk and other employees, regardless of their status or political party, and should be treated equally.

- 2.4 Councillors should not involve themselves in the day to day running of the Council. This is the Clerk's responsibility, and the Clerk will be acting on instructions from the Council or its Committees, within an agreed job description.

### **Chair and Vice-Chair of Committees**

- 2.5 Council and Committee Chairs and Vice-Chairs have additional responsibilities. These responsibilities mean that their relationships with employees may be different and more complex than those of other Councillors. However, they must still respect the impartiality of employees and must not ask them to undertake work of a party political nature, or to do anything which would prejudice their impartiality.

### **Officers**

- 2.6 The role of employees is to give advice and information to Councillors and to implement the policies determined by the Council.



2.7 In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the employee to express their own professional views and recommendations. An employee may report the views of individual Councillors on an issue, but the recommendation should be the employee's own. If a Councillor wishes to express a contrary view they should not pressurise the employee to make a recommendation contrary to the employee's professional view, nor victimise an employee for discharging their responsibilities.

### **3. EXPECTATIONS**

#### **3.1 All Councillors can expect:**

- a commitment from employees to the Council as a whole, and not to any individual Councillor, group of Councillor's or political group;
- a working partnership;
- Employees to understand and support respective roles, workloads and pressures;
- A timely response from employees to enquiries and complaints;
- Employee's professional advice, not influenced by political views or personal preferences;
- regular, up to date, information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold;
- Employees to be aware of and sensitive to the public and political environment locally;
- Respect, courtesy, integrity and appropriate confidentiality from Employees;
- training and development opportunities to help them carry out their role effectively;
- not to have personal issues raised with them by employees outside the Council's agreed procedures;
- that employees will not use their contact with Councillors to advance their personal interests or to influence decisions improperly;
- that employees will at all times comply with the relevant code of conduct.

#### **3.2 Employees can expect from Councillors:**

- a working partnership;
- an understanding of, and support for, respective roles, workloads and pressures;
- leadership and direction;
- respect, courtesy, integrity and appropriate confidentiality;
- not to be bullied or to be put under undue pressure;
- that Councillors will not use their position or relationship with employees to advance their personal interests or those of others or to influence decisions improperly;
- that Councillors will at all times comply with the Council's adopted Code of Conduct and other relevant Codes and guidance relating to ethical conduct, such as the Recommended Code of Practice for Local Authority Publicity.

#### **3.3 Some General Principles:**

- Close personal relationships between Councillors and employees can confuse their separate roles and get in the way of the proper conduct of Council business, not least by creating a perception in others that a particular Councillor or employee is getting preferential treatment.



- Special relationships with particular individuals or party political groups should be avoided as it can create suspicion that an employee favours that Councillor or political group above others.

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

- 4.1 Party politics should have no place in Town Councils. Councillors are there to serve their community as members of the community, and should not be side-tracked by party political issues. Party politics within a Town Council can pose particular difficulties in terms of the impartiality and councillors and employees should ensure that such difficulties are not created.
- 4.2 Party political groups have no power to require the Clerk or any other employee to attend group meetings or to prepare written reports for them, and employees can legitimately refuse to do so. The Clerk and other employees are responsible to the Council as a whole and should not take action under instructions from any individual Councillor, even if they have been styled as 'Leader' of the Council.
- 4.3 The Clerk should ensure that any reports or advice offered to political groups are statements of relevant facts, with an appraisal of options and do not deal with the political implications of the matter or options, or make any recommendations.
- 4.4 If a report is prepared for one political group, the Clerk should advise all other political groups that the report has been prepared, or that advice was given.
- 4.5 Should the Clerk require advice or guidance on matters relating to party groups or how to operate within a political environment, they should seek advice from their County Association of National Association of Local Councils, or from the Society of Local Council Clerks, as relevant.

#### **5. WHEN THINGS GO WRONG**

- 5.1 From time to time the relationship between Councillors and the Clerk (or other employees) may break down or become strained. Whilst it is always preferable to resolve matters informally, through conciliation by an appropriate third party, the Council has adopted a formal grievance and disciplinary procedure and has a Code of Conduct governing the ethical conduct of Councillors.
- 5.2 The District Council's Monitoring Officer may be able to offer a mediation/conciliation role or it may be necessary to seek independent advice. For example, the Society of Local Council Clerks may be able to provide an independent person.
- 5.3 The District Council's Monitoring Officer has a particular role in being the main contact for raising complaints about the conduct of Councillors, including bullying and harassment.
- 5.4 The law requires all employers to have disciplinary and grievance procedures. Adoption of a disciplinary and grievance procedure enables the employer and individual employees to raise concerns, problems or complaints related to employment in an open and fair way.
- 5.5 If a Councillor is dissatisfied with the conduct, behaviour or performance of the Clerk or another employee, the matter should be raised with the Clerk in the first instance. If the matter concerns the Clerk, it should be raised with the Mayor. If this cannot be resolved informally, it may be necessary to invoke the Council's disciplinary procedure. The Mayor should not attempt to deal with grievances or work related performance or line management issues on their own. The Council should delegate authority to a small group of Councillors to deal with all personnel matters.