

## **PROTOCOL FOR MEMBER-OFFICER RELATIONS**

### **WHY A PROTOCOL**

Members have adopted the Blaby District Council Vision, Mission, Corporate Priorities and Values as set out in Part 8 of the Constitution. These corporate values include: "Treat people fairly" and "Listen, learn and make a positive difference".

The purpose of this protocol is to guide Members and Officers of the Council in their relations with one another. It aims to promote the high standards in public office that are required for a modern local government.

This protocol seeks to establish the roles and responsibilities of Members and Officers to avoid confusion and misunderstanding and promote high standards of ethical conduct. Both Officers and Members need to understand the pressures both sides are under. Most problems between Members and Officers arise not from disagreements about policy but from a failure to understand the pressures that each other face when trying to make and implement policy.

For the effective conduct of Council business there must be mutual respect, trust, courtesy between Members and Officers in all meetings and contacts (both formal and informal).

Mutual understanding, openness on sensitive issues and basic respect are the greatest safeguards of the integrity of the Council, its Members and Officers.

The Protocol should be read in conjunction with the Council's Code of Conduct for Members.

## **10 GENERAL PRINCIPLES OF PUBLIC LIFE**

**See Appendix**

### **The Role of Members**

Members are elected democratically. It is their policies, ideas and decisions which people vote for. Members set the core values of the organisation, agree a policy framework, set the corporate goals and promote the Council in all its work. Members are also the key channels of democratic accountability, ensuring that Officers uphold the values of the organisation and deliver those policies that have been determined by democratic means. Members are the channel for the voices of the people in their wards but should remember that they are elected to represent the whole district.

As a Member attending a meeting of Council, or of a Committee or Sub-Committee, or in less formal settings, Members may have different roles:-

- the policy making role - deciding the broad direction of Council policy
- the executive role - deciding how those policies are to be delivered in practice
- the scrutiny role - holding executive Committees and Officers to account for their decisions and actions
- the ward Member role - representing the interests of individual residents or residents' groups within their ward, in the overall public interest.
- the regulatory role - deciding on planning and licensing matters etc.
- the performance monitoring role - monitoring performance

The Officers of the Council will support all Members to enable them to perform these roles effectively in the interests of the Council and the public. They will provide support, information and advice to Members to help them in these roles in accordance with the law and these protocols.

## **SUPPORT SERVICES FOR MEMBERS**

The Council provides a level of support services for Members. These include telephones, stationery, the use of photocopying facilities and IT facilities.

The only basis on which the Council can provide support services of this kind to Members is to assist them discharge their role as Members of the Council. They are for use on Council business and to help Members in their roles as advocates for their local communities. They must not be used for purely party political purposes.

Training and development programmes are arranged for Members. These may involve induction for new Members, presentations and discussions on particular topics, and training in relation to specialist areas of the Council's work, scrutiny for example.

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## **MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS**

### **Rights to information**

Blaby has a policy of Open Local Government. Information will be provided to the members of the public and Members of the Council (unless it falls within a list of items which are exempt or confidential or for other proper reasons). Councillors also have rights to access Committee papers and other information. These rights are set out within this Constitution. If you can establish to the Monitoring Officer that in order to carry out your duties as Councillor you need information to which you are not automatically entitled to have access, then you may be provided with such access.

Subject to the above, Members may approach any Council Service to provide them with such information, explanation and advice (about that Service's functions) as they may reasonably need in order to respond to a request for specific information. Such approaches should normally be directed to the Service Manager or another Senior Officer of the Service concerned.

### **Confidential Information**

Members are not entitled to confidential information which is not directly relevant to their role as a Councillor. Members should not request confidential information in order to use it for a purpose not legitimate for their role as a Councillor, because they are in a position of trust. A Member's motive for requesting confidential information is relevant and Members must be prepared to disclose the reason for their request. Members must not abuse this trust by disclosing information that is confidential or exempt from disclosure to the public.

Confidential information should not be disclosed to any third party unless:-

- the Member is legally compelled to do so, for example there is a legal duty to make disclosure in the public interest
- the disclosure is at the request, or with the consent, of the party that provided the information.

Members who believe that the disclosure of confidential information is necessary for the effective performance of their duties as Members should seek advice from the Chief Executive or the Monitoring Officer. Improper disclosure of confidential information can put the Council at legal and financial risk.

## **THE ROLE OF OFFICERS**

Officers are employed by the Council to manage the Council and help Councillors achieve their policy goals.

They advise Members to help them to take decisions in Committee, Sub-Committee and full Council.

Some Officers have personal statutory powers and duties, for example, the Officers designated as Head of Paid Service, the Chief Finance Officer, and the Monitoring Officer.

The Council has given delegated powers to certain Officers so that they can act and take decisions on behalf of the Council.

Professional Officers have a duty to give “honest advice” and to have their professional integrity respected (e.g. not be required to make recommendations they cannot professionally support). Officers may have to advise Councillors from time to time that certain courses of action cannot be carried out. Officers have a duty to give unbiased professional advice – even if it is not what Councillors want to hear.

Officers serve the Council through its Committees and other Council bodies. They work to the instructions of their Line Managers - not individual Members of the Council, (whatever office the Member might hold).

Officers must:-

- implement the decisions of Council, Committees and Sub-Committees and comply with Council policies
- inform Members of any significant decisions that they cannot fully implement
- be helpful and respectful to Members (and are entitled to respect in return)
- behave in a professional manner
- support all Members, not just those of the Controlling Administration.
- maintain appropriate confidentiality

## **THE COUNCIL AS EMPLOYER – THE MEMBER DIMENSION**

Members will be involved in individual staffing matters if they are a Member of a Committee or Panel set up for that purpose.

In other circumstances, Members must not become involved in the management of the Council (for example, all other disciplinary, capability or grievance processes are Officer-only affairs). They must not engage in activities which might undermine the management line of command or adherence to Council policy and procedures.

Members must not solicit a job with the Council for any person (but may give them a written testimonial) but otherwise must not seek to influence the recruitment process.

Canvassing support for a candidate for a job with the Council disqualifies the candidate from that job.

Officers must raise any personal matter to do with employment, or relating to any potential appointment through proper channels.

## **CONSTRUCTIVE CRITICISMS AND COMPLAINTS**

### **Criticism**

Members have a right to criticise reports or the actions taken by Officers, but they must always:-

- avoid personal attacks on Officers
- ensure that criticism is constructive and well founded and is made through the proper channels

Members should avoid undermining respect for Officers at Committee meetings, or any public forum. This is damaging both to the effective working relationships and to the public image of the Council. In general, Officers are unable to “answer back” or defend themselves against criticism in a public forum.

### **Complaints**

Complaints about Officers or Council services should be made initially to the relevant Service Manager, Chief Executive, Monitoring Officer or Chief Finance Officer as appropriate. Members also have a duty to raise any issues that they have reason to think might involve fraud or corruption of any sort.

## **OFFICER ADVICE/POLITICAL NEUTRALITY OF OFFICERS**

There is statutory recognition for party political groups. It is common practice for informal meetings to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision-making body or Officers under delegated powers.

The extent to which it is appropriate for Officers to attend meetings of this kind depends on the nature of the meeting, but the general principles governing the basis on which they attend and take part are the same. In principle, equivalent facilities are available to all political groups represented on the Council, if they so request.

Officers must maintain political neutrality. Officers and Members must respect this.

Officers should not attend party group meetings, or party political meetings involving party colleagues who are not Members of the Council, without the agreement of the Chief Executive. Conversely, the Chief Executive may arrange meetings with, or presentations to, party groups on particular topics.

Officers may attend briefing meetings with the Leader of the Council, Cabinet Members or Lead Members and/or Spokespersons, either on a specific topic or prior to a meeting.

Officer support in these circumstances should not extend beyond providing information and advice in relation to matters of Council business, and Officers should not be expected to be involved in advising on matters of party business.

Conclusions reached at such meetings do not rank as Council decisions, and should not be interpreted as such.

Officers must respect the confidentiality of any discussions at which they are present with Members. If Officers receive information which, although confidential, they have a duty to disclose elsewhere, they must indicate that this is the case.

Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

Certain Officers are subject to legal rules limiting their political activities outside work.

## **PERSONAL RELATIONSHIPS AND EXCESSIVE FAMILIARITY**

Mutual respect between Councillors and Officers is essential to good local government. Whilst it is important that there should be close working relationships, such relationships should never be so close, or appear to be so close as to bring into question the Officer's ability to deal impartially with other Members and other parties.

Close personal familiarity between individual Councillors and Officer can damage the relationship and prove embarrassing to other Councillors and Officers.

There is potential for improper behaviour if the normal professional relationship becomes either too cosy or too combative.

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Members and Officers should at all times avoid any situation which can give rise to suspicion and any appearance of improper conduct. This includes excessive socialising between employees and individual Councillors.

Members must declare to their Group Leader and to the Chief Executive any relationship with an Officer which might be seen as influencing their work as a Member. This includes any family, business or sexual relationships. Officers should disclose any such relationship to their Line Manager/and the Monitoring Officer, as appropriate.

## **COMBATIVENESS AND PRESSURE**

It is important that any dealings between Members and Officers both written and oral should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.

Members need to be especially careful about contact with less senior staff and should comply with any departmental arrangements. Members and Officers should be aware that problems often arise in informal situations, where Members and Officers are sometimes prone to lose their inhibitions.

Members should not put pressure on an Officer on matters which have been delegated for Officer decision. This might lead Officers to make decisions that:

- are not objective and cannot be accounted for
- favour unfairly one member of the public over another.

Nor should they bring undue influence to bear on an Officer to take any action which is against procedure or policy, such as

- a breach of Human Resources procedures
- a conflict with Standing Orders or
- a conflict with planning procedures and policies.

Members must declare any special relationships with constituents when dealing with Council Officers. Although Members are elected to represent the interests of their constituents, they should not seek special treatment for any individual.

## **WHISTLEBLOWING**

The Council's commitment to the highest standards of openness and accountability mean that both Officers and Members have a duty to:-

- raise with the Chief Executive or Head of Service or Directors any irregularities and matters which they feel have been dealt with improperly
- provide them with any evidence or relevant information they have
- demonstrate high regard for ethical standards

In particular, Members have a duty to raise any issues they have reason to think might involve fraud or corruption of any sort.

However, the Chief Executive will take appropriate action if frivolous or malicious allegations are made.

The provisions of this Code are in addition to the right of any Member or employee to raise an issue of concern with an appropriate body outside the Council. For example, she/he may choose to raise a criminal matter directly with the police.

Further advice or guidance can be obtained from:

Public Concern at Work - Telephone 0207 404 6609

(Public Concern at Work are an independent charity that provides free advice for employees who wish to express concerns about fraud or other serious malpractice)