

MEMBER-OFFICER PROTOCOL JANUARY 2025

Protocol for Member/Officer Relations

1 Introduction

- 1.1 Mutual trust and respect between members and officers is core to the Council's governance strategy and working culture. It is an essential partnership necessary for the effective and successful operation of the Council.
- 1.2 The Member Code of Conduct states " *The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.*" Therefore, this Protocol supplements the Member Codes of Conduct.
- 1.3 The Council has adopted Codes of Conduct for both officers and members. The Protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to members and officers. The shared objective of these Codes is to enhance and maintain the integrity (real and perceived) of local government.
- 1.4 This Protocol guides members and officers of the Council in their relations with one another. Members and officers have a responsibility to act fairly, honestly, in good faith.
- 1.5 Given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues, which most commonly arise. It is hoped however, that the approach, which it adopts to these issues, will serve as a guide to dealing with other issues.
- 1.6 Members and officers must always respect the roles and duties of each other. They must show respect in all their dealings and by not seeking to take unfair advantage by virtue of their position.

2 The Role of Members and Officers and Effective Relations

- 2.1 Members and officers are indispensable to one another and mutual respect between both is essential. It is important to recognise and take account of their different roles. This is necessary for the 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.
- 2.2 Members provide a democratic mandate to the council, whereas officers contribute to the professional expertise needed to deliver the policy framework agreed by members.
- 2.3 Members are accountable to the electorate and serve only for as long as their term of office lasts whereas officers are employees of the council and accountable to it.
- 2.4 An officer's role essentially is to put policies into effect and organise the provision of services. Officers may also be delegated by members to make policy decisions. Officers may have to advise members from time to time that certain courses of action cannot be carried out. Officers, therefore, have a duty to give unbiased professional advice.
- 2.5 Ultimately, officers serve the Council as a whole and not any political group, combination of groups or any individual member. Nonetheless, officers may properly be called upon to assist the deliberations of political groups and to help individual members in their different roles.
- 2.6 Mutual respect and good communication are the key to establishing good member and officer relations.
- 2.7 Where a personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the Officer on a personal basis.

2.8 In order to be effective, both members and officers should discuss together and agree the values and behaviours they expect from each other in a relationship of mutual trust.

2.9 Members and officers should communicate clearly and openly avoiding ambiguity and the risk of misunderstanding.

2.10 Members and officers should work in a spirit of partnership, to turn the council's core values and priorities into practical policies for implementation.

2.11 Officers can expect from members:

- political leadership and direction.
- respect, dignity and courtesy.
- Not to be treated or considered as subordinate or subservient but a partner within their respective roles.
- an understanding of and support for respective roles, workload and pressures.
- not to be subjected to bullying.
- not to be harassed or placed undue pressure.
- not to use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly.
- to comply with the Member Code of Conduct.

2.12 Members can expect officers to:

- behave in a professional manner and courteous manner.
- To respect, have dignity and courtesy.
- maintain confidentiality.
- perform their duties effectively, efficiently and with political neutrality.
- avoid personal close familiarity with members and not use their relationship with members to advance their personal interests or to influence decisions improperly.

- report to their director any time that a member asks or pressurises the officer to deal with a matter outside of Council procedure or policy.
- demonstrate an understanding of and support for respective roles, workload and pressures.
- comply with the Officer Code of Conduct

2.13

Communication and Consultation		
Political (Members)	Collaboration (Together)	Operational (Officers)
Being clear about the Council's priorities	Prioritisation taking account of aims and constraints.	Options and platforms for consultation and communication
Understanding people's concerns	Understanding and responding to community concerns	Managing and facilitating the change (meetings in the community etc)
Signalling political change	Focus on the positive	
	Promoting community interaction and leveraging community action	

Partnership Working		
Political (Members)	Collaboration (Together)	Operational (Officers)
<p>Understanding that councillors have a community leadership role that goes beyond the Council's services</p> <p>Be clear about what we can and cannot do (and what we are responsible for)</p> <p>Provide the political willingness to work in partnership and understand this may involve some loss of control/sovereignty</p>	<p>Agree services to be delivered in partnership</p> <p>Sign up to the aims and ambitions of the partnership</p> <p>Facilitate 'connectivity' – e.g. with parish and town councils, VCS</p> <p>Leveraging capacity from partnerships and communities</p>	<p>Being clear about the resource required to lobby or undertake work on behalf of a partner</p> <p>Resource and service partnerships as required</p>
Governance		
Political (Members)	Collaboration (Together)	Operational (Officers)
<p>Provide a political steer on political architecture and decision-making</p> <p>Providing a political steer on appetite for risk</p>	<p>Understand, oversee and approve key control mechanisms</p> <p>Set the approach to risk and be clear on the appetite for it</p>	<p>Advise on what is required to meet statutory obligations and ensure they are met</p> <p>Set and manage departmental budgets and operational risks</p>

	Work together on a realistic and deliverable budget	
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3 Officer Impartiality and Undue Pressure

- 3.1 Members must not do anything which compromises or is likely to compromise officers' impartiality.
- 3.2 The Council operates through a system of groups of councillors, based on political affiliation. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner. Officers must at all times, maintain political neutrality (see para' 17 Officer Code of Conduct)
- 3.3 The support provided by officers can take many forms, ranging from the meeting with a Chair and Vice-Chair before a committee meeting to a presentation to a full political group meeting. Officers will provide support and advice to the executive, scrutiny and regulatory functions of the Council. Officers will also provide advice and assistance to individual members in respect of Council business, including issues raised by constituents.
- 3.4 Officers, therefore, must ensure that there is no conflict of interest in their advice or conduct.
- 3.5 Whilst in practice such support is likely to be in most demand from whichever political group is for the time being in control of the Council, it should be available to all political groups. The advice given by officers to different political groups should be consistent.
- 3.6 Members must respect officers' impartiality.
- 3.7 The LGA Members Code of Conduct states, paragraph 3, *"Officers work for the local authority as a whole and must be politically neutral (unless*

they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. Members can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, members must not try and force officers to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity”.

- 3.8 Therefore, a member should not apply undue pressure on an officer to do anything which he/she is not empowered or authorised to do, or which is against the officer’s professional judgement, or to undertake work outside normal duties or normal hours (other than within accepted working patterns, e.g. evening meetings). Members should be aware that to exert pressure improperly on an officer in this way may be a breach of the Council's Code of Conduct for Members.
- 3.9 Similarly, an officer must neither seek to use undue influence on an individual member to decide in her/his favour nor raise personal matters to do with her/his job nor make claims or allegations about other employees. The Council has formal procedures for consultation, grievance and discipline set out in Part 4.1 Members' Code of Conduct

4 Service Standards

- 4.1 Officers and members will do their best to give timely responses to enquiries from one another. This will be in accordance with the minimum service standards. Enquiries should be responded to in no later than 10 working days unless a holding response, setting out the reasons for delay is given. However, neither officers should not have unreasonable requests placed on them.

5 Confidentiality and access to information

- 5.1 The Officers Code of Conduct emphasises importance of maintaining confidential information. For example, officers will provide advice and information to members on declarations of interests. However,

members will know the nature and extent of any interest they may have. It is the member's responsibility, therefore, to decide whether any interest should be declared. Officers must, when requested to do so, respect members' confidentiality when providing advice on declarations of interest but may otherwise draw to a members' attention the need to declare a known interest.

- 5.2 Officers are reminded that the misuse of confidential information is a breach of the Officers Code of Conduct; thus, regarded as a disciplinary offence.
- 5.3 Any Council information provided to a member must only be used by the member for the purpose for which it was provided i.e. in connection with the proper performance of the member's duties as a member of the Council.
- 5.4 Officers should make it clear to members if they are giving them confidential information. If a member is not sure whether information is confidential, he or she should ask the relevant officer, but treat the information as confidential in the meantime.
- 5.5 Each member has the right to inspect and have copies of the reports, minutes and background papers relating to the public part of any Council, Panel or Committee agenda. This is set out in Part 3.2 Access to Information Procedure Rules
- 5.6 The Members Code of Conduct, states "*[members] Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.*" Accordingly, members are expected to comply with Paragraph 10, Part 3.2 Access to Information Procedure Rules members do not have an automatic right of access to all documents relating to confidential or "Exempt" items on the agenda. These might include, for instance, information relating to employees, occupiers of council property, applications for grants, contracts, industrial relations negotiations, legal advice and criminal investigations.

- 5.7 In respect of such confidential information, members will normally receive, or have access to all papers unless they are of particular sensitivity. A member may have access to such sensitive documentation insofar as it is reasonably necessary to enable them to properly perform their duties as a member of the Council. The relevant question to be asked is whether they need to know the information to perform such duties.
- 5.8 Any Council confidential information provided to a member must only be used by the member in connection with the proper performance of the member's duties as a member of the Council. Confidential information should not be disclosed, discussed with or released to any other persons. Such disclosure would be a betrayal of trust.
- 5.9 Members should never disclose or use confidential information for the personal advantage of themselves or of anyone known to them, or to the disadvantage or the discredit of the Council or anyone else.
- 5.10 Any confidential information provided to members should be clearly marked as such prior to its provision.
- 5.11 Further advice regarding members' rights to inspect Council documents may be obtained from the Monitoring Officer.

6 Officer relations with specific members

- 6.1 The working relationship between senior officers and the Leader/Committee Chairs will be particularly close. Committee Chairs will have broad-ranging responsibilities. Officers may provide briefing notes, advice and information to the Committee Chairs in respect of reports or questions at Panel, Committee and Council Meetings. This relationship, however, must not:
- compromise officers' duties to all members of the Council;
 - be so close as to give the appearance of partiality on the part of the officer;

- undermine the confidentiality of any discussions that officers are privy to;
- compromise officers' professional responsibility to advise members that a particular course of action should not be pursued;
- abrogate officer responsibility for action taken under delegated powers.

6.2 Committee Chairs are recognised as the legitimate elected spokesperson on their committees' areas of responsibility. Where authority is delegated to officers (under the Scheme of Delegations to Officers), they will often wish to consult the relevant Chairs about the action which they propose to take, but the responsibility for the final decision remains with the officer who is accountable for it.

7 Officer attendance at political group meetings

7.1 Officer advice and support will be provided to: -

- Council Meetings;
- Meetings of any Committees established by the Council;
- Meetings of Committees/Sub-Committees and Panels;
- Working Parties/Forums, etc.;
- Chairs/Vice-Chairs of Committees and Panels;
- All Members of Council on Council business

7.2 Senior officers may be invited to attend political group meetings. The Chief Executive will decide whether such attendance may take place. If it is agreed that an officer can attend a political group meeting, the Chief Executive will inform the other group leaders and offer a similar facility.

7.3 Officer attendance at group meetings must be approved in advance, by the relevant Director.

- 7.4 Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business.
- 7.5 Officers will not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
- 7.6 Political group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal Council decisions. The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so. Where officers provide factual information and advice to a political group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant committee of the Council.
- 7.7 It must not be assumed that an officer is supportive of a particular policy or view considered at a political group meeting simply because they have attended or provided information to the meeting.
- 7.8 Officers will respect the confidentiality of any political group discussions at which they are present and, unless requested to do so by that political group, will not relay the content of such discussions to another political group or to other Members. This will not prevent an officer providing feedback to other officers on a need-to-know basis. Factual information upon which advice is based will, if requested, be available to all political groups.
- 7.9 The duration of an officer's attendance at a political group meeting will be at the discretion of the group, but an officer may leave at any time if they feel it is no longer appropriate to be there.
- 7.10 An officer accepting an invitation to any one political group meeting will not decline an invitation to advise another group about the same matter.

- 7.11 Officers should be given the opportunity of verifying comments and advice attributed to them in any written record of a political group meeting.
- 7.12 No member will refer in public or at meetings of the Council, to advice or information given by officers to a political group meeting.
- 7.13 At political group meetings, where some of those present are not members of the Council, care must be taken not to divulge confidential information relating to Council business.
- 7.14 Special care needs to be exercised whenever officers are involved in providing information and advice to a meeting of a political group which includes persons who are not members of the Council. Such persons will not be bound by the codes of conduct [for members and employees] (in particular, the provisions concerning the declarations of interest and confidentiality) and for this and other reasons, officers may not be able to provide the same level of information and advice as they would to a members only meeting.
- 7.15 Should any difficulty or uncertainty arise in the area of officer advice to political groups, this will be raised with the relevant Director, who should discuss the matter with the group leader.

8. Friendships/relationships between members and officers

- 8.1 Informal and collaborative two-way contact between members and officers is encouraged, but personal familiarity in the workplace can damage the relationship, as might a family or business connection.
- 8.2 Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Close personal familiarity in the workplace should be avoided; i.e. 'be friendly, but don't be friends'.
- 8.3 Members and officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.

9. Use of council resources and facilities

- 9.1 The only basis on which the Council can lawfully provide support services to members (e.g. stationery, typing, printing, photocopying, transport, computers etc), is to assist them in discharging their role as members of the Council.
- 9.2 Members should not approach or pressure staff to carry out duties or provide resources or support in a biased or partisan way. Examples are:
- business which is solely to do with a political party;
 - work in connection with a ward or constituency party political meeting;
 - electioneering;
 - work associated with an event attended by a member in a capacity other than as a member of the Council;
 - private personal correspondence;
 - work in connection with another body or organisation where a member's involvement is other than as a member of the Council; and
 - support to a member in his/her capacity as a councillor of another local authority.

10. Criticism and complaints

- 10.1 Members and officers must conduct themselves in a way that is acceptable within a professional environment. They must afford dignity, trust and respect to everyone and themselves. They must have awareness of the effect of their behaviour on others and only make reasonable and manageable demands.
- 10.2 Members and officers must not conduct themselves in an unacceptable manner. The Members Code of Conduct states:

" Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.

Always treating people with respect, including the organisations and public I engage with and those I work alongside".

10.3 In line with the above, LGA model of Code of Conduct , at paragraph 2, explicitly states members must not bully, harass or discriminate.

10.4 Bullying is characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others. Examples of bullying include but are not limited to:

- verbal abuse, such as shouting, swearing, threats, insults, sarcasm, ridiculing or demeaning others, inappropriate nicknames, or humiliating language
- physical or psychological threats or actions towards an individual or their personal property
- practical jokes
- overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures
- inappropriate comments about someone's performance
- abuse of authority or power, such as placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations
- ostracising or excluding someone from meetings, communications, work events or socials
- sending, distributing, or posting detrimental material about other people, including images, in any medium

- smear campaigns.

10.5 Bullying behaviour should be contrasted with the legitimate challenges which a member can make in challenging policy or scrutinising performance. An example of this would be debates in the chamber about policy or asking officers to explain the rationale for the professional opinions they have put forward. Members are entitled to challenge fellow councillors and officers as to why they hold their views. However, if the criticism is a personal attack, threat, unsubstantiated allegation, abusive or offensive in nature, members are likely to cross the line of what is acceptable behaviour.

10.6 Harassment is conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person. Examples of harassment include but are not limited to:

- sending unwelcome emails
- unnecessarily repetitive, intrusive questioning
- unwelcome physical contact such as touching or invading 'personal space'
- haranguing
- intimidation
- inappropriate remarks or questioning such as comments about someone's appearance, lewd comments, and offensive jokes
- overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures
- inappropriate comments about someone's performance
- placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations
- sexual harassment

There is not an exhaustive list of acts of harassment that may constitute a criminal offence. Examples may include, but are not limited to physical assault:

- making violent or death threats

- stalking
- hate crimes
- sexual harassment

10.6 Unlawful discrimination is where someone is treated unfairly because of a protected characteristic e.g. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Examples of discriminatory behaviour include but are not limited to:

- exclusion or victimisation based on the Protected Characteristics
- treating someone less favourably or limiting their opportunities based on any of the Protected Characteristics
- comments, slurs, jokes, statements, questions, or gestures that are derogatory or offensive to an individual's or group's characteristics
- promoting negative stereotypes relating to individual's or group's characteristics
- racial or ethnic slurs, insults, or jokes
- intolerance toward religious customs
- mimicking, mocking, or belittling a person's disability
- homophobic, biphobic or transphobic comments or slurs
- discriminating against pregnant people or mothers
- declaring ('outing') someone's religion or sexuality or threatening to do so against their will
- deliberate, unwarranted application of an authority's practice, policy or rule in a way that may constitute indirect discrimination
- instructing, causing, inducing, or knowingly helping someone to commit an act of unlawful discrimination under the Equality Act 2010.

10.7 Members and officers personality and life experiences will naturally incline them to think and act in certain ways. They may form views about others based on those experiences, such as having an affinity with someone because they have a similar approach to life or thinking less of someone because they are from a different generation. This is known as

“unconscious bias” and it can lead people to make decisions based on biases or false assumptions. Members need to be alert to the potential of unconscious bias and ensure they make decisions based on evidence, and not on assumptions they have made based on biases.

10.8 Members must not intimidate or attempt to intimidate any officer who is likely to be a complainant, a witness, or involved in the administration of any investigation or proceedings relating to a failure to comply with the Member Code of Conduct.

10.9 A Member who is unhappy about the actions taken by, or conduct of, an officer should:

- avoid personal attacks on, or abuse of, the Officer at all times;
- ensure that any criticism is well founded and constructive;
- never make a criticism in public;
- take up the concern with the officer privately. If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the member should raise the issue with the officer’s manager or the relevant Director.

10.10 Members and officers should not criticise or undermine respect for the other at meetings of the Full Council, Committee or Sub-Committees, or in any public forum.

10.11 Members should not raise matters relating to the conduct or capability of an individual officer or officers collectively at meetings held in public. officers should observe the same rule in respect of Members.

10.12 If a member believes that they have not been treated with proper courtesy or has a concern about the conduct or capability of an officer, then they should raise the matter confidentially with the Chief Executive or relevant Director who may utilise the Council’s formal disciplinary procedures if this is considered appropriate. If the member is still not satisfied with the action that has been taken, then they may raise the matter confidentially with the Chief Executive, or a Director if the Chief Executive considered the original concern, who will look into the matter afresh. If they believe that there is a case to answer, then they may utilise the Council’s formal disciplinary procedures. If the Chief

Executive/Director suggests no action they will inform the member and relevant Group Leader of this.

10.13 If an officer feels that they have not been treated with respect or is concerned about any action or statement relating to themselves or a colleague by a member, or the conduct of a member, they should raise the matter with their line manager. If they are not satisfied with any action that has been taken as a result, they should raise the matter with the Chief Executive or their Director. If the Chief Executive or Director is of the opinion that the member has acted in breach of the Members' Code of Conduct, they should make a complaint to the Monitoring Officer.

11. Oversight, breaches and further advice

11.1 The Executive Management Team and Standards Committee oversees compliance of this Protocol.

11.2 If a member believes an officer may have acted other than in accordance with this Protocol, he/she should raise their concern with the relevant Director who will consider how the complaint or allegation should be dealt with. A breach of this Protocol by an Officer may lead to an investigation under the Council's Disciplinary Policy and Procedure.

11.3 If an officer feels that they have not been treated with respect or is concerned about any action or statement relating to themselves or a colleague by a member, or the conduct of a member, they should raise the matter with their line manager. If they are not satisfied with any action that has been taken as a result, they should raise the matter with the Chief Executive or their Director. If the Chief Executive or Director is of the opinion that the member has acted in breach of the Members' Code of Conduct, they should make a complaint to the Monitoring Officer.

11.4 Further advice or clarification can be sought from the Monitoring Officer or the Head of Legal Partnership.