

Member/Officer Protocol

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What is the Member/Officer Protocol?

- The purpose of the protocol is to guide Members and Officers in their relations with one another and to promote the high standards in public office which are essential for successful local government.
 - The protocol seeks to offer guidance on some of the issues which most commonly arise.
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Underlying Principles

- An understanding by both Members and Officers of the requirements of each other's roles
 - Mutual respect for each other's time and priorities.
 - Courtesy and sensitivity at all times.
 - Honesty and integrity in all dealings to foster co-operation and trust.
 - Professional and cordial relationships avoiding over familiarity
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Interface with Member Code of Conduct

- Must have regard to equality of opportunity for all people,
- Must show respect and consideration for others
- Must not bully or harass any person
- Must not compromise the impartiality of officers

Roles and responsibilities - Officers

- Officers are employed by and are responsible to the Council as a whole.
- They owe a duty to each and every Member and not to a political group, even if it is in a majority.
- They also have a wider duty to the public as a whole.
- Some officers have personal statutory responsibilities

Roles and responsibilities - Members

- Scrutinising decisions and holding decision makers to account
- Representing their electoral division as advocates for the citizens who live in the area.
- Members contribute to the decisions taken in Full Council and in its various bodies on which they serve including regional partnership bodies

What can members expect from officers?

- Full, impartial advice and information.
- Accurate, concise, well written advice in and easily understood formats and language
- For the above to be provided in the Member's preferred language of communication.
- Respect for their person
- Respect for the confidential nature of information and views.

What can officers expect from members?

- Respect for officer neutrality
 - Respect for their person
 - An understanding of their roles and workloads when making requests for assistance
 - Reasonable standards of courtesy
 - Respect for confidential advice and guidance.
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The Relationship

- Mutual respect is essential to good local government.
- Officers and Members should have good working relationships, whilst being aware that close personal relationships can damage this and prove embarrassing for other Officers and Members

Inappropriate conduct

- Members should not inappropriately pressure officers to act in accordance with the Member's wishes.
 - Officers must at all times feel free to offer professional opinion and advice which may be contrary to the opinion of the Member
 - Acting with the intention of improperly or unfairly influencing an Officer's opinion or actions can amount to bullying and harassment
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Raising issues of conduct and capability - members

- It is not appropriate for Members to raise matters relating to conduct and capability of any Officer publicly in a meeting, the press, or by other means e.g. e-mail or internet.
 - Members should use the Council's internal procedures to resolve such issues.
 - 'Publicly' - includes in this context e-mailing large groups of people on the Council's internal e-mail system e.g. all Councillors.
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Raising issues of conduct and capability - officers

- Officers should not raise matters publicly relating to the conduct or capability of any Member either at a meeting, in the press or by other means e.g. e-mail, internet or social media.
- Unless as part of a statutory process for dealing with issues of conduct.

Relationships with Chairs and Cabinet members

- There should be a close working relationship between Cabinet Members and senior officers of those services which fall under a Cabinet Member's portfolio
- This should never be allowed become, or appear to be, so close, as to bring into question the Officer's ability to deal impartially with other Members or political groups.

Relationships with Chairs and Cabinet members

- Duty of officers to assist the Cabinet in the delivery of its responsibilities but the Leader and Cabinet must observe the independence of the management function of the authority from the decision making function.
- Chairs of committee or Lead Members will routinely be consulted on agendas for forthcoming meetings, however, it must be recognised that in certain circumstances senior officers will have a duty to submit a report on a particular matter.
- Officers writing reports on behalf of Lead Members will always consult the Lead Member on their content.

Officer advice to political groups

- Directors or Heads of Service may properly be called upon to advise the chairs or spokespersons of political groups.
- They should attend group meetings only in exceptional circumstances and in such a case the other political groups should be informed of the advice given.
- Officer support in must not extend beyond providing information and advice in relation to Council business. Officers must not be involved in advising on political group business;

Advice to Political Groups

- Political group meetings are not empowered to make decisions on behalf of the Council.
- Conclusions reached at such meetings do not rank as Council decisions and it is essential that they are not interpreted or acted upon as such.
- Where Officers provide information and advice to the chair or spokesperson of a political group in relation to a matter of Council business, this cannot be a substitute for providing all necessary information and advice to Members when the matter in question is before a decision making body.

Officer attendance at meetings not organised by the Council

- Officers will advise formal meetings of the Council, informal meetings of Members of the Council, and other meetings organised by the Council.
 - Officers must not attend public meetings of a political nature organised by politicians external to the Council in order to represent the political view or programme of the Council.
 - Such invitations should be referred to Cabinet Support Staff who will liaise with the Leader
 - The Leader will determine whether the Council should be represented, and if so by which member of the Cabinet
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Support services to members and political groups.

- Support can only lawfully be provided in respect of matters of Council business.
- Support cannot be provided for party political business, campaigning, or for private purposes.

Members in their Ward Role and Officers

- Members need to be aware of significant developments within their electoral divisions if they are to be effective in their roles.
 - Senior Officers as well as Lead members are expected to notify local Members of significant matters that are not the subject of a report to Council, Cabinet or Committee, but which relate specifically to the local Member's electoral division or which may have a material impact in their area
 - 'Significant matters' include matters or items that are of concern to the general public and local member
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Members in their Ward Role and Officers

- Local Member(s) should, where appropriate, be invited to relevant meetings.
- If local Members do not attend such meeting for whatever reason, they should be advised by the convenor of the meeting (provided the meeting is convened by the Council or its officers) of any significant outcome.
- Local Members will also be informed of significant matters raised by the Town or Community Council within their area.
- Protocol for Liaison with Members

Members in their Ward Role and Officers

- When the Council conducts any form of consultation exercise on a local issue, the Ward Members should be notified at the outset of the exercise.
 - Officers exercising delegated powers shall consider whether their decision is likely to have a significant impact upon the Council's profile or significant financial implications, if it is there will be a presumption in favour of referring the matter to Members.
 - When exercising delegated powers Officers will, ensure that they consult with/inform the local Member in advance.
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Members' access to information and buildings

- Members can approach any department to request any information, explanation and advice as they may reasonably need to assist them in discharging their role as Members.
- A request for information may be made on behalf of a constituent, but any request for personal information should be authorised in writing by that constituent.
- Requests should normally be directed to the Head of Service or another Senior Officer of the service.

Members' access to information and buildings

- A Member should always contact beforehand any Officer that he/she wishes to see, to ensure that the Officer is available and prepared to answer the Member's questions
- A Member should always call at reception and ask for the Officer
- Officers should always ensure that, bearing in mind the reasonable calls of their other duties, they respond to a reasonable request for information relevant to a member's work or a request for a meeting.

Members' access to information and buildings

- Contact between Members and Officers should only take place at agreed office or other locations. Members and Officers should not arrange meetings at their respective homes.
- Telephone contact between Members and Officers should be restricted to normal office hours. Out of hours contact should be in exceptional circumstances only and restricted to Directors and Heads of Service.
- Members are entitled to have access to the Council Chamber, Committee rooms and all other public areas of the Council's buildings. Members should enter 'staff only' areas only with authorisation of the relevant Head of Service.

Members' rights to inspect Council documents.

- Same rights as public under Freedom of Information Act
 - In addition, Members have a statutory right to inspect any Council document relating to any business to be transacted at a Council, committee or sub-committee meeting.
 - This does not extend to 'exempt information' but Members have a common law right to information based upon the 'need to know' principle. Mere curiosity is insufficient
 - At DCC all Members are provided with all papers, including exempt information going to a Committee whether they are a member of it or not.
 - Information should only be used for the purposes for which it was provided
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Correspondence between Members and Officers, including e-mail

- Correspondence between an individual Member and an Officer should not normally be copied by the Officer to any other Member.
 - This restriction will not normally apply to Cabinet matters where the Cabinet as a whole will need to be informed of matters which will be of concern to all or several Cabinet Members.
 - Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of 'silent copies' should not be employed.
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Correspondence between Members and Officers, including e-mail

- E-mail should not be used by Officers or Members in such a way that it may be regarded as intimidating or exerting undue influence e.g. critical e-mail copied to all members
 - Official letters on behalf of the Council should be sent out either in the name of the appropriate portfolio holder or in the name of the appropriate Officer.
 - Lead Members will be advised by their Senior Officers as to when a response from themselves rather than an Officer is the most appropriate.
 - Letters which create obligations or give instructions on behalf of the Council should never be sent in the name of a Member.
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Breaches of the protocol

- Breaches of this protocol by officers may lead to disciplinary action
 - Breaches of the protocol by members may lead to an allegation being made to the Ombudsman of a breach of the code of conduct
 - A member who wishes to complain about an officer breach should do so to the relevant Head of Service
 - An officer who wishes to complain about a member breach should do so to their Head of Service
 - The Head of Service will seek if possible to resolve the issue informally
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Conclusion

- This relationship is very important
- Good member/officer relationships is one of the 5 principles underlying how the Council will operate.
- Effective relationships between members and officers are key to an effective Council
- This must not prevent robust challenge between officers and members
- The framework enables such challenge to be made in an open and respectful way

Any questions?
