



PROTOCOL ON MEMBER/OFFICER RELATIONS

Stotfold Town Council

Guidance & Policy

July 2009

GUIDANCE

Mutual trust and respect between Councillors and Officers is essential to ensure good governance and the effective running of a Council. To help ensure that relationships do not go awry, it is advisable to have a written protocol, which can cover:

- The respective roles and responsibilities of the Councillors and the Clerk, and any other staff employees;
- Relationships between Councillors and Officers;
- Where/who the Clerk should go to if they have concerns;
- Who is responsible for making decisions.

The same fundamental principles apply regardless of the nature and size of the council. This protocol has been written in a way that will be particularly relevant to larger councils, but personal relationships and personnel matters can be particularly problematic in smaller councils where the Clerk may be the sole employee and means having an agreed protocol is very important.

It is the National Association of Local Councils' (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 that community and should not be side-tracked by party political issues. NALC does not therefore encourage parish councils to adopt political groupings.

July 2009

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 reputation and integrity of the council is significantly influenced by the effectiveness of Councillor, the Clerk and other staff working together to support each other's roles.
- 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 another, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only as 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:

- To determine the policy of the authority and giving it public leadership
- To monitor and review the performance of the authority in implementing policies and delivering services
- To represent the authority externally
- To act as advocate on behalf of their constituents

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.

Councillors should 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.

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 other 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 do anything which would put them in difficulty in the event of a change in the composition of the authority.

2.4 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 commitment to the authority as a whole, and not to any individual Member or group
- A working partnership
- An understanding of and support of respective roles, workloads and pressures
- Timely response to enquiries and complaints
- Professional advice which does not compromise the political neutrality of Officers
- 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
- Awareness of and sensitivity to the public environment
- Respect, courtesy, integrity and appropriate confidentiality from Officers
- Training and development in order to carry out their role effectively
- Not to have personal issues raised with them by Officers outside the agreed procedures
- That Officers will not use their contact with Councillors to advance their personal interests or to influence decisions improperly
- That Officers will at all times comply with the relevant Code of Conduct

3.2 Officers 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 subject to bullying or 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
- 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
- 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:

- Close personal relationships between Councillors and Officers can confuse those 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
- The need to maintain the separate roles means that there are limits to the matters on which they may seek the advice of Officers in relation to personal matters
- The Clerk's advice will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority

4. POLITICAL GROUPS

- 4.1 The operation of political groups is becoming more of a feature within parish councils, but it is worth repeating that it is NALC policy that party politics should have no place in parish councils. Parish 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 parish council can pose particular difficulties in terms of the impartiality of the Clerk and other employees, and the relationship between Councillors and the staff generally.
- 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 Officers are responsible to the council as a whole and should not be taken action under instructions from any individual councillor, even if he/she has been styled as 'Leader' of the council.
- 4.3 If your council has adopted party political groupings, the Clerk should ensure that any reports or advice offered to a political group 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. It is not the Clerk's job to make recommendations to a political group.
- 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 Any Clerk needing advice or guidance on matters relating to party groups or how to operate within a political environment should seek advice from their County Association of NALC, or from the Society of Local Council Clerks.

5. WHEN THINGS GO WRONG

Procedure for Officers

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, it is important that the council adopts a formal grievance protocol or procedure.

5.2 The District or Unitary 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. The Chair of the Council 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 issues.

5.3 The law requires all employers to have disciplinary and grievance procedures. Adopting a grievance procedure enables individual employees to raise concerns, problems or complaints about their employment in an open and fair way.

5.4 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 cannot be resolved informally, it may be necessary to invoke the council's disciplinary procedure.

July 2009