

# PROTOCOL FOR MEMBER AND OFFICER RELATIONS

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### **1. Purpose**

1.1 This Protocol provides guidance on how members and officers should work together effectively to deliver positive outcomes for Rutland’s residents, businesses, and communities. It seeks to apply the seven principles of public life (the “Nolan Principles”) into practice.

1.2 The Protocol provides guidance on best practice and how to meet the standards of public life, including complying with the [Members’ Code of Conduct](#) and the [Officers’ Code of Conduct](#).

### **2. Overview of Member & Officer Relations**

2.1 All members and officers are public servants with complementary but distinct roles and responsibilities. All members and officers work to achieve the common aim of delivering services and policies that improve the lives of Rutland’s residents, workforce, and businesses. All will benefit from effective working relationships between members and officers.

2.2 This Protocol aims to create an understanding of:

- The distinct roles of members and officers.
- The boundaries between members and officers; and
- The expectations both members and officers can have of each other.

3.3 Understanding these areas will allow both members and officers to conduct themselves at or above this standard of behaviour and avoid dispute. The Protocol also addresses how to deal with disputes appropriately.

3.4 This Protocol is a practical document to guide behaviour. Members and officers should contact the Strategic Director for Law & Governance if they require specific advice.

#### 4. Member and Officer Roles

4.1 The following is a guide to the main differences between the roles and responsibilities of members and officers.

<b>Members</b>	<b>Officers</b>
<b>Status</b>	
Elected by residents every 4 years. Can resign but can be disqualified only in limited circumstances. Between 2 and 9 members appointed by the Leader to form the Cabinet.	Employed by the Council under a contract of employment on a permanent or fixed term contract. Can resign or be dismissed and have employment rights.
No formal management – may be subject to political group and party discipline and accountable to the electorate and constituents	Managed by officers; led by the Chief Executive.
Subject to the Members' Code of Conduct and duty to declare interests and political group discipline.	Legal rights under employment law and the Council's policies and procedures. Subject to the employee code of conduct
<b>Roles</b>	
Strategic decision makers – Council sets the budget and policy framework; Cabinet carries out the functions of the local authority not the responsibility of any other part of the authority.	Advise and deliver services to implement the priorities agreed by members. Provide professional advice to ensure best value, financial and legal compliance.
Have oversight of operational performance by officers – but cannot manage services or instruct officers	Responsible for the operational delivery of services and accountable to members for effective performance.
Regulatory and Governance decision makers – In committees determine regulatory matters and have oversight of finance, governance, and risk. Cannot make decisions as individual councillors	Responsible for regulatory enforcement of individual decisions and policy implementation reporting to the Chief Executive

Political representative. Often but not always a member of a political group.	Must remain politically neutral. Some senior and communications roles are politically restricted meaning post holders cannot be politically active.
Community leader of the whole of their ward raising issues and advancing its interests. Cannot instruct officers to act or allocate funds.	Delivery of services to communities including consultation with ward members and responding to queries.

## 5. Statutory officers

5.1 Some officers have a personal statutory responsibility to ensure the proper conduct of the council's administrative, staffing, legal and financial affairs. When those officers give advice acting in their statutory capacity, members must have regard to that advice. This means that Members have an obligation to follow the advice unless there is a compelling reason not to.

These officers can be found in the [Corporate Leadership Team Structure Chart at Part 7 of the Constitution](#), with further details of their responsibilities in the [Scheme of Delegation at Part 3](#).

In addition, there are statutory Proper Officer roles held by Directors and other officers. These are also to be found at Part 3 of the Council's Constitution.

## 6. Personal Conduct and Behaviour

6.1 The underlying principle for member-officer relations is mutual respect for each other's roles but especially where differences of opinion and approach arise. This includes having mutual understanding of the different pressures on members and officers.

### **This means, for example:**

- Valuing each other's different expertise and knowledge, e.g., members may know their wards better than officers, but officers have professional expertise.
- Avoiding a blame culture
- Avoiding tone and language that is critical and/or disrespectful of individual officers or members.
- Be aware of behaviour that could constitute bullying or harassment and that the Council has a zero-tolerance approach to these.
- Members understanding that officers, especially junior officers, cannot respond to a member's criticisms or disagreements, especially in public.
- Avoiding unreasonable deadlines or excessive demands on each other
- Public perception - the public expect high standards and expect members and officers to be courteous to each other.

- Not copying others into correspondence with officers.

## **7. Political Neutrality**

7.1 One of the biggest differences between officers and members is their political involvement. Whilst it is often the case that members are elected as a party-political party candidate; officers must remain politically neutral in all aspects of their work.

### **For members, for example:**

- Do not ask officers about their political views or discuss political matters with officers.
- Do not try to draw officers into criticising a member or political group.
- Respect officers' obligation to advise different political groups equally.
- Do not make allegations of bias against officers, especially in public.
- Do not make unsubstantiated allegations that officers have ulterior or malign motives. The Council and officers must make difficult decisions with finite resources and often these can mean that some residents or members are dissatisfied. It is unacceptable to make unsubstantiated allegations against officers of corruption, political bias, or incompetence in these circumstances. Any concern regarding these matters should first be raised with the Strategic Director for Law & Governance on a confidential basis.

### **For officers, for example:**

- You must provide balanced advice and equal facilities to political groups as required by this Protocol.
- You must provide advice and support to the Council's political administration and to deliver its policies but not to the political party that forms the administration.
- Do not bring your personal politics into your work. And if you are in a politically restricted post be aware of your additional responsibilities.
- Do not be improperly influenced by members to change your mind on any issue that affects a political matter, or advise based on political expediency.

If either members or officers wish to raise issues or seek advice on these matters they should do so by contacting the Strategic Director for Law and Governance.

## **8. Support to Political Groups**

8.1 One of a member's roles is as a political representative. Officers can provide support to members in their political role so long as it does not breach the officer's duty of political neutrality.

8.2 Officers are required to advise and implement the political policies of the administration and provide additional support to the Leader and Cabinet. It is a

feature of a successful council that the executive and senior management have close and effective working relationships.

8.3 It is an officer's duty to act in the Council's interests. This means advising where political commitments are not in the Council's overall interests or will not deliver best value. If matters cannot be resolved, they should be referred to the Council's Chief Executive who will consult with the relevant statutory officers.

8.4 The additional support to the administration should not extend to or be confused with support to any political group.

8.5 The use of Council resources (for example equipment, offices, and some officer support) for party political purposes is not permitted. If a Member is unclear of the scope of this restriction they should contact the Strategic Director for Law and Governance for advice.

8.6 Political groups are an informal part of the Council's political architecture. They have no decision-making role and exist to allow those with the same political party background or similar views (for independent members) to join to ensure representation on Council committees and other bodies. In successful councils, there are good and professional working relationships and interaction between political groups of all hues and officers.

8.7 It is important that political groups are treated fairly and with equity but also that they are not seen as part of the formal decision-making structures.

#### **For officers, for example**

- Ensure your Director or the Chief Executive is aware of a briefing and approves it.
- Provide equal opportunity of access to briefings and advice on the same matter to all groups.
- Withdraw from meetings when political matters are discussed.
- Be open and transparent about briefings without disclosing confidential group discussions.
- Avoid briefings which could be used in a forthcoming election campaign.

#### **For members and groups, for example**

- Direct requests for briefings to the Chief Executive or Director.
- Accept that any briefing will be offered to all political groups and do not try to prevent this.
- Do not ask officers about political matters or implications.
- Accept that officers will feedback comments made in a group meeting to senior officers (but not other political groups without consent).
- Where information is provided on a confidential basis, maintain that confidentiality.

### **9. Members' ward work**

9.1 Members carry out vital work as community leaders in their ward. They are often the only voice for residents. Officers must respect this and provide members with support in their ward work but there are limits to the support that can be provided.

9.2 Individual members cannot by law make decisions on behalf of the council or instruct officers in their work.

**For members:**

- You can expect officers to respond to enquiries within the Council's agreed standards.
- You can expect to be informed and consulted on ward matters in accordance with the Council's policy.
- Do not instruct an officer to do something – and if you do try to instruct an officer, do not be offended if they decline to follow that instruction.
- You can expect to receive reasons why a request or query cannot be met.
- If you do receive a response with reasons, do not criticise the officer.
- You may ask for a query to be escalated but you must accept a final decision when made, ultimately this may be by the Chief Executive.
- You should Inform officers if a meeting includes non-councillors so they can decide whether it is appropriate for them to attend and/or disclose confidential information.
- It is acknowledged that responses to member queries submitted through, 'Member Queries' are usually on behalf of residents and will be shared. Nevertheless, third parties should not be copied into correspondence between a Member and the Member Queries email address (this includes parties external to the Council and other Officers of the Council).
- Any other communications between members and officers are private unless the officer's consent to share is explicit or has been obtained, and therefore third parties should not be copied into this private correspondence.

**For officers:**

- Treat all member queries equally.
- Meet the Council's standards for response times and explain when you cannot.
- Provide reasons for your responses, especially if a member's request can't be met and, where you can, suggest other options.
- Escalate matters if a member is unhappy with your response.

**10. Personal Relationships & Privacy**

It is beneficial for the Council if members and officers can interact effectively, but professional standards must be maintained, especially if members of the public or other stakeholders are present, for example:

- Officers using formal titles "Chair" and "Councillor" in formal or public settings.

- Likewise, Members using officers' title and surname or job titles when addressing them in a public forum.
- Care should be taken by members and officers when socialising with each other. It is not unlawful, but the public perception of such relationships may be negative.
- Declaring any close or intimate relationships between members and officers (e.g., family, partner) to the Strategic Director of Law and Governance and taking required steps to avoid any conflicts of interest under either of the codes of conduct. Personal information will be held confidentially.
- Respect each other's private lives and work-life balance when making requests or in communications.

## **11. The Employment of Officers**

11.1 Officers are employed by the Council and are accountable to the Chief Executive. Consequently, the Chief Executive has overall responsibility for the operational delivery of services and the management of officers' performance and conduct.

### **For example:**

- Members, including the Leader and Cabinet, cannot direct the work of individual officers or manage services.
- Below senior management level, members cannot be involved in any formal action taken against individual officers except as a witness of fact.
- Officers must not ask members to support them in any employment dispute with the Council, except if they are a witness of fact.
- Members must not "lobby" on behalf of individual officers if they are subject to formal action or applying for a post.

## **12. Members' Rights of Access to Information & Confidentiality**

12.1 Members have rights of access to council held information and this can vary with their roles and responsibilities, see the Appendix. Disclosure of information to a member does not, however, mean that the information can be made public or shared with a third party.

### **Summary:**

- Officers must respect members' rights of access to information.
- Members must respect confidentiality, where information is specifically disclosed on this basis and take advice from the Strategic Director of Law and Governance if they have any concerns.
- Personal information should always be treated as confidential unless advised otherwise.
- Members' rights are additional to any general rights of access to information, e.g., under the Freedom of Information Act 2000.

## **13. Dispute Resolution**

13.1 This Protocol's purpose is to avoid dispute through guidance, but it is accepted that this is not always possible. The Council's managers will deal with poor performance or conduct by officers in accordance with its policies and procedures. Complaints against members can be made under the Code of Conduct. In either case, the Council look to resolve matters amicably, but a formal process exists if this is not possible or appropriate.

### **Members – complaints about officers**

- First, seek to resolve the matter informally with the officer's Director.
- Avoid public or personal criticism of officers.
- Avoid "copying in" people to complaints about officers.
- Ensure allegations against officers are substantiated.
- Members should be mindful of the imbalance of power in the relationship between themselves and a junior officer. Do not use undue influence to resolve a matter in your favour or to put pressure on an officer.
- If informal resolution is not possible, you can make a formal complaint to the relevant Head of Service or Director.
- Respect that the decision whether action is taken is a matter for management and must follow the Council's policies and procedures. You do not have a right to be involved in any disciplinary process save as set out in this Protocol.
- Members may provide evidence of fact in any complaint or disciplinary process.

### **Officers – complaints about members**

- Junior officers are not expected to resolve a complaint about a member without support and/or advice from their managers.
- If a matter cannot be resolved informally, officers may make a complaint under the Member's Code of Conduct or a grievance in accordance with the Council's internal Grievance Policy.
- Officers are entitled to seek advice and representation from their trade union.
- Seek advice from the Strategic Director for Law & Governance.

## **14. Reporting Wrongdoing**

If members or officers believe there is evidence of corruption, fraud, or another abuse of office, they should report it to the Strategic Director for Law & Governance or may use the Council's internally available Whistleblowing Policy.

A Member may consider it appropriate to report evidence of a crime directly to the Police.

## **15. Further Information**



Further information about Members rights of access to information and how they handle that information can be found in the Access to Information Procedure Rules [at Part 4 of the Constitution](#).