

MEMBER/OFFICER PROTOCOL POLICY

1.0 INTRODUCTION

The purpose of this Protocol is to guide members and employees of the Town Council in their relationships with one another. It is not intended to be prescriptive or comprehensive but aims to offer guidance on some of the issues that most commonly arise.

2.0 PRINCIPLES UNDERLYING MEMBER/EMPLOYEE RELATIONS

- 2.1 The Nolan Report on Standards of Conduct in Local Government suggests that 'No local authority can function properly without a good relationship between its councillors and its officers. Where the relationship breaks down, an atmosphere of suspicion or dislike can make it very difficult to devise and implement policies in any consistent way.' The general principles which govern the conduct of members (selflessness, honesty and integrity, objectivity, accountability, openness, personal judgement, respect for others, duty to uphold the law, stewardship and leadership) require members to respect the impartiality and integrity of an authority's statutory officers and other employees. Those principles are equally appropriate for employees in their dealings with members.
- 2.2 This protocol should also be read in conjunction with the Members' Code of Conduct and the Staff Handbook which are designed to ensure high standards of conduct and probity within the Town Council.

3.0 THE ROLES OF MEMBERS AND EMPLOYEES

Members are democratically elected and are accountable to the electorate for their actions. Employees are responsible for the day-to-day managerial and operational decisions within the Council and should provide support to all members. They are employed by and accountable to the Town Council as a whole. Members should respect the obligation placed on employees to serve the Town Council as a whole.

4.0 EMPLOYER/EMPLOYEE ISSUES

- 4.1 All dealings between members and employees should be conducted with mutual respect, trust and courtesy. Members should recognise and have due regard to their role as an employer in their dealings with employees and be conscious that inappropriate conduct or behaviour on their part could lead to a case being brought to an employment tribunal by an aggrieved employee. It is proper for a member to make written or oral representations about a matter affecting a constituent who also happens to be an employee but he/she should avoid taking a proactive part or represent or act as an advocate on behalf of the employee in any disciplinary or grievance procedures brought against the Council by the employee.

- 4.2 Members should not place inappropriate pressure on employees and must ensure that all communication between them does not bring the Council into disrepute, cause any embarrassment, or lead to a breakdown of mutual trust, respect and courtesy in member/employee relations.
- 4.3 In seeking advice and support, members should recognise that whilst those employees owe an overriding duty to the Council as a whole, such duties are first expressed to their respective line managers and not to an individual member. For this reason members should not give direct instructions to employees.
- 4.4 Members and employees should promote equality by not discriminating unlawfully or otherwise against any person. They should treat people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. Such principles apply equally to the implementation of personnel and other policies, recruitment and promotion as they apply to day to day dealings with members of the public.

5.0 PERSONAL RELATIONSHIPS

It is important that there should be a close working relationship between councillors, chairmen and leaders of political parties with employees. However such relationships should not be allowed to become so close or appear to be so close as to bring the issue of impartiality into doubt.

6.0 RELATIONSHIPS BETWEEN COMMITTEES AND EMPLOYEES

Decisions made by Committees and working parties etc must be taken collectively, normally following the receipt and consideration of a report by the appropriate employee. Any advice will be independent and professional.

7.0 RELATIONSHIPS BETWEEN POLITICAL GROUPS AND EMPLOYEES

- 7.1 Political groups comprising members of an individual political party are a recognised feature of local government and it is common practice for such groups to give preliminary consideration to matters of business in advance of their consideration by a relevant Council committee.
- 7.2 Employees will not attend group meetings of Town Council political parties.
- 7.3 Employee support to members of political groups must not extend beyond providing information in relation to matters of Council business. When giving advice in such circumstances, employees must demonstrate political impartiality. Employees must not defend, action or spend any resources of the Council on, or be held responsible for actioning in any way whatsoever, the decisions of a political group, unless and until such decisions have become the formal decisions of the Council.

8.0 RELATIONSHIPS BETWEEN INDIVIDUAL MEMBERS AND EMPLOYEES

- 8.1 Members, group leaders and committee chairmen may request a briefing from the Town Clerk on matters of policy which have already been or may be discussed by the Town Council or within its decision-making processes.

8.2 Town Councillors have an important role to play in representing the Council in their constituencies and responding to the concerns of their constituents. It is essential for the efficient functioning of the Council that members should be fully informed about matters on which they may be required to make decisions or which affect their wards. All relevant staff should be aware of the requirement to keep local members informed and as far as practicable the timing of such information should allow members to contribute to decision-making.

9.0 ACCESS TO DOCUMENTS AND INFORMATION

9.1 A member has a right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the member properly to perform his/her duties as a member of the Council.

9.2 Confidential information that is obtained by a member must not be disclosed to another person. Any such breach of confidence may result in a complaint to the Standards Board for England or, if sufficiently serious, to a civil action against the member and/or the Council for damages.

10.0 RELATIONS WITH THE MEDIA

10.1 The Town Clerk may assist members in their relations with the media and must act at all times in the interest of the whole Council and in a politically impartial manner. Other than factual statements, members should not seek assistance from an employee with the preparation or issuing of any media statement that will adversely affect the reputation of the Town Council.

10.2 Members are also reminded of the need to comply with the Code of Recommended Practice on Local Authority Publicity issued by the Secretary of State, a copy of which can be found at:

www.communities.gov.uk/publications/localgovernment/coderecommended

11.0 OTHER SUPPORT

Members are provided with a range of information and support to assist them in their policy and representative roles. Such information and support should not be used in connection with party political or campaigning activity or for purposes not related to Council business.

Responsible Officer	Town Clerk	Date effective from	2008	Review date	March 2017
Author	Town Clerk	Date last amended	May 2016		