

## PROTOCOL ON MEMBER/OFFICER RELATIONS

### 1. INTRODUCTION

1.1 The relationship between Councillors (including co-opted members) and Officers is an essential ingredient that goes into the successful working of the organisation. This relationship within St. Helens Council is characterised by mutual respect, informality and trust. Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is ~~rather~~ to help Councillors and Officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this Protocol lies with the Head of the Paid Service.

1.2 ~~4.2~~ Both Councillors and Officers are required to observe the Nolan Principles – the 'Seven Principles of Public Life' in their dealings with each other, namely:

- selflessness
- integrity
- objectivity
- accountability
- openness
- honesty
- leadership

1.3 The Protocol must be read and operated in the context of any relevant legislation and ~~national and~~ local codes of conduct.

1.4 Officer for the purposes of this Protocol includes all employees of the Council except Teachers in Schools and employees of School Governing Bodies.

### 2. ROLES OF MEMBERS AND OFFICERS

2.1 The respective roles of Members and Officers can be summarised as follows:

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*Members and Officers are servants of the public and they are indispensable to one another, but their responsibilities are distinct. Councillors are responsible to the electorate and serve only so 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, the Cabinet and relevant Committees, Boards, etc.*

*Mutual respect between Councillors and Officers is essential to good local government.*

## 2.2 Members

Members have four main areas of responsibility:

- (a) determining the policy of the Authority and giving it political leadership;
- (b) monitoring and reviewing the performance of the Authority in implementing that policy and delivering services;
- (c) representing the Authority externally; and
- (d) acting as advocates on behalf of their constituents.

It is not the role of ~~Councillors~~Members to involve themselves in the day-to-day management of the Authority's services.

## 2.3 Members of the Cabinet, ~~and~~ Chairs and Members with Special Responsibility Allowances

Members of the Cabinet, ~~and~~ Chairs of Committees **and those Members with a Special Responsibility Allowance** have additional responsibilities. Because of those responsibilities, their relationships with Officers may be different from, and be more complex than, those of ~~Councillors~~Members without those responsibilities and this is recognised in the expectations they are entitled to have. However, such ~~Councillors~~Members must still respect the impartiality of Officers and must not ask them to do work of a party political nature.

## 2.4 Opposition Members

As individual members, all Members have the same rights and obligations in their relationship with Officers and should be treated equally. This principle is particularly important in the context of scrutiny, ~~scrutiny and overview~~. However, where a political group forms an administration it is recognised that

the relationship between Officers, particularly those at a senior level in the organisation, and the administration will differ from that with opposition groups.

## 2.5 Officers

The role of Officers is to give advice and information to Members and to implement the policies determined by the Authority.

In giving such advice to Members, and in preparing and presenting reports, it is the responsibility of the Officer to express his/her own professional views and recommendations. No Member should seek to pressure an Officer to make a recommendation contrary to the Officer's professional view.

Some officers, **known as Statutory Officers**, have responsibilities in law over and above their obligations to the Authority and to individual Members.

Members must respect these obligations, must not obstruct Officers in the discharge of these responsibilities and must not victimise Officers for discharging their responsibilities.

**2.6 There may be occasions when a Statutory Officer's responsibilities may conflict or not wholly correspond with a strategy, policy, decision or course of action proposed or taken by the Council or a Member. In those circumstances, Members should acknowledge the primacy of the statutory responsibilities and treat the Statutory Officer with the same courtesy and respect shown to them and to other Officers in all other dealings.**

## 3. **EXPECTATIONS**

3.1 Members can expect from Officers:

- (a) A commitment to the Authority as a whole, and not to any political group
- (b) A working partnership
- (c) An understanding of, and support for, respective roles, workloads and pressures
- (d) Timely response to enquiries and complaints

- (e) Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of Officers
- (f) 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
- (g) Awareness of, and sensitivity to, the political environment
- (h) Respect, dignity and courtesy
- (i) Training and development in order to carry out their role effectively
- (j) Integrity, mutual support and appropriate confidentiality
- (k) Not to have personal issues raised with them by Officers outside the agreed procedures
- (l) That ~~employees~~ Officers will not use their relationship with Members to advance their personal interests or to influence decisions improperly
- (m) That Officers will not try to persuade individual Members to make a decision in their personal favour or raise things relating to their employment. Nor should they approach individual Members with allegations about other Officers. They should use the Council's grievance, whistle blowing and disciplinary procedures instead; and
- (n) That Officers will at all times comply with the relevant Code of Conduct for Employees
- (o) Support for the role of Members as the local representatives of the Authority

3.2 Officers can expect from Members:

- (a) A working partnership
- (b) An understanding of, and support for, respective roles, workloads and pressures
- (c) Political ~~and direction~~ policy direction and leadership
- (d) Respect, dignity and courtesy

- (e) Integrity, mutual support and appropriate confidentiality
- (f) Not to be subject to bullying, harassment, discrimination, victimisation or intimidation or to be put under undue pressure.  
  
Members should have regard to the seniority of Officers in determining what are reasonable requests, having regard to the power relationship between Members and Officers, and the potential vulnerability of Officers, particularly at junior levels
- (g) That Members will not use their position or relationship with Officers to advance their personal interests or those of others, or to influence decisions improperly
- (h) That Members should generally restrict their discussion on strategic or significant issues to more senior officers (that is the Chief Executive, Strategic Directors or Deputy Directors/Assistant Directors); Members should raise all queries on operational matters initially with Strategic Directors or Deputy Directors/Assistant Directors or Heads of Service who will ensure that Members receive a prompt response;
- (i) That Members will use regular briefings and/or normally make appointments before visiting Officers in order to try to avoid frequent unscheduled interruptions;
- (j) Members should not pressure Officers to work outside their normal hours or to do anything they are not authorised to do or that is not part of their normal work;
- (k) Members should not make detrimental remarks about individual Officers during meetings, in public, on social media or to the media;  
and
- (l) That Members will at all times comply with the relevant Code of Conduct

### 3.3 Limitations upon Behaviour

The distinct roles of Members and Officers necessarily impose limitations upon behaviour. By way of illustration, and not as an exclusive list:

- (a) Close personal relationships between Members and Officers can confuse these separate roles and get in the way of the proper discharge of the Authority's functions, not least in creating the perception of others that a particular Member or Officer may secure advantageous treatment.
- (b) The need to maintain the separate roles means that there are limits to the matters on which Members may seek the advice of Officers, both in relation to personal matters and party political issues.
- (c) **Personal relationships should be avoided. Where they do exist the Officer concerned must notify his or her manager.**
- (d) Relationships with particular individuals or party groups should not be such as to create public suspicion that an ~~Officer~~~~employee~~ favours that Member or group above others. The issue of Officer attendance and advice to political groups is specifically covered below.
- (e) **When attending official civic events, members and officers should dress and behave in a manner in keeping with the occasion and their position. Ward Members should always be informed of and where possible invited to ceremonial events taking place within their own wards.**
- (f) **Any Member representing the Council at a civic or ceremonial event must represent the Council in a corporate rather than a political manner.**

#### **4. DECISIONS UNDER DELEGATED POWERS**

- (a) **The Scheme of Delegation in Part 3 of the Constitution sets out those functions which have been delegated to senior Officers to carry out. Members should not seek to improperly influence decisions taken by Officers under delegated powers and should not ask them to exercise discretion which involves acting outside the Council's policies and procedures.**

**5. POLITENESS AND RESPECT**

- (a) Members and Officers should show each other politeness and respect. Members have the right to challenge Officers' reports or actions, but they should avoid personal and/or public attacks; and ensure their criticism is fair and constructive.
- (b) Officers should not publicly criticise Council decisions even if they do not personally agree with those decisions.

**6. APPOINTMENT OF OFFICERS BY MEMBERS**

- (a) Members must not take any part in the appointment of anyone to whom they are:
  - i. married;
  - ii. a partner;
  - iii. otherwise related;
  - iv. a friend;
  - v. a business associate.
- (b) Members must ensure that Officers are appointed only on merit in line with the Council's recruitment policies, with a view to appointing those who will best serve the whole Council.

**7. SUPPORTING MEMBERS IN THEIR WARD ROLE**

- (a) In order to fulfil their community leadership role, Members should be provided with support and access to information and reports affecting matters in their wards.
- (b) Members representing an area where a meeting is being organised on behalf of the Council in respect of a local issue should be made aware of it and invited to attend whenever reasonably possible. They should also be given details of any consultation on a local matter
- (c) Officers should answer Members' enquiries, in whatever form, as soon as reasonably practicable and send a holding reply to advise of any delay in providing a response. Where a senior Officer considers that the enquiry received is inappropriate, the Member should be advised of

this and the reason or reasons why the enquiry is considered to be inappropriate.

- (d) Members should contact a more senior Officer in the event that a response is not received within this time. The Chief Executive may be asked to resolve any issues arising from unreasonable delays in responding to Members' enquiries.

## **8. VISITS BY MEMBERS TO PREMISES AND LAND**

- (a) Members have the right to visit premises and land owned by the Council but should note that in the case of occupied Council premises and other leased or tenanted premises the permission of the lessee or tenant will be required in advance. They should also make suitable arrangements with the relevant Strategic Director or the appropriate Head of Service who will pay particular regard to health and safety issues and to the sensitivity and timing of the proposed visit;
- (b) It should be noted that this right is only available to the extent that a Member needs to visit premises or land to enable him or her to better fulfil his or her duties as a member; and
- (c) that these arrangements are not intended to restrict a Member's rights as a member of the public.

## **9. POLITICAL GROUPS**

- 9.1 The operation of political groups is ~~now~~ an integral feature of local government, and such political groups have an important part to play in the development of policy and the political management of the Authority. It is in the interests of the Authority to support the effective operation of political

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groups, but their operation can pose particular dangers in terms of the impartiality of Officers.

### **9.2 Reports**

- (a) Political groups may request the Chief Executive or a ~~Chief Officer~~ Strategic Director to prepare written reports on matters



relating to the Authority for consideration by the group.

- (b) Officer reports to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the Authority. Reports will not deal with any political implications of the matter or any option, and Officers will not make any recommendation to a political group.
- (c) Where a report is prepared for a political group, the Chief Executive will advise all other groups that the report has been prepared and will provide a copy of that report to any group upon request.

### 9.3 Officer Attendance

- (a) Any political group may request the Chief Executive or a Strategic Director to attend a meeting of the group to advise on any particular matter relating to the Authority.
- (b) The Chief Executive or Strategic Director may arrange for the attendance of a representative in his/her stead, or may decline to attend or to provide a representative where he/she is of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.
- (c) Officers' advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the Authority. Advice will not deal with any political implications of the matter or any option, and Officers will not make any recommendation to a political group.
- (d) Where an Officer attends a political group meeting, the Chief Executive will advise all other groups that the Officer has attended and the subject upon which he/she has advised.
- (e) Officers will respect the confidentiality of any matter which they hear in the course of attending a political group meeting.

## 10. **WHEN THINGS GO WRONG**

### 10.1 Public Criticism

Members and Officers should not criticise or undermine respect for the other at Council Meetings, ~~or~~ at any other meeting they attend in their capacity as a Councillor or Council employee or on social media.

#### 10.2 Procedure for Officers

From time to time the relationship between Members and Officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or Members, Officers will have recourse to the Grievance Procedure or to the Council's Monitoring Officer, as appropriate to the circumstances. In the event of a grievance or complaint being upheld, the matter will be referred to the Chief Executive, who, having advised the Leader of the Council and the appropriate group leader, will decide on the course of action to be taken, following consultation with the Chairman of the Standards Committee.

#### 10.3 Procedure for Members

In the event that a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should not be raised at any meeting held in public, instead the matter should be raised with the appropriate ~~Chief Officer~~ Strategic Director. Where the Officer concerned is a ~~Chief Officer~~ Strategic Director, the matter should be raised with the Chief Executive. Where the employee concerned is the Chief Executive, the matter should be raised with the Monitoring Officer and the ~~Head of Senior~~ Human Resources Manager. If the matter cannot be resolved informally, it may be necessary to invoke the Council's Disciplinary Procedure.