

REIGATE AND BANSTEAD BOROUGH COUNCIL

Protocol on Member/Officer Relations

(Note: Adopted by the Council on 11th December, 2004)

INTRODUCTION

1. This Protocol is intended to supplement the Members' Code of Conduct, the Council's Constitution and all other statutory requirements, and applies to all Members, including co-opted and independent Members, and Officers.
2. The effective implementation of the Protocol by Members will be supervised and monitored by the Standards Committee (and where appropriate by the Monitoring Officer on its behalf).
3. This Protocol has been adopted by the Council and will be the subject of review, from time to time, by the Standards Committee. The Protocol forms part of the Council's Constitution.
4. Guidance and training will be given to Members and Officers on the scope of, and compliance with, this Protocol through the Standards Committee.
5. This Protocol should be read in conjunction with the Council's Constitution, the Members' Code of Conduct and guidance issued by the Standards Board for England.

GENERAL GUIDANCE

6. This part of the Protocol aims to provide guidance on the relations between Members and Officers to ensure the smooth running of the Council.
7. The Council's expectation is that Members, and the Strategic Management Team will lead by example and that they and also staff at all levels will comply with the Council's Constitution, Codes, Protocols, Policies, Procedure Rules and Departmental Procedures.
8. Mutual respect, trust and honesty between Members and Officers is essential to good local government and, although intrinsically linked to one another, the responsibilities of Members and Officers are distinct.
9. Members are responsible to the electorate as a whole and to their Ward.
10. Officers are responsible to the Council under contracts of employment. Their job is to advise Members and the Council as a whole and to carry out the Council's work under the direction and control of the Council, its Executive, Committees and Sub-Committees.

RESPONSIBILITIES

Councillors - General

11. The general responsibilities of Councillors are set out in the Council's Constitution and the Members Code of Conduct.

12. Councillors 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. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between Officers, particularly those at a senior level in the organisation, and the administration will differ (because of the frequency and nature of contact) from those with other groups of members. These specific issues are addressed below.

Councillors with Special Responsibilities

13. Some Councillors have special responsibilities on behalf of the Council, for example the Mayor, Leader of the Council, Executive Members and Committee Chairmen. Such Councillors are likely to receive particular support from the Council and have greater access to officers but they should not seek to use their office to by-pass recognised systems of working. Councillors must still respect the impartiality of Officers, must not ask them to undertake work of a party political nature, or to do anything which would put them in difficulty in the event of a change in the political composition of the Authority. Similarly, Council Officers should not use their working relationships with Councillors to their own personal advantage.

Political Guidance and Officer Recommendations

14. The Strategic Management Team are likely to develop a close working relationship with their relevant Portfolio Holder and Chairman. They will need to meet regularly to discuss current issues, policy and budget matters, service delivery and reports to be prepared. Officers will also often require political guidance in framing proposals. However, when Officers write reports for Member decision they have a duty to give advice on the basis of their professional and management expertise. The integrity and political neutrality of Officers must be respected and Councillors should not seek to influence or require Officers to present reports in a biased way, withhold information or make recommendations that they cannot support.

15. General Principles

15.1 Officers are specifically employed by the Council to:

15.1.1 Deliver services to the community according to the policies, service standards and values set by the Council

15.1.2 Develop and implement policy proposals which accord with the overall framework set by the Council

15.1.3 Give professional and managerial advice to the Council, the Executive, Committees and Councillors and advice on process and procedure to the public in respect of Council services

15.1.4 Manage the organisation and ensure it acts in a lawful way.

15.2 Officers' contracts of employment set out requirements on conduct, compliance with Council procedures, policies and codes etc and disciplinary procedures are in place. These arrangements form part of the Council's ethical framework.

15.3 Members are responsible for the Council's strategic direction, determination of policy and budget setting; officers are responsible and accountable for implementing policy and delivering services.

- 15.4 Given these roles, officers are employed to work within and pursue Council policies and priorities unaffected by personal inclinations.
- 15.5 Officers are accountable to their Managers and ultimately their Head of Service. They work to the instructions of their Manager, and not to individual Members of the Council – whatever office a Member might hold. Members should not interfere with matters that are properly the responsibility of officers and individual managers.
- 15.6 All Officers (except political assistants if such appointments are made) are required to observe political neutrality in carrying out their duties.
- 16. What Members and Officers can expect from each other**
- 16.1 provide services which offer best value
- 16.2 behave in a manner which accords with the standards set by the Council
- 16.3 be helpful, respectful and courteous
- 16.4 be open and honest with each other. To tell the whole story, giving any bad news as well as the good.
- 16.5 act lawfully.
- 16.6 maintain confidentiality where it is proper for them to do so.
- 16.7 refrain from canvassing or otherwise seeking to gain favour from each other for personal or career advantage.
- 16.8 have regard to social hours and generally to be sensible about contact at potentially inconvenient times, unless in an emergency or otherwise agreed.
- 17. What Members Can Expect in addition from Officers**
- 17.1 do their job effectively, efficiently and fairly.
- 17.2 assist Members in carrying out their role as Members of the Council in connection with Council business (they cannot, however, assist with party political or campaigning activity, or with private business).
- 17.3 work with all Members equally and fairly.
- 17.4 give advice or recommendations based on reasoned options.
- 17.5 ensure that Members have the information necessary to make informed judgements.
- 18. What Officers Can Expect in addition from Members**
- 18.1 to accept that officers are accountable to their Manager.
- 18.2 not to become involved in the day to day management of individual projects, whilst acknowledging that Members will provide policy guidance and direction.
- 18.3 to accept that officers act independently of political bias.

- 18.4 to fully consider advice and recommendations for the purpose of making informed judgements.
- 18.5 not to coerce officers into breaching Council policy or procedures, or to act unlawfully, or outside the terms of their job.
- 18.6 not to exert influence or pressure, nor request unauthorised access to resources or information held by the Council.

LIMITATIONS ON BEHAVIOUR

- 19. Members must have regard to any advice, guidance and training on their roles and responsibilities from the Standards Committee and the Monitoring Officer.

Conduct

- 20. Members must at all times comply with their Code of Conduct, the Constitution and its supporting Codes of conduct and protocols.

Officer Appointments and Performance

- 21. Concerning involvement in the appointment and employment of Officers (where such involvement is permitted under the Constitution) Members should not:
 - 21.1 let their political or personal preferences influence their judgement and not to participate where they may have a personal interest.
 - 21.2 canvass the support of colleagues for any candidate and should resist any attempt by others to canvass theirs.
 - 21.3 provide references in support of applications for employment by the Council.
 - 21.4 make any vexatious or malicious complaints against Officers.
 - 21.5 raise any comments on an Officer's performance except with the relevant head of service or Chief Executive.

Access to Information

- 22. With regard to access to and use of information Members should:
 - 22.1 Only seek information from Officers that relates to the business of the Council and enables Members to properly perform their functions as Members. Requests for such information will be made at Head of Service level or above or via Democratic Services, except in the case of routine information.
 - 22.2 Establish in writing a proper and specific reason for requesting to inspect confidential information and in the case of uncertainty refer the issue to the Chief Executive.
 - 22.3 Only use the information for the purpose it was provided.

- 22.4 Have regard to the Code of Recommended Practice on Local Authority Publicity in making any decision on publicity (especially in the period between the issue of a Notice of Election and the holding of an election).

PERSONAL AND SOCIAL FRIENDSHIPS AND RELATIONSHIPS

23. It is important that Councillor and officer relationships are correct and businesslike. It is, however, accepted that constructive working relations, on occasions, require some informality. It is equally recognised that excessive personal familiarity, in the office or at meetings, between individual Members and officers can damage working relationships and prove embarrassing to colleagues on both sides. In particular, it could bring into question an officer's ability to deal impartially with other Members, and vice-versa.
24. There may be occasions when Councillors and Officers come into contact outside of Council business and, in such circumstances, professional and personal matters must be kept separate. Under the Code of Conduct, Councillors are required to declare, when relevant in considering business at meetings, any private relationship with an Officer that might be regarded as influencing their actions. Officers similarly should inform their manager of such relationships with a Councillor. Where Members and Officers are friends or have a relationship they should take special care not to seek, or be seen, to influence their positions through their friend or partner.

CONDUCT AT MEETINGS AND EVENTS

25. Members and Officers should observe the degree of formality in behaviour that is appropriate to the event. At all times respect to one another should be shown. Although Councillors are entitled to question Officers at meetings and require them to justify their actions, any challenge should be impartial, constructive and well founded and delivered in appropriate and reasoned words, language and tone. Whilst robust questioning is permissible, personal attacks are totally unacceptable. Officers should have the opportunity to reply and explain in an impartial constructive manner.
26. A formal approach should generally be applied in open meetings and the use of first name terms should be avoided. The important issue is that the audience should be able to identify who is speaking or being addressed.
27. Such formality between Members and Officers is not usually necessary at social events. However, any event attended as a result of the Member or officer's role with the Council should have regard to the fact that close personal familiarity might embarrass others or damage external relationships, and therefore should be avoided. Where there is doubt, a more formal approach is potentially less damaging than a casual one.

CORRESPONDENCE

28. Correspondence between a Member, or group of Members, and officers (and vice-versa) will clearly indicate the names of any others who have been sent the same correspondence, including those copied in for their information. This is in the spirit of openness and to avoid any surprises or later allegations around "blind copies".

WHEN THINGS GO WRONG

Procedure for Officers

29. From time to time the relationship between Councillors and Officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through dialogue between the parties involved or conciliation by an appropriate senior

manager, Councillor or Group Leader, Officers may refer the matter to the Monitoring Officer. Current arrangements require that, if the issue relates to an alleged breach of the Local Code of Conduct for Councillors, then the matter must be referred to the Standards Board for England.

Procedure for Councillors

30. In the event that a Councillor is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised with the appropriate Head of Service. Where the Officer concerned is a Chief Officer or Head of Service, the matter should be raised with the Chief Executive. Where the officer concerned is the Chief Executive, the matter should be raised with the Monitoring Officer. If the matter cannot be resolved informally, it may be necessary to invoke the Council's Disciplinary Procedure.