

TDC PROTOCOL FOR MEMBER / OFFICER RELATIONS

This protocol shall be read in conjunction with existing Member and Officer Codes of Conduct. At the heart of the Codes, and this Protocol, is the importance of mutual confidence, trust and civility. Member/Officer relationships are to be conducted in a positive, constructive and respectful manner.

It is important that any dealings between Members and Officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.

1. Introduction

- 1.1 The purpose of this Protocol is to guide Members and Officers of the Council in their relations with one another. The Protocol's intention is to promote build and maintain good working relationships between Members and Officers as they work together.
- 1.2 A strong, constructive, and trusting relationship between Members and Officers is essential to the effective and efficient working of the Council.
- 1.3 This Protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and Officers. The shared object of those Codes is to enhance and maintain the integrity of Local Government and they therefore demand very high standards of personal conduct.
- 1.4 The following extract from the Local Government Association ("LGA") guidance on the 2020 Local Government Association Model Councillor Code of Conduct states that:

"Both councillors and officers are servants of the public and are indispensable to one another. Together, they bring the critical skills, experience and knowledge required to manage an effective local authority.

At the heart of this relationship, is the importance of mutual respect. Councillor-officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between Councillors and officers should observe reasonable standards of courtesy, should show mutual appreciation of the importance of their respective roles and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.

Councillors provide a democratic mandate to the local authority and are responsible to the electorate whom they represent. They set their local authority's policy framework, ensure that services and policies are delivered and scrutinise local authority services.

Councillors of the executive, chairs and vice chairs of committees have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex.

Such Councillors must still respect the impartiality of officers and must not ask them to undertake work of a party-political nature or compromise their position with other Councillors or other officers.

Officers provide the professional advice and managerial expertise and information needed for decision making by Councillors and to deliver the policy framework agreed by Councillors. They are responsible for implementing decisions of Councillors and the day-to-day administration of the local authority.

The roles are very different but need to work in a complementary way.

It is important for both sides to respect these differences and ensure that they work in harmony. Getting that relationship right is an important skill. That is why the code requires Councillors to respect an officer's impartiality and professional expertise. In turn officers should respect a Councillor's democratic mandate as the people accountable to the public for the work of the local authority".

- 1.5 The provisions of this Protocol are designed to complement the LGA Guidance and LGA Model Code of Conduct and will be interpreted having regard to the requirements of the Members' Code of Conduct, the Officers' Code of Conduct, the Council's Whistleblowing Policy and the Council's policies, procedures and processes. This Protocol sets out how the relationship works and what both Members and Officers can expect in terms of mutual respect and good working relationships.
- 1.6 The Head of Paid Service, the Monitoring Officer and the Chief Finance (section 151) Officer have specific responsibilities placed on them by law. These responsibilities go beyond their obligations as employees of the Council. Where an Officer is discharging their responsibilities under any statutory office Members shall not compromise or attempt to compromise their impartiality and must allow them to carry out their duties in a neutral, non-biased and non-partisan way.

- 1.7 Definitions in this document:

- Members: refers to elected or co-opted Members
- Officers: refers to staff employed by the Council
- Senior Officer: refers to members of the Council's Senior Leadership Team

2. Members

- 2.1 Mutual respect between Members and Officers is essential to good Local Government.
- 2.2 Officers can expect Members:
 - To give political leadership and direction and to seek to further their policies and objectives.
 - To take final decisions after considering Officer advice.

- To work constructively in partnership with Officers acknowledging their separate and distinct roles and responsibilities and the Council's policies, procedures etc.
- To treat them fairly and with respect, dignity and courtesy, to give support and to respect appropriate confidentiality.
- To appreciate that Officers work to the instructions of their managers who ultimately deliver the decisions of the Council itself rather than individual members.
- To respect the impartiality of Officers and their role in carrying out their duties.

3. Officers

3.1 The primary role of Officers is to advise, inform and support Members and to implement the lawfully agreed policies of the Council.

3.2 Officers are responsible for day-to-day managerial and operational decisions within the Council.

3.3 Officers will act professionally, impartially and with political neutrality.

3.4 Whilst Officers will respect a Member's view on an issue, Officers should not be influenced or pressured to make comments, or recommendations which are contrary to their professional judgement.

3.5 Members can expect Officers to:

- Implement decisions of the Council and its Committees which are lawful, which have been properly approved in accordance with the requirements of the law and the Council's Constitution and are duly recorded.
- Work in partnership with Members in an impartial and professional manner
- Treat Members fairly and with respect, dignity and courtesy
- Assist and advise all parts of the Council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the Council's formal decisions.
- respond to enquiries and complaints in accordance with the Council's procedures.
- be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
- act with honesty, respect, dignity and courtesy.
- not seek to use their relationship with Members to advance their personal interests or to influence decisions improperly.

4. The Relationship: General

- 4.1 Members and Officers are indispensable to one another. However, their responsibilities are distinct. Members are accountable to the public, whereas Officers are accountable to the Council as a whole.
- 4.2 Members should not raise matters relating to the conduct or capability of an Officer, or Officers collectively, in a manner that is incompatible with this Protocol at meetings held in public, on social media or in the press. Officers do not necessarily have the same right of reply to such comments as Members do and Members should take care not to abuse or exploit this imbalance.
- 4.3 A Member who is unhappy about the actions taken by, or conduct of, an officer should take up the concern with the appropriate Senior Manager or if the matter is of a particularly serious nature inform the Managing Director.

5. Specific Member Roles / Officer Relationship

5.1 Leader

The Leader gives political direction and leadership to the Council. The role includes:

- Setting standards of conduct and expectations for their group of Members and resolving any instances of misconduct by a member of that group that has been referred to him/her from the Governance Committee / Hearing Panel.
- Working closely with the Managing Director to ensure proper coordination of the Council's leadership and management. The Leader and Managing Director have ultimate responsibility for the corporate working of the Council. They also have responsibility for ensuring that overall partnership working is effective.

5.3 Leader of Opposition groups

The Leader of a political group in opposition on the Council has several key roles including:

- supporting the democratic process by ensuring that the activities of the Administration are appropriately examined, contributed to and, where considered necessary, challenged through mechanisms provided within the Constitution;
- bringing forward alternatives to policies or operational decisions proposed by the Administration, as appropriate;
- giving political direction and leadership to their group of Members, setting standards of conduct and expectations and resolving any instances of misconduct by a member of that group referred to him/her by the Governance Committee / Hearing Panel

6. Conduct at meetings of the Council

All questions are directed through the chair of the Council or Committee.

- 6.1 Members should question Officers with respect and courtesy. Officers should respect Members in the way they respond to Members' questions.
- 6.2 Questions and criticisms in meetings are for the topic under debate and the content of papers presented. Criticism of Officers must be avoided as Officers have no right to reply.
- 6.3 Senior Officers have a duty to present reports and give advice to Committees and sub-committees of the Council. All reports to Council meetings include the name of a contact officer, and Members are encouraged to approach that Officer for any query or issue they wish to raise prior to the meeting.
- 6.4 Officers do not have the right per se to take part in debates in meetings, however they may be asked to respond to questions. To fulfil their duties, statutory officers may need to offer advice to or the Chair, the Council or committees if required and as necessary.

7 Office and Communications Protocol

- 7.1 Since the introduction of flexible working practices, officers may work from home for up to 50% of the time. In light of this Officers do not always occupy the same desk. To ensure that an Officer is available, Members are advised to arrange a meeting to ensure that the Officer is available.
- 7.2 Officers IT systems may have lights or other indicators to signify that they are in a meeting or focused on a specific task. Members should not interrupt Officers in this situation.
- 7.3 Members are usually not desk based, and work in a different way to Officers. Sending an email or diary invite to a Member is not a guarantee that a Member is aware. In respect of important or urgent issues, Officers should ensure that Members have received acknowledged or responded, and if not contact the Member in person or by phone or messaging system that shows the status reliably.
- 7.4 Messages in the Members' Newsletter are useful broadcast information, but should not be used as the sole method of communication of time critical information.

8. Breaches of the Protocol

- 8.1 Where the relationship between Members and Officers breaks down or becomes strained, every effort will be made to reconcile or resolve matters informally.
- 8.2 Where a Member is dissatisfied with the conduct, behaviour or performance of an Officer, the matter should be raised in line with the Officer conduct complaints procedure.
- 8.3 Where an Officer is dissatisfied with the conduct or behaviour of a member they may make a complaint in line with the Members' Code of Conduct procedure.
- 8.4 Breaches of this Protocol by a Member may constitute a breach of the Members' Code of Conduct.
- 8.5 Breaches of this Protocol by an Officer may be referred for disciplinary action.

9. Monitoring, Review and further Advice

- 9.1 The application and implementation of this Protocol will be monitored and reviewed by the Council's Governance Committee.
- 9.2 Further advice on the interpretation of this Protocol is available from the Managing Director or Monitoring Officer.