

Protocol on Member/Officer Relations - March 2020-May 2021

INTRODUCTION

Mutual trust and respect between Councillors and Officers is essential to ensure good governance and the effective running of a council. To help ensure that relationships do not go wide of the mark, it is advisable to have a written protocol to cover:

- The respective roles and responsibilities of the Councillors and the Clerk, and any other staff employees;
- The relationships between Councillors and Officers;
- Where or who the Clerk should go to if they have concerns;
- Who is responsible for making decisions.

The same fundamental principles should apply regardless of the nature and size of the Council. This protocol has been written in a way that will be particularly relevant to larger councils but personal relationships and personnel matters can be particularly problematic in smaller councils where the Clerk may be the sole employee and means having an agreed protocol is very important.

It is the National Association of Local Councils' (NALC) policy that party politics should have no place in parish councils, the concept being that parish councillors are there to serve their community as members of that community and should not be side-tracked by party political issues. NALC does not therefore encourage parish councils to adopt political groupings.

MEMBER/OFFICER RELATIONS

1 Background

- 1.1 This protocol is intended to assist Councillors and the Clerk, in approaching some of the sensitive circumstances, which arise in a challenging working environment.
- 1.2 The reputation and integrity of the council is significantly influenced by the effectiveness of Councillors, the Clerk and other staff working together to support each other's roles.
- 1.3 The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy. Close personal familiarity should be avoided.

2. Roles of Councillors and Employees

- 2.1 The respective roles of Councillors and employees can be summarised as follows: -

Councillors 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 council, and to carry out the council's work under the direction and control of the council and relevant committees.

2.2 Councillors

- 2.2.1 Councillors have four main areas of responsibility:

- To determine council policy and provide community leadership;
 - To monitor and review council performance in delivering services;
 - To represent the council externally; and
 - To act as advocates for their constituents.
- 2.2.2 All Councillors have the same rights and obligations in their relationship with the Clerk and other employees, regardless of their status or political party, and should be treated equally.
- 2.2.3 Councillors should not involve themselves in the day to day running of the Council. This is the Clerk's responsibility, and the Clerk will be acting on instructions from the Council or its Committees, within an agreed job description.

2.3 Chairmen and Vice-Chairmen of Committees

Committee Chairs and Vice-Chairs have additional responsibilities. These responsibilities mean that their relationships with employees may be different and more complex than those of other Councillors. However, they must still respect the impartiality of Officers and must not ask them to undertake work of a party political nature, or to do anything, which would prejudice their impartiality.

2.4 Officers

- 2.4.1 The role of Officers is to give advice and information to Councillors and to implement the policies determined by the Council.
- 2.4.2 In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the Officer to express his/her own professional views and recommendations. An Officer may report the views of individual Councillors on an issue, but the recommendation should be the Officer's own. If a Councillor wishes to express a contrary view they should not pressurise the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging his/her responsibilities.

3. Expectations

3.1 All Councillors can expect:

- A commitment from Officers to the Council as a whole, and not to any individual Councillor, group of Councillors or political group;
- A working partnership;
- Officers to understand and support respective roles, workloads and pressures;
- A timely response from Officers to enquiries and complaints;
- Officer's professional advice, not influenced by political views or personal preferences;
- Regular, up to date, information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold;
- Officers to be aware of and sensitive to the public and political environment locally;
- Respect, courtesy, integrity and appropriate confidentiality from Officers;
- Training and development opportunities to help them carry out their role effectively;
- Not to have personal issues raised with them by Officers outside the council's agreed procedures;
- That Officers will not use their contact with Councillors to advance their personal interests or to influence decisions improperly;
- That Officers will at all times comply with the relevant code of conduct.

3.2 Officers can expect from Councillors:

- A working partnership;
- An understanding of, and support for, respective roles, workloads and pressures;
- Leadership and direction;

- Respect, courtesy, integrity and appropriate confidentiality;
- Not to be bullied or to be put under undue pressure;
- That Councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- That Councillors will at all times comply with the council's adopted Code of Conduct.

3.3 Some General Principles:

- Close personal relationships between Councillors and Officers can confuse their separate roles and get in the way of the proper conduct of Council business, not least by creating a perception in others that a particular Councillor or Officer is getting preferential treatment.
- Special relationships with particular individuals or party political groups should be avoided as it can create suspicion that an employee favours that Councillor or political group above others.

4. Political Groups

- 4.1 The operation of political groups is becoming more of a feature within parish councils, but it is worth repeating that it is NALC policy that party politics should have no place in parish councils. Parish Councillors are there to serve their community as members of the community, and should not be side-tracked by party political issues. Party politics within a parish council can pose particular difficulties in terms of the impartiality of the Clerk and other employees, and the relationship between Councillors and the staff generally.
- 4.2 Party political groups have no power to require the Clerk or any other employee to attend group meetings or to prepare written reports for them, and employees can legitimately refuse to do so. The Clerk and other Officers are responsible to the council as a whole and should not take action under instructions from any individual Councillor, even if he/she has been styled as 'Leader/Mayor' of the council.
- 4.3 If your council has adopted party political groupings, the Clerk should ensure that any reports or advice offered to a political group are statements of relevant facts, with an appraisal of options and do not deal with the political implications of the matter or options or make any recommendations. It is not the Clerk's job to make recommendations to a political group.
- 4.4 If a report is prepared for one political group, the Clerk should advise all other political groups that the report has been prepared, or that advice was given.
- 4.5 A Clerk needing advice or guidance on matters relating to party groups or how to operate within a political environment should seek advice from their County Association of NALC, or from the Society of Local Council Clerks.

5. When things go wrong

Procedure for officers

- 5.1 From time to time the relationship between Councillors and the Clerk (or other employees) may break down or become strained. Whilst it is always preferable to resolve matters informally, through conciliation by an appropriate third party, the Council has adopted a formal grievance procedure which should be followed by all staff.
- 5.2 The unitary council's Monitoring Officer may be able to offer a mediation/conciliation role or it may be necessary to seek independent advice. For example, the Society of Local Council Clerks may be able to provide an independent person. The Chair of the council should not attempt to deal with grievances or work-related performance or line management issues on their own. The council has delegated authority to the Personnel Committee/Full Council to deal with all personnel matters.

- 5.3 The law requires all employers to have disciplinary and grievance procedures. The council's grievance procedure enables individual employees to raise concerns, problems or complaints about their employment in an open and fair way.
- 5.4 If a Councillor is dissatisfied with the conduct, behaviour or performance of the Clerk or another employee, the matter should be raised with the Clerk in the first instance. If the matter cannot be resolved informally, it may be necessary to invoke the council's disciplinary procedure.

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