

MEMBER/OFFICER PROTOCOL

MAY~~APRIL~~ 2023~~19~~

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"No Council can function effectively without a good relationship between its Councillors and its Officers." - The Nolan Report on Standards in Public Life.

1. Introduction

- 1.1 It is often said that "Members create policy and Officers implement it." The relationship between Members and Officers is however more complex and less sharply defined, involving much working together, consultation and discussion.
- 1.2 Runnymede has Codes of Conduct for both Members and ~~s~~Staff, and although ~~th~~ese Codes, of necessity, touch briefly on the relationship between Members and ~~S~~taff, each is essentially self-contained and concerned with its own role. This Protocol is a working document which attempts to bridge ~~th~~is gap.
- 1.3 This Protocol is essentially a guidance note and is not legally prescriptive. It will however be relevant in judging compliance with the Member and Staff Codes of Conduct. Its main purpose is to ensure that all Members are able to receive objective and impartial advice from politically independent staff who are not subjected to any undue influences.

2. Members

- 2.1 Runnymede's "Code of Conduct for Members" places a general obligation upon Members to promote equality by not discriminating unlawfully against any person (on the basis of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation), by treating others with respect, and by not doing anything which compromises or which is likely to compromise the impartiality of those who work for the CouncilAuthority.

Examples of situations where a a person might be discriminated against unlawfully would be if a Member said they would not accept a request from a resident of particular ethnic background to raise a housing issue on their behalf. Another example would be if a committee of the Council were considering an application for some sort of permission/licence/consent and it decided to refuse the application solely on the basis of the ethnic background of the applicant.

Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. Examples of disrespect in a local government context might include rude or angry outbursts in meetings, use of inappropriate language in meetings or written communications such as swearing, ignoring someone who is attempting to contribute to a discussion, attempts to shame or humiliate others in public, nit-picking and fault-finding, the use of inappropriate sarcasm in communications and the sharing of malicious gossip or rumours.

Examples of compromising the impartiality of those who work for the Council could be a councillor who becomes involved in a social care case on behalf of a constituent during which time they inappropriately seek to influence operational decision-making and send discourteous and disrespectful correspondence to officers. In doing so, they would have lost sight of their overall responsibility to the Council to allow its officers to perform their statutory functions. A councillor who, over a period of time persistently seeks to influence the decisions of officers dealing with a complaint by their children against their local authority tenant neighbour would through their actions have compromised the impartiality of the officers.

2.2 Members should not raise matters relating to alleged misconduct or incapability of a member of staff at meetings of the Council, Committee or Sub-Committees, or any other public forum. At such meetings staff often have no acceptable or effective means of responding to such public criticisms. If a Member feels that (s)he has not been treated properly or has any concern about the conduct or capability of a member of staff (s)he should raise these concerns by other means, as mentioned in 2.3 below.

2.3 Members are clearly able encouraged to raise operational and service delivery concerns, as well as any unease as to the judgement and competence of any employee. This should be done through the appropriate Corporate Head, the Chief Executive or the Member's political Group Leader who will communicate with the Chief Executive.

2.4 A Member should not pressurise a member of staff to do something which the member of staff is not authorised to do, or which (s)he feels is against professional judgement. A Member should not pressurise staff to do something which is outside their normal duties or working hours.

Examples of pressuring staff to do something which they are not authorised to do would be asking staff to provide personal information about another person when the Councillor has no right to that information, asking staff to grant some form of benefit to a person they are not entitled to or taking some form of action against a person when there are no grounds for doing so.

Examples of asking staff to do something outside of their normal duties or working hours. This could be asking a member of staff to act a personal driver or cleaner. Alternatively it might be asking a member of staff to run some form of check on a person using systems the council has access to when there is no operational reason for carrying out such a check.

2.5 Whilst Members and staff should treat each other with mutual respect and courtesy, Members should not encourage close personal familiarity or engage in social intercourse outside the working environment. If an unavoidable personal relationship exists (either family or social) between a Member and an employee, the Member concerned shall notify the Chief Executive and Group Leader.

Whilst Members and officers have to work closely together and in order to do so have to establish a relationship they should seek to maintain a professional distance. Close personal familiarity or social intercourse can lead to problems because there is a risk of blurring the boundaries which need to exist to ensure officers remain politically neutral.

2.6 Members have the right to inspect background papers and any other public Council documents which contain material relating to any business to be carried out at any meeting of the Council or its bodies. This right does not however entitle Members to inspect exempt or confidential reports or papers. (Committee Members may have greater rights than others in some circumstances). While enquiring as to a document's availability is always acceptable, a Member should be careful that (s)he does not place a member of staff under pressure to provide information which the Member does not have a right to receive. Any dispute should be referred to the Chief Executive or to the Monitoring Officer (the Corporate Head of Law and Governance).

2.7 The Chairmen of Committees and Sub-Committees have access to draft agenda items and the opportunity to seek advice and information from staff at pre-meetings ("callovers") held before the Committee or Sub-Committee meeting. Whilst it is clearly important that there should be a close working relationship between Members in leadership positions and senior staff, Members should always respect the impartiality of the staff and not seek to misuse their position of authority. Advice

sought at such meetings from the staff should focus on the matters to be considered, and not party political advantage.

- 2.8 Chairmen should not deliberately withhold relevant information from their Committees or Sub-Committees, once it has been provided by staff. Nor should a Chairman seek to prevent staff giving this information to the Committee or Sub-Committee as their professional judgement sees fit.
- 2.9 Members should not request staff to attend political or party meetings, except in cases where it is clearly understood that staff will be asked to explain or advise on some statutory requirement or some other matter relating to the work or obligation of the Council as a whole. In such cases the impartiality of the staff should be respected, and it should be recognised that the member of staff is under an obligation to provide similar information and advice to Members of other political Groups if so requested or so minded.
- 2.10 As far as possible, Members should seek to communicate with Chief Officers or Corporate Directors/Heads. It is permissible and sensible for Members to seek straightforward factual information from junior staff, and to enquire as to technical or professional matters of appropriately qualified staff whose duties include advising Members. However, anything contentious, or any matter requiring a complex opinion, a value, or a judgement, should be directed to the Chief Officer or Head of the relevant service.
- 2.11 Generally, Members should not do anything which may put the honesty or integrity of a member of staff under pressure, or which may damage public confidence in Officers. In any area of doubt, the matter should be raised with their Group Leader, the appropriate Corporate ~~Directors~~/Heads or the Chief Executive as appropriate.
- 2.12 Where a Chief Officer considers that a disproportionate amount of time is being spent by Officer(s) responding to a Councillor, the relevant Chief Officer will inform the Leader of the respective Group with a view to reviewing the amount of information being requested by the Member in question.

Whilst it is open to a Councillor to raise questions, seek information or raise issues the role of officers is to serve the Council as a corporate body. Decisions and actions have to be approved through the formal decision making processes of the Council. It has to be remembered that in a Committee based system no individual Councillor has authority to make a decision. Decisions are made either by officers exercising delegated powers, by committees exercising their delegated powers or by Full Council.

3. Staff
- 3.1 Staff are not responsible directly to individual Members; their primary duty is to the Council as a legal body, and their immediate reporting responsibility is to their manager and thence to their Corporate Head.
- 3.2 It is of the utmost importance that staff are seen to be politically impartial. All staff, whether or not they hold a politically restricted post, must refrain from acting politically, or appearing to be politically motivated, when giving advice or performing their duties on behalf of the Council. Inevitably, though, staff must implement the policies of the Council, which will often be determined politically by the Majority Group, should there be one.
- 3.3 When called upon to give advice to Members, whether in Committee or at less formal meetings, staff should at all times give factual and professional advice relating purely to the business at hand, and must refrain from any kind of political bias or comment. Similarly, all advice and information should be given on the basis that it is freely available to all Members of the Council and not just certain individuals or groups.

- 3.4 Staff must strictly follow the policies of the Council and must not allow their own personal or political opinions to interfere with their work.
- 3.5 Although staff serve the Council as a corporate body, they must treat individual Members with courtesy and respect and remember that they owe equal obligations to all Members of the Council and not just those of the ruling Group.
- 3.6 A member of staff should respect a Member's request for confidentiality when dealing with any legitimately delicate matter. Any written reply to a Member where confidentiality is requested in such circumstances should not be copied to any other Member without the original Member's permission, or in order to comply with an unavoidable legal or professional obligation.
- 3.7 Staff should take special care when dealing with Chairmen and other senior Members, since it would be improper to provide them with information which the member of staff is not prepared to make freely available to other Members of the Council or the relevant Committees and Sub-Committees.
- 3.8 As in the case of Members, staff should ensure that relationships are strictly professional and that they do not engage in over-familiarity. If an unavoidable personal relationship (either family or social) exists, the member of staff should ensure that (s)he gives full information to his Corporate Head (or to the Chief Executive in the case of Corporate Heads).
- 3.9 Staff will observe the guidance set out in the Council's Constitution as to informing and consulting Ward or other Members, using the Council's appropriate pro-forma and/or (where appropriate) e-mail facilities.
- 3.10 Junior staff should remember that Members are encouraged to communicate directly with Chief Officers or Corporate Heads. It is in order for a junior member of staff to give any Member straightforward factual information. It is also in order for professional staff whose duties involve offering advice to Members to give a straightforward professional opinion. However, contentious issues and value judgements should be politely referred to the Corporate Head/Director.
- 3.11 As in the case of Members, staff should take steps to ensure that they do not do anything which might compromise their position or lead to a loss of public confidence in them or the Council.
- 3.12 Staff should refrain from doing anything which publicly impugns the honesty, integrity or competence of any Member. Any matter of concern should be raised with the relevant Corporate Head or the Chief Executive.
- 3.13 It is not acceptable or appropriate for council officers at any level to lobby Elected Members on personal employment issues. If an employee has issues or concerns over any personal employment matter they need to raise it in the first instance with their line manager who will attempt to resolve the matter. If the employee is dissatisfied with the outcome of their discussions with their line manager, they may approach their Trade Union representative or Human Resources. If informal methods have not resulted in a satisfactory resolution to their issue/s, they have the right to raise a grievance if they wish. If Members are ever approached by a council Officer at any level over a personal employment issue they should refer the employee to their line manager to deal with the issue concerned

[4 Timescales for Handling Correspondence from Elected Members](#)

[4.1 Whilst there is no formal expectation on when staff should respond to enquiries from Elected Members, staff will endeavour to provide responses in a timely manner](#)

(ideally within 5 working days), or where this is not possible, indicate to the Member(s) concerned when a full response may be forthcoming.