

Part 5

Protocol On Member / Employee Relations

1. ROLES AND RESPONSIBILITIES

Members

- 1.1 The role of the Councillor is defined by the Local Government Act 1972 and the Local Government and Housing Act 1989. In law, all Councillors are equal and have the responsibilities of trustees. No decisions on behalf of the Council can be taken by individual Councillors.
- 1.2 All Councillors are required:-
- (a) to be guided by the authority's current Code of Conduct;
 - (b) to comply with the Council's Procedure Rules and Financial Regulations;
 - (c) to ensure that any facilities provided by the Council for Members use in undertaking their duties are used strictly for those duties and for no other purpose; and
 - (d) to comply with all relevant statutory provisions.

In observing the above requirements, it is the responsibility of Members themselves to ensure that they have proper advice. If Members are ever in any doubt in terms of the law, any Council Code, Procedure Rules, general propriety, conflicts of interests, etc., then the Service Manager - Corporate & HR / Monitoring Officer should be consulted. Similarly the Service Manager - Finance & Welfare should be consulted in respect of financial advice.

Committee Chairmen

- 1.3 The role of a Committee Chairman is only legally recognised for procedural purposes (e.g. in conducting meetings and exercising a casting vote). In practice, Chairmen are recognised as the lead member on individual service areas, undertaking the following roles:
- (a) presenting reports at Council, as necessary, and responding to questions (as defined in Procedure Rules);
 - (b) responding to the press and making public statements on behalf of the Council; and
 - (c) liaising closely with the relevant Executive Director / Service Manager.

Staff

- 1.4 Employees are employed by, and serve, the whole Council. They advise the Council and its committees, implement the decisions of the Council and may take those decisions formally delegated to them. All are required to be politically neutral, and for senior officers this is enforced through the political restrictions of the Local Government and Housing Act 1989. All are required to abide by the Council's Code of Conduct for Employees.

- 1.5 Employees are responsible to their line manager and ultimately their Service Manager / Executive Director. Service Managers have professional responsibilities and accountabilities to the Head of Paid Service who has responsibilities for the proper management of the Authority's staff. Some Senior Officers have specific responsibilities as statutory officer post holders as well.
- 1.6 The Executive Directors and other senior staff working to them, will inevitably need to work closely with Members if there is to be effective policy development. This relationship has to function without compromising the ultimate responsibilities of employees to the Council as a whole, and with due regard to such technical, financial, professional and legal advice that employees can legitimately provide.

2. RESPECT AND COURTESY

- 2.1 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and employees.
- 2.2 If an employee is in breach of this requirement some form of disciplinary action will result. However, since Members are not subject to the same sanctions, it is particularly important that they do not abuse their position and should such incidence arise, the matter will be dealt with under the Council's Standards Regime.

3. UNDUE PRESSURE

- 3.1 In their dealings with Senior Officers and employees (especially junior employees) it is very easy for employees to be overawed and feel at a disadvantage and a Member should not apply undue pressure on an employee to do anything that he/she is not empowered to do nor should demands be placed on an employee to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.
- 3.2 Similarly, an employee must not seek to influence an individual Member to make a decision in their favour nor raise personal matters to do with their job nor make claims or allegations about other employees. The Council has formal procedures for consultation, grievance and discipline.
- 3.3 Reports to Committee should be written by the Service Manager or another employee authorised by him or her. Sensitive reports will be discussed with the appropriate Chairman at one of the regular meetings held with the Service Manager, and the Chairman may make suggestions to the Service Manager as to the contents of the report. However, the report is the Officer's, and even if the Chairman or another committee member in exceptional circumstances is unhappy with its contents, it cannot be amended by the Chairman or another committee member. Any amendments can only be made by the Service Manager who will consult and inform the Executive Director as necessary.

4. FAMILIARITY

- 4.1 Close personal familiarity between individual Members and employees can damage the principle of mutual respect and cause embarrassment to other Members and/or other employees and even give rise to suspicions of favouritism. For these reasons close personal familiarity must be avoided.

5. REDRESS

- 5.1 If a Member considers that they have not been treated with proper respect or courtesy they may raise it with the employee's Service Manager if they fail to resolve it through direct discussion. A Member may raise the issue with the relevant Executive Director if the issue still remains unresolved.
- 5.2 If an employee feels the same way about a Member, they should raise the matter with their Service Manager as appropriate without delay - especially if they do not feel able to discuss it with the Member concerned. In such circumstances the Service Manager will take such action as is appropriate either by approaching the individual Member and/or Group Leader. The Service Manager will inform the Executive Director, or the Service Manager Corporate & HR / Monitoring Officer in the Executive Director's absence, if the Group Leader becomes involved, or any other case where that is appropriate.

6. POLITICAL ACTIVITY

- 6.1 Senior Officers, except those specially exempted, cannot be local authority councillors or MPs, nor can they speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party.
- 6.2 Employees are employed by the Council as a whole. They serve the Council through committees and sub-committees and are responsible to the Head of Paid Service and their respective Service Manager, and not individual Members of the Council whatever office they might hold. Their conduct is subject to the application of the Council's employment policies and procedures.
- 6.3 Employees should not be involved in advising any political group of the Council or attend any of their meetings in an official capacity without the express consent of their Executive Director.
- 6.4 Neither the Head of Paid Service nor any other employee can be instructed to attend or write reports for such a meeting.
- 6.5 The above does not obviate the necessity for regular contact on matters affecting the Council between the Executive Director, other senior officers, and the leadership of political groups, and on matters affecting Committees between Service Managers, other senior officers, and Committee Chairmen.
- 6.6 Members and employees must understand that Council decisions can only be made by full Council, Cabinet, Regulatory Committees, or officers acting under delegated authority. Decisions by party political groups do not constitute Council decisions. Members and employees must accordingly ensure that representations to the Council at any stage in the formal decision-

making process with regard to any matter should be made to the appropriate Committee, and not to a political group.

7. REQUESTS FOR AN OFFICER TO ADDRESS GROUP MEETINGS

7.1 Any request by a Council political group or any part of a group (such as group Members on a particular committee) will be addressed to the Head of Paid Service by the Leader of the Group. Requests need to be made in sufficient time before any meeting to enable stages 7.2 and 7.3 below to be completed in good time.

7.2 The request will

(a) indicate the reason(s) why an officer is asked to address the group meeting;

(b) name the officer asked for, if known;

(c) set out the topic(s) to be covered or on which information or a report is sought.

7.3 The Head of Paid Service, after consultation with the Service Manager and individual officer(s) concerned, will decide whether the request can be agreed, in whole or part, and will notify: (a) the Leader accordingly; (b) the Leaders of the other Groups and indicate that similar arrangements will be made for them if they so wish.

This is to ensure the preservation of the integrity of all concerned through openness and equal access to employees.

7.4 No employee (including Service Managers and Executive Directors) can be instructed by a Member or Members, or any senior officer, to attend or write reports for such a meeting if they do not wish to do so.

7.5 It follows from everything that has been said that employees are entitled to have their political neutrality respected should they agree to attend the group meeting, and to be treated in a fair and proper way. Employees must not be placed in a position where they feel at a disadvantage or their integrity put at risk.

7.6 To safeguard both employees and Members, matters which have not been agreed to in advance by the Head of Paid Service in writing will not be raised in the presence of the employee(s). Employees will be instructed that they must leave a meeting if there is any suggestion that they are to be asked to comment on matters beyond the brief agreed in advance, or if they feel vulnerable or that their integrity were to be put in question.

7.7 Any breach of these arrangements by either Members or employees will be viewed seriously and appropriate action taken by Group Leaders or the Head of Paid Service respectively.