

## **PROTOCOL ON MEMBER/EMPLOYEE RELATIONS**

### **1. Principles Underlying Member Employee Relations**

Both Councillors and employees are servants of the public, and they are indispensable to one another. But their responsibilities are distinct.

Mutual respect between Councillors and employees is essential to good local government. Close personal familiarity between individual Councillors and employees can damage this relationship and prove embarrassing to other Councillors and employees.

### **2. Roles of Members**

Councillors are responsible to the electorate and serve only so long as their term of office lasts. All Councillors are under a duty to represent the interests of all electors who live in the area they represent, whether they voted for them or not.

The roles of Councillors vary depending on whether or not they fulfil any special responsibilities. The roles of Councillors are set out under the appropriate articles of this Constitution.

### **3. Roles of Employees**

Employees are responsible to the Council. Their job is to give advice to individual Councillors, to the Cabinet, to the Council and its Committees / Sub-Committees, and to carry out the Council's work under the direction and control of the Cabinet, the Council, and its Committees / Sub-Committees.

Employees are expected to be politically impartial. Senior employees whose jobs are designated as politically restricted under Section 2 of the Local Government and Housing Act 1989 are precluded from becoming involved in certain political activities, such as holding office in a political party or becoming an elected Member of another local authority.

Employees will be expected to provide advice impartially to all Members and co-opted Members of the Council, to Opposition Members and to all Members of Committees.

### **4. Relationship Between the Mayor and Employees**

The Mayor as first citizen of the Borough is an important person in the Town. Employees are expected to treat the Mayor with due deference. The Mayor is a representative of the Borough both within the Town and elsewhere. What they do and say will be noticed by others and the Council will, to some extent, be judged by the conduct of the Mayor. It is therefore important that the Mayor is willing to take professional advice from the employees whose role it is to support him/ her - in particular the Chief Executive, the Head of Legal, Democracy and HR and the Member and Cabinet Support Officer.

## **5. Relationship Between Leader and Members of the Cabinet**

The relationship between the Leader and the other Members of the Cabinet should be one of mutual trust and respect.

As politicians these Councillors may have different views that are very strongly held. They must never allow these deeply held differences of opinion to become personal.

Whilst Cabinet Members may express disagreement with a proposal during discussions at meetings of the Cabinet, once a matter has been agreed either by the Cabinet or by the Full Council, they must publicly support the agreed policy.

## **6. Relationships Between the Chief Executive, Deputy Chief Executive, Service Heads and Cabinet Members**

It is clearly important that there should be a close working relationship between Cabinet Members and the employees who support and interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the employee's ability to deal impartially with other Members and other party groups.

All Cabinet Members will routinely be consulted as part of the process of drawing up proposals for consideration at forthcoming meetings of the Cabinet. It must be recognised in some situations an employee will be under a professional duty to submit a report. Similarly, a Head of Service the Chief Executive or Deputy Chief Executive will always be fully responsible for the content of any report submitted in their name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report.

## **7. Relationships Between Chairs and Members of the Overview and Scrutiny Commission *and its Panels* and Employees**

The Chairs of the Overview and Scrutiny Commission *and its panels* should treat each Member of the Commission/Panel as equal. They should ensure that every Member has the right to be heard, regardless of whether the Member is of the same political persuasion. The Chair should encourage those Members who do not so readily participate in discussions to speak out.

Employees are employed to serve the whole Council. They must willingly meet any legitimate requests from the Overview and Scrutiny Commission *or its panels* for information, assistance or advice, in accordance with the Scrutiny Procedure Rules. Employees should never obstruct the Scrutiny process either to suit their service area's ends or those of any Cabinet Member.

## **8. Complaints by Employees Regarding Member Conduct**

If any employee feels they have reasonable cause to complain about the conduct of an elected Member, they should in the first instance draw the matter to the attention of their line manager, who should consult with the Monitoring Officer. If, for any reason, the employee does not wish to raise the matter initially with their line manager, they may make a direct approach to the Monitoring Officer.

The Monitoring Officer will address the issue either direct with the Member concerned or via their Group Leader as the Monitoring Officer judges most appropriate. If the alleged conduct is sufficiently serious, the Monitoring Officer may

advise the employee to make a complaint about the matter. Such a complaint will be dealt with under the Council's arrangements for dealing with Code of Conduct complaints.

Whether or not the matter has been raised with the Monitoring Officer, the employee also has the right (as does any member of the public) to complain to the Standards for England if they believe that a Member has behaved in breach of the Councillors' Code of Conduct.

## **9. Complaints by Members Regarding Employee Conduct**

All issues relating to the conduct of employees must be dealt with through the normal line management processes and, in the case of serious allegations of misconduct, through the Council's normal disciplinary procedures.

If any Member of the Council feels that they have reasonable cause to complain about the conduct of an employee, they should put their complaint in writing to the appropriate Head of Service, or if the complaint is about a Head of Service or the Deputy Chief Executive then to that employee's line manager (i.e. the Deputy Chief Executive or the Chief Executive).

The decision by a Member to complain about an Employee should not be taken lightly. It is damaging to Member / employee relations for such complaints to be made, unless they can be fully justified. Therefore, if a Member decides to submit a complaint then the complaint must supply factual evidence to support the allegation.

Once such a complaint has been made, the Head of Service, Deputy Chief Executive or Chief Executive as the case may be will be responsible for deciding what action, if any, should be taken in relation to the complaint and will inform the Member of their conclusions.

If the complaint relates to the conduct of a Head of Service or the Deputy Chief Executive and there is sufficient evidence to warrant consideration by the Appointments and Investigating Committee then the Member who made the complaint shall not serve on the Committee, but may be called upon to give evidence to the Committee.

If, following examination of the complaint the Head of Service, Deputy Chief Executive or Chief Executive finds the complaint to be unfounded and believes it to be inappropriate, vexatious or malicious, then they may refer the matter to the Monitoring Officer who will then consider what action to take following consultation with the Chief Executive and the Leader of the Members' party group.

## **10. Relationships Between Chairs and Members of Other Committees and Employees**

Chairs of Committees should treat each Member of their Committee as equal. They should ensure that every Member has the right to be heard, regardless of whether the Member is of the same political persuasion. The Chair should encourage those Members who do not so readily participate in discussions to speak out.

Employees must ensure that Committees are provided with sufficient information upon which to come to a reasoned decision.

If there are any differences of opinion between employees, they should attempt to resolve these through the Corporate Management Team and present an agreed position to a Committee. However, if differences of opinion remain these should not be disguised but should be reported to the Committee with a clear explanation of the reasons for the different views.

Employees must ensure that the information they provide to a Committee is, to the best of their knowledge, complete, up to date and accurate.

#### **11. Employee Relationships with Party Groups**

Employees are appointed to serve the whole Council. They should never show partiality to any particular party group. Any Member of the Council should be able to feel confident that they could approach a senior employee for advice and that any discussion, would, if they so wished, be treated in confidence.

#### **12. Members in their Ward Role and Employees**

All Councillors are first and foremost representatives of their local community. Employees should do all that they can to assist Councillors to fulfil this role. In particular, employees should do their utmost to respond to Councillors' enquiries within the corporately agreed timescales under the Members' enquiry procedure.

Councillors should also endeavour to deal expeditiously with correspondence from their constituents. They should also keep records of correspondence and notes of any advice given to their constituents for four years. These documents may be required, for example, in cases where the constituent subsequently make a complaint to the Local Government Ombudsman.

Councillors should ensure that they understand the Council's agreed policies so that they do not inadvertently raise a constituent's expectations that their problem can easily be resolved, when in fact the resolution the customer is seeking would contravene existing Council policy.

Councillors should not place Council Employees under undue pressure in seeking to achieve a particular outcome on behalf of one of their constituents.

#### **13. Member Access to Documents and Information**

Members have rights of access to information over and above those they would have as an ordinary member of the public. Members have a right to see documents or parts of documents where this is reasonably necessary to enable them to perform their duties as a Councillor or their role within the Council. This is commonly referred to as the "need to know principle". This does not amount to an automatic right to see documents and they do not have a "roving commission" allowing them access to any documents in the possession of the Council. They must demonstrate the need to know to the Chief Executive, Deputy Chief Executive or Service Head.

If a Member has a genuine need to know in order to carry out their duties then they should be provided with the information they are seeking. Any cases of dispute should be referred to the Head of Legal, Democracy and HR for arbitration. However, they are under an obligation to use the information properly and respect confidentiality.

Members must take care to ensure that information provided to them on a confidential basis is not disclosed to a third party.

Members have the same rights as any other member of the public to request information under the Freedom of Information Act 2000. Any such request will be dealt with under the Council's Procedure for Freedom of Information requests,

#### **14. Other Individuals Who Are Members of Council Bodies**

Co-opted Members of Committees are under the same obligations as Councillors in relation to access to information and the need to respect the confidentiality of certain information that is provided to them in order for them to fulfil their particular role.

#### **15. Press Releases**

Press releases will be issued by the Communications Division. All communications work undertaken will be non party political and will comply with the Government's code of practice on local authority publicity.

All media enquiries coming in to the Council's offices should be passed immediately to the Communications Division. Where appropriate the Communications Division will contact the appropriate Cabinet Member, Committee Chair, Chief Executive, Deputy Chief Executive or Head of Service, whenever possible, to provide a timely response.

Cabinet Members are encouraged to liaise with the Communications Division over media enquiries to ensure a co-ordinated and positive profile for Council activities.

Member quotes in press releases will normally be restricted to Cabinet Members and the Mayor. These will be cleared with the appropriate Member. Press releases on major or controversial issues will be cleared with the appropriate Cabinet Member and the Chief Executive or Deputy Chief Executive. Ultimate approval of press releases rests with the Leader of the Council.

In appropriate cases, press releases will be issued or press briefings held in advance of Cabinet, Scrutiny and Full Council meetings to highlight key developments, initiatives and proposed decisions. The appropriate Cabinet Member (and Chief Executive or Deputy Chief Executive) will, wherever possible, be present.

Where a journalist wishes to find out what was said by individual Members during a meeting, the reporter will be referred to the Member direct. It is the prerogative of individual Members to make their own statements relating to the issues in their ward.

#### **16. Correspondence**

Correspondence between Members and employees should be business like and may take the form either of a letter, a memorandum or an e-mail message. As a general rule, Councillors should write to, e mail or telephone those employees who are listed as key employees in the corporate procedure note on contact with Members because these are the employees who are most likely to be able to assist the Councillor. Only those employees who are designated as key employees should write to, e mail or telephone Councillors unless specifically authorised by their line manager who is a key employee. The Councillors standard enquiry form should be used to acquire information, whenever possible.

## **17. Publicity**

In determining publicity arrangements, officers should, at all times, have regard to the Department for Communities and Local Government's Code of Recommended Practice on local authority publicity. Particular care should be taken when publicity is issued immediately prior to an election or by-election affecting the authority's area to ensure that this could not be perceived as seeking to influence public opinion, or to promote the public image of a particular candidate, or group of candidates. Between the time of publication of a notice of an election and polling day, publicity should not be issued which deals with controversial issues, or which reports views or policies in a way that identifies them with individual Members or groups of Members.