

PROTOCOL ON COUNCILLOR/STAFF RELATIONS

1. Introduction

- 1.1 The relationship between Members and Staff is essential to the successful working of the organisation. This relationship within the authority is characterised by mutual respect, informality and trust. Members and Staff must feel free to speak to one another openly and honestly.

The purpose of this Protocol is to help Councillors and Staff to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this protocol lies with the Head of the Paid Service.

- 1.2 The Protocol must be read and operated in the context of any relevant legislation and national and local Codes of Conduct and any procedure for confidential reporting.

2. Roles of Councillors and Staff

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

Councillors and Staff are servants of the public and they are indispensable to one another however. Their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Staff are responsible to the Council. Their job is to give advice to Councillors and to the authority, and to carry out the authority's work under the direction and control of the Council, the relevant committees and Panels. Mutual respect between Councillors and Staff is essential to good local government.

2.2 Councillors

Councillors have four main areas of responsibility:-

- (a) determining the policy of the authority and giving it political leadership;
- (b) monitoring and reviewing the performance of the authority in implementing that policy and delivering services;
- (c) representing the authority externally; and
- (d) acting as advocates on behalf of their constituents.
- (e) In relation to Cabinet members, to discharge executive functions in line with the constitution.

It is not the role of Councillors, other than Cabinet members, to involve themselves in the day to day management of the authority's services. Cabinet members contact in the main will be with senior staff connected to their portfolios.

2.3 **Staff**

The role of Staff is to give advice and information to Councillors and to implement the policies determined by the authority.

In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the officer to express their own professional views and recommendations. Whilst an officer may report the views of individual Councillors on an issue, if the Councillor wishes to express a contrary view they should not seek to pressure the officer to make a recommendation contrary to the officer's professional view.

Certain Staff e.g. Chief Executive, Monitoring Officer, Section 151 Officer have responsibilities in law over and above their obligations to the authority and to individual Councillors, and Councillors must respect these obligations, must not obstruct Staff in the discharge of these responsibilities, and must not victimise Staff for discharging these responsibilities.

2.4 **Political Assistants**

Political Assistants may be appointed within the Law and Governance Directorate specifically to provide support to a political group that meets the eligibility criteria. The Leader of the relevant political group is responsible for their day to day working and the Corporate Manager Governance and Civic Office is their line manager.

The role of the Political Assistant

- (i) The main function of the Political Assistant is to represent and assist the interest and work of the political group to which they are assigned. This is in contrast to all other staff whose primary duty is to serve the Council as whole.
- (ii) Political Assistants
 - (a) cannot engage in party political activity (canvassing, holding an office in a political party etc) during the period they are in post.
 - (b) are not elected councillors and must make this clear in all their dealings with colleagues and people outside the council;
 - (c) can only act on behalf of the political group, not the political party;

- (d) are bound by the council's protocols and codes of conduct for staff in terms of their behaviour towards colleagues and councillors; in particular, they must treat colleagues with respect, and must observe appropriate formality in dealing with councillors from their own and other political groups. In return, they are entitled to be treated in the same way as any other council officer.
- (iii) The scope of the Political Assistants role includes:
- Research and analyse information on behalf of the group and provide regular briefing notes and news updates for Group members.
 - Design and carry out complex quantitative research projects on policy issues as required by the Group Leader and lead councillors.
 - Establish and maintain constructive relationships with senior Mid Suffolk District Council staff and external agencies in order to obtain information and take research projects forward, with due regard to matters of confidentiality and political sensitivity.
 - Keep abreast of external influences on policy development and changing policy agendas, analyse and assess their implications in order to inform the selection of research projects.
 - Liaise with national party and local party leadership.
 - Liaise with local and national bodies e.g. LGA (specifically the relevant political group on the LGA) other councils and their political groups.
 - Make all administrative arrangements for meetings of the Group including preparing and circulating agendas and papers and arranging venues.
 - Take minutes of Group meetings and circulate them for action.
 - Provide administrative support for other internal Group structures and required including arranging for guests or officers' attendance.
 - At the request of the Group Leader, compile monitoring information related to the Group performance.
 - Assist the Group Leader (and other councillors as required by the Leader) with constituency casework and liaise with community groups and constituents, as necessary.
 - Maintain efficient filing and other administrative systems for the Group in line with legislative and council information management requirements as necessary.

Access to Information and Advice

- (i) Political Assistants have the same rights of access to information as the councillors for whom they work. These rights derive from both the relevant legislation and also the common law "need to know" test established by the courts, i.e. is the information reasonably necessary to enable the member on whose behalf it is sought properly to carry out their duties as a councillor?

- (ii) Political Assistants have the same rights to contact officers at all levels in other directorates as do their colleagues in other posts.
- (iii) A Political Assistants may seek advice or a confidential briefing from a Director in the same way as a councillor.

Working relationships with colleagues

- (i) Political Assistants are treated in accordance with, and are expected to observe, all regulations, codes, policies and practices relating to Council employees. This includes the courtesy and consideration which the Council expects its staff to show to one another.
- (ii) Political Assistants have no line management responsibility or power of direction over other staff. They are not authorised to comment publicly on behalf of the Council as a whole or to commit it to any particular course of action.

Attendance at Council Committees, Sub-Committees, Panels

- (i) Political Assistants, as officers of the Council, are subject to the same rules of confidentiality that apply generally and are able to attend, but not speak at, meetings including those at which the public and press are excluded.

3. Expectations

3.1 Councillors can expect from Staff:-

- (a) A commitment to the authority as a whole, and not to any political group.
- (b) A working partnership.
- (c) An understanding of and support for respective roles, workloads and pressures.
- (d) Timely response to enquiries and complaints.
- (e) Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of Staff.
- (f) Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold.
- (g) Awareness of and sensitivity to the political environment.
- (h) Respect, dignity and courtesy.
- (i) Training and development in order to carry out their role effectively.

- (j) Integrity, mutual support and appropriate confidentiality.
- (k) That employees will not use their relationship with Councillors to advance their personal interests or to influence decisions improperly.
- (l) That Staff will at all times comply with the relevant Code of Conduct.
- (m) Support for the role of Councillors as the local representatives of the authority.

3.2 **Staff can expect from Councillors:-**

- (a) A working partnership.
- (b) An understanding of and support for respective roles, workloads and pressures.
- (c) Political leadership and direction.
- (d) Respect dignity and courtesy.
- (e) Integrity, mutual support and appropriate confidentiality.
- (f) Not to be subject to bullying or to be put under undue pressure. Councillors should have regard to the seniority of Staff in determining what are reasonable requests, having regard to the power relationship between Councillors and Staff, and the potential vulnerability of Staff, particularly at junior level.
- (g) That Councillors will not use their position or relationship with Staff to advance their personal interests or those of others or to influence decisions improperly.
- (h) That Councillors will at all times comply with the relevant Code of Conduct.

4. **Relations between Councillors and Staff**

- 4.1 Mutual respect between Councillors and staff is essential to good local government. Personal relationships or close personal familiarity between individual Councillors and staff can damage this relationship and prove embarrassing to other Councillors and staff.
- 4.2 It is not enough to avoid actual impropriety. Councillors and staff should at all times avoid any occasion for suspicion and any appearance of improper conduct.
- 4.3 Where there is a close relationship, it should be declared by both the Councillor and officer to the Chief Executive who will treat them as confidential. The Councillor should also advise their Group Leader.

- 4.4 A close relationship includes any family business or close personal relationships. It is not possible to define exactly the range of relationships that would be considered close or personal. Examples however would include a family or sexual relationship and regular social mixing such as holidays or evening meals together.
- 4.5 In their dealings with staff (especially junior staff) Councillors need to be aware that it is easy for staff to be overawed and feel at a disadvantage. Such feelings can be intensified where Councillors hold official and/or political office.
- 4.6 A Councillor should not pressure an officer to do something they are not authorised to do and which is against their professional judgement. A Councillor should also not require an officer to do something which is outside their normal duties or working hours.
- 4.7 An officer must not seek to influence a Councillor to do something that may be advantageous to the member of staff personally or professionally or injurious to another officer. Any approaches of this nature should be reported to the Managing Director.
- 4.8 No Councillor or officer shall criticise or otherwise undermine the other at Council or other public meetings.
- 4.9 Councillors will take no part in the appointment or dismissal of staff below Chief officer, nor should they seek to influence in any way the appointment or dismissal of a particular person.

5. Staff relationships with Chair, Vice-Chair and Group Leaders

- 5.1 It is important that there are close working relationships between senior staff and senior members. However, such relationships should never be allowed to become so close or appear to be close, so that the ability of a staff member to deal impartially with other Councillors or groups is questioned.
- 5.2 The Chief Executive and S151 Officer are expected to work closely with the Leaders and Chair of the Committees and to meet regularly with them.
- 5.3 A Chair should not seek to influence a member of staff to reduce the options or withhold information which should properly be reported to the appropriate Committee.
- 5.4 Any issues arising relating to such reports that cannot be resolved will be referred to the Chief Executive for resolution. The Chief Executive has the ultimate responsibility for the content of the agenda.
- 5.5 Staff are accountable to the Head of Service and whilst Staff should always seek to assist any Councillor, they should not go beyond the limits of whatever authority they have been given by their manager.

5.6 Prior to the Council and Committee meetings, it is normal for the appropriate staff to meet informally with the Chair and Vice-Chair in the case of the Council and other group spokesmen to discuss matters on the agenda, answer any questions that Councillors have which might improve the running of the meeting and also to enable specific issues to be highlighted for which staff and Councillors may need to prepare. These meetings should be regarded as confidential meetings.

6. **Political Groups**

6.1 The operation of political groups is an integral feature of local government, and such political groups have an important part to play in the development of policy and the political management of the authority.

6.2 Staff serve the Council as a whole and not exclusively any political group, combination of groups or any individual member of the Councils.

6.3 Officer Attendance

(a) Any political group may request the Chief Executive to attend a meeting of the group, consisting of members of the Councils only, to advise on any particular matter relating to the authority.

(b) The Chief Executive may arrange for the attendance of a representative in their stead, or may decline to attend or to provide a representative where they are of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.

(c) Staff' advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the authority. Advice will not deal with any political implications of the matter or any option, and staff will not make any recommendation to a political group.

(d) Staff will respect the confidentiality of any matter which they hear in the course of attending a political group meeting.

7. **When things go wrong**

7.1 **Procedure for Staff**

From time to time the relationship between Councillors and staff may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior Manager or Councillors, staff will have recourse to their Head of Service or to the Council's Monitoring Officer, as appropriate to the circumstances. In the event of a grievance or complaint being upheld, the matter will be referred to the Chief Executive, who, having advised the Leader of the Council and the appropriate group leader will decide on the course of action to be taken.

7.2 Procedure for Councillors

In the event that a Councillor is dissatisfied with the conduct, behaviour or performance of a member of staff, the matter should be raised with the appropriate Head of Service. Where the member of staff concerned is a Head of Service, the matter should be raised with the Chief Executive. If the matter cannot be resolved informally, it may be necessary to invoke the Council's Disciplinary Procedure.

8. Councillors in their ward role

8.1 Staff should inform Councillors about major issues concerning the Council and more specifically about issues affecting the wards that Councillors represent.

8.2 Whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be informed and involved, as appropriate. Similarly whenever a public meeting is organised by the Council to consider a local issue, all the Councillors representing the Ward or Wards affected should as a matter of course, be invited to attend the meeting.

9. Support services

9.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying room bookings etc) to Councillors is to assist them in discharging their role as a member of the Council. Such support services should only be used for Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

9.2 All Councillors are required to agree to adopt and abide by the Council's Corporate Internet and E-mail Policy.

10. Councillors' access to information and Council documents

10.1 If a Councillor requires information or advice from a member of staff they should approach a senior member of staff. It is not usually appropriate for Councillors to deal directly with a junior member of staff.

10.2 Councillors have a statutory right to inspect any Council document which contains material relating to business which is to be transacted at a Council or Committee meeting. This right applies irrespective of whether the Councillor is a member of the Committee and extends not only to reports which are to be submitted to that meeting, but to any relevant background papers. This right does not apply to certain documents which disclose exempt information.

10.3 A Councillor does not have a right to request information out of curiosity. They must demonstrate a need to know the contents of a document to enable them to carry out their duties as a Councillor. It is for the Chief Executive or Head of Service to determine whether a Councillors' request for information is justified and can be met from within existing resources.

10.4 Any information provided to a Councillor must only be used for the purpose for which it is provided and a Councillor must never disclose or use any confidential information.

11. **Correspondence**

11.1 Councillors must not normally communicate in the name of the Council with any outside body or person. All such communications should be carried out by the appropriate member of staff.

11.2 It may be appropriate in some circumstances for a letter to be sent in the name of a Councillor, for example in response to a letter of complaint sent direct so that Councillor, but this should be the exception rather than the norm and it should only be done following consultation with the Chief Executive or Head of Service.

11.3 Letters which create contractual, legal or other obligations or which give instructions on behalf of the Council must never be sent out in the name of a Councillor.

11.4 Staff should consider when providing information to one Councillor, whether others should be informed e.g. in relation to a Ward or local matter, unless there are good reasons for not making the information more widely available.

12. **Media**

12.1 In general Councillors provide comment and views while staff provide factual information. If a Councillor is unsure about the circumstances of a particular issue he should contact the appropriate officer concerned or ask the Press Office to do so.

13. **Redress and breach of this protocol**

13.1 If a Councillor considers that they have not been treated with the proper respect and courtesy or that a member of staff is otherwise in breach of this protocol, they should raise the matter with the member of staff's Head of Service or the Chief Executive.

13.2 If a member of staff has similar concerns about a Councillor, they should raise the matter with their Head of Service or the Chief Executive. In such circumstances the Chief Executive will take appropriate action by approaching the individual Councillor or group leader.