



**STANDARDS COMMITTEE
3 September 2010**

**REVIEW OF MEMBER/OFFICER PROTOCOL REGARDING
MEMBER/OFFICER BEHAVIOUR AND RELATIONS**

PURPOSE OF REPORT: The Standards Committee was asked by the Council to review sections of the Member/Officer Protocol relating to Member/Officer behaviour and relations (paragraphs 16 and 17), in the light of other authorities' protocols, to ensure that the Protocol adequately addresses expected behaviours, and recommend any changes to the Council. At its meeting on 12 April 2010 the Committee appointed a working group to consider this. This report comprises the recommendations of the working group for further consideration by the Committee.

Introduction:

- 1 A Governance Task Group was established by the Chairman of the Council in July 2009 in response to concerns raised by the Interim Chief Executive and with a remit to consider and make recommendations to the Council on governance issues. The Chairmen of the Audit and Governance Committee and the Standards Committee were co-vice chairmen of the Group. The Group presented its report to the Council at its meeting on 15 December 2009.
- 2 Included in the report was a recommendation that the Standards Committee should look at the wording in paragraphs 16 and 17 of the Member/Officer protocol relating to Member/Officer relations and behaviour and consider whether this could be made more explicit, particularly in regard to behaviours that were not acceptable. It was suggested that this could be looked at in the light of other authorities' protocols.
- 3 A report on this issue was considered by the Standards Committee at its meeting on 12 April 2010. Given that a range of different approaches were considered by the Committee, and no consensus was reached, it was decided to set up a working group to look at this and make recommendations to the Committee. The working group has been overseen by Allan Wells, Corporate Group Manager, Legal Services, and has comprised Ms Karen Heenan (Vice-Chairman of the Committee) and Mr Colin Taylor, County Councillor.

Current Member/Officer protocol

4 Paragraphs 16 and 17 of the protocol read as follows:

“16 For the effective conduct of County Council business, there must be mutual respect, trust and courtesy between Members and officers. Members and officers should also try to give timely responses to each other’s queries.

17 To support a healthy working and constructive working relationship, Members should be aware of how they speak with and relate to officers, avoiding undue pressure. They should not ask an officer to do anything he/she is not empowered to do or to undertake work outside normal duties or outside normal hours.”

5 Paragraph 18 then goes on to clarify the position regarding officers. “Similarly officers should be aware of how they speak with and relate to members and remember at all times that they work in a political environment. Officers must not seek to use undue influence on an individual member to make a decision in his/her favour.”

6 In the report presented to the April meeting, extracts were given from a number of Member/officer protocols. These were mainly from 4 star authorities and included a number of other County Councils. There were some recurring themes but a range of different approaches and issues raised in them.

Working party’s deliberations

7 The working party met in June to consider this matter. Unfortunately Ms Heenan was unable to attend due to another commitment. However, Ms Heenan has subsequently commented, and from this meeting and the subsequent discussions the following consensus has emerged:

- a. There needs to be a paragraph setting out the general mutual expectations of Members and officers.
- b. There then should be a brief checklist of the expectations that officers should have of Members and Members of officers- similar to the Epsom and Ewell and Merton models.
- c. Finally there needs to be a clear signpost of what to do if things go wrong.

8. Consequently the following proposed amendments to paragraphs 16-18 of the protocol are being put forward for consideration by the Committee.

“16 For the effective conduct of County Council business, there must be mutual respect, trust and courtesy between Members and officers. Members and officers should also avoid close personal familiarity with each other and not use their relationship to advance their personal interests or influence decisions improperly.

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17 To support a healthy and constructive working relationship officers can expect Members:

- (a) To speak with and relate to officers in an appropriately professional manner, avoiding undue pressure, particularly in relation to more junior staff.
- (b) Not to single out officers for blame or criticism, such as would amount to a personal attack, particularly in publications, press statements or meetings attended by the public.
- (c) To avoid words or actions which could undermine respect for officers by the public.
- (d) Not to require an officer to carry out work on a matter which is not justified in terms of budgetary controls, Council policy or the officer's duties and responsibilities
- (e) Not to require an officer to carry out work within unreasonable deadlines or work that imposes an excessive workload.

18 Similarly, Members can expect officers

- (a) To speak with and relate to Members in an appropriately professional manner
- (b) To be mindful that they work in a political environment.
- (c) To ensure that they communicate clearly and effectively with Members providing a timely response to any appropriate queries.
- (d) To perform their duties effectively, efficiently and with political neutrality.

19 In the event that there is a breakdown in the working relationship between any Member and officer, particularly as a result of anything that occurs contrary to paragraphs 16-18 above, matters should be dealt with in accordance with the process set out at the end of this Protocol headed "Breaches of the Protocol".

- 9. These proposals are made on the basis that they set out more clearly the specific expectations between Members and officers, and include most of the themes that have emerged from consideration of the protocols from other local authorities.
- 10. At its meeting in April the Standards Committee asked that there be elucidation of what information officers were allowed to give at meetings to avoid conflict with members. Paragraph 34 of the protocol already indicates that requests by Members for factual information will be met subject to any overriding legal requirements (or unless the cost of providing it is unreasonable). Members are asked to consider whether any further amendment is needed to provide clarification of this issue.

Conclusions:

11. The Committee is requested to consider the report and decide whether it agrees to recommend to the Council the amendments to paragraphs 16-18 of the Member/Officer protocol as set out in paragraph 8 of this report.

Financial and value for money implications

- 12 None.

Equalities Implications

- 13 The Members' Code of Conduct requires Members not to do anything that may cause the Council to breach any of the equality enactments. This would include not treating officers in any way that would be likely to amount to unlawful discrimination. Similarly the Staff Code of Conduct policy requires that employees must ensure compliance with the Council's Equalities Statement. This applies to any contact that officers have with members with a requirement for them to avoid any actions that would be regarded as discriminatory.

Risk Management Implications

- 14 A lack of clarity in the interpretation of the member/officer protocol may lead to misunderstanding and the need to spend time to sort out any disagreements or conflicts that might needlessly arise.

Implications for the Council's Priorities or Community Strategy/Local Area Agreement Targets

- 15 None.

Recommendations:

The Committee recommend to Council that paragraphs 16-18 of the Member/Officer protocol be replaced by the wording set out in paragraph 8 of this report.

Reasons:

It is important that as much clarity as possible is provided in the protocol to ensure effective Member/Officer working relationships and the proposals provide a helpful checklist to promote this objective.

Next steps:

Any recommendations will need to be reported to the Council and any amendments would then need to be incorporated into a revised version of the Member/Officer protocol.

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Sources/background papers:

Governance Task Group report to Council 15 December 2009 together with Minutes from that Council meeting
Report to Standards Committee of 12 April 2010 and minutes
Member/Officer Protocol
Members' Code of Conduct
Code of Conduct for Staff
Standards Board Guidance on the Members' Code of Conduct
Member/Officer Protocols of other local authorities.