



**STANDARDS COMMITTEE
12 December 2011**

REVIEW OF MEMBER/OFFICER PROTOCOL

PURPOSE OF REPORT: The Standards Committee to consider the revised version of the Member/Officer Protocol and make recommendations to Council as appropriate.

Introduction:

- 1 The Standards Committee was asked by the Council to review sections of the Member/Officer Protocol relating to Member/Officer behaviour and relations, to ensure that the Protocol adequately addressed 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.
- 2 The working group reported back to the Committee in September 2010, suggesting a number of changes to the relevant paragraphs in the current protocol. Overall, there was support from the committee for the changes suggested, but recognition that there was a risk that Members and Officers were not currently joined up in ownership of the document that there wasn't currently a mechanism for staff to comment on the Protocol. With this in mind, the committee agreed that a wider consultation was needed and that subject to the views expressed during the consultation, a revised Member/Officer Protocol be presented to the Committee for later submission to the Council for adoption.

Feedback from the Consultation

- 3 The current Member/Officer Protocol was shared with senior officers within the authority. They were asked to feed in their views about the Member/Officer Protocol, broadly along the following lines:
 - Does the Protocol cover the right issues?
 - Is there anything else you would expect to see within the Protocol?
 - Is there anything you feel could be removed from the Protocol?
- 4 Officers responded positively on the opportunity to comment on the Protocol with a range of views expressed, from general points to specific drafting suggestions. Officers in Legal and Democratic Services have reviewed all the comments and identified a number of themes.
- 5 Firstly, a number of officers commented on the need to ensure that the Protocol used plain English and was easy to understand. There was a specific example of providing a definition for a Member and Officer as well as avoiding jargon or

legalistic terms where possible. Some felt that the Protocol was very formal sounding and in places quite dictatorial rather than supportive.

- 6 There were others who felt that the Protocol should be shorter and that there was a lot of repetition which could be reduced, making it easier to follow. The protocol should give an overview of ways to work together and not try to repeat regulations included elsewhere in the Constitution (for example the Articles or specific elements of the Scheme of Delegation.)
- 7 Finally, in consulting with the Community Partnerships Team, it was clear that the Protocol needed to be broadened to include the role and support to local committees as the current draft tends to refer mainly to Cabinet or select committees.

Revised Member/Officer Protocol

- 8 Building on the work of the Member working group in drafting amendments to the original paragraphs 16 and 17, and taking into account the views expressed by officers, a revised version of the Protocol is attached for the committee's consideration.
- 9 In looking at the Protocol as a whole, it was clear that it has been amended several times over the years and therefore has become somewhat disjointed and repetitive. Therefore, it was felt that rather than suggest minor amendments, it was more appropriate to review as a whole, keeping the main sections but ensuring that the information included was necessary, relevant and clearly articulated. Where possible, the Protocol has also been broadened to ensure it covers the range of functions and Member roles, for example any committee work rather than making specific references to select committees.

Conclusions:

11. The Committee is requested to consider the report and decide whether it agrees to recommend to the Council the amended Member/Officer protocol as attached at appendix 1 to 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.

Recommendations:

The Committee recommend to Council that the amended Member/Officer protocol be adopted.

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 a revised version of the Member/Officer protocol incorporated into the Constitution and promoted with Members and officers as appropriate.

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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

Report to Standards Committee of 3 September 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