

# Members and Officers of Surrey County Council – A Protocol for Working Collaboratively

1. Surrey County Council is committed to enabling Members and Officers to work effectively together to enable the delivery of positive outcomes for the benefit of residents.
2. This Protocol provides guidance and principles that support effective working relations between Members and Officers. It supplements, and does not seek to repeat, other existing policies and protocols set out in the [Constitution](#); specifically the codes of conduct for [Officers](#) and [Members](#).

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## The Role of Members and Officers

3. **Members and Officers** are both servants of the public; their roles are complementary to each other but their responsibilities are distinct:
4. **Members** are elected by residents to represent an electoral division and serve a term of office; they are responsible and accountable for making strategic decisions and ensuring that they are implemented by Officers.
5. **Officers** are responsible to the Chief Executive via their managers and Executive Directors; their role is to provide information, guidance, support and advice to all Members so that they are equipped to make effective decisions. Officers are responsible for implementing and delivering the outcomes of policy and decisions.

## Core principles

6. **Members and Officers together will:**
  - Be professional, respectful and reliable, working with trust and respect
  - Respond in a timely way to one another

- Understand and advise on the needs of local communities
- Trust and value each other's expertise, knowledge and skills
- Not criticise each other in the public domain
- Work together.

7. **Members can expect Officers to:**

- Be honest, impartial and politically neutral
- Keep them well-informed and give Members time to work with the information provided
- Implement policy and ensure operational delivery
- Recognise the pressures that Members face whilst representing their residents and the political environment in which they operate.

8. **Officers can expect Members to:**

- Fully consider professional advice as part of decision making
- Avoid becoming involved in routine management and staff issues (including recruitment below Deputy Chief Officer level)
- Carry out their role as the public face of the organisation and represent residents' best interests
- Show consideration by avoiding requests that include unreasonable deadlines or excessive demands.

## The relationship – Piecing it together

The relationship is most effective when it operates in partnership. Both parties bring skills, knowledge and experience but for the relationship to work there needs to be awareness of expectations and boundaries.

We start from the precept that people are capable, mature and have good intent.

### Officer support to Members - Keeping the local Member informed

9. Surrey County Council's 81 elected Members provide the bedrock of representative democracy and it is important that they are supported to carry out their community leadership role. Members are often the first point of contact for residents and to be effective it is critical that they are updated about matters affecting their division.

10. Officers are expected to be equipped to keep local Members informed:

- In relation to significant or sensitive operational matters
- When there is planned or unexpected service disruption taking place
- During the formative stages of policy development
- Whenever a public consultation is planned
- Prior to an issue raised in the media or public domain.

11. Where an issue is to be discussed at a public meeting that affects a particular division or area, all local county councillors will be invited and offered the opportunity to speak.

12. Officers can assist Members further by:

- Being alert to the local political context of decisions or issues
- Understanding their problems, looking for solutions and avoid focusing on obstacles
- Initiating contact proactively. Introductory emails to Members from newly appointed Officers, where a relationship will need to exist, is welcomed.

The media test:

*“Is it reasonably foreseeable that this topic could be reported in the local media?”*

If the answer is “yes”, then communication with Members is required.

### **Officer support to Cabinet**

13. SCC operates a strong leader model of executive governance. The Cabinet will take decisions in accordance with the Constitution and Officers will implement those decisions.

14. Whilst the distinction between Member/Officer roles and responsibilities is consistent across the organisation, the relationship between the Cabinet and Corporate Leadership Team (CLT) is unique. These groups have a leadership duty to model the desired working relationships and boundaries; where members provide strategic direction and CLT are responsible for the operational delivery.

15. A close working relationship between Senior Officers and Cabinet Members is inevitable (and desirable) but it should never become, or appear to become, so close as to bring into question the Officer’s ability to work impartially with other Members and political groups.

### **Officer support to Scrutiny**

16. Overview and Scrutiny plays an important role in overseeing policy implementation, service performance and scrutinising Cabinet business and the decisions that it takes. When Officers provide information for scrutiny committees, they are expected to do so, in line with Access to Information requirements.

17. Committees can request Officers attend scrutiny meetings. The intent is for the Officer to provide relevant information on policies and service performance, through constructive Member questions. Questions will not be related to the capability or competence of Officers as this is not a scrutiny function.

## **Officer support to Political Groups**

18. Political groups are part of the informal governance landscape and they are permitted to request that an Officer attends a group meeting for the purpose of providing a briefing on a matter of policy, that is (or may be) the subject of a formal meeting.

- There is no entitlement to an additional meeting, or pre-briefing, ahead of other Members being provided with information.

19. To ensure transparency and political neutrality, the role of an Officer attending a group meeting is to:

- Provide the same factual information and professional advice to all political groups on request
- Withdraw from the meeting prior to groups discussing their course of action, or if they feel their impartiality or integrity are being put at risk
- Respect the confidentiality of any group discussion and not relay it to any other Members/groups or third party. Officers are able to discuss the meeting with senior Officers on a need to know basis.

20. To ensure that information is appropriate for the audience and protects confidentiality, groups need to provide advance notice of any third parties also attending the meeting who are not bound by council policy.

21. Whilst Members are entitled to use council premises and resources to carry out their duties, Officers are not in a position to extend the use of the resources to activities that are wholly personal, electioneering or solely for party political purposes. Where an agreed arrangement exists, resources may be made available at a charge.

## **Member support to Officers**

22. Members are able to contribute to fostering positive relationships by recognising the boundaries and restrictions placed upon Officers. For example, Officers are unable to:

- Contribute to business solely relating to a political party (including attending local political group meetings)<sup>1</sup>
- Take part in electioneering
- Assist with personal correspondence or matters
- Provide administrative support to Members in their capacity as a Councillor of another local authority.

23. Members have an important role in contributing to the development of policies and strategies (including scrutinising decisions). However, this is distinctly different from developing operational plans and the management of service delivery, which is

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<sup>1</sup> This excludes Political Assistants.

the domain of Officers. Members can foster positive relationships by remaining mindful of this role boundary.

24. When seeking to deal with constituent matters, on some occasions it may not be possible to satisfy a Member's request due to operational time, capacity and resource pressures. Having a conversation about mutually appropriate timescales is reasonable.

25. Members can assist Officers further by:

- Avoiding support requests based on personal preferences that create additional pressure, process or cost
- Not disclosing to the public the direct contact details of an Officer without their consent
- Introducing themselves early into their term to appropriate Officers and also investing in the relationship.

## **Familiarity and personal relationships**

26. Social interaction between Officers and Members is only beneficial in a public setting and work related context where professionalism is still maintained; this extends to social media.

27. Where a close/intimate personal relationship (relative/partner) exists or develops between an Officer and Member, the Monitoring Officer is to be informed at the earliest opportunity. Under these circumstances the Officer in question should not perform or supply support that has a financial association or where there is a conflict of interests.

## **Access and the provision of Information**

28. The statutory rights of Members' access to information held by the Council are outlined in [Article 15](#) of the Constitution.

29. Members need to have adequate and relevant advice and information available to them in order to carry out their duties as Members of the Council, Cabinet or any relevant Committees or Boards and in particular in their role as local Members in relation to matters affecting their division. This enables Members to make properly informed decisions, be effective community leaders and scrutinise and develop policy. It is important that Officers assist Members by providing such advice and information in a timely way when requested.

30. If Members are not receiving, or are having difficulty in obtaining, information where they are able to demonstrate a "need to know", they should contact the Monitoring Officer or appropriate Executive Director.

31. If an Officer feels it to be necessary, they may contact their Executive Director, or the Monitoring Officer, before providing confidential information to a Member.

32. When providing written or verbal reports and briefings, it is important that Officers present information and advice in a way which is clear and evidence based. Allowing Members the opportunity for constructive challenge and debate supports effective decision making.

## Communication and Correspondence

Open, honest and constructive communication is the foundation of our collaborative culture that directly influences organisational outcomes. Communication becomes easier as you build the relationship.

We start from the precept that we will be open and inviting, we will be clear about what we mean and we will say clearly what we need from others and why.

33. Regular contact between Officers and Members regarding council business is encouraged.

34. One to one communication between Members and Officers is confidential; whether oral or written. General Data Protection Regulations (GDPR) already apply but further guidance includes that:

- Officers will seek agreement from parties before forwarding emails to other Members
- Blind copies (Bcc) to any recipient are not permitted
- Responses to individual Member enquiries should not be forwarded to cabinet portfolio holders.

35. Members appreciate it when Officers:

- Provide information in an accessible and readable format
- Send information in good time so that Members can read it and be prepared
- Acknowledge Members' communications quickly and provide a response timeframe.

36. Officers appreciate it when Members:

- Allow sufficient time to respond to Member enquiries
- Wherever possible, request a mutually convenient time to discuss an issue. Officers are working to existing priorities and are often unable to accommodate immediate requests for support
- Acknowledge that Officers are working within restrictions with regards to data protection and confidentiality.

## **Confidentiality**

37. Information given to a Member can only be used for the purpose for which it was requested, that is in connection with the proper performance of the Member's duties as a Surrey County Councillor.

38. Similarly, information requested by a Member (or a political assistant on behalf of a Member of a political group) is provided by Officers in confidence. It is not for distribution to other Members without the consent of the Member making the request or the political assistant acting on his/her behalf.

39. Information and correspondence to Members legitimately pertaining to their role, whether by electronic means or post, will not be delayed or interfered with by Officers or Members.

40. Confidential information provided to Members should not be divulged to anyone. If a Member identifies the need to disclose the information, prior advice is required (e.g. from the Monitoring Officer).

41. When information is distributed, best practice is to avoid forwarding an email chain as this may contain additional personal data that is not for disclosure.

## **Release of information to the media**

42. Media activity, including press releases and social media activity relating to council policy, will be prepared by the Communications team in support of decisions by the Council, the Cabinet, Cabinet Members or any committees/boards, and generally on approved policies and initiatives. These are ultimately the responsibility of the Director of Communications & Engagement in conjunction with the relevant Executive Director(s). They should be cleared with the appropriate Cabinet Member or chairman before being issued and they may include a statement from the Cabinet Member or chairman. Care should be taken to ensure that media activity supports the actions and decision of the council, not of a political party.

43. There is specific legislative guidance relating to media activity in the run up to an election. This is known as the Pre-Election Period (PERP, or popularly Purdah). Great care has to be taken to ensure that council actions and statements cannot be seen to support a particular political party.

## **How to resolve issues**

44. Members and Officers are considered as professionals and the expectation is for individual differences to be resolved through private discussions at the earliest and most suitable opportunity.

45. There may be occasions when Members or Officers feel that the other's behaviour, or actions, have not been in the spirit of this Protocol. The Member or Officer is advised to raise the issue with the respective line manager, Director,

Executive Director or Chief Executive, as appropriate. If an informal resolution remains unsuccessful then the issue may be referred to the Monitoring Officer for formal progression.

46. Issues regarding professional standards and conduct are covered within the relevant Codes of Conduct.