

MEMBER/OFFICER PROTOCOL

Adopted by Lamport and Hanging Houghton Parish Council

21 July 2021

Mutual trust and respect between councillors and officers (employees of the council, such as the Clerk) are essential to ensure good governance and the effective running of the council. A written protocol helps ensure that relationships do not go awry. This protocol covers:

- The respective roles and responsibilities of the councillors and the clerk;
- Relationships between councillors and officers;
- Where/who the clerk should go to if they have concerns;
- Who is responsible for making decisions.

1. Background

1.1 This protocol is intended to assist councillors and officers, in approaching some of the sensitive circumstances which arise in a challenging working environment.

1.2 The reputation and integrity of the council is significantly influenced by the effectiveness of councillors and the clerk working together to support each other's roles.

1.3 The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy. Close personal familiarity should be avoided.

2. Roles of councillors and employees

2.1 The respective roles of councillors and employees can be summarised as follows:

- Councillors and officers are servants of the public and they are indispensable to one and other, but their responsibilities are distinct.
- Councillors are responsible to the electorate and serve only for their term of office.
- Officers are responsible to the council. Their job is to give advice to councillors and to the council, and to carry out the council's work under the direction and control of the council and relevant committees.

2.2 Councillors

2.2.1 Councillors have four main areas of responsibility:

- To determine council policy and provide community leadership;
- To monitor and review council performance in implementing policies and delivering services;
- To represent the council externally; and
- To act as advocates for their constituents.

2.2.2 All councillors have the same rights and obligations in their relationship with the clerk, regardless of their status and should be treated equally.

2.2.3 Councillors should not involve themselves in the day to day running of the council. This is the clerk's responsibility, and the clerk will be acting on instructions from the council or its committees, within an agreed job description.

2.3 Chairmen and Vice-Chairmen of committees

Committee chairmen and vice-chairmen have additional responsibilities as delegated by the Council. These responsibilities mean that their relationships with employees may be different and more complex than those of other councillors. However, they must still respect the impartiality of officers and must not ask them to undertake work or anything else which would prejudice their impartiality.

2.4 Officers

The role of officers is to give advice and information to councillors and to implement the policies determined by the council. In giving such advice to councillors, and in preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations. An officer may report the views of individual councillors on an issue, but the recommendation should be the officer's own. If a councillor wishes to express a contrary view they should not pressurise the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging his/her responsibilities.

3. Expectations

3.1 All councillors can expect:

- A commitment from officers to the council as a whole, and not to any individual councillor, group of councillor's or political group;
- A working partnership;
- Officers to understand and support respective roles, workloads and pressures;
- A timely response from officers to enquiries and complaints;
- Officer's professional advice, not influenced by political views or personal preferences;
- Timely, up to date, information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold;
- Officers to be aware of and sensitive to the public and political environment locally;
- Respect, courtesy, integrity and appropriate confidentiality from officers;
- Training and development opportunities to help them carry out their role effectively;
- Not to have personal issues raised with them by officers outside the council's agreed procedures;
- That officers will not use their contact with councillors to advance their personal interests or to influence decisions improperly;

3.2 Officers can expect from councillors:

- A working partnership;
- An understanding of, and support for, respective roles, workloads and pressures;

- Leadership and direction;
- Respect, courtesy, integrity and appropriate confidentiality;
- Not to be bullied or to be put under undue pressure;
- That councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- That councillors will at all times comply with the council's adopted Code of Conduct.

3.3 Some General Principles:

- Close personal relationships between councillors and officers can confuse their separate roles and get in the way of the proper conduct of council business, not least by creating a perception in others that a particular councillor or officer is getting preferential treatment.
- Special relationships with particular individuals should be avoided as it can create suspicion that an employee favours that councillor above others.

4. If things go wrong

Procedure for officers:

4.1 From time to time the relationship between councillors and the clerk (or other employees) may break down or become strained. Whilst it is always preferable to resolve matters informally, through conciliation by an appropriate third party, it is important that the council adopts a formal grievance protocol or procedure.

4.2 The principle council's Monitoring Officer may be able to offer a mediation/conciliation role or it may be necessary to seek independent advice. The chairman of the council should not attempt to deal with grievances or work related performance or line management issues on their own. The council should delegate authority to a small group of councillors to deal with all personnel matters.

4.3 The law requires all employers to have disciplinary and grievance procedures. Adopting a grievance procedure enables individual employees to raise concerns, problems or complaints about their employment in an open and fair way.

Procedure for councillors:

4.4 If a councillor is dissatisfied with the conduct, behaviour or performance of the clerk or another employee, the matter should be reported to the chairman and then raised with the clerk in the first instance. If the matter cannot be resolved informally, it may be necessary to invoke the council's disciplinary procedure.

*Taken from "Governance Toolkit for Parish and Town Councils"