

CODE OF CONDUCT FOR MEMBER-OFFICER RELATIONS

1. CONTEXT

- 1.1 This Code is to guide Members and Officers of the Council in their relations with one another. It aims to promote the high standards in public office that are required for a modern local government.
- 1.2 The Council has endorsed this Code as setting the standard for the conduct between Officers and Members.
- 1.3 Members set the core values of the organisation, agree a policy framework, set the corporate goals and promote the Council in all its work. Members are also the key channels of democratic accountability, ensuring that Officers uphold the values of the organisation and deliver those policies that have been determined by democratic means. Members are the channel for the voices of residents in their wards.
- 1.4 The Officers of the Council will support all Members to enable them to perform these roles effectively in the interests of the Council and residents. They will provide support, information and advice to Members to help them in these roles in accordance with these protocols.
- 1.5 The organisational role of Officers has two important dimensions. Some Officers have professional skills relevant to a particular organisational task. Others have a primarily managerial responsibility. Many have elements of both in their job.
- 1.6 Professional Officers reasonably expect to have the opportunity to give 'honest advice' and to have their professional integrity respected (e.g. not be required to make recommendations they cannot professionally support) and the chance to 'explain' what appears to be a performance failure or inconsistency.
- 1.7 In addition, Members and Officers must understand there is a clear and acceptable division of responsibilities regarding policy and implementation. It is the duty of officers to manage the implementation of policy. This does not necessarily imply no Member involvement in implementation issues, but rather a set of understandings which both parties can agree to.
- 1.8 Officers serve the whole Council. They work to the instructions of their line manager through to the Chief Executive - not individual Members of the Council, whatever office the Member might hold.
- 1.9 In relation to staffing matters Members and officers will comply with Human Resource procedures and regulations.

2. **PERFORMANCE OF OFFICERS**

- 2.1 Members have a right to criticise reports or the actions taken by Officers, but they should always:
- avoid personal attacks on Officers
 - ensure that criticism is presented in a reasonable manner.
- 2.2 Complaints about officers or council services should be made to the relevant line manager or to the Chief Executive, Monitoring Officer or Chief Finance Officer as appropriate. Members have a duty to raise any issues that they have reason to think might involve fraud or corruption of any sort.
- 2.3 Members should avoid undermining respect for Officers at meetings, or in any public forum. This would be damaging both to effective working relationships and to the public image of the Council. In general Officers are unable to 'answer back' or defend themselves against criticism in a public forum.

3. **POLITICAL NEUTRALITY OF OFFICERS**

- 3.1 There is statutory recognition for party political groups and sometimes consultation is required with committee chairmen. It is common practice for meetings to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant decision-making body or officers under delegated powers.
- 3.2 The extent to which it is appropriate for officers to attend meetings with Members depends on the nature of the meeting, but the general principles governing the basis on which they attend and take part are the same. In principle, equivalent facilities are available to all political groups represented on the Council if they so request.

Political Group Meetings:

- Officers, apart from political assistants, should not attend political party group meetings, or party political meetings involving party colleagues who are not members of the Council, without the agreement of the Chief Executive/Chief Officer. Conversely, the Chief Executive may arrange meetings with, or presentations to, party groups on particular topics.
- Officers may make presentations to party groups of members of the Council on request. All requests for advice of this kind should be routed through the Chief Executive/Chief Officer who would be responsible for advising the other groups who could then ask for the same briefing.
- Officers may attend briefing meetings with the Leader of the Council, Chairmen and Vice-Chairmen, either on a specific topic or prior to a formal meeting or the like.

Other meetings:

- Officers may attend for briefing with the Leader and Lead Members of all political parties on the Council in their offices.
- The Leader of the Council may arrange regular meetings and invite Directors and other senior officers to attend.
- Officers may meet Chairmen prior to consulting them formally as a precondition to exercising delegated powers.
- For other meeting approval should be sought by officers from their Chief Officer.

3.3 Any particular case of difficulty or uncertainty in this area of officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

3.4 Officers must never allow their own personal or political opinions to interfere with their work.

3.5 Senior officers and political assistants are subject to legal rules limiting their political activities outside work.

4. **PERSONAL RELATIONSHIPS**

4.1 Good working relationships between Officers and Members are at the heart of good local government.

4.2 A relevant extract from the National Code of Local Government Conduct for Members is reproduced below:

“Mutual respect between Councillors and Officers is essential to good local government. Close personal familiarity between individual councillors and officer can damage this relationship and prove embarrassing to other Councillors and Officers”.

4.3 The Nolan report* provides the following quote to illustrate its view of the correct spirit of Member-Officer relations:

“I do not think it is part of the proper relationship between Officers and Councillors if Officers are somehow seen in public as people who can be appropriately harangued or criticised or told that they do not know what they are doing. I think that the best relationship between Officers and councillors is much more a partnership relationship”
Gerry Stoker, Professor of Government, University of Strathclyde.

*https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/336840/1stInquiry_Summary.pdf

- 4.4 Members should declare to their Group Leader and to the Chief Executive / Monitoring Officer any external relationship with an Officer which might be seen as influencing their work as a Member. Officers, too, have a duty to declare any such relationship to their Director or Head of Service.
- 4.5 Members must not sit on or participate in decisions by any Council committee or other Council body which directly affects an employee to whom they are:-
- the partner
 - otherwise closely related such as sisters, brothers, parents and grandparents
 - in any other relationship which would jeopardise the work of the Council or make their attendance improper under the National Code of Local Government Conduct.

This is a simplification of the requirements under the law and National Code of local Government conduct and members should refer to other more detailed guidance.

- 4.6 Members should remember that Officers cannot respond to personal criticism in the same way that politicians can and should make their comments accordingly. Members need to be especially careful about contact with less senior staff and must avoid deliberately or unwittingly intimidating staff.
- 4.7 It is especially important that there should be a close working relationship between Chairmen, Vice Chairmen and senior officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers' ability to deal impartially with other Members and other party groups.

5. **WHISTLEBLOWING**

- 5.1 The Council has adopted a Whistleblowing Policy and Procedure. This sets out the process under which Officers can raise concerns with the Whistleblowing Officer or the Monitoring Officer. It sets out how this works, and the responsibilities of the people concerned.
- 5.2 The Council neither tolerates improper conduct by its employees or Members, nor the taking of reprisals against those who come forward to disclose such conduct. Members should promptly raise with the council's Whistleblowing Officer, Monitoring Officer or Chief Executive any irregularities and matters which they feel have been dealt with improperly, particularly issues they have reason to think might involve fraud, corruption, bribery, money laundering activity or safeguarding issues.
- 5.3 In accordance with the Whistleblowing Policy, any person who makes a report in good faith will be protected from victimisation or reprisal even if the report is not confirmed by the investigation providing the report was made in good faith.

- 5.4 Conversely, any person should not make a report, which they do not reasonably believe to be true, or which is malicious. Disciplinary proceedings may be taken against any workers who makes false allegations maliciously or with a view to personal gain.
- 5.5 The provisions of this code are in addition to the right of any Member or employee to raise an issue of concern with an appropriate body outside the Council.