

Protocol on Member/Officer Relations

Introduction

This code is intended to offer guidance for members and officers in their dealings with one another. It is intended as a supplement to the members' and officers' codes of conduct and contribute towards the maintenance of high ethical standards across the council.

1. Mutual respect between councillors and officers is essential. The Code of Conduct for Councillors states that members should "not do anything which comprises or which is likely to compromise the impartiality of those who work for, or on behalf of, the authority" and they "should treat others with respect". Officers likewise should respect elected members and recognise their role and responsibilities. Members and officers should avoid any close personal familiarity that could give rise to the suspicion of bias or undue influence.
2. In accordance with Council policy, harassment or bullying in the workplace will not be tolerated ensuring fair treatment and personal dignity for all employees.
3. In general councillors make policy and officers implement the council's policy. In most cases councillors should avoid becoming involved in the operational detail of service delivery. The relationship is best defined as a partnership with Members and staff working together to achieve the overall aims of the Council.
4. Members should have regard to the Members' Job Profiles which form part of this constitution in carrying out their duties.
5. Officers must not normally lobby councillors on personal employment matters except through the agreed procedures as management or trade union representatives. Likewise officers must not lobby on budgetary matters outside of the agreed procedures.
6. Any support services provided to elected councillors are to assist them in their role as members of the council. They must be used for council business only.
7. Councillors shall be provided with the necessary information to enable them to carry out their executive, scrutiny or representative roles.
8. Any elected member of the Council may inspect and make a copy of any document in the possession or under the control of the Council and which the member may require in the course of his/her duties as a member of the Council.
9. A member may not knowingly inspect and shall not call for a copy of any document relating to a matter in which he/she is professionally interested or in which he/she has directly or indirectly any pecuniary interest
10. The Proper Officer may decline to allow inspection of any document which in his/her opinion discloses exempt information of a description falling within paragraphs 1 to 6, 9, 11, 12 and 14 of Part I of Schedule 12A to the Local Government Act 1972 (as amended).
11. Any document provided for a member and marked "Not for Publication" shall be exclusively for the use of that member and shall not be disclosed to any other person.
12. There will be a close working relationship between a portfolio holder and the relevant senior officer. However, all officers have a duty to the whole of the council. Officers also will be expected to be able to provide advice and support to both the executive and scrutiny function remembering that they serve the council as a whole.

13. Officers are required to discharge their responsibilities without political bias or favour.
14. Members must not seek to influence the appointment of council staff other than where they are properly appointed to an appointments panel to consider a chief officer appointment in accordance with the scheme of delegation.
15. To ensure high standards of conduct members are required to abide by the Code of Conduct for Members and officers are required to abide by the Employees' Code of Conduct (when issued).

16. **Complaints by Councillors against Members of Staff**

Procedure

In the event that a Councillor wishes to raise either an informal or formal complaint regarding the conduct or behaviour of an employee or group of employees, the following process should be followed:-

Informal approach

- 16.1 A Councillor should raise the matter in the first instance with the relevant Lead Specialist/Leadership People Manager, or Director who should seek to resolve the matter with the employee(s) concerned. The Councillor must not engage directly with the employee, nor make any attempt to reprimand or discipline the employee nor make any public criticism of the employee (which for the avoidance of doubts includes social media) including at Council, committee meeting of the Local Authority.
- 16.2 If the matter is about the conduct of a Lead Specialist/Leadership People Manager, or Director, the Councillor should raise their concerns with the Chief Executive
- 16.3 The Lead Specialist/Leadership People Manager/Director/Chief Executive will seek to resolve the matter through discussions with the employee concerned and will report on the outcome to the Councillor concerned within 10 working days. If such timescale is not possible the Councillor will be informed within 5 working days of receipt of the complaint as to when an outcome notification will be received.

Formal approach

- 16.4 If the Councillor is unhappy with the outcome of the informal approach or considers from the outset that the complaint is of a serious nature they should raise the matter with the relevant Director (or Chief Executive if the complaint is against a Director) and will if a member of a political group make their group leader aware of their complaint.
- 16.5 The Director (or Chief Executive) will ensure the matter is investigated according to the relevant Council procedures consulting, where appropriate with the People Team, the Section 151 Officer (in respect of financial matters) and the Monitoring Officer (in respect of lawfulness and probity)
- 16.6 Again at this stage the Councillor must not engage directly with the employee, nor make any attempt to reprimand or discipline the employee nor make any public criticism (including via social media) of the employee including at Council or any committee meeting of the Local Authority
- 16.7 The Director (or Chief Executive) will write to the Councillor and Group Leader advising of the outcome. If changes in practice or procedures are required these will

be detailed in writing and advised to the employee, the complainant and the Group Leader. A check will be made at six months (or such other pre-specified time as is considered appropriate) that the required changes have been implemented and that the complainant is content.

- 16.8 The Employee will be informed of the outcome of the complaint in accordance with relevant Council Procedures.

17. Complaints by members of staff against Councillors

Important Note – This Protocol does not preclude an employee, at any time, if they think it appropriate to make a formal complaint under the South Somerset District Councils Code of Conduct complaints regime applicable to elected and co-opted Members.

Procedure

- 17.1 If an employee wishes to make either an informal or formal complaint under this protocol relating to the conduct or behaviour of a Councillor, the appropriate support must be provided by their line manager and the following procedure should be followed

Informal approach.

- 17.2 An employee should in the first instance raise the issue of concern with their relevant Lead Specialist/Leadership People Manager or Director (or the Chief Executive in the case of a complaint by a Director). The employee must not engage directly with the Councillor on the matter. If appropriate the Lead Specialist/Leadership People Manager or Director (or Chief Executive) may involve the group leader.
- 17.3 The Lead Specialist/Leadership People Manager/Director will seek to resolve the matter through discussions with the councillor concerned and will report the outcome to the employee, Chief Executive and Group Leader if applicable.

Formal approach

- 17.4 If the Employee is unhappy with the outcome of the informal approach or considers their complaint to be of a serious nature they may wish to consult with their trade union representative (if applicable) prior to raising the matter formally with the relevant Lead Specialist/Leadership People Manager or Director (or Chief Executive in the case of a complaint by a Director). The Employee and their TU representative may also raise the matter directly with the Senior Human Resource Employee in the Council.
- 17.5 The Lead Specialist/Leadership People Manager/Director will ensure the matter is investigated under the appropriate Council investigatory procedure.
- 17.6 The Councillor and Group Leader will be advised of any complaint and should provide full assistance and cooperation with any investigation.
- 17.7 If the Lead Specialist/Leadership People Manager/ Director employee considers the case is sufficiently serious they should advise the Chief Executive that the matter should be formally raised with the Group Leader.
- 17.8 The Outcome of the investigation may require that no further action be required or that a written or verbal apology is given to the employee. An undertaking should be sought that any wrong doing will not be repeated.

17.9 In appropriate cases (which will normally be where a clear breach of the Code of Conduct has occurred) the Standards Committee will be informed of the outcome of the case.