

Protocol on Member/Officer Relations

The purpose of this Protocol is to guide Members and Officers of the CJC in their relations with one another.

Mutual respect between Members and Officers is essential to good local government. However, close personal familiarity between individual Members and Officers can damage this relationship and prove embarrassing to other Members and Officers.

The relationship has to function without compromising the ultimate responsibilities of Officers to the CJC as a whole, and with due regard to such technical, financial, professional and legal advice that Officers can legitimately provide to Members. The Protocol seeks to set a framework that assists the working relationships between Members and Officers.

1. Underlying Principles

The following general principles apply to all relations involving Members and Officers.

All relations shall be conducted:

- with respect for others and in a way which promotes equality
- with honesty and integrity
- acknowledging the duty to uphold the law and act in accordance with the trust placed in them by the public
- in a way that promotes objectivity, accountability and openness
- acknowledging the duty of confidentiality that exists in relation to information given in confidence and information which the CJC is entitled by law to treat as confidential
- with a view to establishing and promoting positive working relationships

2. Member/Officer Relationships generally

Both Members and Officers are involved in public service. However, their respective roles are quite different:

- Members are responsible to the electorate;
- Officers are responsible to the Chief Executive and to their respective Corporate Directors.

Individual Members are not permitted to give instructions to Officers unless specifically authorised to do so by the CJC.

An Officer's job, where it is part of his/her duties, is to provide appropriate advice to Members with impartiality. Such advice must be given in an equitable manner, irrespective of the political nature of the elected Member concerned.

For the effective conduct of CJC business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and Officers. This plays a very important part in the CJC's reputation and how it is seen in public. It is very important that both Members and Officers remember their respective obligations to enhance the CJC's reputation and to do what they can to avoid criticism of other Members, or other Officers, in public places.

It is important in any dealings between Members and Officers that neither should seek to take unfair advantage of their position.

In their dealings with Officers (especially junior Officers) Members need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold senior official and/or political office.

A Member should not apply undue pressure on an Officer either to do anything that he is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of CJC property and services.

Similarly, an Officer must neither seek to use undue influence on an individual Member to make a decision in his favour, nor raise personal matters to do with their job, nor make claims or allegations about other Officers.

Close personal familiarity between individual Members and Officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.

3. Roles of Members

All Members will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) participate in the governance and management of the CJC;
- (iii) represent their communities and bring their views into the CJC's decision-making process, i.e. become the advocate of and for their communities;
- (iv) deal with individual casework and act as an advocate for constituents in seeking to resolve particular concerns or grievances;
- (v) balance different interests identified within the electoral division and represent the electoral division as a whole;
- (vi) contribute to the continual improvement of CJC services
- (vii) be involved in decision-making;
- (viii) be available to represent the CJC on other bodies; and
- (ix) maintain the highest standards of conduct and ethics.

In carrying out their roles, Members should respect the political neutrality and integrity of all officers employed by the CJC.

Members should be aware of the need to declare interests when meeting with officers outside of formal CJC meetings as the Member's Code of Conduct equally applies in telephone calls, face to face meetings and virtual meetings

4. Roles of Officers

The role of Officers is to work for and serve the CJC as a whole. They shall be responsible for the day-to-day managerial activities and operational decisions which the CJC takes and should provide support to all Members in their several roles. Such support must be given in an equitable manner, irrespective of the political nature of the elected Member concerned.

The Chief Executive and Statutory Officers shall be entitled to offer advice at meetings of all member bodies if he/she thinks it is necessary to ensure that all relevant matters are taken into account.

Where an Officer feels that his/her political neutrality or integrity is being compromised in any way, he/she shall notify the Chief Executive.

Officers should at all times be aware of whether they occupy a politically sensitive or specified post. The Local Government and Housing Act 1989 (LGHA 1989), as amended by the Local Democracy, Economic Development and Construction Act 2009 imposes restrictions on the political activities of local government Officers and prevents an individual from having any active political role either in or outside the workplace. Further advice should be sought from the Head of Legal and Democratic Services where appropriate.

5. Relationship between Leader; Cabinet Members; Chairs/ Members of Scrutiny Committees; other Committees; and Officers

Whilst there is necessarily going to be a close working relationship between certain Members (e.g. the Leader of the CJC) and the Chief Executive, such relationships should never be allowed to become so close or appear to be so close, as to damage the professional relationship and prove embarrassing to other Officers and other Members.

Given the nature of the respective roles of Members and Officers, it is accepted that the Officers, while remaining politically neutral, will inevitably give advice on a wider range of issues and on a more regular basis. Officers are obliged to

respond positively to any requests from Members of Scrutiny and other Committees for appropriate advice and information relevant to any issues under consideration.

6. Other Individuals who are Members of CJC Committees

Other individuals who are members of CJC Committees, e.g. through co-option, shall follow and shall be treated in accordance with the underlying principles set out in this Protocol. Additionally, any duties of confidentiality which they owe to the body they are representing shall be respected.

Such individuals shall have the same right to advice from Officers on CJC related matters as Members have.

Conflicts of interest between a person's personal, professional or business interests and those of the CJC may arise from time to time. Such conflicts shall be declared and dealt with in accordance with the CJC's procedures.

7. Press and Media Relations

Officers dealing with the press and media, and any press/media releases that are issued, should not seek to further the interests of a political party or a particular Member other than as a representative of the CJC.

The CJC will follow such national codes and guidance on press and publicity as are in force from time to time.

8. Correspondence

Members may not commit the CJC to any contract or course of action, and should ensure in personal correspondence that personal or political views expressed cannot be taken by the recipient to represent those of the CJC.

9. Breach of protocol

If a Member considers that he has not been treated with proper respect or courtesy he may raise the issue with the Chief Executive. If direct discussion with the manager does

not resolve the complaint it should be referred to the Head of Service or Director responsible for the Officer concerned. Breach of the Protocol may give rise to disciplinary proceedings against an Officer if the circumstances warrant it.

If an Officer considers that a Member has contravened the protocol he should consult his line manager who will if necessary involve the Chief Executive. In certain circumstances breach of the Protocol may also constitute a breach of the Members' Code of Conduct. If the breach is sufficiently serious this may warrant a formal reference to the Monitoring Officer as a complaint to be considered for potential investigation by the Standards Committee. Many complaints will be capable of informal resolution. The Monitoring Officer or the Chief Executive will assist in this process if necessary.