



PROTOCOL FOR MEMBER/OFFICER RELATIONS – OVERVIEW OF CURRENT ARRANGEMENTS

STANDARDS COMMITTEE

21st January 2013

CLASSIFICATION:

Open

WARD(S) AFFECTED: All

GIFTY EDILA

CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES

1. CORPORATE DIRECTOR'S INTRODUCTION

1.1 At the Standards Committee held on 18 July 2012, the Committee requested a report on the implementation and practical application of the Protocol for Member-Officer Relations attached as Appendix 1 of this report and in particular whether there had been any issues referred from either side and if so how are they being dealt with. This report provides an overview of the current arrangements as a response to that request.

2. RECOMMENDATIONS

2.1 **Standards Committee is asked to note the contents of the Report.**

3. COMMENTS OF THE CORPORATE DIRECTOR OF FINANCE AND RESOURCES

3.1 There are no financial implications arising from the report.

4. COMMENTS OF THE CORPORATE DIRECTOR OF LEGAL, HR AND REGULATORY SERVICES

The protocol for Member/Officer relations governs the relationship between officers, the Mayor and Members of the Council.

The Code of Conduct for Members in part 5.1 of the Constitution, the Code of Conduct for officers and the Protocol for Member/Officer Relations in part 5.2 of the Constitution should be read in conjunction with the other Codes and protocols that have been adopted by the Council as supplementary guidance for Members and Officers. Although these Codes and protocols do not form part of the Codes of Conduct, Members, voting Co-optees and Officers are required to comply with their provisions to ensure high standards in the way that they undertake their duties and to ensure a smooth working relationship between Officers and Members.

5 BACKGROUND/REPORT

- 5.1 The Members' Code of Conduct as contained in the Council's Constitution sets out the expectation that elected Members and voting co-optees shall maintain high standards of conduct. While the staff Code of Conduct sets out the expectation and the requirements of the conduct of Council staff. Although produced at different times, both of these documents recognise that positive working relationships between Members and Officers are essential to the effective operation of the local authority. They require Members and Officers to foster mutual respect, courtesy and trust in their working relationship and for both to carry out their responsibilities in an atmosphere of cooperation, openness and honesty.
- 5.2 Members have a legitimate expectation of being able to engage with Council Officers, in order to take forward constituent and other enquiries as part of their role as a ward councillor. In addition where Members hold additional portfolios which include giving policy direction to the strategic objectives the Council and the services it provides, they will also expect to be able to engage with council staff as and when necessary.
- 5.3 In doing so Members need to respect the management structures of the council and neither appear to or by omission, undermine an employee's legitimate relationship with their line manager.
- 5.4 It is expected that in the first instance such requests would be made through the Head of Service/Corporate Director.
- 5.5 Consequentially, Officers also have a legitimate expectation of being able to perform their duties as directed by their line manager to agreed outcomes as part of the established performance management structures. The code specially forbids them from lobbying members in relation to their personal/professional circumstances or in relation to their services.

- 5.6 Members' input into and observation on local service delivery is always valued as part of their role as effective Councillors, but they should always have regard to the professional advice they receive from council officers as to how their political objectives can be achieved within the context of the council's agreed budget and policy framework.
- 5.7 Members are expected to act appropriately in what they do, act fairly and proportionately in exercising any decision making powers, and in accordance with the Members' Code of Conduct.
- 5.8 Councillors must be seen to be unbiased and fair in the conduct of their duties and in the decisions that they take.
- 5.9 In April 2011 Hackney Council introduced a new Code of Conduct for its staff. The Code stresses that each employee is expected to behave in a professional manner and offer the highest standards of service, carrying out their duties in a way that promotes and maintains public confidence and trust in the work of the Council.
- 5.10 A strong and positive working relationship with elected Members is key to achieving this, and the Officer Code provides a framework and helps employees understand the 'ground rules' that must be observed when interacting with members and indeed senior officers.
- 5.11 The Code forms part of the contract of employment of all staff and is printed on the Council's intranet. It also forms part of the induction process for new staff. The code sets out the seven key principles of working at Hackney and in doing so provides advice on political neutrality, working in a political environment and working with Members.
- 5.12 These key principles are
- **Serving the public**
Work with the highest standards of customer service.
 - **Political neutrality**
Support the work of the Council regardless of your personal or political views.
 - **Honesty and integrity**
Make all decisions fairly, consistently and based on merit.
 - **Respect others**
Treat everyone with respect and promote equality.

- **Accountability**

Act responsibly, lawfully and ensure value for money.

- **Representing the Council**

Always bring credit to the Council and only speak publicly with permission.

- **Management and leadership**

Always set a good example and be open and fair.

5.13 The employee code stresses that in carrying out their work the Council's staff must be politically neutral, unbiased in the performance of their duties and respect the function and office of Members, regardless of the Party they represent.

5.14 It makes it clear that Officers are employed to serve the democratically elected Council as a whole and must not allow their own personal or political views to interfere with their working with Members. They must also at all times behave with respect and dignity towards all other persons.

5.15 In those circumstances where a Member feels that an individual has not acted appropriately or whose performance is not considered satisfactory, it is expected that the matter be raised with the individual's line manager/Corporate Director to be dealt with in accordance with the Council's agreed procedures for dealing with such matters.

5.16 Similarly if an Officer feels that a Member is not acting appropriately this will be referred to, in the first instance, their line manager and depending on the issue to the Corporate Director for possible referral to the Monitoring Officer in accordance with the Council's agreed procedures for dealing with such matters and as set out in the Councillor code of Conduct.

5.17 As requested by the Committee, the AD for HR & OD has reviewed the case work log and found that no formal complaints have been raised in relation to Officer/Members working arrangements. Given the level of interaction between Officers and Members this is considered a positive indication of the strength of the current working arrangements.

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Corporate Director of Legal, HR and Regulatory Services

LIST OF APPENDICES

Appendix 1 – Protocol for Member/Officer Relations

BACKGROUND PAPERS

No documents which require listing were used in the preparation of this report.

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