

Solihull Metropolitan Borough Council

Protocol for Member and Officer Relations

This guidance was approved by the Council on 10th October 2006

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Introduction

This protocol provides further guidance to assist both members and officers achieve good working relationships in the conduct of Council business. The protocol is not part of the adopted Code of Conduct for Members but is intended to promote high standards of conduct in accordance with the General Principles and the Council's Code of Conduct for Members.

The reference to "officers" in this protocol includes all employees of the Council.

Members and officers need to work together constructively in partnership in a spirit of mutual trust and confidence to successfully achieve the Council's objectives. It is a complex relationship for which an exact set of rules cannot provide for every circumstance. This protocol provides a framework to assist that partnership and promote good relationships.

Principles

The Council attaches particular importance to the following principles which form the basis of this protocol:-

- Mutual respect as between members and officers;
- That members and officers have clear and distinct roles with separate codes of conduct;
- That members are the ultimate policy makers and are responsible for determining the strategic direction of the Council having regard to advice from officers;
- That officers serve the whole council;
- That officers are impartial to political considerations.

Support by Officers for Members

Expectation of all members:-

- Officers will respond readily to proper and reasonable requests for information which can be lawfully provided to enable members to undertake their official role as councillors;
- Officers will deal with individual concerns raised by members about Council services to the public.
- Opposition and group spokespersons will be given reasonable opportunity to attend officer briefings before official meetings and decision sessions; and
- Officers will need to brief Cabinet Members, Committee and Scrutiny Board Chairmen on the business coming before them at formal meetings and sessions and on other matters affecting their decision making forum.

In providing support for members, officers will need to act generally in accordance with the current policies and priorities of the Council as well as the legal constraints on sharing information which constitutes personal data. In cases where a conflict arises between the operational requirements of the service and the expectation of

members to receive support, the matter should be resolved in discussion between the Chief Officer and the Member.

The decision making process

It is the role of officers:-

- To advise members on key decisions proposed to be taken, whether or not a report or advice has been formally requested;
- To take operational decisions within their delegated responsibility in accordance with the Council Plan and all council policy objectives.
- To implement decisions taken in accordance with the constitution and the law;
- To communicate decisions taken in accordance with Code of Recommended Practice on Local Authority Publicity and the Council's Communications Strategy.

The Council's constitution sets out the role of the statutory officers who have the duty to report to the Council on matters within their particular responsibilities. This protocol recognises the obligations inherent in the various statutory roles and the ability of the statutory officers to provide advice and report without any pressure from members or political groups.

Support to Political Groups

It is the role of officers to deal with political groups as key stakeholders in the decision making process. It is not the role of officers to advise on or be involved in party political considerations.

Officers may with the approval of the Chief Executive attend a meeting of a political group for the purpose of explaining the background of professional advice before a decision is to be taken. Where the Chief Executive approves the attendance of an officer at a meeting of a political group the same facility shall be available to other political groups.

Both officers and members must keep confidential and not disclose details or advice given or information disclosed at meetings of a political group.

Support to Scrutiny Boards and the scrutiny process

Within the context of the principle that officers serve the whole Council, officers attending at a scrutiny meeting must do so either in the role as a witness before a scrutiny board or task and finish group or as an adviser to a scrutiny board. An officer speaking at a Scrutiny Board meeting must make it clear which role the officer is exercising. Officers attending scrutiny meetings may also be in a position of having given advice to Cabinet Members.

Members can expect that officers will give their professional view in relation to the background of a decision but will not always be expected to justify the policy background or comment on political matters. Questions on such matters should be addressed to the relevant Cabinet Member.

Change of membership or political control

Although membership and political control may change over time, the role of officers in serving the full Council does not change. Members can expect that officers will be prepared to serve the full Council under a new administration in accordance with same principles as applied previously.

Members and officers should expect that they will mutually respect any confidences previously shared between them before any change in political control.

In the event of there being no overall political control members regard it as their duty to secure the continued administration of the Council and the provision of services in accordance with the Council's statutory duties, the role of officers being to assist in that process.

Complaints

A Member must not raise issues of conduct or competence about an individual officer in a public forum. This includes criticism of an officer by name at a full Council meeting where there is no facility for a reply.

If possible and appropriate any issue or dispute between a Member and a Senior Officer¹ should be resolved between them directly without the involvement of any third party.

Any Member wishing to raise a matter concerning the conduct of an officer must first raise that matter with the relevant Chief Officer or the Chief Executive who will respond to the Member raising the matter.

Officers who wish to raise matters of concern as to conduct of any Member should be expected to first raise the issue with their Chief Officer or the Chief Executive.

Complaints which cannot be resolved informally should be channelled by the Chief Executive or a Chief Officer through the relevant Group Leader who would then seek to resolve the conflict or issue.

This protocol recognises that any officer would have the right to raise the matter in any other legitimate way such as through the speak out policy, whistle blowing procedure or by way of complaint to the Standards Board for England.

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¹ A Senior Officer is to be regarded as any officer whose salary scale is JNC related or Band H and above.