Witham Town Council: Member/Officer Relations Policy

This protocol is intended to assist Members and employees in approaching some of the sensitive circumstances which arise in a challenging working environment. The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy.

Roles of Members and Employees

The respective roles can be summarised as follows:

- Members and Officers are servants of the public and they are indispensable to one and other, but their responsibilities are distinct.
- Members are responsible to the electorate and serve only so long as their term of office lasts.
- Officers are responsible to the Council. Their job is to give guidance to Members and to the Council, and to carry out the Council's work under the direction and control of the Council and relevant committees.
- Each group must work together in the public interest, upholding 'The Seven Principles of Public Life' (Nolan Principles) and respective codes of conduct.

Members

Members have four main areas of responsibility:

- To determine council policy and provide community leadership;
- To monitor and review council performance in delivering services;
- To represent the council externally; and
- To act as advocates for their constituents.

All Members have the same rights and obligations in their relationship with the Town Clerk and other employees, regardless of their status or political party, and should be treated equally.

Members should not involve themselves in the day-to-day running of the Council. This is the Town Clerk's responsibility, and the Town Clerk will be acting on instructions from the Council or its Committees, within an agreed job description.

Chair and Vice-Chair of the Council and Committees

The Chair and Vice-Chairs have additional responsibilities. These responsibilities mean that their relationships with employees may be different and more complex than those of other Members.

However, they must still respect the impartiality of Officers and must not ask them to undertake work of a party-political nature, or to do anything which would prejudice their impartiality.

Officers

The role of Officers is to give advice and information to Members and to implement the policies determined by the Council. In giving such advice to Members, and in preparing and presenting reports, it is the responsibility of the Officer to express their own professional views and recommendations.

An Officer may report the views of individual Members on an issue, but the recommendation should be the Officer's own. If a Member desires to express a contrary view, they should not pressurise the officer to make a recommendation contrary to the officer's professional view, nor victimise an Officer for discharging their responsibilities.

Expectations

All Members can expect:

- A commitment from Officers to the Council as a whole, and not to any individual Member, group of Members or political group;
- A working partnership;
- Officers to understand and support respective roles, workloads and pressures;
- A timely response from Officers to enquiries and complaints;
- Officer's professional advice, not influenced by political views or personal preferences;
- Regular, up to date, information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold;
- Officers to be aware of and sensitive to the public and political environment locally;
- Respect, courtesy, integrity and appropriate confidentiality from Officers;
- Training and development opportunities to help them carry out their role effectively;
- Not to have personal issues raised with them by Officers outside the council's agreed procedures;
- That Officers will not use their contact with Members to advance their personal interests or to influence decisions improperly;
- That Officers will at all times comply with the relevant code of conduct.
- Clear guidelines on information that is considered confidential or personal between them and officers;
- Access to a formal complaint procedure if there is an unresolved dispute between them and an Officer;
- Adequate resources to be provided by the Council to enable Officers to effectively carry out their duties.

Officers can expect from Members:

- A working partnership;
- An understanding of, and support for, respective roles, workloads and pressures;
- Respect, courtesy, integrity and appropriate confidentiality;
- Not to be used to make a political statement;
- Not to be intimidated or to be put under undue pressure;
- That Members will not use their position or relationship with officers to advance their own interests or those of others or to influence decisions inappropriately;
- That Members will at all times comply with the council's adopted Code of Conduct.
- Recognition of and respect for the role of Officers in providing professional advice, even when it does not accord with the views of the Member(s)

Relationship Between Members and Officers

It is imperative that any communications between Members and Officers, both written and oral, should observe professional standards of courtesy, and must pay heed to existing protocol that states that Members should communicate with Members, and Officers should communicate with Officers.

The relationship between Members and Officers will be improved by friendly relations. However, mutual respect and the trust that Officers are providing objective professional advice to Members must not be compromised. Members and Officers should be cautious in developing close friendships.

To avoid reputational damage to the Council, disagreements between Members and Officers should be acknowledged and resolved in private, rather than in public or through the media.

Members must not discuss, publish or disclose allegations, performance concerns, disciplinary matters, grievances, health information or other personal information concerning an identifiable employee in a public meeting, on social media, to the press, or through informal channels, except where disclosure is lawful, necessary and authorised through the Council's proper procedures.

They must be aware of the lines of accountability within service areas and must not apply pressure to an Officer to act in a manner contrary to the instructions of the Town Clerk.

Officers must not allow their personal or political opinions to influence or interfere with their work. Officers should not take part, and Members should not ask Officers to take part, in any activity which could be seen as influencing support for a political party.

Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising Members on matters of party-political business.

Both Members and Officers should adhere to the rules and regulations set by Council to manage committee business.

Both Members and Officers have access to information which has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. Confidential information must never be disclosed or used for personal or political advantage or to the disadvantage or the discredit of the Council or anyone else.

The Town Clerk will instigate any appropriate investigations into actual or alleged breaches of confidence in relation to the release of confidential information.

Officers should ensure that they provide the necessary respect and courtesy due to Members in their various roles. Equally, Members should ensure that they provide the necessary respect and courtesy due to Officers in their roles.

Members should not put pressure on an Officer with regard to matters which have been delegated for Officer decision under the Scheme of Delegation to Officers. Officers should be left to make decisions that are objective and can be accounted for; and are fair and consistent in their application.

Members should not bring influence to bear on any Officer to take any action which is contrary to law or against the Council's approved procedures, including but not limited to the following procedures: a breach of Personnel procedures; conflict with standing orders; or policies.

Members and Officers should be aware of the potential for conflicts of interest and should declare any personal relationships that might affect their professional roles.

Political Groups
It is the National Association of Local Council's (NALC's) policy that party politics should have no place in town councils. Town Councillors are there to serve their community as members of the community, and should not be side-tracked by party political issues.

Party politics within a Town Council can pose particular difficulties in terms of the impartiality of the Town Clerk and other employees, and the relationship between Members and the staff generally.

Party political groups have no power to require the Town Clerk or any other employee to attend group meetings or to prepare written reports for them, and employees can legitimately refuse to do so. The Town Clerk and other Officers are responsible to the Council as a whole and should not take action under instructions from any individual Members, even if they have been styled as 'Leader' of the Council.

The Town Clerk will ensure that any reports or advice offered to a political group are statements of relevant facts, with an appraisal of options and do not deal with the political implications of the matter or options, or make any recommendations. It is not the Town Clerk's job to make recommendations to a political group.

If a report is prepared for one political group, the Town Clerk will advise all other political groups that the report has been prepared, or that advice was given.

Complaints
Procedure for officers. The relationship between Members and the Town Clerk (or other employees) may break down or become strained. Whilst it is always preferable to resolve matters informally, through conciliation by an appropriate third party, it is important to adhere to the Council's formal grievance policy.

If a Member is displeased with the conduct, behaviour or performance of the Town Clerk or another employee, the matter should be raised with the Town Clerk in the first instance. If the matter cannot be resolved informally, it may be required to invoke the ouncil's disciplinary procedure.

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