

# WHIMPLE PARISH COUNCIL MEMBER/OFFICER PROTOCOL

## **Introduction**

Together, members and officers of the council combine the essential skills, experience, and knowledge to manage an effective public sector organisation. They work together in the interests of the citizens of Whimble.

Members provide a democratic mandate to the council whereas officers contribute professional expertise and experience to deliver the policy framework agreed by members.

Mutual trust and respect between members and officers are essential to ensure good governance and the effective running of a council.

To help ensure that health relationships are maintained, it is advisable to have a written protocol, covering:

- respective roles and responsibilities of the members and officers
- relationships between members and officers including how concerns should be raised and who is responsible for making decisions.

This protocol is intended to assist members and officers in approaching some of the sensitive circumstances which arise in a challenging working environment.

The reputation and integrity of the council is significantly influenced by the effectiveness of members and officers working together to support each other's roles. The aim is effective and professional working relationships characterised by mutual trust, respect, and courtesy.

## **Scope**

This document applies to all members and officers.

## **Roles**

Members and officers are servants of the public and they are indispensable to each 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 role is to give advice to members and to the council, and to carry out the council's work under the direction and control of the council and any committees (if appropriate).

## 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
- to act as advocates for their constituents.

All members have the same rights and obligations in their relationship with officers regardless of their status or political affiliation and should be treated equally.

The Chair and Vice-Chair have additional responsibilities. These responsibilities mean that their relationships with members 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 political nature, or to do anything which would prejudice their impartiality.

Members should not involve themselves in the day to day running of the council. This is the Parish Clerk's responsibility, acting on instructions from the council or its committees (if appropriate), within an agreed job description.

### Officers

The Parish Clerk's responsibilities include:

- providing 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 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 wishes to express a contrary view they should not pressurise the officer to make a recommendation contrary to their professional view, nor victimise an officer for discharging their responsibilities.

### **Expectations**

From officers, members can expect:

- a commitment to the council, and not to any individual member, group of members or political group
- a working partnership
- understanding and support of respective roles, workloads and pressures
- a timely response to enquiries and complaints
- professional advice, not influenced by political views or personal preferences
- regular and 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
- awareness of and sensitivity to the public and political environment locally
- respect, courtesy, integrity and appropriate confidentiality
- training and development opportunities to help them carry out their role effectively
- that they will not use their contact with members to advance their personal interests or to influence decisions improperly
- that they will, at all times, comply with the relevant code of conduct.

From members, officers can expect:

- a working partnership
- an understanding of, and support for, respective roles, workloads and pressures
- leadership and direction
- respect, courtesy, integrity and appropriate confidentiality
- not to be bullied or harassed, or to be put under undue pressure
- that they will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly

- that they will at all times comply with the council's adopted Code of Conduct.

### General Principles

Close personal relationships between members, officers and/or political parties can confuse their separate roles and get in the way of the proper conduct of council business, not least by creating a perception in others that a particular member or officer is getting preferential treatment.

### Political Groups in a Parish Council setting

The operation of political groups is becoming more of a feature within parish councils. Members are elected to serve their community and should ensure that is the guiding principle by which decisions are made.

Party politics within a parish council can pose particular difficulties for employees in terms accountability.

- The council remains the employer and the Parish Clerk is answerable to the council as a whole
- Party political groups have no power to require the Parish Clerk to attend group meetings or to prepare written reports for them, and can legitimately refuse to do so
- Officers are responsible to the council as a whole and should not take action under instructions from any individual member, even if styled as 'Chair' of the Council
- If a council has adopted party political groupings, the Parish Clerk should 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 Parish Clerk's role to make recommendations to a political group
- If a report is prepared for one political group, the Parish Clerk should advise all other political groups that the report has been prepared, or that advice was given
- If unsure, the Parish Clerk should seek advice or guidance on matters relating to party groups or how to operate within a political environment, from the Devon Association of Local Councils (DALC).

### Dealing with problems

#### Procedure for Officers

From time to time, the relationship between members and officers 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 that the council adopts a formal grievance protocol or procedure.

East Devon District Council's Monitoring Officer may be able to offer a mediation/conciliation role, or it may be necessary to seek independent advice. For example, the Society of Local Council Clerks may be able to provide an independent person.

The law requires all employers to have disciplinary and grievance procedures. Adopting a grievance procedure enables individual employees to raise concerns, problems or complaints about their employment in an open and fair way.

### Procedure for Members

If a member is dissatisfied with the conduct, behaviour or performance of the Parish Clerk, the matter should be raised with the Chair/Vice Chair in the first instance.

If the matter cannot be resolved informally, it may be necessary to invoke the council's relevant formal policies.