

## **Part 5. Waverley Borough Council Member/Officer Protocol**

### **Developing the way that Waverley officers and members work together for the good of the local community**

This document is intended to provide guidance and direction in the way that members and officers work together in carrying out the Council's business.

It seeks to build on the clear benefits of ensuring that, from their different roles, members and officers develop effective and efficient internal working relationships that best serve the collective goal of improving the quality of life in the local community.

Whilst it gives guidance and direction, the document, should not be seen as being prescriptive. Rather it should be regarded as a tool that helps ensure that the Codes of conduct and policies that prescribe activities and behaviours are not compromised or breached.

Those relevant codes and policies are:

- the Waverley Member Code of Conduct
- the Waverley Borough Council Constitution
- the Officer Code of Conduct including the Addendum to the Code on the Use of IT Facilities;
- the Council's 'Dignity and Respect at Work' policy and procedures for dealing with Bullying and Harassment at work
- the Council's 'Disciplinary and Grievance Procedures' including the special arrangements that apply to the Joint Chief Executive, the Section 151 Officer and the Monitoring Officer
- the Council's 'Public Interest Disclosure (Whistleblowing)' policy and procedures
- the Council's Equal Opportunities in Employment policy statement

A copy of the Member Code of Conduct and the Constitution is made available to all Members. Copies of all the other documents are issued to employees of the Council. Members who wish to see copies of those documents should ask the HR Manager.

This guidance will not cover every specific eventuality but the broad principles included in the document set standards for acceptable behaviour that should fit every eventuality.

For the avoidance of doubt, where there is a conflict between the guidance in these Protocols and any of the Codes/Policies defined above, compliance with the latter is obligatory. In cases of doubt, the Monitoring Officer will refer to the Waverley Code of Conduct for Members and give advice in accordance with the standards prescribed.

## **OFFICER/MEMBER PROTOCOLS**

### **1. General Principles Underlying Member/Officer Relations**

Waverley has a long tradition of constructive relationships between Councillors and Officers. These have developed into a strong partnership based on mutual respect and understanding of each other's roles.

Both members and officers should aspire to conduct their relations, at all times, on a professional basis.

Relations must be based on mutual trust, respect and courtesy and neither members nor officers should seek to take unfair advantage of their position.

Close personal relationships between members and officers can damage professional relationships and can prove embarrassing to other members and officers. They could also give rise to suspicions and/or the appearance of improper conduct or behaviour. Close personal relationships should, therefore, be avoided.

Officers must, at all times, display political impartiality and members must, at all times, accept the political impartiality of officers.

Members and officers must have mutual respect for confidentiality where that is important to the relationship and where that does not compromise the duty of officers to serve the public (see Section 3). Officers must make that clear before entering into any confidential discussions with members.

Members should understand that officers have a contract of employment with the Council as a corporate body and not, as such, with individual members of the Council or the Executive.

### **2. Role of Members**

In accordance with the Waverley Code of Conduct, the Member/Officer protocol and the Members' Planning Code of Good Practice, and maintaining the highest standards of conduct and ethics, members' roles are to:

- (i) collectively be the ultimate policy-makers and oversee a number of strategic and corporate management functions;
- (ii) represent their communities and bring their views into Waverley's decision-making process;
- (iii) deal with individual casework and act if appropriate as an advocate for constituents in resolving particular concerns or grievances;
- (iv) balance different interests identified within their ward and represent the ward as a whole;
- (v) contribute to various forums for decision-making;
- (vi) be available to represent the Council on other bodies.

(as set out in the Constitution).

### **3. Role of Officers**

- Advising the Council on policy matters and implementing Council decisions
- Taking day-to-day managerial and operational decisions
- Providing support/advice to members on matters of Council business

- Acting within their sphere of responsibility/accountability (see the Scheme of Delegation)
- Ensuring that the Council functions within the legislative framework
- Above all else, officers of the Council have a duty to serve the public in good faith and without fear or favour of anyone.

#### **4. Relationship between the Leader of the Council and Officers**

When functioning as the Leader of the Council, the Leader will work in close cooperation with the Joint Chief Executive, Joint Strategic Directors and Executive Heads of Service in matters related to the corporate direction and functioning of the Council.

In this role, the Leader would not normally deal direct with other members of staff except when dealing with any other specific portfolio responsibilities that the Leader of the Council may hold.

This also applies to the Deputy Leader of the Council when acting in place of the Leader.

#### **5. Relationships between the Leader and Members of the Executive and officers**

The Leader works through Portfolio Holders who work with the Joint Chief Executive, Joint Strategic Directors and Executive Heads of Service in respect of matters within the portfolio holder's brief.

#### **6. Relationship between Joint Chief Executive and Members**

Any member may make an appointment to see the Joint Chief Executive.

#### **7. Relationship between Portfolio Holders and Officers**

Portfolio Holders work closely with and discuss and consult, as they see necessary, with the Joint Chief Executive, Joint Strategic Directors and/or Executive Heads of Service and specialist officers as agreed by the Executive Head of Service.

#### **8. Relationships between Chairs and Vice-Chairs of Overview and Scrutiny Committees and officers**

Chairs and Vice-Chairs of Overview and Scrutiny Committees may seek advice from the Joint Chief Executive, Joint Strategic Directors (and/or Executive Heads of Service) and any designated support officers.

#### **9. Relationship between Chairs and Members of other Committees and Officers**

Chair of Regulatory Committees may seek advice from the Joint Chief Executive, Joint Strategic Directors (and/or Executive Heads of Service).

#### **10. Officer relationships with party groups (Note: Local Government and Housing Act 1989 introduced politically restricted appointments)**

Officers will do work on behalf of all political party groups fairly and consistently.

It is critical that officers respect confidentiality between political party groups.

#### **11. Officer relationships with other individuals who are members of Council bodies**

This protocol will apply also to lay or co-opted Members of Committees or Working Groups etc.

## **12. Members in their ward role and officers**

Members may seek advice from relevant officer(s) on ward matters and, if they wish to do so, may first inform the relevant Head of Service.

Those relevant officer(s) will advise the Joint Chief Executive or their Head of Service as appropriate.

Officers should keep ward Councillors informed of relevant matters affecting their ward.

## **13. Publicity, Press Releases and other contact with the Media**

NOTE: The specific rules governing such activities of members are set out in Section 2 of the Local Government Act 1986 and the Code of Practice on Local Authority Publicity.

Contact with the media on issues related to Council business is handled through the Communications and Engagement Manager who provides support and guidance and training as necessary to members and officers.

Press releases from officers should not relate to the political views of any group of officers or members.

Officers, in communicating with the media, should restrict their comments to matters of fact and should avoid expressing personal opinions on Council policy or political decisions and/or views expressed by members.

No member or officer may be quoted in media/press releases without their specific consent.

For service specific media issues – these will be discussed with the relevant Portfolio Holder.

Wider ‘corporate’ media issues – these will be discussed with the Leader (or Deputy Leader in absence of the Leader) unless this cannot be achieved by the Press deadline. Where it is not possible, the Communications and Engagement Manager will advise.

Members may issue their own media releases. However, they must not:

- use Council resources for that purpose where the media issue is to publicise an individual Councillor or the views of a political party; and
- impute or ascribe particular views to officers or otherwise refer to officers without that being agreed with the Joint Chief Executive or Joint Strategic Directors in advance.

Overview and Scrutiny Committees may authorise Waverley media releases on their work, the content of which is to be jointly agreed by the appropriate Overview and Scrutiny Committee Chair and Vice-Chair.

## **14. Councillor access to documents and information**

Members are entitled to have such access to information as they reasonably need to carry out their role as members of the Council. However, Members cannot have access to personal information about residents or members of staff, such as council tax, rent or benefit records, unless they have written consent from the individual.

The legal right of members to have access to information is covered partly by common law but also by different pieces of legislation. Members requiring advice on such rights should contact the Monitoring Officer.

## **15. Officer attendance/participation at formal meetings of the Council**

### **Executive**

Meetings of the Executive will be attended by the Joint Chief Executive, Joint Strategic Directors and, as necessary, Executive Heads of Service and specialist staff.

Portfolio Holders will normally present reports to the Executive.

The Leader of the Council and/or Portfolio Holders may call on officers in attendance to speak. Officers may ask to speak if factual information is being reported incorrectly, for a point of clarification or if relevant data could be overlooked.

### **Regulatory Committees**

The Chair of the Committee will require officers, as designated by the relevant Executive Head of Service, to present a report and recommendations on each matter.

### **Overview and Scrutiny Committees**

Meetings of Overview and Scrutiny Committees may be attended by the Joint Chief Executive and relevant Strategic Director and/or Executive Heads of Service as necessary.

The Chair of the Committee will ask the relevant Strategic Director or Executive Head of Service to present the report.

## **16. Access to Officers by Members**

On any new specific service issue and to ensure consistency, it should only be necessary for members to contact either the Joint Chief Executive, Joint Strategic Directors and/or Executive Heads of Service, or in the case of media issues the Communications and Engagement Manager. If members are unsure of who to contact, they should contact Democratic Services.

These officers should recognise that members will have needs for information that are not always predictable and will try to respond quickly.

However, to help manage workloads and to help the smooth working of the Council's departments, the following guidelines should, so far as is practicable, be observed.

- An uninvolved/uncomplicated enquiry may be made by telephone.
- Otherwise, members should send their enquiry by e-mail
- If members do not have access to e-mail or if a personal visit is considered more appropriate, an appointment should be made with the relevant officer ideally giving a minimum of 24 hours' notice.
- Where there is a need for immediate action, ideally, the member should telephone the officer to ensure that a meeting on the same day is practicable.
- Portfolio Holders should arrange times for their meetings with their Joint Strategic Directors and/or Executive Heads of Service as appropriate, and

should not make demands on time which could affect officers' ability to carry out their jobs.

- Both members and officers should aim to keep meetings short and focused.

## **17. Officers Dealing with Member Enquiries: Response Times**

Executive Heads of Service will support their staff in achieving the following broad performance targets in responding to Member's enquiries:

- within 2 working days - straightforward enquiries
- within 5 working days - more complicated enquiries
- within 15 working days - enquiries involving research

## **18. Officers Dealing with Member Correspondence**

Letters from the Council that create obligations or give instructions on behalf of the Council must always be sent out in the name of an officer.

Officers who are requested to prepare correspondence on behalf of members will work to the response times above.

## **19. Effective Working Relationships between Members and Officers**

This is best achieved by working together in partnership.

Members should:

- avoid putting officers under undue pressure to the extent that it could be regarded as harassment and/or bullying. Members should be particularly sensitive when dealing with less senior officers in the absence of the relevant senior officer.
- not require officers to do things that are not consistent with Council policy, not within normal budgetary controls and not part of the officer's normal duties.
- avoid criticising officers, particularly at meetings open to the public or in the media;
- avoid actions or words that may appear to others to be attaching blame to an officer(s) particularly when the officer(s) is not present
- avoid words or actions that may serve to undermine the professionalism and integrity of officers.

Officers should:

- Treat Members with courtesy and respect at all times;
- Not use undue influence over a Member or put a Member(s) under undue pressure
- Avoid words or actions that may undermine respect for Members

## **20. Scheme of Delegation**

Members should not challenge, publicly, a decision made in good faith by an officer under the Scheme of Delegation, whether or not that decision requires consultation with nominated members.

Members who require information on why a particular decision has been made may ask the relevant officer to explain the basis on which the decision has been made including the use of any pre-prepared guidelines to help decision-making.

## **21. Dealing with Breaches of this Protocol**

### **By Members**

An officer who feels that they have been treated by a Member in a way that is contrary to the principles and ideals set out in this document should follow the steps in the Council's Dignity and Respect at Work policy and procedures. The employee, under those procedures, may follow whatever initial approach they prefer. However, the matter must also be raised with the Joint Chief Executive and the relevant Executive Head of Service.

Members who are in breach of this protocol will be dealt with using, as appropriate, one or more of the approaches set out below:

- Leader of the relevant political group
- Monitoring Officer
- If necessary, by a meeting of the Standards Panel.

### **By Officers**

A Member who has a complaint that an employee has acted contrary to the principles and ideals set out in this document should raise the matter with the Joint Chief Executive or Joint Strategic Directors.

Officers who are in breach of this protocol will be dealt with under one or both of the following procedures:

- Dignity and Respect at Work policy and procedures
- Disciplinary Procedures.

## **22. Conclusions**

Members and Officers, in following the guidelines in this Protocol, help maintain that the constructive officer/member relations that have existed in Waverley for years.

Having a written Protocol will enable members and officers to build on and improve the Member-Officer partnership by identifying practices and approaches that work best to ensure effective working relationships. The Protocol will be kept under review and amended to reflect identified best practice.

[Amended July 2022 to reflect job title and structural changes only]