

Appendix 2: Protocol on Member/Officer Relations

The purpose of this Protocol is to guide Members and officers of the Combined Authority in their relations with one another.

Introduction

- 1.1 The Member Officer protocol is designed to provide a guide to good working relations between Combined Authority Members, including the Mayor, and officers, to define their respective roles and provide principles governing conduct. It is not intended to be prescriptive or comprehensive and seeks simply to offer guidance on some of the issues that most commonly arise.
- 1.2 The protocol seeks to reflect the principles underlying the respective Codes of Conduct that apply to Members and officers and should be read in association with those Codes. The shared objective of the Codes is to enhance and maintain the integrity of local government.
- 1.3 This protocol will also apply to co-opted members of committees/boards.
- 1.4 Members and Officers are all public servants who depend on each other in carrying out their work. Members are responsible to the people of the Combined Area who they serve for as long as their term of office lasts, while Officers are responsible to the Authority. Their job is to give impartial advice to the Cabinet and to the Authority's committees and subcommittees as well as individual Members, and to carry out the Authority's work.
- 1.5 Mutual respect between Members and Officers is essential to good local government. Mutual respect and courtesy should prevail in all meetings and contacts (both formal and informal) between Members and Officers. To be most effective Members and Officers will work closely and cohesively together.
- 1.6 The relationship has to operate without any risk of compromising the ultimate responsibilities of Officers to the Authority as a whole, and with due regard to such technical, financial, professional and legal advice that Officers can legitimately provide to Members.

Roles

- 2.1 Role of Members: Members have many different roles:
 - a) Members are the policy makers and carry out a number of strategic and corporate functions collectively approving the Authority's policy framework, strategic plans and budget.
 - b) Developing and reviewing policy and strategy.
 - c) Monitoring and reviewing policy implementation and service quality.
 - d) Members express political values and support the policies of the political party or group to which they belong (if any).
 - e) Representing their communities and bringing their views into the Authority's decision-making processes, thus becoming advocates for their communities.
 - f) Being involved in partnerships with other organisations as community leaders.

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- g) Representing the Authority on other bodies and acting as ambassadors for the Authority.
- h) Members may have roles relating to their position as members of the Board or Overview and Scrutiny Committee or other committees and sub committees of the Authority.

2.2 Roles of Officers: Officers' main roles are as follows:

- a) Providing advice to the Board, to the Authority's committees and subcommittees and Members to enable them to fulfil their roles.
- b) Managing and providing services for which they are responsible.
- c) Being accountable for ensuring those services are efficient and effective.
- d) Advising the Board, the Authority's committees and subcommittees and Members in respect of those services.
- e) Initiating proposals for policy development.
- f) Implementing the Authority's policies.
- g) Ensuring the Authority acts lawfully.
- h) Representing the Authority on external organisations.

3. **Principles of Behaviour**

- 3.1 Respect and Courtesy: An essential ingredient to the Authority's business being conducted effectively is ensuring mutual respect, trust, courtesy and even-handedness in all meetings and contacts between Officers and Members. This plays a very important part in the Authority's reputation and how it is seen by the public and partners.
- 3.2 The relationship between officers and Board Members should be characterised by mutual respect and courtesy and recognition of each other's roles and responsibilities. Board Members have the right to challenge officers' reports and actions, but they should avoid personal and or/public attacks, and ensure their criticism is fair and constructive.
- 3.3 Officers should not publicly criticise Authority decisions even if they do not personally agree with those decisions.
- 3.4 The Authority's Reputation: Members and Officers both have an important role in engendering a good reputation or the Authority. In particular they should:
 - 1) protect and promote the legitimacy of democratic local government;
 - 2) promote a positive relationship between Members and Officers and be careful not to undermine it;
 - 3) avoid criticism of the Authority when formally representing it; and
 - 4) avoid personal criticism of other Members and Officers.
- 3.3 Undue Pressure: It is important in any dealings between Members and officers that neither should seek to take unfair advantage of their position. In their dealings with officers (especially junior officers) Members need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold senior and/or political office.

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- 3.4 Certain statutory officers – the Head of Paid Service, the Section 73 Chief Finance Officer and the Monitoring Officer - have specific roles which Members must understand and respect. Members should have particular regard to any advice given by them.
- 3.5 A Member should not apply undue pressure on an officer either to do anything that they are not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Combined Authority property and services.
- 3.6 Members should always direct requests for information/ advice through the Chief Officers. They should never go directly to Junior Officers as this can put undue pressure on individuals.
- 3.7 To assist Members in decision making they should be informed of all legal and financial considerations, and be warned of the consequences even if it is unpopular. If a Member has a concern that an Officer is not carrying out a particular Authority decision, the Member concerned should draw this to the attention of the Head of Paid Service.
- 3.8 Similarly, an officer must neither seek to use undue influence on an individual Member to make a decision in their favour, nor raise personal matters to do with their job, nor make claims or allegations about other officers.
- 3.9 Personal/ Business Relationships: It is important not to allow any personal or business connection or relationship with any other Member or Officer to affect the performance of official responsibilities, taking action or making decisions. It is also important in these circumstances to be wary of passing confidential information to anyone who should not have access to it.
- 3.4 Members should take account of any relationship or connection they have with any other Member or Officer when considering whether or not they need to register or declare a personal interest.

4. Member Officer Working

- 4.1 Advice: Members are entitled to ask the Chief Officers for such advice and information as they reasonably need to help them in discharging their role as a Member of the Authority. This can range from general information about some aspect of the Authority's activities, to a request for specific information on behalf of a constituent.
- 4.2 It is important for the Chief Officers to keep Members informed both about the major issues affecting the Authority and about issues affecting the areas s/he represents. Members shall be kept informed about proposals affecting their constituent council areas and be invited to Authority initiated events within or affecting their constituent council areas.
- 4.3 Advice or information sought by Members should be given in a timely manner. It should be provided by the relevant service provided it is within the service's resources.
- 4.4 Officers serve the whole Authority and must be politically neutral in their work. In providing advice and support to the Authority and when implementing its lawful

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decisions, it must not be assumed that an Officer is supportive of a particular policy or view or is being other than politically neutral in implementing such decisions.

- 4.6 Officers can advise Members on matters relating to the Authority's business. When seeking advice the Members should approach the Chief Officers in the first instance. They will direct the Members to the appropriate lead officer who will normally be at Director/ Head of Service level.
- 4.7 Junior Officers should not be approached directly with requests for information or advice, in such a circumstance the Officer should inform his or her manager about the request(s) in order to enable a matter to be properly dealt with.
- 4.8 Officers can usually give information confidentially unless doing so would not be in the Authority's best interests (for example, if it went against their obligation to protect the Authority's legal or financial position). Any information a Member receives confidentially in one capacity (for example, as a Member of the Board) cannot be used when acting in a different capacity (for example, when representing his/her ward).
- 4.8 Confidential information can only be given to those entitled to see it. It is best to check with the Officer giving the information whether it is appropriate to pass it on to others. Members should make sure that when they are getting help and advice from Officers they only ask for information to which they are properly entitled. There is more detail about the information to which Members are entitled in the Constitution.
- 4.9 Working relationship: Officers work to the instructions of their managers not individual Board Members.
- 4.10 Board Members must not require officers to change their professional advice or take any action which the officer considers unlawful or illegal or which would amount to a breach of officers roles and responsibilities, maladministration or breach of a statutory duty.
- 4.11 Board Members should not raise matters relating to the conduct or capability of an officer or of officers collectively at meetings held in public or in the press. Any concerns should be raised using the appropriate procedure.
- 4.12 The Authority has a statutory duty to positively promote equality. Members and officers should not by their manner, speech, or in any written communication, be discriminatory with regards to a person's age, disability, gender reassignment, marriage and civil partnership, pregnancy and the protected characteristics set out in The Equality Act 2010.
- 4.13 Briefings: Any Board Member may request a private and confidential briefing from an Chief Officer on matters of policy which have already been or may be discussed by the Authority or within its decision-making or advisory process. All requests should be made to the appropriate Chief Officer..
- 4.14 Briefings shall remain strictly confidential and are not to be shared with other members of the Authority unless so permitted by the relevant member.
- 4.15 Any official information provided to a member must only be used by the Board Member solely for the purpose for which it was provided (i.e. in connection with the proper performance of the member's duties as a member of the Council).

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5. Confidentiality

- 5.1 Members are entitled to access information to enable them to discharge their responsibilities. The Access to Information Rules in the Constitution, set out the basis on which information can be accessed by Members and the public generally, but do not affect any other rights to information arising under standing orders or by law. They also set out the difference between confidential information and exempt information.
- 5.2 Members must ensure that they comply with data protection arrangements and not disclose information given to them in confidence by anyone, or information acquired which they believe, or ought reasonably to be aware, is of a confidential nature, except where:-
- they have the consent of a person authorised to give it,
 - they are required by law to do so,
 - the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person, or
 - the disclosure is reasonable and in the public interest, and made in good faith and in compliance with the reasonable requirements of the authority.
- 5.3 Board/Committee reports which are in the private part of an agenda are to be treated as exempt information unless the relevant board/ committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as exempt from public disclosure. The decision as to whether they remain exempt is for the board/ committee.

6. Political Activity

- 6.1 There are a number of rules which apply to Officers who occupy politically restricted posts under the Local Government and Housing Act 1989. In summary such Officers are prevented from:
- a) being a Member of Parliament, a Member of the European Parliament or a local authority member;
 - b) acting as an election agent or sub agent for a candidate for any of those bodies;
 - c) being an officer for a political party or branch, or a committee if that role is likely to involve participation in the management of the party or branch, or to act on its behalf in dealings with other persons;
 - d) canvassing on behalf of a political party or an election candidate;
 - e) speaking in public in support of a political party; and
 - f) publishing written or artistic works affecting support for a political party.

7. Media

- 7.1 All relations with the media must be conducted in accordance with the Authority's agreed procedures and the law on Local Authority publicity. Media inquiries relating to official business should be referred to the Communication Team.
- 7.2 Officers will make every effort to keep Board Members informed of media interest in Authority activities relevant to their responsibilities especially regarding strategic or contentious matters.

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- 7.3 Any officer assisting a member with media relations must act at all times in the interests of the whole Authority and in a politically impartial manner. Other than factual statements, members should not seek assistance from an officer with the preparation or issue of any media statement that will adversely affect the reputation of the Authority.

8. Social Media

- 8.1 The Combined Authority supports and encourages the use of social media. Social media has become an every-day communications tool for Members and the people they represent, and the potential for using social media is huge. Social media allows you to be innovative and responsive as well as providing links to useful sources of information or sign-posting to other organisations.
- 8.2 Social Media use must be in line with the Combined Authority's Social Media Protocol [currently in development]
- 8.3 The Communications Team can provide useful assistance and guidance on the use of social media for both Members and Officers.

9. Support services to Members

- 9.1 Board Members are provided with access to ICT (information and communication technology) systems and to support services (e.g. diary management, correspondence handling, typing, printing, photocopying etc.) to enable them to better perform their role as Board Members.
- 9.2 Members should not use – and officers should not provide – such access and support services in connection with party political or campaigning activity or for purposes not related to Combined Authority business, except that ICT access may be used for non-commercial purposes provided it does not cause a conflict with, or risk to, the Authority's systems, or increase the support required from officers.

10. Member Training

- 10.1 Board Members are expected to embrace the principles of personal development and skill training and ensure they allocate time to participate in all the necessary training and personal development activities. This includes, but is not limited to, the necessary skills to take advantage of the ICT facilities made available to them.

11. Complaints and Concerns

- 11.1 Procedure for Members: If a Board Member is dissatisfied with the conduct, behaviour or performance of an officer they should raise the matter privately with the relevant Executive Director or Director. If their concerns relate to an Executive Director or Director the concern should be raised with the Chief Executive. If the concerns relates to the Chief Executive then the concern should be raised with the Monitoring Officer. Where necessary, internal HR processes will be undertaken.
- 11.2 Procedure for Officers: If an officer is unhappy with the conduct or behaviour of a Board Member they should seek to resolve the matter by appropriate discussion and involvement of their Executive Director or Director.

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- 11.3 In the event that matters remain unresolved they should inform the Monitoring Officer who will consider what action should be taken.
- 11.4 Arbitration: When necessary, the Chief Executive will arbitrate on the interpretation of this Protocol following consultation with the Monitoring Officer, who may also involve the head of HR where s/he judges that appropriate.