

## **PROTOCOL FOR MEMBER / OFFICER RELATIONS**

### **Summary**

The Protocol seeks to encourage a greater understanding and best practice of the various relationships between Members and Officers of all levels of the Council.

This Protocol supplements but does not supplant other codes, procedures and protocols agreed by the Council that regulate the conduct of Members and Officers and should be read in light of the duties and expectations, for example those responsibilities set out in the Councillor and Officer Codes of Conduct.

Mutual respect between Members and Officers is essential to good local government. Close personal familiarity between individual Members and Officers can damage the working relationship. The nature and complexity of the relationships means that this protocol cannot be exhaustive. If any Member or Officer is unclear about a particular aspect of this Protocol they should contact the Monitoring Officer.

It applies whenever Elected Members and Officers are undertaking the Council's business in public and private meetings.

This Protocol also applies to voting non-elected members of committees. The Council expects Parish Members and Officers to adopt and adhere to the principles of the Protocol.

The Audit and Standards Committee and the Monitoring Officer are to oversee review of this Protocol and make recommendations for changes as appropriate.

## 1. DEFINING THE MEMBER AND OFFICER ROLES

Mutual trust and respect are essential in setting the right tone for effective working relationships between Members and Officers.

### Both Officers and Members

- Adhere to respective Codes of Conduct and uphold ethics and values of the Council
- Are accountable for decisions and actions
- Maintain confidentiality as appropriate
- Act as an Ambassador for the Council
- Continually develop knowledge and skills – keep up to date on Council policy and performance
- Represent the Council on external bodies and provide feedback

### A Quick Guide to the Distinct Roles

<b>Members</b>	<b>Officers</b>
Account to the electorate	Accountable to the Council
Community Leader/representative role for a Ward	Serve the whole Council (with the exception of the Political Advisers appointed under statute).
Add a political dimension	Be politically impartial
Set high level policy strategy and make high level decisions	Provide guidance on policy. Ensure operational delivery
Do not influence recommendations of reports but may at formal meetings, accept or reject recommendations	Produce reports and make recommendations
Are involved in senior appointments/dismissals	Day to day staff management
Regulate certain activities	Implement decisions

## Key Officer Roles

**Statutory Posts** Certain Senior Officers hold posts with mandatory statutory responsibilities including the Chief Executive, the Monitoring Officer (Director of Legal and Governance), appointed under Section 5 of the Local Government and Housing Act 1989 and the Chief Finance Officer (Director of Finance and Commercial Services) appointed under Section 151 Local Government Act 1972. Members must respect these responsibilities and accept that these Officers may be required to give advice or make decisions which Members may not agree with or support.

**The Monitoring Officer** role includes responsibility for reporting to the Council any case where s/he is of the opinion that a proposal or decision of the authority has given rise to or is likely to or would give rise to any illegality, maladministration or breach of statutory code and for investigating any such reportable incident including allegations of breach of Members standards of conduct.

**The Chief Finance Officer (Section 151 Officer)** role includes responsibility for the strategic arrangements for the administration of the Council's financial affairs, delivery by the whole authority of good financial management to safeguarding public money and ensuring it is used appropriately, effectively, efficiently and economically.

**The Executive Directors** are individually responsible for their portfolio of services and collectively responsible for management of staff their work and delivery of Council functions and priorities.

**Directors** manage the service for which they have responsibility, ensure that the statutory responsibilities are properly discharged on a day to day basis, account for the efficiency and effectiveness and professional practice of their service.

**Officers and Members** have day to day responsibilities for adhering to the rules of procedure and the financial regulations in the Constitution which are there to protect the whole Council.

To further understand roles, Members and Officers refer to the Constitution and easy to read role profiles, job descriptions and induction materials

In reality, there are grey areas, where Members and Officers need to work together and for this reason, it is important to set out ways of working, expectations, relationships and communications.

## **2. THE PROFESSIONAL RELATIONSHIP**

### **A Guide to Expectations**

In forging an effective working relationship, Members and Officers will have certain basic expectations of each other. Much of this is about ensuring high standards of behaviour and acting within a clear framework of ethical governance.

### **Members and Officers Expectations**

#### **Courtesy**

It is important that Members and Officers are courteous to each other at all times, even if they disagree strongly with each other's views

#### **Bullying**

Members and Officers must not bully any person. Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once, or be part of a pattern of behaviour. Members may from time to time become frustrated by what they regard as unacceptable or incompetent Officer behaviour. It is self-evident that sometimes these feelings may be entirely justified although sometimes there may be a legitimate reason why Member expectations cannot be met – for example, due to Council Policy or a legal requirement.

In these circumstances, Members are to take up their concerns through the Directors or the Chief Executive as set out in the dispute procedure described in this document, rather than through public criticism. They must bear in mind that Officers are instructed not to 'answer back' in public.

### **Member and Officer Development**

Members and Officers should participate in the Council's development programme, which is core to their role and to undertake individual learning and development discussions.

Members should participate in the Core Development Programme for induction, all learning identified as mandatory from time to time, safeguarding, and Committees including Policy Committees, Area Committees, and Regulatory Committees such as Planning and Licensing.

### What Members can expect from Officers

Officers Do	Officers Don't
Pursue lawful policies and comply with the Officers' Code of Conduct	Deviate from the Constitution, legal or contractual obligations
Promote equality, serve all Members equally with dignity, respect and courtesy, regardless of political group or position	
Comply with legal duty to provide professional advice, impartiality and implement Council policy	Allow their personal or political opinions to interfere with their work or professional judgement and advice
Avoid close personal familiarity with Members and follow guidelines on Personal Relationships	Form friendships, close relations with Members
Follow Council procedures for dealing with Member enquires effectively efficiently and within set timescales – as listed in 10.3	
Act with integrity and appropriate [ <i>not absolute</i> ] confidentiality	<ul style="list-style-type: none"> <li>• Seek to improperly influence Members;</li> <li>• Improperly disclose information received from one Member to another; or</li> <li>• Raise their personal circumstances or those of another directly with Members. Personal issues that might be raised with a Ward Member should be raised in a private capacity outside of work time.</li> </ul>
Respect each other's free (i.e. non-Council) time	
Be prepared to justify and give reasons for decisions made under delegated powers;	
Report the least suspicion of fraud, corruption or impropriety	Conceal any information which it is proper for them to disclose (particularly where they have a duty to reveal it);

**What Officers can expect from Members**

<b>Members Do</b>	<b>Members Don't</b>
Comply with the Councillor Code of Conduct – ensuring the highest standards of behaviour	
<p>Promote equality and treat all Officers with dignity and respect.</p> <p>Members are to comply with the equality laws prohibiting discrimination, harassment and victimisation</p> <p>Chairs of meetings are expected to apply the rules of debate/procedures to prevent abusive or disorderly conduct</p>	<p>Subject individuals to unreasonable or excessive personal attack</p> <p>Undermine respect for Officers in public meetings, the media or at any other time when dealing with Council business;</p>
<p>Only ask Officers to provide professional advice on matters that clearly arise from being an elected Councillor;</p> <p>Respect impartiality and integrity of Officers and do not compromise it</p> <p>Respect Officers' free (i.e. non-Council) time.</p>	<p>Ask Council Officers to improperly spend Council time or resources for political purposes.</p> <p>Insist an Officer changes his/her professional advice</p>
Provide political leadership and direction, making timely decisions	<p>Get involved in day to day management</p> <p>Ask Officers to breach Council procedures or policy when acting on behalf of constituents</p> <p>Put pressure on an Officer on matters which have been delegated for Officer decision. A Member who behaves in this way may lead Officers to make decisions that are not objective and that cannot be accounted for</p>

<b>Members Do</b>	<b>Members Don't</b>
	Seek special or adverse treatment for themselves or any individual by using his/her position as a Member, nor improperly seek to gain an advantage or disadvantage for his/herself or any other person when dealing with Council Officers
Apply appropriate confidentiality to information	
Report the least suspicion of fraud, corruption or impropriety	Instruct Officers to take actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their Code of Conduct to have regard, when reaching decisions, to any advice provided by the Monitoring Officer or the Chief Finance Officer.
Where relevant to casework or a decision, declare any special relationships/personal interests with constituents to relevant Officers and/or constituents. Where the relationship causes a conflict of interests, Members will ask another Ward Member to assist.	

### **3 THE EMPLOYMENT RELATIONSHIP**

- 3.1 Members should recognise and have regard for their role as employer as part of “the Council”. The policies that govern equalities and employment relations apply equally to Members and Officers for example ‘*Dignity and Respect at Work*’.
- 3.2 Issues relating to appointment, management and dismissal of most Officers are reserved by law to the Chief Executive or his/her nominated representative. Members may be involved in the appointment of Chief Officers or Deputy Chief Officers or in employment appeals.

### When Acting in this Capacity Members

Do	Don't
Observe the law, standing orders, policies and procedures in relation to all appointments, discipline and dismissal of Officers.	
Declare any interest they have and ensure that they act to protect the public interest	Take part in any process where friends, relatives or Members of their household are involved directly or indirectly
Maintain appropriate confidentiality	
Attend relevant learning and development	
Make decisions based on merit and with access to all the facts	Seek improperly to influence decisions
Promote equality	Canvass support for any candidate for a job
Take continuing responsibility for their appointment decisions once the post holder is in place.	

#### 4. PERSONAL RELATIONSHIPS

- 4.1 Personal familiarity between Members and Officers can undermine public confidence in the Council.
- 4.2 It is important that close relationships between Members and Officers are openly declared.
- 4.3 Close working relationships should never be allowed to become so close, or appear to become so close, as to bring into question the Officer's ability to deal impartially with another Member or other party groups, nor to undermine public trust and confidence in the Council.
- 4.4 Where possible Members and Officers who have close personal relationships should try to avoid coming into contact on projects and in the day-to-day business of the Council.



- 4.5 Member and Officers must declare to the Chief Executive any relationships, which might be seen as influencing their work. This includes any family, business or sexual relationships.
- 4.6 The Chief Executive will advise both the Member and the Officer of the need to avoid creating any appearance of improper conduct on their part.

## **5. THE POLITICAL RELATIONSHIP/ OFFICER ADVICE TO PARTY GROUPS**

- 5.1 Council Officers must be politically neutral in their work for the Council and depending on their role some may be restricted in law from political activity.
- 5.1.1 In their dealings with party groups, Officers must treat each group in a fair and even-handed manner.
- 5.1.2 Officers will only attend political group meetings on request made to the Chief Executive or Executive Director and when the business of the meeting is related to the City Council's functions. Normally only Senior Officers should attend group meetings.
- 5.1.3 Officers have the right to refuse such requests if they do not relate to the functions of the City Council and will normally not attend a meeting of a party group where some of those attending are not Members of the City Council.
- 5.1.4 Such meetings shall be held at reasonable times and locations and should last no longer than a working day or three hours if held in the evening.
- 5.1.5 Officers who provide information or briefing papers to a political group meeting must make the same information available to all political groups. Officers should avoid including any confidential or personal information in such briefings. Normally cross-party meetings shall be arranged so that the information is presented to and discussed with all the parties simultaneously.
- 5.1.6 Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
- 5.1.7 Where Officers provide factual information and advice to a party group in relation to a matter of Council business this is not a substitute for providing all the necessary information and advice when
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the matter in question is formally considered by the relevant part of the Council.

- 5.1.8 It will not be assumed that an Officer is supportive of a particular policy or view considered at a party group meeting simply because he/she has attended or provided information to the meeting.
- 5.1.9 Party group meetings are not empowered to make decisions on behalf of the Council. The presence of an Officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so. Conclusions reached at these meetings do not rank as Council decisions.
- 5.1.10 At party group meetings where some of those present are not Members of the City Council, care must be taken not to divulge confidential information relating to Council business. Persons who are not Members are not bound by the Councillor Code of Conduct, in particular the declarations of interest and confidentiality provisions. They do not have the same rights to Council information as Members.
- 5.1.11 Discussions between Officers and Members on policy issues are quite proper and Officers may wish to seek political guidance in framing policy proposals. However, when Officers write Committee reports for Member decision, they have a duty to give their best professional advice and set out their options available.
- 5.1.12 Party political groups have no right to instruct Officers to amend or change reports or their content. Decisions by Members on Officer reports should be made in the correct decision-making forum based on clear factual and legal advice. Officers are fully responsible for the content of any report submitted in their name.
- 5.1.13 Officers in certain posts are statutorily prohibited from having any involvement in political activities. A list of these positions is maintained by the Director of Human Resources and Customer Services. All Officers are required to ensure that Council resources are not used for party political purposes.
- 5.1.14 Should a Senior Officer attend a group meeting they will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other Members. This shall not prevent an Officer providing feedback to other Senior Officers on a need-to-know basis.

- 5.1.15 No Member will refer in public or at meetings of the Council to confidential advice or information that may prejudice the Council's position given by Officers to a party group meeting.
- 5.1.16 Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Chief Executive and the relevant party group leader.

## **6. OFFICER /CHAIR RELATIONSHIPS**

- 6.1 Executive Directors and other Senior Officers are expected to work closely with Committee Chairs and to meet regularly with them. Officers and Members must avoid the working relationship becoming so close that it could call into question the Officer's ability to deal impartially with other Members and political groups.
- 6.2 Senior Officers, the Leader and Chairs shall agree mutually convenient methods of regular contact.

## **7. COMMITTEES**

- 7.1 Committee decisions cannot by law be made by the Chair alone but by the committee collectively. The Chair should not seek to influence Officers to reduce the options or withhold information which s/he should properly report to a committee.
- 7.2 The Senior Responsible Officers will offer to arrange regular informal meetings with Chair and Deputy Chair and Group Spokespersons of committees and sub-committees.
- 7.3 Senior Officers (including the Monitoring Officer and the Chief Finance Officer) have the right to attend meetings and to present reports and give advice to committees and sub-committees.
- 7.4 Members of a committee or sub-committee shall take decisions within the remit of that committee or sub-committee and will not otherwise instruct Officers to act.

Chairs, Deputy Chairs, Group Spokespersons and Members of the relevant committee should accept briefings from the Senior Responsible Officer to inform decision making for complex or technical cases/items or where there is new national legislation or guidance.

- 7.5 At some committee or sub-committee meetings, a resolution may be passed which authorises a named Officer to take action between meetings in consultation with the Chair (or other Members). In these circumstances it is

the Officer, not the Chair, who takes the action and is responsible for it. A Chair has no legal power to take decisions on behalf of a committee or sub-committee, neither should he/she seek inappropriately to influence the Officer. Whilst the Officer is required to consult the Chair, and the Chair may express a view, it is the Officer who takes the final decision.

## **8. PUBLIC MEETINGS**

- 8.1 If an Officer calls a public meeting, consultation exercise or launch event organised by the Council concerning a local issue, then the Officer will invite all Members for the Ward or Wards in question.
- 8.2 If any of the Local Members of Parliament are involved in the local issue, the Officer at his or her discretion may invite the MP to the meeting in addition to the Ward Members but if it is considered inappropriate for any reason he or she may meet the MP separately.
- 8.3 If a Ward Councillor calls or requests a meeting on a local issue at which an Officer(s) is/are requested to be in attendance the Officer(s) will be required to attend only if all the Councillors for the Ward have been invited to attend, or are agreeable to the meeting taking place, and if the subject matter of the meeting is not politically controversial.
- 8.4 Similarly if an MP calls or requests a meeting upon a local issue which an Officer or Officers is/are requested to be in attendance the same criteria govern the Officers attendance.
- 8.5 Meetings with Ward Councillors and/or MPs and others are generally private except where such meetings are arranged and set up by or under the auspices of Area Committees. Accordingly, Officers may confirm the events which occurred at such private meetings and the outcome of it with Members who attended but will not reveal these matters to other Members or to other Political Groups except with the specific authority of the Members who attended or called the meeting.
- 8.6 Information regarding activities in a particular Ward, should when appropriate, be copied to the Ward Councillors for information.
- 8.7 Officers presenting at public meetings are to fully prepare for these meetings by taking advice from the Senior Responsible Officer. Officers need to know what is specifically required, time slots available and key questions that have already been raised by Members/the public on this topic.
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## **9. SUPPORT SERVICES TO MEMBERS AND POLITICAL GROUPS**

- 9.1 The only basis upon which the City Council can lawfully provide support services such as secretarial support, stationery, typing, printing, photocopying, transport, etc., to Members is in order to assist them discharging their role as Members of the Council.
- 9.2 Such support services must therefore only be used on Council business and must not be used in connection with any party political or campaigning activity or for private purposes.

## **10. COMMUNICATIONS**

### **10.1 Correspondence**

- 10.1.1 Correspondence between an individual Member and an Officer should not normally be copied by the Officer to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member this should be made clear to the original Member. In other words a system of “blind” or “silent copies” should not be employed.
- 10.1.2 Official letters written on behalf of the Council dealing with Council business should normally be in the name of the relevant Officer. It may be appropriate in some circumstances (e.g. representations to a Government Minister) for letters to appear in the name of the Leader or the Chair of a Policy Committee or an Area Committee or other Committee of the Council.
- 10.1.3 Letters which create legally enforceable obligations or which give instructions on behalf of the Council should never be sent in the name of a Member. Only certain Officers have delegated powers to create legal relations and all Officers must follow Standing Orders if entering into contractual arrangements.
- 10.1.4 It is appropriate for Members to pass correspondence to Officers and ask them to respond on behalf of the Council. Officers may only correspond for and on behalf of the Council in matters of Council business and not on behalf of the individual Member. Officers can provide Members with technical, Council information, which is used by Members as part of their correspondence.
- 10.1.5 Members should correspond in their own name. When writing in an individual capacity, Members must make clear that fact.

## **10.2 Email Communications**

- 10.2.1 Members and Officers are to follow the Council’s Electronic Communications Policy and are not to use electronic communications (emails, online communications, including social media, or texts) to store/send materials or requests, which are offensive, bullying or causes offence to others.
- 10.2.2 Where Members and Officers receive any electronic communications, which may breach the Council’s Codes of Conduct or other Council policies and /or the law, they must follow the advice in section 16 on what to do when things go wrong.
- 10.2.3 When considering sending emails and online communications to third parties, such as community groups, Members and Officers must be make a clear distinction between what is:-
- Public information which can be shared with third parties
  - Internal Council Business which is confidential.

## **10.3 Casework/Service Complaints**

- 10.3.1 The Council has a dedicated team which provides support for Members’ casework and enquiries. Members may also direct queries and service complaints to the relevant Director. Officers should acknowledge the enquiry and if possible provide a response within 3 working days. If the enquiry requires some investigation and further work, Members should be informed about this and then the response is to be available within 10 working days.
- 10.3.2 Members can escalate any service issue to the Chief Executive or the Director of Legal and Governance if they remain dissatisfied with the matter after referral to the Director.

## **11. PUBLICITY AND DEALING WITH THE MEDIA**

- 11.1 Officers will not publish or assist in publishing material designed to affect public support for any political party this is to ensure compliance with the Local Government Act 1986, which prohibits such activities.
- 11.2 All formal publicity material produced by the Authority will state the Council’s position and not an individual’s view or personal position. Publicity should not be liable to misrepresentation as being party political.

- 11.3 All formal relations with the media must be conducted in accordance with the Council's agreed procedures and the Code of Recommended Practice on Local Authority Publicity.
- 11.4 The Council's contact with the media is led by the Communications Service. Officers or Members who have been contacted by the media or who wish to issue a press release or statement should seek advice from the Communications Service.

## **12. PRE ELECTION RULES ON PUBLICITY**

- 12.1 If a Member is fighting an election the Code of Recommended Practice on Local Authority Publicity should be followed.
- 12.2 The general rule is that a local authority must not at any time publish any material that in whole or in part appears to be designed to create support for a political party.
- 12.3 Pre-Election this is even more sensitive and particular care needs to be taken to ensure that publicity could not be perceived as seeking to influence or to promote the public image of a particular candidate or group of candidates. During the PERP period Officers rather than Members should be quoted on news releases about Council initiatives, facilities and services.
- 12.4 Individual Councillors can generate their own publicity during this period subject to their own party's protocols but public funds must not be used to campaign to promote a particular point of view that could be associated with a political initiative. The Council restrictions only apply to official Council organised publicity including press releases or events.
- 12.5 Council events that cannot be re-scheduled for operational reasons must be arranged to ensure that there is no likelihood of criticism arising that the real purpose of the event is to publicise one particular party.
- 12.6 Council functions such as Committee meetings may continue during the period.
- 12.7 Council staff must always be careful not to give the impression of supporting a political party, set of policies or candidate. Council resources may not be used at any time to support party political activity. Officers must not engage in political activity during working hours or with Council facilities. Some staff hold politically restricted posts which limit the political activity they can be involved in outside work.

### **13. MEMBERSHIP OF ORGANISATIONS**

- 13.1 Members and Officers are both required to declare in writing to the Monitoring Officer their membership of any organisation not open to the public that requires formal membership and oaths of allegiance and which has secrecy about rules, membership or conduct.
- 13.2 The expectation of the City Council is that Members will declare publicly any such involvement. However, such interests will not be included on the Register of Members Interests.

### **14. MEMBERS ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS**

- 14.1 Members are entitled to approach any Council Service to provide them with such information, explanation and advice with regard to that Service's functions as they may reasonably require in order to assist them in discharging their role as Elected Members. This can range from a request for general information about some aspects of a Service's activities to requests for specific information on behalf of a constituent. Such approaches should normally in the first instance be directed to the Head of the Service or the Executive Director for the Portfolio.
- 14.2 A Member's legal rights to inspect Council Documents are partly covered by statutes including Data Protection Act 2018 and Freedom of Information Act 2000, Local Government Act 1972 and Environmental Information Regulations 2004 and partly by decided case law.
- 14.3 Briefly, Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council or Committee Meeting or Statutory Committee. Such a right applies irrespective of whether the Member is a Member of the Body concerned and extends not only to reports which are to be submitted to the meeting but also to any relevant background documentation. Such a right does not however apply to documents relating to items which are confidential. Such matters are those which contain confidential information relating to employees, occupiers of Council property, applicants for grants and other services, the care of children and vulnerable adults, contracts, industrial relations negotiations, legal advice including counsel's opinion and criminal or conduct investigations.
- 14.4 Decided case law gives Members a somewhat broader right to documentation based on the principle that any Member has a prima-facie right to inspect Council documents "so far as his/her access to documents is reasonably necessary to enable the Member properly to perform his or her duties as a Member of the Council". Members will recognise this as the "need to know" principle.



- 14.5 The exercise of such right depends upon a Member’s ability to demonstrate that he/she has got a need to know. This does not entitle a Member to make speculative enquiries sometimes referred to as “a fishing expedition” i.e. mere curiosity is not sufficient. The crucial issue is the determination of whether that Member has a need to know.
- 14.6 In certain instances, such as an Elected Member wishing to inspect documents relating to the functions of the Body on which they serve, then there is a presumption that such Member already has a need to know. However, in other instances, for example a Member wishing to inspect documents that contain personal information about third parties, then that individual Member would be required to justify the request in specific terms.
- 14.7 Whilst the expression “Council Document” is very broad and includes for example any document produced from Council resources a Member of one party group will not have a “need to know” and therefore a right to inspect a document which forms part of the internal workings of another party group.
- 14.8 Where Officers consider access should be refused and Members disagree, or vice versa, the decision should be made by the relevant Head of Service or Executive Director. This decision should be informed by best practice guidance to local authorities provided by the Information Commissioner’s Office.
- 14.9 Officers and Members must follow the Council’s Information Security Policy which controls how Council information is managed. Members and Officers should be aware of the significant consequences of losing or wrongly disclosing information.
- 14.10 Finally, and very importantly **any Council information provided to a Member must only be used by the Member for the purpose which it was provided**, i.e. in connection with the proper performance of a Member’s official duties.

The Councillor Code of Conduct says that a Member must not disclose information given to them in confidence or information that they believe to be confidential, without consent of a person authorised to give consent, unless very specific requirements are met such as they are required to do so by law.

Members are to take advice from the Monitoring Officer before releasing any confidential information or refusing access to information that a person is entitled to by law.

- 14.11 Further and more detailed advice regarding Members’ right to inspect Council documents may be obtained from the Director of Legal and Governance.
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## **15. WHAT TO DO WHEN THINGS GO WRONG**

### **Officers Concerns about Members**

If an Officer feels that they have been asked/told to do things that appear to be outside the Councillor Code of Conduct or this Protocol:-

- Officers are to raise the issue with appropriate senior manager; Officer, Manager and Member to have informal discussion; a record to be retained of salient points and actions.
- If the conduct continues or is disputed, Officer may refer the complaint to the Monitoring Officer who will arrange for the Executive Director to investigate and report recommendations back in writing to Officer, Member and Monitoring Officer within a reasonable period of time.
- If informal procedures do not reach a satisfactory conclusion Officer may consider using the Whistleblowing Procedure set out in the Officers' Code of Conduct or, where an Officer feels a Member has breached the Councillor Code of Conduct, in particularly serious cases and with the advice of the Monitoring Officer referral of the matter to the Audit and Standards Committee.

### **Members Concerns about Officers**

If a Member feels that an Officer has acted in a manner that is contrary to this Protocol:-

- Members are to raise the matter with Officer and Officer's Manager; Member and Officer and Manager to have informal discussion as soon as reasonably practicable; Manager to retain a record of salient points and actions.
- If the conduct continues or is disputed, Member may refer the complaint to the Monitoring Officer who will arrange for the Executive Director to investigate and report recommendations back in writing to Member, Officer and Monitoring Officer within a reasonable period of time.
- The Manager may decide that appropriate disciplinary action is required; if so, he/she will notify the Monitoring Officer who will decide in consultation with the relevant Human Resources Officer whether formal action, as set out in the Officers' Code of Conduct and the Officer Employment Procedure Rules, should be taken.

### **Members Concerns about Senior Officers**

- If the complaint concerns a Statutory Officer or Executive Director the complaint may be referred to the Chief Executive for the preliminary investigation and decision which will then be given to the Member concerned.
- Where a complaint relates to the Chief Executive both the Chief Executive and the Member concerned shall consider whether a meeting facilitated by the relevant whip or party leader could resolve the situation.
- In all situations the Officer (or Senior Officer) may involve their Trade Union representative and only Managers (not Members) in consultation with the relevant Human Resources Officer will decide whether formal action should be taken.

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