

APPENDIX 1

Councillors and Officers in Kirklees – A Protocol for Working Effectively

Introduction

1. The purpose of this protocol is to guide Councillors and Officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council and to foster good working relationships for the benefit of the community. This protocol seeks to provide greater clarity, understanding and best practice of the various relationships between Councillors and Officers of all levels of the Council.

Our councillor / officer relationships should continue to be defined and shaped by our culture and evolve in a way that ensures we are best placed to collectively meet challenges and deliver positive change.

For the most part it is a statement of current practice and convention. It is a source of advice and context in developing such relationships built on trust. This protocol provides a framework for interaction, acknowledging that the officer / councillor relationship is a delicate one. It is a relationship that is at the heart of what the council does and as such needs to be continually nurtured and developed.

This protocol supplements and should be read alongside other codes, procedures and protocols agreed by the Council that regulate the conduct of Councillors and Officers such as the Councillors Code of Conduct, and Officer Codes of Conduct. The objective of these codes is to enhance and maintain the integrity (real and perceived) of local government and they, therefore, demand high standards of personal conduct. The nature and complexity of the relationships means that the protocol cannot be exhaustive. If any Councillor or Officer is unclear about a particular aspect of this Protocol they should contact the Monitoring Officer.

This protocol applies whenever Councillors and Officers are undertaking the Council's business in public and private meetings. This protocol applies to voting non-elected members of committees.

4.2. Expectations

Councillors and Officers should expect each other to....

- ~~Comply with ethical standards and probity requirements~~

~~Councillors should expect officers to...~~

- ~~Be impartial and apolitical~~
- ~~Implement policy and ensure operational delivery~~

- ~~Be responsible for day to day management~~
- ~~Have respect for the role of councillor and the political process~~
- ~~Be aware Councillors wear different hats and fulfil different roles at different times~~
- ~~Appreciate the pressures that councillors face in carrying out their duties~~
- Be sensitive to the politics
- Comply with the Officers Code of Conduct

~~Officers should expect Councillors to...~~

- ~~Add a political dimension~~
- ~~Make policy and determine the core values of the council~~
- ~~Be accountable to the electorate and act in the public interest~~
- ~~Be a community leader for the ward they represent~~
- ~~Understand and represent the interests of the wider community and the whole council as well as those of their ward~~
- ~~Avoid becoming involved in day to day management issues~~
- ~~Make difficult/unpopular decisions for the common good of the district~~
- ~~Lobby on national/local policy issues on behalf of the district/region~~
- Comply with the Members Code of Conduct

2.3. The Kirklees Context

~~Kirklees has a long track record of its councillors and officers working together effectively. This is evidenced by the outcomes we achieve. The relationship between the two develops and changes over time and it is therefore important to revisit and review how such a relationship should work. Only then can we ensure it remains fresh, vibrant and healthy.~~

~~This document seeks to build on sound foundations by capturing in one place the characteristics, roles and expectations that are at the heart of that special and crucial relationship. It is a product of councillors and officers working together and is an important building block as the council evolves. It is a part of the work of the Members Commission, a cross party working group, whose principal focus is to look at the changing role of the councillor as we move towards the New Council.~~

~~Our councillor / officer relationships should continue to be defined and shaped by our culture and evolve in a way that ensures we are best placed to collectively meet challenges and deliver positive change.~~

~~This protocol seeks to set out the parameters of the relationship in Kirklees in order to ensure we can do just that. For the most part it is a statement of current practice. It is not intended to be just a set of rules nor is it a complete guide to the complex landscape in which councillors and officers operate and interact. It is not a substitute for developing effective working relationships built on trust but should be a source of advice and context in developing such relationships. This protocol provides a framework for interaction, acknowledging that the officer / councillor relationship is a delicate one. It is a relationship that~~

is at the heart of what the council does and as such needs to be continually nurtured and developed.

This protocol should be read alongside other key documents such as the Councillors Code of Conduct, the Code of Conduct for Staff and other relevant protocols as set out in Part 5 of the Council's Constitution.

3. Different COUNCILLOR AND OFFICER ROLES Roles / Complementary Relationships

4.

Officers and councillors carry out a wide variety of roles. Mutual trust and respect are essential in setting the right tone for effective working relationships between Councillors and Officers. In undertaking their roles all councillors are expected to do so in accordance with the Principles of Public Life:

Selflessness—councillors should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity—councillors should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity—in carrying out public business (including making appointments, awarding contracts or recommending individuals for rewards and benefits) councillors should make choices on merit.

Accountability—councillors are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness—councillors should be as open as possible about all decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty—councillors have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts in a way that protects the public interest.

- *Leadership*—councillors should promote and support these principles by leadership and example.

Both Officers and Councillors

•Be professional

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

•

- Be part of an effective working partnership
- Contribute to safeguarding the reputation of the council

- ~~Respond in a timely way to enquiries and complaints~~
- Be reliable
- Understand and advise on the needs of local communities
- Ensure the council acts lawfully and its reputation is safeguarded
- Fully consider professional advice as part of decision making
- Ensure the allocation of physical, financial and human resources
- Avoid personal criticism
- Be respectful (but not deferential)
- Be professional (but not jargonistic)
- Trust and respect each other's expertise, knowledge and skills
- Listen and understand each other
- Understand the strategic and long term direction of the council
- Inform and manage citizens expectations
- Build community capacity and ~~unlock societal productivity~~ relations and activities
- Understand and explain difficult decisions
- Provide advice, information and guidance

Quick Guide to the Distinct Roles

<u>Councillors</u>	<u>Officers</u>
<u>Accountable to the electorate and act in the public interest</u>	<u>Accountable to the Council</u>
<u>Representative role for a Ward</u> <u>Community Leader understanding and representing the interests of the whole community</u>	<u>Serve the whole Council</u>
<u>Add a political dimension</u>	<u>Politically impartial</u>
<u>Set high level strategy and make high level decisions</u>	<u>Provide guidance on policy</u> <u>Undertake delegated decisions on behalf of Councillors</u> <u>Ensure operational delivery</u>
<u>Do not influence recommendations of reports but may at formal meetings, accept or reject recommendations</u>	<u>Produce reports and make recommendations</u>
<u>Are involved in senior appointments</u>	<u>Day to day staff management and appointment to more junior roles</u>
<u>Regulate certain activities</u>	<u>Implement decisions</u>
<u>Lobby on national/local policy issues</u>	

The conduct of officers is governed by the Employees' Code of Local Government Conduct, the Employee Handbook and the relevant protocols as set out in Part 5 of the Council's Constitution.

The nature of both officer and councillor roles and the consequent relationships are increasingly complex and changing in a dynamic local government environment. The Widdicombe Committee description of those roles and relationships remains relevant:

“Local Government has derived strength over the years from a complementary relationship between part-time councillors drawn from and representative of the general public, and full time officers with professional expertise. We accept that this cannot be a rigid or static model. Some councillors will need to devote considerable time to council business, and there has sometimes been too great a stress on officer professionalism. Councillors moreover have the right to ensure that some of their decisions for which they are statutorily responsible and accountable are implemented by officers. Nevertheless, a merging of roles is not desirable. Councillors should leave the day to day implementation of council policies, including staff management, as far as possible to officers and officers should demonstrate that they are sensitive to the political aspirations underlying those policies”.

Key Officer Roles

Statutory Posts. Certain Senior Officers hold posts with mandatory statutory responsibilities including the Chief Executive, the Monitoring Officer (Director of Legal, Governance and Commissioning), appointed under Section 5 of the Local Government and Housing Act 1989, the Chief Finance Officer (Director of Finance and Commercial Services) appointed under Section 151 Local Government Act 1972, the Director of Public Health appointed under Section 2 of the Local Government and Housing Act 1989 and the Executive Director for Children's and Families appointed under Section 18 of the Children Act 2004. Councillors must respect these responsibilities and accept that these Officers may be required to give advice or make decisions which Councillors 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 Councillors 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. The role of Deputy Chief Executive will be filled by one of the Executive Directors.

Service 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 Councillors 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. In addition, certain officers may have, by virtue of their qualifications and memberships of professional bodies, additional requirements placed upon them to comply with additional professional obligations. 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 Councillors and Officers need to work together and for this reason, it is important to set out ways of working, expectations, relationships and communications.

Whilst on a number of levels there is a distinct separation between the two roles, the relationship is most effective when it operates in partnership. In order for such a relationship to work well it is important for each to have an awareness of the distinct boundaries and expectations that each can legitimately have of the other. These (whilst not necessarily exhaustive) are summarised below:

Whilst there is a separation between the two roles it is important to ensure that both are maximised to best effect as both bring skills, knowledge and experience which contributes to a joint leadership approach. Both are indispensable to, and dependent of, one another.

~~Subsequent sections of the protocol seek to look in more detail at specific contexts, roles and relationships between officers and councillors, acknowledging that these are diverse, complex and changing.~~

THE PROFESSIONAL RELATIONSHIP

A Guide to Expectations

In forging an effective working relationship, Councillors 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.

Courtesy

It is important that Councillors and Officers are courteous to each other at all times, even if they disagree strongly with each other's views. Contact between Councillors and Officers should always be courteous both in public and in private.

Bullying

Councillors 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. Councillors 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 Councillor expectations cannot be met – for example, due to Council Policy or a legal requirement. In these circumstances, Councillors are to take up their concerns through the Service or Executive Directors as set out in the dispute procedure described in this document, rather than through public criticism.

Councillor and Officer Development

Councillors and Officers should participate in the Council's development and training programme which is core to their role.

Councillors should participate in Councillor inductions and all learning identified as mandatory from time to time including any committees such as Planning, licensing or the Appeals committee.

What Councillors can expect from Officers

<u>Officers Do</u>	<u>Officers Don't</u>
<u>Pursue lawful policies and comply with the Officers Code of Conduct</u>	<u>Deviate from the Constitution, legal or contractual obligations</u>
<u>Promote inclusion, serve all Councillors equally with dignity, respect and courtesy, regardless of political group or position</u>	
<u>Comply with legal duty to provide professional advice, impartiality and implement Council policy</u>	<u>Allow their personal or political opinions to interfere with their work or professional judgement and advice</u>
<u>Avoid close personal familiarity with Councillors and follow any Council guidelines on personal relationships</u>	
<u>Follow Council procedures when answering or dealing with Councillor enquiries effectively efficiently</u>	
<u>Respond in a timely manner and keep Councillors updated</u>	

<u>Act with integrity and appropriate [not absolute] levels of confidentiality</u>	<ul style="list-style-type: none"> • <u>Seek to improperly influence Councillors;</u> • <u>Improperly disclose information received from one Councillor to another; or</u> • <u>Raise their personal circumstances or those of another directly with Councillors.</u>
<u>Be prepared to justify and give reasons for decisions made under delegated powers;</u>	
<u>Report the least suspicion of fraud, corruption or impropriety</u>	<u>Conceal any information which it is proper for them to disclose (particularly where they have a duty to reveal it);</u>
<u>Be respectful of the different roles of Councillor and the political process</u>	
<u>Be sensitive to the politics and pressures that Councillors face</u>	

What Officers can expect from Councillors

<u>Councillors Do</u>	<u>Councillors Don't</u>
<u>Comply with the Councillor Code of Conduct – ensuring the highest standards of behaviour</u>	
<u>Promote equality and treat all Officers with dignity and respect.</u>	<u>Subject individuals to unreasonable or personal attacks</u>
<u>Councillors are to must comply with the equality laws prohibiting discrimination, harassment and victimisation</u>	<u>Undermine respect for Officers in public meetings, the media or at any</u>

<p><u>Chairs of meetings are expected to apply the rules of debate/procedures to prevent abusive or disorderly conduct</u></p>	<p><u>other time when dealing with Council business;</u></p>
<p><u>Only ask Officers to provide professional advice on matters that clearly arise from being an elected Councillor;</u></p> <p><u>Respect impartiality and integrity of Officers and do not compromise it</u></p>	<p><u>Ask Council Officers to improperly spend Council time or resources for political purposes.</u></p> <p><u>Insist an Officer changes his/her professional advice</u></p>
<p><u>Provide political leadership and direction, making timely decisions</u></p>	<p><u>Get involved in day to day management</u></p> <p><u>Ask Officers to breach Council procedures or policy when acting on behalf of constituents</u></p> <p><u>Put pressure on an Officer on matters which have been delegated for Officer decision. A Councillor who behaves in this way may lead Officers to make decisions that are not objective and that cannot be accounted for</u></p> <p><u>Seek special or adverse treatment for themselves or any individual by using his/her position as a Councillor, nor improperly seek to gain an advantage or disadvantage for his/herself or any other person when dealing with Council Officers</u></p>
<p><u>Apply appropriate levels of confidentiality to information</u></p>	
<p><u>Report the least suspicion of fraud, corruption or impropriety</u></p>	<p><u>Instruct Officers to take actions which are unlawful, financially improper or likely to amount to maladministration. Councillors 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.</u></p>
<p><u>Where relevant to casework or a decision, declare any special relationships/other interests with constituents to relevant Officers and/or constituents.</u></p>	

<u>Where the relationship causes a conflict of interests, Councillors will ask another Ward Councillor to assist.</u>	

5. ~~Executive Councillors and Officers~~—Cabinet and Officers - Decision Making

- 46.1 Kirklees operates a strong leader model of executive governance. As such, Cabinet will take decisions in accordance with the Constitution (see Article 7). Senior officers will be responsible for instructing and deploying staff to implement those decisions.
- 46.2 Implicit within these arrangements is a need for a close working relationship between the members of Cabinet and senior officers. Such relationships should never become, or appear to become, so close as to bring into question the officer's ability to deal impartially with other councillors and political groups. Cabinet must respect the political neutrality of the officers. Officers must ensure that their political neutrality is not compromised.
- 46.3 When producing reports the **Executive** Director / Senior Officer will always be fully responsible for the contents of any report submitted in his / her name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. This is to be distinguished from a situation where there is a value judgement to be made. Any issues arising between the Cabinet / a Cabinet Member and a senior officer should be referred to the Chief Executive for resolution.
- 46.4 Before taking any formal decisions the Cabinet will seek appropriate professional advice (including the Monitoring Officer and Chief Finance officer in particular) and will not direct officers in the framing of recommendations. Where Cabinet recommendations differ from those of officers, this should be made explicit in the submitted report.
- 46.5 Where officers are taking decisions under their delegated powers they should consider informing the relevant Cabinet Member of their intentions in advance. This is particularly important where such a decision falls within the requirements of the Access to information Regulations 2012, as amended ~~in August 2014~~, where there is a requirement for the decision to be recorded, and in all instances where the Officer decision constitutes a Key Decision. Such decisions will be publicly accessible.

6. Overview and Scrutiny Councillors and Officers

- 57.1 Kirklees currently has a single Overview and Scrutiny Management Committee, supported by a Health and Social Care Scrutiny Panel. To undertake in-depth investigations Ad Hoc Panels are established. For full details see Article 6 of the Constitution. In a council with Executive arrangements Overview and Scrutiny plays an important role in scrutinising Cabinet business and the decisions that it takes. It also plays an important role in overseeing policy implementation and service performance.
- 57.2 As part of conducting its business the Committee and / or its Panels will require officers to attend scrutiny meetings. All requests should be made to the relevant Executive Director and / or Service Director in the first instance.
- 57.3 In giving evidence to the Committee or its Panels officers must not be asked to express political views.
- 57.4 Officers should respect scrutiny members in the way they respond to their questions.
- 57.5 Scrutiny members should not question officers in a way which could be interpreted as harassment or bullying. Neither should they ask about matters of a disciplinary nature.
- 57.6 Scrutiny proceedings must not be used to question the capability or competence of officers. Scrutiny members need to make a distinction between scrutinising the policies and performance of the council and its services, and appraising the personal performance of staff. The latter is not a scrutiny function.
- 57.7 When Officers are asked to provide information by Overview and Scrutiny Management Committee / Panels they should do so in accordance with the provisions of Section 24 of the Access to Information Procedure Rules.

7. Party Political Groups and Officers

- 68.1 Political groups have, and will continue to be, an important part of the political and informal governance landscape. In light of this it is possible that officers may be asked to attend a party group meeting whether of the controlling group or an opposition group. Any such request should be made in writing to the Chief Executive and / or the relevant Executive Director. If agreed it will be on the basis that similar arrangements will be made for other groups should they request it.
- 68.2 An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He / she must provide consistent information to each group.
- 68.3 Officer involvement should be limited to the provision of factual information or professional advice in relation to matters of council

business. Officers should not advise on matters of party business and should leave the meeting before the group discuss and / or decide their political course of action.

- 68.4 Officers should not be put in a position where they feel their political impartiality or integrity are put at risk and may leave the meeting if they believe this is the case.
- 68.5 Special care should be taken where officers are involved in providing information and advice to a party group meeting where that includes persons who are not members of the council. Due to issues of confidentiality officers may not be able to provide the same level of information and advice.
- 68.6 Officers must respect the confidentiality of any group discussions at which they are present and will not relay the content of such discussions to another party group or to any other councillors. This shall not prevent an officer providing feedback to other senior officers on a need to know basis.

8. Ward Councillors and Officers

- 79.1 All of the 23 electoral wards in Kirklees are represented by three councillors. It is they who provide the bedrock of representative democracy and as such it is important that they are supported effectively to carry out their community leadership role. With this in mind, communication is a very important factor for officers to bear in mind. Councillors need to be fully informed about matters affecting their ward.
- 79.2 Executive Directors and Service Directors must ensure that all relevant staff are aware of the requirement to keep local councillors informed. This will allow councillors to perform their local leadership role. This requirement is particularly important:
 - (1) During the formative stages of policy development, where practicable and through Policy Committee where appropriate.
 - (2) In relation to significant or sensitive operational matters
 - (3) Whenever any form of public consultation exercise is undertaken, and
 - (4) During a scrutiny episode
- 79.3 Issues may affect a single ward. Where they have a wider impact, a number of local councillors will need to be kept informed.
- 79.4 Where a public meeting is organised by the council to consider a local issue, all councillors representing the wards affected should be invited to the meeting as a matter of course.
- 79.5 In your capacity as an Officer you must not attend ward or constituency political party meetings.

79.6 In seeking to deal with constituents' queries or concerns councillors should be mindful of the pressures on officer time. They may not be able to carry out the work required by councillors in the requested timescale. On some occasions it may not be possible to do what the councillor wants. It is important that councillors are realistic when managing the expectations of their constituents in terms of what officers and the council are able to do. Officers have a responsibility to ensure councillors are clear as to what is possible, and more importantly, what is not and to communicate that. Officers should be aware that a timely response is required but timescales will vary from service to service depending on what the enquiry is and how complex it is to answer.

Committees

Committee/panel decisions cannot by law be made by the Chair alone but are made by the committee collectively. The Chair should not seek to influence Officers to reduce the options or withhold information which s/hethey should properly report to a committee.

The Senior Officers will offer to arrange regular informal meetings with Chairs as necessary.

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.

Members of a committee/panel shall take decisions within the remit of that committee and will not otherwise instruct Officers to act.

Chairs and Members of the relevant committee/panel should accept briefings from the Officers to inform decision making for complex or technical cases/items or where there is new national legislation or guidance. At some committee/panel 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, neither should he/shethey 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.

A Chair (or cabinet Member) are able to take a decision if it has been specifically delegated to them by the Committee/Panel (usually in consultation)

9. Councillors' Access to Documents and Information

(To be read in conjunction with the Access to Information Procedure Rules in the Council's Constitution).

§10.1 It is important that officers keep councillors routinely informed about the major issues concerning the council. Similarly, councillors should be informed about proposals that affect their ward before they are announced publicly.

§10.2 Where an issue affecting a particular ward is to be discussed by the Cabinet, a committee, sub-committee or panel on which the local councillor does not serve the councillor will be invited to attend and may speak on it if he or she wishes to do so.

§10.3 Councillors may request senior officers to provide them with such information, explanation and advice as they may reasonably need to assist them to discharge their roles as councillors. This may range from general information about Council services to specific information on behalf of a constituent. Where information is requested on behalf of a third party, it will only be provided if:

- It is in the public domain, and
- It is not barred by legislation from being given
- It does not compromise personal confidentiality

§10.4 Every member of the Cabinet, Overview and Scrutiny Management Committee / Panels, and / or any other committee or sub-committee has a right to inspect documents about the business of that Cabinet, Overview and Scrutiny Management Committee / Panels, and / or any other committee or sub-committee.

§10.5 A councillor who is not a member of the Cabinet, Overview and Scrutiny Management Committee / Panels, and / or any other committee or sub-committee may have access to any document published by that specific part of the Council provided:

- He / she can demonstrate a reasonable need to see the documents in order to carry out his / her role as a councillor (the “need to know” principle), and
- The documents do not contain “confidential” or “exempt” information as defined by law.

§10.6 Should disputes occur with regards to the validity of a councillor’s request to see a document on a need to know basis, these will be determined by the Monitoring Officer.

§10.7 A councillor should obtain advice from the Monitoring Officer in circumstances where ~~he / she~~they wishes to have access to documents or information:

- Where to do so is likely to be in breach of the Data Protection Act, or
- Where the subject matter is one in which he / she has a personal or “other” interest as defined in the Members’ Code of Conduct.

810.8 Information given to a councillor must only be used by the Councillor for the purpose for — which it was ~~requested~~ provided i.e. in connection with the proper performance of a Councillor's official duties.

10. Communication and Social Contact Between Officers and Councillors

911.1 Officers must recognise that it is their duty to keep members of all political groups (not just members of the majority party) fully informed about developments of significance in relation to the Council's activities.

911.2 Regular contact between councillors and senior officers is necessary to ensure the efficient working of the Council. In this context, it is the responsibility of Executive Directors and / or Service Directors to identify senior officers who should have regular contact with councillors and to inform them of that. This will depend upon the nature of the service they provide and the nature of the councillor contact envisaged. As part of any contact and relationship bullying and harassment should not take place.

911.3 Councillors should ensure contact is through the members of staff identified by the Executive Director and /or Service Director and should always bring major concerns about issues directly to the attention of the relevant Executive Director and /or Service Director concerned. Such concerns should, where possible, be evidenced based. Serious problems can arise if councillors' by-pass appropriate lines of communication to Executive Directors and /or Service Directors and their senior colleagues and, for example, deal with more junior members of staff, or more than one member of staff, to seek views on policy issues, non-routine business, or attempt to give instructions to staff. This has the effect of depriving councillors of the formal, informed and accountable advice they have a right to expect from Executive Directors and /or Service Directors and which they have a duty to consider. It may also serve to undermine the formal accountability of staff to their line manager.

911.4 Social contact between senior officers and councillors is only beneficial in a public setting and a work-related context. For example the management team may wish to invite appropriate councillors to an office Christmas lunch. Professionalism must be maintained at all times.

11. Councillors and Council Resources

(To be read in conjunction with the Code of Conduct, Members' Allowances Scheme, Pre-election Guidance and the Support for Councillors document produced by Governance and Democratic Services).

4012.1 The Council provides councillors with a range of support services (computers, IT facilities, stationery, printing, photocopying etc). Such

services should only be used to assist them in discharging their roles as members of the Council. They should not be used in connection with party political or campaigning activities. Personal use of technology is permitted:

- Subject to the terms of the Council's Use of Electronic Communications Policy and Information Security Policy
- Where councillors who have mobile technology have agreed for the appropriate deduction to be made from their allowance.

~~40~~12.2 Councillors should not approach or pressure officers to carry out duties or provide resources which they are not permitted to give. Examples include:

- Business which is solely to do with a political party;
- Work in connection with a ward or constituency party political meeting;
- Electioneering
- Work associated with an event attended by a councillor in a capacity other than as a Member of the Council;
- Private personal correspondence;
- Work in connection with another body or organisation where a councillor's involvement is other than as a Member of the Council; and
- Support to a councillor in his / her capacity as a councillor of another local authority.

~~40~~12.3 It is important that councillors are equipped with the skills and knowledge to carry out their roles effectively. Officers have a role to play in ensuring that councillors are kept up to date. Councillors have a responsibility to read appropriate documentation and attend training as relevant to their role.

12. ~~Courtesy~~, Complaints and Breaches of the Protocol

~~41~~13.1 ~~Contact between councillors and officers should always be courteous both in public and in private.~~

13.2 Officers concerns about Councillors

Councillor behaviour needs to be equally respectful. Bullying or harassment of officers is entirely unacceptable

If an individual officer has a complaint about a ~~member~~Councillor, it should be raised by the officer with their line manager or with the appropriate or Service Director to have an informal discussion.

If the conduct continues or is disputed, an officer may refer the complaint to the Monitoring Officer if there is evidence of a breach of the Code of Conduct.

If informal procedures do not reach a satisfactory conclusion where an Officer feels a Councillor has breached the Councillor Code of Conduct, in particularly serious cases and with the advice of the Monitoring Officer referral of the matter ~~to~~through the Standards ~~Committee~~Process, may be appropriate.

13.3 Councillors concerns about Officers

Councillor behaviour needs to be equally respectful. Bullying or harassment of officers is entirely unacceptable
Officer behaviour towards Councillors needs to be equally respectful.

If a ~~member~~Councillor has a complaint about an officer or officers, this should be raised with the appropriate Service Director for response.

41.3 If a councillor feels that an officer has acted contrary to the spirit of this protocol they should raise it with the relevant Service Director who will consider how the issue should be dealt with.

13.4 Councillor Concerns about Senior Officers

If the complaint concerns a Statutory Officer or an Executive Director the complaint may be referred to the Deputy Chief Executive and/or Chief Executive who will consider how the issue should be dealt with.

Where ~~this a complaint~~ relates to a Service Director this should be raised with the relevant Executive Director. Where this relates to an Executive Director this should be raised with the Chief Executive.

Nothing in this protocol prevents ~~This does not however preclude~~ a councillor from making public, at a meeting or in another appropriate way, a concern about the manner in which the Service has acted. Nor does it prevent councillors at formal meetings being critical of officer advice or action or of the quality of reports before them.

A breach of this protocol by an officer may lead to an investigation under the Council's Disciplinary Policy and Procedure.