



AGENDA ITEM: 14

NORTH WALES FIRE AND RESCUE AUTHORITY EXECUTIVE PANEL

3 February 2014

MEMBER/OFFICER RELATIONS PROTOCOL

Report by Colin Everett, Clerk to the Authority

Purpose of the Report

- 1 To consider a member/officer relations protocol.

Background

- 2 In 2011, changes were made to the Account and Auditing (Wales) Regulations 2005 which included a requirement that the Authority's annual statement of accounts contain a governance statement. The local code of governance sets out principles and standards aimed at helping the Authority in discharging its accountability for the proper conduct of business. On an annual basis the Authority reports publicly on the extent to which it has complied with its own code of corporate governance.

Information

- 3 One of the principles of good governance adopted is 'Members and Officers working together to achieve a common purpose with clearly defined functions and roles'. As part of the actions to achieve this principle, the Authority has stated that it will 'establish a protocol to ensure effective communication between Members and Officers.
- 4 The protocol attached at Appendix A codifies existing good practice in member/employee relations in North Wales Fire and Rescue Authority. It should be noted that it is not intended as a prescriptive checklist.

Recommendation

- 5 That Members recommend the draft member/officer relations policy to the Authority for approval.

NORTH WALES FIRE AND RESCUE AUTHORITY

PROTOCOL ON MEMBER/OFFICER RELATIONS

Member/Employee Protocol

This protocol codifies existing good practice in member/employee relations in North Wales Fire and Rescue Authority. It is not intended as a prescriptive checklist.

1. Introduction

1.1 An effective working relationship between members and officers is crucial to the successful operation of the Authority's business.

1.2 **Members** are appointed by their respective county (borough) council and serve until their appointment is terminated, they resign or they cease to be a member of their council.

1.3 **Officers** are employed to advise the Authority and to implement its decisions. Officer advice must be full and impartial and should include all relevant options. It must not seek to second-guess the decisions of members, for example by excluding presumed unpalatable options, and must be clear and professional at all times. Members should respect officers' political neutrality at all times. But members are entitled to reject officer advice and to give effect to their lawful policies even if these are clearly at variance with the views of officers. Members are entitled to seek advice and to call for a report to a committee on any matter within its terms of reference.

1.4 **Relations between members and officers** – For the effective conduct of Authority business there must be mutual respect in all meetings and contact between members and officers. The basic tenets of common courtesy apply in both formal and informal settings. Members should be aware that officers are constrained in the response they may make to public comment from members, and should not abuse officers in public or through the press, nor seek to undermine their position by abuse, rudeness or ridicule. This in no way reduces members' proper right and duty to criticise the reports actions and work of a department or section of the Authority, where they believe such criticism is merited. If members believe they have reason to criticise the work of an individual officer, the proper approach should be through the senior manager of the section or the Chief Fire Officer and Chief Executive. Equally, where officers feel they have good cause to criticise a member, an approach by the relevant chief officer to the Chair is a sensible first step.

1.5 It is widely accepted that there will be informal contact between party political groups and employees at a senior level, often of a sensitive nature. This protocol is designed to provide a framework for contact between members and employees, both formal and informal, and to ensure that members and employees are as clear as they can be as to their roles and responsibilities in relation to each other.

2. Specific Issues

2.1 **Appointments** – Every appointment to paid local authority employment must be on merit.

2.2 **Political impartiality** – Senior officers cannot be local authority councillors or AMs/MPs, nor can they “speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party”. Such officers are nevertheless able to engage in such activity to “such extent as is necessary for the proper performance of their duties”. (Section 1- 3 Local Government and Housing Act 1989 and Local Government Officers (Political Restrictions) Regulations 1990).

2.3 **Officers are employed by the Authority**, not by committees or individual councillors, and are subject to the Authority’s employment procedures. Officers cannot be required to advise any political group of the Authority, either as to the work of the group or as to the work of the Authority, nor can they be required to attend any meetings of any political groups. This is without prejudice to any arrangements to the contrary which may be made with any officer and which includes safeguards to preserve the political neutrality of the officer in relation to the affairs of the Authority.

2.4 **Authorship of reports** –Committee reports should be written by the relevant principal officer or another officer authorised by him or her. The report is the officer’s and may not be amended by a member. Nor can an individual member instruct an officer not to present a report if the officer considers it proper to do so. If the report is not regarded as appropriate, the remedy is for the committee to reject its recommendations or refer it back.

2.5 **Decision making and political groups** – Members and officers must understand that Authority decisions can only be made by the Authority, a committee or sub-committee or chief officers acting under delegated authority. Members and officers should not act on group decisions. Representations by interested parties on any matter for Authority decision should be made to the appropriate committee, and not exclusively to a political group, at which officer advice on the points raised is unavailable.

- 2.6 **Proper communication between members and officers** –Principal officers must recognise that it is their duty to keep members fully informed about developments of significance in relation to Authority activities. Principal officers must also report promptly to the relevant committee any significant failure to implement a decision of that committee.

Regular contact between members and senior officers is necessary to ensure the efficient working of the Authority. In this context, it is the responsibility of principal officers to identify the senior officers who should have regular contact with members, and this will depend upon the nature of the service they provide and the nature of the member contact envisaged. But members should always bring major concerns about issues directly to the attention of the principal officer concerned. Principal officers may issue instructions to their staff to ensure that this is the case.

Serious problems can arise if members by-pass appropriate lines of communication to principal officers and their senior colleagues and, for example, deal with more junior members of staff to seek views on policy issues, non-routine business, or attempt to give instructions to staff. This has the effect of depriving members of the formal, informed and accountable advice they have a right to expect from principal officers and which they have a duty to consider. It may also serve to undermine the formal accountability of staff to their line manager.

- 2.7 **Courtesy and complaints** – Contact between members and officers should always be courteous both in public and in private. If an individual member has a complaint about a junior officer, it should be raised with the appropriate principal officer.

If the complaint concerns a senior officer it should be raised with the Chief Fire Officer and Chief Executive. A complaint about the Chief Fire Officer and Chief Executive should be raised with the Clerk to the Authority. A complaint may be dealt with as part of routine liaison, supervision or review, or be referred for formal action in accordance with Authority procedures and any statutory provisions governing disciplinary action. This does not however preclude a member 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 members at formal meetings being critical of officer advice or action or of the quality of reports before them.

- 2.8 **Social contact** between senior officers and members is beneficial in a public setting and a work-related context. However, a professional relationship must be maintained at all times and officers must be careful not to socialise with members of one political group to the exclusion of others. Social contact between a member and a more junior officer may also be appropriate providing this occurs openly and does not result in breaches of confidence or of management instructions, or the reasonable suspicion of them. Officers must always take care in such situations to avoid casting doubt on their impartiality.

- 2.9 **Canvassing and visits** – Members should be aware that it can be a disciplinary offence for members of staff to seek to circumvent agreed staff consultative procedures by lobbying Members on matters which directly concern them as employees. Members should also remember that informal contacts with staff should not be used to promote their own personal interests.

Members will frequently come into contact with junior officers when visiting Service premises. Such visits are encouraged as they increase member understanding of Service functions, provide reassurance to service users of the involvement of their elected representatives in monitoring services, and will often also be welcomed by staff. However, such visits should be arranged via the Members Liaison Officer and relevant principal officers should normally be advised in advance of member visits to front-line services.

- 2.10 **Close personal relationships** between members and officers with whom they have, or are likely to have, contact in the course of their duties as a councillor are to be avoided. This includes close friendships between members and principal officers and applies in particular to sexual relationships. If such a relationship arises, the member or officer should disclose this to the Chief Fire Officer and Chief Executive who will consult with the Chair on the appropriate course of action. Both members and officers should also avoid establishing business or contractual relationships with each other, or entering into loans or other financial obligations.
- 2.11 **Assistance to all members** - Officers have a duty to offer the same assistance and facilities to all members. This particularly applies to briefings, at which officers provide oral advice and information to members outside the formal processes of the Authority. They may be requested by the relevant members or offered by the principal officer, and are confidential in the sense that officers should not disclose matters discussed at such briefings. Individual members may also request briefings from principal officers from time to time on general issues affecting the work of the Authority. It is the duty of officers to comply with reasonable requests of this kind.
- 2.12 **Correspondence and confidentiality** – Frequently, members and officers correspond, and where not obviously confidential, such correspondence may, subject to the rules below, be copied by either the sender or the recipient to others. Correspondence should be courteous. Wide circulation of it should not be employed as a means of administering a public rebuke to an Authority officer or member. Members should, wherever possible, keep departmental or section heads informed by copying their correspondence, e-mails, etc. or approaching them directly for replies to general queries.

If a member asks for information about or relating to another member or asks for comment upon another member's conduct then the member requesting the information must be told in writing that any reply will be shared with the member

to whom the information relates. If the member making the request does not agree to this they will not be given the information.

2.13 **Access to Information** – Members have legal rights of access to documents in the possession or under the control of the Authority and officers should implement requests for information from members who need that information for the fulfilment of their duties as a member.

- a) Normally, officers will accept that members do not ask for information without good reason and will not question the member's "need to know". But in the words of relevant legal judgements, a member has no right to a "roving commission" and "mere curiosity or desire" is not sufficient. Nor can the member exercise the right for some improper motive, e.g. to assist someone in litigation with the Authority, its staff, suppliers or service users.
- b) In rare cases, therefore the Chief Fire Officer may apply the "need to know" test. The member will need to show why the information is necessary to fulfil Authority duties. Where an officer considers that a member has not established a "need to know" in support of a request for access to information and refuses to provide the information requested, the officer shall state reasons for doing so.
- c) A member asking for complex or bulky information should be flexible in his or her demands if compiling and reproducing the documentation results in significant cost to a department. The member will normally be able to retain material for a reasonable time, and to copy individual documents, but may not make use of such information for an improper purpose or one unrelated to the member's duties as a councillor.

2.14 **Press and public relations** – contact with the media on issues related to the Authority, or to Authority business, including the issue of press release, will be handled through the Corporate Communications Team.

Any Member who approaches the media purporting to speak on behalf of the Authority on any item involving or affecting the Authority, without first approaching or consulting with the Chair and Chief Fire Officer will be responsible for such action.

3. **Legal Rights of Members**

Nothing in this code shall derogate in any way from any right of a member enshrined in law and such legal rights override any conflicting provisions in this code.