

## **C5. MEMBER / OFFICER RELATIONS PROTOCOL**

### **Introduction**

- i. The purpose of this Protocol is to guide Members and officers of the Council in their relations with one another in such a way as to ensure that the Council is not brought into disrepute, that a high standard of conduct is maintained and to ensure the business of the Council is transacted in a transparent, effective and efficient manner.
- ii. Birmingham City Council is committed to promoting a culture that demonstrates its core values and behaviours. Members and officers in conducting their working relationships with each other are expected to promote this culture and do so by acting in a respectful and professional manner. There is a high standard of conduct expected of both Members and officers at all times.
- iii. Failure to follow the expected conduct by either Members or officers is considered a serious issue by the Council and will be dealt with in accordance with the Council's policies and procedures and/or, in accordance with the Member Code of Conduct, as set out in the Constitution.
- iv. This Protocol seeks to promote greater clarity and certainty as to working relationships between Members and officers. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that officers are not subject to accusations of bias, and any undue influence from Members.
- v. The Protocol is to a large extent a written statement of current practice and convention and given the variety and complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It offers guidance on some of the issues which most commonly arise and serves as a guide to dealing with other circumstances as they arise.
- vi. It also seeks to reflect the principles underlying the Code of Conduct for Members ("the Members' Code") and the Code of Conduct for Employees ("the Employees' Code"). The shared objective of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
- vii. Members do not have any special immunity from civil or criminal wrongs that they may commit against any fellow Members, officers or members of the public.
- viii. This Protocol should be read in conjunction with the Members' Code and the Employees' Code, the Council's Constitution and any guidance issued by the Standards Committee and/or Monitoring Officer.

### **Roles of Members and Officers**

- i. The Elected Members are responsible for:
  - a) Initiation and direction of policy;
  - b) Democratic accountability to the electorate for policies and for service delivery;

- c) Scrutiny of Council services;
  - d) Community leadership; and
  - e) Promotion of partnership working.
- ii. The officers are responsible for:
- a) Providing the professional advice that Members must have before them when formulating policy and when taking decisions;
  - b) Implementing Members' decisions that have followed due process;
  - c) Running the Council's services and day-to-day administration;
  - d) Taking managerial and operational decisions in accordance with the Council's schemes of delegation; and
  - e) Providing information regarding Council services and approved Council policies.

### **Working Relationships**

- i. Both Members and officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and officers are responsible to the Council as a whole. The conduct of Members and officers should be such as to instil mutual confidence and trust. The key elements are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.
- ii. An informal and collaborative approach to working between Members and officers is encouraged. Members and officers should overall treat each other as they would wish to be treated.
- iii. However, both Members and officers should be guarded as personal familiarity can damage the relationship, as might a family or business connection. Inappropriate relationships can be inferred from language/behaviour. Close personal familiarity between individual Members and officers can damage the relationship of mutual respect and prove embarrassing to other Members and officers.

### **Constructive Criticism and Redress**

- i. Challenge in a constructive and non-confrontational way is important in ensuring that policies and service performance are meeting the Council's strategic objectives. Nothing in this protocol is therefore intended to stop Members holding officers to account for decisions made under delegated powers. Officers are accountable to the Council for any decision they make and may be required to report to and answer questions from a Scrutiny Committee. Nothing herein is intended to inhibit constructive criticism delivered with courtesy and officers should not feel their employment is at risk as a result of such intervention.

- ii. Members should guard against putting inappropriate pressure, in particular, on junior officers and need to be aware that it is easy for junior officers to feel at a disadvantage in their interactions with Members.
- iii. Members should not pressurise any Officer to change his/her professional opinion on any Council business matter or do anything that compromises the impartiality of officers.
- iv. If a Member considers that he or she has not been treated with proper respect or courtesy by an Officer, he or she may raise it with the Officer's line manager or Chief Officer or the Monitoring Officer without delay if it is not possible to resolve it through direct discussion. If the issue still remains unresolved appropriate action may be taken by the Chief Officer in accordance with the Council's normal procedures, should the allegations be proved to be true. Feedback should be given to the Member on the outcome and confidentiality, unless otherwise agreed, must be maintained by all parties.
- v. If an Officer considers that he or she has not been treated with proper respect or courtesy by a Member, and a direct discussion is impractical or fails to resolve the matter, he or she has the option of raising the matter in private with the Monitoring Officer in the knowledge that the matter will be handled with sensitivity and in confidence. In such circumstances, the Monitoring Officer will take such action as is appropriate either by approaching the Member and/or Party Group Leader and also advising the Chief Executive as Head of Paid Service. It may also be appropriate to advise the Chief Officer. Unless otherwise expressly agreed between parties, confidentiality including the identity of the Officer will be maintained at all times. This protocol does not affect the Officer's right to raise the matter via the Council's usual grievance procedures.
- vi. Members should not raise matters relating to the conduct or capabilities of an Officer at meetings held in public or before the Press as officers have no means of responding in public.
- vii. Nothing in this protocol shall prevent a Member or Officer expressing a relevant concern under the Council's Whistleblowing Policy.

#### **Officer Reports and Advice**

- i. The Chief Officer /Head of Service where they are named in a report to the Council (or any part of its formal decision-making structure) will always be fully responsible for the contents of it.
- ii. A report will only be amended where the suggested amendment also reflects the professional judgement of the author of the report. On occasions, officers will need to express a professional view on a matter which may not support the view of the Executive and/or the relevant Chief Officers of the Council. However, it remains for Members to determine the Council's policies and for officers to act on those policies.

### **Officer Advice to Party Groups**

- i. It must be recognised by all officers and Members that in discharging their duties and responsibilities, officers serve the Council as a whole and not any political group, combination of groups or any individual Member of the Council. The assistance provided by senior officers can take many forms ranging from a briefing meeting with an Executive Member, Lead Member, Chair or other Members prior to a meeting, to a presentation, to a full political group meeting. It is an important principle that such assistance is available to all political groups and individual Members. All officers must, in their dealings with political groups and individual Members, maintain political neutrality and treat them in a fair and even-handed manner.
- ii. Officers must respect the confidentiality of any party group discussions at which they are present. When information is disclosed to an Officer during discussions with a party group, that information should not be passed on to other groups. However, Members should be aware that this would not prevent officers from disclosing such information to other officers of the Authority in so far as that is necessary to perform their duties.
- iii. This Protocol can be revised or amended at any time in accordance with Constitutional requirements.

## **C6. EMPLOYEE CODE OF CONDUCT**

The Employee Code of Conduct can be found here: [Birmingham City Council Code of Conduct | Birmingham City Council](#)