

Member Officer Protocol

Proposed Draft

I. Introduction

Members are democratically elected politicians who give overall direction to the Council using their knowledge of the needs and aspirations of the communities they represent.

Officers are members of staff at the Council. They are politically neutral and employed to manage and deliver services using their knowledge and skills.

One summary of how the roles should work together is that members set council policy, with the advice of officers, and officers implement that policy, under the scrutiny of members. It is essential for the effective running of a council and for public trust that these sets of roles are, and are seen to be, well synchronised.

Appendix 1 sets out more detail of these roles and their responsibilities.

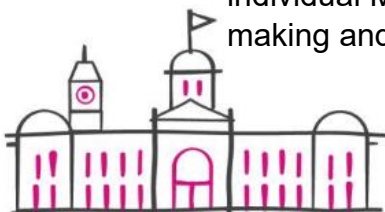
The Council recognises that relationships between members and officers form the basis of an effective, high performing local authority. An environment where people are clear about their duties and responsibilities is one in which people can work together on behalf of our residents.

The Council recognises that a positive organisational culture is not something which can be “achieved” – development is a continual process of improvement.

Behaviours will never be perfect. The complexity of relationships and different peoples’ motivations means that the Council expects that member-officer relationships – while governed by consistent and clear principles – may not always work smoothly and comfortably. This Protocol aims to provide a framework both for better relationships, and for clarity over what should happen when things don’t go as expected.

In doing this, the Protocol aims to set out some behavioural expectations, and some principles around how those expectations will be embedded, enforced, and monitored. For this reason, the Protocol should be read alongside the Member Code of Conduct, and Officer Code of Conduct, and other codes, protocols and rules of procedure that relate to members’ and officers’ duties.

Members and officers of the Council are servants of the public. They are indispensable to one another. Mutual respect between Members and officers is essential for good local government. Close personal familiarity, such as a lack of professionalism or informality, or personal relationships between individual Members and officers can damage this dynamic, impact on decision making and on the wider culture of the organisation. Situations should be



avoided that could give rise to the appearance of improper conduct or behaviour and members and officers should consider whether personal interests should be registered and declared at meetings.

The principles underpinning positive working behaviours will be informed by the development of the Council's wider values framework. This Protocol, however, is based on the following foundational assumptions:

- Good member-officer relationships form the basis of a successful, effectively run authority.
- Personal behaviours influence and inform the quality of those relationships.
- Most member-officer interactions and relationships will be healthy and productive, but from time-to-time problems will arise. Systems are therefore needed not to govern and constrain those relationships, but to support them to develop in the right direction, and to overcome problems when they do occur.

This protocol relates to interactions and relations between Members and Officers both in person and via other means, including through social media. Separate and more detailed guidance is in place for both Members and Officers in relation to the use of social media.

II. Ownership

The development of positive working behaviours is everyone's responsibility. The protocol seeks to outline the key roles in the ownership and promotion of these behaviours.

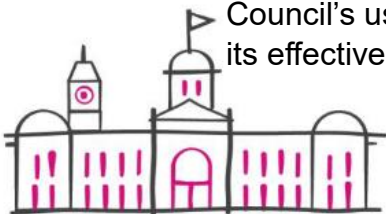
A. Members:

Executive responsibility for this Protocol, and action to implement and embed it, will be held by the Cabinet member responsible for this area of the Council's work ("**portfolio holder**"). The **portfolio holder** will work with the Monitoring Officer and Director of People Services to develop and deploy ongoing learning and development activities around this Protocol, and the Codes of Conduct, to officers and members. The **portfolio holder** will also have regard to the Protocol's overall use and effectiveness.

The **portfolio holder** will be held to account and supported in this task by the Council's **Standards Committee**. The Standards Committee will be responsible for taking evidence, and reports, on a regular basis to allow it to determine whether the Protocol is being used effectively by the Council to frame and support member-officer relationships. This should include examples of positive working behaviours, and how lessons are being learned from those behaviours.

The Standards Committee will advise the **Audit Committee** as to the Council's use of the Protocol, and the strength of the behaviours that underpin its effective operation. The Audit Committee will feed this insight into the

March 2024



Annual Governance Statement. Through this mechanism, a judgement on the effectiveness of the Protocol will be made on an annual basis by Council, further to its signoff of the AGS.

The Chair of Standards will regularly liaise with the **Whips of Political Groups** to highlight and deal with any general issues relating to the operation of this Protocol. Individual issues, and complaints, will be dealt with using the systems set out in “Identifying and acting on where things go wrong”, below.

Recognising the needs of **independent councillors**, who may not be part of a Political Group, the Chair of Standards will liaise directly with any such councillors.

B. Officers:

On the officer side, this Protocol will be held by the **Monitoring Officer** and the **Director of People Services**. They will ensure that appraisal and performance management arrangements for officers closely reflect the content of the Protocol and of the Codes of Conduct, in consultation with **Corporate Leadership Team**. The protocol will be part of the induction for new officers and members.

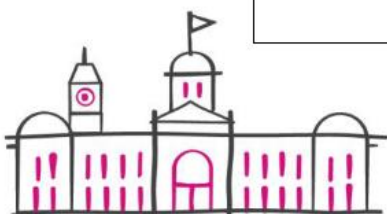
Officers in **Assistant Director**, and more senior posts, will hold a responsibility to implement this. They will personally model good behaviours, discussing them in supervision and team meetings, and taking other active steps to broadcast them amongst their teams. This activity will be monitored in supervision, performance management and appraisals.

III. Roles and Responsibilities

I. Members

This list is illustrative rather than exhaustive.

Role	Support Needed from Officers
Members are decision-makers. Decision-making duties vary – some members engage in executive decisions, some in decision-making on regulatory functions, some in quasi-judicial decisions and some on high level policy decisions and budget setting.	They need support from officers so that they have access to the right information, at the right time, to support that role. The officer support needed for these roles will be different.
Members oversee the Council’s work, through the audit and scrutiny functions.	Information, support, and advice from officers to be able to carry out these roles;
Members hold certain specific statutory duties.	Certain duties may require that members work with officers, or oversee their work, in a different way. For



	example, councillors' corporate parenting responsibilities
Members sit on "outside bodies", appointed or nominated by the Council	Members may need advice and support on how to discharge their functions effectively on outside bodies
Members are representatives of people in their wards, and of the residents, workers, and students of the wider city	Officers need to support them to carry out work to support those people.

II. Officers

This list is illustrative rather than exhaustive.

Role	Support Needed from Members
Officers are decision-makers.	Members need to support them to make those decisions where they are given the authority to do so – for example, through the officer scheme of delegation;
Officers are operational managers of services.	Members need to provide officers with the space they need to make operational decisions independently. Members do, however, need to be notified of decisions that will affect policy or where there is operational failure;
Officers are managers of staff	They have the sole responsibility to direct their staff and to prioritise their staff's work, in accordance with Corporate Plans which are created collaboratively with members.

Officers are politically neutral but operate in a political space. Officers need to provide clear and independent advice on those areas covered by their professional responsibilities. This involves ensuring that appropriate advice, information, and support is provided to members of all political parties, not just the executive.

Detailed rules for the provision of support equally across political groups (in a way that recognises the need to act to fulfil the administration/executive's priorities) can be found in the Officer Code of Conduct. Detailed rules for the provision of information to members more generally can be found in the Council's Access to Information Procedure Rules.



III. Examples of areas where members and officers will need to work together.

- Policy-making, and executive decision-making.
 - This is an area where Cabinet members and officers will need to work closely together and ensure that there are clear written records of decisions and workings. Members will need to be able to clearly articulate their political policy objectives and the outcomes they are looking to achieve. Members can share local insights and experiences with Officers which can inform policy making. Officers will need to gather evidence and information to support the delivery of those objectives, and to bring members robust options for how those objectives can be delivered. Members and officers will need to work together in an environment of trust to develop those plans and, where necessary, to be prepared to submit to scrutiny of those plans. This will involve close working relationships – especially between chief officers and Cabinet members. These relationships must reflect the respective roles of members and officers and the need for clarity about who holds responsibility for what.
 - The needs of policymaking will also involve liaison with members from other political groups, and liaison with scrutiny members. Officers and members will need to work together to ensure that this work is constructive, focused, and proportionate.
 - Officers will need to provide adequate briefings for members on various policy decisions and reports.
 - Members will need training and development from Officers to conduct their role effectively, with a focus on their areas of responsibility and interest. Officers or external partners can deliver this training and needs should be assessed during the induction process.
- Oversight and accountability. In respect of audit and scrutiny committees in particular:
 - Members need to be assured that officers are bringing them timely, proportionate, and accurate information that meets their needs.
 - Officers need to understand members' needs and motivations in asking for information and need to be able to speak frankly and candidly in committee (and other formal spaces) without being drawn into overtly party-political arguments.
- Operational business.
 - Members will have an interest in operational business, where it relates to an issue raised by one of their constituents or in an area of leadership responsibility. The Council [has / will have in due course] systems to provide assurance to members on operational action.
 - Where members and officers need to liaise with officers on operational concerns, issues and complaints, the relevant Assistant



Director should always be aware of the engagement so that member expectations can be fully understood and met.

- Where Officers need to engage with members on matters such as public consultations, planning or strategic programmes, the officer should ensure that the relevant Cabinet member is informed.
- Where Officers are asked to provide a briefing to a Cabinet member, they should ensure that their portfolio holder is aware of that briefing.
- Where members need to liaise with an officer on operational concerns, issues and complaints, members should be mindful of the seniority of the officer being approached and the potential power dynamics between the member and officer. Members will need to consider which officer it is most appropriate to approach. Where officers propose to take major operational action in specific wards (including to remediate performance issues and/or to otherwise bring about substantive changes to certain services), the councillors representing those wards should be informed. This liaison should take place in the context of officers being entitled, through delegated powers, to make these operational decisions.
- Where Officers need to brief or consult a member, they should consider which member it is most appropriate to approach, considering the portfolios held, wards affected, and level of member input required.
- Governance
 - Members will respect the responsibilities of the statutory officers. The roles and responsibilities of the statutory officers are addressed in the Constitution.
 - Officers will respect the responsibility of the cabinet members. The roles and responsibilities of the cabinet members are addressed in the Constitution.

IV. Behaviours that need to govern the member-officer relationship.

The relationship between members and officers will be governed by a commitment from all to the Nolan Principles. This commitment will be given at the point of recruitment/election. These are:

- Selflessness. Holders of public office should act solely in terms of the public interest.
- Integrity. Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.



- Objectivity. Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- Accountability. Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- Openness. Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- Honesty. Holders of public office should be truthful.
- Leadership. Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

The behaviours that will demonstrate adherence to these principles will differ from relationship to relationship, and between different parts of the Council.

They are likely to include:

- Frankness and candour. *People should be honest about what is needed and what is possible. Both officers and members need to have regard to the various restrictions applying to their roles relative to each other, and the pressure that puts people under. Recognising that disagreement is inevitable, members and officers need to work together to surface possible problems as soon as possible.*
- Respect and understanding of mutual roles. *Member / officer relationships should reflect a familiarity with respective day-to-day, and wider strategic, roles and responsibilities. Again, this will help people to understand pressures, constraints, and motivations.*
- Robust and constructive mutual challenge. *Power dynamics exist between members and officers which may make it difficult for them to engage as equals in every circumstance. Where disagreement arises and where accountability is needed, constructive challenge needs to take account of possible power differentials with a view to finding solutions.*
- Recognition of success and positive behaviours. *Members and officers need to model for others, and support in themselves, positive working behaviours.*
- A focus on purpose and outcome, not process for the sake of process. *Process is an important part of good governance; the way that process is used and followed by both members and officers needs to be informed by the desire purpose and outcomes. Having clarity on shared purpose and outcomes will ensure that the right, and most proportionate, processes can be followed – and that the need for these processes is understood.*
- An open and honest approach to communication. *Members and officers are not all the same. Developing positive working relationships means ensuring that those relationships work for the people within them.*



Communication over needs and motivations, and desired outcomes, needs to happen.

- Dignity and Courtesy. *Members and Officers should communicate with each other with dignity and courtesy, creating an environment where discourteous and bullying behaviour is called out and not tolerated.*

This list is illustrative, not exhaustive. It should be seen as reflecting overall the behaviours that both members and officers should demonstrate, rather than as a tick box to define the effectiveness of individual interactions. That said, this list of behaviours should still provide the basis for a judgement as to where things may have gone wrong – including the exercise of sanctions for wrongdoing in the most serious cases.

These behaviours are explained, and explored, in scenarios produced to accompany this Protocol. The Council commits to the regular refinement of these scenarios, and of other material produced in support of this Protocol (including learning and development material).

V. Relationships with Trade Union Colleagues

The Council recognises that the relationship between Trade Unions, Members and Officers is complex, and it is crucial to the effective operation of the organisation that this is a positive constructive, healthy relationship.

As set out above in part IV, the behaviours that members and officers exhibit are central to the success of relationships, including these relationships. For example, members and officers must not allow themselves to be put under any obligation which may mean that they are inappropriately influenced, they should not act or take decisions to gain financial or other material benefits for themselves or friends and family, they should act as leaders and treat others with respect.

Members need to be particularly careful to ensure that they do not seek to influence operational matters, whether in formal meetings or otherwise, which could directly or indirectly affect the union of which they are a member. Further, in accordance with the Code of Conduct, members are required to register and declare their interests which can include Trade union membership.

VI. Learning lessons from where things go well.

The council recognises that it needs to understand where behaviours and relationships work well, and to use lessons from those experiences to inform its wider work.

For example:

- Officers and members might work together to develop and refine a policy, or decision, on a complex and politically sensitive issue.



- Officers and members might resolve a challenging problem that is affecting local people (or that joint working may simply be about ensuring a swift, comprehensive solution to a problem affecting just one person).
- Members might constructively hold officers to account on an area of service in a way that leads to positive improvement.

Members and officers should think regularly about where they have achieved results, at least in part, through positive member-officer relationships. These examples should be highlighted, through relevant Assistant Directors, to the Monitoring Officer for reporting into the ongoing monitoring arrangements for this Protocol. [insert link for contact]

VII. Identifying and acting on where things go wrong.

There will be instances where there is disagreement between members and officers. This section provides a framework for resolving these disagreements.

The Monitoring Officer will put in place mechanisms to ensure that the effectiveness / success of the Protocol can be meaningfully measured. The Standards Committee, exercising oversight, may seek assurance from the Monitoring Officer on the effectiveness of these mechanisms. They may include:

- Ongoing employee and councillor surveys. Questions may focus on aspects like communication, collaboration, job satisfaction, and perceptions of leadership. Comparing results over time can show trends and areas of improvement or concern.
- Focus groups and interviews. These may use existing formal and informal spaces (such as staff forums) for evidence-gathering, and reflection.
- Workshops where attendees can work through examples of behaviour / interactions and discuss appropriate responses and outcomes.
- Observation of council meetings and interactions.
- Incident reports. Where problems occur (as set out in the section below) recording and analysis of measures taken to resolve the situation can be aggregated.
- Specific performance metrics. The Council recognises that measurable metrics will be difficult to find on some of these behavioural issues but may involve proxies such as a reduction in sickness absence, and a reduction in churn rates in both councillors and officers.

There will be instances where a member, or members, or an officer, or officers, consider that the terms and expectations of this protocol have not been met. This may be because:

- A member or officer's behaviour falls short of the expected standards. For example:
 - It is suggested that a member has sought to "direct" a member of staff to carry out their duties in a certain way, contrary to the scheme of delegation.



- It is suggested that an officer has deliberately misled a formal committee.
- There is a disagreement about respective duties, or responsibilities, that cannot be resolved by the individuals involved.

In resolving these issues, members and officers are expected to:

- Have regard to the principles, behaviours and expectations set out in this Protocol in finding resolution to problems where they occur.
- Where necessary, proactively draw in advice from others, in a way that is not seen as adding unnecessarily to the pressure on other people. For example, it might not always be appropriate if a member, dissatisfied with a response to a query raised with an officer, were to immediately approach the relevant chief officer to resolve the issue. It will be important for those who “own” the issue, and the relationship, to keep hold of it to find their own resolution where possible, rather than relying on others in more senior positions.

Where necessary, and where resolution has proven impossible, agree to escalate the matter to others to deal with.

VIII. Breach of this Protocol

These arrangements form an important part of the Council’s governance framework. As with other parts of the Constitution, members and officers are under a duty to adhere to the expectations in this Protocol.

Where the behaviour in question relates to a member, the Monitoring Officer and relevant Whip should liaise to determine the seriousness of the issue and the nature of the sanction, or support, that should be put in place.

Where the behaviour in question relates to an officer, the Monitoring Officer and Director of People Services should liaise with the individual’s line manager to determine the seriousness of the issue and the nature of the sanction, or support, that should be put in place.

Usually, a failure to behave in a way that reflects the values and behaviours set out in this Protocol will result in informal action through the provision of further advice and training. This may include:

- The provision of words of advice from a manager, from a Whip, or from the Monitoring Officer.
- The provision of further training, learning and development. Specific material will be drafted and made available for this purpose.



Sometimes, a failure may be so serious that it warrants more formal action. These sanctions should be imposed in line with the terms of the Member and Officer Codes of Conduct and the Arrangements for dealing with standards complaints under the Localism Act 2011 (“the Arrangements”) [insert link]

As an example, they may include:

- In the case of members, disciplinary action within a political group. This may include removal of a member from a committee (or committees) or other similar sanctions.
- In the case of members, a prohibition on contact with a certain officer, a group of officers or all officers, for a defined period or indefinitely (subject to amendments being made to the Arrangements);
- In the case of officers, formal disciplinary action.

A pattern of behaviours that require repeated informal intervention may, cumulatively, lead to a situation where more formal steps, including those described above, need to be taken.

Some behaviours may be so serious that they demand that associated action be taken for safeguarding reasons, and/or that external bodies like the police be involved.



APPENDIX 1

Key Roles and Responsibilities

Further details of roles and responsibilities, including Overview and Scrutiny and other committees, are set out in the Council's constitution: [The city council's Constitution | Birmingham City Council](#)

Members

Role	Responsibility
Leader	The Leader is appointed by the Council, they can make changes to the cabinet member portfolios and appoint members of the cabinet.
Deputy Leader	The Deputy Leader can act in the place of the Leader when they are unable to act.
Cabinet Member	Cabinet members have responsibility for different areas of the Council – their portfolios. The Executive (known as Cabinet) are decision makers, they will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under the Constitution.
Member	All elected members representing the wards and the interest of their constituents across the City. Some members may hold responsibilities of sitting on decision making committees.

Officers

Role	Responsibility
Chief Executive	Head of the paid service.
Deputy Chief Executive	Can act in the place of the Chief Executive when they are unable to act.
Monitoring Officer	This role promotes the legality of decision making, high standards of conduct by Councillors and officers and supports the Standards Committee
Chief Finance Officer (s.151)	This role is responsible for ensuring the sound financial administration of the Council.

