

# **Guidelines for Member/Officer Relations**

(incorporating the Protocol on Member/Officer Relations from the Councillors' Code of Conduct)

**June 2018**

## **Why Have Guidelines?**

Guidelines are a positive tool to aid relations between Members and officers.

The key guiding principles are for officers and Members to:

- Work and communicate effectively with one another
- Act within the law and the Standing Orders of the Council
- Behave with mutual courtesy
- Communicate effectively with one another
- Adopt a constructive approach to resolving differences and difficulties
- Work in the interests of North Ayrshire as a whole

The Guidelines also give advice on what to do when problems occur.

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## 1. INTRODUCTION

- 1.1 These Guidelines set out the way in which Members and officers of the Council should behave towards one another. They define the roles and responsibilities of Members and officers. They cannot cover every eventuality, but set a framework for dealing with issues as they arise.
- 1.2 The Guidelines take account of the Ethical Standards in Public Life (Scotland) Act 2000, and the Councillors' Code of Conduct, (Standards Commission for Scotland – December 2010). Appendix C of the Councillors Code of Conduct contains a model Protocol for Relations between Councillors and Employees in Scottish Councils, breach of which contravenes the Councillors Code of Conduct. These Guidelines incorporate the provisions of the model Protocol in Appendix C. They should also be used in conjunction with other existing guidance such as the North Ayrshire Council Code of Conduct for Employees and the Council's Standing Orders.

## 2. WHO IS AFFECTED?

- 2.1 The most frequent contacts are between Members and senior officers at Chief Executive, Executive Director or Head of Service level, and these Guidelines are largely about those contacts. There are also many contacts between Members and other officers in their daily business, and the principles of these Guidelines also apply to them. The particular position of officers who provide support services for Members is dealt with separately in paragraph 11.

## 3. THE ROLE OF ELECTED MEMBERS

- 3.1 Within a Council, Members have a number of different roles:
  - Some are Chairs or Portfolio Holders for specific issues;
  - Many belong to political groups, with others forming Independent Groups;
  - Each has a local ward to represent along with other Elected Members, involving contact with local groups and providing surgeries for individual constituents;
  - Each may represent the Council in partnership arrangements and on outside organisations.
- 3.2 Collectively, Elected Members also:
  - Provide strategic leadership;
  - Determine policy aims and objectives;
  - Take decisions not delegated to officers and;
  - Review performance.

In all such roles, Councillors should act in accordance with the principles of the Code of Conduct for Councillors and these Guidelines.

### 3.3 ***The Council and Committees***

The main functions of the Council are to:

- Debate and agree policy proposals;
- Debate and agree budgets;
- Appoint the Members of regulatory and other committees;
- Make appointments to outside bodies and;
- Provide a forum for debating key issues.

Details of remits for the Council and committees are included in the Standing Orders and Scheme of Administration.

It should be noted that under the Local Government (Scotland) Act 1973, functions or decisions cannot be delegated to individual Councillors. Thus an individual Councillor can never have power to make decisions which bind the Council or its officers.

## **4. THE ROLE OF OFFICERS**

4.1 The role of officers is as follows:

- The Chief Executive and Executive Directors are responsible for assisting the Council in the development of its policies and the discharge of its responsibilities;
- The Chief Executive and Executive Directors have responsibility for ensuring policy implementation;
- The Chief Executive and Executive Directors are responsible for operational management of services;
- The Chief Executive has responsibility for providing advice and management and publishing decisions;
- The Executive Directors and Service Heads have managerial accountability for their service areas and act as the first point of contact for that service;
- Some officers have personal statutory powers and duties, for example the officer designated as Head of Paid Service (Chief Executive), the Monitoring Officer (Head of Democratic Services) , the Section 95 Officer (Executive Director of Finance and Corporate Support) and the Chief Social Work Officer (Senior Manager Justice Services)

4.2 The following duties will apply to the position of Chief Executive:

- The Chief Executive is the statutory Head of Paid Service and as such will be “responsible for managing and securing the professional body of staff needed to deliver modern, well-focussed service effectively” (DETR, June 2000).
- The Chief Executive, as the most senior manager, is the main point of contact for Members when difficulties arise; however Members should generally raise any problem with the appropriate Executive Director or Head of Service in the first instance.
- The Chief Executive, as the Head of Paid Service, will work closely with the Leader of the Council in ensuring policy implementation but will work impartially with all groups and individual Members.

4.3 The organisational role of officers has two important dimensions. Some officers have professional skills relevant to a particular organisational task. Others have primarily a managerial responsibility. Many have elements of both in their jobs.

4.4 Officers also know that they must:

- Pursue lawful policies of the Council;
- Implement the decisions of Council, committees and sub-committees;
- Inform Members immediately of any decision that cannot be fully implemented, (senior officers should undertake this task);
- Behave in a professional manner;
- Treat all Councillors fairly and openly in their role as local representatives;
- Serve all Members of the Council;
- Deal with Member enquiries efficiently and promptly;
- Strive continually to comply with the Council’s performance management processes
- Maintain political neutrality at all times

4.5 Council officers have an obligation to follow Council policies and to implement the decisions of the Council and its committees even if they have professional misgivings about proposed decisions. The role of officers in that situation is to advise Elected Members and to voice concerns in giving that advice. An officer will normally have a duty not to implement a Council decision if it is manifestly illegal. In such circumstances, the officer should seek the advice of the Monitoring Officer and the Chief Executive.

4.6 Officers’ delegated powers are outlined in the Council’s Scheme of Delegation which forms part of Standing Orders.

## 5. PERSONAL CONDUCT

5.1 **Courtesy** – in line with the Councillors’ Code of Conduct reference to “mutual trust and respect” – it is important that Members and officers should behave

courteously to one another. None should take unfair advantage of their position.

5.2 **Disagreements** – should be acknowledged and worked out in private rather than in public view.

5.3 **Close personal friendships** – personal friendships between individual Councillors and officers can also damage good relations and prove embarrassing to other Councillors and officers. Councillors and employees should, therefore, be cautious in developing close personal friendships while they have an official relationship.

5.4 **Constructive criticism** – Members have the right to make reasonable and constructive criticism of the work of officers. Members should remember that officers cannot respond to personal criticisms of themselves or other officers in the same way that politicians can and should make their comments accordingly. In accordance with the Code of Conduct for Councillors, Councillors should not raise matters relating to the conduct or capability of employees in public. Employees must accord to Councillors the respect and courtesy due to them in their various roles.

5.5 **Lines of accountability** – Members must be aware of the lines of accountability within Directorates. They must not apply pressure to an officer to act against the instructions of management.

5.6 **Decisions delegated to officers** – Members should not put pressure on an officer on matters which have been delegated for officer decision. Officers should be left to make decisions that are:

- Objective and can be accounted for;
- Fair and consistent in their applications;
- Accord with policy.

See paragraph 4.6

5.7 **Undue influence** – Members should not bring undue influence to bear on an officer to take any action which is contrary to law or against the Council's approved procedures. This could include action which is:

- A breach of personnel procedures;
- In conflict with Standing Orders/financial regulations;
- In conflict with planning procedures and policies;
- In conflict with Codes of Conduct.

5.8 **Declaring relationships with constituents** – Members must declare any relevant close personal relationships with constituents when dealing with council officers. Although Members are elected to represent the interests of their constituents, they should not seek special treatment for any individual.

## 6. ACCESS TO INFORMATION AND DATA PROTECTION

- 6.1 Members are free to request council Directorates provide them with information, explanation and advice about that Directorate's functions, which they may reasonably need in order to help them carry out their roles as Members of the Council. Councillors should normally approach the Executive Director or a Head of Service. This can be for general information about aspects of the Directorate's activities or specific information on behalf of a constituent.
- 6.2 Members have certain statutory and common law rights to request and inspect Council documents. The common law rights are wider and more significant than those given by the Access to Information provisions of the Local Government (Scotland) Act 1973. For instance, papers which contain "exempt information" relating to the categories specified in the Access to Information legislation may fall within the rights of inspection given to Councillors by common law.
- 6.3 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, Committee or sub-committee meeting. This extends not only to reports which are to be submitted to the meeting but also to any relevant background papers. In relation to reports which are exempt under the Local Government (Scotland) Act 1973, Council practice has generally been to disclose these where possible, on request. It should however be appreciated that there are certain documents which cannot be disclosed particularly those which contain sensitive personal information relating to employees, occupiers of Council property, applicants for grants and other services, the care of children, social work and criminal justice cases. In other cases, such as an opinion of Counsel or documents relating to contract negotiations, disclosure may only be made if the Councillor signs an undertaking promising not to further disclose the document.

Members also have a right to get copies of documents under the Freedom of Information (Scotland) Act. Again, there are some exemptions.

- 6.4 The common law right is based on the principle that any Member has a right to inspect Council documents if access is reasonably necessary to enable the Member to perform his/her duties as a Member of the Council – commonly referred to as the "need to know" principle.
- 6.5 The exercise of this common law right depends upon the Member's ability to demonstrate that he/she has the necessary "need to know". This question will initially be determined by the Executive Director who holds the document in question. In the event of a dispute, the question should be referred to the Chief Executive (taking advice if necessary from the Monitoring Officer).
- 6.6 A "need to know", and therefore a right to inspect, will not exist in relation to:

- A document which forms part of the internal workings of another party group;
  - The working draft of an officer's report before it has been authorised for circulation to Council or other committee;
  - Personal information covered by the provisions of the Data Protection Act.
- 6.7 In some areas there are specific statutory codes which deal with the treatment of confidential information. This is especially true of Education and Social Work records. At all times, both Members and officers must recognise the need to operate within the overall legislative framework surrounding information.
- 6.8 There is no automatic right to confidentiality of any communication. Members and officers need to be aware that the Council is subject to the rigours of the Freedom of Information (Scotland) Act and Environmental Information (Scotland) Regulations and Re-use of Public Sector Information Regulations which require the Council to provide, subject to exceptions, recorded information held by it.
- 6.9 Members and officers should be aware of the provisions of the Data Protection Act 2018 which incorporates the provisions of the General Data Protection Regulation. Anyone who holds personal information may require to be registered with the Information Commissioner's Office (ICO). Personal information obtained through the Council, such as committee reports or information provided by Officers is covered by the Council's registration and requires to be handled in accordance with the Council's procedures for processing such information. Information obtained through a political party of which you are a member is likely to be covered by that Party's registration. Similarly, it requires to be handled in accordance with the Party's procedures for processing such information. However if Members hold personal information (such as details of constituent enquiries), and most will do so, they will require to be individually registered under the Data Protection Act. When holding personal information Members must abide by the following rules:-
- Members must have some legitimate basis for holding and using the information, usually because your constituent has provided their personal information to enable you to investigate their concern. As long as the information is used for this purpose, the constituent's consent is the basis on which you can share this information with others to investigate their concern. In other words, if a constituent or other member of the public asks you to resolve an issue you are allowed to contact officers to attempt to resolve the issue on behalf of your constituent.
  - Only use the information for the purposes for which it was given.
  - You should ensure that any personal information which you hold is stored securely, whether in electronic or paper format.
  - You should not keep the information any longer than you need to.

- Personal information held by the local authority should not be used for political purposes unless both the local authority and the individuals' concerned agree.
- Where sharing information with another ward councillor, the constituent must be made aware that this is going to take place and why it is necessary. Where they object to this information sharing cannot happen.
- Members requesting sensitive personal information on behalf of constituents from the Health and Social Care Partnership or other Directorates will only receive such information if they have a signed consent form from the constituent asking the Councillor to obtain such information.
- If you receive a Subject Access Request seeking information held by you, you will need to respond within the legislative timescales of 30 days. This is likely to relate to constituent enquiries, rather than information you obtained from the Council.

The ICO's website gives further information including the following briefing 'Advice for Elected and Prospective Councillors' which can be viewed at:-

<https://ico.org.uk/media/for-organisations/documents/1432067/advice-for-elected-and-prospective-councillors.pdf>

While this advice is still valid, it has been supplemented by the Information Commissioner's 'Guide to the General Data Protection Regulation' which can be viewed at:-

<https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

The Council's Data Protection Officer can also provide further support, and will ensure that your registration with the ICO is in accordance with the Data Protection (Charges and Information) Regulations 2018

- 6.10 Members should not put pressure on officers to provide them with documents to which they have no statutory or common law right or to withhold from other Councillors documents to which they have a statutory common law right of access. The advice of the Monitoring Officer and the Chief Executive should be sought promptly if there is doubt about whether access should be given.
- 6.11 If a Member is refused information by a Council employee they should be clearly advised as to why they are being refused.  
If a Member is not satisfied by the refusal he should initially raise the issue with the appropriate Executive Director. If a Member is not satisfied with the Executive Director's refusal of information the member can appeal this refusal to the Council's Chief Executive who may refer this to the Monitoring Officer to be dealt with as a Freedom of Information Review.



If the Chief Executive/Monitoring Officer refuses the request on the basis that it results in the disclosure of personal information under the Data Protection Act, or on the basis that disclosure would be illegal, the Member can appeal this refusal to the Freedom of Information Commissioner.

- 6.12 Both Members and officers have access to information which has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. Confidential information must never be disclosed or used for personal advantage or to the disadvantage or the discredit of the Council or anyone else. This is a breach of the Councillors' Code of Conduct.
- 6.13 In light of the above procedures, Members will not normally be expected to request information under the Freedom of Information arrangements.

## **7. ACCESS TO ADVICE**

7.1 Officers provide professional and managerial advice to Councillors in a number of settings.

- To the Council, committees, sub-committees and working groups in written reports;
- To the political leadership;
- To the party groups;
- To individual Councillors with specific roles (Committee Chairs, Portfolio Holders);
- To individual Councillors as local members.

7.2 Officers within a Directorate are accountable to their Executive Director and Heads of Service and should take this into account when giving advice to Elected Members.

7.3 In the spirit of informed and co-operative working the Chair of a committee will often be consulted on the preparation of reports. However the ultimate decision on whether and when to submit a report to Council or committee is one for officers. While employees will wish to listen to the views of Chairs or Portfolio Holders, the Executive Director will always have final responsibility for the contents of any report submitted in his/her name. The decision on whether to submit a motion to Council is one for an Elected Member, subject to the provision in Standing Orders which allows the Provost to rule on whether an illegal motion can be admitted. An Elected Member has the right to submit a motion to the Council which disagrees with the advice and recommendation of an officer.

### **7.4 Committee Chairs and Portfolio Holders**

Portfolio Holders are recognised as the legitimate spokespersons on their Directorate's area of responsibility.

Where authority is delegated to employees they may wish to consult the relevant Portfolio Holder about the action they propose to take but the responsibility for the final decision remains with the employee who is accountable for it. Portfolio Holders and Chairs should bear this in mind when discussing proposed action with employees.

- 7.4.1 Chairs and Portfolio Holders will have many dealings with employees. These employees should always seek to assist a Chair or Portfolio Holder but it must be remembered that they are ultimately responsible to their Executive Director.

## **7.5 Party or Independent Groups and Officers**

- 7.5.1 The Council operates through a system of groups of councillors, based on political affiliation and Independent Members. All employees must, in their dealings with Groups and Members, treat them in a fair and even handed manner. Employees must at all times maintain political neutrality.

- 7.5.2 Officers may properly be called upon to support and contribute to deliberations by Groups on matters of Council business under consideration. This support can be provided in many forms, ranging from a briefing meeting with a Portfolio Holder to a presentation to a full party group meeting. Whilst in practice such support is likely to be in most demand from the Group or Groups in control of the Council, support is available to all Groups. The advice given by employees to different Groups and individual Members should be consistent.

- 7.5.3 If attendance at a Group meeting is required, the office bearers of the Group should contact the Chief Executive and outline the type of advice they are seeking. The Chief Executive will decide whether attendance at the meeting is appropriate, and which officer(s) should attend.

- 7.5.4 Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party or political business and are not expected to be present at meetings or parts of meetings when matters of party business are to be discussed.

- 7.5.5 Officers must respect the confidentiality of any Group discussions at which they are present. It is acknowledged however that factual information upon which any advice is based will, if requested, be available to all Groups.

- 7.5.6 Special care needs to be exercised if officers are involved in providing information and advice to a Group meeting which includes persons who are not Members of the Council.

Such persons are not bound by the Councillors' Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality). For this and other reasons, officers may not be able to provide the same level of information and advice as they would to a meeting where those in attendance are bound by the provisions of the Code. Normally

an officer attending a Group meeting must request that non-Councillors be absent for the period of their attendance.

- 7.5.7 Officers must respect the confidentiality of any discussions at which they are present with Members. If officers receive information which, although confidential, they have a duty to disclose elsewhere, they must indicate that this is the case.
- 7.5.8 Conclusions reached at party group meeting are not Council decisions, and it is essential that they are not interpreted or acted upon as such.
- 7.5.9 Providing information and advice to a Group cannot act as a substitute for providing all necessary information and advice to Council or the relevant committee or sub-committee.
- 7.5.10 Elected Members should recognise that information and advice given by employees should be used to enhance discussion and debate at Council and committee meetings. If such information is used for political advantage, for example media briefings beforehand, then the process could become devalued and place employees in a difficult position in giving information and advice.
- 7.5.11 The Chair of a political group meeting attended by employees has a responsibility for ensuring that those attending are clear on the status of the meeting and the basis on which employees are attending.
- 7.5.12 Officers must never allow their own personal or political opinions to interfere with their professional advice. Officers should not take part and Members should not ask officers to take part in any activity which could be seen as influencing support for a party. Members should raise with the Chief Executive any concerns about the political neutrality of an officer.
- 7.5.13 Senior Officers, and other officers providing advice and support services to Elected Members, are subject to legal rules limiting their political activities outside work.
- 7.5.14 Should any difficulty of uncertainty arise in the area of employees' advice to party groups, this should be raised with the Chief Executive, who will discuss the matter with the group leader.

## **8. THE COUNCIL AS EMPLOYER**

- 8.1 Officers are employed by the Council and both they and the Council are governed by contracts of employment and the Council's personnel policies and procedures. The Council has a duty of care towards all of its employees and these Guidelines reflect this.
- 8.2 In making employment decisions, the key principles for Elected Members to follow are:

- Members involved in appointments of employees must act fairly and openly and judge candidates solely on merit;
- Members should not gain financially or personally, nor should their families or friends;
- Members have a duty to declare any private interest, and to protect the public interest;
- Members should have no involvement in employment or recruitment decisions in which they have a personal interest;
- In making public appointments or recommending people for rewards or benefits, Members must make choices on merit, using objective criteria;
- Members should be open about, and are accountable for, the decisions they make in the role of employer. However, some employment matters should be dealt with in confidence;
- Employment issues are usually dealt with by following written procedures, often agreed with the unions. Members should not do anything to undermine the following of proper procedures.

8.3 Members are collectively responsible when acting as employer and are bound by the complete framework of national and European employment law. However, it must be noted that an individual who commits an act of discrimination on the basis of race, gender or disability can be personally liable. The Council is an equal opportunity employer and Members should be guided by this principle in all their relationships with staff.

8.4 In addition, under the Code of Conduct:

- Members must not solicit a job with the Council for any person (but, in appropriate cases, may give them a written testimonial);
- Members must not try to influence the recruitment process;
- Members should know that canvassing support for a candidate for a job with the Council disqualifies the candidate from that job.

8.5 Members must not become involved in issues relating to individual employees' pay or terms and conditions of employment, except while serving on a committee delegated to deal with such matters. A Staffing and Recruitment Committee has been established for Chief Executive and Chief Officer appointments. An Appeals Committee has been established to hear appeals lodged by individual members of staff against certain decisions, such as dismissal. All other disciplinary, capability or grievance processes are decisions for officers.

8.6 Members must not get involved in the operational management or delivery of Council services; this is an officer role. Members are responsible for policy and strategy and officers are responsible for operational management of services. As a general rule, if a power is delegated to officers under the Council's Scheme of Delegation it is operational.

The Standards Commission for Scotland have published an 'Advice Note for Councillors on Distinguishing between their Strategic Role and any Operational Work' which provides further information and can be viewed at:- <http://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings>

Nor must Members become involved in the management of Council employees or engage in activities which might undermine the management lines of responsibility or adherence to Council personnel procedures.

- 8.7 Members will frequently come into contact with representatives of the Joint Consultative Forum (JCF). The remit of the forum is:
- To provide a forum and procedure for Members and Trade Unions to meet on a regular and constructive basis to exchange information and resolve issues of mutual concern; and
  - To promote and develop good relations between the Council and their Trade Unions
- 8.8 This forum does not have a remit to become involved in matters affecting an individual employee's terms, conditions and pay and Members must observe this remit in their contacts with Trade Union Officials.
- 8.9 Members must, at all times, adopt a professional approach in their dealings with the Trades Unions and in particular must:
- Avoid giving unauthorised commitments;
  - Take a balanced view of information provided by the Trades Unions along with that of officers;
  - Not allow undue influence to be placed upon themselves.
- 8.10 Likewise, officers must not raise directly with Members any personal matter to do with their jobs, or relating to any potential appointment.
- 8.11 There are restrictions on former Elected Members' employment within the Council. A 12 month restriction for former Councillors being employed in politically restricted posts and for former Councillors who have been directly involved in the appointments process for Council Officers holding politically restricted posts, but the restriction is three months for all other posts.

## **9. MONITORING THE PERFORMANCE OF OFFICERS**

- 9.1 Members should set the parameters for Council work and then let officers undertake the work, whilst guaranteeing that strong monitoring and performance management systems are in place. Members should not be involved in the operational management of Council services; this is an officer role, as detailed in 8.6.

9.2 Members have a right to criticise reports or the actions taken by officers, but they should always:

- Avoid personal attacks on officers;
- Ensure that criticism is constructive and well founded;
- Avoid undermining respect for officers at committee meetings, in any public forum or through the media;
- Use the agreed grievance procedures (when resolution cannot be achieved through normal lines of communication).

9.3 The Chief Executive, as the statutory appointed Head of Paid Service, is the first point of contact for Members regarding organisational and staffing matters. Executive Directors and Heads of Service are the first point of contact in their respective service areas.

9.4 Complaints about officers or Council services should be made to the Executive Director or to the Chief Executive as appropriate. Members have a duty to raise any issues that they have reason to think might involve fraud or corruption of any sort. These issues must, however, be raised through the proper channels.

9.5 As detailed in paragraph 5.1 and in line with the Councillors' Code of Conduct reference to "mutual trust and respect", it is important that Members and officers should behave courteously to one another. While Councillors' enjoy a right of free speech in terms of Article 10 of the European Convention of Human Rights (ECHR) it should be noted:-

- The right to freedom of expression is not absolute. Restrictions may be imposed to ensure that the conduct of public life at the local government level, including public debate, does not fall below a minimum level so as to endanger public confidence in democracy.
- This includes protecting officers from offensive and abusive verbal attacks. It is in the public interest that officers are not subjected to unwarranted comments that prevent them from performing their duties in conditions free from disturbance.
- Public servants are subject to wider levels of acceptable criticism than other members of the public when matters of public concern are being discussed. However, the limits are not as wide as they are for elected politicians.

The recent Advice Note issued by the Standards Commission for Scotland on 'The Application of Article 10 of the ECHR and the Councillors' Code of Conduct' provides useful information on this.

9.6 The Monitoring Officer has power to report any proposal, decision or omission by the Council or its officers which causes or is likely to cause:

- A contravention of the law or any code of practice;

- A maladministration or injustice which could be investigated by the Scottish Public Services Ombudsman.

## **10. SUPPORT TO OFFICERS**

- 10.1 Just as Section 9 of this protocol provides Members with a mechanism for criticising the actions or decisions of officers, officers too must have some protection where they feel that Members' expectations are unreasonably demanding or in conflict with managerial instruction or Council policy or procedure.
- 10.2 Complaints or concerns should be raised with the appropriate Directorate's Executive Director, or with the Chief Executive. Officers have the right to make a complaint about a breach of the Councillors' Code of Conduct to the Standards Commission. While individual Councillors have the right to defend any such complaint, pressure must not be put on any officer by Council, its committees or councillors to withdraw or amend the complaint.

## **11. SUPPORT SERVICES TO MEMBERS AND PARTY GROUPS**

- 11.1 The Council can only lawfully provide support services to Members to assist them in discharging their role as Members of the Council – secretarial and typing support, policy support, stationery, printing, photocopying, transport and such like. Support services must be used only for Council business. They must never be used in connection with party political or campaigning activity or for private purposes. Members should never ask staff to provide improper support.
- 11.2 The protocols governing the duties of Members' support services staff are as follows:
- They are Council employees and subject to Council contracts of employment, Standing Orders, and staff instructions. As such they cannot be required to breach Council procedure, the terms of their contract of employment or the legal restrictions on them;
  - They are responsible to officers for the conduct of their duties. Any issues about conflicting priorities, conduct or performance must be referred to their line managers;
  - They cannot represent or stand in for Members;
  - The existence of Members' services support staff should not detract from normal Member/officer relationships.

## 12. MULTI-MEMBER WARDS

- 12.1 Members have a duty to be accessible to all the people of the multi-member ward they have been elected to and to serve their interests conscientiously. However Members also have a duty to act in the interests of the Council area as a whole and all the communities served by it, not just those of their own ward or town.
- 12.2 The introduction of multi-Member wards has implications for the co-ordination of constituents' enquiries. Individual constituents have the right to choose to approach any of the Elected Members representing their ward.
- 12.3 When constituents seek contact with local Elected Members, information should be provided in a consistent manner, leaving the constituent to choose which Elected Member they wish to contact. Elected Members' names and contact details should be provided in alphabetical order, by surname, along with their political affiliation.
- 12.4 Where a constituent has not identified a particular Councillor to deal with their concerns, officers should contact the constituent to clarify which Member they would like to deal with their enquiry.
- 12.5 If a constituent does not wish to specify a Member, the last resort should be to copy the query to all the ward Members, with the express permission of the constituent.
- 12.6 Members within a particular ward may agree among themselves on ways of allocating responsibilities, however the individual constituent has the right to approach the Elected Member of their choice.
- 12.7 The relationship between the Elected Member and constituents is of a confidential nature, therefore the consent of the constituent is required before any information about them or the nature of their query is passed between Elected Members.
- 12.8 An Elected Member may suggest to a constituent passing on their query to another Elected Member. Such a referral should only be made with the express approval of the constituent who may request that the enquiry be dealt with by the Member of their choice.
- 12.9 There is the possibility that constituents could raise their concerns with more than one Elected Member, without the Elected Members knowing this. This could lead to the situation where one officer is dealing with an enquiry without knowing that another officer is also dealing with the same enquiry. To avoid this potential duplication, Members should ensure that constituent complaints are recorded in the Lagan system.



## **13. MEETINGS AND CORRESPONDENCE**

- 13.1 Both Members and officers should take proper account of the time demands each is under when arranging meetings, particularly at short notice.
- 13.2 Officers should respond to requests for meetings with Members with priority but where these are requested at short notice, Members should accept that officers may have pre-arranged commitments.
- 13.3 There is no requirement for officials to invite other ward Members to, or notify them about, meetings organised by an individual Councillor with that official.
- 13.4 When Councillors initiate a meeting, officers should always ensure that the Councillors are given the opportunity to have other ward members attend.
- 13.5 Whenever a public meeting or consultative exercise on an issue local to one or more wards, is arranged by the Council, all ward Members should generally be invited to attend that meeting.
- 13.6 Officers should not divulge their discussions with individual Councillors to other Councillors, particularly Councillors of another political party, without the consent of the individual Councillor concerned. Correspondence between an individual Member and an officer should not be copied by an officer to any other Member. Where it is necessary to copy the correspondence to another Member, this should be made clear to the original Member at the time, or the consent of the original Member obtained. Officers are however entitled to divulge such discussions and correspondence to other officers, particularly Chief Officers where required. These other officers will also be bound not to disclose the discussions or correspondence to other Councillors, without the consent of the original Councillor.
- 13.7 When officers write to or meet with residents regarding matters of general concern in an area, all ward councillors should be sent copies or informed.

## **14. MEDIA RELATIONS**

- 14.1 The Chief Executive in consultation with the Council Leader where appropriate, and the Corporate Communications Manager, will issue press releases and similar information on behalf of the Council, deal with media enquiries and implement the Council's Communications Strategy. Officers are responsible for the decision whether to issue a press release on behalf of the Council, its timing and content. However if a Member is to be quoted in a press release that Member must first have agreed the terms of any such quote.
- 14.2 Individual Executive Directors when issuing press releases and dealing with media enquiries in relation to their own service will do so in consultation with the Corporate Communications Manager.

- 14.3 Where a response is required to circumstances which are corporate or “council wide”, the Chief Executive, in consultation with the Council’s Corporate Communications Manager, will express the views of the authority within the corporate policies agreed by the Council.

## **15. REVIEW OF THE GUIDELINES**

- 15.1 These Guidelines will be kept under review and may be amended by the Council from time to time. They will be kept up to date to take into account any future relevant legislation. Any amendments will be communicated to employees and Members.