TREETON
PARISH COUNCIL

CIVILITY & RESPECT POLICY
PARISH COUNCILLOR-OFFICER PROTOCOL

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PARISH COUNCILLOR-OFFICER PROTOCOL

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INTRODUCTION

The purpose of this Protocol is to guide Parish Councillors and Officers of the Parish Council in their relations with one another. The Protocol's intention is to build and maintain good working relationships between parish councillors and officers as they work together. Employees who are required to give advice to parish councillors are referred to as "officers" throughout.

A strong, constructive, and trusting relationship between parish councillors and officers is essential to the effective and efficient working of the council.

This Protocol also seeks to reflect the principles underlying the Code of Conduct which applies to parish councillors and the employment terms and conditions of officers. The shared objective is to enhance and maintain the integrity (real and perceived) of local government.

The following extract from the Local Government Association guidance on the 2020 Model councillor Code of Conduct states that:

'Both parish councillors and officers are servants of the public and are indispensable to one another. Together, they bring the critical skills, experience and knowledge required to manage an effective local authority'.

At the heart of this relationship, is the importance of mutual respect, parish councillor- officer relationships should be conducted in a positive and constructive way.

Therefore, it is important that any dealings between parish councillors and officers should observe reasonable standards of courtesy, should show mutual appreciation of the importance of their respective roles and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.

Parish councillors provide a democratic mandate to the local authority and are responsible to the electorate whom they represent. They set their local authority's policy framework, ensure that services and policies are delivered and scrutinise local authority services.

Chairs and vice chairs of the parish council and of committees have additional responsibilities. These responsibilities will result in increased expectations and relationships with officers that are more complex. Such parish councillors must still respect the impartiality of officers and must not ask them to undertake work of a party- political nature or compromise their position with other parish councillors or other officers.

Officers provide the professional advice and managerial expertise and information needed for decision making by parish councillors and to deliver the policy framework agreed by parish councillors. They are responsible for implementing decisions of parish councillors and the day-to-day administration of the local authority.

The roles are very different but need to work in a complementary way.

It is important for both sides to respect these differences and ensure that they work in harmony. Getting that relationship right is an important skill. That is why the code requires parish councillors to respect an officer's impartiality and professional expertise. In turn officers should respect a parish councillor's democratic mandate as the people accountable to the public for the work of the local authority. It is also important for a local authority to have a parish councillor-officer protocol which sets out how this relationship works and what both councillors and officers can expect in terms of mutual respect and good working relationships."

This Protocol covers:

- The respective roles and responsibilities of the parish councillors & the officer;
- Relationships between parish councillors and officers;
- Where/who a parish councillor or officer should go to if they have concerns;
- Who is responsible for making decisions.

BACKGROUND

This Protocol is intended to assist parish councillors and officers, in approaching some of the sensitive circumstances which arise in a challenging working environment.

The reputation and integrity of the parish council is significantly influenced by the effectiveness of parish councillors and the officer working together to support each other's roles.

The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy. Overly close personal familiarity between parish councillors and officers is not recommended as it has the potential to damage this relationship

ROLES OF PARISH COUNCILLORS AND OFFICERS

The respective roles of parish councillors and officers can be summarised as follows:

- Parish Councillors and officers are servants of the public and they are indispensable to one and other, but their responsibilities are distinct.
- Parish Councillors are responsible to the electorate and serve only for their term of office.
- Officers are responsible to the parish council. Their job is to give advice to parish councillors and to the parish council, and to carry out the parish council's work under the direction and control of the parish council and relevant committees.

Parish Councillors

Parish councillors have four main areas of responsibility:

- To determine parish council policy and provide community leadership;
- To monitor and review parish council performance in implementing policies and delivering services;
- To represent the parish council externally; and
- To act as advocates for their constituents.

All parish councillors have the same rights and obligations in their relationship with the officer, regardless of their status and should be treated equally.

Parish councillors should not involve themselves in the day to day running of the parish council. This is the officer's responsibility, and the officer will be acting on instructions from the parish council or its committees, within an agreed job description.

In line with the parish councillors' Code of Conduct, a parish councillor must treat others with respect, must not bully or harass people and must not do anything which compromises, or is likely to compromise, the impartiality of those who work for, or on behalf of, the parish council.

Officers can expect Parish Councillors:

- To give strategic leadership and direction and to seek to further their agreed policies and objectives with the understanding that parish councillors have the right to take the final decision on issues based on advice
- To act within the policies, practices, processes and conventions established by the parish council
- To work constructively in partnership with officers acknowledging their separate and distinct roles and responsibilities
- To understand and support the respective roles and responsibilities of officers and their associated workloads, pressures and reporting lines
- To treat them fairly and with respect, dignity and courtesy
- To act with integrity, to give support and to respect appropriate confidentiality
- To recognise that officers do not work under the instruction of individual parish councillors or groups
- Not to subject them to bullying, intimidation, harassment, or put them under undue pressure.
- To treat all officers, partners (those external people with whom the council works) and members of the public equally, and not discriminate based on any characteristic such as age, sex, race, sexual orientation, gender identity, disability or religion.

- Not to request officers to exercise discretion which involves acting outside the parish council's policies and procedures
- Not to authorise, initiate, or certify any financial transactions or to enter into any contract, agreement or undertaking on behalf of the parish council or in their role as a parish councillor without proper and lawful authority
- Not to use their position or relationship with officers to advance their personal interest or those of others or to influence decisions improperly
- To comply at all times with the councillors' Code of Conduct, the law, and such other policies, procedures, protocols and conventions agreed by the parish council.
- Respect the impartiality of officers and do not undermine their role in carrying out their duties
- Do not ask officers to undertake work, or act in a way, which seeks to support or benefit a particular political party or gives rise to an officer being criticised for operating in a party-political manner
- Do not ask officers to exceed their authority where that authority is given

Chairs and vice-chairs of Parish Council and committees

Chairs and vice-chairs have additional responsibilities as delegated by the parish council. These responsibilities mean that they may have to have a closer working relationship with employees than other parish councillors do. However, they must still respect the impartiality of officers and must not ask them to undertake work or anything else which would prejudice their impartiality.

Officers

The primary role of officers is to advise, inform and support all members and to implement the agreed policies of the parish council.

Officers are responsible for day-to-day managerial and operational decisions within the parish council, including directing and overseeing the work of any more junior officers. Parish councillors should avoid inappropriate involvement in such matters.

In performing their role officers will act professionally, impartially and with neutrality. Whilst officers will respect a parish councillor's view on an issue, the officer should not be influenced or pressured to make comments, or recommendations which are contrary to their professional judgement or views.

Officers' must:

- Implement decisions of the parish council and its committees which are lawful, which have been properly approved in accordance with the requirements of the law and are duly recorded. This includes respecting the decisions made, regardless of any different advice given to the parish council or whether the decision differs from the officer's view.

- Work in partnership with parish councillors in an impartial and professional manner
- Treat parish councillors fairly and with respect, dignity and courtesy
- Treat all parish councillors, partners and members of the public equally, and not discriminate based on any characteristic such as age, sex, race, sexual orientation, gender identity, disability or religion.
- Assist and advise all parts of the parish council. Officers must always act to the best of their abilities in the best interests of the authority as expressed in the parish council's formal decisions.
- Respond to enquiries and complaints in accordance with the parish council's standards protocol
- Be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for parish councillors, the media or other sections of the public.
- Act with honesty, respect, dignity and courtesy at all times
- Provide support and learning and development opportunities for councillors to help them in performing their various roles in line with the parish council's training and development policy
- Not seek to use their relationship with councillors to advance their personal interests or to influence decisions improperly
- Comply, at all times, with the Officers' Code of Conduct, and such other policies or procedures approved by the parish council

Officers have the right not to support parish councillors in any role other than that of parish councillor, and not to engage in actions incompatible with this Protocol.

In giving advice to parish councillors, and in preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations. An officer may report the views of individual parish councillors on an issue, but the recommendation should be the officer's own. If a parish councillor wishes to express a contrary view, they should not pressurise the officer to make a recommendation contrary to the officer's professional view, nor victimise an officer for discharging his/her responsibilities.

There are exceptional circumstances where a parish councillor can fulfil the role of officer, for example where there is a vacancy. This can only be done if the parish councillor is not paid for the role and should only ever be short-term while the parish council seeks to fill a vacancy. There will need to be a particular clear understanding of when the parish councillor is acting as a parish councillor and when acting as the Proper Officer.

The Relationship:

General

Parish councillors and officers are indispensable to one another. However, their responsibilities are distinct. Parish councillors are accountable to the public, whereas officers are accountable to the parish council as a whole.

At the heart of this Protocol is the importance of mutual respect and also of civility. Parish councillor/officer relationships are to be conducted in a positive and constructive way. Therefore, it is important that any dealings between parish councillors and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position nor seek to exert undue influence on the other party.

Individual parish councillors should not actively seek to undermine majority decisions of the corporate body, as this could then bring them into conflict with officers who have been charged with promoting and implementing the parish council's collectively-determined course of action.

Parish councillors should not raise matters relating to the conduct or capability of an officer, or of officers collectively, in a manner that is incompatible with this Protocol at meetings held in public or on social media. This is a long-standing tradition in public service. An officer has no means of responding to criticisms like this in public.

A parish councillor who is unhappy about the actions taken by, or conduct of, an officer should:

- Avoid personal attacks on, or abuse of, the officer at all times
- Ensure that any criticism is well founded and constructive
- Ensure that any criticism is made in private
- Take up the concern with the chair

Neither should an officer raise with a parish councillor matters relating to the conduct or capability of another parish councillor or officer or to the internal management of the parish council in a manner that is incompatible with the objectives of this Protocol.

Potential breaches of this Protocol are considered below.

Expectations

All Parish Councillors can expect:

- A commitment from officers to the parish council as a whole, and not to any individual parish councillor, group of parish councillors or political group;
- A working partnership;
- Officers to understand and support respective roles, workloads and pressures;

- A timely response from officers to enquiries and complaints;
- Officer's professional and impartial advice, not influenced by political views or personal preferences;
- Timely, up to date, information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities or positions that they hold;
- Officers to be aware of and sensitive to the public and political environment locally;
- Respect, courtesy, integrity and appropriate confidentiality from officers and other parish councillors;
- Training and development opportunities to help them carry out their role effectively;
- Not to have personal issues raised with them by officers outside the parish council's agreed procedures;
- That officers will not use their contact with parish councillors to advance their personal interests or to influence decisions improperly.

Officers can expect from Parish Councillors:

- A working partnership;
- An understanding of, and support for, respective roles, workloads and pressures;
- Leadership and direction;
- Respect, courtesy, integrity and appropriate confidentiality;
- Not to be bullied or to be put under undue pressure;
- That parish councillors will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly;
- That parish councillors will at all times comply with the council's adopted Code of Conduct.

Some general principles

Close personal relationships between parish councillors and officers can confuse their separate roles and get in the way of the proper conduct of parish council business, not least by creating a perception in others that a particular parish councillor or officer is getting preferential treatment.

Special relationships with particular individuals are not recommended as it can create suspicion that an employee favours that parish councillor above others.

The Proper Officer (usually called the Clerk) is the head of paid services and has a line- management responsibility to all other staff. Communications should be made directly with the Proper Officer, unless it is agreed by the Proper Officer that such communications may take place directly with other officers over a particular matter. Parish councillors should not give instructions directly to the Proper Officer's staff without the express approval of the Proper Officer.

PARISH COUNCILLORS' ACCESS TO INFORMATION AND TO PARISH COUNCIL DOCUMENTS

Parish councillors are free to approach officers to provide them with such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as members of the parish council. This can range from a request for general information about some aspect of the parish council's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Officer.

The legal rights of parish councillors to inspect parish council documents are covered partly by statute and partly by the common law.

The common law right of parish councillors is based on the principle that any member has prima facie right to inspect parish council documents so far as their access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the parish council. This principle is commonly referred to as the "need to know" principle.

The exercise of this common law right depends therefore upon the parish councillor's ability to demonstrate that they have the necessary "need to know". In this respect a member has no right to "a roving commission" to go and examine documents of the parish council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must be determined by the officer.

In some circumstances (e.g., a committee member wishing to inspect documents relating to the functions of that committee) a parish councillor's "need to know" will normally be presumed. In other circumstances (e.g., a parish councillor wishing to inspect documents which contain personal information about third parties) a parish councillor will normally be expected to justify the request in specific terms. Any parish council information provided to a parish councillor must only be used by the councillor for the purpose for which it was provided i.e., in connection with the proper performance of the parish councillor's duties as a member of the parish council.

For completeness, parish councillors do, of course, have the same right as any other member of the public to make requests for information under the Freedom of Information Act 2000.

CORRESPONDENCE

Correspondence between an individual parish councillor and an officer should not normally be copied (by the officer) to any other parish councillor. Where exceptionally it is necessary to copy the correspondence to another parish councillor, this should be made clear to the original parish councillor. In other words, a system of “silent copies” should not be employed.

Acknowledging that the “BCC” system of e-mailing is used, it should be made clear at the foot of any e-mails if another parish councillor has received an e-mail by adding “CC parish councillor X.”

Official letters or emails on behalf of the parish council should normally be sent out under the name of the officer, rather than under the name of a parish councillor. It may be appropriate in certain circumstances (e.g., representations to a government minister) for a letter or email to appear over the name of the chair, but this should be the exception rather than the norm. Letters or emails which, for example, create obligations or give instructions on behalf of the parish council should never be sent out in the name of a parish councillor.

Correspondence to individual parish councillors from officers should not be sent or copied to complainants or other third parties if they are marked “confidential”. In doing so, the relevant officer should seek to make clear what is to be treated as being shared with the parish councillor in confidence only and why that is so.

PRESS AND MEDIA

Parish councils are accountable to their electorate. Accountability requires local understanding. This will be promoted by the parish council, explaining its objectives and policies to the electors and customers. Parish councils use publicity to keep the public informed and to encourage public participation. The parish council needs to tell the public about the services it provides. Good effective publicity should aim to improve public awareness of the parish council’s activities.

Publicity is a sensitive matter in any political environment because of the impact it can have. Expenditure on publicity can be significant. It is essential to ensure that decisions on publicity are properly made in accordance with the Code of Recommended Practice on Local Authority Publicity and the council’s Media Protocol.

The officer may respond to press enquiries but should confine any comments to the facts of the subject matter and the professional aspects of the function concerned. On no account must an officer expressly or impliedly make any political opinion, comment or statement.

Any press release that may be necessary to clarify the parish council’s position in relation to disputes, major planning developments, court issues or individuals’ complaints should be approved by the officer.

The chair (or chair of a committee) may act as spokespersons for the parish council in responding to the press and media and making public statements on behalf of the

parish council but should liaise with the officer on all forms of contact with the press and media. The council may also appoint individual councillors as spokespeople where there is an area of particular expertise but this should only be done with the agreement of the parish council.

The council must comply with the provisions of the Local Government Act 1986 ("the Act") regarding publicity. All media relations work will comply with the national Code of Practice for Local Government Publicity. The Code is statutory guidance and the parish council must have regard to it and follow its provisions when making any decision on publicity.

The LGA has produced useful guidance on the Publicity Code - https://www.local.gov.uk/publications/short-guide-publicity-during-pre-election-period

For more detailed information and guidance regarding the role of parish councillors in connection with the use of social media, reference should be made to the parish council's Social Media Protocol where there is one in place.

IF THINGS GO WRONG

Procedure for Officers:

From time to time the relationship between parish councillors and the officer (or other employees) may break down or become strained. Whilst it is always preferable to resolve matters informally, it is important that the parish council adopts a formal grievance protocol or procedure.

The principal council's monitoring officer may be able to offer a mediation/conciliation role or it may be necessary to seek independent advice. The chair of the parish council should not attempt to deal with grievances or work-related performance or line management issues on their own. The parish council should delegate authority to a small group of parish councillors to deal with all personnel matters.

The law requires all employers to have disciplinary and grievance procedures. Adopting a grievance procedure enables individual employees to raise concerns, problems or complaints about their employment in an open and fair way.

Where the matter relates to a formal written complaint alleging a breach of the parish councillors' Code of Conduct the matter must be referred to the principal council's monitoring officer in the first instance in line with the Localism Act 2011. The parish council may however try to resolve any concerns raised informally before they become a formal written allegation.

Procedure for Parish Councillors:

If a parish councillor is dissatisfied with the conduct, behaviour or performance of the officer or another employee, the matter should be reported to the chair and then raised with the officer in the first instance. If the matter cannot be resolved informally, it may be necessary to invoke the parish council's disciplinary procedure