



Sudbury Town Council

Member Staff Relations Policy

1. Introduction

1.1 The relationship between Councillors and Staff is essential to the successful working of the organisation. This relationship within the council is characterised by mutual respect, informality and trust. Councillors and Staff must feel free to speak to one another openly and honestly.

1.2 The purpose of this Protocol is to help Councillors and Staff to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other. The Protocol also gives guidance on what to do when there is a disciplinary or efficiency issue and on the rare occasions when things go wrong. Responsibility for the operation of this protocol lies with the Town Clerk as the Head of the Paid Service.

1.3 The Protocol must be read and operated in the context of any relevant legislation and national and local Codes of Conduct and any procedure for confidential reporting.

2. Roles of Councillors and Staff

2.1 The respective roles of Councillors and Staff can be summarised as follows: Councillors and Staff are servants of the public and they are indispensable to one another. However, their responsibilities are distinct. Councillors are responsible to the electorate and serve only so long as their term of office lasts. Staff are responsible to the council as a corporate body. Their job is to give advice to Councillors and to the authority, and to carry out the authority's work under the direction and control of the Council and the relevant committees. Mutual respect between Councillors and Staff is essential to good local government.

2.2 Councillors have four main areas of responsibility:-

- (a) determining the policy of the council and giving it political leadership;
- (b) monitoring and reviewing the performance of the council in implementing that policy and delivering services;
- (c) representing the council externally; and
- (d) acting as advocates on behalf of their wards.

2.3 It is not the role of Councillors to involve themselves in the day-to-day management of the council's services.

2.4 The role of Staff is to give advice and information to Councillors and to implement the policies resolved by the council.

2.5 In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the Officer to express his own professional views and recommendations. Whilst an Officer may report the views of individual Councillors on an issue, if the Councillor wishes to express a contrary view he should not seek to pressure the Officer to make a recommendation contrary to the Officer's professional view.

2.6 Certain Staff (i.e. the Proper Officer and the Section 151 Officer) have responsibilities in law over and above their obligations to the council and to individual Councillors. Councillors must respect these obligations, must not obstruct Staff in the discharge of these responsibilities, and must not victimise Staff for discharging these responsibilities.

3. Expectations

3.1 Councillors can expect from Staff:-

- (a) A commitment to the council as a whole, and not to any political group.
- (b) A working partnership.
- (c) An understanding of and support for respective roles, workloads and pressures.
- (d) Timely response to enquiries and complaints.
- (e) Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of Staff.
- (f) Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold.
- (g) Awareness of and sensitivity to the political environment.
- (h) Respect, dignity and courtesy.
- (i) Training and development in order to carry out their role effectively.
- (j) Integrity, mutual support and appropriate confidentiality.
- (k) That employees will not use their relationship with Councillors to advance their personal interests or to influence decisions improperly.
- (l) That Staff will at all times comply with the relevant Code of Conduct.
- (m) Support for the role of Councillors as the elected representatives of the council.

3.2 Staff can expect from Councillors:-

- (a) A working partnership.

- (b) An understanding of and support for respective roles, workloads and pressures.
- (c) Political leadership and direction.
- (d) Respect dignity and courtesy.
- (e) Integrity, mutual support and appropriate confidentiality.
- (f) Not to be subject to bullying or to be put under undue pressure. Councillors should have regard to the seniority of Staff in determining what are reasonable requests, having regard to the power relationship between Members and Staff, and the potential vulnerability of Staff, particularly at junior level.
- (g) That Councillors will not use their position or relationship with Staff to advance their personal interests or those of others or to influence decisions improperly.
- (h) That Councillors will at all times comply with the relevant Code of Conduct.

4. Relations between Councillors and Staff

- 4.1 Mutual respect between Councillors and staff is essential to good local government. Personal relationships or close personal familiarity between individual Councillors and Staff can damage this relationship and prove embarrassing to other Councillors and Staff.
- 4.2 It is not enough to avoid actual impropriety. Councillors and Staff should at all times avoid any occasion for suspicion and any appearance of improper conduct.
- 4.3 Where there is a close relationship, it should be declared by both the Councillor and Officer to the Town Clerk who will treat them as confidential. The Councillor should also advise their Group Leader if applicable.
- 4.4 A close relationship includes any family business or close personal relationships. It is not possible to define exactly the range of relationships that would be considered close or personal. Examples however would include a family or sexual relationship and regular social mixing such as holidays or evening meals together.
- 4.5 In their dealings with staff (especially junior staff) Councillors need to be aware that it is easy for staff to be overawed and feel at a disadvantage. Such feelings can be intensified where Councillors hold an official office such as the Mayor.
- 4.6 A Councillor should not pressure an Officer to do something he is not authorised to do and which is against his professional judgement. A Councillor should also not require an Officer to do something which is outside his normal duties or working hours.
- 4.7 An Officer must not seek to influence a Councillor to do something that may be advantageous to the member of staff personally or professionally or injurious to another Officer. Any approaches of this nature should be reported to the Town Clerk.
- 4.8 No Councillor or Officer shall criticise or otherwise undermine the other at Council or other public meetings.

4.9 Councillors will take no part in the appointment, management or dismissal of staff except through the formal HR Committee process. Nor should they seek to influence in any way the appointment or dismissal of a particular person. Any informal discussions or contacts with staff who are involved in a disciplinary or management procedure must be reported in writing to the Chairman of the HR Committee at the earliest opportunity. (see Annex A)

5. Staff relationships with Mayor, Committee Chairmen and Group Leaders

5.1 It is important that there are close working relationships between senior staff and senior members. However, such relationships should never be allowed to become so close or appear to be close, so that the ability of a staff member to deal impartially with other Councillors or groups is questioned.

5.2 The Town Clerk is expected to work closely with the Mayor and the Chairmen of the Committees and to meet regularly with them.

5.3 A Councillor should not seek to influence a member of staff to reduce the options or withhold information which should properly be reported to the appropriate Committee.

5.4 Any issues arising relating to such reports that cannot be resolved will be referred to the Town Clerk for resolution. The Town Clerk has the ultimate responsibility for the content of the agenda.

5.5 Staff are accountable to the Town Clerk and whilst Staff should always seek to assist any Councillor, they should not go beyond the limits of whatever authority they have been given by their line manager.

5.6 Prior to the Council and Committee meetings, it is acceptable for the appropriate managers to meet informally with the Mayor or Committee Chairman to discuss matters on the agenda, answer any questions that Councillors have which might improve the running of the meeting and also to enable specific issues to be highlighted for which staff and Councillors may need to prepare. These meetings should be arranged through the Town Clerk and be regarded as confidential meetings.

6. Political Groups

6.1 The operation of political groups is an integral feature of local government, and such political groups have an important part to play in the development of policy. However, most issues at town council level are non-political and members have a duty to consider the facts before deciding on the best way forward.

6.2 Staff serve the Council as a whole and not exclusively any political group, combination of groups or any individual member of the Councils.

6.3 Officer Attendance

(a) Any political group may request the Town Clerk to attend a meeting of the group, consisting of members of the Councils only, to advise on any particular matter relating to the town.

(b) The Town Clerk may decline to attend where he is of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.

(c) The Town Clerk's advice to political groups will be limited to a statement of material facts and identification of options and the merits and demerits of such options for the council. Advice will not deal with any political implications of the matter or any option, and staff will not make any recommendation to a political group.

(d) Staff will respect the confidentiality of any matter which they hear in the course of attending a political group meeting.

7. When things go wrong

7.1 Procedure for Staff. From time to time the relationship between Councillors and staff may break down or become strained. Whilst it will always be preferable to resolve matters informally, staff must report the issue to the Town Clerk, who will take on the problem if it has not been resolved. In the event of a grievance or complaint being upheld by the Town Clerk, he will usually seek advice from the Monitoring Officer at the District Council on the course of action to be taken. Where the member of staff is concerned about the Town Clerk, the matter should be raised with the Chairman of the HR Committee.

7.2 Procedure for Councillors. In the event that a Councillor is dissatisfied with the conduct, behaviour or performance of a member of staff, the matter should be raised with the Town Clerk. Where the member of staff concerned is Town Clerk, the matter should be raised with the Mayor. If the matter cannot be resolved informally, it may be necessary to invoke the Council's Disciplinary Procedure. It is vital that there is no impression of impropriety during disciplinary or management procedures and so Councillors should follow the guidance in Annex A at these times.

8. Councillors in their ward role

8.1 Staff should inform Councillors about major issues concerning the Council and more specifically about issues affecting the wards that Councillors represent.

8.2 Whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be informed and involved, as appropriate. Similarly whenever a public meeting is organised by the Council to consider a local issue, all the Councillors representing the Ward or Wards affected should as a matter of course, be invited to attend the meeting.

9. Support services

9.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, room bookings, etc) to Councillors is to assist them in discharging their role as a member of the Council. Such support services should only be used for Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

9.2 All Councillors are required to agree to adopt and abide by the Council's Corporate Internet and E-mail Policy.

10. Councillors' access to information and Council documents

10.1 If a Councillor requires information or advice from a member of staff they should approach the Town Clerk or the Deputy Town Clerk. It is not usually appropriate for Councillors to deal directly with other members of staff.

10.2 Councillors have a right to inspect any Council document which contains material relating to business which is to be transacted at a Council or Committee meeting of which they are a member. This right extends not only to reports which are to be submitted to that meeting, but to any relevant background papers. This right does not apply to certain documents which disclose exempt information.

10.3 A Councillor does not have a right to request information out of curiosity. They must demonstrate a need to know the contents of a document to enable them to carry out their duties as a Councillor. It is for the Town Clerk to determine whether a Councillor's request for information is justified and can be met from within existing resources.

10.4 Any information provided to a Councillor must only be used for the purpose for which it is provided and a Councillor must never disclose or use any confidential information.

11. Redress and breach of this protocol

11.1 If a Councillor considers that they have not been treated with the proper respect and courtesy or that a member of staff is otherwise in breach of this protocol, they should raise the matter with the Town Clerk.

11.2 If a member of staff has similar concerns about a Councillor, they should raise the matter with the Town Clerk. In such circumstances the Town Clerk will take appropriate action by approaching the individual Councillor or group leader.

Annex A – Sudbury Town Council Guidance for Interaction with Staff during Disciplinary or Management Processes

12.1 When any member of staff is under formal investigation or a management process the Town Clerk will inform members so that they know to avoid getting drawn on the issue. However, this will not be possible at the early stages and members should be alert to the signals that something is of concern and ensure that a third party witness is present.

12.2 When any member of staff is involved in an efficiency or disciplinary process it is especially important that there is no undocumented and witnessed contact between them and individual councillors. Casual conversations in a public place, such as the main office in the Town Hall should not be problematic, but there should be no discussion of the efficiency of disciplinary issue.

12.3 If a member feels that they need to discuss an ongoing efficiency or disciplinary issue with any member of staff who may be concerned, as the subject, witness or colleague, they should email the Chairman of the HR Committee and the Town Clerk in advance explaining why this is necessary.

12.4 The Council acts as a corporate body and one single member or unofficial group of members cannot promise any given outcome to any member of staff. All authority to deal with staff comes from the Full Council and most aspects are delegated to the HR Committee. The only member of the HR Committee who has any authority to act individually is the Chairman and then only in those restricted circumstances specified in the Standing Orders or Committee Terms of Reference.

12.5 Members will wish to act as caring and engaged employers, but must be aware that one-to-one private meetings between council members and council staff are open to serious misinterpretation when there is an ongoing disciplinary or management process.

12.6 If members feel that there is a danger of a casual conversation developing into a discussion that will touch on efficiency or disciplinary issues they should stop the conversation and explain that they will need to have an independent third party to join them as a witness. Even with a third party witness the member should only listen and take notes, not offer any opinion or advice outside that of following the correct process.

12.7 Members should never say anything that could be taken as committing themselves or the council to any given outcome. The following types of support must never be offered;

- “I know that you didn’t do it.”
- “I am on your side whatever happens.”
- “You will not be punished.” (e.g., given a written warning or dismissed)
- Any physical contact. (e.g., a hug or a shoulder to cry on)

It is up to the properly constituted committee or panel to determine the outcome in all serious efficiency and disciplinary cases and no member should appear to be operating outside this process.

12.8 If the Chair of the HR Committee or the Town Clerk are themselves the subjects of any investigation, then the Mayor or the Deputy Town Clerk should be contacted in their place.