ST MEWAN PARISH COUNCIL

OFFICER MEMBER PROTOCOL POLICY

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St Mewan Parish Council

Officer Member Protocol

1. Introduction

1.1. St Mewan Parish Council exists to serve the interests of its parish. Members and officers have a joint responsibility to ensure that they work collaboratively to ensure an efficient, transparent and democratic Council focused on these interests.

1.2. Members and officers will conduct an annual review of the Member Officer Protocol and its application, to ensure continued high standards of relations between members and officers.

1.3. The Council has agreed the following protocol about the relationship between members and officers in order to clarify roles and responsibilities.

1.4. Given the variety and complexity of such relations, this protocol cannot be prescriptive or cover all eventualities. However, it does aim to be instructive and offer guidance on some common issues and provide points of principle that can be applied to other issues that might arise.

2. Roles of Members and Officers

2.1. Members and officers depend upon each other in carrying out the work of the Council.

2.2. Members are responsible to their electorate for so long as their term of office lasts and have a duty to act in the best interests of the electorate and the Council. Officers are responsible to the Council.

2.3. Members ensure the Council and its officers are aware of the concerns of their electorate and help decide the overall direction of the Council and, where appropriate, act in a supporting role in carrying out the work of the Council. Members have personal, individual and collective responsibility for the Council and its activities. They are responsible for ensuring that adequate management and financial arrangements are in place and they monitor the performance, development, continuity and overall well-being of the Council. Members may be designated to act in a certain role or as a positive focus for a particular section of the Council's activities. However, the Council is not entitled to delegate decision-making on behalf of the Council to individual members. The Council is entitled to delegate certain decision-making and functions to an officer or to committees of members.

2.4. Officers give advice to the members and carry out the decisions and work of the Council. Officers manage and provide the services for which the Council has responsibility. They are accountable for the efficiency and effectiveness of those services and for proper professional practice in discharging their responsibilities and for taking decisions, within agreed policy. They provide advice to the public and members in respect of the services provided. They initiate policy proposals, implement agreed policy, ensure that the Council acts lawfully and in accordance with the principles of sound financial management and represent the Council on external bodies.

3. Respect and Courtesy

3.1. In order to serve its community and deliver its stated aims and objectives, functions and duties, members and officers must work together in a harmonious relationship based upon mutual respect, courtesy, trust, honesty and understanding of each other's roles.

This should prevail in all meetings and contacts whether formal or informal. This protocol should also inform behaviour with external contacts e.g. from partner organisations to ensure that members and officers are conducting themselves in a way that is appropriate when representing the Council.

3.2. Neither members nor officers should seek to take unfair advantage of their position in their dealings with each other. Members should be aware that officers, especially junior officers, may sometimes be overawed and feel at a disadvantage. Such feelings are intensified given that members make decisions that directly affect officers.

3.3. Members should not apply pressure on officers to do anything that they are unwilling to do or are not empowered to do. Similarly, officers must not seek to use influence on an individual member to make a decision in their personal favour, as opposed to in the interests of the Council.

3.4. Close personal familiarity between individual members and officers can damage the principle of mutual respect. It could also, intentionally or unintentionally, lead to the passing of confidential information which should not properly be passed between them, such as personal details. Such familiarity could also cause embarrassment to other members and/or other officers and could even give rise to suspicions of favouritism. It should therefore be avoided.

3.5. Inappropriate relationships can be inferred from language/style. Therefore members and officers should always seek to address each other with courtesy.

3.6. Members must not obstruct the work of officers by unnecessarily taking up their time or in any way acting to impede their ability to proceed with their professional duties. Officers must equally respect the role of members and will only request additional supporting work from members where necessary or beneficial to the Council.

3.7. Members and officers must conduct themselves in a way that is acceptable within a professional environment. They must afford dignity, trust and respect to everyone and themselves. They must have awareness of the effect of their behaviour on others and only make reasonable and manageable demands. They must communicate honestly and openly, clearly stating what they mean and expect of others. They must provide honest feedback based on evidence and be open to constructive criticism. They must start from the assumption that everyone is working to the best of their ability, considering their current stage of personal and professional development.

3.8. Members and officers must not conduct themselves in an unacceptable manner. This includes discrimination which is a failure to afford equal opportunities in the workplace irrespective of disability, gender, race, religion, age, sexuality, and marital status. It includes harassment which is conduct that is unwanted and offensive and affects the dignity of an individual or group of individuals. It includes bullying which is a type of harassment consisting of persistent actions, criticism or personal abuse in public or private, which humiliate, intimidate, frighten, undermine or demean the individual. When defining behaviour in cases of harassment, it is appropriate to place emphasis on the recipient's experience rather than the perpetrator's motivation. The following examples show the variety of ways in which unacceptable behaviour can occur and are taken from actual cases from various sources. This list is neither comprehensive nor exclusive. It serves to illustrate a range of potential indicators of unacceptable behaviour.

- Using aggressive language, threatening, ridiculing, ignoring people, or shouting
- Shifting blame to others
- Phoning people at home unnecessarily (especially demanding work when the person is absent due to sickness or ill health)
- Focusing only on weaknesses
- Bringing up details of someone's private life inappropriately

- Leaving impossibly long lists of tasks and making unreasonable demands
- Criticising people in their absence
- Racist comments or jokes, including those about distinctive peoples and nationalities
- Questioning an individual about his/her sexual relationship/preferences
- Frequent comments about aspects of physical appearance or using forms of address that are demeaning
- Repeated staring or leering or suggestive looks at parts of the body
- Physical contact ranging from unwanted kissing, touching of any kind, through to assault or rape
- Making unwanted sexual advances
- The use of pin-ups, posters or electronic display e.g. pornographic pictures, objectionable cartoons
- Comments about or the excluding of a colleague from workplace talk or activities because of their age, disability, colour, race, religion, ethnic origin, gender or sexual orientation
- Threatening or implying that you will cause the person to lose their job or fail to get a promotion or suffer some other form of career difficulty or financial disadvantage
- Using language and/or gestures in such a way that someone fears for their personal safety
- Coercing someone to join the harassment/bullying of another person

4. Officer Support to the Council

4.1. It is clearly important that there should be a close working relationship between members and the officers who support and/or interact with them. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers ability to deal impartially with other members. Officers must ensure their neutrality in representing the Council is not compromised. (Also see 3.4 above).

4.2. Whilst members might be consulted as part of the process of drawing up proposals for consideration on the agenda of a forthcoming meeting, it must be recognised that officers are under a professional duty to provide an agenda

4.3. Officers also submit reports based on their professional judgment to the Council. The Clerk or other senior officer will always be responsible for the contents of any report submitted in their name. This means that any such report will be amended only where the amendment reflects the professional judgment of the author of the report. Any issues arising between a member and the Clerk or other senior officer should be resolved informally if possible using appropriate line management and, where appropriate progressing through relevant Council procedures where more formal resolution becomes necessary.

4.4. Officer advice must be full and impartial and should include all relevant options to enable a full considered decision of the Council.

5. Members Access to Documents

5.1. Members' right to inspect Council documents is restricted and will not apply to certain items, for example because they relate to individual employees. Officers will provide documents, which are, on the face of it, reasonably necessary to enable members properly to perform their duties for the Council. This is often referred to as the "need to know" principle. However, members do not have a "roving

commission" to examine any documents nor access the computers of the Council. Mere curiosity is not sufficient.

5.2. A member requesting access to documents should direct their enquiry to the Clerk or other relevant senior officer. Officers will furnish Council members with such information, advice and access to documents which they require for the proper performance of their duties conducted for the Council. If disclosure of a document is in the officer's view either not required or not appropriate, they will inform the member and will give reasons why disclosure would not be appropriate.

5.3. Any dispute regarding a member's access to a document should be referred for resolution using appropriate line management and, where needed, through formal Council procedures.

6. Information and Advice to Members

6.1. Any Council information provided to a member must only be used by that member for the purpose for which it was provided, namely in connection with the member's duties as a member of the Council, unless the information is already in the public domain.

6.2. Members must not disclose information given to them in confidence by anyone without the consent of the person authorised to give it, or unless they are required to do so. Equally, members must not prevent other persons from gaining access to information to which those persons are entitled by law.

6.3. In order to safeguard against possible breaches of the Data Protection Act (which applies to all information of a personal nature) members should always seek advice from the Clerk before disclosing confidential information. Generally, personal information cannot be released without the consent of the person to whom it relates. Improper disclosure of confidential information can put the member and the Council at legal and financial risk.

6.4. Regular contact between members and senior officers is necessary to ensure the efficient working of the Council and should occur on a planned and reasonable basis in order that it is constructive and not destructive to the ability of officers to perform their duties on behalf of the Council. Planned appointments, where meetings are needed to further the interests of the Council, are the best way of arranging contact between members and officers. This protects the interests of the Council and its employment responsibilities by ensuring that the ability of the officer to carry out the work of the Council is not impeded and to ensure that the officer can set aside an appropriate amount of time to meet with and concentrate on a member or group of members.

7. Representing Interests

7.1. Officers are neutral in that they serve the whole Council and not a particular sector or political group. Members might have an affiliation with a particular group within the public but should be making decisions based on their responsibility to the Council and its electorate as a whole. This does not preclude members and officers from reacting to a political issue where it affects the interests of the electorate in that area.

8. Communication and Advice

8.1. Save in exceptional circumstances, all letters and other communications on official Council business should be sent out only in the name of the Proper Officer (the Clerk). Communications which create obligations or give instructions on behalf of the Council should never be sent out under the name of a member.

9. Public Relations and Press Releases

9.1. The Clerk has overall responsibility for public relations and press releases on behalf of the Council. Political and lobby/action group press releases and publicity must not be issued at the initiative of individual members or officers using the resources of the Council. There is, of course, nothing to prevent any member from communicating with the media, but they should bear in mind that they are not doing so on behalf of the Council and should not use Council facilities or resources for this purpose.

10. Disputes

10.1. With goodwill, respect and integrity on both sides there ought to be very few occasions when a disagreement between an officer and a member cannot be resolved amicably. If there is a serious dispute of substance it should be discussed in the first instance between the member and the Clerk and dealt with using appropriate line management and, where needed, Council procedures. It should be noted that two frequent routes of action for unresolved disputes and behaviour issues are recourse to disciplinary/grievance procedures (and in some cases employment tribunals) and reports of breaches of the Code of Conduct.

Reviewed and Re-Adopted: 13th May 2026

Minute No: AC35/26ll

Signed……(Chairman)

Signed……(Clerk)