

# PROTOCOL ON MEMBER AND OFFICER RELATIONS

March 2022





## Protocol on Member and Officer Relations

Royal Berkshire Fire Authority is committed to ensuring there is a strong, constructive and trusting relationship between Members and officers. This policy aims to provide a formal protocol for the working relationship between Members and officers to ensure that current good practice continues.

The Protocol provides guidance on the behaviour, roles and responsibilities of both Members and officers, and puts in place a mechanism should any issues arise surrounding this subject.

The aims of this Protocol are to:

- Provide a formal protocol which covers the relationship between elected Members and officers;
- Provide a mechanism to deal with any issues that may arise which affect the relationship between elected Members and officers; and
- Support the Authority's commitment to upholding standards of conduct in public life.



*“Every Local Authority should have its own written statement or protocol governing relations between Members and Officers.”*

(Third Report of the Committee on Standards in Public Life, the Nolan Committee).

### **1. Introduction**

- 1.1. The relationship between elected Members of Royal Berkshire Fire Authority and officers has always been and continues to be one of the main organisational strengths. However, the Authority accepts it is required to have a formal protocol which covers the relationship between elected Members and officers. This Protocol is prepared to meet those requirements but against a background of a good working partnership which is well-established, widely accepted and benefits everyone who serves or is employed in the Authority.
- 1.2. The Authority recognises that a strong, constructive, appropriate and trusting relationship between Members and officers is essential to the effective and efficient working of the organisation.
- 1.3. This Protocol takes into account the respective and different roles of Members and officers and does not seek to change or influence these roles. It is accepted that from time to time issues may arise which need to be addressed. This Protocol provides a mechanism by which to address any such matters.
- 1.4. It is recognised that the Authority is a corporate entity but that in terms of its political structure there is an Administration and Opposition and this dimension involves both Members and officers operating in a political sensitive climate. Officers have an overriding obligation to serve the Authority as a corporate body but must be aware of the political dimension.
- 1.5. This Protocol forms a key part of the Authority’s approach to corporate governance and its commitment to uphold standards of conduct in public life. The Authority supports the wider aims of protecting and enhancing the integrity and reputation of public services and high standards of personal conduct.



### **2. Operation of this protocol**

- 2.1 This Protocol will be applied having regard to the requirements of the Members' Code of Conduct and Employees' Code of Conduct and relevant policies, procedures and processes. Members and officers must at all times observe this Protocol; where there is a conflict or discrepancy between this Protocol and those Codes and policies referred to above, then those Codes and policies shall have precedence.
- 2.2 This Protocol does not affect or interfere with any rights of or protection which a person may have in law.

### **3. Responsibility for the protocol**

- 3.1 The Chief Fire Officer/Chief Executive is responsible for the operation of this Protocol and will ensure that it is reviewed on a four yearly cycle. However, the Audit and Governance Committee may request a review at any time.
- 3.2 They will rule on the interpretation and/or the application of the Protocol in matters of dispute and such rulings will be final. Where such a matter is relevant to or involves the Chief Fire Officer/Chief Executive then the Monitoring Officer shall be the appropriate officer under this paragraph.
- 3.3 The Audit and Governance Committee is responsible for approving any amendments or additions to the Protocol following consultation with Member and officer representatives where appropriate, in line with CO39 of the Audit and Governance Committee Terms of Reference.

### **4. Members' access to information**

- 4.1 Members have a statutory right under the Local Government Act 1972, to inspect any document which contains material relating to any business which is to be transacted at an Authority meeting. This extends to background papers. If there are any concerns about the rights of Members to inspect documents, those involved should consult with the Monitoring Officer.
- 4.2 Members are free to approach the Service to provide them with such information, explanation and advice as they may reasonably need to assist them in discharging their role as Members of the Authority. Such approaches should normally be directed to the appropriate senior officer or, in cases of doubt, to the Chief Fire Officer/Chief Executive. Members should not put undue pressure on officers to release information and documents to which they are not entitled to have access.
- 4.3 An exception to the above will be information or reports that contain confidential personal information about employees or other persons (an



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example would be a report containing personal medical information or annual appraisal details of an individual). If the Chief Fire Officer/Chief Executive wishes to withhold a confidential report then they will consult with the Chair and the Monitoring Officer and, where a report is to be withheld, reasons will be given to the member concerned.

### **5. Member and Officer Roles**

- 5.1 This Protocol recognises that Members are elected and officers are appointed to serve the people of Berkshire and that their roles are distinct.
- 5.2 The Members are accountable to the electorate who determine the people they wish to represent them on the local authorities. The local authorities of Berkshire then nominate elected Members to sit on Royal Berkshire Fire Authority.
- 5.3 Officers are accountable to the people of Berkshire through this Authority.
- 5.4 Members are primarily responsible for:
  - 5.4.1 Setting the strategic direction and political leadership of the Authority as set out in the Constitution.
  - 5.4.2 Performing the Authority's regulatory functions.
  - 5.4.3 Monitoring and reviewing, primarily through the Management Committee and the Audit and Governance Committee functions, the Authority's performance in implementing its plans and strategies and in delivering its services.
  - 5.4.4 Participation in partnership working.
  - 5.4.5 Representing the Authority on national, regional and local bodies and organisations.
- 5.5 Under the Authority's Constitution some Members have additional responsibility at Member level, for example being Chair of a committee or task group or as Lead Member or Member Champion for a specific area of the Service. To ensure effective Member/officer engagement, Members should ensure that they act within the parameters of the Scheme of Delegation and terms of reference for these posts.
- 5.6 It is important that Members of the Authority:
  - 5.6.1 Do not involve themselves in the day to day management of the



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Authority's services as the responsibility rests with the Chief Fire Officer/Chief Executive and senior managers and there are clearly defined lines of accountability to Members.

- 5.6.2 Respect the impartiality of officers and not undermine their role in carrying out their duties.
- 5.6.3 Do not ask officers to undertake work or to act in a way which seeks to support or benefit a particular political party or gives rise to the officer being criticised for operating in a party political manner.
- 5.6.4 Do not ask officers to exceed their authority where that authority is given to them in law, by the Authority or by their managers.
- 5.6.5 Do not impinge, interfere or obstruct an officers ability to discharge their responsibility as set out in the Scheme of Delegation.
- 5.7 This Protocol recognises the role of opposition groups in the Authority, acting individually or jointly, and that relationships will be different and complex. Members in opposition have the same rights and obligations in their relationships with officers and should be treated equally. Where opposition groups, individually or collectively, appoint their Members to perform shadow or spokesperson roles, then the requirement of 5.6 above will apply.
- 5.8 It is, however, envisaged that all Members will work co-operatively to ensure that the Authority meets its statutory obligations and provides an effective and efficient fire and rescue service to the people of Berkshire.
- 5.9 The primary role of officers is to advise, inform and support all Members and to implement the lawfully agreed policies of the Fire Authority.
- 5.10 In performing this role, officers will act professionally, impartially and with political neutrality. Whilst officers will report a Member's view on an issue, the officer should not be influenced or pressured to make comments or recommendations which are contrary to his or her professional judgement or views.
- 5.11 The Chief Fire Officer/Chief Executive, the Monitoring Officer and the Chief Finance Officer have specific responsibilities placed on them by law. These responsibilities go beyond their obligations as employees of the Authority. Where an officer is discharging his or her responsibilities under any statutory office, a Member or Members shall not:-



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- 5.11.1 Interfere with or obstruct the officer in exercising those responsibilities.
- 5.11.2 Victimise any officer who is discharging or has discharged his or her responsibilities of the statutory office.
- 5.11.3 Both Members and officers will, regardless of their role always act in accordance with the core values of the Authority.

### **6. Member/officer obligations and expectations**

6.1 Members will require and expect officers:-

- 6.1.1 To be committed to the Authority as a whole and not to any political group or individual.
- 6.1.2 To work in partnership with Members in an impartial and professional manner.
- 6.1.3 To understand and support the roles of Members and the associated workloads and pressures.
- 6.1.4 To implement decisions of the Authority and its subordinate committees which:
  - are lawful;
  - have been properly approved in accordance with the law and the Authority's constitution; and
  - formally recorded.
- 6.1.5 To respond to enquiries and complaints in accordance with the Authority's standards.
- 6.1.6 To provide professional advice, which is not influenced by political views or preferences, and which does not compromise the political neutrality of officers.
- 6.1.7 To provide information to Members on matters that can reasonably be considered appropriate and relevant taking into account the Members' individual responsibilities and position and the Members' rights to access documents and information, subject to specific exclusions, e.g. personal interests and confidentiality.
- 6.1.8 To be aware of, and sensitive to, the internal and external political environment.
- 6.1.9 To act with honesty, respect, dignity and courtesy at all times.
- 6.1.10 To provide support and learning and development opportunities for Members to help them in performing their various roles in respect of their Authority membership.



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- 6.1.11 To act with integrity and appropriate confidentiality.
- 6.1.12 Not to raise issues of a personal nature outside agreed procedures.
- 6.1.13 Not to use their relationship with Members to advance their personal interests or to influence decisions improperly.
- 6.1.14 To comply at all times with the Employee Code of Conduct and Core Code of Ethics Principles.
- 6.1.15 Not to support Members in any role other than that of an Authority Member and not to undertake any actions which are not compatible with this protocol.
- 6.2 Officers can expect Members:-
  - 6.2.1 To comply at all times with the Members' Code of Conduct, Core Code of Ethics Principles, the law, the Constitution and such other protocols and conventions agreed by the Authority.
  - 6.2.2 To work constructively with officers, acknowledging their separate and distinct roles and responsibilities.
  - 6.2.3 To understand and support the respective roles and responsibilities of officers and their associated workloads, pressures and reporting lines.
  - 6.2.4 To give political leadership and direction and to seek to further their agreed strategy with the understanding that Members have the right to take the final decision and issues based on advice and within the competence of the Authority.
  - 6.2.5 To treat them fairly and with respect, dignity and courtesy.
  - 6.2.6 To act with integrity, to give support and to recognise appropriate confidentiality.
  - 6.2.7 To recognise that officers work to the instructions of their senior officers and not to individual Members.
  - 6.2.8 Not to subject them to intimidation, harassment or put them under pressure. Members will have regard to the seniority of officers in determining what reasonable requests are, having regard to the relationship between Members and officers and the potential vulnerability of officers, particularly at junior levels.
  - 6.2.9 Not to request them to exercise discretion which involves acting outside the Service's competence, policies and procedures.





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- 6.2.10 Not to authorise, initiate or certify any financial transactions or enter into any contract, agreement or undertaking on behalf of the Authority, or in their role as Member of the Authority without proper and lawful authority.
- 6.2.11 Not to use their position or relationship with officers to advance their personal interest or those of others, or to influence decisions improperly.

### 7. Behaviour limitations

- 7.1 The different roles of Members and officers require particular limitations upon behaviour. Both Members and officers need to ensure that their working relationship is appropriate to their respective role and that they do not act in any way which would lead to their behaviour being questioned. It is not possible to provide a list of circumstances where behavioural issues might be of concern. The main examples below help to illustrate the point.
  - 7.1.1 A close personal relationship between a Member and an officer which confuses their separate roles and influences the proper discharge of the Authority's functions, not least in creating a perception that a Member or officer may be securing advantageous treatment.
  - 7.1.2 A close personal relationship between a Member and an officer which could impinge on the ability of other officers to undertake their respective duties and discharge responsibilities under the Scheme of Delegation.
  - 7.1.3 The need to maintain the separation of roles means that there are limits to those matters on which a Member may seek the advice of an officer, both in relation to personal matters and party political issues.
  - 7.1.4 Relationships with a particular individual or party group should not be such as to create public suspicion that an employee favours one Member or group above the others.
  - 7.1.5 Without detriment to the need for effective working relationships, between Members and Officers, close personal familiarity between individual members and officers can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information, or information which should not properly be passed between them e.g. personal details. Such familiarity could also cause embarrassment to other Members and/or other employees and even give rise to suspicions of favouritism. For instance, it is not generally appropriate for members and officers to request or accept each other as 'Friends' on social media such as Facebook or Instagram.



### 8. Political groups

- 8.1 It is in the interests of the Authority to support, to some degree, the effective operation of all its political groups and not one particular group. The operation of political groups may, however, pose particular issues for officers in terms of their impartiality.
- 8.2 A political group may request the Chief Fire Officer/Chief Executive or member of the Senior Leadership Team to prepare a written report on a matter or matters relating to the Authority for consideration by the group.
- 8.3 An officer report to a political group will be restricted to a statement of material facts and identification of options and the merits or otherwise of such options for the Authority. Such reports will not cover any political implications on the matter or any option. Such reports will not include any recommendations.
- 8.4 The release of such reports to other political groups shall be dealt with in accordance with any conventions in existence at the time.
- 8.5 A political group may request the Chief Fire Officer/Chief Executive or a member of the Senior Leadership Team to attend a meeting of the group to advise on particular matter relating to the Authority. The Chief Fire Officer/Chief Executive or member of the Senior Leadership Team may arrange for the attendance of a representative on his or her behalf, or may decline to attend or send a representative where he or she is of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.
- 8.6 Officer advice at a meeting of a political group will be restricted to a statement of material facts and identification of options and the merits or otherwise of such options for the Authority. The advice will not cover any political implications of any matter or any option.
- 8.7 All officers will respect the confidentiality of any matter which they hear in the course of attending any political group meeting or in respect of any requests for advice and the giving of that advice.



### 9. Political Activity

- 9.1 There are officer posts, within Royal Berkshire Fire and Rescue Service that are politically restricted. They cannot stand for local authority elections or as a Member of Parliament, nor can they “speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party”. The list of politically restricted posts is outlined in Annex A.

### 10. Attendance of officers at Management Committee and Audit and Governance Committee

- 10.1 It is accepted that in carrying out its role, the Management Committee and Audit and Governance Committee may require an officer to attend to answer questions or to discuss issues. In requiring an officer to attend, a Committee will consider the seniority of the officer it would be appropriate to invite. There is a presumption against inviting officers outside the senior officers’ range to attend in this capacity. Requests for officer attendance shall also have regard to workloads of officers.
- 10.2 Where an officer attends such a meeting their contributions should be confined to matters of fact and explanation. However, an officer may be asked to explain and justify advice which they had given prior to a decision having been made, including decisions taken by them under delegated powers.
- 10.3 Officers should not be drawn into discussions of a political nature which would be inconsistent with the political neutrality requirement, nor should any questioning of an officer be reasonably interpreted as constituting harassment.
- 10.4 In committee proceedings the capability or competence of officers must not be questioned. The distinction needs to be drawn between reviewing the policies, performance and decisions of the Authority and its services and the appraisal of staffs’ individual performance. The latter is not a function of the Management Committee or Audit and Governance Committee.
- 10.5 The approach here is consistent with the committee terms of reference as set out in the Authority’s standing orders.
- 10.6 In applying this part of the Protocol, account will be taken of any guidance agreed by Management Committee and/or the Audit and Governance



Committee provided that guidance is consistent with the principles of this Protocol.

### **11. Breaches of the Protocol**

- 11.1 Where a Member is dissatisfied with the conduct, behaviour or performance of an officer, the matter should, in the first instance, be raised with the officer's line manager. Where any matter remains unresolved or is of significant concern it should be raised with the appropriate senior manager. Where the officer concerned is a senior manager, the matter should be made with the Chief Fire Officer/Chief Executive or a Director of the Service. Where the employee concerned is a Director of Service, the matter should be raised with the Chief Fire Officer/ Chief Executive. Where the employee concerned is the Chief Fire Officer/Chief Executive, the matter should be raised with the Monitoring Officer.
- 11.2 The management of staffing matters is the responsibility of officers with the exception of the duties of Members specifically outlined in the Constitution.
- 11.3 Where the relationship between Members and officers or other Members breaks down or becomes strained, every effort will be made to resolve matters informally. This can be achieved through conciliation by an appropriate senior manager, group leader and if necessary the Chair. Officers will also have recourse to the Grievance Procedure or to the Authority's Monitoring Officer as appropriate.
- 11.4 Any complaints received will be managed in accordance with the relevant policies and procedures.
- 11.5 Breaches of protocol by a Member may result in a complaint to the Audit and Governance Committee and, in the case of officers, may lead to disciplinary action in line with regulations/policies.
- 11.6 Any issues arising from or in relation to this protocol will be reported to the next appropriate Audit and Governance Committee meeting.



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### Signatures

A handwritten signature in black ink, appearing to be 'Colin Dudley'.

**Councillor Colin Dudley**

**Chair – Royal Berkshire Fire Authority**

A handwritten signature in purple ink, appearing to be 'P.E. Helliard-Symons'.

**Councillor Pauline Helliard- Symons**

**Vice-Chair – Royal Berkshire Fire Authority**

A handwritten signature in black ink, appearing to be 'Wayne Bowcock'.

**Wayne Bowcock**

**Chief Fire Officer – Royal Berkshire Fire and Rescue Service**



Annex A

**Politically restricted posts**

Chief Fire Officer and Chief Executive Officer  
Deputy Chief Executive / Director of Support Services  
Deputy Chief Fire Officer  
Assistant Chief Fire Officer  
Head of Business and Information Systems  
Head of Corporate Services  
Head of Finance and Procurement Services  
Head of Human Resources and Learning and Development  
Head of Property, Capital Projects and Estates  
Head of Facilities, Fleet and Equipment  
Area Managers  
Deputy Head of Finance  
Group Managers  
ICT Service Delivery Manager  
Democratic Support Lead/Assistant  
Communications and Engagement Lead / Officer  
Health and Safety Manager  
Facilities Manager  
Finance Manager  
Business Applications Manager  
Data, Performance and Risk Manager



### Annex B

Core Code of Ethics Principles are:

#### **Putting our communities first**

We put the interests of the public, the community, and service users first.

#### **Integrity**

We act with integrity including being open, honest, and consistent in everything that we do.

#### **Dignity and respect**

We treat people with dignity and respect, making decisions objectively based on evidence, without discrimination or bias.

#### **Leadership**

We are all positive role models, always demonstrating flexible and resilient leadership.

We are all accountable for everything we do and challenge all behaviour that falls short of the highest standards.

#### **Equality, diversity and inclusion (EDI)**

We continually recognise and promote the value of EDI, within RBFA, Royal Berkshire Fire and Rescue Service and the wider communities in which we serve.

We stand against all forms of discrimination, create equal opportunities, promote equality, foster good relations, and celebrate difference.

