

## **Part 5 C**

# Protocol on Member / Officer Relations

## ***Part 5C - Protocol on Member/Officer Relations***

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## Purpose

1. The purpose of this protocol is to define the respective roles of members and officers and to provide guidance on what the relationship between those roles should be.
2. The protocol is intended to support effective working relationships and promote high standards of behaviour. It sits alongside the Members' Code of Conduct, Planning Code of Good Practice and the Officers' Code of Conduct and reflects the principles and objectives that underpin those Codes.

## Principles

3. The fundamental principles underpinning this protocol are:
  - (a) The County Council is a democratically elected local authority delivering a range of services to the people of Leicestershire.
  - (b) The County Council is a single entity, a statutory corporate body. This relates to both the officer structure and the different areas of activity (Cabinet, Regulatory and Overview and Scrutiny) that members can be involved in.
  - (c) In everything they do, elected members and officers of the County Council are obliged to act within the law and in compliance with relevant standards and codes of conduct.
  - (d) All elected members of the County Council are ultimately accountable to the people of Leicestershire through the ballot box for their actions as County Councillors.
  - (e) The Political Administration of the day, whether single or joint, is ultimately politically accountable for the effectiveness and delivery of its policies and plans which have been approved by the County Council and will, therefore, have an interest in ensuring that services are delivered by the officers in accordance with those approved policies and plans.
  - (f) The officers serve the whole County Council as a single statutory corporate body.
  - (g) The Head of Paid Service (Chief Executive), Monitoring Officer, Chief Financial Officer (Section 151 Officer) and Scrutiny Officer are all statutory roles with responsibilities as set out in the Articles of this Constitution. A Statutory Officers Protocol which establishes shared expectations and appended role protocols for each Statutory Officer is attached and forms part of this Protocol.

- (h) The officers will provide adequate support to all elected members in their local or representational role.
  - (i) Dealings between elected members and officers should be based on mutual trust and respect.
  - (j) Senior members, including the Leader and Group Leaders, and senior officers, including the Chief Executive and Directors, are expected to actively model the behaviours and standards set out in this protocol. Through their conduct, they have a key role in reinforcing clear roles, mutual respect and constructive working relationships, and in promoting a culture where this protocol is understood and applied in practice.
- 4. The effective operation of this protocol depends on a shared understanding of the respective roles, responsibilities and standards of behaviour expected of members and officers.
  - 5. Appropriate training, guidance and induction will be provided to elected members and officers to support awareness of this protocol and the standards of conduct that underpin it, and this protocol will be referenced as part of member induction and relevant development activity.

### **Role of Members and Officers**

- 6. Members and officers are both servants of the public and indispensable to one another, although their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council as a whole, and they are accountable to the Chief Executive. Their role is to give advice to members (individually and collectively) and to carry out the Council's work as determined by the Cabinet and full Council under the direction of the Chief Executive and the Council's Corporate Management Team.
- 7. Members should not get involved in the day to day operational management of services, although this does not preclude Members from raising constituency related operational issues. Equally, officers should not get involved in politics.
- 8. Members will take decisions in their role as members of the Cabinet and other decision-making bodies detailed in the Constitution, including the full Council. They will do this in the light of appropriate professional advice from officers, which will ensure that all decisions comply with the law and relevant standards or codes of conduct. Officers have the right to have their advice recorded, so that elected members are fully aware of the implications of their decisions.
- 9. The advice given by officers will aim to serve the interests of the County Council as a whole. It should be fearless, factual, honest,

objective and politically neutral. Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive. Officers must be aware of the implications for the Council and its members, and for the community as a whole.

### **Relationships between Members and Officers**

10. The relationship between members and officers should be one of mutual trust and respect. Members and officers should behave courteously to each other and neither party should seek to take advantage of their position. Close personal familiarity between individual members and officers can harm professional relationships and prove embarrassing to other members and officers. Situations should be avoided that could give rise to the suspicion or appearance of any improper conduct, or the perception that a member and an officer treat one another differently from others due to the nature of a personal relationship between them. Officers are required to declare any close personal relationships with members in the same way as they would declare a relationship with another employee.
11. Dealings between elected members and officers should at all times reflect the Council's commitment to dignity, respect and fairness at work in their interactions with one another. Behaviour which undermines professional dignity, respect or courtesy is incompatible with the principles of this protocol and the shared objective of promoting high standards of behaviour across the Council.
12. Members should not raise matters relating to the conduct or capability of officers, either individually or collectively, at meetings held in public or in the press. Officers have no means of responding to such criticism in public. If Members feel that they have not been treated with proper respect and courtesy or have any concern about the conduct or capability of an officer they should raise it using the process outlined at paragraph 51 of this protocol.
13. Members will not publish any material which criticises, disparages or undermines officers, either directly or indirectly, including through anonymised references or comments which could reasonably identify an individual or group of officers, including through their agents or political groups. This applies equally to communications and interactions conducted through digital and online channels, including email, messaging platforms and social media.
14. Officers must maintain professional and politically neutral conduct in all communications with elected members and should avoid conduct and communications, including online discussion, which could reasonably give rise to perceptions of partiality, impropriety or political alignment.
15. Members should respect the confidence of officers and, when information is shared with them, should not share it more widely,

especially with the press, parish councils or members of the public, without seeking the consent of the relevant Head of Service or Assistant Director beforehand. More details of how to engage with the media are set out in the Media Relations Protocol.

### **Information and the political perspective**

16. For the proper functioning of the County Council as a whole, officers will normally be permitted to share information freely between themselves, irrespective of whether the officer's role is connected with the Cabinet, Overview and Scrutiny or the regulatory aspects of the County Council. Where the information has been supplied/received subject to a request for party political confidentiality, an officer will only be permitted to share that information with other officers if they believe that to be necessary - for example for the purpose of verifying the legality, financial probity or procedural regularity of any proposed course of action disclosed by that information. The request for party political confidentiality will be confirmed to, and honoured by, any officers with whom the information is shared.
17. Appropriate and regular liaison between elected members and officers connected with the Executive and Overview and Scrutiny aspects of the County Council should avoid the relationship between Scrutiny and the Executive becoming adversarial and polarised. This liaison, combined with the politically balanced nature of Overview and Scrutiny, should reduce the number of occasions on which it is necessary for information to be supplied by elected members to officers on a party political confidential basis at Executive/Overview and Scrutiny level.
18. On request and where appropriate, officers will provide a briefing on a policy matter or individual topic to a particular political group, provided that the same offer is also made to the other political groups. There will be times when officers consider it more appropriate to brief all members at the same; this will be discussed with the political group making the request. For the avoidance of doubt, this section does not apply to Cabinet Briefings (a confidential weekly meeting between Cabinet Members and Chief Officers) or to other Executive-only briefings convened to support the discharge of Executive functions.
19. Where information is supplied to officers on a party political confidential basis, the officers will respect that confidentiality unless the officers believe that the proposed course of action appears to be in conflict with the law, or any relevant standards or codes of conduct, or would amount to an abuse of the processes of the County Council.
20. Where party political confidentiality would be maintained in accordance with the preceding paragraph, the officers may, nonetheless, seek to persuade the elected members requesting the confidentiality to agree to that information being shared with the other political groups on the grounds that it would assist the more effective functioning of the County

Council; however, in the absence of any such agreement to waive the confidentiality, the officers would continue to respect it.

21. Where there is a change in Political Administration, the officers will act in relation to the new Administration and Opposition party or parties in the same way as they did for the old; and will continue to respect any continuing party political confidentiality.

### **Relationship between the Cabinet and Overview and Scrutiny**

22. Given the nature and purpose of the County Council and the respective roles of elected members and officers, it is accepted that the officers, while remaining politically neutral, will inevitably give advice on a wider range of issues and on a more regular basis to the Cabinet. For their part, Cabinet members will continue to respect the political neutrality of the officers and accept that officers are obliged to respond positively to any requests from Overview and Scrutiny for appropriate information and advice relevant to the issue being considered by Overview and Scrutiny. When a committee requests it, the Executive will provide an appropriate Lead Member to attend an overview and scrutiny meeting to explain an Executive's decision and the reasons for it.

### **Decisions under delegated powers**

23. No executive powers will, as a matter of policy, be delegated to individual members, either as the Leader or as a member of the Cabinet. Although neither the Leader nor individual members of the Cabinet will have any personal delegated executive powers, they may, nevertheless, develop, a personal special interest in specific areas of County Council activity. The term "Lead Member", rather than "Portfolio Holder", is used to describe members with any such special interest, to avoid creating any misleading impression that the member concerned does have personal delegated powers. The Leader may decide that there should be more than one Lead Member for any particular area of special interest.
24. The role of a Lead Member will include:
  - (a) Providing a leadership role in their particular area, demonstrating familiarity and understanding of their brief.
  - (b) providing a point of reference for a chief officer who wishes to sound out the elected member perspective before taking an executive decision under powers delegated to that chief officer.
  - (c) Providing a better-informed elected member perspective and opinion on any relevant proposals before (or likely to come before) the Cabinet.
  - (d) Appearing, as appropriate, before any relevant overview and scrutiny committee on behalf of the Executive.

- (e) Making position statements or responding to questions on the relevant area of activity, on behalf of the Executive, at any meeting of the County Council.
- (f) Speaking to the media to publicise and explain relevant decisions made at and policy proposals emerging from meetings of the Cabinet.

The role of the Lead Member for Children's Services is a statutory role and as such holds political accountability for all local authority children's services, including education and social care.

25. Where a chief officer decides (rather than volunteers) to consult a Lead Member before exercising his or her delegated powers, both will understand, and accept, that the final decision (and the responsibility which goes with it) remains with the chief officer; and that the process of reference to a Lead Member is not intended to operate as a delegation of power to the Lead Member.
26. The same principles apply where authority to take a decision has been specifically delegated to a chief officer "after consultation with" one or more elected members, whether Lead Member or local member or both. Although the process of consultation is required by the specific delegation of authority, this does not change the fact that the process is still one of consultation with, not specific approval by, the member(s) concerned. If the consultation process was handled as if it was one of specific approval, then that could reasonably be regarded as tantamount to *de facto* personal delegation to the member concerned.
27. Since consultation alone is involved, a chief officer can, theoretically, decide to proceed with his or her proposed course of action even in the face of some degree of objection from the member(s) consulted. However, in some circumstances it may be prudent for the chief officer to decline to exercise the delegated authority and refer the decision back to the body which conferred the authority on the chief officer.
28. In implementing any process of consultation, if the view of the Lead Member is not in conformity with the professional view of the chief officer and the difference of view is material and cannot be reconciled, then the chief officer should consider:
  - (g) seeking advice from the Chief Executive, Monitoring Officer or Chief Financial Officer as appropriate; and
  - (h) referring the issue to a meeting of the Cabinet or the body which conferred the delegated power -

to protect the interests of the Lead Member, the chief officer and, ultimately, the County Council.

29. Chief officers should be careful about the methods they use to record, for internal purposes, that the process of consultation has taken place

and its result. There should be mutual trust and understanding between chief officers and Lead Members - a degree of trust which should be sufficient so that a formalised process whereby a chief officer expects Lead Members to sign written confirmation that they have read and understood the relevant material supplied to them and that they agree its content is usually inappropriate.

### **Keeping Members informed of matters affecting their electoral division**

30. To enable members to carry out their representative and divisional role effectively, they should be fully informed as early as possible about matters affecting their division, especially where it can be anticipated that members will become involved, for example in the case of the likelihood of complaints. Residents expect their County Council representative(s) to be aware of all the activities which they may believe are in some way the responsibility of the County Council. This arrangement does not extend to individual service-related complaints.
31. Members have an important role to play in representing the County Council in their electoral division by responding to the concerns of their constituents.
32. Members must be invited to any event that has been organised in their electoral division, which is relevant to their role as a County Councillor, for example the opening of a new facility from which County Council services are being delivered. If the facility or the service provides services to adjoining electoral divisions the additional members should also be invited.
33. Whenever a public meeting is organised by the Council to consider an issue, all the members representing the electoral division(s) affected should be invited to attend the meeting as a matter of course.
34. If a member intends to arrange a public meeting on a matter concerning some aspect of the Council's work, they should inform the relevant officer(s).
35. Similarly, whenever the Council undertakes any form of consultative exercise, the relevant member(s) should be notified immediately prior to the outset of the exercise.
36. Where a report to the Cabinet, Scrutiny or Regulatory Body includes a sensitive issue affecting one or more electoral divisions, report authors must draw this to the attention of the relevant member(s) concerned, whether or not they are a member of that body. This does not apply to reports considered by informal panels or working parties.
37. Members may attend as observers at meetings of the Cabinet, Overview and Scrutiny Committee and Regulatory Bodies (Standing

Order 34), including those parts of the meetings from which the public has been excluded. Subject to the consent of the Chairman a member so attending may speak (but not vote) on any matter. Representations may also be made by members in writing, particularly if they are not able to attend the meeting.

38. Where Members have notified that they have a particular interest in a matter to be considered by the Cabinet or some other body, but they are not the local member, officers are still expected to provide them with the relevant information. Care must be taken on matters on which a member has an interest, as defined in the Member Code of Conduct. Members have a common law right to inspect documents and attend meetings if they can demonstrate a “need to know” for the purposes of their duties as a Councillor (if in doubt seek advice from the Monitoring Officer).
39. Further circumstances where it would be appropriate to notify individual members include, for example:
  - An issue arising from the exercise of a Chief Officer delegated power relating to their division;
  - An approach being made to a Chief Officer by the press for comments on a particular matter relating to their division;
  - A partnership body, which includes the County Council; proposing to take action on a matter relating to their division
  - A Freedom of Information request covering a controversial issue relating to their division;
  - Where officers have received significant complaints from residents in their division, likely to lead to adverse media coverage (excluding individual service-related complaints);
  - A potentially controversial operational matter that will have a significant impact on the community in their division such as major road works, changes in opening hours, closure of a facility etc;
  - Where a major incident has taken place.

In most cases notification via a short e-mail or simple phone call is all that is required.

40. There may be times when, in addition to the local member(s), it would be appropriate for the officer concerned to notify other members, for example the Leader, Deputy Leader or Cabinet Lead Member.

## **Guidance to Elected Members on providing advice and support to Officers**

### Constituent Issues

41. A member may be asked for advice and support by an officer who is one of their constituents. Officers are entitled to seek such assistance in the same way as any other member of the public. However, members should be aware of the Officer Employment Procedure Rules in Part 4 of this constitution and be careful not to prejudice the County Council's position in relation to disciplinary procedures or employment matters in respect of an officer. A member approached for help in such circumstances should first seek advice from the Monitoring Officer.

### Employment Issues

42. A member should generally treat officers as they would a member of the public in relation to the personal receipt of council services and deal with the issue accordingly.
43. Although employees are not encouraged to do so, elected members may occasionally find themselves being approached by employees on matters relating to their personal circumstances as a member of the Council's staff.
44. This puts the elected member in some difficulty because they will potentially have a conflict of interest. On the one hand the member may well want to offer assistance to the employee, particularly if they reside in their electoral division. On the other hand, as a member of the County Council, all elected members have responsibilities as "the employer".
45. It is advised in such circumstances that the member concerned should limit their role to the following:-
  - listening to the nature of the issue;
  - offering advice about where the employee can get assistance and support e.g. trade union, HR staff, manager, website;
  - pointing to the various mechanisms which the Authority has in place for resolving issues and disputes with groups of employees and individuals. (These are explained below);
  - satisfying themselves that the Council's procedures (including the Whistleblowing Procedure where appropriate) are being followed correctly in that case and receiving details of the outcome. If there is concern that this may not be the case the member should seek

advice from a relevant officer (i.e. Monitoring Officer, Head of Democratic Services, Head of Law or Head of People Services).

46. Beyond the above, it would not be wise for an elected member to pursue any particular case on behalf of the employee. To do so could prejudice any procedures which are already underway and would not be in the Council's or public's interests.
47. There are a number of policies and procedures available for employees to raise individual issues in relation to their employment, in line with the Employee Code of Conduct which forms Part 5B of this Constitution.
48. The Whistleblowing Procedure is available to raise issues of bad practice, possible fraud or corruption or other matters which seem to be against the interests of the public, the Council or its staff.

### **Process for Raising and Resolving Member–Officer Conduct Concerns**

49. Wherever possible, concerns should be raised early and addressed informally and constructively, recognising that not all issues require formal escalation.

#### Procedure for Officers to raise concerns about Members

50. Where a member of staff has a concern about the conduct, behaviour, or interactions of an elected member, and where it is not appropriate or comfortable to resolve the matter directly with the member concerned, the following escalation route will apply:
  - (a) Discussion  
The staff member may raise the issue in confidence with their Director or, if preferred, with the Chief Executive or the Monitoring Officer. No member shall be involved at this stage.
  - (b) Confidential Management Meeting  
Upon receiving such a concern, the Chief Executive, relevant Director and Monitoring Officer will discuss the matter with the staff member to understand the issue, provide support, and assess whether informal resolution may be appropriate.
  - (c) Engagement with the Relevant Group Leader  
Where the concern relates to an elected member's behaviour, and where informal resolution appears possible, the Chief Executive or Monitoring Officer may, with the staff member's agreement, raise the matter with the Leader of the relevant political group. This engagement is intended to support early, constructive resolution and uphold positive member–officer relations, while maintaining the impartiality and safety of officers.

(d) Protection of Officers

Officers must be able to raise such concerns without fear of criticism, retaliation or political pressure. Members must respect that such concerns are handled through senior management and the Monitoring Officer, not directly with the staff member.

(e) No Interference with Formal Processes

Where the matter may amount to a potential breach of the Members' Code of Conduct, and informal resolution under this procedure is not considered appropriate, the Monitoring Officer will advise whether it should instead be considered under the formal Code of Conduct complaints process, in which case members must not seek to influence or interfere with the investigation.

(f) Record and Follow-Up

A confidential note of the concern and action taken will be kept by the Monitoring Officer, who will ensure appropriate follow-up and support for the staff member, and, where relevant, engage with the group leader or member involved to reinforce expected standards.

Procedure for Members to Raise Concerns About Officers

51. Where an elected member has a concern about the conduct, behaviour, or interactions of an officer, which has not been possible or is not appropriate to resolve directly with that officer, the following escalation route will apply:
- (a) Where a member considers that they have not been treated with proper respect or courtesy by an officer, they should raise the concern without delay with the officer's line manager or relevant Director.
  - (b) If, after consideration by the relevant manager or Director, the concern remains unresolved, the member may escalate the issue to the Chief Executive. The Chief Executive will determine whether the matter indicates a potential breach of the Officers' Code of Conduct or other standards expected of employees under the Constitution. The Chief Executive will also decide what further action is appropriate, which may include formal management action, referral to HR processes, or other steps necessary to preserve the integrity of member-officer relations.
  - (c) At every stage of this process, members should refrain from engaging directly with the officer in a way that could be perceived as undue pressure or interference in employment matters. Equally, officers will be expected to cooperate fully and professionally with any enquiries arising from such concerns. This approach ensures that concerns are dealt with promptly, fairly and in accordance with established governance and employment frameworks.

**Review and Maintenance of the Protocol**

52. This protocol will be kept under review to ensure it remains effective, up to date and consistent with relevant legislation, codes of conduct and national good practice. Any proposed changes will be considered in accordance with the Council's constitutional arrangements.

**[end of Protocol on Member/Officer Relations]**

## STATUTORY OFFICERS PROTOCOL

*This Protocol forms part of the Member/Officer Relations protocol and is intended to sit alongside Article 12 of the Constitution, the Members' Code of Conduct, Employee Code of Conduct and the Council's procedure rules. It establishes shared expectations and appended role protocols for each Statutory Officer.*

### 1. Status and Purpose

1.1 This Protocol forms part of the Council's Constitution. It sets out how the Council, its Members, and its officers will support and work with the Council's Statutory Officers so they can discharge their statutory and professional responsibilities effectively. Nothing in this Protocol is intended to fetter the statutory or professional judgement of a Statutory Officer, or to prevent the exercise of any statutory reporting power or duty.

1.2 The Council recognises the importance of the 'golden triangle'—the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer—working collaboratively to support lawful decision-making, effective governance and financial resilience in the public interest.

1.3 The Protocol:

(a) establishes shared principles for Member/officer relationships involving Statutory Officers;

(b) sets minimum working arrangements, access rights and resourcing expectations;

(c) provides routes for early advice, issue escalation and dispute resolution; and

(d) appends role-specific protocols for the Chief Executive/Head of Paid Service, the Monitoring Officer and the Chief Finance Officer (s151 Officer).

### 2. Scope, Definitions and Interpretation

2.1 "Statutory Officers" for the purposes of this Protocol are:

(a) the Head of Paid Service (the Chief Executive), designated under section 4 of the Local Government and Housing Act 1989;

(b) the Monitoring Officer, designated under section 5 of the Local Government and Housing Act 1989; and

(c) the Chief Finance Officer (the "s151 Officer"), responsible for the proper administration of the Council's financial affairs under section 151 of the Local Government Act 1972.

2.2 References in this Protocol to “Members” include the Leader, Cabinet Members, Committee Chairs and all elected Members of the Council.

2.3 This Protocol is to be read alongside: the Members’ Code of Conduct; the Employee Code of Conduct; the Member/Officer Relations Protocol; the Council’s decision-making, financial and contract procedure rules; and any statutory guidance and professional standards applicable to Statutory Officers.

### **3. Core Principles**

3.1 The Council, Members and officers will:

- (a) promote a culture of legality, high ethical standards, good governance and effective financial management;
- (b) engage Statutory Officers early in the development of proposals and decisions with legal, constitutional, ethical, governance or financial implications;
- (c) respect the impartiality and independence of Statutory Officers and avoid placing inappropriate pressure upon them;
- (d) ensure Statutory Officers have timely access to information, reports, meetings and decision-makers so they can provide advice and, where necessary, discharge statutory reporting duties;
- (e) act with mutual respect, trust, honesty and courtesy in all dealings;
- (f) handle disagreements constructively and resolve tensions swiftly; and
- (g) avoid any conduct that could bring the Council into disrepute or undermine Member/officer relationships.

3.2 Statutory Officers will:

- (a) provide professional, impartial advice to support lawful and effective decision-making;
- (b) seek, where possible, to resolve issues informally and constructively at an early stage, including by identifying lawful alternative courses of action; and
- (c) escalate matters formally only where necessary to discharge their statutory or professional duties.

### **4. Working Arrangements – Access, Information and Early Involvement**

4.1 The Council will ensure each Statutory Officer has:

- (a) sufficient staff, accommodation, training and other resources to discharge their statutory duties;

- (b) prompt access to the Leader, Cabinet, Committee Chairs and the Corporate Management Team (CMT);
- (c) advance notice of and access to agendas, reports and minutes for meetings and key officer decision-making forums where issues relevant to their responsibilities may arise; and
- (d) unimpeded access to relevant records, information and officers necessary for them to carry out their functions, subject to lawful restrictions, including timely cooperation and explanation where requested, and subject to lawful restrictions (including data protection, legal professional privilege and exempt/confidential information requirements).

4.2 Directors and other senior officers must ensure Statutory Officers (or their nominated deputies) are consulted at an early stage on:

- (a) new policy or service delivery models;
- (b) significant governance or constitutional changes;
- (c) procurement and contract models that create significant legal/financial risk;
- (d) partnerships, companies, trusts and other bodies where the Council's risk exposure may be material; and
- (e) reports and decisions that may be (or be perceived to be) unlawful, procedurally defective, unethical or financially unsustainable. Where Statutory Officer advice is material to the decision, reports should fairly summarise that advice (and any material residual risks), and identify mitigations and lawful alternatives considered.

4.3 Appropriate deputising arrangements will be maintained and kept under review so that statutory functions can be discharged during absence, vacancies or peaks in demand.

## **5. Statutory Officers' Co-ordination**

5.1 The Statutory Officers will meet regularly (or ensure appropriate regular liaison) to consider corporate governance, legality, standards and financial resilience issues and to co-ordinate advice to Members and CMT.

5.2 Where a matter engages more than one statutory remit (e.g. legality and financial sustainability), the Statutory Officers will co-ordinate advice and escalation wherever practicable, while preserving their separate statutory duties.

## **6. Escalation, Dispute Resolution and Protecting Statutory Roles**

6.1 Where a Statutory Officer raises a concern, the relevant Director and report author must respond promptly and constructively and must not

progress a proposal in a way that frustrates the Statutory Officer's ability to discharge statutory duties. In these circumstances the report should not be finalised until the relevant statutory officer input is obtained (or the report explicitly records that it was not provided and why).

6.2 If disagreement remains, escalation should normally follow this route:

- (a) report author/Director and Statutory Officer discussion;
- (b) CMT discussion;
- (c) discussion with the Leader (and relevant Cabinet Member/Committee Chair as appropriate); and
- (d) if necessary, formal written advice appended to the report and/or statutory reporting routes.

6.3 No Member or officer shall threaten, attempt to coerce or disadvantage a Statutory Officer (or their staff) for raising concerns or for performing statutory functions.

## **7. Conflicts of Interest and Independent Advice**

7.1 Where a Statutory Officer has a conflict (actual or perceived) in relation to a matter these should be declared as early as possible and the Council will ensure alternative arrangements are made (e.g. deputy officer or independent external support) so the statutory function can be discharged.

7.2 The Council will meet reasonable costs of independent professional advice required by a Statutory Officer to discharge their statutory responsibilities

7.3 Where a Statutory Officer has previously provided material advice or otherwise been materially involved in a matter, and it later becomes contentious such that an actual or perceived conflict of interest may reasonably arise, the Council will ensure alternative arrangements are made (for example, by referral to a nominated deputy or by obtaining independent external support) so that the relevant statutory function can be discharged, and confidence in the independence of that function is maintained.

## **8. Training and Awareness**

8.1 The Council will support regular training and briefings for Members and relevant officers on:

- (a) statutory officer roles and escalation routes;
- (b) decision-making, probity, ethical standards and financial management; and
- (c) lessons learned from governance, audit and standards findings.

## 9. Monitoring, Review and Breach

9.1 Each Statutory Officer will keep this Protocol and their appended role protocol under review.

9.2 The Statutory Officers will provide assurance updates to the Corporate Governance Committee or other relevant oversight committee as required and will bring forward proposed amendments in the light of issues arising.

9.3 Alleged breaches:

(a) by Members may be handled under the Members' Code of Conduct and/or referred to Group Leaders/Whips and/or conduct arrangements as appropriate; and

(b) by officers may be referred to the Chief Executive and/or relevant Director and may be dealt with under HR procedures.

## Appendix A – Chief Executive / Head of Paid Service Protocol

### 1. Purpose and Status

1.1 This Protocol sets expectations for the working relationship between the Chief Executive (as Head of Paid Service) and:

(a) the Leader;

(b) the Cabinet; and

(c) Committee Chairs and

(d) all Members.

### 2. Shared Principles

2.1 Dealings will be conducted with mutual respect, trust, honesty and courtesy.

2.2 The Chief Executive will serve the Council as a whole, irrespective of political affiliation, and will demonstrate political sensitivity and an ability to interpret democratic will.

2.3. The Chief Executive will provide frank, impartial advice to all Members.

2.4 The Leader, Cabinet Members or any Member will not place inappropriate pressure on the Chief Executive. Any tensions will be addressed early and resolved swiftly and amicably wherever practicable.

### 3. Roles and Responsibilities – Summary

3.1 The Leader and Cabinet and Members (collectively) will provide democratic leadership, set policy direction and make decisions within the

Constitution, and respect the distinction between political decision-making and officer management responsibilities.

3.2 The Chief Executive (as Head of Paid Service) has overall corporate management and strategic responsibility for the Council's delivery of services; provides professional and impartial advice across decision-making; is accountable to the Council for implementation of strategies and decisions; and discharges Head of Paid Service responsibilities, including reporting on co-ordination of functions and staffing matters as required by law.

#### **4. Relationship with the Leader**

4.1 A successful working relationship between the Leader of the Council and the Chief Executive is critical to the Council's success, the achievement of its policies and strategies, and its relationships with partners. It is central to the Council's good governance and reputation and should set the tone for constructive Member/officer relations throughout the authority.

#### **Regular Liaison and Communication**

4.2 The Leader and Chief Executive will maintain regular scheduled liaison (weekly or as agreed), supplemented by informal contact as needed.

4.3 The Chief Executive supports all groups and will also maintain appropriate liaison with the Cabinet collectively, chairs of scrutiny and key committees, and opposition group leaders (in an impartial manner) to support effective governance.

#### **5. Advice, Briefings and Early Engagement**

5.1 The Chief Executive will ensure the Leader, Cabinet and Members receive timely advice and information to enable informed decisions.

5.2 Members will have regard to professional advice, including advice on legality, governance, risk, affordability and deliverability.

5.3 Major, sensitive or high-risk issues should be flagged early so that options and mitigations can be developed.

#### **6. Management of Officers and Access to Staff**

6.1 Members have no line management responsibility for officers. Concerns about officer performance or conduct should be raised with the Chief Executive (or with the appropriate Statutory Officer where relevant).

6.2 The Chief Executive is responsible for the organisation, management and conduct of the officer workforce and for ensuring officers support the Council's agreed priorities and decision-making.

## **7. Working with Political Groups**

7.1 The Chief Executive (and officers) will not be drawn into party political business.

7.2 Officer attendance at political group meetings may occur only where it is permitted by the Council's Member/Officer Relations Protocol and where it supports the Council's business (e.g. to brief on Council policy, not party matters).

## **8. Public Communications and Media**

8.1 The Leader is the Council's principal political spokesperson. The Chief Executive may speak on managerial, operational and corporate matters and will support the Leader in communicating agreed Council policy.

8.2 Public statements will be handled professionally, consistently and in accordance with applicable communications protocols.

## **9. Dispute Resolution and Escalation**

9.1 If a serious disagreement arises between a member(s) and the Chief Executive:

- (a) it should be discussed privately at the earliest stage;
- (b) if unresolved, it should be escalated to a meeting involving the Leader and the Chief Executive (and, if helpful, another Statutory Officer); and
- (c) where necessary, the matter may be referred to the Council's established governance routes.

9.2 The Chief Executive will frequently be involved at an early stage in advising on or shaping proposals, particularly where issues are major, sensitive or high risk. Where the Chief Executive has previously provided material advice or otherwise been materially involved in a matter, and the matter later becomes contentious such that an actual or perceived conflict of interest may reasonably arise (for example, where the matter involves allegations about senior officer conduct, employment processes, or the discharge of statutory roles), the Council will ensure alternative arrangements are made so that the relevant process can be progressed independently and with appropriate confidence. Such arrangements may include referral to an appropriate nominated deputy, or the use of independent external support, as appropriate to the circumstance. In such cases, the Chief Executive will take steps to ensure that decision-making, investigation or dispute resolution is handled by an officer (or external adviser) who has not been materially involved in the earlier advice, save where this is impracticable and the reasons are recorded.

## **10. Review**

10.1 The Chief Executive will review this Protocol periodically and may recommend amendments to the Council.

## **Appendix B – Monitoring Officer Protocol**

### **1. Introduction and Purpose**

1.1 This Protocol explains the role of the Monitoring Officer and the arrangements in place for ensuring the role is carried out effectively.

1.2 The effectiveness of the Monitoring Officer depends on excellent working relationships with Members and officers, a strong flow of information and access to debate at the earliest stage.

### **2. Statutory Context and Functions**

2.1 The Monitoring Officer is designated under section 5 of the Local Government and Housing Act 1989.

2.2 The Monitoring Officer's core functions include:

- (a) reporting on contravention of law or maladministration (“reportable incidents”);
- (b) functions relating to Members' conduct and ethical standards; and
- (c) responsibilities as proper officer and other constitutional functions.

2.3 The Monitoring Officer may not also be the Head of Paid Service.

### **3. Working Arrangements – Discharge of Functions**

3.1 The Monitoring Officer will:

- (a) meet regularly with the Head of Paid Service and the Chief Finance Officer;
- (b) maintain liaison with Internal Audit and External Audit;
- (c) keep the Council updated on relevant legal developments; and
- (d) promote lawful and ethical decision-making and high standards of governance.

3.2 Directors and senior officers will ensure the Monitoring Officer (or deputy) is consulted early on proposals with significant legal, constitutional, procedural or ethical implications and is informed of emerging issues of concern.

### **4. Resolving Potential Reportable Incidents**

4.1 The Monitoring Officer will seek to resolve potential reportable incidents by avoiding illegality/procedural defects and/or identifying lawful alternative means of achieving the Council's objectives.

4.2 A statutory report will normally be made only if the matter cannot be resolved through advice and corrective action, or the Monitoring Officer considers the seriousness requires formal reporting.

## 5. Rights of Access and Information

5.1 To discharge functions effectively, the Monitoring Officer will be a member of the Council's Corporate Management Team and also has the right:

- (a) to receive advance notice of any relevant meetings of the Council and to attend and speak;
- (c) to access documents and information held by/on behalf of the Council (subject to law) and require explanations;
- (d) to report to the Council and its committees; and
- (e) to access the Head of Paid Service and the Chief Finance Officer.

## 6. Referral to Police, Auditors and Regulators

6.1 After consultation with the Head of Paid Service and the Chief Finance Officer, the Monitoring Officer may notify the Police, the external auditor and/or regulators of concerns and provide information to assist their statutory functions.

## 7. Obtaining Independent Legal Advice

7.1 The Monitoring Officer may obtain legal advice (internal or external) at the Council's expense where reasonably required in relation to a potential reportable incident or other governance matter.

## 8. Conflicts

8.1 Where the Monitoring Officer has an actual or perceived conflict, the Head of Paid Service will be consulted and the matter may be referred to the Deputy Monitoring Officer and/or an external Monitoring Officer from another authority, as appropriate.

8.2 The Monitoring Officer will often be involved at an early stage in advising on proposals so as to avoid reportable incidents and to identify lawful alternatives. Where the Monitoring Officer (or Deputy Monitoring Officer) has previously given material advice or otherwise been materially involved in a matter, and the matter later becomes contentious such that an actual or perceived conflict of interest could reasonably arise, the Monitoring Officer will consult the Head of Paid Service and ensure that the statutory function is discharged through alternative arrangements. This may include referral to the Deputy Monitoring Officer and/or an independent external Monitoring Officer from another authority, as appropriate, so as to maintain confidence in the independence of the statutory function. This includes circumstances where the Monitoring Officer has previously advised a Member or officer on the subject matter of a later complaint or investigation, or has been otherwise involved such that their continued involvement could reasonably be said to undermine confidence in the fairness or independence of the process.

## **9. Insurance and Indemnity**

9.1 The Chief Finance Officer will ensure adequate insurance and indemnity arrangements are maintained to protect the Council and support the proper discharge of the Monitoring Officer function.

## **10. Breach and Sanctions**

10.1 Alleged breaches by Members may be addressed under the Members' Code of Conduct and standards arrangements. Alleged breaches by officers may be referred to the relevant Director and/or Chief Executive and addressed under HR procedures.

## **11. Monitoring and Review**

11.1 The Monitoring Officer will review this Protocol periodically and may recommend amendments to the Council.

### **Appendix C – Chief Finance Officer (s151) Protocol**

#### **1. Introduction**

1.1 The Chief Finance Officer (“CFO”/ “s151 Officer”) is the statutory officer responsible for the proper administration of the Council’s financial affairs.

1.2 This Protocol sets out how the Council will support the CFO to discharge statutory responsibilities and professional duties, including providing timely advice on financial sustainability, governance and risk.

#### **2. Statutory and Professional Framework**

2.1 Section 151 of the Local Government Act 1972 requires the Council to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has responsibility for the administration of those affairs.

2.2 The CFO has a fiduciary duty to local taxpayers and the public interest and is expected to exercise professional judgement and independence.

2.3 Where it appears that expenditure is unlawful or a balanced budget cannot be achieved/maintained, the CFO has statutory reporting duties, including those under section 114 of the Local Government Finance Act 1988.

2.4 The Council expects the CFO role and arrangements to align with CIPFA’s Statement on the Role of the Chief Financial Officer in Local Government, including the “five principles” for the CFO role in public service organisations.

#### **3. CIPFA “Five Principles” – Expectations for the Council**

3.1 The Council will ensure:

- (a) the CFO is a key member of the Council's leadership arrangements, supporting strategy and sustainable delivery in the public interest;
- (b) the CFO is actively involved in, and can influence, all material business decisions so risks and implications are fully considered;
- (c) the CFO leads and promotes good financial management across the organisation so public money is safeguarded and used appropriately, economically, efficiently and effectively;
- (d) the CFO leads and directs a finance function resourced to be fit for purpose; and
- (e) the CFO is professionally qualified and suitably experienced.

#### **4. Working Arrangements – Resources**

4.1 The CFO will advise the Council where resources are insufficient to discharge statutory functions; ensure appropriate deputising arrangements; and, where conflicted, ensure suitable independent arrangements are put in place.

#### **5. Working Arrangements – Access to Information and Meetings**

5.1 To discharge statutory responsibilities, the CFO will be alerted promptly to emerging issues around financial management, accounts, audit, proposed expenditure, funding risk or matters likely to lead to loss, deficit or unplanned liabilities.

5.2 The CFO will receive advance notice of relevant meetings and delegated decisions and has the right to attend and be heard at meetings of the Council, Cabinet and relevant committees on matters with financial implications.

5.3 The CFO will have access to CMT meetings, agendas and reports, and the right to attend and speak on matters with financial implications.

5.4 The CFO will have access (subject to law) to information and officers necessary to carry out fiduciary and statutory functions.

#### **6. Working Arrangements – Relationships and Liaison**

6.1 The CFO will maintain close liaison with the Head of Paid Service and the Monitoring Officer and will support joined-up corporate governance and risk management.

6.2 The CFO will maintain effective working relationships with Internal Audit and External Audit to support assurance and early warning.

#### **7. Advice and Recording**

7.1 The CFO (or deputy) is available to advise Members and officers on financial powers and duties, affordability, sustainability, value for money and financial risk.

7.2 The CFO will ensure appropriate recording of advice given on material matters.

7.3 The Chief Finance Officer will often provide early advice on affordability, financial sustainability, value for money and financial risk to support lawful and effective decision-making. Where the Chief Finance Officer (or deputy) has previously provided material advice or otherwise been materially involved in a matter, and the matter later becomes contentious such that an actual or perceived conflict of interest may reasonably arise, the Council will ensure that appropriate alternative arrangements are put in place so the statutory function can be discharged independently. Such arrangements may include the use of a nominated deputy with appropriate authority, and/or independent external support, as appropriate to the circumstances. Where alternative arrangements are adopted under this paragraph, the reasons for doing so should be recorded, together with the arrangements put in place to ensure continuity of the Council's statutory financial assurance and reporting functions.

## **8. Section 114 and Early Escalation**

8.1 If the CFO considers a section 114 report may be required, the CFO will engage early with the Head of Paid Service and Monitoring Officer, inform the Leader and Cabinet as appropriate to enable corrective action, and liaise with the external auditor as appropriate.

8.2 The Council recognises issuing a statutory report is a serious step and expects early engagement, transparency (as lawful), and prompt action planning to restore balance.

## **9. Member and Officer Responsibilities**

9.1 Members and officers must comply with the law and the Constitution, take account of the CFO's advice on affordability and risk, notify the CFO promptly of significant budget pressures and governance concerns, and ensure the CFO is involved at the earliest stages of material business decisions.

## **10. Monitoring and Review**

10.1 The CFO will review this Protocol periodically and may recommend amendments. Assurance updates will be provided to the Corporate Governance Committee in accordance with paragraph 9.2 of the main Protocol.

## **11. Breach and Sanctions**

11.1 Alleged breaches by officers may be referred to the relevant Director and/or the Chief Executive and addressed under HR procedures. Concerns about Member conduct will be addressed under the Members' Code of Conduct and related standards arrangements.

**[end of Part 5C]**