

Change to the Constitution - Updating of the Protocol on Member/Officer Relations

*Director
Lead Officer
Contact Details*

*Nicola Hix, Support Services
Richard Ward, Interim Monitoring Officer
richard.ward@southsomerset.gov.uk or 01935 462183*

Purpose of the Report

There is a need for the Protocol on Member/Officer Relations to be brought up to date in order to offer guidance to Members and Officers in their dealings with one another and to help ensure the maintenance of high ethical standards.

Public Interest

It is in the Public Interest for there to be mutual respect between Councillors and Staff and for them to appreciate the different roles each play in the efficient and effective running of the Council and for there to be an appropriate mechanisms for areas of tension and misunderstanding to be resolved

Recommendation

That Standards Committee recommends to Full Council that the changes set out in Appendix A to this report be made to the Council's constitution:

Introduction

Whilst the Council's Constitution currently contains a protocol providing guidance on the working relationships between Councillors and Officers of the Council it does not at the present time provide a mechanism by which disputes and areas of misunderstanding can be resolved. The Council's Monitoring Officer therefore recommends that the additional wording set out in Appendix A is added to the existing protocol to provide for such resolution

Report

There is a need for a mechanism to be provided to resolve the tensions that can sometimes arise in the relationship between Councillors and Officers as they carry out their respective roles in the service of the residents of South Somerset.

The wording set out in Appendix A sets out both informal and formal procedures which aim to enable areas of conflict or misunderstanding to be resolved without rancour and for the benefit of the Public Good

Financial Implications

There are no financial implications directly arising from this proposal.

Legal Implications

None.

Carbon Emissions and Climate Change Implications

There are no specific environmental implications arising from the subject matter of this report

Equalities and Diversity Impact

There are no specific equality or diversity implications arising from the subject matter of this report

Background Papers

Council Constitution-Protocol on Member/Officer Relations (Pages 249-250)

Appendix A

Proposed Revisions to the “Protocol on Member/Officer Relations” (pages 249-250) of the Council’s Constitution (Part 5 – Codes and Protocols).

Add to the existing Protocol after paragraph 15 the following:-

16. Complaints by Councillors against Members of Staff

Procedure

In the event that a Councillor wishes to raise either an informal or formal complaint regarding the conduct or behaviour of an employee or group of employees, the following process should be followed:-

Informal approach

- 16.1 A Councillor should raise the matter in the first instance with the relevant Lead Specialist/Leadership People Manager, or Director who should seek to resolve the matter with the employee(s) concerned. The Councillor must not engage directly with the employee, nor make any attempt to reprimand or discipline the employee nor make any public criticism of the employee (which for the avoidance of doubts includes social media) including at Council, committee meeting of the Local Authority.
- 16.2 If the matter is about the conduct of a Lead Specialist/Leadership People Manager, or Director, the Councillor should raise their concerns with the Chief Executive
- 16.3 The Lead Specialist/Leadership People Manager/Director/Chief Executive will seek to resolve the matter through discussions with the employee concerned and will report on the outcome to the Councillor concerned within 10 working days. If such timescale is not possible the Councillor will be informed within 5 working days of receipt of the complaint as to when an outcome notification will be received.

Formal approach

- 16.4 If the Councillor is unhappy with the outcome of the informal approach or considers from the outset that the complaint is of a serious nature they should raise the matter with the relevant Director (or Chief Executive if the complaint is against a Director) and will if a member of a political group make their group leader aware of their complaint.
- 16.5 The Director (or Chief Executive) will ensure the matter is investigated according to the relevant Council procedures consulting, where appropriate with the People Team, the Section 151 Officer (in respect of financial matters) and the Monitoring Officer (in respect of lawfulness and probity)
- 16.6 Again at this stage the Councillor must not engage directly with the employee, nor make any attempt to reprimand or discipline the employee nor make any public criticism (including via social media) of the employee including at Council or any committee meeting of the Local Authority
- 16.7 The Director (or Chief Executive) will write to the Councillor and Group Leader advising of the outcome. If changes in practice or procedures are required these will be detailed in writing and advised to the employee, the complainant and the Group Leader. A check will be made at six months (or such other pre-specified time as is considered appropriate) that the required changes have been implemented and that the complainant is content.

16.8 The Employee will be informed of the outcome of the complaint in accordance with relevant Council Procedures.

17. Complaints by members of staff against Councillors

Important Note –This Protocol does not preclude an employee, at any time, if they think it appropriate to make a formal complaint under the South Somerset District Councils Code of Conduct complaints regime applicable to elected and co-opted Members.

Procedure

17.1 If an employee wishes to make either an informal or formal complaint under this protocol relating to the conduct or behaviour of a Councillor, the appropriate support must be provided by their line manager and the following procedure should be followed

Informal approach.

17.2 An employee should in the first instance raise the issue of concern with their relevant Lead Specialist/Leadership People Manager or Director (or the Chief Executive in the case of a complaint by a Director). The employee must not engage directly with the Councillor on the matter. If appropriate the Lead Specialist/Leadership People Manager or Director (or Chief Executive) may involve the group leader.

17.3 The Lead Specialist/Leadership People Manager/Director will seek to resolve the matter through discussions with the councillor concerned and will report the outcome to the employee, Chief Executive and Group Leader if applicable.

Formal approach

17.4 If the Employee is unhappy with the outcome of the informal approach or considers their complaint to be of a serious nature they may wish to consult with their trade union representative (if applicable) prior to raising the matter formally with the relevant Lead Specialist/Leadership People Manager or Director (or Chief Executive in the case of a complaint by a Director). The Employee and their TU representative may also raise the matter directly with the Senior Human Resource Employee in the Council.

17.5 The Lead Specialist/Leadership People Manager/Director will ensure the matter is investigated under the appropriate Council investigatory procedure.

17.6 The Councillor and Group leader will be advised of the complaint and should agree to co-operate with any investigation

17.7 If the Lead Specialist/Leadership People Manager/ Director employee considers the case is sufficiently serious they should advise the Chief Executive that the matter should be formally raised with the Group Leader

17.8 The Outcome of the investigation may require that no further action be required or that a written or verbal apology is given to the employee. An undertaking should be sought that any wrong doing will not be repeated.

17.9 In appropriate cases (which will normally be where a clear breach of the Code of Conduct has occurred) the Standards Committee will be informed of the outcome of the case
