

DORSET AND WILTSHIRE FIRE AND RESCUE AUTHORITY

DRAFT MEMBER- OFFICER PROTOCOL

INTRODUCTION

1. An effective and professional relationship between members and officers in which both understand the other's role is essential to the success of the Fire Authority. The purpose of this Protocol is to assist by giving guidance on that relationship so as to ensure the smooth running of the Authority.
2. The protocol has been approved by the Authority. The **XX Committee** will monitor its operation.
3. This Protocol is not prescriptive and it does not cover every situation. The intention is to give guidance on some of the issues which most commonly arise. It is hoped that the approach adopted will serve as a guide to dealing with other issues and will be a useful reference point in maintaining and promoting high standards of conduct.
4. Members and officers must at all times observe this protocol.
5. There are approved codes of conduct for both members and officers. The members' code requires members to have regard to the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Breaches of this protocol by a member may result in a complaint if it appears the members' code of conduct has also been breached. Breaches by an officer may lead to disciplinary action.

DEFINITIONS

6. Unless the context indicates otherwise, references to the term *Authority* include committees, panels and joint committees.
7. The terms *member* and *members* include co-opted members, unless the context indicates otherwise.
8. *Officers* and *staff* mean all persons in the employment of the Authority and the Dorset and Wiltshire Fire and Rescue Service (FRS)
9. *Senior officer* means the Chief Fire Officer, Monitoring Officer, Treasurer, Clerk together with those officers comprising the Executive Management Team
10. The term *constituent authorities* mean the local authorities which have the right to appoint members to the Authority.

THE ROLE OF MEMBERS AND OFFICERS

11. This Protocol seeks to reflect the principles underlying the respective codes of conduct which apply to members and officers. The shared objective of these codes is to enhance and maintain the integrity of local government and they therefore demand very high standards of personal conduct.

12. The conduct of members and officers should be such as to instil mutual confidence, trust and respect. Dealings between members and officers should observe high standards of courtesy. Neither party should seek to take unfair advantage of their position. Members should not do anything which compromises, or is likely to compromise, the impartiality of officers.

13. Whilst members and officers are indispensable to one another, their responsibilities are distinct. Through their membership of the constituent authorities, members are accountable to the electorate and can serve only as long as their term of office lasts in their constituent authority. The role of members includes developing and setting policies that will then be implemented by officers and monitor how those policies are implemented.

14. Officers are responsible for giving advice to members to enable them to fulfil their roles. In doing so, officers will take into account all available relevant factors. Informal and collaborative two-way contact between members and officers is encouraged but close personal familiarity can damage the relationship, as might a family or business connection.

15. Members and officers should inform the Monitoring Officer of any relationship which might be seen as unduly influencing their work in their respective roles.

16. It is not enough to avoid actual impropriety. Members and officers should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a close personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived. Specifically, a member should not sit on a body or participate in any decision which directly affects the officer on a personal basis.

17. Officers serve the Authority as a whole. They have a duty to advise members collectively and individually, and implement the properly authorised decisions of the Authority. Senior officers in particular will be responsible for instructing staff to implement the Authority's decisions.

18. Officers taking decisions under their delegated powers must consider the advisability of informing the Authority of their intentions in advance when the matter to which the decisions relates is likely to be sensitive or contentious, or has wider policy implications.

19. In any event, senior officers will establish regular informal contact at mutually convenient times with the Chairman and Vice Chairman and with the workstreams as

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a means of officers briefing members on sensitive or otherwise important issues, and vice versa.

20. Officers work to the instructions of their senior officers, not individual members. It follows that, whilst such officers will always seek to assist a member, they must not be asked to exceed the bounds of authority they have been given by their managers. Except when the purpose of an enquiry is purely to seek factual information, members should normally direct their requests and concerns to a senior officer, at least in the first instance.

21. At a meeting of the Authority, a resolution may be passed which authorises a named officer to take action between meetings in consultation with the Chairman. In these circumstances it is the officer, not the Chairman, who takes the action and is responsible for it. The Chairman has no legal power to take decisions on behalf of the Authority.

22. Members and officers should respect each other's free (i.e. non-Council) time.

DUAL ROLE

23. As councillors, members may express the values and aspirations of the party political groups to which they belong, recognising that in their role as members they have a duty always to act in the public interest.

24. Similarly, members may express the values and aspirations of the constituent authorities, though they are not delegates and cannot be mandated by those authorities.

25. Members have a number of roles; collectively, they are the ultimate policy-makers determining the core values of the Authority and approving its budget and strategic plans. They also monitor service delivery against approved plans and targets.

26. Members represent their community and promote the social, economic and environmental well-being of the community often in partnership with other agencies.

27. Members concerned about a possible conflict of interest should always take advice from the Clerk or Monitoring Officer.

THE AUTHORITY AS AN EMPLOYER

28. Officers are employed by the Authority as a whole.

29. Members' roles in relation to the Authority as an employer are limited to:

- the appointment of specified senior posts,
- determining human resources policies and conditions of employment, and
- hearing and determining appeals.

Members shall not act outside these roles.

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30. If participating in the appointment of officers, members should :
- remember that the sole criterion is merit,
 - never canvass support for a particular candidate,
 - not take part where one of the candidates is a close friend or relative,
 - not be influenced by personal preferences, and
 - not favour a candidate by giving him/her information not available to the other candidates.

31. A member should not sit on an appeal hearing if the appellant is a friend, a relative, or an officer with whom the member has had a close working relationship.

OFFICER/CHAIRPERSON/LEAD MEMBER RELATIONSHIPS

32. The Chief Fire Officer, Clerk, Monitoring Officer, and Treasurer will always be fully responsible for the contents of any report submitted in their names. Even if the Chairperson or Lead Member is unhappy with its contents a report should never be amended other than with the approval of the relevant responsible officer.

33. It is important to remember that the law only allows for decisions on Fire Authority business to be taken by the Fire Authority itself, a Committee or an officer with delegated powers. The law does not allow for decisions to be taken by individual members of the Fire Authority or party groups.

34. Members must not take any actions which are unlawful, financially improper or likely to give rise to maladministration.

35. Members are not authorised to initiate or certify financial transactions, or to enter into a contract on behalf of the Authority.

36. Members are not authorised to instruct officers other than :
- through the formal decision-making process;
 - to request the provision of consumable resources provided by the Authority for members' use; or
 - where staff have been specifically allocated to give support to a member or group of members.

37. Within the approved plans and policies of the Authority (including, as appropriate, the committees, panels and joint committees), officers manage and provide the services for which the Authority has a statutory duty within the framework of responsibilities delegated to them. Specifically, the Chief Fire Officer is responsible for all operational issues and for the management of all resources including staff.

38. Officers have a duty to implement decisions of the Authority which are lawful, and which have been properly approved in accordance with the requirements of the law and the Authority's Standing Orders, Financial Regulations, etc, and duly minuted.

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39. Officers have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.

40. Officers must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for members, the media or other sections of the public.

OFFICER ADVICE TO PARTY GROUPS

41. It must be recognised that officers serve the whole Authority and not exclusively any one political group, combination of groups or individual member.

42. Party group meetings are not empowered to make decisions on behalf of the Authority, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Authority business and must not be interpreted as doing so.

43. In their dealings with party groups, officers must treat each group in a fair and even handed manner. Senior officers may properly be asked to contribute to deliberations of matters concerning Authority business by party groups, whether meeting separately or jointly.

44. Officers have the right to refuse such requests, and will normally not attend a meeting of a party group where some of those attending are not members of the Authority.

45. An officer who is not a senior officer shall not be invited to attend a party group meeting, but a senior officer may nominate another officer to attend on his/her behalf.

46. An officer should be given the opportunity of verifying comments and advice attributed to him/her in any written record of a party group meeting

47. Certain key points must be clearly understood by members and officers when advice is being given to a political group:

- Officers must not be involved in advising on party business.
- Party group meetings are not empowered to make decisions on behalf of the Fire Authority.
- Advising a group meeting is not a substitute for providing all necessary information and advice to the Fire Authority or relevant committee.
- Officers must not attend group meetings where those involved include persons who are not members of the Fire Authority (such persons are not bound by the member code of conduct, in particular as to confidentiality).
- Officers must respect party group confidentiality and not repeat the content of any discussion to any other party group.

48. Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Monitoring Officer or Clerk and the relevant party group leader.

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RESOURCES FOR MEMBERS

49. The only basis upon which the Fire Authority may lawfully provide resources by way of support services (eg stationery and photocopying) to members is to assist them in discharging their role as members of the Fire Authority, as set out in any Member Role Profile or Job Description. Such support should not be used to support members in their roles as members of other authorities and bodies. They should never be used in connection with party political or campaigning activity, or for private purposes.

50. Members should ensure they understand and comply with the Authority's own rules about the use of such resources, particularly:

- in relation to any locally-agreed arrangements e.g. payment for private photocopying; and
- regarding ICT security.

MEMBERS' ACCESS TO INFORMATION

51. Members are free to approach the Fire Authority 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 Fire Authority. Such approaches should normally be directed to the appropriate senior officer or, in cases of doubt, to the Chief Fire Officer. Members should not put undue pressure on officers to release information and documents to which they are not entitled to have access.

52. Where information is requested on behalf of a third party, it will only be provided if :

- it is in the public domain, and
- it is not barred by the Data Protection Act or Freedom of Information Act from being given.

53. Every member of a committee, panel or joint committee has a right to inspect documents about the business of that committee, panel or joint committee. A member who is not a member of a specific committee, panel or joint committee, may have access to any document about the business of that specific part of the Authority provided :

- he/she can demonstrate a reasonable need to see the documents in order to carry out his/her roles as a member (the "need to know" principle), and
- the documents do not contain "confidential" or "exempt" information as defined by the law.

54. Disputes as to the validity of a member's request to see a document on a need to know basis will be determined by the Monitoring Officer. Officers should seek his/her advice if in any doubt about the reasonableness of a member's request.

55. A member should obtain advice from the Clerk or Monitoring Officer in circumstances where he/she wishes to have access to documents or information:

- where to do so is likely to be in breach of the Data Protection Act, or

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- where the subject matter is one in which he/she has a disclosable pecuniary or other interest as defined in the members' Code of Conduct.

ACCESS TO PREMISES

56. Officers have the right to enter Authority land and premises to carry out their work. Some officers have the legal power to enter property in the ownership of others.
57. Members have a right of access to Authority land and premises to fulfil their duties.
58. When making visits as individual members, members should :
- whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
 - comply with health and safety, security and other workplace rules; and
 - not interfere with the services or activities being provided at the time of the visit.

CORRESPONDENCE

59. Correspondence between an individual member and an officer should not be copied to another member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, i.e. there should be no 'blind' copies.
60. Official letters written on behalf of the Authority should normally be in the name of the relevant officer however, the Chairman may initiate correspondence in his/her own name.
61. Letters which convene meetings, create obligations or give instructions on behalf of the Fire Authority should never be sent in the name of a member.

PUBLIC RELATIONS AND PRESS RELEASES

62. All formal relations with the media must be conducted in accordance with the Authority's agreed procedures and the law on local authority publicity.
63. Press releases or statements made by officers must promote or give information on Authority policy or services. They will be factual and consistent with Authority policy. They cannot be used to promote a party group.
64. Officers will keep relevant members informed of media interest in the Authority's activities, especially regarding strategic or contentious matters.
65. Before responding to enquiries from the media, officers shall ensure they are authorised to do so.
66. If a member is contacted by, or contacts, the media on an issue, he/she should:

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- indicate in what capacity he/she is speaking (e.g. in a personal capacity, on behalf of the Authority, or on behalf of a party group);
- be sure of what he/she wants to say or not to say;
- consider the likely consequences for the Authority of his/her statement (e.g. commitment to a particular course of action, image, allegations of jumping to conclusions);
- never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
- consider whether to consult other relevant members; and
- take particular care in what he/she says in the run-up to local or national elections to avoid giving the impression of electioneering, unless he/she has been contacted as an election candidate or political party activist.

ADHERENCE TO THIS PROTOCOL

67. The key elements of this protocol are recognition of and a respect for each other's roles and responsibilities. These should be reflected in the behaviour and attitude of each to the other, both publicly and privately.

68. A member who is unhappy about the actions taken by, or conduct of, an officer should:

- avoid personal attacks on, or abuse of, the officer at all times,
- ensure that any criticism is well founded and constructive,
- never make a criticism in public, and
- take up the concern with the officer privately.

69. If direct discussion with the officer is inappropriate (e.g. because of the seriousness of the concern) or fails to resolve the matter, the member should raise the issue with the officer's manager or the relevant senior officer.

70. Members or officers with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Clerk or Monitoring Officer.

71. An officer who believes a member may have acted other than in accordance with this protocol should raise his/her concern with the Clerk or the Monitoring Officer. The Monitoring Officer is the officer responsible for the operation of this protocol and he/she will consider how the complaint or allegation should be dealt with and the Clerk will liaise with the Monitoring Officer as necessary.

72. Officers with complaints of alleged unethical conduct by members should, through their line manager, refer such matters to the Chief Fire Officer. The Chief Fire Officer will raise such matters with the Monitoring Officer.