

Review of Protocol on Member / Officer Relations

Report of the Clerk and Monitoring Officer

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1 Purpose of Report

This report asks the Fire Authority to review its Protocol on Member / Officer Relations, which gives guidance for Members and officers on their respective roles and expectations, and on their relationship with each other.

2 Recommendations

That the Fire Authority reviews the Protocol on Member / Officer Relations and considers whether any amendments are necessary.

3 Background

The relationship between Members and officers is essential to the successful working of Shropshire and Wrekin Fire and Rescue Authority and its service, Shropshire Fire and Rescue Service. This relationship is characterised by mutual respect, informality and trust. Members and employees feel free to speak to one another openly and honestly.

The purpose of the Protocol on Members / Officer Relations, which was first adopted in October 2005, is to help Members and officers perform effectively by giving guidance on their respective roles and expectations, and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things do go wrong.

4 Protocol

The Protocol on Member / Officer Relations (attached as an appendix to this report) sets out:

- a) The roles of Members, including Chairs, Vice-Chairs and Opposition Members, and officers;
- b) What Members can expect from officers and vice versa;
- c) Guidance on the provision of information; and
- d) The procedure to be followed, if the relationship between Members and officers breaks down.

The deletion of 'County' is proposed at paragraph 2.1 on page 1 to recognise the unitary status of the Council.

5 Financial Implications

In the unlikely event that it were necessary to engage the services of the Advisory Conciliation and Arbitration Service (ACAS) to resolve any issues, which could not be determined internally, there would be a cost implication but this could be met from within existing budgets.

6 Legal Comment

Although not a legal requirement, it is considered good practice to have in place a protocol on Member / Officer relations and to review the protocol regularly. The Protocol does not prevent recourse to statutory provisions to address issues concerning Member / Officer relations.

The Protocol cannot be in conflict with statutory requirements. Accordingly, if there are any changes in statute, which effect this Protocol before it is next due for review, the statutory provisions will take precedence over the terms of the Protocol, which are affected.

7 Equality Impact Assessment

Officers have considered the Service's Brigade Order on Equality Impact Assessments (Personnel 5 Part 2) and have decided that there are no discriminatory practices or differential impacts upon specific groups arising specifically from this report. An Initial Equality Impact Assessment has not, therefore, been completed.

8 Appendix

Protocol on Member / Officer Relations

9 Background Papers

There are no background papers associated with this report.

Shropshire and Wrekin Fire and Rescue Authority Protocol on Member / Officer Relations

1 Introduction

- 1.1 The relationship between Members and officers is essential to the successful working of Shropshire and Wrekin Fire Authority and its service, Shropshire Fire and Rescue Service. This relationship is characterised by mutual respect, informality and trust. Members and employees feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship. Its purpose is rather to help Members and officers perform effectively by giving guidance on their respective roles and expectations, and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong.

Responsibility for the operation of this Protocol lies with the Chief Fire Officer.

- 1.2 The Protocol must be read and operated in the context of any relevant legislation and national and local Codes of Conduct and any procedure for confidential reporting.

2 Roles of Members and Officers

- 2.1 The respective roles of Members and employees can be summarised as follows:

Members and employees are servants of the public and they are indispensable to one another but their responsibilities are distinct. Members are nominated by their constituent authority (either Telford & Wrekin Council or Shropshire County Council) and serve only as long as their term of office lasts. Employees are responsible to the Fire Authority. Their job is to give advice to Members and the Fire Authority, and to carry out the Fire Authority's work under the direction and control of the Fire Authority, its committees, panels and working groups. Mutual respect between Members and officers is essential to good local government.

2.2 Members

The main areas of Member responsibility are to set the Fire Authority's budget, determine its policy and give it political leadership and to represent the Fire Authority externally. It is not the role of Members to involve themselves in the day-to-day management of the Fire and Rescue Service.

2.3 Chairs and Vice-Chairs

Chairs and Vice-Chairs of the Fire Authority, its committees, panels and working groups have additional responsibilities and their relationships with officers may, therefore, differ from, and be more complex than, those of Members without those responsibilities. This is recognised in the expectations they are entitled to have.

2.4 Opposition Members

As individual Members of the Fire Authority, all Members have the same rights and obligations in their relationship with officers and should be treated equally. Where, however, a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between officers, particularly those at a senior level in the organisation, and the administration will differ from that with opposition groups.

2.5 Officers

The role of officers is to give advice and information to Members and to implement the policies determined by the Fire Authority.

Certain employees, such as the Chief Fire Officer, the Monitoring Officer and the Treasurer (Section 151 Officer), have responsibilities in law over and above their obligations to the Fire Authority and its Members, which they must be allowed to discharge.

3 Expectations

3.1 Members can expect from officers:

- A commitment to the Fire Authority as a whole, and not to any political group
- A working partnership
- An understanding of, and support for, respective roles, workloads and pressures
- A timely response to enquiries and complaints
- Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of employees
- Regular, up-to-date information on matters, which can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities they have and positions they hold

- Awareness of, and sensitivity to, the political environment
- Respect, dignity and courtesy
- Training and development in order to carry out their role effectively
- Integrity, mutual support and appropriate confidentiality
- Not to have personal issues raised with them by officers outside agreed procedures
- That officers will not use their relationship with Members to advance their personal interests or to influence decisions improperly

3.2 Officers can expect from Members:

- A working partnership
- An understanding of, and support for, respective roles, workloads and pressures
- Political leadership and direction
- Respect, dignity and courtesy
- Integrity, mutual support and appropriate confidentiality
- Not to be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between Members and officers, and the potential vulnerability of officers, particularly at junior levels
- That Members will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly
- That Members will at all times comply with the Fire Authority's Code of Conduct for Members

4 Provision of Information to Members

4.1 Every Member has the right to information, explanation and advice reasonably required to enable them to perform their duties as a Member of the Fire Authority (the 'need to know') but not where:

- The information is primarily needed for a non-Fire Authority purpose; or
- There is a conflict of interest; or

- There is an overriding individual right of confidentiality, for example in an employment matter; or
- The resources needed to supply the information would be unreasonable.

Members should direct initial requests for advice, information and officer support to the Chief Fire Officer.

Members need not state a “need to know” when requesting information. It may, however, be necessary to justify the request – mere curiosity alone does not create a need to know. Any relevant interests should be declared at the time of the request. If a Member is dissatisfied with a refusal, it should be discussed with the Chief Fire Officer. If, following that discussion, the Member is still dissatisfied, the Monitoring Officer may be asked to determine entitlement.

Officers should not automatically assume that a Member has a “need to know” but the burden of showing a “need to know” is not high. If there is any doubt, then the Member should be asked to explain why they wish to see the document(s) and, in cases of doubt, the Monitoring Officer may be consulted. An officer must seek clearance from the Chief Fire Officer before embarking on a significant amount of work to provide information.

4.2 Members are normally entitled to be given information on a confidential basis (i.e. the fact that the Member has requested, and been provided with, the information will be kept confidential by officers), the exceptions being:

- An overriding Fire Authority interest, for example protecting its legal and financial position); and
- Natural justice, for example giving an individual the chance to respond to allegations.

Correspondence between individual Members and an officer should not normally be copied (by the officer) to any other Member. Where exceptionally it is necessary to copy correspondence to another Member, the original Member will be advised. In other words, a system of “silent copies” will not be employed.

4.3 Members must respect the confidentiality of confidential Fire Authority information and must use such information only for the purpose it is given.

“Managed Access” may be offered when information is particularly sensitive or needs interpretation. This involves inspection of the file combined with a briefing. Names and supporting evidence may need to be withheld. The officer must be clear as to whether any information is confidential and state this in writing.

- 4.4 Members with a particular role may have a special “need to know” arising from that role, for example party leaders.

5 If Things Go Wrong

5.1 Procedure for Officers

From time to time the relationship between Members and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by a senior manager or Member, officers will have final recourse to the Chief Fire Officer or to the Fire Authority’s Monitoring Officer, as appropriate to the circumstances. In the first instance an initial approach may be made by a concerned officer to the Deputy Chief Fire Officer or the Assistant Chief Officer (Human Resources).

In the event of a complaint being upheld, the Chief Fire Officer will advise the Chair of the Fire Authority and the appropriate Group Leader and decide on the course of action to be taken, following consultation with the Chair and Vice-Chair of the Standards Committee and the Monitoring Officer.

If the concerned officer believes that the behaviour of a Member or Members constitutes a breach of the Code of Conduct for Members, then it is also open to that officer to make a complaint to the Standards Committee. It is preferable, however, that all other courses of action have been exhausted before this step is taken.

5.2 Procedure for Members

In the event that a Member is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the Chief Fire Officer, unless the concern relates to that officer, in which case the Assistant Chief Officer (Human Resources) should be approached. If the matter cannot be resolved informally, it will be dealt with through the Service’s normal line management procedures and performance appraisal process. If the concern relates to the Chief Fire Officer then the issue will be raised with the Chair and Vice-Chair of the Fire Authority for resolution.

5.3 Involvement of the Advisory Conciliation and Arbitration Service (ACAS)

Should it not be possible to resolve internally a matter involving a Principal Officer and a Member, then an external mediation process facilitated by ACAS will be available to the parties. Both parties must, however, enter into the process voluntarily.

The Brigade’s Human Resource Department will be responsible for implementing the external mediation process.