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Application of Policy Council-wide

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Aberdeen City Council | Member - Officers Relations Protocol

1. Good governance and a common purpose

- 1.1 The Council's Target Operating Model ~~will~~ requires a significant programme of change which is ~~will~~ transforming the way in which services are designed and accessed by our customers. The delivery of this ambitious programme is the shared responsibility of elected members and council officers at all levels of the organisation.
- 1.2 In achieving our ambitions for the City of Aberdeen and its residents, it is important to be clear about:
 - the respective roles and responsibilities of elected members and council officers, and
 - how the relationship between them can operate effectively to accomplish shared goals, in the public interest.

The Target Operating Model also needs to be supported by the right structure and a leadership, cultural and behavioural framework is being developed to provide this.

- 1.3 This protocol results from an aspiration to adopt a proactive and positive approach to member-officer relations. This will have clear benefits for the organisation as well as the individuals within it. It responds to the Audit Scotland recommendation in their 2010 report, "Roles and Working Relationships: Are You Getting it Right?", so that ~~the Councillors' Code of Conduct be customised to the requirements of~~ Aberdeen City Council has a protocol which complements the Councillors' Code of Conduct. It also responds to Audit Scotland's 2015 audit of Best Value and Community Planning which stated that the Council should sustain improved working relationships, and consider introducing further protocols and guidance for member-to-member and member-to-officer working. The Accounts Commission follow-up report "How Councils Work – Are You Still Getting it Right?" (Nov 2016) again reinforces the benefits for all Councils, particularly in light of increasing coalition arrangements, of protocols to clarify roles and responsibilities, including member-officer engagement.
- 1.4 The CIPFA* Framework of good governance underpins the Council's own governance structure, and all the key documents within that, including this protocol on member-officer relations. A theme which will be returned to throughout this document, as the requirements on both members and officers are explained, will be that of a common purpose. This is set out by CIPFA in the Delivering Good Governance in Local Government Framework 2016:

"It is crucial that the Framework is applied in a way that demonstrates the spirit and ethos of good governance which cannot be achieved by rules and procedures alone. Shared values that are integrated into the culture of an organisation, and are reflected in behaviour and policy, are hallmarks of good governance."

- 1.5 This emphasises that the achievement of the Council's intended outcomes can only be truly accomplished when members and officers operate from a shared set of values and consistently demonstrate these through a shared set of behaviours.

* The Chartered Institute of Public Finance and Accountancy

Achieving the Intended Outcomes While Acting In the Public Interest at all Times

- 1.6 Local government can be a challenging environment. Financial and political pressures, albeit short-term and cyclical, can take their toll on member-officer relationships. CIPFA acknowledge the potential for this to interfere with the achievement of the Council's intended outcomes and urge authorities to act transparently and without conflict when this is the case. This can be achieved by agreeing a clear vision, which is performance measured, risk managed and based on a longer term view.
- 1.7 Good governance is also key to the Council's "triple aim" which consists of delivering a clear vision, modernising and transforming how we do business and clarity around the standards of behaviour expected of officers. These behaviours form the basis against which employees' annual performance is measured and stress the requirement for open, honest communication, a focus on customers, high standards of professionalism and respect for people, property and processes.
- 1.8 Both members and officers work together to improve the experience for the customer, our use of resources, and the experience of all staff, and this is consistent with CIPFA's Framework for good governance.
- 1.9 This protocol is a tool for members and officers to achieve positive and constructive relations with each other in working towards our common purpose - our shared objectives for the people and place of Aberdeen.

2. Implementing the protocol

- 2.1 The protocol is underpinned at all times by the standards of good governance against which the Council measures itself annually. The protocol complements existing requirements under the Councillors' Code of Conduct for elected members, and the Employee Code of Conduct, the organisational behaviours and Council policies and guidance for employees. It includes some current unwritten practices and provides additional clarity on roles and how they interact.
- 2.2 Observing the protocol is an individual responsibility for each officer and member. Group Leaders will support their members in observing the protocol. Similarly, Chief Officers will support staff to do likewise. The protocol does not cover every eventuality and members and officers who are unsure about its application should seek advice from Chief Officers.

- 2.3 Where a member or officer has a concern relating to observation of the protocol, they may raise this with the relevant Group Leader, if they are a member of a group, or a Chief Officer in their service, [if they are an employee](#) in the first instance. He or she will determine any next steps to be taken. These should be in the interests of resolving the matter raised at the earliest opportunity, and could include an informal discussion, identifying training requirements for an officer or member, or mediation between the individuals concerned. Any remedy would primarily seek to restore and maintain positive working relationships between members and officers.
- 2.4 Members will be made aware of the protocol through Member induction and employees through their [own Employee](#) induction. Copies of the protocol will also be available on the Zone and the Council's website.
- 2.5 Once approved, the protocol will be reviewed annually by the Chief Officer - Governance. This will ensure that the protocol remains effective. Any proposal to amend the protocol will be subject to consultation with members.
3. [Member and officer roles and responsibilities](#)
- 3.1 Members set and approve policy on behalf of the city and officers draft and implement policy. The Chief Executive leads in implementing strategy and managing the delivery of services set by members.
- 3.2 Members monitor the implementation of policy and scrutinise service delivery through robust performance management systems which allow them to hold officers to account. The importance of the role of members is emphasised by CIPFA, whose Delivering Good Governance in Local Government Framework 2016, reinforces the need for a culture and structure for scrutiny and a positive working culture which accepts, promotes and encourages constructive challenge.
- 3.3 The Council's approved Core Behaviours are:
- Respect
 - Professionalism
 - Communication
 - Customer Focus

These behaviours provide a guide to maintaining positive and constructive relations between officers and equally can be applied to relations between members and officers. Members and Chief Officers will lead by example by demonstrating these Core Behaviours in how they relate to one another.

4. [Respect](#)

As members and officers we will behave in a way that demonstrates respect for people, property and processes, and which demonstrates due regard for our respective roles.

4.1 Respect for one another

4.1.1 As members and officers:

- A. We will always behave in a way which is consistent with our Core Behaviours and will treat each other, our colleagues, members of the public, constituents and representatives of partner organisations with respect whether by words, actions or inference and treat them with courtesy at all times. As members, we acknowledge that it is unacceptable to comment on the ~~abilities or behaviour~~ the conduct or capabilities of officers in public and, as such, we will ~~We will~~ avoid personal attacks, refrain from using disrespectful or offensive language and avoid undermining respect for officers. As officers, we acknowledge that the same approach is required in our interactions with members and that members can advocate on behalf of their constituents.
- B. We will ensure that any feedback given is in the spirit of continuous improvement and based on fact.
- C. We will be conscious that the Council is an equal opportunity employer and that members and officers are each bound collectively by a legislative framework.

4.1.2 As members:

- A. We will acknowledge the impartiality of officers and will not exert any pressure on them in respect of report recommendations or in respect of their decision-making under delegated authority. We accept that if we wish to see officers' recommendations in a final report changed we will do so through motions or amendments at the appropriate meeting and will not approach senior officers or authors directly.
- B. We recognise our role in holding officers to account and will adopt appropriate questioning techniques which allow for impartial and professional responses, avoiding leading and politically loaded questions.
- C. We note that any suggestion by members of a lack of officer impartiality or capability will be responded to under the terms of paragraphs 2.2 and 2.3 above.
- D. Where we require information from a service for case work, we will request that information through the members' enquiries system or, in appropriate circumstances, from a relevant senior officer.

4.1.3 As officers:

- A. We will not let our personal views which we hold as citizens or officers affect our judgement.
- B. We will ensure that our relationships with members are not overly familiar in order to protect our impartiality.

- C. We will ensure that all groups and members are treated equally and have equal access to advice and assistance, taking into account exceptions as outlined in 5.4.2.
- D. We will ensure that representatives of all political groups and independent members are invited to attend when we organise civic or official events.

4.2 Respect for property

- 4.2.1 As members, we will not use Council facilities or equipment for political or campaigning purposes and will comply with the guidance issued on behalf of the Returning Officer during pre-election periods.

4.3 Respect at meetings

4.3.1 As members and officers:

- A. We will treat everyone present with respect and courtesy at all meetings.
- B. We will respect and comply with the authority of the chairperson.
- C. We will keep our mobile phones on silent during meetings to avoid unnecessary disruption.
- D. We will ensure all members are addressed as “Councillor” and all officers by their title or surname eg Mr/Ms Smith.

- 4.3.2 As officers we will ensure we are inclusive in our approach inviting all local members to attend when we arrange meetings in a ward, or meetings about a ward issue, and informing all members of any ministerial or Royal visit or visit by other dignitaries and VIPs. We will endeavour to avoid clashes with committee meetings and to ensure that, as far as is reasonable, all those to be invited are available. This does not apply to specific meetings we arrange with members at their or our request.

5. Professionalism

As members and officers we will undertake to maintain the standards expected by the organisation at all times, remembering that we are representing the Council and the city.

5.1 Maintaining standards

- 5.1.1 As members and officers we will uphold the principles of our respective Codes of Conduct and the behaviours outlined in this protocol in all our dealings on behalf of the Council and the city.

5.1.2 As members:

- A. We will ensure that we are aware of the different duties, obligations, potential conflicts of interest and liabilities arising (which may include personal financial liability) when appointed to the board of an Arm's Length External Organisation (ALEO), a trust or an outside body and will seek advice from officers of that body [or the Monitoring Officer, as appropriate](#), if we are in any doubt.
- B. We will not ask officers to undertake work designed to affect support for a political party or campaign.

5.1.3 As officers:

- A. We will ensure we are aware of and understand our responsibilities if we hold a politically restricted post.
- B. We will not undertake work on behalf of a member which may be designed to affect support for a political party or campaign. Where there is any doubt, we will seek advice from a senior officer in our service.

5.2 Maintaining skills and knowledge

5.2.1 As members and officers we recognise the importance of continuous professional development to members and officers understanding each other's priorities and therefore to maintaining constructive relationships; as such:

- A. We will attend induction training to ensure we understand what is expected of us and what we can expect. This is supported by CIPFA which encourages local authorities to develop officer and member capability, by ensuring appropriate induction, continuing development both personal and professional, and support and shared learning. CIPFA also highlights the merits of constructive feedback and peer review for members and officers, ensuring that training and development needs are targeted at gaps and weaknesses.
- B. We will be aware of, and complete appropriate training on, the terms of the Council's governance documents, certain Council policies which embed legislative requirements (including on matters such as corporate parenting, data protection and Protection of Vulnerable Groups (PVG) checks) and of our responsibilities under relevant legislation covering areas such as data protection, freedom of information and bribery.

5.2.2 As members we accept that we have an obligation to our citizens to keep our skills and knowledge up to date and will participate in training arranged for us and keep our personal development plans updated, as provided for in the Member Development Framework.

5.2.3 As Group Leaders we will encourage our members to undertake appropriate training and development in line with the Member Development Framework.

5.2.4 As officers we will undertake to keep our skills and knowledge up to date whether for professional regulation purposes or in keeping with the requirements of the Council as our employer.

5.3 Elections

5.3.1 As members and officers:

- A. We will respect that additional restrictions apply on political activity during any pre-election period.
- B. We will comply with any advice issued on behalf of the Returning Officer.

5.4 Maintaining fairness and transparency

5.4.1 As officers:

- A. We will remember that our duty is to the Council as a whole and, as such, will provide support to all members and groups equally, respecting the confidentiality of any information which we are party to, and providing all advice impartially and professionally.
- B. When invited to address group meetings we will recognise that some present may not be Council members, so we cannot provide any information on confidential matters, and will seek advice from Chief Officers if we have any doubts about meetings which we are asked to attend.
- C. In seeking to assist members, we will always be aware of the limitations of any delegated authority we may be able to exercise and of any advice we may be able to provide.

5.4.2 As members:

- A. We recognise that there are times when we will want to invite officers to attend our group meetings to increase our awareness of issues relating to matters of Council business and we will not use any confidential information received for personal or party political advantage political or campaigning purposes or in such a way to discredit the Council.
- B. We recognise that group meetings, group pre-meetings, coalition meetings, formal and informal briefings, development sessions and similar meetings are not part of the Council decision making process and any conclusions or determinations are not binding on the Council. We recognise that consideration of any matter at these meetings does not replace the obligation on each individual member to come to a decision at the appropriate Council, committee or sub-committee meeting when we will have all information before us.
- C. We recognise that there are times when Administration leaders, Group Leaders or senior councillors may be given advance information which is necessary so

that they can give officers guidance on strategic direction or so that they can understand the background to particular recommendations or proposals.

- D. We acknowledge that Chief Officers have the right to submit [and withdraw](#) certain reports as dictated by their professional judgement and that officers retain final responsibility for the content of reports.

5.5 Employment matters

5.5.1 As members:

- A. We recognise that we must not solicit a job within the Council for anyone or canvas support for any applicant for a job.
- B. We understand that we must not become involved in the pay and conditions of individual officers except when we sit on a committee dealing with such issues.

5.5.2 As officers we will not approach any member about our individual employment or terms and conditions or about the recruitment of anyone else.

6. Communication

As members and officers we will communicate in a way which is timely, clear, open, honest and constructive, respecting the confidentiality of information we are party to.

6.1 Handling information responsibly

6.1.1 As members and officers we recognise that information is one of our most valuable resources and as such it is incumbent on us to treat it responsibly. In all our dealings with information we will act in accordance with data protection legislation, [Council Policies, the Councillors' Code of Conduct](#) and in the knowledge that requests for information can be made by anyone under data protection and freedom of information legislation.

6.1.2 As members we will ensure that, when we are provided with information by officers which is private or confidential, or of a personal nature, we treat it as confidential, only using it for the purpose for which it was provided and undertaking not to share it externally to the Council nor to use it for personal or party political advantage, [or in such a way to discredit the Council](#)

6.1.3 As officers:

- A. We will ensure that, when we provide information to members which is private, confidential, or of a personal nature, they are advised that it is confidential.
- B. We will not share correspondence with one member with any other without the former's express consent nor will we share information about a constituent with any member without the constituent's express consent.

- C. We will take steps to ensure that as many committee reports as possible can be considered in the public domain – and that, where possible, exempt or confidential information is included in an exempt or confidential appendix.
- D. We will endeavour to include any member who may not belong to any group or alliance when corresponding with political groups.
- E. We will remember that members have both statutory and common law rights to access documents relating to local authority proceedings inspect reports on agendas. whether or not they are members of the committee or sub-committee in question. In this respect statutory rights include cover reports to be submitted to committees and sub-committees, and background papers, with the exception of reports containing exempt information relating to documents which disclose exempt information following within paragraphs 1 to 5, 7, 9, 11, 12 and 14 of Part I of Schedule 7A of the Local Government Act 1973. In the main, this is information relating to:- falling within any of these categories:
 - i members
 - ii. officers or former officers
 - iii. potential occupiers, occupiers or former occupiers, or applicants, of Council property
 - iv. applicants or recipients, or former recipients, for financial assistance and Council services
 - v. the care of children
 - vi. the supervision and care of certain individuals
 - vi. terms to be negotiated for contracts
 - vii. industrial relations information relating to consultations or negotiations in connect with labour relations
 - viii. instructions and advice from Counsel or certain advice in respect of legal proceedings or the resolution of a legal matter
 - ix. criminal investigations any action taken or to be taken in connection with prevention, investigation or prosecution of crime.

6.1.4 Common law rights are wider than those provided for by statute under the Access to Information legislation and give members access to some reports or background material including exempt reports. This right is based on a need to know, or information which the member is necessary to enable the Councillor to perform his or her duties. needs in order to perform his or her duty as a councillor. The principle is commonly referred to as the “need to know” principle. It does not include information which cannot be disclosed by virtue of the Data Protection Act or information relating to the internal operations of a political party to which the member requesting the information report does not belong. In the event of any disagreement on whether or not a member should have access to a report, the matter should be referred to the Monitoring Officer.

6.1.5 As Directors we acknowledge and understand the importance of our relationships with conveners and will ensure that conveners are kept fully informed, as appropriate, of all developments relating to their committees.

7. Customer Focus

As members and officers we understand that customer focus is part of the duties of every member and officer and we will work together to improve the services which the Council delivers.

7.1 Members as private individuals

7.1.1 Officers will occasionally need to contact members as private individuals. Where such contact is other than routine, officers should (i) advise the appropriate Chief Officer, who should seek the advice of the Monitoring Officer, and (ii) advise members clearly if they are being contacted as a private individual. Members so contacted should seek the advice of the Monitoring Officer.

7.1.2 The Monitoring Officer will then consider if any further steps require to be taken to ensure the integrity of the Council's decision making processes.

7.1.3 Officers should mark any non routine correspondence to members as private individuals as private and confidential.

7.1.4 Where a member does not respond to correspondence within such a timescale as may have been specified, the matter shall be escalated to the appropriate Chief Officer.

7.1.5 Where an officer is required to meet a member in a private capacity, the location of any meeting shall be agreed by the appropriate Chief Officer. This can be in the member's office in the Town House.

8. Further Reference

The following documents provide additional guidance on this protocol:-

- Councillors' Code of Conduct
- Guidance on Councillors' Code of Conduct
- [All Standards Commission Advice Notes for Councillors](#)
- Employee Code of Conduct (nb Zone link only – not available on website)
- Communications Policy
- Standing Orders
- Scheme of Delegation
- Financial Regulations
- Procurement Regulations
- Terms of Reference
- Follow Me - A Guide To Social Media For Elected Members In Scotland
- Social Media Guidance for Employees (nb Zone link only - not available on website)
- Core Behaviours (nb Zone link only – not available on website)
- CIPFA/IFAC Framework
- CIPFA/SOLACE Guidance