



MALBY TOWN COUNCIL

Protocol on Councillors/Town Clerk/ Employee Relations

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Introduction

This protocol is intended as a guide for Councillors, Town Clerk and Employees in their dealings with one another and as a supplement to the Councillors' Code of Conduct. To a large extent the protocol is a statement of practice and convention which is intended to provide clarity.

The reputation and integrity of the Council is significantly influenced by the effectiveness of the Councillor, the Town Clerk and other staff working together to support each other's roles. The aim is effective and professional working relationships characterised by mutual trust, respect and courtesy.

In this document Council refers to Maltby Town Council and Councillor refers to Councillors of Maltby Town Council. Clerk refers to the Town Clerk, RFO refers to the Responsible Finance Officer and Employees refers to all other staff at Maltby Town Council.

1 General Principles

1.1 A good working relationships is best defined as a partnership of Councillors, Clerk, RFO and Employees working together to achieve the overall aims of the Council.

1.2 Councillors, Clerk, RFO and Employees should avoid any close personal familiarity that could give rise to the suspicion of bias or undue influence.

1.3 Every person must be treated fairly with dignity and respect. Harassment and bullying is not acceptable.

1.4 In general, Councillors make proposals and the Clerk, RFO and Employees implement the Council's resolutions. In most cases Councillors should avoid becoming involved in the operational and administrative aspects of service delivery and avoid coming into the office unless they are coming on Council business or have a meeting with the Clerk.

1.5 Councillors, Clerk, RFO and Employees share a responsibility to work together to achieve and implement decisions in the interests of the Council and the area it serves.

1.6 All dealings between Councillors, Clerk, RFO and Employees should be conducted courteously and no-one should seek to take advantage of their position.

1.7 To ensure high standards of conduct Councillors are required to abide by the Councils Code of Conduct and Officers and Employees are required to abide by the Staff Handbook.

1.8 If the Clerk, RFO or Employee is concerned about the behaviour of a Councillor, or if a Councillor is concerned about the behaviour of an Employee the nature of the concern should be brought to the attention of the Clerk.

1.9 If an Employee or a Councillor is concerned about the behaviour of the Clerk, the matter should be brought to the attention of the Chairman of the Council.

2 Councillors

2.1 Councillors have 4 main areas of responsibility

- To determine council policy and provide community leadership
- To monitor and review council performance in delivering services
- To represent the council externally
- To act as advocates for their constituents
- To abide by the Council's code of conduct
- To attend meetings to which they are summoned

2.2 Councillors make decisions in Council, Committee & Sub-Committee meetings (when the topics discussed will be in accordance with the Committee's Terms of Reference).

2.3 A Councillor acting as an individual cannot give instructions to the Clerk, RFO or to an employee.

2.4 Councillors should not involve themselves in the day to day running of the Council. This is the Clerk's responsibility and the Clerk will be acting on instructions from the Council or its Committees & Sub-Committees, within an agreed job description. Progress on actions will be reported to the Council or to the relevant committee.

2.5 Any document provided for a Councillor and marked as "Confidential" or "Not For Publication" shall be exclusively for the use of that Councillor and shall not be disclosed to any other person if not kept confidential by members this will result in a breach of the Council's code of conduct and may result in being reported to the Monitoring Officer at RMBC.

2.6 Councillors must not seek to influence the appointment of Council staff other than where they are properly appointed to a selection panel.

3 Town Clerk, RFO and Employees

3.1 The role of Officers is to give advice and information to Councillors and to implement the policies determined by the Council. In giving such advice to Councillors, and in preparing and presenting reports, it is the responsibility of the Clerk, RFO and Employees to express their own professional views and recommendations. The Clerk may report the views of individual Councillors on an issue, but any recommendation should be the Clerk's own. If a Councillor wishes to express a contrary view they should not pressurise the Clerk to make a recommendation contrary to the Clerk's professional view, nor victimise the Clerk for discharging their responsibility.

3.2 The Clerk, RFO and Employees are required to discharge their responsibilities in a professional manner and without political bias or favour.

3.3 Employees are expected to declare any prejudicial interests relating to their work to the Clerk.

3.4 The Clerk, RFO and Employees must not normally lobby Councillors e.g. about personal employment matters or budgetary matters; such issues should be taken through agreed procedures.

3.5 Council equipment or supplies e.g. stationery provided to the Clerk, RFO and Employees must only be used to assist them in their role as Clerk, RFO or employees of the Council.

3.6 The Clerk and the RFO have responsibilities in law over and above their obligations to the Council and individual Councillors, which they must be allowed to discharge. These duties are set out in various documents, such as but not restricted to, Contract of Employment, Standing Orders and Financial Regulations.

3.7. The Clerk on receipt of a Councillors email asking a question/request for information will forward the reply to all members to ensure that everyone is in receipt of the information at the same time and for transparency

4 Expectations

What Councillors can expect from the Town Clerk, RFO and Employees:

- A commitment from the Clerk, RFO and Employees to the Council as a whole, and not to any individual Councillor, group of Councillors, political group or pressure group
- An effective and co-operative working partnership with the Clerk, RFO and Employees

- The Clerk, RFO and Employees to understand and support respective roles, workloads and pressures
- Respect, courtesy, integrity and appropriate confidentiality from the Clerk, RFO and Employees
- Training and development opportunities to help them carry out their role effectively (records of any such training will be kept by the Clerk)
- Not to have personal issues raised with them by Councillors outside the Council's agreed procedures
- That the Clerk, RFO and Employees will not use their contact with Councillors to advance their personal interests or to influence decisions improperly
- Using their knowledge, skills and expertise to deliver the best services possible
- Listening to views and trying their best to understand and solve problems
- Taking responsibility for problems and getting back to people when they say they will
- Being honest about what they can and can't do
- Being courteous, respectful and helpful
- Recognition of councillors' areas of expertise
- Respond to emails within 7-14 days

What Councillors should not expect from the Clerk, RFO and employees:

- Giving excuses not reasons
- Not responding in a polite and timely way to queries and complaints (within 14 days)
- Making assumptions and not checking them out
- Being secretive and withholding information unless the information is confidential e.g. staffing matter
- Being patronising or condescending
- Discrimination of any sort

What the Clerk, RFO and Employees can expect from Councillors:

- An effective and co-operative working partnership
- An understanding of, and support for, respective roles, workloads and pressures
- Leadership and direction
- Respect, courtesy, integrity, supportive and appropriate confidentiality
- Not to be bullied or put under undue pressure
- That Councillors will not use their position or relationship with the Clerk, RFO and Employees to advance their personal interests or those of others or to influence decisions improperly
- That Councillors will at all times comply with the Council's adopted Code of Conduct
- Being challenged in a constructive way at the right time and place

What the Clerk, RFO and Employees should not expect from members

- Inappropriate level of challenge in public meetings without prior discussion
- Bullying
- Blaming
- Criticising in public
- Discrimination of any sort

Background Papers:

Governance Toolkit for Parish & Town Councils (version 3 April 2009)

The Good Councillors Guide (6th edition 2016)