

## STANDARDS COMMITTEE

<b>Date of Meeting</b>	Monday 3 <sup>rd</sup> June 2024
<b>Report Subject</b>	Review of Member/Officer Protocol
<b>Report Author</b>	Chief Officer Governance

### EXECUTIVE SUMMARY

The Protocol on Member/Officer Relations (informally called the Member/Officer Protocol) explains how the nature of the relationship between elected Councillors and employed officials should work and describes their different but complementary roles within the Council. It also sets out the behaviours and treatment that each can expect from the other and thereby expands upon the Councillors Code of Conduct.

The Protocol is due for review as part of the Committee's rolling programme of looking at each of the codes and protocols in the Constitution. Also, the Council has recently undertaken some training on respectful communication and how to set a good working culture.

### RECOMMENDATIONS

1	That the amended protocol be recommended to Council for adoption.
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### REPORT DETAILS

<b>1.00</b>	<b>ROLE AND STATUS OF THE MEMBER/OFFICER PROTOCOL</b>
1.01	<p>The Member/Officer protocol is an adjunct to the Councillors' Code of Conduct and is an important contributor to the working culture within the Council. It sets out:</p> <ul style="list-style-type: none"> <li>• the differing roles of members and officers and what they can expect from each other;</li> <li>• further explanation and guidance on appropriate behaviours;</li> <li>• mechanisms for handling concerns or problems within the relationship.</li> </ul> <p>An alleged breach of the Protocol cannot be directly enforced in the same way as an alleged breach of the Code of Conduct. However, the document</p>

	will inform any investigation by the Public Services Ombudsman for Wales. It is also closely allied to the Local Resolution Protocol/Flintshire Standard – the interrelationship between the two documents needs to be made more explicit.
1.02	The Protocol is due to be considered as part of the Committee’s rolling programme of reviewing the codes and protocols in the Constitution. As such the Committee needs to consider whether: <ul style="list-style-type: none"> <li>i. the document is still pertinent;</li> <li>ii. changes in other parts of the Constitution impact upon the Protocol;</li> <li>iii. it is up to date generally (i.e. does it reflect current working practices and arrangements within the Council);</li> <li>iv. any other circumstances that might indicate a change is required. These would include the feedback received as part of the recent training for councillors and also the outcome of the recent case tribunal where allegations of bullying officers were admitted.</li> </ul>
1.03	The Protocol predates the adoption of the Flintshire Standard. Whilst it does reference the Flintshire Standard, it needs to be updated to show that the Flintshire Standard is the right mechanism for enforcing the expected behaviours in respect of members. As it already correctly refers to the enforcement mechanism for officers no updating is required in that respect.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	There are no extra resource requirements as a result of the proposed amendments to the protocol.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Chief Officers and HR have been consulted on proposed amendments to the Protocol. Should the proposed amendments be agreed by the Committee then they will be considered by the Constitution and Democratic Services Committee before being reported to Full Council for adoption.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	There are minimal risks associated with the issues in this report.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix A – the Protocol on Member/Officer Relations showing tracked changes.

	Appendix B – “clean copy” of the Protocol on Member/Officer Relations
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<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>The Flintshire Standard</p> <p><b>Contact Officer:</b> Gareth Owens, Chief Officer Governance <b>Telephone:</b> 01352 702344 <b>E-mail:</b> <a href="mailto:gareth.legal@flintshire.gov.uk">gareth.legal@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<p><b>Public Services Ombudsman for Wales</b> - Public Services Ombudsman for Wales is a statutory role to consider complaints about public services in Wales and complaints that members of local authorities have broken the Code of Conduct.</p>