

CONSTITUTION OF THE LONDON BOROUGH OF CROYDON

Part 5.B – Protocol on Staff – Councillor Relations

INTRODUCTION

- 1.1 The relationship between Members and staff is important to the successful working of the Authority. This relationship within Croydon Council is characterised by mutual respect 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. The purpose of this Protocol is to help Members and employees to 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.
- 1.2 The Protocol must be read and operated in the context of any relevant legislation and the Members' Code of Conduct and any procedure for confidential reporting.

ROLES OF MEMBERS AND STAFF

- 1.3 The respective roles of Members and staff can be summarised as follows:

Members and staff are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Staff are responsible to the Authority. Their job is to give advice to Members and the authority, and to carry out the Council's work under the direction and control of the Council, the Executive, and relevant committees.
- 1.4 Mutual respect between Members and staff is essential to good local government.

MEMBERS' RESPONSIBILITIES

- 1.5 Members have three main areas of responsibility: determining the policy of the Council and giving it political leadership, representing the Authority externally, and acting as advocates on behalf of their constituents. It is not the role of Members to involve themselves in the day to day management of Authority services.

1.6 Members of the Executive, Chairs and Vice Chairs

- (i) Members of the Executive and Chairs and Vice Chairs of Committees have additional responsibilities. Because of those responsibilities, their relationships with employees may be different from and more complex than those of Members without those responsibilities and this is recognised in the expectations they are entitled to have.

1.7 Opposition Members

- (i) Members shall be given timely access to information that they require in their role as Members. As individual Members of the Council, all Members have the same rights and obligations in their relationship with employees and should be treated equally. This principle is particularly important in the context of scrutiny and overview. However, where a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between staff, particularly those at a senior level in the organisation, and the administration shall differ from that with opposition groups.

STAFF

1.8 The role of staff is to give advice and information to Members and to implement the policies determined by the Council.

1.9 Certain employees e.g. Head of Paid Service, Monitoring Officer, Chief Financial Officer (Section 151 Officer) and the Statutory Chief Officers have responsibilities in law over and above their obligations to the Authority and its Members which they must be allowed to discharge.

EXPECTATIONS

1.10 Members can expect from staff:

- (i) A commitment to the Authority as a whole, and not to any political group
- (ii) A working partnership
- (iii) An understanding of and support for respective roles, workloads and pressures
- (iv) Timely response to enquiries and complaints
- (v) Professional advice not influenced by political views or preference, which does not compromise the political neutrality of employees.
- (vi) Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to

any individual responsibilities that they have and positions that they hold

- (vii) Awareness of and sensitivity to the political environment
- (viii) Respect, dignity and courtesy
- (ix) Training and development in order to carry out their role effectively
- (x) Integrity, mutual support and appropriate confidentiality
- (xi) That staff shall not use their relationship with Members to advance their personal interests or to influence decisions improperly
- (xii) That staff shall at all times comply with the relevant Code of Conduct.

1.11 Staff can expect from Members:

- (i) A working partnership
- (ii) An understanding of and support for respective roles, workloads and pressures
- (iii) Political leadership and direction
- (iv) Respect, dignity and courtesy
- (v) Integrity, mutual support and appropriate confidentiality
- (vi) Not to be subject to bullying *or harassment or to be intimidated* or put under undue pressure *or improper influence. This specifically includes any person who is involved in any complaint about any alleged breach of the Council's Member's Code of Conduct.* Members should have regard to the seniority of employees in determining what reasonable requests are, having regard to the power relationship between Members and employees, and the potential vulnerability of employees, particularly at junior levels
(Note: Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone. Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.)
- (vii) That Members shall not use their position or relationship with employees to advance their personal interests or those of others or to influence decisions improperly
- (viii) That Members shall at all times comply with the relevant Code of Conduct.

WHEN THINGS GO WRONG

1.12 Procedure for staff

- (i) From time to time the relationship between Members and staff may break down or become strained. Whilst it shall always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or Member, staff shall have recourse to the Council's Monitoring Officer, as appropriate to the circumstances. The Monitoring Officer shall decide whether the matter should be referred to the Chief Executive. The Chief Executive, who, having advised the Leader of the Council and where appropriate, the appropriate Group Leader shall decide on the course of action to be taken.

1.13 Procedure for Members

- (i) In the event that a Member is dissatisfied with the conduct, behaviour or performance of an employee, the matter should be raised with the appropriate Executive Director. Where the matter concerns an Executive Director, it should be raised with the Chief Executive. Where the matter concerns the Chief Executive it shall be raised with the Director of Human Resources or with the Leader as appropriate.

AMENDMENTS/ VARIATION TO THIS PROTOCOL

- 1.14 Where amendments/variation to this Protocol are necessary due to legislative changes, the Council Solicitor may make such consequential changes to this Protocol as are necessary to take such changes into account.