

PETERLEE TOWN COUNCIL

MEMBER/EMPLOYEE RELATIONS PROTOCOL

June 2013



1. BACKGROUND

- 1.1 This Protocol is intended to assist members (councillors) and employees in approaching many of the sensitive circumstances which arise in a challenging working environment. The protocol has significant relevance to the Council's policy on Dignity and Respect at Work and as such needs to be read in conjunction with that policy and the codes of conduct for members and employees.
- 1.2 The integrity of the Council is significantly influenced by the effectiveness of the members and employees working together to support their respective roles. The pursuit of organisational harmony, trust and collaboration is an elusive and continuing challenge for each member and employee. The conventions within this protocol are intended to be an important support to that process.
- 1.3 Peterlee Town Council aims to provide an environment which promotes effective professional working relationships between members and employees. Undue familiarity between any member and employee is to be avoided, as this has the potential to distort professional relationships and the perceptions of others. Relationships must be characterised by mutual trust, respect and courtesy. This does not mean that people cannot be friends but highlights the need for people to understand that boundaries must exist within the working environment.

2. INTRODUCTION AND PRINCIPLES

- 2.1 It is recognised that it is not the role of a member to attempt to act in the role of 'Council Manager' or provide supervision or performance feedback to individual employees. The Council employs a Town Clerk as Head of the Paid Service and where a member has concerns over priorities, performance or other issues these should initially be discussed with the Clerk.
- 2.2 The purpose of this protocol is to guide members and employees of the Council in their relations with one another in such a way as to ensure the smooth running of the Council.
- 2.3 It offers guidance on some of the issues, which most commonly arise. It is hoped, however, that the approach which it adopts to these issues, will serve as a guide to dealing with other circumstances.
- 2.4 This protocol seeks to promote clarity and certainty. If the protocol is followed, it should ensure that members receive objective and impartial advice and that employees are protected from accusations of bias and any undue influence from members.
- 2.4. It also seeks to reflect the principles underlying the respective codes of conduct, which now apply to members and employees. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the codes, therefore, demand very high standards of personal conduct.
- 2.5 It is recommended that this protocol is an extension of the codes of conduct for members and employees and a vital support for the respect and dignity at work policy. Consequently, a breach of the provisions of this protocol may also constitute a breach of these codes and the policy.

3. RESPECT, DIGNITY & COMMON COURTESY

- 3.1 For the effective conduct of Council business there must be mutual respect, trust, courtesy and dignity in all meetings and contacts, both formal and informal between all members and employees of Peterlee Town Council.
- 3.2 Employees are required to serve the Council as a whole and they owe equal obligations to all members. They are ultimately responsible to the Town Clerk and not to individual members whatever office they might hold.
- 3.3 It is important in any dealings between members and employees that neither should seek to take unfair advantage of their position.
- 3.4 In their dealings with employees, members need to be aware that it is easy for employees to be overawed and feel at a disadvantage. Such feelings can be intensified where members hold official and/or political office.
- 3.5 A member should not apply undue pressure on an employee either to do anything that he/she is not employed or empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property or services.
- 3.6 Similarly, an employee must neither seek to use undue influence on an individual member to make a decision in his/her favour, nor raise personal matters to do with their job, nor make claims or allegations about other employees. (The Council has formal procedures for consultation, grievance and discipline and employees have the right to report possible wrong-doing under other appropriate codes of practice or arrangements).

4. FAMILIARITY

- 4.1 Close personal familiarity between individual members and employees can damage the principle of mutual respect. It could also intentionally or accidentally lead to the passing of confidential information or information which should not be properly passed between them, such as personal details.
- 4.2 Such familiarity could also cause embarrassment to other members and/or other employees and even give rise to suspicions of favouritism.
- 4.3 For the above reasons close personal familiarity must be avoided.
- 4.4 Where there is a close family relationship or friendship between an employee and member, both parties should ensure that they act in accordance with their respective codes of conduct.

5. PROVISION OF ADVICE AND INFORMATION TO MEMBERS

- 5.1 Members are free to approach employees of the Council to seek such information and advice as they may reasonably need in order to assist them in discharging their role as a member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a resident. However, unless the information is of a minor nature, members should make that approach to the Town Clerk to ensure an appropriate and timely response.
- 5.2 The legal rights of members to inspect Council documents are covered partly by statute (including Standing Orders) and partly by common law. Advice can be obtained from the Town Clerk.
- 5.3 The Access to Information Publication Scheme explains the position with regard to access to papers relating to the business of a Council body and advice can be obtained from the Town Clerk.
- 5.4 The exercise of the common law right depends upon a member's ability to demonstrate a "need to know". In this respect a member has no right to "a roving commission" to examine any documents of the Council. Mere curiosity is not sufficient. In the event of a dispute this will be resolved by the Town Clerk.
- 5.5 The information sought by a member should only be provided by the respective service unit as long as it is within the limits of its resources. For their part, members should seek to act reasonably in the number and content of the requests they make.
- 5.6 If a member asks for specific information relating to the work of a particular service and it appears possible or likely that at a subsequent meeting an issue could be raised or question asked on the basis of the information provided, then the appropriate committee chairman concerned should be advised about the information provided.

6. WHEN THINGS GO WRONG

6.1 Procedure for Employees

From time to time the relationship between members and employees may breakdown or become strained. Whilst it is always preferable to resolve matters informally through conciliation by an appropriate senior manager, employees will have recourse to the grievance procedure or to the Town Clerk, as appropriate in the circumstances.

6.2 Procedure for Members

In the event that a member is dissatisfied with the conduct, behaviour or performance of an employee, the matter should be raised with the Town Clerk. Where the employee concerned is the Town Clerk, the matter should still be raised with the Town Clerk. However, if the matter cannot be resolved informally, it may be necessary to invoke the Council's disciplinary procedure or consider possibility of external intervention or assistance.

The Respect and Dignity at Work Policy provides additional guidance on such matters.

HR and Corporate Support Officer

June 2013