

C. Code of Conduct for Officer-Member Relations

1. Context

- 1.1 This Code is to guide members and officers of the Council in their relations with one another. It aims to promote the high standards in public office that are required for at modern local government.
- 1.2 The Council has endorsed this Code as setting the standard for the conduct between officers and members.
- 1.3 Members set the core values of the organisation, agree a policy framework, set the corporate goals and promote the Council in all its work. Members are also the key channels of democratic accountability, ensuring that officers uphold the values of the organisation and deliver those policies that have been determined by democratic means. Members are the channel for the voices of residents in their wards.
- 1.4 The officers of the Council will support all members to enable them to perform these roles effectively in the interests of the Council and residents. They will provide support, information and advice to members to help them in these roles in accordance with this Code.
- 1.5 The organisational role of officers has two important dimensions. Some officers have professional skills relevant to a particular organisational task. Others have a primarily managerial responsibility. Many have elements of both in their job.
- 1.6 Professional officers reasonably expect to have the opportunity to give 'honest advice' and to have their professional integrity respected (e.g. not be required to make recommendations they cannot professionally support) and the chance to 'explain' the facts of any particular situation.
- 1.7 In addition, members and officers must understand there is a clear and acceptable division of responsibilities regarding policy and implementation. It is the duty of officers to manage the implementation of policy. This does not necessarily imply no member involvement in implementation issues, however members set the direction of travel and officers are responsible for the implementation of policy.
- 1.8 Where these two spheres of policy and implementation come together and overlap, it is important that there is effective dialogue in a shared space and the opportunity for ideas, support, problem-solving and monitoring of progress. While members and officers may have their own specific roles and responsibilities, there are some grey areas in which both groups have a shared responsibility, e.g., agreeing workable policies and monitoring performance.

- 1.9 If members and officers work in isolation, and there is little or no communication between them, it is easy to see how strategic direction and delivery become disconnected. This would have a detrimental effect on services and make it difficult to provide the community with clear communication about priorities.
- 1.10 Officers serve the whole Council. They work to the instructions of their line manager through to the Head of Paid Service.
- 1.11 In relation to staffing matters members and officers will comply with Human Resource policies and procedures. Employees will not use their relationship with Councillors to advance their personal interests or to influence decisions improperly.

2. Performance of officers

- 2.1 Members can constructively challenge and comment on reports or the actions taken by officers, but they should always:
 - 2.2 avoid personal attacks on officers
 - 2.3 ensure that constructive challenge is presented in a reasonable manner.
 - 2.4 Complaints about officers or council services should be made to the relevant Director, Head of Paid Service, Monitoring Officer or Chief Finance Officer as appropriate. Members have a duty to raise any issues that they have reason to think might involve fraud or corruption of any sort.
 - 2.5 Members should avoid undermining officers at meetings, or in any public forum. This would be damaging both to effective working relationships and to the public image of the Council. In general officers are unable to 'answer back' or defend themselves against criticism in a public forum.

3. Political Neutrality of Officers

- 3.1 Officers and members make distinct contributions to the running of the council. officers must act with political impartiality, serving the whole council rather than particular groups or councillors.
- 3.2 Officer reports will be factual and may identify options with the merits or otherwise of these. Reports will not deal with any political implications of the matter or any options set out and recommendations will not be made to a political group.
- 3.3 Officers must never allow their own personal or political opinions to interfere with their work or be explicitly displayed in their work.
- 3.4 Senior officers and political assistants are subject to legal rules limiting their political activities outside work.

4. Meetings between officers and members

- 4.1 The extent to which it is appropriate for officers to attend meetings with members depends on the nature of the meeting, but the general principles governing the basis on which they attend and take part are the same. In principle, equivalent access to officers' time is available to all political groups represented on the Council if they so request.
- 4.2 Information received by officers at these meetings may be shared with other officers as is necessary but should not be shared with members of another Political Party unless this is agreed and necessary.
- 4.3 Officers may attend for briefing with the Leader, Portfolio Holders and/or Lead Members of all political parties on the Council in their offices.
- 4.4 Any particular case of difficulty or uncertainty in this area of officer advice to party groups should be raised with the Head of Paid Service who will discuss them with the relevant group leader(s).

5. Political Group Meetings

- 5.1 Officers, apart from group office staff, should not attend political party group meetings, or party political meetings involving party colleagues who are not members of the Council, without the agreement of the Head of Paid Service or Monitoring Officer. Conversely, the Head of Paid Service may arrange meetings with, or presentations to, party groups on particular topics.
- 5.2 Officers may make presentations to party groups of members of the Council on request. All requests for advice of this kind should be routed through the Head of Paid Service or Monitoring Officer who would be responsible for advising the other groups who could then ask for the same briefing. Officers may attend briefing meetings with councillors prior to a formal meeting.

6. Personal relationships

- 6.1 In order for the business of a council to be conducted effectively, it is necessary for there to be a close working relationship between the councillors and the officers of the council.
- 6.2 Mutual respect, trust and good communication are key to establishing good councillor and officer relations. Close personal familiarity should be avoided – such relationships should never be allowed to become so close, or appear to be so close, that the officer's ability to deal impartially with other councillors and party groups is brought into question.
- 6.3 Members should declare to their Group Leader and to the Head of Paid Service/ Monitoring Officer any external relationship with an Officer which might be seen as influencing their work as a member. Officers, too, have a duty to declare any such relationship to their Director or Head of Service.
- 6.4 In most cases, members are expected to deal in the first instance with the Directors and Heads of Service. This is because:

- 6.5 Senior officers are in a better position to provide authoritative information or advice;
- 6.6 They need to be aware of any questions or complaints raised by Councillors;
- 6.7 They are able to respond to Councillors requests, for example by making a judgement as to whether action may be taken under officers' delegated authority; and
- 6.8 They are able to investigate and deal with any shortcomings there might be at the point of service delivery
- 6.9 Members need to be especially careful about contact with less senior staff and must avoid deliberately or unwittingly intimidating staff. Dealing with more senior staff avoids the possibility of junior staff being 'intimidated' by over-enthusiastic members.
- 6.10 It is especially important that there should be a close working relationship between Portfolio Holders, Chairs, Vice Chairs and senior officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officer's ability to deal impartially with other members and other party groups.

7. Officer appointments

Appointments at Chief Officer level and DCS, DASS, DPH and political assistants, are made by a member level selection committee or panel. All other appointments are made at officer level. However, the Head of Paid Service may invite relevant members as observers to join the interview panel for political-facing roles such as other Director roles, Head of Service roles and the Mayor's secretary.

- 7.1 New remuneration packages over £100k must be approved by members but this does not mean that they need to be involved in the recruitment. These packages are reported by COEP to Full Council.
- 7.2 Staffing matters (including discipline, training, setting and monitoring performance) are dealt with by the relevant managers, though the relevant cabinet member may agree the performance targets jointly with the Head of Paid Service in the case of chief officers.
- 7.3 Councillors wishing to comment on an individual officer's performance and/or deficiencies are usually expected to raise the matter with the relevant director or head of paid service.
- 7.4 Specific provisions apply in relation to disciplinary action against the Relevant Officers (Head of Paid Service, Monitoring Officer, Chief Finance Officer) (see Officer Employment Procedure Rules in Part 4H of the Constitution).

8. Working with Overview and Scrutiny

- 8.1 Overview and Scrutiny Committees have the power to require members of the cabinet and officers to appear before them and answer questions. Harrow's Constitution states that officer attendance should be by a Chief Officer, but that they may, if appropriate arrange for other staff to attend meetings to assist.
- 8.2 The Head of Paid Service has overall responsibility for ensuring that staffing support is adequate. It is not anticipated that officers will be faced with conflicts of interest in having to serve both Executive and Scrutiny, but should any problems arise, they should be raised with the Head of Paid Service.
- 8.3 Further information about member and officer involvement in Overview and Scrutiny can be found in the Committee Procedure Rules.