

**KEMPSEY PARISH COUNCIL**  
**MEMBER - OFFICER PROTOCOL**  
**ADOPTED ON 14TH FEBRUARY, 2005**

- 1 A Parish or Town Council is a Statutory Local Authority which usually employs a Clerk and may employ other Officers. Every appointment to paid employment must be on merit.
- 2 The Clerk is the Council's Proper Officer and Chief Executive. S/he should guard against inappropriate public statements, and, in particular, should not act in a party political capacity within the parish.
- 3 Officers must be politically neutral: they are employed by the Council, not by Committees or other individual Councillors. The political neutrality of Officers should be respected. They should not be asked to play any role or undertake any task that is likely to prejudice that neutrality.
- 4 All Members of the Council (Councillors) have a right of access to the Clerk. Where a Member requires information, it will be provided if it is readily available, for example, in Council/Committee papers or material published on behalf of the Council. The Clerk is free to give advice on a confidential basis about procedural matters to any Member.
- 5 The Clerk must be free at all times to seek advice from the County Association of Local Councils and/or other appropriate bodies on matters concerning the proper exercise of his/her duties.
- 6 Councillors should recognise that, in order for Officers to properly carry out their duties, appropriate training and reference material are required.
- 7 Councillors and employees must understand that Council decisions can only be made by full Council, Committees or Clerks acting under delegated authority. The law does not allow for decisions relating to the discharge of any of the Council's functions to be taken by a Chairman or indeed by any other single Councillor. Councillors and employees must ensure that representations made to the Council on any matter during any stage of the formal decision making process should be directed to the Council or appropriate Committee *via the Clerk*.
- 8 Reports to Council and Committees should be written by the Clerk or another authorised Officer.
  - i) If the Chairman or another Member in exceptional circumstances is unhappy with its contents, it should not be amended by the Chairman or another Member, save with the express approval of the Clerk.
  - ii) In most cases, discussion between the Chairman and the Clerk will resolve any disagreement over a report; however if the Clerk's report is not regarded as appropriate by the Chairman, then exceptionally the Chairman should write his or her own report in addition to the report submitted by the Clerk. The Chairman should, under no circumstances, use undue pressure to persuade the Clerk to withdraw the original report.
- 9 Mutual respect between Officers and Councillors is essential to good local government. The Clerk may be closely related to a Councillor: they must be especially careful to ensure that their official dealings are open and transparent.

- 10 Where the Clerk works from home, Councillors must respect agreed practical arrangements for liaison with the Clerk.
- 11 In line with the Code of Conduct's reference to treating others with respect, it is important that any dealings between Councillors and Officers should observe reasonable standards of courtesy:
  - a) Neither party should seek to take unfair advantage of their position.
  - b) Employees, whether individually or collectively, should not be subject of attacks or criticism.
  - c) Councillors should avoid naming individual employees, if at all possible, and neither Councillor nor employee should resort to the media to resolve a disagreement between them.
- 12 The Code of Conduct also requires the promotion of equality by not discriminating unlawfully against any person:
  - a) Council will regard as a serious offence actions by an employee or a Councillor which amount to work related bullying, harassment, discrimination against or victimisation of any employee or Councillor and particularly so where such action is on the grounds of race, gender or disability.
  - b) Bullying can take the form of shouting at an individual, making persistently negative attacks on an individual's personal or professional performance, criticising an individual in front of others, persistently setting objectives with impossible deadlines or unachievable tasks, excessive monitoring of an individual's performance or withholding information with the intent of deliberately affecting an individual's performance.
- 13 Confidentiality is often vitally important, and must be respected by Councillors and Officers at all times. A breach of confidentiality may have serious implications for the individual Councillor/Officer who "leaks" the information.
- 14 It is the duty of the Clerk to ensure that the work and responses of employees are conducive to and not undermining of, the foregoing general principles. They are entitled to expect Members to respect political restriction and the duties and limitations of employees.
- 15 It is also the duty of the Clerk to arrange matters so that other employees properly understand the roles of Members and employees and the Council's required approaches to the relations between them. They are also entitled to expect Members to respect the degree of seniority of employees who are answerable to the Council via the Clerk and not an individual Councillor.
- 16 Official correspondence on behalf of the Council should normally be sent out in the name of the appropriate Officer, rather than in the name of the Councillor. It may be appropriate in certain circumstances (eg. representations to a Government Minister, or on behalf of the Chairman in his/her Civic capacity) for a letter to appear in the name of the Councillor, but this should be the exception rather than the norm. Letters which for example, create obligations or give instructions on behalf of the Council, should never be sent out in the name of a Councillor.
- 17 Complaints of alleged breaches of this protocol will be dealt with under the Council's Complaints Procedure. The Councillor concerned may be censured and/or reported to the Standards Board for breach of the Code of Conduct. The employee concerned may face disciplinary action.