



DERBYSHIRE FIRE & RESCUE AUTHORITY **OFFICER / MEMBER PROTOCOL**

Introduction

The purpose of this Protocol is to provide a guide to good working relationships between the Officers of Derbyshire Fire & Rescue Service and the Elected Members that make up Derbyshire's Fire & Rescue Authority. The Protocol defines the respective roles of Members and Officers and provides some principles governing conduct to help build and maintain good working relations.

Members' role

Members are elected by, and represent their constituents; they are therefore directly responsible to the people of Derbyshire. Members in undertaking their roles and responsibilities are required to operate within the law, the constitution of the Fire & Rescue Authority (FRA) and within local and national codes and protocols.

Members are predominantly responsible for the following:

- The political direction and leadership of Derbyshire Fire & Rescue Service (DFRS).
- Performing the FRA's regulatory functions.
- Proactive policy development and review using evidence to consider whether DFRS financial plans and strategies are sound and have taken into consideration all relevant factors.
- Scrutiny of DFRA's performance in implementing its policies, plans, strategies and delivery of services. Scrutiny and challenge of DFRS's decision-making, budgeting, service delivery or performance issues. Using evidence to hold DFRS to account for its expenditure or to investigate pertinent financial concerns.
- Participation in partnership working.
- Representing the FRA on national, regional and local bodies and organisations.

Officers' Role

Officers are appointed by and serve the FRA. Officers are employed to advise on and implement the FRA's decisions and to support all members. Officers are responsible for the day to day managerial and operational decisions within DFRS.

In their role Officers are to act professionally, impartially and with political neutrality and their advice to Members should include all relevant information.

Officers should:

- Assist and advise the FRA.
- Respond to enquiries and complaints in accordance with the FRA standards.
- Be alert to issues which are or likely to be contentious or politically sensitive, and be aware of the implications for Members, the media or other sections of the public.
- Act with honesty, respect, dignity and courtesy at all times.
- Provide support, learning and development opportunities for Members to help them in performing their various roles.
- Comply with the Officer Code of Conduct and other policies and procedures approved by DFRS.

Relations between Members and Officers

Members and Officers are indispensable to one another therefore there must be mutual respect at all times to ensure the FRA business is effectively conducted. Member/Officer relationships are to be performed in a positive and constructive way and the basic principles of common courtesy apply in both formal and informal settings. Neither party should seek to take unfair advantage of their position nor seek to exert undue influence on the other party. Member and Officer responsibilities are distinct and it is important to recognise and take account of their different roles. However, together Members and Officers bring the critical skills, experience and knowledge required to manage DFRS.

Members should respect Officers' political neutrality at all times. But Members are entitled to reject Officers advice and to give effect to their lawful policies even if they are clearly at variance with the views of Officers. Members are entitled to seek advice and to call for a report to a committee on any matter within its terms of reference.

Members should be aware that Officers are constrained in the response they may make to public comment from Members, and should not abuse Officers in public or through the press, nor seek to undermine their position by abuse, rudeness or ridicule. This in no way reduces Members' proper right and duty to criticise the reports, actions and work of a Portfolio or Department of the Authority where they believe such criticism is merited. If Members believe they have reason to criticise the work of an individual Officer, the proper approach should be through the senior manager of the Portfolio or Chief Fire Officer and Chief Executive (CFO/CE). Equally, where Officers feel they have good cause to criticise a Member, an approach by the CFO/CE to the Chair of the FRA is a sensible first step.

Specific Issues

- **Appointments**
All appointments to paid Local Authority employment must be on merit.
- **Political impartiality**
Officers cannot be Local Authority councillors or MPs, nor can they speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting public support for a political party. Officers are however able to engage in such activity to the extent as is necessary for the proper performance of their duties.
- **Officers are employed by the Authority**
Officers are employed by the Authority and not by committees or individual councillors, and are subject to the Authority's employment procedures. Officers cannot be required to advise any political group of the Authority, either as to the work of the group or as to the work of the Authority, nor can they be required to attend any meetings of any political groups.
- **Working groups and FRA meetings**
Normally, only the CFO/CE should be expected to attend meetings of political groups. At the CFO/CE discretion, other senior employees may be invited to attend. Officers shall only attend such meetings to give report and give advice on major issues; they should attend for the relevant item, answer and leave prior to any decision being taken.
- **Preparation of reports**
Any report to a party political group from a Senior Officer should be written as if the report was being prepared for the relevant committee, and should include appropriate legal and financial advice. Political groups and Senior Members may receive draft versions of reports in order that they may give preliminary consideration to the issues raised in them.

- **Authorship of reports**

Committee reports should be written by the CFO/CE or another Officer authorised by him or her. The report is the Officers and may not be amended by a Member nor may an individual Member instruct an Officer not to present a report if the Officer considers it proper to do so. If the CFO/CE report is not regarded as appropriate, the remedy is for the committee to reject its recommendations or refer it back.

- **Decision making and political groups**

Members and Officers must understand that Authority decisions can only be made by the Authority or the CFO/CE acting under delegated powers. Members and Officers should not act on group decisions. Representations by interested parties on any matter for Authority decision should be made to the appropriate committee, and not exclusively to a political group, at which Officer advice on the points raised is unavailable.

- **Proper communication between Members and Officers**

The CFO/CE must recognise that it is their duty to keep Members of all political groups fully informed about developments of significance in relation to Authority activities. The CFO/CE must also report promptly to the relevant committee any significant failure to implement a decision of that committee.

- **Courtesy and complaints**

Contact between Members and Officers should always be courteous both in public and in private. If an individual Member has a complaint about an Officer, it should be raised with the CFO/CE. Complaints about Principal Officers should be referred to the Chair of the FRA and the Monitoring Officer notified. The Monitoring Officer is appointed under Section 5 of the Local Government and Housing Act 1989. For DFRS the Monitoring Officer is the Assistant Director of Legal Services at Derbyshire County Council. Complaints about a Member of the FRA must be reported to the CFO/CE and the Monitoring Officer.

- **Canvassing and visits**

Members should be aware that it can be a breach of the Officer Code of Conduct for members of staff to lobby Members on matters which directly concern them as employees. Members and Officers should also remember that informal contacts between them should not be used to promote personal interests.

- **Professional relationships**

A professional relationship between Members and Officers should be maintained at all times. Both Members and Officers should avoid close personal familiarity, establishing business or contractual relationships with each other, and entering into loans or other financial obligations. Social contact between a Member and an Officer may be appropriate providing this occurs openly and does not result in breaches of confidence or of management instructions, or the reasonable suspicion of them. Officers must always take care in such situations to avoid casting doubt on their impartiality.

It is widely accepted that there will be contact between Members and employees, both formal and informal, and to ensure that Members and employees are as clear as they can be as to their roles and responsibilities in relation to each other.

- **Assistance to all Members**

Officers have a duty to offer the same assistance and facilities to all Members including minority party leaders. This particularly applies to briefings, at which officers provide oral advice and information to members outside the formal processes of the Authority.

- **Correspondence and confidentiality**

Frequently, Members and Officers correspond, and where not obviously confidential, such correspondence may, subject to the rules, be copied by either the sender or the recipient to others. Correspondence should be courteous. Wide circulation of it should not be employed as a means of administering a public rebuke to an Authority Officer or Member. Any material provided on a confidential basis must remain so unless permission to share that information is given by the person providing it.

- **Press and public relations**

In dealing with the press and public relations, Members and Officers should have regard to the national code of recommended practice on Local Authority publicity.

- **Officer relationships with party groups**

The only basis on which the Authority can lawfully provide support services such as stationery, typing, printing, photocopying, transport to councillors is to assist them in discharging their role as councillors of the Fire & Rescue Authority. Such support services must therefore only be used for Fire & Rescue Authority business. The services should not be used in connection with party political campaigning activity.

- **Councillors access to documents and information**

Councillors have a legal right of access to documents and information held by the Authority. However, these rights are not absolute and in some cases a Councillor may have to establish a “need to know” to justify access. Data Protection, Human Rights considerations and certain restrictions may also apply in particular circumstances.