



# ECCLESFIELD PARISH COUNCIL

*Serving your Community Since 1894*

## **Member / Officer Protocol**

An effective working relationship between Councillors and Employees is vital to the successful operation of the Council's business. The main aim of the Council is to deliver efficient and effective services to the residents of the Parish. It is important that both Councillors and Employees work together to achieve this aim and maintain confidence in the workings of the Council.

- a) Councillors are responsible to the Electorate as a whole, whilst Employees are responsible to the Council. The role of Employees is to give advice to Councillors and help them carry out work under direction of the Council and its committees.
- b) Council business will be conducted more effectively if there is mutual respect and courtesy in all meetings and contacts, both formal and informal, between Councillors and Employees. Where Councillors have concerns about individual Employees, or Employees have concerns relating to individual Councillors, these should be pursued with the Parish Clerk and/or Chair of the Council, only.
- c) Any formal disciplinary action against an Employee will only be initiated by the Clerk or the Full Council / appropriate committee with delegated powers. No individual Elected Member has the ability to unilaterally initiate formal disciplinary action.
- d) Employee concerns regarding their employment with the Council should either be raised with the Clerk or Staffing Committee / appropriate committee with delegated powers. This should initially be done on an informal basis, however if that does not achieve a mutually acceptable result, the Employee must use the Council's Formal Grievance procedure.
- e) Councillors and Employees of the Council have a duty to conduct themselves in a professional and impartial manner, in accordance with the stated aims and requirements of the Council.
- f) No individual should conduct themselves in a manner which is unfavourable to the stated interests of the Council or could be interpreted as favouring individual interests against those of the Council.

- g) Councillors' concerns regarding matters relating to any Council business should be taken up, in the first instance, with the Clerk. If the Councillor believes that the matter hasn't been effectively addressed they should take their concerns to a closed session of the Full Council. Employees concerns may be taken up through the Clerk and / or the Chair of the Council, initially on an informal basis.
- h) Employees are employed by the Council as a whole, and are directed by the Full Council, committees and working groups alone, not by individual Councillors.
- i) Employees shall take the necessary action to implement resolutions made at meetings or the Clerk acting under delegated powers. No Employee shall take action upon the instruction of an individual Councillor. If an Employee has a grievance or wishes to comment on Council policy so far as it affects him or her as an Employee, he or she will take the matter up with his or her immediate line Manager.
- j) Should an Elected Member be called upon to discuss or debate any aspects of an Employee's employment with the Council, and they genuinely believe that they have an interest in that Employee, such as an involvement with them outside of the Council, they should declare the matter in accordance with the Council's Standing Orders.
- k) All Councillors have a right of access to the Clerk, during normal working hours. Where a member requires information, it will be provided if it is readily available. The Clerk is free to give advice on a confidential basis about procedural matters to any Councillor. In doubtful cases the Clerk may seek advice and instruction from the Chair or other appropriate Councillor before responding.
- l) Councillors should not raise matters relating to the conduct or capability of Employees at meetings held in public or before the Press, as Employees have no means of responding to the same in public, and such conduct could breach the trust and confidence the Employee is entitled to expect from the Council as their Employer.
- m) If any Councillor feels that he/she has not been treated with the proper mutual trust, respect or courtesy or has any concerns about the conduct or capability of an Employee, he/she should raise the matter, in private, with the Clerk. Should the Employee in question be the Clerk, the matter should be confidentially brought to the attention of the Chair of the Council and/or Chair of Staffing Committee.
- n) Councillors should be aware that Employees are constrained in the response they may make to public comment from Councillors and should not abuse officers in public or through the press nor seek to undermine their position by abuse, rudeness or ridicule. In meetings, individual Chairs should be aware of discussions which may become abusive towards an Employee and must protect that Employee.

- o) Councillors and Employees should work together in a healthy environment for engendering mutual trust, openness, honesty, fairness, transparency, respect or courtesy.

## **Internet Communications**

The use of the Internet is now an essential and commonplace tool for Councils. Those who use the internet have a responsibility to do so in a professional manner and not to bring the Council into disrepute. To assist with this the Council is issuing the following guidelines which Councillors / Staff are asked to read and comply with:

The Council reserves the right to access and monitor any or all areas of any computer and computer software systems which it owns (including email boxes and messages and telephone calls) from time to time for business reasons and training purposes. Employees should not therefore assume that any information held on the computer is private and confidential to them.

### **Email**

#### **Guidance for appropriate use**

Email is a non-secure medium and care should be taken when composing, sending and storing messages.

Email should be regarded in the same way as any other business communication and should be treated as a Council record. Councillors / Staff should adopt a style and content for email, in particular those sent to external recipients that present a professional image. It is recommended that Councillors / Staff adopt the same standards for email as for letters and memos, although the style may be more informal.

Confidential information about or relating to the business of the Council, its customers, prospects, suppliers or contacts should not be transmitted outside the Council via email unless done so in the course of business and sufficient steps are taken to safeguard security.

Employees and Members must take reasonable steps to guard against unauthorised access to, alteration, accidental loss, disclosure or destruction of data.

#### **Inappropriate use**

Employees and Members must not send internally or externally or obtain material (whether in the form of text or images) which is libellous or defamatory, illegal, obscene, sexually explicit, bullying, discriminatory or disparaging of others particularly in respect of their race, national origins, sex, sexual orientation, age, disability, religious or political beliefs.

Examples of inappropriate use include, but are not limited to:

1. Sending, receiving, downloading or displaying or disseminating material that insults, causes offence or harasses others.
2. Accessing pornographic, racist or other inappropriate or unlawful material.
3. Engaging in on-line chat rooms, on-line gambling sites, social networking sites or blogging.
4. Forwarding electronic chain letters or similar material.
5. Downloading or disseminating copyright materials.
6. Transmitting confidential information about the Council or its customers externally and not in the course of the Council's business.
7. Downloading or playing computer games.
8. Copying or downloading software.

Serious instances of inappropriate use may be considered gross misconduct and lead to your dismissal.

### **Internet access**

The Internet can be used to obtain material considered to be offensive. Anyone found to have used the Internet to access and/or distribute any kind of offensive material, or non-related employment issues, are liable to disciplinary action / a formal standards complaint.

Under no circumstances must users download files on Council business using Council computers without the consent of the Clerk / Full Council.

Anyone believed to have been visiting pornographic sites, downloading or circulating pornographic material using the Council's IT equipment are liable to disciplinary action / a formal standards complaint.

Offences of this nature by Employees may be considered gross misconduct and lead to their dismissal, and if necessary, the police will be informed. Please note that the main servers maintain a record of Internet access by user and these will be monitored as necessary and results forwarded to the Clerk and the police, if appropriate.

### **Unauthorised Use of Internet, Email and Social Networking Sites**

Unauthorised or inappropriate use of the Internet, Email and Social Networking Sites may result in disciplinary action / a formal standards complaint.

The Council will not tolerate the use of Email, Internet or any Social Networking Site by Members or Employees for unofficial or inappropriate purposes, including:-

- i) Any messages produced either during or outside of normal working hours, that could constitute bullying, harassment or other detriment to colleagues, our business or anyone associated with the business.
- ii) Accessing or transmitting pornography.
- iii) Transmitting copyright information and/or any software available to the user.
- iv) Posting confidential information about other Employees, the Council or its residents or suppliers.
- v) Posting any comments, opinions, views or remarks, either during or outside of normal working hours, which could be considered detrimental to the Council,

its Employees, Members, residents, suppliers or anyone else connected to the Council, or bring the Council into disrepute.

## **Conclusion**

It is the duty of the Clerk to arrange matters so that Employees and Members properly understand the roles of Councillors, and the Council's required approaches to the relations between them.

They are also entitled to expect Councillors to respect the level of responsibility of Employees with whom they have dealings, and the fact that whilst those Employees owe duties to the Council as their Employer, such duties do not relate to any individual Councillor.

The intention of this code is to provide a framework within which relationships can be continued in a proper manner with respect for different roles of the participants, as well as recognising the statutory requirements and the constitution of the Council.

**Approved by Council 2 September 2021**

**Review Date September 2023**