



# Buckinghamshire & Milton Keynes Fire Authority

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**Meeting and date:** Overview and Audit Committee, 19 July 2023

**Report title:** Protocol on Member and Officer Relations

**Lead Member:** Chairman of the Authority

**Report sponsor:** Graham Britten, Director of Legal and Governance

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**Action:** Decision

**Recommendations:**

It is recommended that the Protocol on Member and Officer Relations be approved and be recommended to the Authority for adoption.

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**Executive summary:**

The purpose of this report is for Members to review and approve the draft Protocol on Member and Officer Relations (Appendix 1) for adoption by the Authority.

The Protocol requires that it be reviewed on a four-yearly cycle. The substantive amendments are shown underlined in the Appendix and reflect the incorporation of the five ethical principles from the [Core Code of Ethics for Fire and Rescue Services – England](#).

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**Financial implications:** There are no financial implications arising from this report.

**Risk management:** Failure to have an established protocol that clarifies member and officer roles could place members and officers at risk of compromising their respective positions.

**Legal implications:** The recommendation that local authorities have in place a protocol on member and officer relations derives from the Third Report of the Committee on Standards of Conduct in Public Life: *“Standards of Conduct in Local Government in England, Scotland and Wales”* 1997.

Common law has established that if the actions of an individual member adversely affect the ability of an officer to execute his or her contract of employment, it can undermine the implied contractual obligation of trust and confidence for which the Authority may be vicariously liable (for which compensation might be payable). The

promulgation of a protocol on member and officer relations is a practical measure to mitigate the Authority from vicarious liability.

**Privacy and security implications:** There are no privacy and security implications.

**Duty to collaborate:** There are no identified collaboration opportunities with the ambulance or police services due to their different governance models.

**Health and safety implications:** There are no health and safety implications arising from this report.

**Environmental implications:** There are no environmental implications arising from this report.

**Equality, diversity, and inclusion implications:** An equality impact assessment was completed in advance of the internal staff Joint Consultation Forum 1 March 2023 [ and is appended for the purposes of PMB and SMB as appendix 2]

**Consultation and communication:**

The Protocol was reviewed by employee representatives via the Joint Consultation Forum at its meeting on 1 March 2023 who were in agreement that the Protocol should include reference to the five ethical principles from the Core Code of Ethics for Fire and Rescue Services – England, which were also subsequently incorporated into the [updated employee Code of Conduct 2023](#) when approved by the Executive Committee at its meeting on 22 March 2023.

**Background papers:**

[THE THIRD REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE \(Chairman Lord Nolan\) July 1997 Recommendation 20](#)

[Report to the Annual Meeting of the Authority 10 June 2015 - Item 14a](#)

[Report to the Meeting of the Authority 18 September 2019 - Item 7](#)

[Core Code of Ethics for Fire and Rescue Services – England](#)

[Minutes of the meeting of the Executive Committee 22 March 2023](#)

Appendix	Title	Protective Marking
1	Draft Protocol on Member and Officer Relations	



# **Buckinghamshire & Milton Keynes Fire Authority**

## **Protocol on Member and Officer Relations**

### **Policy Statement**

**Buckinghamshire & Milton Keynes Fire Authority is committed to ensuring there is a strong, constructive and trusting relationship between Members and officers. This policy aims to provide a formal protocol for the working relationship between Members and officers to ensure that current good practice continues.**

**The protocol provides guidance on the behaviour, roles and responsibilities of both Members and officers, and puts in place a mechanism should any issues arise surrounding this subject.**

#### **Document history**

Version 1.0 Issued March 2011 following adoption by Standards Committee

Version 1.2 Issued September 2014 following change of information asset owner from Deputy Chief Fire Officer Adrian Crook to Director of Legal and Governance Graham Britten.

Version 2.0 NOTE: By resolution of the Authority at its meeting on 13 June 2012, responsibilities of its Standards Committee were transferred to its Overview and Audit Committee. References to the Standards Committee should be construed accordingly.

Version 3.0 Issued June 2015 following adoption by the Fire Authority.

Version 4.0 Issued July 2019 following adoption by the Overview and Audit Committee at its meeting on 17 July 2019. [Correction: version 4.0 was adopted by the Fire Authority at its meeting on 18 September 2019 after recommendation from the Overview and Audit Committee at its meeting on 17 July 2019]

Draft Version 5.0



## **Policy**

The aims of this policy are to:

Provide a formal protocol which covers the relationship between elected Members and officers.

Provide a mechanism to deal with any issues that may arise which affect the relationship between elected Members and officers.

Support the Authority's commitment to upholding standards of conduct in public life.

## **Organisation**

Throughout the policy document details have been included for people and organisations that have roles and responsibilities in this policy.

The Chief Fire Officer/Chief Executive is responsible for monitoring this policy and any feedback from Members and officers to ensure that it is working effectively.

## **Planning & Implementation**

Members will be made aware of this policy via the Committee structure and presentation to the meeting of the full Fire Authority. It will be included in any induction pack to new Members following the annual meeting in June.

The policy will be made available via the intranet and managers will be urged to ensure that all staff are familiar with the policy.

## **Measuring, Audit & Review**

The policy performance will be monitored as described at 'organisation' above. Unless a change is required sooner, the policy will be reviewed by the Overview and Audit Committee every four years after approval.



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## Protocol on Member and Officer Relations

*"Every Local Authority should have its own written statement or protocol governing relations between Members and Officers."* (**Third report of the committee on standards in public life, the Nolan Committee**).

### 1. Introduction

- 1.1 The relationship between elected Members of Buckinghamshire & Milton Keynes Fire Authority (the Authority) and officers has always been and continues to be one of the main organisational strengths. However, the Authority accepts it is required to have a formal protocol which covers the relationship between elected Members and officers. This protocol is prepared to meet those requirements but against a background of a good working partnership which is well-established, widely accepted and benefits everyone who serves or is employed in the Authority. It will provide a safe guide to help ensure that current good practice continues.
- 1.2 The Authority recognises that a strong, constructive and trusting relationship between Members and officers is essential to the effective and efficient working of the organisation. Members and officers should work in partnership in developing the policies of the Authority and in ensuring the delivery of services to the people of Buckinghamshire and Milton Keynes.
- 1.3 This protocol takes into account the respective and different roles of Members and officers and does not seek to change or influence these roles. It is accepted that from time to time issues may arise which need to be addressed. This protocol provides a mechanism by which to address any such matters.
- 1.4 It is recognised that the Authority is a corporate entity but that in terms of its political structure there is an Administration and Opposition and this dimension involves both Members and officers operating in a political sensitive climate. Officers have an overriding obligation to serve the Authority as a corporate body but must be aware of the political dimension.
- 1.5 This protocol forms a key part of the Authority's approach to corporate governance and its commitment to uphold standards of conduct in public life. The Authority supports the wider aims of protecting and enhancing the integrity and reputation of public services and high standards of personal conduct.

### 2. Operation of this protocol

- 2.1 This protocol will be applied having regard to the requirements of the Members' Code of conduct and the Officers' Code of Conduct, as set



out in the Authority's Constitution, and relevant Authority policies, procedures and processes. Members and officers must at all times observe this protocol; where there is a conflict or discrepancy between this protocol and those codes and policies referred to above, then those codes and policies shall have precedence. Account will also be taken of any conventions in the case of conflict or discrepancy.

- 2.2 This protocol does not affect or interfere with any rights of or protection which a person may have in law.

### **3. Responsibility for the protocol**

- 3.1 The Chief Fire Officer/Chief Executive is responsible for the operation of this protocol and will ensure that it is reviewed on a four yearly cycle. However, the Overview and Audit Committee may request a review at any time.
- 3.2 He or she will rule on the interpretation and/or the application of the protocol in matters of dispute and such rulings will be final. Where such a matter is relevant to or involves the Chief Fire Officer/Chief Executive then the Monitoring Officer shall be the appropriate officer under this paragraph.
- 3.3 Buckinghamshire & Milton Keynes Fire Authority is responsible for approving any amendments or additions to the protocol following consultation with Member and officer representatives and the Overview and Audit Committee where appropriate.

### **4. Members' access to information**

- 4.1 Members have a statutory right under the Local Government Act 1972 to inspect any document which contains material relating to any business which is to be transacted at an Authority meeting. This extends to background papers. If there are any concerns about the rights of members to inspect documents, those involved should consult with the Monitoring Officer.
- 4.2 Members are free to approach the service to provide them with such information, explanation and advice as they may reasonably need to assist them in discharging their role as Members of the Authority. Such approaches should normally be directed to the appropriate senior officer or, in cases of doubt, to the Chief Fire Officer/Chief Executive. Members should not put undue pressure on officers to release information and documents to which they are not entitled to have access.
- 4.3 An exception to the above will be information or reports that contain confidential personal information about employees or other persons. (examples would be a report containing personal medical information



or annual appraisal details of an individual). If the Chief Fire Officer/Chief Executive wishes to withhold a confidential report then he will consult with the Chairman and the Monitoring Officer and, where a report is to be withheld, reasons will be given to the member concerned.

## **5. Member and Officer Roles**

- 5.1 This protocol recognises that Members are elected and officers are appointed to serve the people of Buckinghamshire and Milton Keynes and that their roles are distinct.
- 5.2 The Members are accountable to the electorate who determine the people they wish to represent them on the local authorities. The local authorities of Buckinghamshire and Milton Keynes then nominate elected Members to sit on Buckinghamshire & Milton Keynes Fire Authority.
- 5.3 Officers are accountable to the people of Buckinghamshire and Milton Keynes through this Authority.
- 5.4 Members are primarily responsible for:
  - 5.4.1 Political direction and leadership of the Authority. The determination of policies, plans and strategies and deciding matters to give effect to or implement those policies, plans and strategies, particularly in service delivery terms.
  - 5.4.2 Performing the Authority's regulatory functions.
  - 5.4.3 Monitoring and reviewing, primarily through the Executive Committee and the Overview and Audit Committee functions, the Authority's performance in implementing its plans and strategies and in delivering its services.
  - 5.4.4 Participation in partnership working.
  - 5.4.5 Representing the Authority on national, regional and local bodies and organisations.
  - 5.4.6 Representing the views of their communities and individual constituents in respect of the work of the Authority.
- 5.5 Members should not involve themselves in the day to day management of the Authority's services as the responsibility rests with the Chief Fire Officer/Chief Executive and senior managers and there are clearly defined lines of accountability to Members. However, applying this part of the protocol, it has to be recognised that Members do have specific responsibilities under the Authority's Executive Committee and the Overview and Audit Committee as set out in part nine of this document.





- 5.6 Under the Authority's Constitution some Members have additional responsibility at Member level, for example being Chairman of a committee or panel or as lead or champion Member for a specific area of the service. The holding of these offices will involve a different relationship with certain officers in areas where the Member has a particular role and responsibility. Also, the relationships will be more complex and expectations will be different from other Members.
- 5.7 It is important that Members of the Authority:
- 5.7.1 Respect the impartiality of officers and not undermine their role in carrying out their duties.
  - 5.7.2 Do not ask officers to undertake work or to act in a way which seeks to support or benefit a particular political party or gives rise to the officer being criticised for operating in a party political manner.
  - 5.7.3 Do not ask officers to exceed their authority where that authority is given to them in law, by the Authority or by their managers.
- 5.8 This protocol recognises the role of opposition groups in the Authority, acting individually or jointly, and that relationships will be different and complex. Members in opposition have the same rights and obligations in their relationships with officers and should be treated equally. Where opposition groups, individually or collectively, appoint their Members to perform shadow or spokesperson roles, then the requirement of 5.6 above will apply.
- 5.9 It is however envisaged that all Members will work co-operatively to ensure that the Authority meets its statutory obligations and provides an effective and efficient fire and rescue service to the people of Buckinghamshire and Milton Keynes.
- 5.10 The primary role of officers is to advise, inform and support all Members and to implement the lawfully agreed policies of the Fire Authority.
- 5.11 In performing this role, officers will act professionally, impartially and with political neutrality. Whilst officers will report a Member's view on an issue, the officer should not be influenced or pressured to make comments or recommendations which are contrary to his or her professional judgement or views.
- 5.12 The Chief Fire Officer/Chief Executive, the Monitoring Officer and the Chief Finance Officer have specific responsibilities placed on them by law. These responsibilities go beyond their obligations as employees of the Authority. Where an officer is discharging his or her



responsibilities under any statutory office, a Member or Members shall not:-

5.12.1 Interfere with or obstruct the officer in exercising those responsibilities.

5.12.2 Victimise any officer who is discharging or has discharged his or her responsibilities of the statutory office.

5.13 Both Members and officers will, regardless of their role always act in accordance with the Core Values of the Authority and the five ethical principles of the Core Code of Ethics for Fire and Rescue Services – England (Appendix 1).

## **6. Member/officer obligations and expectations**

6.1 Members will require and expect officers:-

6.1.1 To be committed to the Authority as a whole and not to any political group or individual.

6.1.2 To work in partnership with Members in an impartial and professional manner.

6.1.3 To understand and support the roles of Members and the associated workloads and pressures.

6.1.4 To implement decisions of the Authority and its subordinate committees which:

- are lawful
- have been properly approved in accordance with the law and the Authority's constitution and;
- formally recorded.

6.1.5 To respond to enquiries and complaints in accordance with the Authority's standards.

6.1.6 To provide professional advice, which is not influenced by political views or preferences, and which does not compromise the political neutrality of officers.

6.1.7 To provide information to Members on matters that can reasonably be considered appropriate and relevant taking into account the Members' individual responsibilities and position and the Members' rights to access documents and information, subject to specific exclusions, eg personal interests and confidentiality.

6.1.8 To be aware of, and sensitive to, the internal and external political environment.

6.1.9 To act with honesty, respect, dignity and courtesy at all times.



6.1.10 To provide support and learning and development opportunities for Members to help them in performing their various roles in respect of their Authority Membership.

6.1.11 To act with integrity and appropriate confidentiality.

6.1.12 Not to raise issues of a personal nature outside agreed procedures.

6.1.13 Not to use their relationship with Members to advance their personal interests or to influence decisions improperly.

6.1.14 To comply at all times with the officer Code of Conduct and such other policies or procedures approved by the Authority to support the role of Members with any policy or procedure agreed by the Authority.

6.1.15 Not to support Members in any role other than that of Authority Members and not to undertake any actions which are not compatible with this protocol.

## 6.2 Officers can expect Members: -

6.2.1 To act within the policies, practices, processes and conventions established by the Authority.

6.2.2 To work constructively with officers, acknowledging their separate and distinct roles and responsibilities.

6.2.3 To understand and support the respective roles and responsibilities of officers and their associated workloads, pressures and reporting lines.

6.2.4 To give political leadership and direction and to seek to further their agreed policies and objectives with the understanding that Members have the right to take the final decision and issues based on advice and within the competence of the Authority.

6.2.5 To treat them fairly and with respect, dignity and courtesy.

6.2.6 To act with integrity, to give support and to recognise appropriate confidentiality.

6.2.7 To recognise that officers work to the instructions of their senior officers and not to individual Members.

6.2.8 Not to subject them to intimidation, harassment or put them under pressure. Members will have regard to the seniority of officers in determining what reasonable requests are, having regard to the relationship between Member and officer and the potential vulnerability of officers, particularly at junior levels.



6.2.9 Not to request them to exercise discretion which involves acting outside the Authority's competence, policies and procedures.

6.2.10 Not to authorise, initiate or certify any financial transactions or enter into any contract, agreement or undertaking on behalf of the Authority, or in their role as Member of the Authority without proper and lawful authority.

6.2.11 Not to use their position or relationship with officers to advance their personal interest or those of others, or to influence decisions improperly.

6.2.12 To comply at all times with the Members' Code of Conduct, the law, the constitution and such other policies, procedures, protocols and conventions agreed by the Authority.

## **7. Behaviour limitations**

7.1 The different roles of Members and officers require particular limitations upon behaviour. Both Members and officers need to ensure that their working relationship is appropriate to their respective role and that they do not act in any way which would lead to their behaviour being questioned. It is not possible to provide a list of circumstances where behavioural issues might be of concern. The main examples below help to illustrate the point.

7.1.1 A close personal relationship between a Member and an officer can confuse their separate roles and influence the proper discharge of the Authority's functions, not least in creating a perception that a Member or officer may be securing advantageous treatment.

7.1.2 The need to maintain the separation of roles means that there are limits to those matters on which a Member may seek the advice of an officer, both in relation to personal matters and party political issues.

7.1.3 Relationships with a particular individual or party group should not be such as to create public suspicion that an employee favours one Member or group above the others.

## **8. Political groups**

8.1 It is in the interests of the Authority to support, to some degree, the effective operation of all its political groups and not one particular group. The operation of political groups may, however, pose particular issues for officers in terms of their impartiality.



- 8.2 A political group may request the Chief Fire Officer/Chief Executive or member of the Senior Management Team to prepare a written report on a matter or matters relating to the Authority for consideration by the group.
- 8.3 An officer report to a political group will be restricted to a statement of material facts and identification of options and the merits or otherwise of such options for the Authority. Such reports will not cover any political implications on the matter or any option. Such reports will not include any recommendations.
- 8.4 The release of such reports to other political groups shall be dealt with in accordance with any conventions in existence at the time.
- 8.5 A political group may request the Chief Fire Officer/Chief Executive or a member of the Senior Management Team to attend a meeting of the group to advise on particular matter relating to the Authority. The Chief Fire Officer/Chief Executive or member of the Senior Management Team may arrange for the attendance of a representative on his or her behalf, or may decline to attend or send a representative where he or she is of the opinion that the particular issue is of such a political nature that it would be inappropriate to attend.
- 8.6 Officer advice at a meeting of a political group will be restricted to a statement of material facts and identification of options and the merits or otherwise of such options for the Authority. The advice will not cover any political implications of any matter or any option.
- 8.7 All officers will respect the confidentiality of any matter which they hear in the course of attending any political group meeting or in respect of any requests for advice and the giving of that advice.

## **9. Attendance of officers at Executive Committee and Overview and Audit Committee**

- 9.1 It is accepted that in carrying out its role, the Executive Committee and Overview and Audit Committee may require an officer to attend to answer questions or to discuss issues. In requiring an officer to attend, a Committee will consider the seniority of the officer it would be appropriate to invite. There is a presumption against inviting officers outside the senior officers' range to attend in this capacity. Requests for officer attendance shall also have regard to workloads of officers.
- 9.2 Where an officer attends such a meeting his or her contributions should be confined to matters of fact and explanation. However, an officer may be asked to explain and justify advice which he or she has given prior to a decision having been made, including decisions taken by him or her and delegated powers.



- 9.3 Officers should not be drawn into discussions of a political nature which would be inconsistent with the political neutrality requirement, nor should any questioning of an officer be reasonably interpreted as constituting harassment.
- 9.4 In Executive or Overview and Audit proceedings the capability or competence of officers must not be questioned. The distinction needs to be drawn between reviewing the policies, performance and decisions of the Authority and its services and the appraisal of staffs' individual performance. The latter is not a function of the Executive Committee or the Overview and Audit Committee.
- 9.5 The approach here is consistent with the committee terms of reference as set out in the Authority's standing orders.
- 9.6 In applying this part of the protocol, account will be taken of any guidance agreed by Executive Committee and/or the Overview and Audit Committee provided that guidance is consistent with the principles of this protocol.

## **10. Breaches of the protocol**

- 10.1 Where a Member is dissatisfied with the conduct, behaviour or performance of an officer, the matter should, in the first instance, be raised with the officer concerned. Where any matter remains unresolved or is of significant concern it should be raised with the appropriate senior manager. Where the officer concerned is a senior manager, the matter should be made with the Chief Fire Officer/Chief Executive. Where the employee concerned is the Chief Fire Officer/Chief Executive, the matter should be raised with the Monitoring Officer.
- 10.2 Where the relationship between Members and officers or other Members breaks down or becomes strained, every effort will be made to resolve matters informally. This can be achieved through conciliation by an appropriate senior manager, group leader and if necessary the Chairman. Officers will also have recourse to the Grievance Procedure or to the Authority's Monitoring Officer as appropriate.
- 10.3 In the event of a grievance or complaint being upheld, the matter will be referred to the Chief Fire Officer/Chief Executive. The Chief Fire Officer/Chief Executive, having advised the Chairman of the Authority and the other appropriate party spokespersons, will decide on the course of action to be taken. Consultation with the Overview and Audit Committee should be considered if appropriate.
- 10.4 Breaches of protocol by a Member may result in a complaint to the Overview and Audit Committee and, in the case of officers, may lead to disciplinary action. In all cases, a resolution should be timely and ideally concluded within 28 days.



10.5 Any issues arising from or in relation to this protocol will be reported to the next appropriate Overview and Audit Committee meeting.



## Appendix 1

### **Core Values of Buckinghamshire & Milton Keynes Fire Authority**

#### **Service to the Community**

We value service to the community by:

- Working with all groups to reduce risk
- Treating everyone fairly and with respect
- Striving for excellence in all we do
- Being answerable to those we serve

#### **People**

We value people by everyone practising and promoting:

- Fairness and respect
- Recognising commitment and the achievement of excellent service
- Honesty and trust
- Opportunities to develop and learn
- Co-operation and inclusive working

#### **Diversity**

We value diversity in the Service and the community by:

- Treating everyone fairly and with respect
- Challenging prejudice and discrimination
- Creating opportunities to meet the different needs of people in our communities
- Promoting equal opportunities in terms of recruitment, promotion and retention

#### **Improvement**

We value improvement at all levels of the Service by:

- Accepting responsibility for our performance and actions
- Being open-minded and receptive to alternative approaches
- Learning from our experience
- Supporting others to enable them to achieve their goals
- Encourage innovation and creativity





## **Core Code of Ethics for Fire and Rescue Services: five ethical Principles**

1. Putting our communities first  
- we put the interest of the public, the community and service users first
2. Integrity  
- we act with integrity being open, honest and consistent in everything we do
3. Dignity and respect  
- we treat people with dignity and respect, making decisions objectively based on evidence, without discrimination or bias
4. Leadership  
- we are all positive role models, always demonstrating flexible and resilient leadership.  
We are all accountable for everything we do and challenge all behaviour that falls short of the highest standards
5. Equality, diversity and inclusion (EDI)  
- we continually recognise and promote the value of EDI, both within the Fire Service and the wider communities in which we serve. We stand against all forms of discrimination, create equal opportunities, promote equality foster good relations and celebrate difference