

## **Review of the Working Together Protocol**

### **Purpose**

- 1.1 The Working Together: Councillor/Officer Protocol forms part of the Council's Constitution and is an important governance tool for managing relationships between Elected Members and Council Officers.
- 1.2 Whilst it does not form part of either the Councillors' or Employee Codes of Conduct, it is frequently used as a basis for informally managing conduct issues that do not meet the threshold for consideration under the Councillor Complaints Procedure. It is also used as the basis for the training of both councillors and officers on understanding mutual roles, accountabilities, and expectations.
- 1.3 This report provides opportunity for the Standards Committee to consider the content of the Working Together Protocol and to make recommendations as appropriate in relation to its ongoing development. The Protocol is attached at Appendix 1 to the report; any alterations to the Protocol would require approval of the Full Council.

### **Recommendation**

- 2.1 To consider the content of the Working Together Protocol and to make recommendations on its continued development.

### **Reasons**

- 3.1 To promote and maintain high standards of conduct amongst Derby City Council elected members and officers.
- 3.2 To foster effective relationships between councillors and officers, enabling the Council to achieve its broader objectives.
- 3.3 To fulfil the Standards Committee's delegation to advise the Council on the adoption or revision of codes and protocols related to the Councillor's Code of Conduct.

### **Supporting information**

- 4.1 The Working Together Protocol is an important tool for developing a working partnership between councillors and officers, with the overall objective of nurturing a mutual understanding of different roles, accountabilities and pressures.

- 4.2 The Local Government Association describes the relationship between councillors and officers as follows:

*“Building a constructive and collaborative relationship between councillors and officers is an essential ingredient in any successful council and takes understanding and work on both sides.”*

*“A unique relationship, not replicated in any other type of business or organisation.”*

- 4.3 The Protocol provides guidance for both councillors and officers. This includes:

- General principles relating to both points of differentiation and shared objectives across the councillor and officer cohorts.
- Information on the different roles of councillors (for example, as ward representatives, executive decision makers, regulatory decision makers and members of Overview and Scrutiny).
- Information on the role of officers in support of different aspects of the Council’s business.
- Guidance in relation to maintaining impartiality and discretion when working in a political environment.
- Guidelines on officer attendance at political group meetings.
- Guidelines on the rights and entitlements of councillors and officers interacting with the Council in their capacity as residents of Derby.

- 4.4 The Working Together Protocol is often used as the basis for the training and development of Council employees who have regular interaction with elected members. It also forms part of annual training delivered by the Monitoring Officer to all councillors in relation to the Code of Conduct.

- 4.4 Whilst failure to follow the principles of the Protocol may not necessarily constitute a breach of the Councillor’s Code of Conduct, it is often used as a basis for interpreting behaviour and incidents that may arise during the investigation of complaints against councillors. It is also a useful tool for the Monitoring Officer and Group Whips to manage minor conduct issues that may not meet the threshold for consideration under either the Councillor Complaints Procedure or officer disciplinary procedures.

- 4.5 The Protocol is contained within Part 7 of the Council Constitution (Codes and Protocols). It is also published as a standalone document on the Democracy Portal and is available to employees via the Council’s intranet (MiDerby), alongside summary guidance and other training materials.

- 4.6 This report makes no specific recommendations in relation to changes to the Protocol. However, the Standards Committee are encouraged to consider recent discussion in relation to the Councillor Complaints Procedure; the development of guidance on councillor’s use of social media; and, revised procedures for the declaration of pecuniary interests, gifts and hospitality, when formulating its own recommendations.

## **Public/stakeholder engagement**

- 5.1 This report is the first stage of consultation with elected members. If changes to the Protocol are considered necessary, it is recommended that a working group is formed to engage more widely with stakeholders and develop recommendations for reconsideration by the Standards Committee at a future meeting.

## **Other options**

- 6.1 To retain the Working Together Protocol in its current form. The Protocol was last updated in September 2019.

## **Financial and value for money issues**

- 7.1 None directly arising.

## **Legal implications**

- 8.1 There is no legal requirement to maintain a Councillor/Officer Protocol. However, the Council has an obligation under the Localism Act 2011 to promote and maintain high standards of conduct by members and co-opted members.

## **Climate implications**

- 9.1 None directly arising

## **Socio-Economic implications**

- 10.1 None directly arising.

## **Other significant implications**

- 11.2 Failure to adhere to the obligations of the Code of Conduct in any setting lowers the public's expectations and confidence in councillors. The Standards Committee plays a valuable role in ensuring guidance and best practice can be shared and implemented within the Council's policies and procedures.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal		
Finance		
Service Director(s)		
Report sponsor	Emily Feenan – Director of Legal, Procurement and Democratic Services, and Monitoring Officer.	13 January 2023
Other(s)		

  

Background papers:	None.
List of appendices:	Appendix 1: Working Together: Councillor/Officer Protocol