

CUMBRIA POLICE AUTHORITY



A MEMBER/OFFICER PROTOCOL

1 INTRODUCTION

- (a) The relationship between members and employees is seen by observers and participants as an essential ingredient in the successful working of this organisation. The relationship within Cumbria Police Authority is one already characterised by mutual respect, informality and trust. Members and employees of the Authority feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship nor relate to officers or employees under the direction and control of the Chief Constable. The purpose of this Protocol is rather to help members and employees to perform effectively by giving clearer guidance on their respective roles and expectations and about their relationship with each other. The Protocol also gives guidance on what to do on those rare occasions when things might go wrong. Responsibility for the operation of this Protocol in the case of employees lies with the Chief Executive and in the case of members with the Chair of the Authority.
- (b) The Protocol must be read and operated in the context of any relevant legislation and national and local Codes of Conduct and any procedure for confidential reporting.

2 ROLES OF MEMBERS AND EMPLOYEES

Respective roles of members and employees can be summarised as follows:

Members and employees are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the public and serve only so long as their term of office lasts. Employees are responsible to the Authority. Their job is to give advice to members and the Authority whilst carrying out the Authority's work under the direction and control of the Authority's Chairman and Chief Executive or its relevant Committees and Working Groups.

Mutual respect between members and employees is essential to good local government and successful public administration.

- (a) **Members**
Subject to the overriding legal duties of the Police Authority for oversight of policing, as framed in the Police Act 1996 (as amended), its members have three main areas of responsibility:
- determining the policy of the Authority and giving it leadership;
 - representing the Authority externally; and
 - acting as advocates on behalf of the public of Cumbria in matters affecting the legal responsibilities of the Authority.
- Importantly, it is of course not the role of members to involve themselves in the day-to-day management of Authority services or the Constabulary.
- (b) **Chairs and Vice Chairs; lead members**

The Chair and Vice Chair of the Authority or Chairs of its Committees, Working Groups or panels have additional responsibilities. Because of those responsibilities, their relationships with employees may differ from and be more complex than those of members without those responsibilities. This is recognised in the expectations they are entitled to have.

(c) **Elected Members**

As individual members of the appointing County Council, all elected member members of a Police Authority have exactly the same rights and obligations in their relationship with employees as any other member – Independent or Magistrate - and should be treated equally. The Authority is not a politicised body and this is characterised by member relations when they are about its business. Their priority is the legal duty of the whole authority towards securing the maintenance of an efficient and effective police force for their area.

(d) **Employees**

The role of employees is to give advice and information to members and to implement the policies determined by the Authority.

Certain employees e.g. Head of Paid Service, Monitoring Officer, Chief Financial Officer (Section 151 Officer) and the Statutory Chief Officers have responsibilities in law over and above their obligations to the Authority and its individual members that they must be allowed to discharge.

3 EXPECTATIONS

Members can expect from employees:

- (a) A commitment to the Authority as a whole and not to any political group
- (b) A working partnership
- (c) An understanding of and support for respective roles, workloads and pressures
- (d) Timely response to enquiries and complaints
- (e) Professional advice, not influenced by political views, partiality or preference, which does not compromise the political neutrality of employees.
- (f) Regular, up-to-date information on matters and to an extent that can reasonably be considered appropriate, proportionate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold
- (g) Awareness of and sensitivity to the political environment
- (h) Respect, dignity and courtesy
- (i) Training and development in order to carry out their role effectively
- (j) Integrity, mutual support and appropriate confidentiality
- (k) Not to have personal issues raised with them by employees outside the agreed procedures
- (l) That employees will not use their relationship with members to advance their personal interests or to influence decisions improperly

- (m) That employees will at all times comply with their relevant professional Codes of Conduct.

Employees can expect from members:

- (a) A working partnership
- (b) An understanding of and support for respective roles, workloads and pressures
- (c) Strategic leadership and direction, where appropriate
- (d) Respect, dignity and courtesy
- (e) Integrity, mutual support and appropriate confidentiality
- (f) Not to be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of employees and the capacity of the organisation in determining what are reasonable requests, having regard to the power-relationship between members and employees, and the potential vulnerability of employees, particularly at junior levels
- (g) That members will not use their position or relationship with employees to advance their personal interests or those of others or else to influence decisions improperly. No member will provide a reference for an appointment with their Authority.
- (h) That members will at all times comply with the Authority's Code of Conduct and associated Declarations signed on appointment.

4 IF THINGS GO WRONG

- (a) **Procedure for employees**

From time to time it may occur in public authorities that the relationship between members and employees becomes strained or even breaks down. Whilst it will always be preferable to resolve such matters informally, whether through conciliation by an appropriate senior manager or member (normally the Authority Chair), employees will have recourse to the Grievance Procedure or to the Authority's Monitoring Officer, as appropriate to the circumstances. One male and one female manager will be identified to whom an initial approach may be made by a concerned employee if necessary. In the event of a grievance or complaint being upheld that is not subject to a Standards Board procedure, such a matter will be referred to the Chief Executive who, having advised the Chairman of the Authority, will decide on the course of action to be taken on the grievance or complaint following consultation with the Chair of the Authority's Standards Committee.
- (b) **Procedure for members**

In the event that a member is dissatisfied with the conduct, behaviour or performance of an employee, and in view of the small size of the Authority establishment, the matter should normally be raised with the Chief Executive directly. Where the employee concerned is the Chief Executive, the matter should be raised with the Chairman of the Authority. If the matter cannot be resolved informally, it may be necessary to invoke the Authority's Disciplinary Procedure.