

There is a need in all Councils for clarity regarding the working relationships between the Clerk and Councillors. Ideally all Members will sign up to a clear legally binding Code of Conduct as adopted by the Council.

As part of any contract of employment, there are a number of implied and unwritten terms and conditions and one in particular requires employees to co-operate with the employer's reasonable requirements.

In Local Councils the key factors that should govern working relationships between Councillors and Officers to ensure such co-operation may be summarised by the following.

Effective working relationships between Parish Councillors and employees are essential if the Council is to work effectively. These are also critical in maintaining public confidence.

Understanding the different roles and responsibilities of Councillors and employees is imperative to maintain good relations. Parish Councillors decide on the priorities for the Council, set the budget, represent their residents (including those who have not voted for them) and collectively make decisions on behalf of the Council.

Staff are employed and are responsible to the whole Council and not to any individual Councillor. Employees are managed by the Clerk in accordance with Council procedures.

Only the Clerk can instruct employees and only the Full Council or a properly constituted Committee can give instructions or delegate authority to the Clerk. Individual Parish Councillors should not therefore attempt to direct the work of employees. There therefore needs to be a mutually respectful and healthy working relationship and appropriate business and employment protocols, e.g. monitoring performance, holiday and "Time Off In Lieu" approvals, etc, between the Clerk and, in particular, the Chairman of the Council and Chairmen of the Council's Committees.

It is reasonable for a Parish Councillor to expect employees:-

- to do their job effectively and efficiently;
- to behave in a manner which does not bring the Council in to disrepute;
- to be helpful, respectful and courteous;
- to assist and support to Members to carry out their duties;
- to deal with Members enquiries fairly and efficiently;
- to be open and honest with Members;
- to work with all Members equally and fairly;
- to keep confidentiality where it is proper to do so;
- to be sensible about contacting Members at potentially inconvenient times unless in an emergency or otherwise agreed.

In return Officers can reasonably expect Councillors:-

- to accept that the Councils' employees are managed by the Parish Clerk;
- to be helpful, respectful and courteous;
- not to ask employees to breach Council policy or procedure or to act unlawfully;
- to respect the impartiality of employees;
- not exert, influence or pressure or to request special treatment;
- not to raise concerns about an employee in a public setting but to raise such concerns in an appropriate manner in accordance with Council policy;
- to respect that Council Officers have a right to a private life and be sensible about making unreasonable demands or contact them at potentially inconvenient times unless in an emergency or otherwise agreed.

Councillors have a right to review and question the advice or action of employees. This must not be a personal attack, but constructive and well founded. Employees should have the opportunity to respond and address such comments.

Councillors should also avoid weakening public respect for employees and therefore avoid making comments about an employee at a public meeting, in the press or by way of any other public statement. Making such negative remarks will be damaging to the public image of the Council and will also compromise the mutual trust and courtesy which underpins effective working relationships. Undermining the Clerk must be avoided particularly if it happens in public as not only is it inappropriate and unacceptable, it is unprofessional and does nothing to reflect well on the Council. Moreover, it does nothing to enhance the business of the Council and help them progress matters on behalf of the community. If a Councillor wishes to raise an issue about an employee, they should use any established channels in place or direct their concerns through the Chairman and or Vice Chairman so that it can be dealt with, if necessary, through appropriate Council procedures.

All Parish Councillors have a right to expect to be kept informed about matters on which they may be required to make decisions or which affect the Parish/Council. The Clerk should aim to ensure that all Members are kept fully informed in relation to important issues. Councillors have the same rights as the public to access agendas, minutes, reports, documents and other information as allowed for in the Freedom of Information Act.

However, Parish Councillors have the right to access any other Council information or documents as well, as appropriate. They are entitled to access reports on matters which are to be considered at Council meetings in a private session where they can show they have a 'need to know'. Any request to access Parish information should always be made to the Clerk. If the Clerk is uncertain as to whether the Councillor is entitled to view this, they may refer to the Council for a decision.

The process of gathering information to respond to Member's requests can be time consuming and expensive for the Council. Members should consider before they ask for this whether they really need it and should be prepared to discuss matters with the Clerk and whether more openly available information would suffice.

In addition, Councillors must, when seeking or publishing Council information, give due regard to the Council's obligations under the General Data Protection Regulations and the Council's Data Protection Policy.