

# **OLDHAM COUNCIL**

## **MEMBER–OFFICER PROTOCOL**

**Owner:** Monitoring Officer (Director of Legal Services)

**Approval Route:** Standards Committee → Council

**Review Cycle:** Annual

**Effective Date:**

**Supersedes:** Previous Member/Officer Protocol

### **1. PURPOSE AND SCOPE**

This Protocol forms part of Part 5 (Codes and Protocols) of Oldham Council's Constitution and sets the standards, principles and working practices that govern relationships between elected Members and Officers. It complements the Members' Code of Conduct and the Officers' Code of Conduct and should be read alongside relevant rules of procedure and guidance.

Its purpose is to:

- promote effective, respectful and professional working relationships;
- clarify respective roles and responsibilities;
- protect impartiality and integrity in decision- making; and
- provide proportionate routes to resolve concerns swiftly and fairly.

### **2. STATUS, OWNERSHIP AND GOVERNANCE**

2.1 This Protocol has constitutional status. All Members and Officers are required to comply with it alongside the Codes of Conduct and the law.

2.2 Ownership: The Monitoring Officer is the lead custodian of this Protocol. The Standards Committee oversees its application and effectiveness and may recommend updates to Council. The Chief Executive and Directors ensure officer- side compliance and learning.

2.3 Induction, Training and Development: The Protocol forms part of Member and Officer induction. Targeted refresher sessions will be provided at least annually and when there are material changes to law, guidance or local arrangements.

### **3. ROLES AND RESPONSIBILITIES**

#### **3.1 Members – core duties (illustrative, not exhaustive)**

- Set policy and budget within the framework agreed by Full Council.
- Provide community leadership; represent constituents and the wider borough.
- Hold the Executive and Officers to account through scrutiny, audit and regulatory functions.
- Participate in committees, panels and outside bodies in accordance with appointments made by the Council.
- Uphold high standards of conduct and comply with the Members' Code of Conduct, including declarations of interest.
- Use Council resources properly and lawfully and respect information governance requirements.

#### **3.2 Officers – core duties (illustrative, not exhaustive)**

- Provide impartial, professional advice to Members of all political groups as appropriate.
- Implement lawful decisions of the Council, the Executive and delegated decision- makers.
- Manage and deliver services efficiently, effectively and within budget.
- Ensure compliance with law, policy, financial regulations and procurement rules.
- Support democratic processes, including timely preparation of reports, briefings and responses to Member enquiries.
- Safeguard the impartiality of officers and avoid any actions that could reasonably be perceived as biased.

### **3.3 Statutory Officers**

The Head of Paid Service (Chief Executive), Monitoring Officer and Chief Finance Officer (s151) have specific statutory responsibilities. Members and Officers must respect and facilitate the discharge of those duties.

## **4. WORKING TOGETHER IN PRACTICE**

### **4.1 Policy development and decision- making**

Members articulate policy objectives and desired outcomes; Officers develop evidence- based options, risk assessments and implementation plans. Records of advice, options and decisions should be clear, timely and proportionate.

### **4.2 Oversight, performance and risk**

Members rely on Officers for accurate and candid information to discharge scrutiny, audit and regulatory roles. Officers must be open and constructive when challenged, recognising Members' democratic accountability.

### **4.3 Operational liaison**

Operational decisions are for Officers within their delegated authority. Where significant operational actions impact a ward or portfolio, relevant Members should be informed appropriately and in good time.

### **4.4 Briefings and information requests**

Officers will provide briefings suited to the topic and audience. Requests for information should be reasonable and proportionate. Officers will provide information to all parties as appropriate, ensuring fairness while recognising the Executive's need for timely support to deliver its priorities.

## **5. BEHAVIOURS AND CULTURE**

5.1 Nolan Principles: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership underpin all conduct.

### **5.2 Expected behaviours include:**

- Frankness and candour – be clear about needs, constraints and risks.
- Respect for roles – understand respective responsibilities and pressures.
- Constructive challenge – raise concerns fairly and focus on solutions.
- Recognition – acknowledge good performance and positive behaviours.
- Outcome focus – follow process proportionately to secure agreed outcomes.

- Communication – be timely, clear and courteous; avoid discourtesy and bullying.
- Dignity and courtesy – maintain professionalism in all communications, including digital and social media.

## **6. RELATIONSHIPS WITH PARTNERS AND THIRD PARTIES**

Members and Officers must maintain the same standards of integrity and impartiality when engaging with businesses, developers, public agencies (e.g. GMCA, NHS, GMP), trade unions, voluntary and community organisations, and lobby groups. Members must register and declare interests in line with the Members' Code of Conduct.

## **7. INFORMATION, ACCESS AND PUBLICITY**

Access to information is governed by law and Council procedure rules. Confidential and exempt information must be protected. Public communications should be accurate, balanced and politically neutral on the officer side, and respectful of officer impartiality on the member side.

## **8. LEARNING FROM GOOD PRACTICE**

The Council will identify and share examples where positive Member–Officer collaboration delivers improved outcomes. Good practice will inform training, guidance and induction materials.

## **9. RESOLVING CONCERNS AND DISPUTES**

Where issues arise, the presumption is for early and informal resolution between the parties involved. Where this is not possible, escalation should be proportionate and follow agreed lines of accountability.

1. Attempt informal resolution between the individuals concerned, referencing this Protocol.
2. Seek advice from relevant managers, Group Whips/Leaders (for Member issues) or HR (for Officer issues).
3. Refer matters to the Monitoring Officer where conduct or governance is in question.
4. Use formal procedures under the Members' Code of Conduct or HR/disciplinary policies where warranted.

## **10. BREACHES AND SANCTIONS**

Failures to meet expected standards may result in informal action (advice, guidance, training). Serious or persistent breaches may trigger formal processes.

### **10.1 If the issue relates to a Member**

- Advice, guidance or training delivered by the Monitoring Officer or Standards framework.
- Recommendations from the Standards Committee under the Localism Act arrangements.
- Group disciplinary measures (e.g. removal from committee or position) in accordance with group rules.
- Restrictions on contact with specific officers or requirements to channel contact through named officers, where appropriate.

### **10.2 If the issue relates to an Officer**

- Management action and support, including advice and training.
- Formal HR processes in line with Council policies (including disciplinary action where appropriate).
- Safeguarding or referral to external agencies where necessary (e.g. police).

## **11. MONITORING EFFECTIVENESS**

The Monitoring Officer will put in place proportionate arrangements to assess effectiveness, which may include surveys, focus groups, learning reviews, observation of meetings and analysis of incident reports. The Standards Committee may seek assurance on these mechanisms and findings, informing the Annual Governance Statement as appropriate.

## **12. RELATED DOCUMENTS**

- Oldham Council Constitution (especially Part 5 – Codes and Protocols).
- Members' Code of Conduct and guidance.
- Officers' Code of Conduct.
- Access to Information Procedure Rules and Data Protection policies.
- Financial Regulations and Contract Procedure Rules.

- Arrangements for dealing with standards complaints under the Localism Act 2011.

### **13. DEFINITIONS (ABBREVIATED)**

**"Member"**: An elected councillor or co-opted member as defined in the Constitution.

**"Officer"**: An employee or contractor of the Council acting in an official capacity.

**"Executive"**: The Leader and Cabinet or any arrangements defined in the Constitution.

**"Standards Committee"**: The committee responsible for promoting and maintaining high standards of conduct and overseeing the standards framework.

### **14. REVIEW AND REVISION**

This Protocol will be reviewed annually by the Monitoring Officer, with recommendations to the Standards Committee. Substantive changes require Council approval.

## **ANNEX A – PRACTICAL SCENARIOS**

### **Scenario 1: Member seeks operational action**

A ward Member contacts a service manager requesting that a specific officer “immediately attend” to an operational issue (e.g., refuse collection delay).

Correct approach: The Member should report the issue and request information, not direct staff. The officer should acknowledge the concern, update the Member appropriately, and escalate internally via line management.

### **Scenario 2: Officer briefing a Cabinet Member**

An officer receives a request from a Cabinet Member for a briefing on a cross-portfolio matter.

Correct approach: The officer should provide the briefing and notify relevant Directors, ensuring transparency and alignment with internal governance.

### **Scenario 3: Disagreement in scrutiny**

A scrutiny Member challenges an officer’s report publicly.

Correct approach: Officers should respond openly and professionally, and Members should frame challenge respectfully. Any post-meeting concerns should be raised with the Monitoring Officer or relevant Director.

### **Scenario 4: Perceived officer bias**

A Member believes an officer has acted in a way that appears partisan.

Correct approach: Raise the issue privately with the Monitoring Officer. Officers must avoid actions that could reasonably be perceived as favouring any political group.

### **Scenario 5: Social media criticism**

A Member posts criticism of officers on social media.

Correct approach: The Protocol requires concerns about officers to be raised privately. The Monitoring Officer may intervene, and training or standards action may follow.

## **ANNEX B – ESCALATION FLOWCHART**

- Step 1: Identify issue → Attempt informal resolution between Member and Officer
- Step 2: If unresolved → Seek advice from Manager / Group Leader / HR as appropriate
- Step 3: If still unresolved → Refer to Monitoring Officer
- Step 4: Monitoring Officer assesses → May refer to Standards Committee or HR formal process
- Step 5: Formal route → Standards investigation (Members) / HR procedure (Officers)
- Step 6: Outcome → Recommendations, training, sanctions as applicable