

**CORPORATE AFFAIRS COMMITTEE**

**29 JANUARY 2009**

**PROTOCOL ON MEMBER/OFFICER RELATIONS**

**RICHARD LONG: DIRECTOR OF LEGAL & DEMOCRATIC SERVICES**

**Purpose of the Report**

- 1 To amend the Protocol on Member/Officer Relations.

**Background**

- 2 Members and Officers are both servants of the public, and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate. Officers are responsible to the Head of Paid Service of the Council and their job is to advise Members and the Council, and to carry out the work of the Council as a whole. What is expected both of Members and of Officers are the highest levels of respect, objectivity, impartiality and honesty in undertaking their respective roles and in dealing with each other.
- 3 The Member/Officer Protocol sets out certain expectations and requirements in relation to the way in which Members and Officers work with each other, and sets down a framework for sound professional working practices and relationships. The Protocol was approved by the Standards Committee prior to being adopted by the Council.
- 4 Section 16 of the Protocol deals with matters relating to correspondence. The current wording of Section 16.1 is as follows:

'Correspondence between an individual member and an officer should not be copied to another member unless the author expressly intends and states that this is the case or consents. Where correspondence is copied, this should always be made explicit, and there should be no "blind" copies. This applies equally to the use of e-mails.'

- 5 There have been a number of occasions where e-mails that have been private and confidential have been copied or forwarded on to other Members, the public and the press.
- 6 In order to prevent this happening, Officers have, on occasion, used the 'Prevent Copying' facility in Lotus Notes. In one instance this resulted in a complaint about the Officer's behaviour in using the facility.
- 7 Furthermore, the current Protocol forbids the use of the bcc or 'Blind Copy' function. In reality, many people use the bcc function, and its use cannot be detected or in any way controlled.
- 8 In view of the above, it is felt that this particular element of the Protocol is out of date, unenforceable, and that it should be revised.

### **Proposed change to the Member/Officer Protocol**

- 9 The proposed revised wording is as follows:

'Where correspondence has been marked "Private and Confidential" or "Not for Circulation" this should always be respected, and such correspondence should not be copied or forwarded to other people unless the original author consents. This applies especially to e-mails.

Where the requirements of 16.1 are knowingly disregarded, then the person failing to observe these requirements will be notified in advance that in future the 'Prevent Copy' facility will be used for e-mails that are private and confidential, or where the author does not intend them to be forwarded or otherwise circulated to other people. The 'Prevent Copy' facility should not be used as a matter of course for e-mails that are not "Private and Confidential" or "Not for Circulation".'

- 10 It is felt that the amended section makes it clear that correspondence, and particularly emails, that are marked as indicated should be respected, and that if anyone knowingly disregards this, then the 'prevent copy' facility will be used: but also that the facility must not be used as a matter of course.
- 11 In practice, this will mean that once a person has copied or forwarded correspondence marked "Private and Confidential" or "Not for Circulation", they will be informed of the requirements laid down in the Protocol. If they continue to copy or forward such correspondence, then they will be informed that the 'prevent copy' facility will in future be used, but only for e-mails that are private and confidential, or not intended for circulation.
- 12 The recommendations set out in this report were agreed by the Constitution Committee at its meeting on 28 October 2008, and by Standards Committee on 9 December 2008.

## **Recommendation**

- 13 That the proposed revised wording as set out in paragraph 9 above is agreed, and incorporated into Member/Officer Protocol contained in Part 8 of the Council Constitution.

## **Background Papers**

Middlesbrough Council Protocol on Member/ Officer Relations: Middlesbrough Council Constitution, Part 8

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