

Governance, Risk and Best Value Committee

10.00am, Thursday, 19 June 2014

Committee Decisions – Dissemination and Implementation and Update to Member/Officer Protocol

Item number	7.4
Report number	
Executive/routine	
Wards	n/a

Executive summary

The Committee is asked to note information on the business processes surrounding the dissemination and implementation of committee decisions and the revised approach by directorates to ensure best practice is implemented.

Improvements to the assurance process carried out by both officers and committee are proposed.

A revised Member/Officer Protocol is attached which acknowledges the significant scrutiny role undertaken by the committee and addresses the need to widen the scope of the existing protocol on access to information and documentation. The revised Member/Officer Protocol is required to be referred to Council for approval.

Links

Coalition pledges	
Council outcomes	CO24 & CO25
Single Outcome Agreement	

Committee Decisions – Dissemination and Implementation and Update to Member/Officer Protocol

Recommendations

- 1.1 To note the revised committee and directorate business processes for implementation of committee decisions;
- 1.2 To agree that directorates carry out a quarterly review of actions, arising from Council and committee decisions;
- 1.3 To agree that a report outlining all decisions taken in the previous year by that committee, update on implementation of decisions and recommendations to discharge actions be presented to Corporate Policy and Strategy Committee, Executive Committees and the Governance, Risk and Best Value Committee on an annual basis;
- 1.4 To refer the Member/Officer Protocol to Council for approval; and
- 1.5 To note a review of the political management arrangements and associated business processes will be carried out in October 2014.

Background

- 2.1 The Council agreed revised political management arrangements on 20 September 2012 and the new model was implemented on 29 October 2012. The arrangements were further reviewed and refined at the Council meeting on 24 October 2013.
- 2.2 Governance, Risk and Best Value Committee requested at its meeting on 30 January 2014 that the Director of Corporate Governance report on the process of the dissemination and implementation of Committee decisions and new methods to inform all councillors of committee decisions.
- 2.3 A refined Member/Officer protocol addressing specific access to information issues relevant to the work of the committee is also proposed.

Main report

- 3.1 The Full Council meeting and its committees are the Council's primary decision making bodies. The decisions they make are required to be implemented by Council officials.
- 3.2 Directorates have the responsibility to ensure that decisions which have been allocated to their service areas are actioned appropriately. There are also committee procedures in place for immediately after the meeting and at future meetings to provide assurance that decisions are being carried out.
- 3.3 Within 24 hours of a committee decision, action sheets are distributed to directorates and report authors, as well as all committee members for information, to ensure that actions are allocated to the appropriate directorate.
- 3.4 There are a range of procedures for disseminating information in service areas. In most areas, on receipt of the action sheet, relevant actions are considered by the director, assigned for implementation and, if a future report is required, added to the report planning schedule for the relevant committee.
- 3.5 Information is cascaded by service managers and allocated to the individual or team for actioning. Subject to the item concerned, the matter may also be discussed at Corporate Management or senior management team meetings and then subsequently be discussed with the Convener/Vice-Convener of the relevant committee. The final process, if the action is a further report, is that it is added to the forward plan and the rolling actions log is updated.
- 3.6 This procedure provides clear instruction from the relevant director as well as reinforcement from senior management and ensures that the dissemination of a committee instruction is considered at a senior level and allocated to the appropriate team in the service area.
- 3.7 Following the Review of Political Management Arrangements, improvements to committee procedures were put in place. These improvements seek to ensure a more robust model of assurance for committee and build on the existing procedures such as actions sheets for Council and committees.
- 3.8 The main improvement arising from the Review of Political Management Arrangements is the introduction of Rolling Action Logs. These were introduced for the Governance, Risk and Best Value Committee in November 2012 and are now in place for the Corporate, Policy and Strategy Committee and all executive committees.
- 3.9 The rolling action log is designed to provide ongoing visibility of the status of decisions where further committee consideration will be required. These are considered by the committee at each meeting as a standing item. They replace the previous model of annually reviewing outstanding remits and help to ensure committees have assurance that decisions will be implemented in a timeous manner and monitor whether decisions of the committee are being implemented.

- 3.10 The research on the implementation of committee decisions clarified that although the rolling actions log had built in assurance for items to be considered further by committee there was a potential gap in assurance that decisions made by committee were subsequently implemented.
- 3.11 To strengthen these arrangements and provide greater assurance, it is proposed that a quarterly review of actions is undertaken by directorates to ensure that all decisions are progressing as expected and to highlight exceptions. This initiative would include an annual report summarising all the decisions taken by the committee in the previous year along with confirmation of implementation or current status. These processes would be led, managed and monitored by the Governance Service, with exception reporting to the Corporate Management Team throughout the year.
- 3.12 It is expected that these additional steps will help ensure effective monitoring of the implementation of decisions by service area is in place.
- 3.13 A review of the political management arrangements and associated business processes will be carried out in October 2014 and the views of stakeholders will be sought as part of the consultation process.

Committee Weekly Bulletin

- 3.14 The Committee had asked to report on new methods to inform councillors of committee decisions. A committee weekly bulletin is now circulated to all elected members and directors, containing the major decisions of Committee meetings that week. Councillors and senior officials will be asked in the future for feedback on whether this has been a useful addition.

Member/Officer Protocol

- 3.15 The Governance, Risk and Best Value Committee was established to strengthen scrutiny in the Council in line with the review of political management arrangements. As a result the committee has a challenging work programme covering a diverse range of Council business. Recognising this role it is proposed to widen the scope of the current Member/Officer Protocol in relation to paragraph 5 – access to information and documents.
- 3.16 The changes take account of the very significant and important role of scrutiny in the Council's political management arrangements and ensure that elected members can access information where it is directly relevant to a matter being considered or specifically referred to in the committee's work programme.
- 3.17 In some cases more stringent provisions around access to information are necessary, in particular B agenda items. These reports are not able to be routinely made available to committee as this would open up the Council to the risk of:

- 3.17.1. Breach of the provisions of the Data Protection Act 1998; and

- 3.17.2. Risk of unintentional waiver of the Council's right to legal professional privilege in certain information.
- 3.18 In addition, there may be other risks depending on the nature of the information, such as a breach of an obligation of commercial confidentiality or hindrance to law enforcement. Due to this, it is proposed that the circulation of B agenda reports to the Governance Risk and Best Value Committee should be considered on a case by case basis.
- 3.19 A revised version of the Member / Officer protocol is appended. It is recommended that the Governance Risk and Best Value Committee agree the proposed changes and refer this to Council for approval.

Measures of success

- 4.1 The effectiveness of the business processes will be reviewed in October 2014.

Financial impact

- 5.1 There are no direct financial impacts as a result of this report.

Risk, policy, compliance and governance impact

- 6.1 The improvements in business processes help ensure increased transparency and assurance across the Council's decision making processes.

Equalities impact

- 7.1 There are no direct equalities impacts as a result of this report.

Sustainability impact

- 8.1 There is no direct sustainability impact as a result of this report.

Consultation and engagement

- 9.1 Consultation took place with directorate business managers on their respective business processes.

Background reading/external references

[Item 8.1 Governance Review: political management arrangements and operational governance – City of Edinburgh Council 20 September 2012](#)

[Item 8.1 \(b\) Governance: Review of political management arrangements – City of Edinburgh Council 2 May 2013](#)

[Item 8.3 Review of political management arrangements – City of Edinburgh Council 24 October 2013](#)

Alastair Maclean

Director of Corporate Governance

Contact: Kirsty-Louise Campbell, Governance Manager

E-mail: kirstylouise.campbell@edinburgh.gov.uk | Tel: 0131 529 3654

Links

Coalition pledges

Council outcomes

CO24 – The Council communicates effectively internally and externally and has an excellent reputation for customer care.

CO25 – The Council has efficient, effective services that deliver on objectives.

Single Outcome Agreement

Appendices

Appendix One – Member/Officer Protocol

1 INTRODUCTION AND PRINCIPLES

- 1.1 This protocol sets out the roles and responsibilities of elected members (“Members”) and Council officers (“Officers”) to ensure clarity when carrying out their respective duties.
- 1.2 The protocol seeks to reinforce the principles outlined in the Councillors’ Code of Conduct (the “Code”) which apply to Members and Officers. This protocol complements but does not replace any duties laid out in the Code.
- 1.3 The Code states that Members and Officers “should work in an atmosphere of mutual trust and respect, with neither party seeking to take unfair advantage of their position.”
- 1.4 The Code highlights that both Councillors and Officers serve the public but have separate responsibilities. Councillors are responsible to the electorate and the employee responsible to the Council as his or her employer.

2 Role of Members

- 2.1 In essence, the role of Members is to:
 - 2.1.1 assist their constituents, as required, in their dealings with the Council;
 - 2.1.2 represent and advocate the interests of their wards in Council decision making; and
 - 2.1.3 represent the Council in partnership arrangements, civic society and on outside organisations.
- 2.2 Collectively, Members should:
 - 2.2.1 provide strategic leadership;
 - 2.2.2 determine policy aims and objectives but not engage in direct operational management of Council services;
 - 2.2.3 take decisions not delegated to Officers; and
 - 2.2.4 review and scrutinise the Council’s performance.

Conveners

- 2.3 Members who are conveners/vice conveners of committees will have increased contact with senior Officers. It is important that this is a close working relationship, but it should not be so close that Members or Officers are unable to deal with one another impartially.
- 2.4 The convener of a committee will be consulted on the agenda and often on the reports of the committee they chair. The Officer whose name the report has been submitted under is fully responsible for the contents of that report. Officers should listen to the views of conveners, but ultimately Officers retain final responsibility for a report’s contents.

- 2.5 Officers have the right to submit reports to committees/sub-committees on areas within their service.
- 2.6 When Members of a Committee meet with senior Officers for an agenda planning meeting (APM) or pre-meeting the following points should be noted:
 - 2.6.1 the meeting may consider reports in their draft form;
 - 2.6.2 the meeting is not empowered to make decisions on behalf of the Council; and
 - 2.6.3 the provision of information and advice at such a meeting does not act as a substitute for the provision of all necessary information and advice to the Committee, for example within a report, when the matter in question is considered formally by Members.

3 Role of Officers

- 3.1 The Chief Executive is the statutory Head of Paid Service and is responsible for managing and securing the professional body of Officers.
- 3.2 The Monitoring Officer, which is also a statutory role, is responsible for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with.
- 3.3 Officers are employed by the Council and are accountable to it. Officers serve the Council as a corporate body rather than any political group, combination of groups or individual member.
- 3.4 Officers have a duty to follow Council policies and to implement the decisions of the Council and its committees. Officers may advise Members on matters of policy and may voice concerns in giving that advice. However, it is for Members to determine the Council's policies and Officers to act on those policies.
- 3.5 It is the duty of the Chief Executive and other senior Officers to ensure that the policies of the Council are implemented.
- 3.6 The role of all Officers in discharging their duties is to:
 - 3.6.1 implement and/or act in accordance with the policies of the Council;
 - 3.6.2 implement the decisions of Council, committees and sub-committees;
 - 3.6.3 inform Members of any decision that they cannot fully implement;
 - 3.6.4 behave in a professional manner;
 - 3.6.5 serve all Members, not just those of the Administration group(s);
 - 3.6.6 deal with Member enquiries efficiently;
 - 3.6.7 strive continually to comply with the Council's policies, performance management and scrutiny processes;

3.6.8 ensure good governance is followed and risk taken fully account of, and

3.6.9 support Members in their role.

3.7 Some Officers have specific statutory powers and duties, for example, the Officers designated as Head of Paid Service (Chief Executive), Chief Social Work Officer and the Monitoring Officer (Director of Corporate Governance). Others, such as the Registrars of Births, Deaths and Marriages and the Council's Health and Safety at Work Inspectors, work with reference to specific statutory regimes.

3.8 The Council has delegated powers to the Chief Executive, directors and other Officers in order that they can act and take decisions on behalf of the Council in predetermined areas. In taking those decisions, Officers must comply with the Council's Scheme of Delegation to Officers.

4 Relationship between Members and Officers

4.1 It is important that any dealings between Members and Officers, both written and oral, should observe professional standards of courtesy.

4.2 The relationship between Members and Officers will be enhanced by friendly relations. However, mutual respect and the belief that Officers are providing objective professional advice to Members must not be compromised. Members and Officers should be cautious in developing close friendships.

4.3 To avoid reputational damage to the Council, disagreements between Members and Officers should be acknowledged and resolved in private, rather than in public or through the media.

4.4 The Code prohibits Members raising matters related to the conduct or capability of employees in public. They must be aware of the lines of accountability within service areas and must not apply pressure to an Officer to act in a manner contrary to the instructions of his or her line manager.

4.5 Officers must not allow their personal or political opinions to influence or interfere with their work. Officers should not take part, and Members should not ask Officers to take part, in any activity which could be seen as influencing support for a political party. Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business.

4.6 Officers must not be involved in advising Members on matters of party political business.

4.7 Officers must respect the confidentiality of any party group discussions at which they are present. They should not relay the content of any such discussion to another party group or the media. If Officers receive information which, although confidential, they have a duty to disclose elsewhere (e.g. under FOISA legislation), Officers must indicate that this is the case.

4.8 Both Members and Officers should adhere to the rules and regulations set by Council to manage committee business (i.e. Standing Orders, Committee Terms of Reference and Delegated Functions)

- 4.9 Both Members and Officers have access to information which has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. Confidential information must never be disclosed or used for personal or political advantage or to the disadvantage or the discredit of the Council or anyone else. The Chief Executive will instigate any appropriate investigations into actual or alleged breaches of confidence in relation to the release of confidential information.
- 4.10 Special care needs to be exercised if Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members. Such persons will not be bound by the Councillors' Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality). Officers may not be able to provide the same level of information and advice as they would to a meeting where those in attendance are bound by the provisions of the Code.
- 4.11 Some Officers are in posts which are "politically restricted" by law. This means that individual postholders are prevented from carrying out any active political role either outside or inside the Council.
- 4.12 Members should raise with the Chief Executive any concerns about the political neutrality of an Officer.
- 4.13 Officers should ensure that they provide the necessary respect and courtesy due to Members in their various roles. Equally, Members should ensure that they provide the necessary respect and courtesy due to Officers in their roles.
- 4.14 Members should not put pressure on an Officer with regard to matters which have been delegated for Officer decision under the Scheme of Delegation to Officers. Officers should be left to make decisions that:
- 4.14.1 are objective and can be accounted for; and
 - 4.14.2 are fair and consistent in their application.
- 4.15 Members should not bring influence to bear on any Officer to take any action which is contrary to law or against the Council's approved procedures, including but not limited to the following procedures:
- 4.15.1 a breach of Organisational Development ('OD') procedures;
 - 4.15.2 conflict with standing orders; or
 - 4.15.3 conflicts with planning procedures and policies.
- 4.16 Members should respect the formal operating structures that exist in every area of the Council. Directors and Heads of Service must be the recognised first contact in their respective service areas.
- 4.17 Officers within a Service are accountable to their Director and Head of Service. Heads of Service and other Officers should not be expected to provide advice which may provoke conflict with their Director.

4.18 Members must declare any close personal relationships with constituents when dealing with Officers. Although Members are elected to represent the interests of their constituents, they should not seek special treatment for any individual.

5 ACCESS TO INFORMATION AND DOCUMENTS

5.1 Members are free to request information, explanation and advice from Officers which they may reasonably need to discharge their roles as Members of the Council.

5.2 Members should not put pressure on Officers to provide them with documents to which they have no statutory or common law right or to withhold from other Members documents to which they have a statutory or common law right of access. Officers should not withhold or unreasonably delay the provision to Members of documents to which they have a statutory or common law right of access. The advice of the Head of Legal, Risk and Compliance should be sought promptly if there is doubt as to propriety of providing access.

Statutory right

5.3 The Local Government (Scotland) Act 1973 gives Members a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council, Committee or Sub-Committee meeting. This applies irrespective of whether the Member is an appointed Member of the Committee concerned and extends not only to reports which are to be submitted to the meeting but also to any relevant background papers.

5.4 This right does not however apply to documents relating to certain items which may appear on B agendas. These documents may contain, for example, exempt information relating to employees, occupiers of Council property, applicants for grants and other services, the care of children, contract and industrial relations negotiations, advice from Counsel and criminal investigations.

Common Law Rights

5.5 The common law right of access to information for Members is based on the principle that any Member has a right to inspect Council documents so far as access is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Council. The exercise of this common law right depends upon the Member's ability to demonstrate that he/she has the necessary "need to know". A Member has no right to a roving commission to examine documents of the Council. Mere curiosity is not sufficient.

5.6 The Director who holds the document or information requested must determine whether the 'need to know' principle applies. In the event of a dispute the question should be referred to the Chief Executive (taking advice if necessary from the Head of Legal, Risk and Compliance) for determination.

Rights of a scrutiny committee

Formatted: No bullets or numbering

5.7 As stated in paragraph 5.5 Members have a right to information to perform his/her duties as a councillor. Members of the Governance, Risk and Best Value Committee (GRBV) are entitled to access reports in relation to business that they are scrutinising or that is specifically referred to in the scrutiny committee work programme.

Formatted: Indent: Left: 0 pt, Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 7.1 pt + Tab after: 43.1 pt + Indent at: 43.1 pt, Tab stops: 36 pt, List tab + Not at: 43.1 pt

5.8 Exempt information contained in B agenda reports will not be shared with the GRBV as a matter of routine. It would require to be demonstrated that the access to the exempt information was necessary to the GRBV's scrutiny function and whether exempt information would be disseminated would be considered on a case by case basis. In these cases legal advice will be sought from the Head of Legal, Risk and Compliance to ensure no underlying obligations would be breached by dissemination of the information beyond the committee that originally considered the B agenda report in question.

5.9 In the case of personal information the rules laid out in paragraphs 5.11 and 5.12 will apply.

5.10 In the case of privileged information it will generally be inadvisable to disseminate the information to the GRBV in any circumstances other than those where the subject matter of legal advice is directly relevant to a matter being scrutinised at a meeting of GRBV.

~~5.6~~

Formatted: Indent: Left: 36 pt, No bullets or numbering

Formatted: No bullets or numbering

Access to Personal or Confidential Information

~~5.7~~5.11 Where a Member wishes to inspect documents which contain personal information about third parties, a Member will be expected to justify the request on a "need to know" basis. This right does not exist in respect to, for example:

~~5.7.4~~5.11.1 documents which form part of the internal workings of another party; and

~~5.7.2~~5.11.2 the working draft of an officer's report before it has been authorised for release.

~~5.7.3~~5.11.3 the above is not an exhaustive list and the "need to know" principle will be applied in relation to documents containing third party personal information on a case by case basis.

~~5.8~~5.12 The Council and its Members are subject to the Data Protection Act 1998 which controls how personal information is used. Under the Act, Members are designated as Data Controllers which means they have individual responsibilities to protect and manage personal information in line with the eight Data Protection principles:

~~5.8.45.12.1~~ Tell people why their personal information is required and what it will be used for. Only use this information for lawful purposes.

~~5.8.25.12.2~~ Only use the personal information for the purpose it was obtained for.

~~5.8.35.12.3~~ Only gather personal information that is relevant to the purpose.

~~5.8.45.12.4~~ Keep personal information accurate and up to date.

~~5.8.55.12.5~~ Do not keep personal information for longer than you are required to by legislation or business purposes.

~~5.8.65.12.6~~ Individuals have rights regarding their personal information. Make sure you comply with these rights.

~~5.8.75.12.7~~ Keep personal information secure.

~~5.8.85.12.8~~ Do not transfer personal information to countries outside the European Economic Area where adequate protection for personal information is not in place.

5.13 A member of a committee or sub-committee which is concerned with the provision of education, accommodation, social services, or health care services to protected adults is considered regulated work under the Protection of Vulnerable Groups (Scotland) Act 2007 and requires a PVG check.

~~Members of the Governance, Risk and Best Value Committee (GRBV) are entitled to access reports in relation to business that they are scrutinising or that is specifically referred to in the scrutiny committee work programme.~~

Formatted: Indent: Left: 0 pt

~~Exempt information contained in B agenda reports will not be shared with the GRBV as a matter of routine. In the event that is necessary to the GRBV's scrutiny function that 113 members have access to such exempt information. In certain specific circumstances ongoing from time to time, the dissemination of such exempt information should be considered on a case by case basis.~~

Formatted: Indent: Left: 36 pt, No bullets or numbering

~~In the case of personal information the dissemination to the GRBV should be subject to careful consideration as to whether such disclosure is permitted under the DPA. This will depend on the individual circumstances, and therefore will also be considered on a case by case basis.~~

Formatted: Indent: Left: 0 pt, Hanging: 35.45 pt, No bullets or numbering

5.9 ~~In the case of privileged information it will generally be inadvisable to disseminate the information to the GRBV in any circumstances other than those where the subject matter of legal advice is directly relevant to a matter being scrutinised at a meeting of GRBV. In this event the information will be available for committee members to renew within a data room. In relation to other classes of exempt information, dissemination of the exempt information will be considered on a case by case basis. In these cases legal advice will be sought from the Head of Legal, Risk and Compliance to ensure we underlying obligations will be breached by dissemination of the information beyond the committee that originally considered the B agenda report in question.~~

6 THE COUNCIL AS EMPLOYER

- 6.1 Officers are employed by the Council and are governed by contracts of employment and Council policies and procedures. The Council has a duty of care towards all of its employees and this protocol reflects existing OD strategies and policies.
- 6.2 In making employment decisions, the key principles for elected Members to follow are:
 - 6.2.1 Members should not gain financially or personally, nor should their family or friends;
 - 6.2.2 Members have a duty to declare any private interest, and to protect the public interest;
 - 6.2.3 Members should have no involvement in employment or recruitment cases in which they have a personal interest of this kind;
 - 6.2.4 Members must, when making public appointments or recommending people for rewards or benefits, make choices on merit, using objective criteria;
 - 6.2.5 Members must not solicit a job with the Council for any person (but may give them a written testimonial); and
 - 6.2.6 If Members canvass support for a candidate for a job with the Council this will disqualify the candidate from that job.
- 6.3 Members are not the employer. The Council is an equal opportunities employer and Members should be guided by this principle in all contact with staff. Members should note that any individual who commits an act of discrimination can be personally liable.
- 6.4 Members should not be involved in individual staffing matters unless they are a member of a Committee set up for that purpose. Committee Terms of Reference and Delegated Functions provide for Committees or Panels of Members for Chief Officer appointments and for disciplinary and grievance processes relating to the Chief Executive, Directors and Chief Officers. Appeals Committees exist which hear appeals lodged by employees against grievance outcomes and certain disciplinary decisions.
- 6.5 Apart from as set out at 6.4, Members must not become involved in the management of Council staff. All other disciplinary, capability or grievance processes must be dealt with by Officers. Members must not engage in activities which might undermine management or compliance with Council procedures, or try to influence recruitment processes.
- 6.6 Members will frequently come into contact with representatives of the recognised Trades Unions at formal settings. The remit of these groups is often to:
 - 6.6.1 provide a channel for consultation between the Council and the Trade Unions;

6.6.2 discuss significant changes to the Council affecting the welfare or conditions of employment of its employees; and

6.6.3 consider any employment matter referred to them by the staff side or the Council.

6.7 These groups do not have a remit to become involved in matters affecting an individual employee's terms, conditions or pay and Members must observe this remit in their contacts with Trades Union officials.

6.8 Members must, at all times, adopt a professional approach in any informal dealings with the Trades Unions and in particular should:

6.8.1 avoid making unreasonable commitments;

6.8.2 take a balanced view of information provided by Trades Unions along with that of Officers; and

6.8.3 not allow undue influence to be placed upon them.

6.9 Officers must not raise directly with Members any personal matter relating to their jobs, or relating to any potential appointment.

7 MONITORING THE PERFORMANCE OF OFFICERS

7.1 Members set the parameters for Council work and officers carry out the implementation.

7.2 Members have a right to criticise reports or the actions taken by Officers, but they should always:-

7.2.1 avoid personal attacks on Officers; and

7.2.2 ensure that criticism is constructive and well founded.

7.3 Complaints about Officers or Council services should be made to the relevant director or to the Chief Executive.

7.4 The Director of Corporate Governance is the Council's Monitoring Officer and is specifically responsible for reporting any proposal, decision or omission by the Council or its Officers which causes or is likely to cause:

7.4.1 A contravention of any legislation or rule of law or of any code of practice made or approved by any legislation; or

7.4.2 Maladministration or injustice which could be investigated by the Scottish Public Services Ombudsman.

8 SUPPORT SERVICES TO MEMBERS AND PARTY GROUPS

8.1 The Council can only lawfully provide support services – secretarial,

administrative, resources, printing, photocopying, transport etc – to Members to assist them in discharging their role as Members of the Council. These services must only be used for Council business. They must never be used in connection with party political or campaigning activity or for private purposes. Members should never prevail upon the loyalty and enthusiasm of Officers to provide improper support.

- 8.2 The protocols governing the duties of Officers in Members' Services are summarised below:
- 8.2.1 Officers in Members' Services are Council employees and must comply with the Council's agreed policies and procedures (e.g. Employee Code of Conduct);
 - 8.2.2 they cannot represent or stand in for Members at events or decision-making bodies, although they can attend as non-speaking observers;
 - 8.2.3 each group has a Group Business Manager to direct day to day work. These are appointed by the Strategic Business and Members Services Manager who is also responsible for their induction, discipline and any grievances;
 - 8.2.4 they must respect confidentiality regarding the party, group and individual Members;
 - 8.2.5 they must not divulge confidential information regarding the group, its dealings or its Members;
 - 8.2.6 in their contacts (internal and external) the postholders must be careful not to misrepresent the intentions of the group and must clarify whether they are representing the whole group or individual Members; and
 - 8.2.7 the existence of Officers in Members' Services should not detract from normal Member/Officer relationships.
- 8.3 Members should observe policy and procedures with regard to the office accommodation they occupy in the interests of security and the general health, safety and welfare of all occupants.
- 8.4 In order that Members and Officers are suitably trained in the skills needed for the effective discharge of their duties, training/briefings will be provided for Members covering topics such as induction for new Members, managing information and presentation and relevant technical skills. Some training may be a requirement before a Member can take part in a specialist committee. All Members are encouraged to take the opportunity to build upon their existing skills.

9 REVIEW OF THE PROTOCOL

This protocol will be reviewed annually in May as part of the operational governance suite of documents.