

CODE FOR ROTHERHAM MBC: SENIOR STAFF WORKING TO COUNCILLORS**1. Purpose of this paper**

- 1.1 As part of its recovery, Rotherham will gain many new senior staff and many Councillors either new to local government or inexperienced in positions of leadership. It is also agreed that Scrutiny needs to be stronger and more productive. These circumstances indicate that a written Code covering expectations of Councillors and senior staff when working together would be advantageous.

2. The Law's requirements

- 2.1 All staff advising Councillors work to the Council as a whole, not just the party in power. How much advice or assistance (say in working up policy alternatives) is given to minority parties is something that can be agreed if necessary. It is not covered here.
- 2.2 Under the National Code of Conduct, Councillors when making decisions agree to take account of any advice from the Council's Monitoring Officer and Statutory Finance Officer.
- 2.3 Councils are subject to judicial review challenge if they make "*unreasonable*" decisions.
- 2.4 Councillors will take political principles and Party considerations into account but not to the exclusion of other relevant considerations.
- 2.5 Councillors need to consider any conflicts of interests. Such judgements are personal; they cannot be delegated to officers, though officers can provide a sounding board and offer advice.
- 2.6 Officers must be mindful of the law and senior staff in particular must give formal advice on statutory requirements as necessary.

3. Some basic expectations

- 3.1 Councillors and staff must treat each other with respect. Challenge and debate is healthy; however, no-one should shout or insult. Criticism can be a form of challenge and holding each other to account. However, those being criticised must have the right to reply.
- 3.2 Care should be taken to identify and make reasonable adjustments where individuals have particular needs by virtue of religion, disability or other characteristics covered by law.
- 3.3 Senior staff will need to brief Councillors in a timely, open and honest fashion. Briefings, in consultation with Councillors, may be via telephone or email. Suitable records of significant discussions should be kept.
- 3.4 In situations where significant choices have to be made or new requirements requiring significant action arise, senior staff are entitled to put formal advice in writing and Councillors should expect to reply in writing. Officer advice does not have to be taken but a decision against officer advice ought to be documented as to reasons.
- 3.5 Councillors who are operating as part of a Majority Administration ought to hold themselves as responsible for clear policy direction. Officers need to work to

understand such direction, though they may seek to influence it. Regular dialogue and review will ensure such policy direction can be operated and will withstand challenge. The best policy is often made by close working between Councillor political and conceptual direction and officer professional and management advice.

- 3.6 Councillors and senior staff need to operate within expectations of professional behaviour. This will normally preclude extensive or intensive social contact between individuals. A certain professional distance will avoid role confusion, bullying or over familiarity.
- 3.7 Officers are paid to be experts and should be treated as such but in return should not over-state their expertise. In some situations expertise is a minor component and other considerations including political principle and public credibility may be relevant. Senior staff should recognise these considerations lie outside their areas of expertise.
- 3.8 When asked questions or asked to give an account, senior staff must strive not to appear defensive or closed. A full, straightforward account should lead to better understanding and reflection. In return Councillors should not rush to judgement or blame precipitately.
- 3.9 Councillors should use officers to generate options, clarify implications and expand understanding of option appraisal.
- 3.10 Both Executive and Scrutiny Councillors will have reason to hold senior staff to account. It will be important that this is only senior staff. Chief Officers are responsible for the performance of all other staff, not Councillors.
- 3.11 When these demanding conversations are taking place there will be an additional expectation that all parties will commit to firm, precise and professional language, to avoid any sense of personal conflict.

4. Particular expectations within Rotherham

- 4.1 Cabinet Members will agree an individual statement with their lead senior staff, setting out expectations covering what they expect to be told; how often they want to meet; how they want to work; what ambitions they have; their availability and any other matters designed to clarify expectations and build a professional partnership.
- 4.2 Written reports including reports to Executive Councillors, Scrutiny and Committees will be well written and signed off by both the report author and Chief Officer or other delegated senior officer.
- 4.3 Appraisal procedures for Chief Executive and Chief Officers will ensure both relevant Executive Councillors and the relevant Scrutiny Chair are part of the process and in the case of the Chief Executive the Leaders of the minority parties.
- 4.4 Outside of yearly appraisal processes, complaints against or concerns about senior staff should be made to the Head of Paid Service (usually the Chief Executive). A complaint against the Chief Executive should be addressed to the Monitoring Officer.

5. Scrutiny Processes in Rotherham

- 5.1 All staff of the Council owes the same duty to the scrutiny systems as they do to the executive systems. It is not the job of staff to 'protect' the executive side of the Council (i.e. the Cabinet) from challenge, analysis or adverse observation by Councillors charged with scrutiny, although it can be appropriate to keep Executive Councillors abreast of work scrutiny are doing.
- 5.2 Scrutiny in Rotherham will include both scrutiny of decisions taken (where decision-makers might be asked to give an account of why the decision has been made);

scrutiny of delivery (where senior staff and accountable executive Councillors might be asked to give account for what has or has not happened or is promised) and “overview” where Scrutiny of its own volition or at the request of an Executive Councillor, will look into policy options, service improvements, value for money or other issues important to the people of Rotherham.

- 5.3 Good systems operate best within clear, well-planned expectations. In particular Scrutiny Programmes will be planned in advance, so that the appropriate staff and Executive Members can attend.
- 5.4 As scrutiny operates, Executive Councillors will need to own and explain the decisions that they have made and senior staff will need to explain any decisions they have made or advice they have given, but the distinction between the two must be clear.
- 5.5 Attendance by officers at scrutiny meetings will be decided by Chief Officers. They may ask specialist, more junior staff to attend to provide specialist information. Attendance of scrutiny should never be just junior staff. As a courtesy, Chief Officers should periodically review attendance of scrutiny committees with Chairs of Committees to discuss what is practical, reasonable and appears to be working or otherwise.
- 5.6 Scrutiny Councillors have no authority to act alone, save that the Chair and any agreed sub-groups (and therefore chairs of sub-groups) can be expected to act as a representative of the main Committee.
- 5.7 Individual Councillors with individual concerns or who wish to challenge policy or performance matters can ask for an item to go on a scrutiny agenda, and even if not a member of that scrutiny committee, can attend and speak to that item with the permission of the Chair.
- 5.8 The Head of Paid Service (usually the Chief Executive) is responsible for ensuring the scrutiny and executive systems are both adequately supported, and should as a matter of courtesy attend some scrutiny activity each year.
- 5.9 Both the Leader of the Council and Chief Executive have the right to join any scrutiny meeting and can contribute at the invitation of the Chair of that meeting. The appropriate Advisory Cabinet Member will usually be invited to attend scrutiny meetings under his or her portfolio.
- 5.10 Scrutiny committees may wish to hear from representatives of agencies other than the Council and Democratic Services staff will seek to make these arrangements. The same courtesies as outlined above will be extended to any such guests attending scrutiny committees.
- 5.11 Democratic Services staff are responsible for drafting scrutiny output reports. They are likely to want to check with colleagues in service departments to ensure accuracy in matters of fact and the feasibility and the legality of any recommendations.