

SECTION E1 (d)

CODE OF CONDUCT – MEMBER/EMPLOYEE RELATIONS

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Code of Conduct – Member/Employee Relations

1 INTRODUCTION

- 1.1. Standards of conduct for Members and employees of the Authority are contained in separate Codes of Conduct. Whilst these are detailed documents, they do not cover explicitly some of the issues arising from the close working relationships which are needed between the two if high value quality services are to be delivered and the mutual confidence of Members and employees is to be maintained.
- 1.2. Good working relations between Members and employees are critical to the successful delivery of the Authority's business. Any misunderstandings about the roles and acceptable standards of behaviour may harm the effectiveness of these relationships. This document aims to strengthen the good working relationships which already exist, clarify possible areas of doubt and offer advice as to how any difficulties which might arise can be resolved properly.
- 1.3. Much of that which is contained in this document primarily concerns the relationship between Members and the Chief Fire Officer & Chief Executive (CFO/CE) and other senior managers, but the same principles apply to all employees.
- 1.4. The following Appendices support this document: Appendix A covers the detailed process of Political Activity between employees and Party Groups, and Appendix B deals with Press Releases and Authority publicity.
- 1.5. The Members' Code of Conduct is set out elsewhere in this Constitution.
- 1.6. This document applies to officers appointed to serve the Authority (e.g. the Monitoring Officer (MO)) who are not Authority employees, and to their representatives, as if they were employees.

2 ROLES AND RESPONSIBILITIES

Members

- 2.1 The Members of the Fire Authority are all Councillors. The role of a Councillor is defined by the Local Government Act 1972, the Local Government and Housing Act 1989 and the Local Government Act 2000.
- 2.2 In law, Members have responsibilities similar to trustees. No decisions on behalf of the Authority can be taken by individual Members, except in limited circumstances on matters of procedure, such as procedure at meetings.

2.3 All Members are required by law to:

- (a) observe the Code of Conduct for Members;
- (b) comply with the Authority's Standing Orders and Financial Regulations; and
- (c) comply with all relevant statutory provisions applicable to the Authority and its Members and employees.

NOTE: It is the responsibility of individual Members to ensure they have proper advice. If Members are ever in doubt in terms of the law, any Authority Code, Standing Orders, general propriety, conflicts of interest etc. then they should consult either the MO or, if financial, the Treasurer.

The Chairperson

2.4 The role of Chairperson is only legally recognised for procedural purposes (e.g. in conducting meetings and exercising a casting vote). In practice, the Chairperson is recognised as the member who will undertake the following roles:

- (a) presenting reports at Fire Authority meetings and responding to questions (as defined in Standing Orders);
- (b) responding to the press and making public statements on behalf of the Fire Authority;
- (c) liaising closely with the CFO/CE in developing policy and service plans; and

2.5 The Vice-Chairperson, the Panel Chairperson and Lead Members have similar, but less prominent roles.

Employees

2.6 Employees are employed by, and serve, the Fire Authority. They provide advice to the Fire Authority and its Panels, and are responsible for ensuring that decisions are effectively implemented. All employees are required to exercise political neutrality whilst undertaking their duties. Some employees have their neutrality enforced through the political restrictions of the Local Government and Housing Act 1989. All employees are required to abide by the

Anti-Fraud, Bribery and Corruption Policy and by the Code of Conduct for Employees.

- 2.7 Employees are responsible to their line managers and ultimately the CFO/CE. The CFO/CE has professional responsibilities and accountabilities for the proper management of the Authority's employees in addition to their specific responsibilities as a statutory office holder.
- 2.8 The CFO/CE and senior employees will work closely with Members to ensure effective policy development and decision-making.

3 Information for Members

- 3.1 It is important for the CFO/CE and employees to keep Members informed about the major issues concerning the Authority and about issues and events affecting the areas that they represent.
- 3.2 Members' rights to information are subject to legal rules and, if a Member has a legitimate interest in a matter and is able to demonstrate a 'need to know' then employees may, after consulting their line manager, provide the relevant information, including confidential information. When issuing this information consideration should be given as to whether the information should be shared with the Group Leaders.
- 3.3 Members will need to explain why information is needed, in order to establish that there is a legitimate 'need to know'. Members who ask for complex or substantial quantities of information must be flexible in their requests if compiling will result in significant cost to the Authority. Information will be provided electronically.
- 3.4 The Members' Code of Conduct and Standing Orders both restrict disclosure of confidential information which has been obtained as a Fire Authority Member. Members must be aware that confidential information may include individual's personal data which is protected from disclosure under the Data Protection Act. Confidential information must not be made available by the Member concerned to the public or shared with another Authority Member who cannot demonstrate a similar 'need to know'.
- 3.5 If Members have difficulty in obtaining information they feel they need and are entitled to in order to carry out their duties they should contact the CFO/CE. If they remain dissatisfied they should contact the MO and set out their concerns.

4 Respect and Courtesy

- 4.1 Mutual respect, trust and courtesy must be demonstrated by all Members and employees in all meetings and contacts both formal and informal. Good behaviour plays a vital part in the Authority's reputation. It is important that Members and employees remember their respective obligations to enhance the Authority's reputation and do all they can to avoid criticism of Members, or employees, in public places.
- 4.2 Members are entitled to constructively criticise reports, actions and work of departments, Directorates or the Authority where they perceive such criticism is merited. However, Members must remember employees are constrained in the response they may make to public comments about them by Members. Members must not make personal or abusive comments about employees in public or through the press nor undermine any employee's position by abuse, rudeness or ridicule.
- 4.3 Employees must show respect and courtesy to Members. They must act professionally and impartially in the Authority's interests. They must be even-handed towards all Members. The Authority can expect their lawful policies to be put into effect, even if at variance with employees' personal views.
- 4.4 If a Member believes they have reason to criticise the work of an employee, the proper approach is to contact the relevant Assistant Director or to the CFO/CE. If employees feel they have good cause to criticise a Member, they should raise the issue with their Assistant Director or the CFO/CE.
- 4.5 Employees who are disrespectful or discourteous to Members will be liable to disciplinary action.
- 4.6 Members who are disrespectful or discourteous to an employee, can expect their Group Leader to treat the matter extremely seriously. Bullying and compromising the impartiality of employees are breaches of the Code of Conduct for Members. A complaint under the Code, if substantiated after a formal investigation and hearing, will render a Member liable to a range of penalties.

5 Contact between Members and Employees

- 5.1 Regular contact between Members and some employees is necessary to ensure the efficient working of the Authority. It is the responsibility of the Authority's principal officers to identify the employees who should have regular contact with Members, having regard to the nature of the roles they perform and the Member contact envisaged.

- 5.2 Members should follow established lines of communication. If different employees are approached they may not obtain the advice, help or information envisaged and could potentially undermine the formal accountability of employees to their line managers. If Members have any concerns about these arrangements, they should bring them to the attention of the appropriate principal officer.

6 Correspondence between Members and employees

- 6.1 Correspondence between Members and employees must comply with the respect and courtesy obligations of this Code and, unless the correspondence is obviously confidential, it may be copied by the sender or recipient to others, subject to the following consideration.
- 6.2 An employee should not normally copy correspondence with a Member of one political group to a Member of another political group without consent. This does not preclude the employee from advising another Member of the general nature of the matter, where it is relevant to a role which that Member is undertaking for the Authority, for example as Chairperson, or Panel Chairperson.

7 Undue Pressure

- 7.1 Members should be aware that it is easy for employees to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold official and/or political office.
- 7.2 Members must not apply undue pressure on an employee either to do anything they are not empowered to do or to undertake work outside normal duties or normal hours. Particular care must be taken in connection with the use of Authority property and services.
- 7.3 Employees must not seek to use undue influence on individual Members to make a decision in their favour, raise personal matters to do with their job or make claims or allegations about other employees. There are formal procedures for consultation, grievance and discipline.
- 7.4 Reports to the Authority or its Panels should be written by the CFO/CE or another employee authorised by them to do so. Reports are discussed with the Chairperson or relevant Panel Chairperson at regular briefings held with the CFO/CE and senior employees. The Chairperson may make suggestions as to the contents of a report however, the report is the employee's and any

amendments can only be made by the CFO/CE in consultation with either the MO and/or Treasurer.

8 Familiarity

- 8.1 Close personal familiarity between individual Members and employees can damage the principle of mutual respect. It may also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, e.g. personal details.
- 8.2 Such familiarity could also cause embarrassment to other Members and/or employees and even give rise to suspicions of favouritism.
- 8.3 For the above reasons, close personal familiarity must be avoided.

9 Redress

- 9.1 If Members consider they have not been treated with proper respect or courtesy and it cannot be resolved through direct discussion with the employees concerned, they should raise it with the relevant Assistant Director without delay. Members may raise such issues with the CFO/CE if they remain unresolved where appropriate disciplinary action may be taken against employees.
- 9.2 If employees feel the same way about any Members, they should raise the matter with their Assistant Director or Principal Officer as appropriate without delay, especially if they do not feel able to discuss it with the Member concerned. The CFO/CE will take such action as is appropriate either by approaching individual Member and/or the relevant Group Leader. The CFO/CE will inform the Monitoring Officer if a Group Leader is involved, or any other case deemed appropriate.

10 Political Activity

- 10.1 Unless exempted by the CFO/CE, employees holding politically restricted posts cannot be local authority councillors, MPs or MEPs; act as election agents; be an officer of a political party; canvas on behalf of a political party or speak or publish written work for the public at large or to a section of the public with the apparent intention of affecting support for a political party. The following staff are regarded as holding politically restricted posts - Principal Officers and any employee whose duties involve giving advice to the Authority or Panels on a regular basis or speaking on a regular basis to journalists or broadcasters on behalf of the Authority.

- 10.2 In accordance with the Authority's Code of Conduct for Employees, employees must not be involved in advising any political group of the Authority nor attend any of their meetings in an official capacity without the express consent of the CFO/CE. The procedure for such a situation is contained in Appendix A.
- 10.3 The above does not obviate the necessity for regular contact on matters affecting the Authority between the CFO/CE, senior employees and Group Leaders, and on matters affecting Panels between the CFO/CE, other senior officers, and Panel Chairperson.
- 10.4 Authority decisions can only be made by the Full Fire Authority, or Panels or the CFO/CE or other employees, acting under delegated authority. Decisions by political groups do not constitute Authority decisions. All relevant representations made in respect of any matter must be reported to the Authority.

11 Conclusions

- 11.1 Mutual understanding and openness on these sort of sensitive issues and basic respect are the greatest safeguard of the integrity of the Authority, its Members and employees.
- 11.2 If Members or employees have any concerns about the content of this Code or would like any interpretation or advice on its contents, they should contact the CFO/CE or the MO.

Annex A

Requests for an Employee to Address Group Meetings and Related Points

1. In accordance with the Code of Conduct for Employees, approved by the Authority, the Chief Fire Officer & Chief Executive (CFO/CE) must be made aware of any invitation by an Authority political group or any part of a group (such as group Members on a particular Panel) for an employee to address a group meeting, in sufficient time to enable the stages outlined in paragraphs 2 and 3 below to be completed before the meeting.
2. The Chief Fire Officer & Chief Executive should be made aware of:
 - i. the reason(s) why an employee is being invited to address the group meeting;
 - ii. the name of the employee(s) concerned if known; and
 - iii. the topic(s) to be covered or on which information or a report is sought.
3. The CFO/CE, after consultation with the Monitoring Officer (MO) and individual employee(s) concerned, will decide whether permission can be given, in whole or in part, to the employee(s) concerned for them to address the meeting. The request can be agreed, in whole or part, and the CFO/CE will notify the relevant Group Leader or Member together with the other Group Leaders and indicate that similar arrangements will be made for them if they wish. This is to ensure integrity of all concerned is preserved through openness and equal access.
4. Since legally, employees (including the CFO/CE, MO and Treasurer) serve the Authority, and not individual political groups, their attendance at political group meetings is voluntary.
5. Employees are entitled to have their political neutrality respected should they agree to attend the group meeting, and must be treated in a fair and proper way. Employees must not be placed in a position where they feel at a disadvantage or their political impartiality or integrity are put at risk.
6. To safeguard both employees and Members, matters which have not been mentioned under 2 above should not be raised in the presence of the employee(s). Employees will be instructed on each occasion that they must leave a meeting if there is any suggestion that they are to be asked to comment on matters beyond the brief agreed in advance, or if they feel vulnerable or that their integrity were to be put in question.

7. Any breach of these arrangements by either Members or employees will be viewed seriously and appropriate action taken by Group Leaders or the CFO/CE respectively. The MO will also be informed.

Annex B

East Sussex Fire Authority Publicity Conventions about Press Releases

The purpose of this note is to set down as conventions long standing rules and practices which govern press releases. The aim being to avoid misunderstanding and facilitate effective action and maintain constructive relationships between Members and employees.

- Section A – Basic Rules Governing Authority publicity.
- Section B – Group Publicity.
- Section C – Conventions.

Any press activity within the Authority will take account of the priorities of the Authority's agreed Strategies as amended from time to time and the Convention needs to be read and operated in that context.

A Basic Rules Governing Authority Publicity

- 1 Any press activity within the Authority must follow the principles laid down in the Code of Practice on Local Authority Publicity (the Code) introduced with the Local Government Act 1986 (issued in March 2011).
- 2 The Code recognises:
 - (a) The role of employees who deal with public relations in helping to make the public more aware of the services which the Authority provides to the community and the functions it performs; and
 - (b) The need for the Authority to explain its policies, objectives and priorities to electors and council taxpayers and in general to improve local accountability.
- 3 The Code lays down guidance on what is not appropriate publicity for public relations officers or a Local Authority Public Relations and Press Office. The main points are:
 - i. A Local Authority should not publish material designed to affect public support for a political party.

- ii. Publicity should be relevant to the functions and powers of the Local Authority.
- iii. Publicity describing a Local Authority's policies and aims should be as objective as possible, concentrating on facts and explanations/justifications.
- iv. Advertising may be appropriate subject to cost effectiveness and meeting the provisions of the Code.
- v. Comments on proposals of Central Government, other Local Authorities and public bodies should be objective, balanced, informative and accurate.
- vi. Publicity touching on issues that are controversial should be handled with care.
- vii. A Local Authority should not use public funds to mount publicity campaigns, the primary purpose of which is to persuade the public to hold a particular view on a question of policy; although publicity campaigns to promote the effective and efficient use of facilities and services, or to attract tourism or investment, or to influence public behaviour or attitudes on e.g. health, crime prevention or race relations, may be permissible.
- viii. Publicity about individual Members may include the contact details, the positions they hold and their responsibilities. Whilst objective and explanatory publicity may be given which acknowledges the part played by the individual Members as holders of particular positions on a Local Authority, personalisation of issues or personal image-making should be avoided.
- ix. Particular care needs to be taken when publicity is issued immediately prior to an election, to ensure that this could not be perceived as seeking to influence public opinion, or promote the image of a candidate or candidates. This operates once Notice of Election has been given.

- 4 To summarise, Authority press releases can only reflect the policies and decisions of the Authority and its Panels. Quotes from individual Members can only be as representatives of the Authority, e.g. the Chairperson of the Authority or Panel Chairperson, and must be confined to policy or comments in response to particular events which call for a particularly speedy reaction from the Authority.

B Group Publicity

- 1 The advantage of publicity produced by Groups or individual Members is that political and other considerations can be communicated, fulfilling a role that Authority publicity cannot.
- 2 The Authority's employees who deal with public relations cannot be involved in the preparation or distribution of Group or individual Member publicity since that is not Authority publicity.
- 3 There is no provision to Group or individual Member press releases to be typed or distributed by Authority employees. However, if the publicity relates to Authority affairs, and will not include any political party publicity, e.g. that people should vote for a particular party then advice and guidance on content will be provided, in the first instance Democratic Services should be contacted. Any distribution costs are to be met to the Group concerned or to the individual Member since the law requires that no costs of Group publicity should fall on the Authority.
- 4 A nominated Authority employee, (usually the Media and Communications Officer) without contravening these rules, will always try to help a Member in relation to handling the media.

C Conventions

- 1 The Code re-states the constitutional legal position which still applies to Combined Fire Authorities, even though it has changed for many other Councils - i.e. the Authority discharges its functions corporately through the Authority. Decisions are taken by the Authority or its Panels. The Chairperson cannot in law be given executive authority in relation to their Panels' services.
- 2 Publicity by the Authority has to comply with the Code and the specific accounting rules governing such expenditure: particular care will be taken once Notice of Election has been given.
- 3 Publicity must not report the view of individual Members, except where they are formally representing the Authority. A statement of comment or explanation of official Authority or Panel policy by a Chairperson is included where that is appropriate. Press releases with a quotation from the Chairperson can be issued in advance of an issue coming before the Authority or Panel by making it clear that the Authority or Panel will be considering it. Only the Chairperson can formally comment on official Authority policy (or on what the Authority/Panel may decide).

4. In a limited number of situations, it may be permissible for a press release to contain a quotation from a Member who is not the Chairperson or a Chairperson of a Panel. This would apply, for example, where a Member has been specifically authorised to represent the Authority, particularly at international events. Such press releases and any quotations would be subject to consultation and agreement with the Chairperson of the Authority.
5. Clearly, it is important for Chairperson of any Panel to be aware of any major issues which feature in press releases etc. from their Panel as they may be approached by the media as well on the issue. In such circumstances, the Authority's employees who deal with public relations will seek to ensure contact and liaise with the Chairperson and Panel Chairpersons.
6. Employees seek to operate with common sense and flexibility but they have to operate within what is legitimate within the rules. The Authority's employees who deal with public relations will, on occasions, have to make judgements, advised by the Monitoring Officer, who may also have to make decisions as to what is, and what is not permissible within the rules.