



SECTION F2

CODE OF CONDUCT FOR MEMBER AND EMPLOYEE RELATIONS

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East Sussex Fire Authority's Code of Conduct for Member and 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 both 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, to clarify possible areas of doubt and to 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 and other senior managers, but the same principles apply to all employees.
- 1.4 The Fire Authority recognises the importance and value of a diverse workforce and this is reflected in the Organisation's vision, values and aims contained in Section A of the Constitution to which all employees must subscribe.
- 1.5 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.
- 1.6 The Members' Code of Conduct is set out in the Constitution.
- 1.7 References in this document to "the Authority" mean East Sussex Fire Authority, including East Sussex Fire & Rescue Service.



1.8 This document also applies to officers appointed to serve the Authority (e.g. the Monitoring Officer) who is not an Authority employee, and to their representatives, as if they were employees.

2. Roles and Responsibilities

2.1 Members

2.1.1 The Members of the Authority are all Councillors. The role of the Councillor is defined by the Local Government Act 1972, the Local Government and Housing Act 1989 and the Local Government Act 2000.

2.1.2 In law, all 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.

2.1.3 All Members are required by law to:

- i. Observe the Code of Conduct for Members adopted by the Authority on 13 September 2012;
- ii. Comply with the Authority's Standing Orders and Financial Regulations; and
- iii. Comply with all relevant statutory provisions applicable to the Authority and its Members and employees.

NOTE: It is the responsibility of Members themselves to ensure that they have proper advice. If Members are ever in any doubt in terms of the law, any Authority Code, Standing Orders, general propriety, conflicts of interest etc., then either the Monitoring Officer or, on finance matters, the Treasurer should be consulted.

2.2 The Authority's Chairman

2.2.1 The role of Chairman is only legally recognised for procedural purposes (e.g. in conducting meetings and exercising a casting vote).



In practice, the Chairman is recognised as the 'lead Member' undertaking the following roles:

- i. Presenting reports at the meetings of the Authority and responding to questions (as defined in Standing Orders);
- ii. Responding to the press and making public statements on behalf of the Authority;
- iii. Liaising closely with the Chief Fire Officer & Chief Executive in developing policy and service plans; and
- iv. Undertaking responsibilities with the South East Improvement Partnership Board, as appropriate.

2.2.2 The Vice-Chair(man) and Panel Chairmen have similar, but less prominent roles.

2.3.1 Employees are employed by, and serve, the Authority. They advise the Authority and its Panels, and are responsible for ensuring that the decisions of the Authority and its Panels are effectively implemented. All are legally required to be politically neutral as employees. For senior employees neutrality is further enforced through the political restrictions of the Local Government and Housing Act 1989. All employees are required to abide by the Authority's Anti-Fraud and Corruption Strategy and by the Authority's Code of Conduct for Employees.

2.3.2 Employees are responsible to their line managers and ultimately the Chief Fire Officer & Chief Executive. The Chief Fire Officer & Chief Executive has professional responsibilities and accountabilities for the proper management of the Authority's employees in addition to his/her specific responsibilities as a statutory office holder.

2.3.3 The Chief Fire Officer & Chief Executive and senior employees will work closely with Members of the majority party or parties if there is to be effective policy development and executive decision-making. This relationship has to function without compromising the ultimate responsibilities of employees to the Authority as a whole, and with due regard to such technical, financial, professional and legal advice that employees can legitimately provide.



3. Information for Members

- 3.1 It is important for the Chief Fire Officer & Chief Executive and employees to keep Members informed both about the major issues concerning the Authority and, more specifically, about issues and events affecting the areas that they represent.
- 3.2 Members may request copies of any agendas of Panels of which they are not members. 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', in their role as an Authority Member, employees should, after consulting their line managers, provide the relevant information, including confidential information, to them. In addition, as a courtesy, wherever possible, such information should be copied to Democratic Services who shall ensure that the Chief Fire Officer & Chief Executive is advised and consideration given as to whether the information should be copied to the Group Leaders.
- 3.3 Both the Members' Code of Conduct and Standing Orders restrict the disclosure of information which they have gained as Members when the information is confidential. Members will also need to bear in mind that confidential information may include personal data about individuals, protected from disclosure under the Data Protection Act. Confidential information should not, therefore, be made available by the Member concerned to the public nor should it be passed on to another Authority Member who cannot demonstrate a similar 'need to know'.
- 3.4 Members may need to explain to employees why information is needed, in order to establish that there is a legitimate 'need to know'. Also, Members asking for complex or bulky information should be flexible in their requests, if compiling and copying the documentation will result in significant cost to the Authority.
- 3.5 If Members are not receiving, or are having difficulty in obtaining, information which they feel they need or to which they are entitled in order to carry out their duties as a Member for the Authority, they should contact the Chief Fire Officer & Chief Executive. If they remain dissatisfied they should contact the Monitoring Officer and set out their concerns.



4. Respect and Courtesy

- 4.1 For the effective conduct of Authority business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and employees. Good behaviour plays a very important part in the Authority's reputation and how it is seen in public. It is very important that both Members and employees remember their respective obligations to enhance the Authority's reputation and to do what they can to avoid criticism of Members, or employees, in public places.
- 4.2 Members are entitled to constructively criticise the reports, actions and work of departments, Directorates or the Authority where they perceive that such criticism is merited. However, Members must remember that employees are constrained in the response they may make to any public comments about them by Members. Members should 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 similar respect and courtesy to Members. Also, they must act professionally and impartially in the Authority's interests. They must be even-handed towards all Members, whether of the ruling political group(s) or otherwise. However, the ruling group(s) can expect their lawful policies to be put into effect, even if these are at variance with employees' personal views.
- 4.4 If Members believe they have reason to criticise the work of an employee, the proper approach should be through the Directorate Head concerned or to the Chief Fire Officer & Chief Executive. If employees feel they have good cause to criticise a Member, they should raise the issue with their Directorate Head or the Chief Fire Officer & Chief Executive.
- 4.5 Employees who are disrespectful or discourteous to Members will render themselves liable to disciplinary action.
- 4.6 If a Member is disrespectful or discourteous to an employee, then the leader of the Member's political group within the Authority will treat the matter as extremely serious. The Member should also bear in mind that

bullying and compromising the impartiality of employees are breaches of the Authority's 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 of the Authority, particularly senior managers, 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 these established lines of communication. Otherwise, if they approach different employees, they may not obtain the advice, help or information which it was envisaged they would receive and they could potentially undermine the formal accountability of employees to their line managers. If Members do have any concerns about the 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 should 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 the 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 Chairman, or Panel Chairman.

7. Undue Pressure

- 7.1 In their dealings with employees, Members need to 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 should not apply undue pressure on an employee either to do anything that they are not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Authority property and services.
- 7.3 Similarly, an employee must neither seek to use undue influence on individual Members to make a decision in their favour nor raise personal matters to do with their job nor make claims or allegations about other employees. The Authority has formal procedures for consultation, grievance and discipline.
- 7.4 Reports to the Authority or its Panels should be written by the Chief Fire Officer & Chief Executive or another employee authorised by the Chief Fire Officer & Chief Executive. Reports are discussed with the Chairman at one of the regular meetings held with the Chief Fire Officer & Chief Executive or, as necessary, with the Chairman of the relevant Panel. The Chairman may make suggestions to the Chief Fire Officer & Chief Executive as to the contents of a report. However, the report is the employee's and any amendments can only be made by the Chief Fire Officer & Chief Executive who will consult and inform the Monitoring Officer and Treasurer, as necessary. Where a Panel reports upwards the report is settled by the Chief Fire Officer & Chief Executive in conjunction with the Monitoring Officer and Treasurer after consultation with the Chairman.

8. Familiarity

- 8.1 Close personal familiarity between individual Members and employees can damage the principle of mutual respect. It could 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 other 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 that they have not been treated with proper respect or courtesy and if this cannot be resolved through direct discussion with the employees concerned, they may raise it with the employees' Directorate Head without delay. Members may raise such issues with the Chief Fire Officer & Chief Executive 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 Directorate Head or their Principal Officer as appropriate without delay, especially if they do not feel able to discuss it with the Members concerned. The Chief Fire Officer & Chief Executive will take such action as is appropriate either by approaching individual Members and/or the relevant political group leader. The Chief Fire Officer & Chief Executive will inform the Monitoring Officer if a political group leader becomes involved, or any other case where that is appropriate.

10. Political Activity

- 10.1 Unless specially exempted by the Chief Fire Officer & Chief Executive, 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 Employees are employed by the Authority. They serve the Authority and its Panels and are responsible to the Chief Fire Officer & Chief Executive and not to individual Members of the Authority, whatever office they might hold. Their conduct is subject to the application of the Authority's employment policies and procedures, including the Authority's Anti-Fraud and Corruption Strategy and Code of Conduct for Employees.



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- 10.3 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 Chief Fire Officer & Chief Executive. The procedure for such a situation is contained in Appendix A.
- 10.4 The above does not obviate the necessity for regular contact on matters affecting the Authority between the Chief Fire Officer & Chief Executive, senior employees, and the leadership of political groups, and on matters affecting Panels between the Chief Fire Officer & Chief Executive, other senior officers, and Panel Chairmen.
- 10.5 Authority decisions can only be made by the full Authority, or Panels or the Chief Fire Officer & Chief Executive, or other employees, acting under delegated authority. Decisions by party 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 Chief Fire Officer & Chief Executive or the Monitoring Officer.



Appendix 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 should 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 before any meeting 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.
 - iii. The topic(s) to be covered or on which information or a report is sought.
3. The Chief Fire Officer & Chief Executive, after consultation with the Monitoring Officer 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 Chief Fire Officer & Chief Executive will notify the relevant Group Leader or Secretary accordingly together with the other Group Leaders and indicate that similar arrangements will be made for them if they so wish. This is to ensure the preservation of the integrity of all concerned through openness and equal access to employees.
4. Since legally, employees (including the Chief Fire Officer & Chief Executive, Monitoring Officer and Treasurer) serve the Authority, and not individual political groups, their attendance at political group meetings is voluntary.
5. It follows from everything that has been said that employees are entitled to have their political neutrality respected should they agree to attend the group meeting, and to 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.



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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 Chief Fire Officer & Chief Executive respectively. The Monitoring Officer will also be informed.



East Sussex Fire Authority Publicity Conventions About Press Releases

Introduction and Purpose

- (i) 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.
- (ii) Section A sets out Basic Rules governing Authority publicity.
- (iii) Section B covers Group Publicity.
- (iv) Section C sets out the Conventions.
- (v) 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 Chairman of the Authority or Chairmen of Panels, 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. Where provided, the Authority's secretarial assistance to Members will type and distribute Party Group press releases or individual Member releases which concern Authority business. The initial point of contact is Democratic Services. However, if there is any uncertainty as to the nature of the Press Release, then the relevant Principal Officer will be happy to advise. Even so, if assistance is to be provided through the Authority, the publicity must relate to Authority affairs, and will not include any political party publicity, e.g. that people should vote for a particular party. Any distribution costs are charged 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.



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Chairmen 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 Chairman is included where that is appropriate. Press releases with a quotation from the Chairman 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 Chairmen 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 Chairman or a Chairman 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 Chairman of the Authority.
5. Clearly, it is important for Chairmen of any Panels to be aware of any major issues which feature in press releases etc. from their Panels 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 liaison with the Chairman and Chairmen of the Panels.
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.