**PART N MEMBERS AND OFFICERS WORKING TOGETHER**

**N1 INTRODUCTION**

N1. The purpose of this Protocol is to guide both Members and Officers of the Lake District National Park Authority in their relations with one another on some of the issues that most commonly arise and to assist with their working relationship generally.

N1.2  The majority of this Protocol is a written statement of our current practice and conventions. However, where greater clarity would be helpful it tries to provide it.

N1.3 Underpinning this Protocol are the rules of conduct which apply to both [Members](https://lakedistrictgovuk.sharepoint.com/:w:/r/sites/WayMarkerOurOrganisation/_layouts/15/Doc.aspx?sourcedoc=%7BE002FC33-EA1E-4FBB-B5FB-E653FC724FA8%7D&file=PART%20I%20Member%20Code%20of%20Conduct%202021.docx&action=default&mobileredirect=true) and [Officers](https://lakedistrictgovuk.sharepoint.com/:w:/r/sites/WayMarkerOurOrganisation/_layouts/15/Doc.aspx?sourcedoc=%7Bd338228f-c90c-492f-8b3f-a59a54af425f%7D&action=edit&wdPid=395a1f61) and which emphasise the high standards of personal conduct which the public have a right to expect.

N1.4 This Protocol addresses the relationship between Members and Officers directly employed by the Authority. Co-opted Members and Independent Persons are expected to abide by this Protocol in the same way as full Members of the Authority. The Governance Committee, and the Monitoring Officer on its behalf, will monitor the operation of this Protocol.

N1.5 Both Members and Officers are servants of the public and they are indispensable to one another.  But their responsibilities are distinct.  Members are responsible to the Secretary of State and their appointing bodies and serve only so long as their term of office lasts.  Officers are responsible to the Lake District National Park Authority and the Chief Executive as the Head of Paid Service.  Their job is to carry out the Authority’s work under the general policies and overall strategic direction which has been approved by Members. This will include giving advice to Members of the Authority as a group, as well as to individual Members.

N1.6 Mutual respect between Members and Officers is essential to the successful working of the Authority. It should be characterised by mutual respect and trust, in line with our [Values](https://lakedistrictgovuk.sharepoint.com/sites/WaymarkerPeople/SitePages/Our-values-and-Behaviours.aspx)*.* Members and Officers must feel able to speak to one another openly and honestly. Close personal familiarity between individual Members and Officers can damage this relationship and may prove embarrassing to other Members and Officers.

N1.7 It is important that the relationship works well without compromising the ultimate responsibilities of all Officers to the Authority as a whole, and with having regard to any technical, financial, professional and legal advice that Officers provide to Members.

**N2 ROLE OF MEMBERS AND OFFICERS**

N2.1 Members undertake many different roles within the overarching context of seeking to further the statutory purposes of the Park. Broadly these roles are:

* to represent all the interests of communities, visitors and the many organisations working in the National Park or have a contribution to make to it without preferring any interest over another.
* to contribute to the decisions taken in Authority and the various bodies on which they serve, as well as joint committees, outside bodies and partnership organisations.
* to help develop, monitor and review policy strategy and service quality.
* to be involved in quasi-judicial work such as considering planning applications, through their membership of regulatory committees.

N2.2 The Authority has agreed a [Member Role Profile](https://lakedistrictgovuk.sharepoint.com/:w:/r/sites/WayMarkerOurOrganisation/_layouts/15/Doc.aspx?sourcedoc=%7B46689D67-6552-4C9E-8BE5-0F721DC62E9F%7D&file=PART%20K%20Member%20Role%20Profile.docx&action=default&mobileredirect=true) which sets out the roles and responsibilities for its Members both generally and when they occupy particular positions such as Chairman of the Authority, Deputy or Committee Chairman. Where Members have additional responsibilities, through their appointed position, this is recognised in the expectations they are entitled to have in their relationship with Officers.

N2.3 Briefly, Officers have the following main roles:

* Managing and providing the services the Authority has given them responsibility for.
* Providing advice to both the Authority and its various bodies and to individual Members in respect of the services provided.
* Initiating and implementing policy proposals.
* Ensuring that the Authority always acts in a lawful manner.

N2.4 The Authority has agreed role profiles for each of its employees which sets out the specific duties and responsibilities attributable to that position.

**N3 EXPECTATIONS**

N3.1. Members can expect from Officers:

* A commitment to the Authority as a whole, its statutory purposes and the [Vision](https://lakedistrictgovuk.sharepoint.com/sites/WaymarkerPeople/SitePages/Our-values-and-Behaviours.aspx) for the National Park*;*
* Behaviour which reflects the [Values](https://lakedistrictgovuk.sharepoint.com/sites/WaymarkerPeople/SitePages/Our-values-and-Behaviours.aspx) of the Authority and the [Officer Code of Conduct](https://lakedistrictgovuk.sharepoint.com/:w:/r/sites/WayMarkerOurOrganisation/_layouts/15/Doc.aspx?sourcedoc=%7Bd338228f-c90c-492f-8b3f-a59a54af425f%7D&action=edit&wdPid=395a1f61);
* Appropriate confidentiality, unless this would place the Officer in breach of their responsibilities to the Authority as a whole;
* That they will work with all Members equally and fairly;
* A working partnership characterised by respect, dignity and courtesy;
* An understanding of and support for respective roles, workloads and pressures;
* A timely response to enquiries and complaints;
* Reports that are comprehensive, well-researched, accurate and objectively presented so that Members are in a position to make an informed decision;
* Regular and up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold;
* Not use their relationship with a Member to advance their personal interests or to influence decisions improperly;
* Not contact Members rather than their line manager about personal employment issues;
* Respect for the need for Members to maintain a work/life balance.

N3.2 Officers can expect from Members:

* A commitment to the Authority as a whole, its statutory purposes and the [Vision](https://lakedistrictgovuk.sharepoint.com/sites/WaymarkerPeople/SitePages/Our-values-and-Behaviours.aspx) for the National Park;
* Leadership and direction;
* Behaviour which reflects the [Values](https://lakedistrictgovuk.sharepoint.com/sites/WaymarkerPeople/SitePages/Our-values-and-Behaviours.aspx) of the Authority;
* A working partnership characterised by respect, dignity and courtesy;
* An understanding of and support for respective roles, workloads and pressures;
* A timely response to communications;
* That reports and other advice provided by Officers are read and given due consideration such that Members are in a position to make an informed decision;
* That they will at all times comply with the Authority’s [Code of Conduct for Members](https://lakedistrictgovuk.sharepoint.com/:w:/r/sites/WayMarkerOurOrganisation/_layouts/15/Doc.aspx?sourcedoc=%7BE002FC33-EA1E-4FBB-B5FB-E653FC724FA8%7D&file=PART%20I%20Member%20Code%20of%20Conduct%202021.docx&action=default&mobileredirect=true);
* That they will fulfil the role expected of Members as set out in the role profiles;
* An acceptance that Officers are accountable to their line manager.

**N4 RESPECT AND COURTESY**

N4.1 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 Officers.  This plays an important part in the Authority's reputation and how it is seen by the public.

N4.2It is very important that both Members and Officers remember their respective obligations to enhance the Authority’s reputation and to avoid criticism of other Members, or other Officers, in public places.

**N5 UNDUE PRESSURE**

N5.1  It is important that, in any dealings between Members and Officers, neither should seek to take unfair advantage of their position.

N5.2  When dealing with both Directors and other Officers (especially junior officers), Members need to be aware that it is easy for Officers to be overawed and feel at a disadvantage.

N5.3  A Member should not apply undue pressure on an Officer to do anything that they are not authorised to do, or to do any work which is outside their normal duties or outside normal hours.  Particular care needs to be taken in connection with the use of Authority property and services.

N5.4  Members have the right to criticise reports, actions or work of a section of the Authority where they believe such criticism is warranted. But such criticism should be objective and not personal, should be expressed in temperate and fair terms and should allow for the Officer to offer an explanation or response.

N5.5  Similarly, an Officer must not seek to use undue influence on an individual Member to make a decision in their favour, or raise personal matters to do with their job, or make claims or allegations about other Officers.  The Authority has formal procedures for consultation, grievance, and discipline.  The one exception to this rule is the right of Officers to report possible wrongdoing under the [Confidential Reporting (Whistleblowing) Policy.](https://lakedistrictgovuk.sharepoint.com/:w:/r/sites/WayMarkerOurOrganisation/_layouts/15/Doc.aspx?sourcedoc=%7B414BB25B-84C7-47DC-A820-05BF35C3E8CF%7D&file=PART%20P%20Confidential%20Reporting%20Policy%20Whistleblowing.doc&action=default&mobileredirect=true)

**N6 FAMILIARITY**

N6.1  Close personal familiarity between individual members and officers can damage the principle of mutual respect.  It could also intentionally or accidentally, lead to the passing of confidential information, such as personal details.

N6.2 Such familiarity could also cause embarrassment to other members and/or other officers and even give rise to suspicions of favouritism.

N6.3 For the above reasons close personal familiarity must be avoided.

**N7 BREACH OF PROTOCOL**

N7.1  If a Member considers that they have not been treated with proper respect or courtesy, they should try to resolve it by direct discussion with the Officer initially. However if this is impractical or does not resolve it, then the matter should be raised as soon as possible with the relevant Director.  If the issue still remains unresolved, it may be necessary to invoke the relevant Authority’s procedure, for example, Disciplinary, Grievance, and/or Bullying and Harassment Policy.

N7.2  If an Officer feels the same way about a Member, and a direct discussion is impractical or does not resolve the matter, they should raise the matter with the Monitoring Officer as soon as possible.  If the issue relates to an alleged breach of the Authority’s [Members’ Code of Conduct](https://lakedistrictgovuk.sharepoint.com/:w:/r/sites/WayMarkerOurOrganisation/_layouts/15/Doc.aspx?sourcedoc=%7BE002FC33-EA1E-4FBB-B5FB-E653FC724FA8%7D&file=PART%20I%20Member%20Code%20of%20Conduct%202021.docx&action=default&mobileredirect=true), the Monitoring Officer will either deal with the matter or refer it to the Authority’s Governance Committee for determination. Feedback should be given to the Officer on the outcome.

**N8 PROVISION OF INFORMATION AND ADVICE TO MEMBERS**

N8.1  All Members have a right to inspect any Authority document provided that they can show that it contains:

* Information reasonably necessary to enable them to perform their duty as a Member (the “need to know principle”) and / or;
* Material relating to any business to be transacted to an Authority, Task and Finish Group or Committee meeting.

N8.2 Any Member is entitled to apply to the Chief Executive or to any Director, for information and/or advice required in connection with his/her work as a Member.  Except where the information involves the divulging of exempt information as defined in [Section 100F](https://www.legislation.gov.uk/ukpga/1972/70/section/100F) of the Local Government Act 1972, it is the responsibility of the Chief Executive or Director approached to give that information and/or advice, within the limits of their Department's resources and to the best of his/her ability.  Members should seek to act reasonably in the number and content of the applications they make.

N8.2 Any Member may apply privately to the Chief Executive and/or to the appropriate Director for advice, in confidence, on information supplied by that Member to the Officer.

**N9 CONFIDENTIALITY**

N9.1   In accordance with the [Members' Code of Conduct](https://lakedistrictgovuk.sharepoint.com/:w:/r/sites/WayMarkerOurOrganisation/_layouts/15/Doc.aspx?sourcedoc=%7BE002FC33-EA1E-4FBB-B5FB-E653FC724FA8%7D&file=PART%20I%20Member%20Code%20of%20Conduct%202021.docx&action=default&mobileredirect=true)a Member must not disclose any information given to them as a Member in breach of any confidence.

N9.2 Confidential Committee papers are to be treated as confidential information unless the relevant Committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as confidential. The decision as to whether they remain confidential is for the Committee.

N9.3 Other information may be confidential because to disclose it would be against the Authority’s or the public interest. Information may also be confidential because of the circumstances in which it was obtained. Information and correspondence about an individual's private or business affairs will normally be confidential.

N9.4 Officers should make it clear to Members if they are giving them confidential information. If a Member is not sure whether information is confidential, they should ask the relevant Officer, but treat the information as confidential in the meantime.

N9.5 Any Authority information provided to a Member must only be used by the Member in connection with the proper performance of the member's duties as a Member of the Authority.

N9.6 If a Member receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so, then he or she must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that Officer.

**N10 SUPPORT SERVICES TO MEMBERS**

N10.1 The only basis on which the Authority can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc) to Members is to assist them in discharging their role as Members of the Authority.  Such support services must therefore only be used on Authority business.  They should never be used in connection with campaigning activity or for private purposes.

N10.2 Communication with the media can be an important part of a Member’s workload. In general, Members provide comment and views while Officers provide factual information. If a Member is unsure about the circumstances of a particular issue they should contact the appropriate Director or speak with the Head of Visitor Services and Communications.

By following good practice and maintaining sensible and practical working relationships between Members and Officers, where each understands and respects each other's role, we will enhance not only the reputation of the Authority but also the delivery of high value quality services all who live in, work in and visit the Lake District National Park.

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