

Cheshire Police Authority



PROTOCOL ON MEMBER/ AUTHORITY & CONSTABULARY OFFICER RELATIONS *

INTRODUCTION

1. The purpose of this protocol is to provide guidance to Members and officers in their relations with one another. It reflects the principles underlying the Code of Conduct but does not substitute or replace the statutory obligations of the Authority.
2. The aim of this guidance is to maintain the integrity of the Authority, and in particular the Members and officers, by setting out what is expected in relation to personal conduct.
3. Officers need to work closely with Members across a range of roles. This relationship must not compromise the ultimate responsibilities of officers to the Authority as a whole, and with due regard to such professional advice that officers legitimately provide.
4. This protocol seeks to support and assist the working relationships between Members and officers by setting out the mutual expectations and responsibilities that will promote and enhance the reputation and standing of the Authority.

ROLE AND RESPONSIBILITIES

Members of the Authority

5. Members must:-
 - (i) be guided by the Ten General Principles of Public Life, and the Authority's Members' Code of Conduct;
 - (ii) comply with the Authority's rules and procedures;
 - (iii) ensure that any facilities provided for Members' use are used strictly for the intended purpose and for no other purpose; and
 - (iv) comply with any relevant statutory provisions.

* This protocol was adopted by the Police Authority on 11 December 2007 (Minute 70)

6. Members must ensure that they are in possession of proper advice, and where there is any doubt, should seek further advice and guidance from the Chief Executive.

Officers

7. Officers are required to be politically neutral in their dealings with Members and uphold the highest standards of conduct and integrity in relation to:-
 - (i) official conduct;
 - (ii) sensitivity over disclosure of information and confidentiality;
 - (iii) political neutrality;
 - (iv) relationships with Members, associates, officers in other authorities and contractors;
 - (v) outside commitments, personal business interests, interests in contracts etc and any other situation in which personal interests, including those of the officer's family or close associates, are, or could be, in conflict with the interests of the Authority.
 - (vi) diversity and equality issues;
 - (vii) hospitality and gifts;
 - (viii) use of financial resources; and
 - (ix) sponsorship.
8. Officers are responsible to the Chief Executive of the Authority, who has responsibilities for the proper management of the Authority (*except in the case of the Chief Executive who is directly accountable to the Authority itself*).

RESPECT AND COURTESY

9. For the effective conduct of the Authority's business, there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and officers. It is important that both Members and officers should enhance the reputation of the Authority and avoid personal criticism of other Members, or other officers, in public places. This does not, however, preclude Members raising legitimate concerns about the actions of a particular officer or Member.

Undue Pressure

10. It is important that in dealings between Members and officers neither should seek to take unfair advantage of their position.

11. A Member should not apply undue pressure on officers to do anything they are not empowered to do or to undertake work outside normal duties. Particular care needs to be taken in connection with the use of Authority property and services.
12. Similarly, officers must neither seek to use undue influence on an individual Member to make a decision in their favour, nor raise personal matters related to their job, nor make claims or allegations about other officers.

Familiarity

13. 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 or information which should not properly be passed between them. Such familiarity could also cause embarrassment to other Members and/or other officers and could give rise to suspicions of favouritism or improper conduct.

Redress

14. If a Member considers that they have not been treated with proper respect or courtesy, they may raise it with the Chief Executive without delay if it is not possible or practicable to resolve it through direct discussion.
15. Likewise, if an officer feels the same way about a Member and a direct discussion is impractical or fails to resolve the matter, they should raise the matter with the Chief Executive (or the Chairman in the case of the Chief Executive) without delay.
16. If necessary, the issue will be subject to further consideration by the Chief Executive and/or the Chairman of the Authority, and may be referred to the Authority's Standards Committee if appropriate.
17. The speedy use of informal resolution procedures should be pursued wherever possible.

INFORMATION FOR MEMBERS

18. It is important for Members to be kept informed about the major issues concerning the Authority and Constabulary, and, more specifically, about issues and events relating to the areas or lead interests affecting them as such Members.
19. Members have various rights, subject to the Members' Code of Conduct, to seek information from the Authority and/or the Constabulary.

DECLARATION OF INTEREST

20. In accordance with the Members' Code of Conduct, all Members must declare any personal or prejudicial interest in any item under consideration at any meetings of the Authority, or its Committees etc.
21. Officers should declare to the Chief Executive any outside commitments, personal business interests, interests in contracts etc and any other situation in which personal interests, including those of the officer's family or close associates, are, or could bring about, conflict with the interests of the Authority or Constabulary.

BREACHES OF PROTOCOL

22. The conduct of officers is subject to the application of appropriate regulations, policies and procedures and to the provisions of the relevant conditions of service of the officer concerned.
23. If an officer is found to be in breach of the requirements of this Protocol, disciplinary action may result.
24. If a Member is in breach of the requirements of this Protocol, then the matter will be treated seriously and the appropriate action taken, which may include a report to the Authority's Standards Committee, if necessary.
25. The speedy use of informal resolution procedures should be pursued wherever possible.

RELATIONSHIP WITH THE CONSTABULARY

26. Although this protocol deals primarily with the relationship between members and Authority officers, the same principles apply when dealing with representatives of the Constabulary. In particular, both officers and Members must:-
 - not do anything which compromises or which is likely to compromise the impartiality of a police officer;
 - not interfere with or try to influence the way in which a police officer or police staff member undertakes their operational role;
 - at all times whilst accompanying/observing officers/police staff on duty, must not conduct oneself in a manner which could be regarded as bringing their office or the Authority into disrepute.

CONCLUSION

27. This Protocol is intended to build on the sound arrangements that have existed for many years.

28. Mutual understanding, openness on these kinds of sensitive issues and basic respect are the greatest safeguard of the integrity of the Authority, its Members and officers.
29. Members should consult with the Chief Executive and the Treasurer (as appropriate) about matters involving questions about legality, maladministration, financial impropriety and probity or where they have any doubt as to whether a particular decision of the Authority was or is likely to be contrary to law, any policy framework or budget.



PETER NURSE
CHAIRMAN



MARK SELLWOOD
CHIEF EXECUTIVE