

Member - Officer Protocol

Purpose

This Protocol is designed to set down a general framework for the interaction between the elected Members of the Greater London Authority (the Mayor of London, Members of the London Assembly and any co-opted Members) and of the officers of the Authority, in order to seek to ensure that the Members and officers work together effectively and efficiently to conduct the business of the Authority.

The conduct of elected Members is governed by the provisions of the Authority's Code of Conduct and the Standards regime, including the Monitoring Officer's responsibilities, exists to deal with any alleged problems regarding the conduct of a Member; the conduct of officers is governed by the provisions of the Authority's Code of Ethics and Standards for Staff (compliance with which is part of all employees' formal terms and conditions of employment) and a disciplinary regime forms part of that Code for officers.

This Protocol does not replace or affect those Codes; it contains guidance relating only to the areas of interaction between the elected Members and officers. However, a breach of the provisions of this Protocol is likely constitute a breach of the relevant formal Code which in turn could lead to appropriate formal action being taken.

The contents of this Protocol have been informed by and reflect the provisions of the Greater London Authority Act 1999 (as amended), other relevant legislation (including the 1972 Local Government Act (as amended) and the 1989 Local Government and Housing Act (as amended)), the Standing Orders of the Authority and the other formal rules, procedures and protocols of the Authority.

Role and duties of elected members

1. Members of the Authority are elected in accordance with the provisions of the Greater London Authority Act 1999 (as amended) or, in the case of co-opted Members, appointed by the Mayor and Assembly in accordance with the Act also, and are expected to discharge the functions of the respective office(s) (as set out in the Greater London Authority Act 1999 (as amended) and other relevant pieces of legislation).
2. All Members are expected to discharge their duties and functions in accordance with the Principles of Public Life (as issued from time to time by the Parliamentary Committee on Standards in Public Life). These Principles are:

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

3. If the Authority has adopted a Code of Conduct for its Members, every Member is expected to conduct themselves in ways that do not contravene that Code. If they do, the sanctions that form part of the Standards regime adopted by the Authority could be applied.
4. Members are required to respect and act in accordance with the Authority's policies regarding dignity at work for officers. The Authority's statutory officers (Head of Paid Service, Chief Finance Officer and/or Monitoring Officer) will take appropriate action in the event of a breach of such requirements, including approaching the Leader of the relevant party Group, where appropriate.

Working relationships with the Mayor and Assembly Members

5. Dealings between officers and the Members of the Authority should be both polite and efficient. Mutual respect between officers and the Mayor and Members is important. Close, personal relationships¹ between elected members and officers are, to avoid any actual or perceived conflicts of interests, to be avoided if possible². However, if such a relationship occurs, the professional standards of the GLA require that:
 - Confidentiality is maintained at work and outside of work on confidential matters;
 - Probity is maintained - for example it would not be appropriate for someone to deal with financial (including expenses), contractual or staffing matters for somebody with whom they have a close personal relationship; and that
 - Professional conduct of staff is required at all times

¹ The formal guidance issued by Standards for England, in respect of definitions of "close association" under the current Code of Conduct, will be used to determine, in each case as necessary whether a "close personal relationship" exists such as would be covered by this Protocol – namely: "A person with whom a member has a close association is someone that they are in either regular or irregular contact with over a period of time, who is more than an acquaintance. The Standards Board for England would suggest that it is someone a reasonable member of the public might think they would be prepared to favour or disadvantage when discussing a matter that affects them because of their connection with them...A closer relationship is implied than mere acquaintance." The other criterion would be to consider whether a member of the public could reasonably conclude that a personal relationship, extending beyond simply professional interaction, existed.

² The statement that "Close, personal relationships between elected members and officers are, to avoid any actual or perceived conflicts of interests, to be avoided if possible" is contained within this Protocol, as a statement of guidance only. This statement is not included within the formal Code of Conduct nor the Code of Ethics and Standards for staff – as such, it cannot be enforced in the manner that other provisions of those Codes can be as necessary.

Requests for information received from Assembly Members

6. Standing Order 10.2 and associated guidance, issued by the Senior Legal Adviser to the London Assembly in 2010, sets out the framework within which Assembly Members must operate in respect of seeking information from the Mayor and officers of the Authority.
7. In summary, Assembly Members have rights to information under section 58 of the GLA Act, which applies the Local Government Act 1972 access to information rules, to the GLA. These rules permit access to documents relating to business to be transacted at a meeting of the Assembly, its committees or sub-committees, being documents in the possession and under the control of the Authority and available to the Assembly. The access to information rules do not extend to documents which are not available to the Assembly, such as Mayoral documents.
8. An individual Assembly Member has rights under the common law to access information which are in addition to the rights available as set out above. The Authority's Standing Orders, and guidance issued under those Standing Orders, set out the statutory position in this regard. The rights available to the public under the Freedom of Information Act 2000 are also available to the Mayor and Members of the London Assembly.
9. To gain access to information held by the executive and other relevant bodies (including the functional bodies), the Assembly has summoning powers under sections 61 – 65 and s110 of the GLA Act 1999 (as amended). The GLA Act states that this power to summons documents and people cannot be delegated to individual Assembly Members.
10. Individual Assembly Members may request information from the Mayor about matters that are not within the remit of the London Assembly itself and this information may, voluntarily, be provided. Routine requests for documents and data above should be directed to the relevant Executive Director. More complex requests and/or any requests for information made formally under the provisions of paragraph A(1) of Standing Order 10.2 should be made to the Executive Director of the Secretariat who will co-ordinate the provision of information.
11. Noting that the statutory requirements of both the Freedom of Information and Data Protection Act must be adhered to at all times (by both elected members and officers), a proper degree of confidentiality should be maintained in all dealings between elected members and officers. There is no automatic presumption (save for where statutory requirements or formal advice make it necessary) that a request by one Member (or the reply) should be disclosed to any other Member (or to any other officer). Clearly, any request for confidentiality (expressed or implied) must generally be respected wherever possible. Otherwise copying to others is a matter of judgement for the Head of Unit concerned, in consultation with their Director; but, if there is any doubt, the relevant Member/Group must be consulted before the information is shared more widely. Where a response is copied to others, it should be marked accordingly.

Roles and duties of officers

12. The Authority's statutory officers have specific, formal duties to ensure that the Authority's work is carried out within the law. There is also a general requirement upon all elected members and officers to comply with all relevant statutory requirements when conducting the business of the Authority (noting that certain provisions of the Code of Conduct for Members and Code of Ethics and Standards for staff apply at all times)³.

³ For reference, the Code of Ethics and Standards for staff contains the following formal provisions: "Staff have a duty to work at all times within the law and according to Authority procedures. At no time should public confidence or the interests of the Authority be put at risk by the actions or words of an Authority employee"; "Staff have a duty to behave in

13. Where an elected member suspects that another elected member has or is about to act improperly, the concern should be raised with the Monitoring Officer; where an elected Member is concerned that an officer has or is about to act improperly, the concern should be raised with the Head of Paid Service. Members or officers should report any concerns regarding the conduct of a statutory officer (the Head of Paid Service, the Chief Finance Officer or the Monitoring Officer) to either of the other statutory officers.
14. Officers (unless their job descriptions specifically indicate otherwise) serve the Mayor and all Members and should avoid any action or behaviour which breaches, or could be construed as breaching, the principle of political neutrality.
15. The Authority's Head of Paid Service has powers of appointment over staff (except the statutory officers and those staff appointed by the Mayor under Section 67(1) of the GLA Act (as amended)). Officers appointed by the Head of Paid Service to provide support to the Mayor and Mayoral appointees only will be managed in accordance with, and expected to abide by, the corporate policies and procedures that apply to all other officers appointed by the Head of Paid Service. The Head of Paid Service's Staffing Protocol and Scheme of Delegation set out how the relevant staffing functions will be exercised.
16. Officers appointed by the Head of Paid Service should not seek to use any authority delegated to them to determine matters that are likely to be politically controversial. In the event that the matter to be determined by an officer appointed by the Head of Paid Service is deemed to be or becomes a matter of significant political sensitivity or controversy, the issue should be discussed with the Head of Paid Service and, as necessary, the Mayor's Chief of Staff in order to determine the most appropriate means to deal with the matter in question.
17. Officers must comply with the Authority's policies, rules and procedures and must not allow their own personal and political opinions to interfere with their work.
18. Officers who provide advice to the Authority are responsible for ensuring that both the Mayor and the Assembly are informed of the facts, the law and all other relevant considerations before making decisions.
19. Responsibility for the content of any reports, recommendations and advice to the Mayor or Assembly shall lie with the relevant senior officer identified in the paper, who will normally be the appropriate statutory officer, Executive Director or Assistant Director. The responsible officer is to ensure that all reports to the Mayor or an Assembly/committee meeting are prepared in a way that ensures that all relevant considerations are included and all irrelevant considerations excluded. The responsible officer is not responsible for the content of formal, professional advice given by Legal, Finance, Audit or other such officers, but is responsible for ensuring that such advice is contained within the papers as presented.
20. In the normal course of business, officers may meet with the Mayor, individual Assembly Members, or with groups of Members, to discuss proposed reports and decisions. It is lawful and appropriate for any Member to express a view on a matter and for an officer to take those views into account in the preparation of reports, recommendations, advice and guidance.

a way that reflects well on the Authority"; "Staff's off duty hours are their personal concern but they must not subordinate their duty or their private interests or put themselves in a position where duty and private interests conflict"; "Where staff break the law outside work in any way that would damage public confidence in the Authority if their employment were allowed to continue and/or has a direct effect on their work, this may result in disciplinary or other action being taken against them."

Officers cannot, however, be instructed to change and/or withdraw or not submit a report or recommendation(s) by an individual Assembly Member.

21. The three officers of the Authority (Head of Paid Service, Chief Finance Officer and Monitoring Officer) who perform statutory functions cannot be prevented from exercising those functions as they deem necessary or fettered in the exercise of such duties in any way by an elected member of the Authority. These three officers are the subject of a separate Protocol – the GLA’s Statutory Officer Protocol.
22. For meetings of the London Assembly and its committees, it is the responsibility of the Executive Director of Secretariat or his/her representative(s), in full consultation with the relevant Chair, to issue agendas for meetings. Officers can be instructed by the Assembly, or its committees or sub-committee to bring forward a report which falls within the Assembly’s statutory remit and the relevant body’s terms of reference, but cannot be instructed to do so by any individual Member.
23. There is a separate Protocol for staff in the Secretariat who provide support to Members of the London Assembly.

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