

# GUIDANCE ON RESPONDING TO MEMBERS ENQUIRIES

## Background

The Member and Officer Relationships Protocol at Appendix 13 to the Constitution sets out the role of Members and Employees. Section 3 makes it clear that the expectation of employees is that they “will respond to queries raised by Members in a timely manner.”

## Purpose

The Member and Officer Relationships Protocol does not define what is meant by “a timely fashion” and therefore the purpose of this document is to provide guidance so that expectations are clear.

## Complaints

This guidance does not relate to complaints made by Members on behalf of constituents.

Complaints are defined as:

“An expression of dissatisfaction from a service user about a specific Council service that has been already provided, that isn’t resolved at the first point of contact”.

A complaint on behalf of a constituent should be dealt with through the official complaints procedure and the timescales relating to complaints will apply.

Other complaints, such as an allegation of breach of the code of conduct, will be dealt with in accordance with the relevant approved procedure.

## Requests for service

This guidance does not relate to requests for service made by Members, for example a notification to fill a pothole, which should be made through the Highways Hub.

However, this guidance would apply, for example, where a Member is asking for a progress update on an earlier request for service, unless automated progress updates are already provided.

## Responding to Members’ Enquiries

1. An acknowledgement must be sent by the end of the next working day
2. A response to a Member enquiry must be sent as soon as possible but in any event within 10 working days
3. It is expected that a full response to straightforward enquiries should be sent in this timescale. However, if the enquiry is more complicated, a holding response should be sent within the 10 working days, explaining the action which is being taken to investigate the enquiry and giving an estimated timescale for a full response
4. Where a holding response has been sent, it is expected that a full response will be sent as soon as possible but within 20 working days\*. Where this is not

possible, the Member should be kept informed of the reasons and given revised timescales and regular updates on progress

5. Where an enquiry imposes a disproportionate burden on an Employee's work, a discussion should take place between the Member concerned and the Employee's manager to discuss an appropriate approach and agree an alternative deadline, if necessary
6. There may be occasions where an Employee needs to seek further information or clarification from a Member to enable them to respond to the enquiry in full. In order to enable Employees to respond to Member enquiries in a timely fashion Members are expected to respond to any requests for further information or clarification in relation to their enquiry as soon as possible but in any event within 10 working days. Where a response is not received an Employee cannot reasonably be expected to provide a response to the enquiry and the above timescales will not be applicable

\*20 working days aligns with FOI request deadlines. Member enquiries should not take longer than the FOI timescales.

### **Capacity in which the enquiry is made**

Members can make enquiries in different roles, for example:

- as a Derbyshire County Council councillor representing a constituent
- as a Derbyshire County Council Cabinet member or member of a council committee
- as a district/parish councillor
- on behalf of an external organisation of which they are a member or employee, or
- general interest in an issue/personal reasons

In the main, the capacity in which the Member is making the enquiry will be clear, but sometimes it is not. If it is not clear, Employees should not assume that the enquiry is being made in the Member's capacity as a Derbyshire County Councillor and clarification should be sought.

It is important that the capacity in which the Member is making the enquiry is understood, because if information is provided to a Member who is not acting in their capacity as a DCC Councillor, this can give rise to risk of:

- breach of confidentiality
- confusion about who the Employee is advising/responding to
- breach of the Code of Conduct if the Member is found to be using their position as a county councillor to gain an advantage or access information/advice they otherwise would not be entitled to

### **Failure to respond in a timely fashion**

Failure to respond to queries raised by Members "in a timely manner" could amount to a breach of the Member and Officer Relationships Protocol. Complaints of a

breach of the Protocol by an Employee may be referred to the relevant Executive Director, the Monitoring Officer or the Chief Financial Officer.

In order to avoid breach of the Protocol and the need to trigger a formal escalation process, Member and Management Support Services can provide support and guidance with the aim of resolving issues informally.

Support and guidance can be provided by the Business Manager, Member and Management Support Service.