

# **Draft Protocol on Roles of Members of the Legislative Assembly and Officers of the Falkland Islands Government**

## **1. Introduction**

- a.** The Government of the Falkland Islands is formed by the elected members of the Legislative Assembly. They are responsible to the electorate to work with all elements of the public service to deliver the obligations and responsibilities in accordance with the Constitution.
- b.** The Falkland Islands Government (FIG) is required to carry out its functions and provide services in a way which is effective in relation to the people it serves; efficient in terms of resources deployed and responsive to the views and wishes of the people that might be affected by what it does.
- c.** FIG operates and promotes high ethical values and standards in an environment which demands close and effective working relationships between Members and Officers and where there is a close relationship with the community.
- d.** The purpose of this Protocol is to offer guidance to Members and Officers on their respective roles and their working relationships with one another and their responsibilities to the community.

## **2. The Role of Members of the Legislative Assembly**

- a.** Members of the Legislative Assembly have been democratically elected by Falkland Islanders. Members are elected to represent their constituents and the national interest of the Falkland Islands as a whole.
- b.** Members are elected as individuals and will have their own political objectives. Members are entitled to work toward delivering their political objectives (subject to section 2e(v) below), and their right to do so should be respected by other Members and Officers.
- c.** Members have a number of crucial roles which can be summarised as:
  - i.** to provide strong leadership for the people of the Falkland Islands
  - ii.** to give strategic direction and share in policy development and make policy and budgetary decisions
  - iii.** to enable legislation
  - iv.** to ensure there is adequate scrutiny of policy decisions and implementation, and to hold the Executive to account in the making and implementation of policy
  - v.** to represent the community, promoting and communicating community interests within the decision making processes and dealing with problems and concerns as they arise.
  - vi.** To represent the Falkland Islands both within the Islands and abroad

- d.** The structure of Legislative Assembly, Executive Council and other committees means that decisions are taken by majority vote or consensus. Members should recognise that there may sometimes be differences of opinion on issues and these should be respected subject to the provisions of 2e(v) below.
- e.** Members are allocated portfolios for which they have political responsibility. It is expected that:

  - i.** Members will brief other Members regularly on matters relating to their portfolio.
  - ii.** Members will report publicly on their portfolio.
  - iii.** Members will be actively involved in policy development in their portfolio area and will provide comments as portfolio holder on reports taken to Committee or Executive Council.
  - iv.** Portfolio holders will introduce Bills that are relevant to their portfolio area to Legislative Assembly
  - v.** Policy decisions on portfolio areas once settled should be respected by the portfolio holder for that area. If a Member disagrees with a policy decision in his/her portfolio area and is unable to respect that decision then arrangements should be made between Members for the policy area to be the political responsibility of another Member.
- f.** Members are expected to:

  - i.** work in close partnership with officers

- ii.** have an understanding of and support for the respective roles of officers and members, workloads and pressures
  - iii.** provide political leadership and direction
  - iv.** act and treat all people with dignity, respect and courtesy
  - v.** act with integrity and respect confidentiality
  - vi.** not to place officers under undue pressure, or make unreasonable requests or use their position to advance personal interests or influence decisions
  - vii.** not interfere in operational or management issues, but to raise concerns through the appropriate channels where the executive is failing to carry out its functions efficiently and effectively
- g.** Members should maintain a professional relationship with officials, taking care not to confuse the separate roles of Members and officials.
- h.** Members should behave in accordance with the Standing Rules and Orders of Legislative Assembly.

### **3. The Role of Officers**

- a.** Officers are employees of and are in the service of FIG. Officers should support and advise Members on the decision making processes and faithfully implement policy decisions. They should keep in close contact with respective portfolio holders. Officers should also take decisions themselves in matters where they have

delegated authority or are otherwise authorised. Officers in carrying out their roles are required to be politically neutral. When an officer has information that should be communicated to Members they should brief portfolio holders and, depending on the importance of the matter, should brief all Members collectively. When officers seek informal policy advice from Members they should ensure that the appropriate formal policy approvals are subsequently sought to confirm that policy.

- b.** Different officers have different functions and it is important to recognise the differing roles:
  - i.** The Chief Executive is the head of the public service and is ultimately responsible for it. The Chief Executive is the key officer interface between the Members and the public service. The Chief Executive will report to all Members on the performance of the public service and the development and implementation of policy.
  - ii.** The Financial Secretary, Attorney General and other Directors have a lead role in relation to policy development, co-ordination and performance management and are accountable to the Chief Executive.
  - iii.** Heads of Service are directly responsible for the day to day delivery of services within the agreed policies and decision making framework and are accountable to the Directors.

**iv.** Officers within services themselves are accountable to their service heads

**c.** Officers are expected to:

- i.** demonstrate commitment to FIG as a whole and not to any political view or Member
- ii.** work in partnership with Members as is appropriate to their position in FIG
- iii.** have an understanding of and support for the respective roles of officers and members
- iv.** give reasonable and timely responses to enquiries
- v.** give professional advice not influenced by political views or preference and which does not compromise the political neutrality of officers
- vi.** work with Members in their portfolio areas and consult with and involve Members in policy development, and keep all Members updated on the delivery of services and implementation of policy
- vii.** act and treat all people with dignity, respect and courtesy
- viii.** act with integrity and respect confidentiality
- ix.** not use their relationship with Members to advance their personal interests or to influence decisions improperly
- x.** support the role of Members as the representatives of FIG
- xi.** Officers should behave in accordance with the Management Code for the Public Service

- d. Officers should manage relationships with Members so as to not create the perception of securing advantageous treatment.

Date Approved: