

<h2>COUNCILLOR AND STAFF INTERACTIONS POLICY</h2>	Date Adopted:	11 December 2020
	Adopted By:	CEO
	Review Due:	11 December 2024
	Responsible Officer:	Governance Coordinator
	Directorate:	Organisational Development, Community and Corporate Services
	EDRMS No:	D/20/111587

### PURPOSE

This Policy is to provide guidance and support for Councillors and Council Staff in the performance of their duties. It complements the Councillor and Staff Codes of Conduct and supports compliance with the Section 124 Directing a member of Council staff, and Section 46 (3)(1)(b)(c) Managing interactions between members of Council staff and Councillors, provisions of the *Local Government Act 2020* (the Act).

This Policy seeks to:

- Ensure Councillors understand their responsibilities under the Act and do not improperly direct or influence Council Staff; and
- Ensure staff are aware of their responsibilities when interacting with Councillors.

### DEFINITIONS

<b>The Act</b>	means the <i>Local Government Act 2020</i>
<b>CEO</b>	means the Chief Executive Officer
<b>CEO's EA</b>	means the Chief Executive Officer's Executive Assistant
<b>CRM</b>	means Customer Request Management
<b>ELT</b>	means Executive Leadership Team
<b>Interaction</b>	includes but is not limited to, phone (including text), in person, by email or online and through digital and social media platforms.

### APPLICATION AND SCOPE

This Policy applies to all Councillors and Council Staff of the Southern Grampians Shire Council. Reference to interactions includes contact between Councillors and staff where the content or matter relates to the business of Council and includes Councillor's requests for information and service requests. Channels of contact may include, but are not limited to, phone (including text), in person, by email or online and through digital and social media platforms.

### OBJECTIVES

The objectives of this policy are to:

- Recognise the respective roles and responsibilities of Councillors and Council Staff, in particular the Chief Executive Officer (CEO), in accordance with the Code of Conduct;
- Ensure Councillors have access to advice, information and documentation to help them fulfil their role in an effective manner;
- Assist Councillors and Council Staff in respecting the roles and responsibilities of others in the organisation;
- Incorporate good governance principles to information sharing, including transparency, accessibility and accountability;
- Support compliance with relevant legislation including the *Local Government Act 2020* Section 124 Directing a member of Council staff and Section 46 (3)(1)(b)(c) Managing interactions between members of Council staff and Councillors, *Occupational Health and Safety Act 2004*, *Privacy and Data Protection Act 2014* and the *Equal Opportunity Act 2010*.

## GENERAL PROVISIONS

### IMPROPER OR UNDUE INFLUENCE

Under the Act it is the responsibility of the Council to appoint the CEO. The CEO is then responsible for employing staff for the successful operation of the organisation. As Council does not employ the staff, Council, or individual Councillors, cannot direct or manage staff and are responsible for the performance of the CEO only.

Further to this, Councillors are prohibited under Section 124 of the Act from improperly directing or interacting with Council Staff.

A Councillor must not direct, or seek to direct, a member of Council staff:

- a) In the exercise of a delegated power, or the performance of a delegated duty or function of the Council; or
- b) In the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act; or
- c) In the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under this Act or any other Act; or
- d) In relation to advice provided to the Council or a delegated committee, including advice in a report to the Council or delegated committee.

Improper or undue influence can include:

- Disrespecting the professional opinion, skills or expertise of staff through intimidatory, bullying, harassing or disrespectful behaviour;
- Using rank or position to seek information outside the processes outlined in this Policy;
- Pressuring staff to make a decision outside the formal Council decision making processes;
- Pressuring staff to provide information, services or assistance to one person, group or part of the community over another, outside a formal decision of Council;
- Pressuring staff to make a decision to take action outside normal business process timeframes;

- Pressuring staff to change a recommendation in a Council Report.

## **ALLOWABLE INTERACTIONS**

Interactions between Councillors and staff should occur with the CEO or Directors (who together form the Executive Leadership Team (ELT)).

It is also appropriate for Councillors to contact the following staff in relation to their roles and functions:

- Governance Team (includes the Council Support Officer and Manager Organisational Development)
- Community Relations Team (Manager Community Relations and Strategic Communications Coordinator)
- Executive Assistant to CEO
- Business Systems Team (Manager Business Systems and IT Service Desk staff)

The following officers may contact Councillors directly, at the request of members of ELT, or to provide acknowledgment or reference to Councillor Requests for the information of Councillors:

- Governance Team (includes the Council Support Officer and Manager Organisational Development)
- Community Relations Team (Manager Community Relations and Strategic Communications Coordinator)
- Executive Assistant to CEO
- Business Systems Team (Manager Business Systems and IT Service Desk staff)

Notwithstanding the above, Councillors should direct their enquiries directly to Directors to lodge or follow up on service requests or requests for information.

## **COMMUNICATION CHANNELS**

All communication between Councillors and Council Staff should go through the Chief Executive Officer or relevant Director as appropriate.

The Mayor, or another Councillor who is filling in for the Mayor at an event or function, may liaise with Council's Community Relations staff for advice in relation to speeches, media releases and official statements to the media.

Councillors can also communicate with Council Staff through a range of standard business processes including:

- Council Meetings and Briefing Sessions; and
- Committees with both Councillor and Council Staff members.

Contact with other Council Staff will be in accordance with this Policy.

Where possible all communication should be via email. This allows for appropriate record keeping in accordance with relevant legislation. Important or time critical matters should be supported by face to face or telephone communications.

## **COUNCILLOR REQUESTS**

Council recognises the responsibility Councillors have to represent their constituents and in achieving the strategic priorities of the community which requires access to information and resources.

In the first instance Councillors should encourage community members to contact Council directly (via phone, email or Customer Request Management (CRM) System) to register service requests or operational matters. Where a community member is unwilling to contact Council directly, the Councillor may forward the request so it can be lodged and a response provided to the customer.

Direct engagement between community members and Council will reduce delays and enable the most appropriate support or advice to be provided directly to the customer and enable accurate corporate records to be maintained.

Councillors should not expect that just mentioning an issue at a Briefing Session or Council Meeting will mean that the issue will be formally recorded and actioned.

All Councillor Requests should be sent to [CouncillorRequests@sthgrampians.vic.gov.au](mailto:CouncillorRequests@sthgrampians.vic.gov.au)

These requests are then lodged as CRM's and distributed to the appropriate staff member for action. Councillors should include sufficient information to enable staff to respond, for example, the name and contact details of a resident if staff are required to contact them. Councillors should indicate in the request whether they would like to respond to the member of the public, or whether they would like the appropriate staff member to do so.

Councillors should consider any likely cost implications in making requests for advice or information, and not make requests where the costs cannot be justified as being in the public interest. If the costs of providing information are likely to be high, the Councillor will be requested to consider a Notice of Motion.

Where a Councillor's request requires the allocation of resources or expenditure of funds, the Councillor will be requested to consider a Notice of Motion.

## RESPONSES TO COUNCILLORS

### 1. Notifying all Councillor and the CEO

If a request from the Councillor relates to matters which are of a whole of Council significance or relevance then all the Councillors will be copied into the reply. The CEO should be copied into or otherwise informed of all communication between Council Staff and Councillors.

### 2. Refusal of Document Access

Where the CEO or a Director determines to refuse access to a document or information sought by a Councillor, they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the Councillor to perform his or her civic duty. The CEO or Director must state to the Councillor the reasons for the decision if access is refused.

### 3. Confidentiality of Documents

Councillors are required to treat all information provided by staff appropriately and to adhere to any confidentiality requirements. If a Councillor is unsure whether a document or advice is confidential they should contact the CEO or relevant Director for clarification prior to releasing the information. Where possible, staff will clearly identify information which is confidential to assist Councillors in the appropriate handling of such information, however it is the Councillors' responsibility to ensure they use the information in an ethical and legal manner.

## PERSONAL INTERACTION BETWEEN COUNCILLORS AND STAFF

While this Policy governs the interactions between Councillors and Council Staff in relation to Council work, it does not prevent Councillors and Council Staff from communicating generally about non-Council related matters.

From time to time, Councillors and Council Staff may be present at social and community events. In such situations, both parties must refrain from discussing matters relating to council business.

It is also recognised that Councillors and staff often live in the same community and may form friendships, therefore the following applies:

- Social media friendships are not the appropriate channel for Council-related interactions and should not be used for this purpose
- Social events are not the appropriate place for Council-related interactions
- Councillors should not engage with staff with whom they have friendships in any discussion about operational or personnel matters
- If Council-related matters are discussed in these situations then the staff member should treat the matter as if it is a verbal request for information and document the request and direct through the correct channels.

### **INTERACTION BETWEEN STAFF AND COUNCILLORS**

Staff other than the CEO, Directors or those listed in this Policy are to advise their Director if a Councillor has contacted them without the prior approval of their relevant Manager or Director. Correspondingly, staff must refrain from making direct contact with Councillors without their Manager's consent.

### **CONTACT CONTRADICTORY TO THIS POLICY**

Where any Councillor or staff member has concerns in regard to communications between Councillors and Council staff, the matter will be referred to the CEO.

Council staff are to inform their Director or the CEO of any conduct made directly to them by a Councillor.

Councillors should advise the CEO if they have been approached directly by a staff member regarding Council business, where it is inconsistent with this policy and the Codes of Conduct.

### **IMPLEMENTATION**

This Policy will be published on Council's website, intranet and a copy provided to all Councillors.

### **CHARTER OF HUMAN RIGHTS COMPLIANCE**

It is considered that this policy is compatible with the relevant human rights identified in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*.

### **REVIEW**

This Policy must be reviewed a minimum of every four years or in-line with legislative change.

### **AUTHORISED**

**CEO** Michael Tudball

**Signature**



**Date** 11 December 2020

**END**