

CP 37 Councillor and Staff Interaction Policy

Responsible Officer:	Chief Executive Officer
Document type:	Council Policy
Reference:	CP 37
Approved by Council:	19 May 2021
Date of next review:	April 2025

Policy Objective

The purpose of this policy is to:

- recognise the respective roles and responsibilities of Councillors and Council Staff, in particular the Chief Executive Officer (CEO), in accordance with the Councillor Code of Conduct and the Staff Code of Conduct
- assist Councillors and Council Staff in respecting the roles and responsibilities of others in the organisation
- maintain transparent decision making and governance arrangements
- support compliance with the provisions of the *Local Government Act 2020*(Vic), in particular Part 6 Division 1 – Improper Conduct; and
- recognise the responsibilities of the Council in ensuring that it meets the responsibilities of the *Occupational Health and Safety Act 2004* and the *Equal Opportunity Act 2010* to protect people from risks to their health and safety including harassment, bullying, violence and discrimination.

Principles

The Council employs the CEO and the CEO is responsible for the organisation, including how resources are allocated. Therefore the Councillors' primary point of communication is via the office of the CEO.

The Act makes it an offence for Councillors to direct, or seek to direct, a member of staff, under Section 124 (see **Appendix 1**).

Contact with other Council staff will be in accordance with the procedures supporting this policy.

Contact between Councillors and Council staff outside of this policy should not occur.

Councillors may receive community requests for support regarding a range of issues. Councillors and Council officers will honour their respective obligations to maintain probity, including adherence to privacy principles, in responding to such requests.

Where any Councillor or staff member has concerns about communications between Councillors and Council staff, the matter will be referred to the Chief Executive Officer who is responsible for the management of such interactions.

Procedure

To achieve good governance, clear and effective communication procedures for Councillors and Council staff are essential. In Benalla Rural City Council, the procedures which apply to Councillors and Council staff communication are:

1. Councillor and staff interactions

All communication between Councillors and Council staff will be courteous and respectful.

2. Customer Requests from or via Councillors

- 2.1 Customer Requests submitted by councillors are to be entered into the Customer Request Management System and handled in accordance with the Council's customer service standards.
- 2.2 Councillors will be kept informed of the progress of customer requests.
- 2.3 Staff should have consideration to the relevant privacy legislation and policies when updating councillors on customer requests concerning members of the public.

2.4

3. Councillor enquiries

- 3.1 Councillors will be briefed on business before the Council such as contracts and planning matters in regular Councillor briefings. If Councillors have questions regarding Council business outside of briefings, they should approach the CEO, who will liaise with the relevant officers.
- 3.2 Council staff who are approached directly by a Councillor outside of briefings, official meetings and Council committees for enquiries other than customer requests should refer the Councillor to the General Manager Corporate or Chief Executive Officer.

3.2.1 The Executive Assistant to the Chief Executive Officer has a particular role in supporting the Mayor and Councillors in the administration of their duties and it is understood that there will be frequent direct communication. The EA-CEO will not be required to refer all enquiries consistent with carrying out this role to the CEO, but will keep records of all communications with Councillors where practicable.

3.3 The CEO or General Manager Corporate may subsequently authorise the appropriate staff member/s to communicate directly with the councillor.

3.4 The CEO and General Manager Corporate are to be copied in or otherwise formally advised of all communication between staff and Councillors.

3.5 Staff and Councillors should consider that all documents generated in the business of Council, including staff/Councillor interaction, are subject to the *Freedom of Information Act 1982*.

4. Prioritising Councillor enquiries

4.1 The CEO, General Manager Corporate and Managers are charged with responding to Councillor enquiries efficiently and with integrity and will do so by prioritising the most urgent matters that align with the Council's priorities and organisational service standards for responses.

5. The working environment

5.1 The Chief Executive Officer and General Manager Corporate will strive to ensure a working environment, including meeting and committee arrangements, which minimises the risk of improper direction.

5.2 Councillors can communicate with Council staff, in accordance with the relevant terms of reference, in working committees which include Councillors and staff members.

5.3 Councillors are provided with a security fob that gives access to the Civic Centre, where access is available to the Council Chambers and the Mayoral and CEO's suite, the kitchen and bathroom facilities.

Councillors should seek leave from the CEO before entering operational areas of the Council's working environment.

5.4 Councillors may contact the IT Help Desk directly for assistance with information technology or communications matters.

Relevant Legislation

Local Government Act 2020
Occupational Health and Safety Act 2004
Equal Opportunity Act 2010
Freedom of Information Act 1982

Relevant Policies and Documents

Councillor Code of Conduct
CP21 Election Period Policy
Customer Service Charter

Governance Rules 2020
Staff Code of Conduct

Appendix 1

From the *Local Government Act 2020*

124 Directing a member of Council staff

A Councillor must not intentionally 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.

Penalty: 120 penalty units.