

Councillor and Staff Interaction Protocols



Banyule
CITY COUNCIL

Purpose

At Banyule we embrace an environment in which we value the right of every Councillor, employee, contractor, volunteer and customer to be treated with respect, dignity and courtesy.

The Banyule Councillor and Staff Protocols complement the Councillor and Staff Codes of Conduct and defines appropriate contact with other Council officers to strengthen the working relationship between Councillors and Council Staff in the performance of their duties.

The protocols:

1. seek to provide Councillors, employees and other persons with clarity surrounding their respective obligations and responsibilities in dealings with each other, and
2. supports the Chief Executive Officer in the discharge of obligations and responsibilities pursuant to *Local Government Act 2020* (the Act). Specifically, section 46(3)(c) of the Act stipulates that the Chief Executive Officer has the responsibility for managing interactions between Councillors and staff and is required to develop, implement and enforce policies and protocols to manage these interactions
3. seek to ensure equity for all Customer/Community requests and complaints.
4. outline the process for Councillor requests including those received from community/customers.

Contact between Councillors and Council staff must occur within the protocols.

Protocol Objectives

The objectives of these Protocols are to:

- ensure councillors have access to advice, information and documentation to help them to perform and discharge their functions and duties in an orderly manner
- provide a clear and consistent framework for the interactions between councillors, employees, and other persons
- 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

- maintain transparent decision making and governance arrangements
- support compliance with the provisions of the Act in particular section 46(3) and section 123 - Misuse of position, and section 124 - Directing a member of Council staff
- 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.

Responsibilities

Councillors

When interacting with members of Council staff, Councillors will:

- observe the *Local Government Act 2020*, the Councillor Code of Conduct, and other relevant Council policies;
- respect the functions and responsibilities of the CEO and Council staff, and the proper workings and line management responsibilities of the Council administration;
- consider the potential impact on staff and available resources and priorities when requesting advice or information
- understand that when a customer has asked for a Councillor's opinion on a matter, information will be provided to the Councillor only with any response to the resident being provided by the Councillor.

Councillors acknowledge that they are prohibited under section 124 of the Act from improperly directing Council staff. Councillors will avoid behaving in a way that might contribute to a perception of improper direction.

Compliance with this prohibition includes:

- behaving courteously and respecting the professional opinion, skill or expertise of staff;
- following the formal processes when seeking information;



- accepting that staff are required to adhere to formal processes when making decisions and providing information, services and assistance;
- respecting the normal business timeframes associated with the making of a decision, or the taking of action; and allowing staff to make decisions under delegated authority within the formal reporting and decision-making processes.

Staff

Staff should be aware that Councillors have a legitimate right and responsibility to represent the interests of residents and ratepayers, to provide community leadership and guidance, and to facilitate communication between the community and the Council. Staff should provide assistance to Councillors in fulfilling their role in accordance with this policy and the Councillors Code of Conduct.

The administration's role is to provide 'frank and fearless' advice to the Council. This should be based on information, consultation and professional opinion. It should not be the result of pressure from Councillors. Councillors will expect to be given high-quality, impartial advice and information, which will help them to form an opinion and make a decision in the Council meeting.

To support the elected Council in delivering on good governance, Staff need to:

- provide concise, relevant and comprehensive briefing material in a way which provides the maximum opportunity for councillors to absorb and consider the information
- ensure there are no surprises, Councillors should not learn about events from media,
- not use their position to improperly direct, influence, or seek to direct or influence Councillors
- ensure that information provided to one Councillor is available to all Councillors so that there is equity and transparency in the distribution of information.
- contact Councillors within the provisions of this Protocol and must refrain from providing ad hoc advice to Councillors
- ensure that information provided to Councillors is valid, up-to-date and impartial

- advise Councillors when information is confidential or relates to privacy matters

Council officers need to understand that:

- They are not accountable to individual councillors and are not required to take direction from them. They are accountable to the whole council, through the management structure.
- They should not provide advice to Councillors unless it has been approved by the Director or CEO.
- When a Councillor emails a staff member directly, the staff member must not reply, and the email should be sent to the Councillor Inbox.
- They must not directly canvass or lobby elected representatives on Council matters or recommend community members or customers to do the same.
- Personal relationships or friendships with Councillors are to be avoided. Where they cannot be avoided, ie a friendship or close association already exists prior to election of a councillor, the nature of the relationship should be declared. A management plan will be put in place and agreed to where appropriate and necessary.

*Where an officer is authorised by the CEO or Director to contact a Councillor directly, the Officer must ensure the relevant Manager and Director is included in the communication.

Councillor & Community Requests

Request and enquiries from Councillors are co-ordinated through the Executive Customer Support Officer (ECSO) in the Governance & Communication Department. The Councillor generated customer and operational requests are logged via the Customer Request Management system (CRM,) and tracked and monitored by the ECSO.

Enquiries and requests to be logged include:

- requests for information and/or actions,
- seeking updates on Council's operations; and
- queries and complaints received from residents.

Councillors may receive community requests for support regarding a range of issues. Councillors and Council officers must at all times meet their respective obligations to maintain probity,

including adherence to privacy principles, in responding to such requests.

Appropriate Staff contacts

The CEO authorises the following staff interaction:

- **Directors** for matters specific to that Director's area of individual responsibility.
- **Managers** where Councillors are seeking clarification or further specific information on a particular matter.
- **Office of the CEO, Mayor & Councillors, Governance support staff** for all Councillor service requests and enquiries.
- **Communication staff** where liaison may be required for preparation of external communications ie news from your neighbourhood, media releases
- **Other** specific staff as part of a Councillor's role on an Advisory Committee, at Council events or meetings

In some instances, a Director or the CEO will authorise individual staff to contact Councillors to provide specific information or clarification relating to a specific matter.

Apart from the instances above, all communication with Councillors is to be made via the CEO or relevant Director.

Councillor Inbox

Both Councillors and staff must observe the common law rules of natural justice or procedural fairness to approach to the enquiry making with an open mind to ensure that they act fairly and impartially, in good faith, listening to both sides of any argument that is put to them for consideration. Should any conflict of interest with a customer enquiry occur, the Councillor or staff member will need to remove themselves from the enquiry and declare the conflict of interest with Governance.

Process for Customer (via Councillor) enquiries

1	Councillor to forward customer email to 'Councillor Inbox'
2	Executive Customer Support Officer: 1. Logs request in the CRM system 2. Sends acknowledgement to Customer & Councillor with CRM request number and provides a timeframe.
3	Executive Customer Support Officer: 1. Provides update/final response to Customer and with a copy to the Councillor 2. A Councillor may also wish to send the customer a response in addition to the official response from the administration. 3. A response may be sent to all Councillors when applicable. ie not ward specific
4.	<p>Specific Customer Enquiries Councillors need to be aware that certain complaints or requests for information need to be handled by the administration without any comment by Councillors. Such requests should be directed to the Council administration on the following items, where this is not possible please pass on to the Councillor Inbox.</p> <p><u>Enforcement</u> Involvement by elected representatives in any stages of matters of investigation and enforcement must not occur. Delegated and authorised officers must be able to perform investigation, determination of response, management of infringements and prosecutions in a manner that is free of improper direction or improper influence. All requests must be sent via the Councillor Inbox.</p> <p><u>Planning and Environment Act Issues</u> The Council has significant responsibilities under the Planning and Environment Act 1987. It is important that Councillors are not excluded from participation and that the decision making of the Council is not tarnished by perceptions of</p>



	<p>bias, predetermination, inappropriate direction or inappropriate influence.</p> <p>Councillors may contact the Manager Planning & Building or Director City Development regarding such matters.</p> <p><u>Public Liability</u> All insurance claims must be sent directly to the Councillor Inbox. Councillors need to refrain from making/providing any comment or opinion that may prejudice the matter. Doing so may leave Council uninsured.</p> <p><u>Complaints</u> All complaints received by Council, whether though Councillors or Customer Service, must be handled within the same consistent process.</p>
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Process for Councillor enquiries

1	Councillor sends email to 'Councillor Inbox'
2	<p>Executive Customer Support Officer:</p> <ol style="list-style-type: none"> 1. Logs request in the CRM system 2. Sends acknowledgement to Councillor and advises relevant Director/Manager allocated request
3	Director/Manager provides update to the Councillor and copies in all Councillors.

Resolution of Grievances and/or Concerns or Complaints

Councillors are encouraged to advise the CEO where an interaction is inappropriate.

Staff are empowered to advise Councillors where an interaction is inappropriate and to refer them to these Protocols. Alternatively, staff should inform their Manager of any inappropriate interactions.

References - Legislative

Local Government Act 2020
Banyule Councillor Code of Conduct
Banyule Staff Code of Conduct

Local Government Act 2020

46 Functions of the Chief Executive Officer

- (c) managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented;

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.

Other related references

- Occupational Health and Safety Act 2004
- Equal Opportunity Act 2010
- Charter of Human Rights and Responsibilities Act 2006
- Ombudsman’s report - Councils and complaints – A report on current practice and issues – February 2015 and 2019
- IBAC - Report findings on local government integrity frameworks
- Councillor Factsheet – Councillor & Staff Interaction Protocols
- Councillor Fact sheet – Development Planning

Approval date

These protocols were made by the Chief Executive Officer, Allison Beckwith on 11 November 2020.