



Staff and Councillor Interaction Policy

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Purpose

This policy provides guidance and support for Council staff and Councillors in the performance of their duties and supports compliance with the *Local Government Act 2020* (the Act).

Scope

This policy applies to all East Gippsland Shire Council staff and Councillors.

Policy Context

The Chief Executive Officer is responsible for managing the interactions between Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for these interactions are in place.

Good governance and effective service delivery are dependent on how well the relationship between the elected members and the organisation works, as well as an understanding and adherence to the roles and responsibilities of both Council staff and Councillors.

Administrative management of Council is the responsibility of the Chief Executive Officer. This means that the Chief Executive Officer is responsible for implementing Council decisions and directing Council staff. The Act supports the facilitation of effective administration and avoids Council staff being subject to conflicting directions. Clear lines of managerial authority are critical.

All Council staff are to ensure that communications with Councillors is in accordance with the protocols of this policy.

The Chief Executive Officer is responsible for responding to Councillors concerns about administration matters or implementation of Council decisions.

In accordance with the Act, a Councillor must not direct or influence a member of Council staff in the exercise of their duties.

Policy Statement

1. The Chief Executive Officer is responsible for the administrative management of Council, including staffing matters, and the implementation of Council decisions in accordance with the Act.
2. Council staff may not be directed by Councillors in the performance of their roles.
3. Council staff will assist Councillors directly with personal enquiries not related to their role as a Councillor. Councillor personal enquiries will be handled in the same manner as any resident enquiries, in accordance with appropriate policy guidelines.
4. The Councillor Support Officer will provide administrative support to Councillors to perform their role as a Councillor.
5. Chief Executive Officer or relevant General Manager are responsible for administrative and operational matters and will determine the appropriate member of Council staff to respond to Councillor queries.
6. Council staff will take care to ensure personal relationships with Councillors outside the workplace do not impact on their work responsibilities and breach the Staff Code of Conduct or other policies related to staff.

Objective

Policy objectives are to:

1. recognise the respective roles and responsibilities of Council staff and Councillors, as outlined in the Act, other legislation administered by Council and the relevant policies;
2. maintain transparent decision making and good governance arrangements;
3. support compliance with the provisions of the *Local Government Act 2020* and other legislation; and
4. recognise the responsibilities of Chief Executive Officer and Councillors in ensuring that Council complies with the requirements of the *Occupational Health and Safety Act 2004*, the *Equal Opportunity Act 2010* and *Gender Equality Act 2020* to protect people from risks to their health and safety including harassment, bullying, violence and discrimination.

Protocols

Clear and effective communication protocols for Council staff and Councillors is essential. The protocols which apply are:

1. All communications between Council staff and Councillors should be courteous and respectful.
2. Council staff may interact with Councillors as specified in Table 1. The Chief Executive Officer or relevant General Manager will respond to Councillors seeking information or wishing to comment on a specific matter.
3. Contact between Council staff and Councillors outside of this protocol must not occur unless organised by the Chief Executive Officer or relevant General Manager.
4. Council staff are to inform their Manager and General Manager or, if appropriate the Chief Executive Officer, of any contact made directly to them by Councillors.
5. The Chief Executive Officer, General Managers and Managers are to be copied in or otherwise formally advised of all communication between their staff and Councillors.
6. A Council staff member who has concerns regarding communications with a Councillor, must advise the Chief Executive Officer of the matter.

Complaints

If a member of Council staff considers a Councillor has breached the requirements of this protocol, they:

1. must immediately cease the interaction with the Councillor; and
2. must report to the Chief Executive Officer and relevant General Manager the nature of the complaint.

The Chief Executive Officer will manage the matter in accordance with the appropriate staffing policies.

The Chief Executive Officer is responsible for receiving a Councillor's concerns about individual Council staff members.

The Chief Executive Officer, or a person selected by the Chief Executive Officer who is independent of the parties, may, if it is practicable to do so, encourage the member of Council staff or Councillor to attend an internal or external mediation. If held, the mediation and everything said or done with respect to the mediation must be kept confidential by the Chief Executive Officer, Councillor, Council staff member, and anyone else involved.

With regards to mediation, if

- a. it is not practicable to encourage the parties to attend a mediation; or
- b. encouragement is given but the mediation does not take place; or
- c. the mediation takes place, but the member of Council staff member still feels aggrieved by the interaction which occurred,

then the Chief Executive Officer may progress the handling of the complaint as set out in the Disciplinary Process Procedure to resolve the matter. Matters relating to Councillor conduct should be managed in accordance with the Act.

Summary of Staff and Councillor Interaction

Table 1 on the next page, provides an overview of which Council staff members may directly interact with Councillors in relation to various subject matters. Detailed definitions of the subject matters are provided in Schedule A.

Table 1: Which Staff members Councillors may interact with in relation to various subject matters.

Subject matter	Staff member/s to interact with							
	Councillor Support Officer (first point of contact)	Chief Executive Officer	Relevant General Manager	Relevant Manager (subject to GM approval) ¹	Manager Customer Experience and Communications	Governance Manager	IT Helpdesk staff	Senior Works Coordinator
Policy Direction and Gaps		✓	✓					
Service Development and Review		✓	✓					
Routine Service Delivery and Projects	✓	✓	✓	✓				
Media and Communications Issues		✓	✓		✓			
Governance Issues		✓				✓		
Information Systems day to day service matters	✓						✓	
Administration of a committee or a forum, or business or service-related content of committee or forum	✓	✓	✓	✓		✓		
Councillor Code of Conduct Matters		✓				✓		
Enforcement related matters		✓	✓	✓				
<i>Planning and Environment Act 1987</i> related matters		✓	✓	✓				
Councillor vehicles	✓							✓

¹ Approvals provided by a General Manager to Managers for direct contact with a Councillor must be recorded in ECM and advised to the Councillor Support Officer.

Review

This Policy must be reviewed within twelve (12) months of a general election.

Unless otherwise indicated, this policy will remain applicable beyond the proposed review date until that review has been finalised.

Administrative Updates

From time-to-time circumstances may change, leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively.

Administrative changes include updating to the latest style or template for policy, change to the name of Council directorate or business unit, change to the name of the responsible person or position title, change of State or Federal department, or minor update to legislation which does not have a material impact such as section or definition changes in the Act.

Roles and Responsibilities

These management positions are responsible for the implementation, communication and compliance monitoring of the policy in their work areas.

Party or Parties	Roles and Responsibilities
Councillors	Recognises and supports the roles and responsibilities of Council staff and Councillors. Maintains transparent decision making and compliance with the <i>Local Government Act 2020</i> . Directs queries relating to administrative management issues to the Chief Executive Officer. May directly approach Council staff only in accordance with this Policy. Communicates with Councillor Support Officer for administrative support. Treats all Council staff with courtesy and respect. Prohibited under sections 123 and/or 124 of the <i>Local Government Act 2020</i> from improperly directing or seeking to influence Council Staff. Must raise matters about individual Council staff members with the Chief Executive Officer.

Party or Parties	Roles and Responsibilities
Chief Executive Officer	<p>In accordance with section 46 of <i>Local Government Act 2020</i> is responsible for the administrative management of Council, including the implementation of Council decisions and management of Council Staff.</p> <p>Encourages communication between Council staff and Councillors is courteous and respectful.</p> <p>Ensures community requests raised through Councillors are managed appropriately.</p> <p>Manages complaints from Council staff and Councillors regarding their interactions.</p> <p>Maintains the Staff and Councillor Interaction Policy and promotes awareness.</p>
General Managers	<p>Models good practice and promotes awareness of this Policy with Council staff.</p> <p>Supports Councillors to perform their role and duties as a Councillor.</p> <p>Facilitates interactions between Council staff and Councillors were required.</p> <p>Ensures Council staff are aware of the protocols for interaction with Councillors if contacted directly by a Councillor on a matter.</p> <p>Advises the Chief Executive Officer of any issues that arise in relation to Council staff and Councillor interactions.</p>
Council staff	<p>Interacts with Councillors only in accordance with this Policy.</p> <p>Informs Manager, General Manager and Chief Executive Officer of any contact made directly by Councillors.</p> <p>Advises Manager, General Manager and Chief Executive Officer if they believe contact by a Councillor is outside this Policy.</p> <p>Treats all Councillors with courtesy and respect</p> <p>Complaints about interactions with Councillors are to be raised with their General Manager and the Chief Executive Officer.</p>

References and Supporting Documents

Applicable Legislation:

Local Government Act 2020

Domestic Animals Act 1994

Environment Protection Act 1970

Food Act 1984

Gender Equality Act 2020

Occupational Health and Safety Act 2004

Public Health and Wellbeing Act 2008

Planning and Environment Act 1987

Road Safety Act 1986

Data Protection and Privacy Act 2014

Charter of Human Rights and Responsibilities Act 2006

Equal Opportunity Act 2010

Applicable Policy and Procedure:

Staff Code of Conduct

Disciplinary Process Procedure

Privacy and Human Rights Consideration

The Staff and Councillor Interaction Policy has been assessed as compliant with the obligations and objectives of the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Definitions

Term	Meaning
Act	means the <i>Local Government Act 2020</i> .
Attorney-General	Means the Attorney-General of Victoria, as appointed by the Governor of Victoria.
Community	<ul style="list-style-type: none">• People who live in East Gippsland;• People and organisations who are ratepayers in East Gippsland; and• People and organisations who conduct activities in East Gippsland.
Community request	means a request by a member of the Community.
Contractor	means a person or company engaged to undertake works for Council, including service providers and service partners.

Term	Meaning
Council	means East Gippsland Shire Council.
Councillor	means a person who has been elected to the office of Councillor of East Gippsland Shire Council.
Council staff	means the same as staff.
Courteous and respectful	has its usual and every day meaning, including, for example, using a reasonable level of civility and consideration that would be expected by a professional worker in the Community.
Mediation	means the process by which a neutral third party helps people in conflict negotiate a mutually acceptable outcome.
Shire	means the geographic area of East Gippsland Shire Council.
Staff	means all staff engaged by East Gippsland Shire Council, including all full-time, part-time and casual employees, labour hire agency staff, contractors and volunteers.
Volunteer	means a formally recognised, unpaid member of the public who assists with the provision of Council services e.g. Visitor Information Centre, Library.

Revision history

Version Control	Approved Amended Rescinded	Date Effective	Approved By	ECM Document Reference	Summary of Changes
1	New	28/06/2021	Chief Executive Officer	9104056	New policy
1	New	02/08/2021	Chief Executive Officer	9104056	Minor administrative changes

Schedule A: Subject matters

Policy Direction and Gaps

This includes areas relating to policy direction, gaps or contradictions in policy, consideration of alternatives, impact analysis, forward scheduling, budget proposals or priority timetables.

Service Development and Review Issues

This includes where Councillors are seeking clarification on service development and review such as perceived service failure, further information on matters sent to Councillors by the administration, interpretation of a policy, clarification of a service level, management response to emerging trends, or information on priority of services or works within a project plan.

Routine Service Delivery and Projects

This includes where Councillors are seeking information on day-to-day service and project matters such as perceived minor service failure, information on service levels, information on scheduling of work, or service-related advice to a member of the public.

Where Councillors receive requests from members of the public in the first instance, they should request the member of the public to log a service request via the customer service team and to obtain a service request number to assist any investigation of that enquiry.

Councillors should lodge a Councillor request on behalf of a community member through the Councillor Support Officer or through the Councillor online portal. Councillors should, where possible, include a reference to any previous contact the community member has made on the matter.

Councillors may lodge a personal customer service requests through the Snap Send and Solve phone application or Council's website or email account: feedback@eqipps.vic.gov.au.

Media and communications Issues

This includes all areas relating to media and communications. All media and communication requests should be made through the Chief Executive Officer, relevant General Manager or to the Communications Manager.

Governance Issues

This includes all areas relating to governance.

Information systems day to day service matters

Where the issue is relatively simple such as an enquiry regarding timing of service delivery or equipment failure Councillors should direct enquiries via the Councillor Support Officer in the first instance. Councillors may be referred to the Information Systems Helpdesk if necessary, to resolve the matter.

Any associated or more complex issues, including service complaints, are to be raised by Councillors with the relevant Manager, General Manager or the Chief Executive Officer.

Administration of a committee or a forum, or business or service-related content of committee or forum

This includes all areas relating to the administration of a committee or forum, or the business or service-related content of a committee or forum.

Councillor Code of Conduct Matters

This includes all areas involving potential breaches of the Councillor Code of Conduct or queries in relation to the Councillor Code of Conduct.

Enforcement Issues

This includes all areas relating to enforcement of any law or local law by Council.

Involvement by a Councillor in any stage of investigation or enforcement must not occur.

Council makes delegations and authorisations to various Staff who must, without fear or favour, investigate and enforce various legislation including the *Domestic Animals Act 1994*, *Environment Protection Act 1970*, *Food Act 1984*, *Public Health and Wellbeing Act 2008*, *Planning and Environment Act 1987*, *Road Safety Act 1986* and any local laws.

In accordance with section 124 of the *Local Government Act 2020*, Councillors must not direct or seek to direct a member of Council Staff in the exercise of a delegated power, or the performance of a delegated duty or function of the Council.

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.

Consideration of appeals against the infringement notices will be reviewed in accordance with the relevant guidelines published by the Attorney-General and the internal appeals procedure. Councillors must therefore not involve themselves in matters of investigation and enforcement in a manner that may give rise to a conduct breach. Where members of the community seek support in relation to such matters, they should be referred to the documentation already provided, including relevant Staff identified and available to be contacted.

Councillors may contact the Chief Executive Officer, relevant General Manager or the Governance Manager with any requests for information regarding such matters. The provision of related information will be applied in accordance with the Information Privacy Principles set out in the *Data Protection and Privacy Act 2014*.

Planning and Environment Act 1987 related issues

Council has significant responsibilities under the *Planning and Environment Act 1987*. It is important that the decision making of the Council is not tarnished by perceptions of bias, predetermination, inappropriate direction or inappropriate influence.

Councillors may contact the General Manager Place and Community with any requests for information regarding such matters.

Councillor Vehicles

This includes all matters related to the maintenance of Councillors' vehicles, including break-downs, accidents and accidental damage.