

<b>Councillor and Staff Interaction Protocol</b>		Document No:	MPP – 053
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Authorised Officer:	Chief Executive Officer		
Reference Documents:	- Local Government Act: Roles and Responsibilities for Operations, 17 October 2018, Surf Coast Shire Chief Executive Officer (D19/1329)		

## **Purpose**

This protocol:

1. Seeks to provide Councillors, staff and other persons with clarity surrounding their respective roles, responsibilities and obligations in dealings with each other;
2. Seeks to support efficient and timely processing of requests for information, service requests and operational matters that may be submitted via Councillors;
3. Seeks to ensure that Council’s resources are used efficiently and effectively having regard to Section 3C(2)(b) of the Local Government Act 1989 (the Act);
4. Supports Councillors in fulfilling the role of a Councillor pursuant to the Act. Section 65E of the Act specifies the role of the Councillor as including “to participate in the decision-making of the Council”.
5. Supports Councillors to comply with Section 76E of the Act, specifically in assisting Councillors to avoid improper direction or influence of members of staff;
6. Supports Councillors and staff to avoid disclosures of information that may breach privacy obligations of Council;
7. Supports Councillors to avoid conduct, such as repeated or unreasonable communications, that could create a risk to the health and safety of a [member of Council staff](#); and
8. Supports staff in the discharge of obligations and responsibilities pursuant to their delegated authority.
9. Supports the CEO in the discharge of obligations and responsibilities pursuant to the Act. Section 94A of the Act stipulates that:

*The [Chief Executive Officer](#) is responsible for managing interactions between [Council staff](#) and [Councillors](#) including by ensuring that appropriate policies, practices and protocols are in place defining appropriate arrangements for interaction between [Council staff](#) and [Councillors](#).*

The Protocol complements the Councillor and Staff Codes of Conduct and aims to strengthen the working relationship between Councillors and staff in the performance of their duties.

Through signing the Code of Conduct, Councillors have committed to the following:

*Councillors commit to conduct that respects the functions of the Chief Executive Officer and to abide by the policies, practices and protocols defining appropriate arrangements for interaction between Council staff and Councillors that are put in place by the Chief Executive Officer.*

## Scope

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The Protocol applies to the Councillors and all staff of Surf Coast Shire Council. The CEO intends to abide by the Protocol notwithstanding that Section 94 of the Act does not apply to the CEO.

Reference to interactions includes contact between Councillors and staff where the content or matter relates to the business of Council and includes Councillors' 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.

Councillors may contact the CEO on any matter as required.

## Protocol Objectives

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The objectives of the Protocol are to:

- Ensure Councillors have access to advice, information and documentation to help them to fulfil their role in an effective manner;
- Provide guidance to Councillors and staff to assist the preparation of communication;
- Incorporate good governance principles to information-sharing, including transparency, accessibility and accountability;
- Support effective working relationships and building of trust amongst Councillors and between Councillors and Council staff; and
- Support compliance with relevant legislation, including the Local Government Act 1989, Occupational Health and Safety Act 2004, Privacy and Data Protection Act 2014 and the Equal Opportunity Act 2010.

## Interactions

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Councillors will generally interact with staff for the following reasons:

1. Requests for information;
2. Requests for service (generally on behalf of others); and
3. General discussion about Council matters.

Interactions can be written or verbal and may occur at a range of events such as Councillor Briefings, committee meetings, civic receptions, workshops, informal meetings or other formal and informal opportunities.

If any Councillor or staff member has concerns in regard to interactions between Councillors and staff, the matter will be referred to the CEO who is responsible for the management of such interactions.

## Protocols

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Interactions between Councillors and staff should occur with the CEO or General Managers (who together form the Executive Management Team) and Department Managers.

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

- Executive Assistant to Mayor
- Executive Assistant to CEO
- Administration Officer CEO
- Governance team
- Communications team

The following officers may contact Councillors directly at the request of members of the Executive Management Team or to provide acknowledgement or reference to service requests for the information of Councillors:

- Executive Assistants to General Managers
- Administration Officers

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

Staff other than the CEO, General Managers, Department Managers or those listed above are to advise their Manager if a Councillor has contacted them without the prior approval of their relevant Manager or General Manager. Correspondingly, staff should not seek to make direct contact with Councillors without their Manager's consent.

The following protocols apply equally to Councillors and staff. If the protocols do not specifically address a situation faced by a Councillor or staff member, then advice should be sought from the CEO or relevant General Manager.

1. Written requests for information (inclusive of letters, emails, texts or social media)
  - a. Matters of a personal nature
    - i. Councillors or staff raising matters of a personal nature should state what aspects of the communication may be personal and direct communications to only relevant Councillors or relevant staff, due to privacy considerations
    - ii. Circulation to additional recipients will only occur through consultation with the CEO and/or relevant General Manager
  - b. Where the matter is of broad interest to Council or Councillors, or may result from or be expected to be brought to a Councillor Briefing or Council Meeting
    - i. It is appropriate to share information with all Councillors to support informed discussion and decision-making through all Councillors having access to the

same information, particularly when it is in Council's interest such as when a decision of the Council may be needed

- ii. The Councillor or staff member that initiates the correspondence will generally include as a minimum all Councillors and the Executive Management Team as recipients to the communication and state why the matter may be of broad interest
  - iii. If a communication, including an email, does not include all Councillors as recipients, the staff member will provide the response to all Councillors inclusive of the complete email chain including a statement about why the matter may be of broad interest
  - iv. If a Councillor has a concern about other Councillors, staff or any other person being made aware of their request or the subsequent response, or the preceding email or its content, then the Councillor should not send the email or request that information
2. Verbal requests for information (inclusive of face-to-face, phonecalls, meetings or events)
- a. Where Councillors and staff discuss matters of a personal nature
    - i. The staff member should make a brief note capturing the important elements of the discussion and create a corporate record with appropriate security levels relevant to the nature of the privacy considerations
    - ii. Circulation or sharing of the information will only occur through consultation with the CEO and/or relevant General Manager
  - b. Where the matter is of broad interest to Council or Councillors, or may result from or be expected to brought to a Councillor Briefing or Council Meeting
    - i. It is appropriate to share information with all Councillors to support informed discussion and decision-making
    - ii. The staff member will advise the relevant General Manager or CEO of the discussion between Councillor and staff member
    - iii. The staff member will provide an overview of the discussion to all Councillors either through:
      - 1. Email with relevant details;
      - 2. Inclusion in a Communication Report to be emailed or included in a Councillor Briefing agenda; or
      - 3. Inclusion of relevant advice provided to a Councillor in a Council Report, if the matter is progressing directly to a Council meeting.
3. Service Requests
- a. Recommended Protocol to support efficient and timely response to Customer and Community issues
    - i. A direct interaction between the organisation and customers or community assists to resolve or respond to issues in an accurate, clear and timely manner

by connecting customers to those responsible for the day-to-day operations of Council

- ii. Councillors will in the first instance encourage community members and customers to contact Council directly (via phone or email) to register service requests or operational matters (e.g. reporting a pothole, raising a local issue or discussing a localised consultation activity)
- iii. Direct engagement between the customers and organisation 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

b. **Alternative Protocol for Customers and Community**

1. Where the community member or customer is unwilling or unable to contact Council directly, a Councillor may: Forward the request to the organisation so that it can be lodged and a service or response provided to the customer; or
2. Not forward the request noting that it will not be addressed in which instance the Councillor should advise the customer

Councillors are encouraged to direct the request as promptly as possible to Council via [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au) for registration in the Customer Request Maintenance (CRM) system.

- a. Requests will be forwarded with sufficient customer details, so that the customer can be registered for the CRM (unless in exceptional circumstances). Councillors will indicate if they desire a copy of the officer's response to the customer at the conclusion of the matter, where the response does not disclose matters that may be private to the customer. A Councillor would receive this advice at the same time as the customer receives the response.

c. **Protocol where Councillors identify an issue**

- i. If the Councillor has observed an issue or has an operational query, then the Councillor will email [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au) directly, as would occur with any community member, or send to Executive Assistant to Mayor who will forward to [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au)
- ii. In these instances, the Councillor will nominate themselves as the customer for registration in the CRM system

Service requests lodged via or by Councillors will be registered in a manner that enables reports of requests lodged to be generated and circulated to individual or all Councillors if the CEO determines that this is appropriate.

Customers should not seek preferential treatment by lodging service requests via Councillors. Therefore all service requests or operational matters lodged by, or via, a Councillor will be processed as per standard timeframes as if they were lodged directly by the customer.

4. **Mayor and Councillors and Staff attending events, committees, forums or meetings**

Where a meeting is attended by Councillors and staff and there are minutes or meeting notes recorded and circulated to all Councillors as a standard practice (eg. Councillor Briefing), this protocol does not impose any further actions.

Where a meeting is attended by Councillors and staff and the minutes or meeting notes are generally only circulated to those Councillors in attendance (eg. a project meeting), then the responsible staff member will ensure that these meeting notes or minutes are made available to all Councillors at a shared location such as a designated folder or portal.

Incidental interactions that occur at events or meetings that are not captured in minutes or meetings notes will be treated as outlined in Protocols Section 2. The staff member will be responsible for these actions.

## **Related Matters**

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1. Extended Dialogue
  - a. Where extended dialogue or repetitive communication is occurring between Councillors and staff, these matters will be brought to the next practical Councillor Briefing session where an efficient and shared discussion can occur.
2. Requests for meetings
  - a. Matters may be addressed via email or Councillor Briefing sessions rather than meetings with individual Councillors.
3. Requests for access to documents or copies of documents
  - a. Where a decision is to be made by Council through resolution, it is appropriate for Councillors to have relevant information to assist their consideration and decision-making. Officers will provide this through a report or attachment to a report in the Council meeting agenda.
  - b. Councillors should not request access to documents or copies of documents that relate to operational matters or decisions made by officers under their delegated authorities.
4. Distribution Principles
  - a. Correspondence designated confidential, private or not for distribution
    - i. A staff member receiving a communication from a Councillor that is designated as confidential, private or not for distribution by the authoring Councillor will consult with the CEO regarding appropriateness of distribution to other recipients
    - ii. The CEO should not withhold a purportedly confidential communication received directly or indirectly from a Councillor where it is in the Council's interests that other Councillors or staff should be aware of some or all of the communication
    - iii. The CEO's protocol powers under Section 94A(3A) permit distribution of a Councillor's communication to any other Councillor or staff member, despite the communication being designated confidential, private or not for distribution by the author
  - b. Advice and information to external parties, including responses to service requests
    - i. Information and advice responding to service requests or requests for information lodged by Councillors on behalf of community members or customers shall be provided to the customer by a staff member

- ii. Councillors shall be copied on advice from staff to customers where there has been a specific request for their inclusion, only where the response does not disclose matters that may be private to the customer
  - iii. Information and advice prepared by staff for Councillors should not be circulated to external parties by Councillors. This is especially important for matters relating to planning, compliance and enforcement or where advice may include details based on legal advice or proceedings. If the information relates to a matter requiring a Council resolution, such information may be more appropriately provided to Council via formal reports at Council meetings to support Councillors in their role in participating in the decision-making of the Council.
- c. Email Accounts
- i. Private email accounts are not appropriate for Council-related interactions and should not be used by Councillors or staff for Council-related matters
  - ii. Where this is identified, replies will be redirected using Council-issued email addresses

5. Friendships

It is recognised that Councillors and staff often live in the same community and may form friendships. The following protocols will apply:

- a. Social media friendships are not the appropriate channel for Council-related interactions and should not be used for this purpose
- b. Social events are not the appropriate place for Council-related interactions

Further, 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 interaction (refer to Protocols Section 2).

6. Access to Workplaces

Councillors are provided with designated areas within which to conduct Council business. These spaces should be used when Councillors and staff need to meet or discuss Council-related business. Councillor access to operational areas or work locations will only occur with the consent of the CEO.

7. Avoid Seeking to Influence Officers

- a. Council Meeting Reports

Officers prepare reports for consideration by the Council at Ordinary and Special Council meetings. The report and its recommendation are the responsibility of the authoring officer and reflect their professional knowledge and assessment of the relevant issues. Councillors should not seek to influence the work of officers in the preparation of these reports.

A particular area to which this principle applies is statutory planning, in relation to planning applications that are to be determined by Council resolution. Councillors must not seek to influence officers in the preparation of the Council report or its recommendation.

To support the above principles, interactions between Councillors and staff with regard to information or clarification of Council reports will occur via discussion at Councillor briefing sessions or via email correspondence that is shared by all Councillors.

b. Actions Taken and Decisions Made under Delegation

Officers are delegated to take actions and make decisions on behalf of council and Councillors must not seek to influence officers in exercising these delegations.

Specified officers are also designated as Authorised Officers under various enabling legislation, providing particular authority for them to undertake their role. In particular this includes areas of compliance and enforcement, such as local laws, planning compliance and environmental health. These areas often involve legal proceedings that may also be compromised by communication or actions on behalf of Council by persons other than the Authorised Officers. .

To support the above principles, Councillors should avoid requests for detailed information and avoid seeking direct interaction about these matters. Staff will provide appropriate information at appropriate times, such as overall status or issues that may represent a significant risk to council.

c. Complaints Management

Council has an adopted Complaints Policy with complaints being processed in accordance with the Complaints Handling – Management Policy and Procedure. This provides an open and transparent complaint handling system which ensures all complaints are handled fairly and objectively. Councillors must not seek to influence officers as they address complaints through this process.

d. Repetition and Urgency

Regarding the need to avoid seeking to influence officers, this includes repeated asking of questions and overly stressing the urgency of a matter.