



POLICY

C001 Councillor Interaction with Staff

1 Purpose

This policy sets out and provides clarity around the arrangements for interaction with Councillors and employees of Hindmarsh Shire Council in accordance with the *Local Government Act 2020* (the Act).

This policy will:

- Enable Councillors and Council staff to work together in the capacity of their respective roles and responsibilities in accordance with the *Local Government Act 2020* and associated regulations, relevant policies, Councillor Code of Conduct and Employee Code of Conduct.
- Support professional, respectful effective working relationships and building of trust between Councillors and Council staff.
- Support Councillors to fulfil their role pursuant to the Act by:
 - ensuring Councillors are provided consistent, coordinated, accurate, timely and well-informed advice and information to help them to fulfil their role in an effective manner;
 - incorporating good governance principles to information-sharing, including transparency, accessibility and accountability;
 - supporting Councillors to conduct themselves with Integrity as outlined in Part 6 of the Act (Section 123, relating to misuse of position; Section 124, relating to directing a member of staff; and Section 125, relating to confidential information).
- Enable Council staff to discharge their obligations and responsibilities pursuant to their delegated authority and/or in accordance with relevant legislation.
- Support customers to receive efficient and timely processing of requests for information, service requests and operational matters that they may choose to submit via Councillors.

2 Scope

This Policy applies to all Councillors and employees of Hindmarsh Shire Council and all interactions between Councillors and employees whether face-to-face, in writing or via electronic means of communication. This policy is also applicable to volunteers in delivering Council services.

This policy is not intended to limit a Councillor's ability to interact with staff as ordinary residents or ratepayers of Hindmarsh Shire Council.

3 Definitions

Council	means Hindmarsh Shire Council
CEO	means Chief Executive Officer
CSCSO	means Customer Service and Councillor Support Officer
ITC	means Information Technology Coordinator
MPP	means Manager People and Performance
Act	means the <i>Local Government Act 2020</i> (Vic)

4 Background

The core role of a Councillor is to participate in the decision-making of the Council; represent the local community in that decision-making and contribute to the strategic direction of the Council through the development and review of key strategic documents of the Council, including the Council Plan. Collectively, Councillors exercise leadership in providing good governance of the organisation and the local community to which they are ultimately accountable.

The administrative or operational arm of Council comprises the Chief Executive Officer and Council staff who are responsible for implementing Council policy and decisions, service delivery and providing professional advice to Councillors to enable decision-making by Council. Amongst other functions, Section 46(3)(c) of the Act states the CEO is responsible “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”.

The Act provides clear separation between the governance function of Councillors and the administrative and operational functions of the organisation.

This Protocol is intended to contribute to respectful, trusting, and constructive relationships between Councillors and staff, by articulating their different but complementary roles, defining reasonable expectations, and establishing clear and effective interaction and communication protocols.

5 Protocols

5.1 All Interactions

- Communication between Councillors and Council staff must be professional, courteous, and respectful.
- Where possible, communication should be written via email. This allows for appropriate record keeping and tracking of Councillor requests.
- Communication between Councillors and Council staff is private and should not be circulated, forwarded to members of the public, posted on social media, or otherwise released without the permission of the author.
- Private email accounts are not appropriate for Council-related interactions and should not be used by Councillors or staff for Council-related matters (unless the Councillor is acting in their capacity as a resident/ratepayer).
- Councillors and Council staff may contact each other outside of business hours due to work and other commitments. Councillors and Council staff are not expected to read or respond to correspondence outside business hours.
- From time to time, Councillors and Council staff may interact in a personal capacity. In such situations, both parties are to refrain from discussing Council business.
- Councillors will refrain from making negative comments or allegations about members of Council staff or Contractors, in a public forum (including at Council meetings and on social media platforms).

5.2 Councillor Interaction in a Non-Councillor Capacity

To protect Councillors against accusations of obtaining preferential staff treatment when interacting in a non-Councillor capacity with Council staff, all future staff contact made by Councillors not in a Councillor role must be via the process available to all Hindmarsh community members.

If a Councillor wants to make contact with Council, for example about their property, a service provided by Council to the Councillor as a community member, or the condition of a road in front of their property, the contact must be made using one of the following public avenues: using the Make a Request section of Council's website, by phone at 03 5391 4444, or via email to info@hindmarsh.vic.gov.au, and the Councillor must advise that the contact is not being made in their Councillor role.

5.3 Councillor and Staff Contact Matrix

- It is preferred that all Councillor enquiries, including requests for information or officer advice, are to be writing and directed to the CEO.
- Notwithstanding, Councillors may contact approved staff nominated in Table 1.
- If a matter or interaction falls outside of those outlined in Table 1 or if a Councillor is unsure, then they should direct their enquiry to the Chief Executive Officer.
- A Councillor may request that a staff member attend to provide advice and support in a meeting with a member (or members) of the public. Such a request must be made through the CEO or relevant Director.

Table 1 – Approved Councillor and Staff Contact Matrix

Where multiple options exist, Councillors may contact any or all of the identified staff

Type of Interaction	CEO	Relevant Director	CSCSO	MPP	IT
Confidential or sensitive matters relating to an individual Councillor, staff complaint or breach of Code of Conduct or policy	X				
Matters relating to Council reports (including requests for additional information)	X	X			
Matters to be considered or presented at Council meetings (including alternative motions, items of general business, petitions and joint letters) – in first instance	X	X			
Governance matters, including Council meeting rules and procedure, conflicts of interest enquiries, personal interests returns etc	X	X		X	
Matters relating to enforcement, investigations, or other statutory compliance matters	X				
General requests for information and advice relating to Council operation, strategy, services, and business.	X	X			
Media and communications issues	X	X	X		
Matters relating to the <i>Planning and Environment Act 1987</i>	X	X			
Operational requests / complaints from residents and community members escalated to Councillors	X	X			
Councillor administrative matters, including invites, meeting requests, expense reimbursements and IT	X		X		
IT technical issues			X		X
Advisory and Asset Committee administration	X		X	X	
Correspondence	X	X	X		

In addition to the matters set out in the matrix, specific arrangements not anticipated at the time of preparing this protocol may be approved by the CEO from time to time.

5.4 Councillor Influence

- A Councillor, in any private or public forum, is not to direct, unduly influence, or pressure Council staff.

- Councillors are not to influence the authoring of Council reports or recommendations. The report and recommendation are the responsibility of the authoring officer and reflect their professional knowledge and assessment of the relevant issues.
- Councillors are not to create a perception or promise of urgent, preferential, or favourable treatment to community members/customers. All routine community/customer requests and responses will be treated as per standard service levels and protocols, and/or legislative and statutory processes and timeframes.
- Councillors should not request access to documents or copies of information that relate to operational matters or decisions made by officers under their delegated authorities or as Authorised Officers.
- Council has an adopted Complaints Handling Policy. Councillors are not to influence matters subject to this process.

5.5 Councillor Requests from Community Members

Community members may not be familiar with or understand the role of the Councillors as defined under the Act and may ask Councillors to intervene, 'fast track' or respond personally on a matter.

Councillors are to:

- Encourage community members to contact Council (customer service at info@hindmarsh.vic.gov.au, or 03 5391 4444, or by completing a Customer Action request on the council website www.hindmarsh.vic.gov.au) in the first instance for routine customer service requests. This helps reduce delay, enables the most appropriate support or advice, and easily connects the customer to those responsible for the day-to-day operations of Council.

Councillors may lodge a request on behalf of a customer/community member. In this instance, they should contact Council via the method above, including the contact information of the relevant community member. Council staff will respond to and assist the community member directly.

5.5.1 Correspondence Addressed to Councillors

On occasion, Council may receive correspondence from community members addressed to Councillors that is clearly operational in content.

- Where hardcopy or electronic mail is received that is addressed to Councillors or Councillors and Council Officers and is operational in nature, this shall be provided to the appropriate Council officer for action and provided to all Councillors for their information. This includes -
 - Service requests
 - Complaints relating to Council staff
 - Enquiries about operational matters and/or services
 - Customer Action Requests

As a general rule, all correspondence received by Council staff that is addressed to Councillors will be provided to Councillors with advice as to how the matter has been dealt with from a service level/operational perspective.

5.6 Information for Council Meetings

Councillors will be provided with the information necessary to effectively undertake their decision-making role. Where a decision is to be made by Council through resolution, the relevant information to assist their consideration and decision making will be made available through a report or attachment to a report in the Council meeting agenda. Most information required for Councillors to perform their roles is provided through Council Meeting and Councillor Briefing agendas, the Council SharePoint portal and via Council's public website; however, Councillors - in their capacity as elected representatives of the community - may at times, request action, advice and/or information on matters pertaining to their obligation as a Councillor.

Reasonable requests for advice and information prior to a Council meeting will be prioritised.

5.7 Written Requests for Information

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 –

- 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.
- The Councillor or staff member that initiates the correspondence will generally include as a minimum all Councillors and the Executive Leadership Team as recipients to the communication.
- 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.
- 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.

5.8 Verbal Requests for Information

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

- It is appropriate to share information with all Councillors to support informed discussion and decision-making.
- The staff member will advise the relevant Executive Member or CEO of the discussion between Councillor and staff member.
- The staff member will provide an overview of the discussion to all Councillors either through:
 - Email with relevant details; or
 - Inclusion in a Councillor Briefing report.

5.9 Access to Workplaces

Councillors are provided with areas in Council offices 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.

5.10 Related Matters

5.10.1 Extended Dialogue

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.

5.10.2 Distribution Principles

When correspondence is designated confidential, private or not for distribution, the CEO should not withhold 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 the communication.

The CEO may at times forward Councillor's communication to any other Councillor or staff member, despite the communication being designated confidential, private or not for distribution by the author.

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.

5.11 Council Staff

Staff are to

- Treat Councillors with respect due to their office as elected representatives of their community.
- Understand they are not accountable to individual Councillors and are not required to take direction from them.
- Address Councillors in all formal and public settings as 'Mayor', 'Deputy Mayor' or 'Councillor (last name)'.
- Should a staff member not listed in Table 1 be contacted by a Councillor, they must refer the matter to the relevant Director or Manager.
- Respectfully provide impartial, valid, and fearless advice to Council to support decision-making in the best interest of the municipality.
- Except for senior management, refrain from approaching Councillors directly on Council matters so as not potentially use their position to improperly direct, influence, or seek to direct or influence Councillors.

6 Complaints

The CEO in accordance with Section 48 (3C) of the *Local Government Act 2020* will monitor compliance with this policy and oversee the management of any complaint or concern raised in relation to compliance with this policy.

If a Councillor believes that there may have been non-compliance with this policy, the matter should first be raised in writing in accordance with the Councillor Code of Conduct.

If a staff member believes that there may have been non-compliance with this policy (including improper direction), the matter should first be raised in writing with the relevant Director, who will advise the CEO.

With respect to a written complaint concerning a breach of this policy, the CEO will investigate and determine the appropriate course of action as the “owner” of the policy.

A breach of this policy by Councillors or staff is considered to be, and will be treated as, a breach of the respective Codes of Conduct. Any suspected or reported breach will be addressed in line with the relevant provisions of the particular Code of Conduct.

7 Responsible Officer

The Chief Executive Officer is responsible for the oversight and implementation of this Policy.

8 References

Related documents	Legislation
Councillor Code of Conduct Employee Code of Conduct Hindmarsh Shire Council Good Governance Framework	<i>Local Government Act (Vic) 2020</i> <i>Occupational Health and Safety Act 2004</i> <i>Equal Opportunity Act 2010</i>

9 Document Control

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