

1. PURPOSE

This policy is to provide guidance and support for Councillors and Council Staff in the performance of their duties.

It complements the Councillor and Staff Codes of Conduct and supports compliance with Section 124 Directing a member of Council staff, and Section 46 (3)(1)(b)(c) Managing interactions between members of Council staff and Councillors, provisions of the *Local Government Act 2020* (the Act).

This policy seeks to ensure that Councillors understand their responsibilities under the Act and do not improperly direct or influence Council staff and to ensure that Horsham Rural City Council is efficient and effective, with high standards of governance and transparency.

2. INTRODUCTION

The objectives of this policy are to:

- 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
- Ensure Councillors have access to advice, information and documentation to help them fulfil their role in an effective manner
- Assist Councillors and Council Staff in respecting the roles and responsibilities of others in the organisation
- Incorporate good governance principles to information sharing, including transparency, accessibility and accountability
- Support compliance with relevant legislation including the *Local Government Act 2020* Section 124 Directing a member of Council staff and Section 46 (3)(1)(b)(c) Managing interactions between members of Council staff and Councillors, *Occupational Health and Safety Act 2004*, *Privacy and Data Protection Act 2014* and the *Equal Opportunity Act 2010*.

3. SCOPE

The policy applies to all Councillors, staff, volunteers, contractors, sub-contractors and individuals involved in Horsham Rural City Council services or activities. Reference to interactions includes contact between Councillors and staff where the content or matter relates to the business of Council and includes Councillor's 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.

4. PRINCIPLES

Councillors will generally interact with staff for the following reasons:

1. Requests for information
2. Requests for service (generally on behalf of others)
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 about interactions between Councillors and staff, the matter will be referred to the CEO who is responsible for the management of such interactions.

Councillors may contact the CEO on any matter as required.

4.1 Allowable Interactions

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

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

- Executive Assistant to CEO and Councillors
- Governance Team
- Community Relations and Advocacy Team.

The following Officers may contact Councillors directly, at the request of members of the EMT, or to provide acknowledgment or reference to service requests for the information of Councillors:

- Executive Assistant to CEO and Councillors
- Governance Team
- Community Relations and Advocacy Team.

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

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

4.2 Improper or Undue Influence

Under the Act, it is the responsibility of the Council to appoint the CEO. The CEO is then responsible for employing staff for the successful operation of the organisation. As Council does not employ the staff, Council, or individual Councillors, cannot direct or manage staff, and are responsible for the performance of the CEO only. Further to this, Councillors are prohibited under Section 124 of the Act from improperly directing or interacting with Council staff.

A Councillor must not 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.

Improper or undue influence can include:

- Attempting to influence staff through intimidatory, bullying, harassing or disrespectful behaviour
- Using rank or position to seek information outside the processes outlined in this policy
- Pressuring staff to make a decision outside the formal Council decision making processes
- Pressuring staff to provide information, services or assistance to one person, group or part of the community over another, outside a formal decision of Council
- Pressuring staff to make a decision to take action outside normal business process timeframes
- Pressuring staff to change a recommendation in a Council Report.

4.3 Communication Channels

All communication between Councillors and Council staff should go through the CEO or relevant Director as appropriate.

The Mayor, or another Councillor who is filling in for the Mayor at an event or function, may liaise with Council's Community Relations and Advocacy Team for advice in relation to speeches, media releases and official statements to the media.

Councillors can also communicate with Council staff through a range of standard business processes including:

- Council Meetings and Briefing Sessions
- Committees with both Councillor and Council Staff members.

Contact between Councillors and staff will be in accordance with this policy.

Where possible, all communication should be via email. This allows for appropriate record keeping in accordance with relevant legislation. However e-mail should not be taken as received and read, therefore important or time critical matters should be supported by face to face or telephone communications.

4.4 Councillor Requests from the Community

Council recognises the responsibility Councillors have to represent their constituents and in achieving the strategic priorities of the community which requires access to information and resources.

In the first instance, Councillors should encourage community members to contact Council directly (via phone, email or Customer Request System) to register service requests or operational matters. Where a community member is unwilling to contact Council directly, the Councillor may forward the request so it can be lodged and a response provided to the customer.

Direct engagement between community members and Council 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.

Councillors should not expect that just mentioning an issue at a Briefing Meeting or Council Meeting will mean that the issue will be formally recorded and actioned.

These requests are then logged in Council's Records Management System and distributed to the appropriate staff member. Councillors should include sufficient information to enable staff to respond, for example, the name and contact details of a resident if staff are required to contact them. Councillors should indicate in the request whether they would like to respond to the member of the public, or whether they would like the appropriate staff member to do so.

4.5 Councillor Requests for Advice or Information

Councillors should consider any likely cost implications in making requests for advice or information, and not make requests where the costs cannot be justified as being in the public interest.

4.6 Responses to Councillors

- 4.6.1 Notifying all Councillors and the CEO: If a request from a Councillor relates to matters which is of a whole of Council significance or relevance then all the Councillors will be copied into the reply. The CEO should be copied in or otherwise informed of all communication between Council staff and Councillors.
- 4.6.2 Refusal of document access: Where the CEO or a Director determines to refuse access to a document or information sought by a Councillor as per the *Local Government Act 2020*, they must act reasonably. In reaching this decision, they must take into account whether or not the document sought is required for the Councillor to perform their civic duty. The CEO or Director must state to the Councillor the reasons for the decision if access is refused.
- 4.6.3 Confidentiality of documents: Councillors are required to treat all information provided by staff appropriately and to adhere to any confidentiality requirements. If a Councillor is unsure whether a document or advice is confidential, they should contact the CEO or relevant Director for clarification prior to releasing the information.

Where possible, staff will clearly identify information which is confidential to assist Councillors in the appropriate handling of such information, however, it is the Councillor's responsibility to ensure they use the information in an ethical and legal manner.

4.7 Personal Interaction Between Councillors and Staff

While this policy governs the interactions between Councillors and Council staff in relation to Council work, it does not prevent Councillors and Council staff from communicating generally.

From time to time, Councillors and Council staff may be present at social and community events or may have previous personal relationships. In such situations, both parties must refrain from discussing matters relating to Council business.

It is also recognised that Councillors and staff often live in the same community and may form friendships, therefore the following applies:

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

4.8 Verbal Requests for Information (inclusive of face-to-face, phone calls, meetings or events)

- 4.8.1 Where Councillors and staff discuss Council issues verbally:
- 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
 - Circulation or sharing of the information will only occur through consultation with the CEO and/or relevant Director.

4.8.2 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 Director 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
 - Inclusion in a Communication Report to be emailed or included in a Councillor Briefing agenda
 - Inclusion of relevant advice provided to a Councillor in a Council Report, if the matter is progressing directly to a Council meeting.

4.9 Contact Contradictory to this Policy

Where any Councillor or staff member has concerns in regard to communications between Councillors and Council staff, the matter will be referred to the CEO. Council staff are to inform their Director or the CEO of any contact made directly to them by a Councillor.

5. COMMUNICATION

Website, Intranet, Leadership Team meetings, Councillor Code of Conduct, Staff Code of Conduct, Councillor Briefing.

6. RESPONSIBILITY

Policy Owner: Director Corporate Services

7. DEFINITIONS

Term	Meaning
The Act	Local Government Act 2020

8. SUPPORTING DOCUMENTS

Document	Location
Councillor Code of Conduct	HRCC website
Staff Code of Conduct	HRCC intranet
Local Government Act 2020	Internet

9. DOCUMENT CONTROL

Version Number	Approval Date	Approval By	Amendment	Review Date
01	22 March 2021	Council	New policy	22 March 2024