



Interaction Between Councillors and Council Staff Protocol

(CEO Protocol)

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1. PURPOSE

- 1.1 The purpose of this protocol is to ensure all interactions between Councillors and Golden Plains Shire Council (Council) staff are positive, constructive, and conducted in a manner that facilitates Council's optimum performance.

2. SCOPE

- 2.1 The protocol applies to the Councillors and all staff of Golden Plains Shire Council. The Chief Executive Officer (CEO) intends to abide by the protocol notwithstanding that Section 94 of the Act does not apply to the CEO.
- 2.2 Reference to interactions includes contact between Councillors and staff where the content or matter relates to the business of Council and includes Councillor requests for information and service requests.
- 2.3 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.
- 2.4 This procedure does not apply in the context of social interactions between a Councillor and member of staff who have a personal relationship outside the Council environment.
- 2.5 The protocol does not seek to limit Councillors expressing their views about operational matters but rather outlines how such matters will be communicated. Councillors may contact the CEO on any matter as required.

3. PROTOCOL STATEMENT

- 3.1 It is acknowledged in the local government sector that the relationship between Council administration and Councillors is complex and can be fragile, but the strength of this relationship is critical to achieving good governance.
- 3.2 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 communication protocols that facilitate good governance and Council's optimum performance.
- 3.3 This protocol supports the CEO in the discharge of obligations and responsibilities pursuant to the Local Government Act 1989 (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.'*
- 3.4 This protocol complements the Councillor Code of Conduct and the Staff Code of Conduct and aims to strengthen the working relationship between Councillors and staff in the performance of their duties.

3.5 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*.

4. PROCEDURES

4.1 Interactions

4.1.1 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.

4.1.2 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.

4.1.3 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.

4.2 Protocols

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

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

- Executive Assistant to CEO;
- Governance Coordinator; and
- Communications Coordinator.

4.2.3 Notwithstanding the above, Councillors should direct their enquiries to managerial

staff to lodge or follow-up on service requests or requests for information.

4.2.4 Staff other than the CEO, Directors, 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 Director. Correspondingly, staff should not seek to make direct contact with Councillors without their Manager's consent.

4.2.5 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 Director.

4.3 Written requests for information (inclusive of letters, emails, texts or social media)

4.3.1 Matters of a personal nature:

- a) 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.
- b) Circulation to additional recipients will only occur through consultation with the CEO and/or relevant Director.

4.3.2 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

- a) 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 Council may be needed.
- b) The Councillor or staff member that initiates the correspondence will generally include as a minimum all Councillors and the Senior Management Team as recipients to the communication and state why the matter may be of broad interest.
- c) In the event that a Councillor has not included all Councillors on an email, the staff member will prepare a new email to all Councillors (ie. without the email trail or the preceding emails) addressing the broad issue and include a statement about why the matter may be of broad interest.
- d) If a Councillor has a concern about other Councillors, staff or any other person being made aware of their request or the subsequent response, then the Councillor should not request that information.

4.4 Verbal requests for information (inclusive of face-to-face, phone calls, meetings or events)

4.4.1 Where Councillors and staff discuss matters of a personal nature:

- a) 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.
- b) Circulation or sharing of the information will only occur through consultation with the CEO and/or relevant Director.

- 4.4.2 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:
- c) It is appropriate to share information with all Councillors to support informed discussion and decision-making.
 - d) The staff member will advise the relevant Director or CEO of the discussion between Councillor and staff member.
 - e) The staff member will provide an overview of the discussion to all Councillors either through:
 - Email with relevant details;
 - Inclusion in a report to be emailed or included in a Councillor Briefing agenda; or
 - Inclusion of relevant advice provided to a Councillor in a Council Report, if the matter is progressing directly to a Council meeting.

4.5 Service Requests and Operational Matters

- 4.5.1 Recommended protocol to support efficient and timely response to Customer and Community issues:
- a) 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.
 - b) 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).
 - c) 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.

4.6 Alternative Protocol for Customers and Community

- 4.6.1 Where the community member or customer is unwilling or unable to contact Council directly, Councillors are encouraged to:
- a) Direct the request as promptly as possible to Council via enquiries@gplains.vic.gov.au for registration of in the Customer Request Maintenance (CRM) system.
 - b) Should a Councillor email Executive Assistant to CEO instead of enquiries@gplains.vic.gov.au then the Executive Assistant to CEO will forward to enquiries@gplains.vic.gov.au on behalf of the Councillor.
 - c) Should a Councillor email the CEO instead of enquiries@gplains.vic.gov.au then the CEO will forward to enquiries@gplains.vic.gov.au on behalf of the Councillor.

- d) Should the Councillor desire an update in advance of the service request being processed, they can request the Executive Assistant to CEO to arrange an update from the relevant Department Manager.
 - e) Provide the relevant customer details, so that they can be registered as the customer for the CRM, including:
 - Name
 - Address
 - Phone number
 - Email (if possible)
 - f) Indicate if they require:
 - A copy of the officer's response to the customer; and/or
 - An overview of the response prior to officers issuing it to the customer provided via email by the most relevant Department Manager
 - g) Protocol where there is no Customer:
 - If there is no external customer and the Councillor has observed an issue or has an operational query, then the Councillor will email enquiries@gplains.vic.gov.au directly, as would occur with any community member.
 - In these instances, the Councillor will nominate themselves as the customer for registration in the CRM system.
- 4.6.2 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.
- 4.6.3 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.
- 4.7 Mayor and Councillors and Staff attending events, committees, forums or meetings**
- 4.7.1 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.
- 4.7.2 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.

4.7.3 Incidental interactions that occur at events or meetings that are not captured in minutes or meetings notes will be treated as outlined in Section 4.4. The staff member will be responsible for these actions.

4.8 Distribution Principles

4.8.1 Correspondence designated confidential, private or not for distribution:

- a) 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.
- b) 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.
- c) 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.

4.8.2 Advice and information to external parties, including responses to service requests:

- a) 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.
- b) Councillors shall be copied in on advice from staff to customers where there has been a specific request for their inclusion.
- c) Information and advice prepared by staff for Councillors must 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.

4.8.3 Email Accounts:

- a) Private email accounts are not appropriate for Council-related interactions and should not be used by Councillors or staff for Council-related matters.

4.9 Friendships

4.9.1 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.

4.9.2 Further, Councillors should not engage with staff with whom they have friendships in any discussion about operational or personnel matters.

4.9.3 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 Section 4.4).

4.10 Access to Workplaces

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

4.11 Avoid Seeking to Influence Officers

Council Meeting Reports

- 4.11.1 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.
- 4.11.2 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.
- 4.11.3 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.

Actions Taken and Decisions Made under Delegation

- 4.11.4 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.
- 4.11.5 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.
- 4.11.6 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.

Complaints Management

- 4.11.7 Complaints will be processed in accordance with a Complaints Handling – 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.

Repetition and Urgency

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

5. SUPPORTING INFORMATION

- 5.1 This protocol complements the Councillor Code of Conduct and the Staff Code of Conduct.

6. RESPONSIBILITIES

Compliance, monitoring and review

- 6.1 Section 94A(3A) of the *Local Government Act 1989* stipulates that the CEO is responsible for managing interactions between Council staff and Councillors and section 65(3) states that the role of a Councillor does not include the performance of any functions that are specified as functions of the CEO under section 94A. Accordingly, the CEO must have exclusive responsibility for this protocol and its administration.
- 6.2 The CEO and Mayor will work together to foster a culture which supports the application of this protocol.
- 6.3 The CEO is responsible for ensuring the protocol is followed.
- 6.4 Failure to comply with this protocol may constitute a breach of the Councillor Code of Conduct, the Staff Code of Conduct, the Local Government Act 1989, the Occupational Health and Safety Act 2004, the Fair Work Act 2009, the Equal Opportunity Act 2010 and other antidiscrimination legislation, the Privacy and Data Protection Act 2014, the Health Records Act 2001 and/or the Charter of Human Rights and Responsibilities Act 2006.
- 6.5 Non-compliance with this protocol also has the potential to negatively impact on Council's performance.
- 6.6 The Corporate Governance and Risk Coordinator is responsible for ensuring the protocol:
- aligns with relevant legislation, government policy and Council's requirements/strategies/values;
 - is monitored (i.e. reflects the changing environment, and emerging issues are identified); and
 - is reviewed to evaluate its continuing effectiveness (e.g. achieving its purpose, remains relevant/current).

Reporting

- 6.7 Staff are responsible for reporting all interactions with Councillors to their Manager

INTERACTION BETWEEN COUNCILLORS AND COUNCIL STAFF PROTOCOL

or Director in accordance with this protocol.

- 6.8 The CEO is responsible for reporting any issues arising from Councillor and Council staff interactions to the Mayor in accordance with this protocol.

Records Management

- 6.9 Council must maintain all records relevant to administering this protocol in accordance with the *Public Records Act 1973*.

7. DEFINITIONS OF TERMS OR ABBREVIATIONS USED

Term	Definition
<i>Council</i>	<i>Golden Plains Shire Council</i>
<i>Councillors</i>	<i>A person who holds the office of member of a Council.</i>
<i>CEO</i>	<i>Means the means the person appointed by a Council to be its Chief Executive Officer or any person acting in that position.</i>
<i>Council Staff</i>	<i>Means the persons who are members of Council staff.</i>
<i>CRM</i>	<i>CRM stands for customer relationship management. A CRM is used to manage interactions with customers, build customer relationships and streamline processes.</i>

8. RELATED LEGISLATION AND DOCUMENTS

Strategic Documents, Policies or Procedures

Councillor Code of Conduct

Staff Code of Conduct

Legislation

The Local Government Act 1989

The Occupational Health and Safety Act 2004

The Fair Work Act 2009

The Equal Opportunity Act 2010 and other antidiscrimination legislation

The Privacy and Data Protection Act 2014

9. HUMAN RIGHTS STATEMENT OF COMPATABILITY

9.1 It is considered that this protocol does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act 2006 (Vic).


10. PROTOCOL OWNER

10.1 The CEO is the protocol owner.

10.2 The CEO delegates the responsibility to review, edit and maintain this protocol to the Corporate Governance and Risk Coordinator.

10.3 The CEO, Director Corporate Services or Corporate Governance and Risk Coordinator is the point of contact for any questions regarding this protocol.

11. DOCUMENT INFORMATION

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NOTES:	Policy documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult Council's Policy page on the Golden Plains Shire Council website to ensure that the version you are using is up to date. Available at: https://intranet.goldenplains.vic.gov.au/the-hub