

Title	Councillor and Staff Interaction Protocol
Description	To support the arrangements for interaction between members of Council staff and Councillors in accordance with section 46(3)(c) of the <i>Local Government Act 2020</i> .
Category	Governance
Type	Policy
Approval authority	Chief Executive Officer
Responsible officer	Manager Governance and Integrity
Approval date	8 February 2023, effective 1 March 2023
Review cycle	After two years, then every four years thereafter
Review date	1 March 2025
Document Reference	D23/53210
Human Rights compatibility	This Protocol has been assessed and is compatible with the Victorian Charter of Human Rights and Responsibilities

1. Purpose

- 1.1 To set out and provide clarity the arrangements for interaction between Councillors and Council staff in accordance with section 46(3)(c) of the Local Government Act 2020.

2. Objective

- 2.1 The objective of this protocol is to:
- 2.1.1 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 Staff Code of Conduct.
 - 2.1.2 To support professional, respectful effective working relationships and building of trust between Councillors and Council staff.
 - 2.1.3 Support Councillors fulfil their role pursuant to the Act by:
 - (a) 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;
 - (b) incorporating good governance principles to information-sharing, including transparency, accessibility and accountability;
 - (c) 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).
 - 2.1.4 Enable Council staff to discharge their obligations and responsibilities pursuant to their delegated authority and/or in accordance with relevant legislation.
 - 2.1.5 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.

- 2.1.6 Provide Councillors with confidence that an issue raised will be systematically managed in accordance with appropriate legislation, regulation or Council policy.
- 2.1.7 Support Council to meet its responsibilities under the Occupational Health and Safety Act 2004 and the Equal Opportunity Act 2010 to protect people from risks to their health and safety including harassment, bullying, violence and discrimination.

3. Scope

- 3.1 This Protocol applies to:
 - 3.1.1 Councillors and Council staff; and
 - 3.1.2 All interactions between Councillors and Council staff whether face-to-face, online, by phone, text message or in writing.
- 3.2 While this protocol governs interactions between Councillors and Council staff, it does not prevent Councillors and Council staff from communicating generally (for example exchanging pleasantries, relaxed and informal conversations etc). Practical common sense is to be applied.
- 3.3 This Protocol is also not intended to limit Councillors' ability to communicate with Council staff as an ordinary resident or ratepayer of the City of Yarra such as to identify local issues, and vice versa.
- 3.4 If the Protocol does not specifically address a situation faced by a Councillor or Council staff member, then advice and guidance should be sought from the Chief Executive Officer (CEO) or relevant General Manager.
- 3.5 The Protocol does not seek to limit Councillors expressing their views about administration matters or the implementation of policy or Council decisions rather outlines how such matters will be communicated. This type of feedback should be directed to the CEO.
- 3.6 This Protocol is to be read in conjunction with the Councillor Code of Conduct, Staff Code of Conduct and any other relevant Council policy.

4. Background

- 4.1 It is acknowledged in the local government sector that the relationship between Council administration and Councillors can be complex, but the strength of this relationship is critical to achieving good governance for the benefit and wellbeing of the municipality.
- 4.2 The Local Government Act 2020 (the Act) prescribes the roles and functions of Council, Councillors and staff, and to some degree, the nature of the relationship between them.
- 4.3 Section 8(1) of the Act states that "the role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community."
- 4.4 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.
- 4.5 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".
- 4.6 The Act provides clear separation between the governance function of Councillors and the administrative and operational functions of the organisation.

- 4.7 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.
- 4.8 The Protocol seeks to mitigate potential risks and unintended consequences that may arise when Councillors deal directly with staff. It seeks to safeguard the integrity of both Councillors and staff, for example when:
- 4.8.1 Councillors might inadvertently seek, or be perceived as seeking, to directly or improperly influence a staff member in the provision of advice to Council or on the discharge of a delegated or statutory function;
 - 4.8.2 In an effort to be responsive to individual Councillor requests, staff may inadvertently act contrary to Council policy or beyond delegated or statutory function;
 - 4.8.3 Staff might provide advice or act when not in possession of all relevant facts and information, thereby inadvertently misleading the Councillor. This is a particular risk during busy times. This may also present a potential breach of Staff Code of Conduct in terms of proper process of escalating issues;
 - 4.8.4 Councillors might inadvertently seek, or be perceived as seeking, to obtain information from a staff member for their own political or personal benefit; and
 - 4.8.5 Staff might inadvertently seek, or be perceived as seeking, to influence Councillors for their own personal advantage.

5. Protocols

5.1 *Universal*

- 5.1.1 Communication between Councillors and Council staff must be professional, courteous and respectful.
- 5.1.2 Where possible, communication should be written via email. This allows for appropriate record keeping and tracking of Councillor requests.
- 5.1.3 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.
- 5.1.4 Private email accounts are not appropriate for Council-related interactions and should not be used by Councillors or staff for Council-related matters.
- 5.1.5 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.
- 5.1.6 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.

5.2 *Approved Councillor and Staff Contact Matrix*

- 5.2.1 It is preferred that all Councillor enquiries, including requests for information or officer advice is to be writing and directed to councillorsupport@yarracity.vic.gov.au in the first instance. Councillor Support staff will allocate the request to the correct department for response.
- 5.2.2 Notwithstanding, Councillors may contact approved staff nominated in Table 1.
- 5.2.3 If a matter or interaction falls outside of those outlined in Table 1 or if a Councillor is unsure, then Councillors should direct their enquiry to Councillor Support.

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	Chief Executive Officer	Relevant General Manager	Relevant Manager	Manager Governance and Integrity	Councillor Support Unit	Manager Strategic Communications	Nominated staff member
Confidential or sensitive matters relating to an individual Councillor, staff complaint or breach of Code of Conduct or policy	X			X			
Matters relating to Council Business reports (including requests for additional information), endorsed strategies and strategy policy matters	X	X	X	X	X		X
Matters to be considered or presented at Council meetings (including alternative motions, items of general business, petitions and joint letters, tabling of Delegates Reports) – in first instance	X	X	X	X	X		
Matters formally submitted in accordance with Council's Governance Rules (ie Notice of Motion)	X			X	X		
Routine service delivery, projects and ordinary business activities	X	X	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				X		
Media and communications issues	X				X	X	
Matters relating to the Planning and Environment Act 1987	X	X	X		X		X
Operational requests / complaints from residents and community members escalated to Councillors					X		
Councillor administrative matters, including invites, meeting requests, expense reimbursements and IT				X	X		
IT technical issues					X		X
Advisory Committee administration (calendar entries, business papers, Delegate's Reports)		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.

5.3 Councillor Influence

- 5.3.1 A Councillor, in any private or public forum, is not to direct, unduly influence or pressure Council staff.
- 5.3.2 Councillors are not to influence the authoring of Council reports or recommendations. The report and recommendation are the responsibility of the authoring officer and reflects their professional knowledge and assessment of the relevant issues.
- 5.3.3 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.
- 5.3.4 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.
- 5.3.5 Council has an adopted Complaints Handling Policy. Councillors are not to influence matters subject to this process.

5.4 Councillor requests from a community member(s)

- 5.4.1 In a Councillor's capacity as an elected representatives of the community, they will have a need to request a service or action and seek advice and/or information on matters pertaining to the day-to-day running of Council business. Often community members may not be familiar 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.
- 5.4.2 The Protocol sets out how the administration will process requests for information, service requests and operational matters for when customers choose to submit via Councillors. It is intended to provide Councillors with confidence that an issue raised will be systematically managed in accordance with appropriate legislation, regulation, existing service levels and/or Council policy.
- 5.4.3 Councillors may lodge a request on behalf of a customer/community member. Councillors are to:
 - (a) Encourage community members to contact Council (customer service at info@yarracity.vic.gov.au or 03 9205 5555) in the first instance for routine customer service requests. This helps reduce delay, enables to the most appropriate support or advice, and easily connects the customer to those responsible for the day-to-day operations of Council.
 - (b) Provide the customer contact details and details of the request or issue.
 - (c) Lodge requests to the Councillor Support Unit (councillorsupport@yarracity.vic.gov.au) for registering in Council's customer request system.
- 5.4.4 Council staff will respond directly to the customer/community member and Councillors will receive a notification when the matter has been resolved.

5.5 Councillor requests from anonymous community member(s)

- 5.5.1 If the Councillor does not provide the contact details of the community member/customer, the Councillor will be responsible for advising the customer the following:
 - (a) Officers will be unable to respond to the customer or seek further information in relation to the matter raised; and
 - (b) there will be no record of the customer in relation to the request for any further follow-up or action.
- 5.5.2 Councillors will receive a notification when the matter has been resolved.

5.6 Councillor request for advice and/or information

5.6.1 The following service standard levels apply:

- (a) Initial response acknowledging the request and any preliminary information within two business days.
- (b) Final response within 10 working days depending on complexity (for example additional time required to conduct investigation, consultation and approval). Where a response cannot be provided within the timeframe, the Councillor will be advised and the information provided as soon as practicable.

5.7 Information for Council meetings

5.7.1 Councillors will be provided 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 Diligent Boards 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.

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

5.8 Council Staff

5.8.1 Staff are to:

- (a) Treat Councillors with respect due to their office as elected representatives of their community.
- (b) Understand they are not accountable to individual Councillors and are not required to take direction from them.
- (c) 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 Executive member or Manager.
- (d) Respectfully provide impartial, valid and fearless advice to Council to support decision-making in the best interest of the municipality.
- (e) 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.

5.9 Staff responses to Councillors (requests and advice)

5.9.1 Councillor requests shall be responded to as follows:

- (a) Initial response acknowledging Councillor request and any preliminary information within two business days.
- (b) Final response within 10 working days depending on complexity (for example additional time required to conduct investigation, consultation and approval). Where a response cannot be provided within the timeframe, the Councillor will be advised and the information provided as soon as practicable.
- (c) Staff are entitled to ask the Councillor to clarify their request or reason what they are seeking the information.
- (d) Staff are to inform Councillors of any confidentiality requirements for information/advice they provide so Councillors can handle the information accordingly.

- (e) All responses to Councillor enquiries should be in writing and sent from either the CEO, relevant General Manager or Manager (refer Table 1). Where a response is sent from a Manager, the relevant General Manager must be aware of or copied into the response.
- (f) Ensure that information provided to one Councillor is available to all Councillors so that there is equity and transparency in the distribution of information. This will be at the discretion of the General Manager or CEO.
- (g) Routine customer/community member requests responses will be treated as per standard service levels and protocols, and/or legislative processes and timeframes.

5.10 Administration of requests

5.10.1 Requests shall be administered as follows:

- (a) Council staff are to record all requests and responses in Council's approved content management and customer request system (Oracle).
- (b) Ideally, all incoming Councillor requests are to be directed to councillorsupport@yarracity.vic.gov.au for registering in Oracle. When a request is directed to a Council staff member (not Councillor Support), it is to be forwarded to Councillor Support for registering.
- (c) Where Councillors and staff verbally discuss matters or receive requests/follow-up, it is best practice to make a brief file/diary note capturing important elements of the discussion or provide a follow-up email.
- (d) Sometimes Councillors designate a communication as confidential, private or not for distribution. If a Councillor expressly requests that a response be provided only to them, it may result in the request being refused. A staff member receiving this type of communication is to consult with the Manager Governance and Integrity or the relevant General Manager. The distribution reply will be at the discretion of the General Manager or Chief Executive Officer.
- (e) Responses which are considered confidential are to be provided via Diligent Boards or similar communication tool.

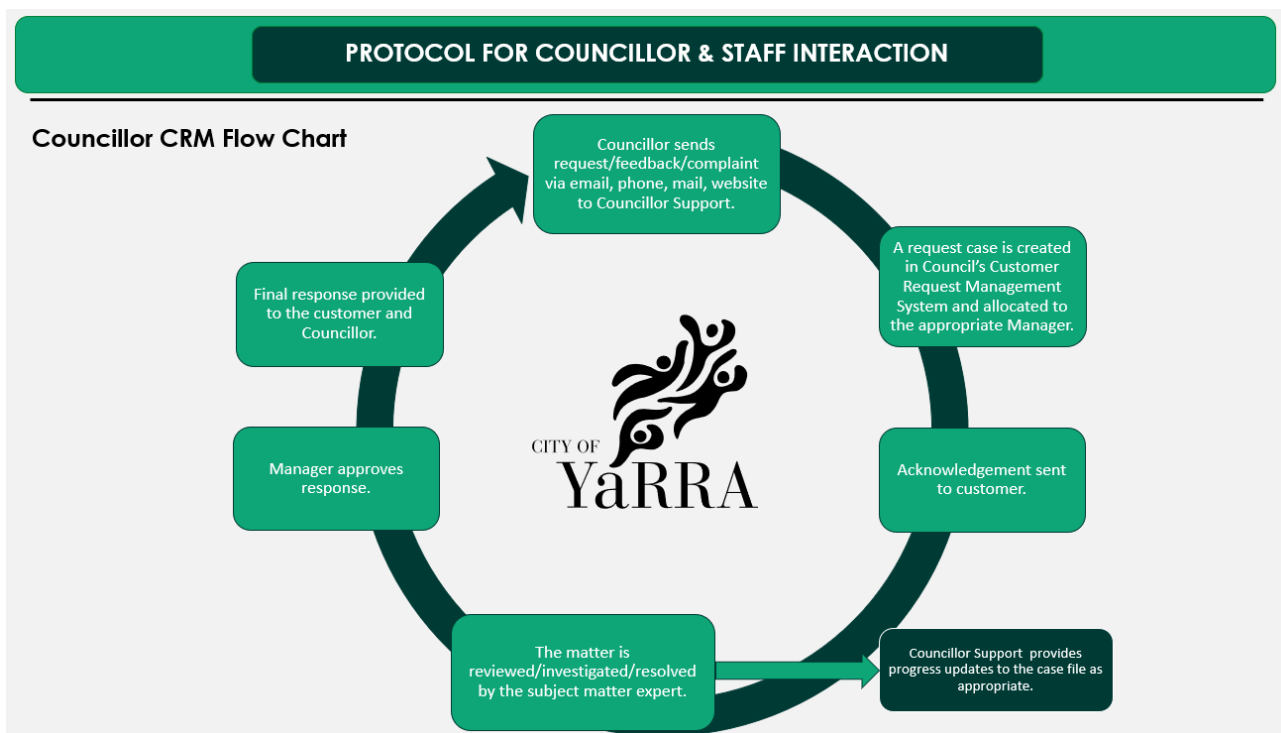
5.11 Chief Executive Officer

- 5.11.1 Where extended dialogue or repetitive communication is occurring between Councillors and staff, the Chief Executive Officer will determine whether to bring the matter to the next practical briefing session where an efficient and shared discussion can occur or provide a briefing note via Diligent Boards to streamline communications.
- 5.11.2 The Chief Executive Officer may also decline a request if it is deemed to be for improper use, vexatious, unreasonable diversion of staff time and resources.

5.12 Reporting and Monitoring

- 5.12.1 Councillors can access their individual submitted requests via their Councillor portal.
- 5.12.2 General Managers will receive a weekly outstanding Councillor requests report and will be responsible for follow-up and department responsiveness.

5.13 Process



6. Complaints

- 6.1 Council staff are empowered to advise Councillors where an interaction is inappropriate. If a Council staff considers that a Councillor has failed to adhere to this Protocol they must contact the relevant General Manager or CEO for guidance, and then provide their complaint in writing to the CEO and/or Manager Governance and Integrity.
- 6.2 For complaints relating to Council staff, Councillors should provide their complaint in writing to the CEO.
- 6.3 Complaints relating to a breach of these protocols shall be dealt with in accordance with the process set out in the Councillor Code of Conduct or the Staff Code of Conduct, as applicable.

7. Related Documents

- Charter of Human Rights and Responsibilities Act 2006
- Health Records Act 2001
- Local Government Act 2020
- Privacy and Data Protection Act 2014
- Councillor Code of Conduct
- Councillor Social Media Policy
- Councillor Support Policy
- Customer Complaints Policy
- Governance Rules (including the Election Period Policy)
- Staff Code of Conduct