COUNCILLOR AND STAFF INTERACTION POLICY

DATE ADOPTED: 23 APRIL 2024

VERSION: 1.0

POLICY OBJECTIVES

The objectives of the Policy are to:

a) establish positive, effective and professional working relationships between councillors and staff defined by mutual respect and courtesy

b) enable councillors and staff to work together appropriately and effectively to support each other in their respective roles

c) ensure that councillors receive advice in an orderly, courteous and appropriate manner to assist them in the performance of their civic duties

d) ensure councillors have adequate access to information to exercise their statutory roles

e) provide direction on, and guide councillor interactions with, staff for both obtaining information and in general situations

f) maintain transparent decision making and good governance arrangements

g) ensure the reputation of Council is enhanced by councillors and staff interacting consistently, professionally and positively in their day-to-day duties

h) provide a clear and consistent framework through which breaches of the Policy will be managed in accordance with the Code of Conduct

POLICY SCOPE

This Policy applies to all councillors and council staff.

This Policy applies to all interactions between councillors and staff, whether face-to-face, online (including social media and virtual meeting platforms), by phone, text message or in writing.

This Policy applies whenever interactions between councillors and staff occur, including inside or outside of work hours, and at both council and non-council venues and events.

This Policy does not confer any delegated authority upon any person. All delegations to staff are made by the General Manager.

The Code of Conduct provides that council officials must not conduct themselves in a manner that is contrary to the Council's policies. A breach of this Policy will be a breach of the Code of Conduct.

POLICY STATEMENT

PRINCIPLES, ROLES AND RESPONSIBILITIES

Several factors contribute to a good relationship between councillors and staff. These include goodwill, understanding of roles, communication, protocols, and a good understanding of legislative requirements.

The Council's governing body and its administration (being staff within the organisation) must have a clear and sophisticated understanding of their different roles, and the fact that these operate within a hierarchy. The administration is accountable to the General Manager, who in turn, is accountable to the Council's governing body.

Section 232 of the *Local Government Act 1993* (the LGA) states that the role of a councillor is as follows:

a) to be an active and contributing member of the governing body

b) to make considered and well-informed decisions as a member of the governing body

c) to participate in the development of the integrated planning and reporting framework

d) to represent the collective interests of residents, ratepayers and the local community

e) to facilitate communication between the local community and the governing body

f) to uphold and represent accurately the policies and decisions of the governing body

g) to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

The administration's role is to advise the governing body, implement Council's decisions and to oversee service delivery.

It is beneficial if the administration recognises the complex political environments in which elected members operate and acknowledge that they work within a system that is based on democratic governance. Councillors similarly need to understand that it is a highly complex task to prepare information and provide quality advice on the very wide range of issues that Council operations cover.

Council commits to the following principles to guide interactions between councillors and staff:

Principle	Achieved by
Equitable and consistent	Ensuring appropriate, consistent and equitable access to information for all councillors within established service levels
Considerate and respectful	Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions
Ethical, open and transparent	Ensuring that interactions between councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct
Fit for purpose	Ensuring that the provision of equipment and information to councillors is done in a way that is suitable, practical and of an appropriate size, scale and cost for a client group of Maitland City Council Councillors
Accountable and measurable	Providing support to councillors in the performance of their role in a way that can be measured, reviewed and improved based on qualitative and quantitative data

Councillors are members of the Council's governing body, which is responsible for directing and controlling the affairs of the Council in accordance with the LGA. Councillors need to accept that:

a) responses to requests for information from councillors may take time and consultation to prepare and be approved prior to responding.

b) staff are not accountable to them individually.

c) they must not direct staff except by giving appropriate direction to the General Manager by way of a council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA.

d) they must not, in any public or private forum, direct or influence, or attempt to direct or influence, a member of staff in the exercise of their functions.

e) they must not contact a member of staff on council-related business unless in accordance with this Policy and

f) they must not use their position to attempt to receive favourable treatment for themselves or others.

The General Manager is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the lawful decisions of the Council are implemented without undue delay. Council staff need to understand:

a) they are not accountable to individual councillors and do not take direction from them. They are accountable to the General Manager, who is in turn accountable to the Council's governing body;

b) they should not provide advice to councillors unless it has been approved by the General Manager or a staff member with a delegation to approve advice to councillors;

c) they must carry out reasonable and lawful directions given by any person having the authority to give such directions in an efficient and effective manner;

d) they must ensure that participation in political activities outside the service of the Council does not interfere with the performance of their official duties and;

e) they must provide full and timely information to councillors sufficient to enable them to exercise their civic functions in accordance with this Policy.

THE COUNCILLOR REQUESTS SYSTEM

Councillors have a right to request information provided it is relevant to councillor's exercise of their civic functions. This right does not extend to matters about which a councillor is merely curious.

Councillors are encouraged to use Maitland City Council's online portal, MyCouncil, to submit requests for information.

Councillors do not have a right to request information about matters that they are prevented from participating in decision- making on because of a conflict of interest unless the information is otherwise publicly available.

The General Manager may identify Council support staff (the Office Manager, Executive Assistant Councillor and/or Mayor Support) under this Policy for the management of requests from councillors.

Councillors can use the councillor requests system to:

a) request information or ask questions that relate to the strategic position, performance or operation of the Council

b) bring concerns that have been raised by members of the public to the attention of staff

c) request ICT or other support from the Council administration

Councillors must, to the best of their knowledge, be specific about what information they are requesting, and make their requests respectfully. Where a councillor's request lacks specificity, the General Manager or staff member authorised to manage the matter is entitled to ask the councillor to clarify their request and the reason(s) why they are seeking the information.

Staff must make every reasonable effort to assist councillors with their requests and do so in a respectful manner.

The General Manager or the staff member authorised to manage a councillor request will provide a response within three (3) business days. Where a response cannot be provided within that timeframe, the councillor will be advised, and the information will be provided as soon as practicable.

Councillors are required to treat all information provided by staff appropriately and to observe any confidentiality requirements.

Staff will inform councillors of any confidentiality requirements for information they provide so councillors can handle the information appropriately.

Where a councillor is unsure of confidentiality requirements, they should contact the General Manager, or the staff member authorised to manage their request.

The General Manager may refuse access to information requested by a councillor if:

a) the information is not necessary for the performance of the councillor's civic functions, or

b) if responding to the request would, in the General Manager's opinion, result in an unreasonable diversion of staff time and resources, or

c) the councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or

d) the General Manager is prevented by law from disclosing the information.

Where the General Manager refuses to provide information requested by a councillor, they must act reasonably. The General Manager must advise a councillor in writing of their reasons for refusing access to the information requested.

Where a councillor's request for information is refused by the General Manager on the grounds referred to in a & b above, the councillor may instead request the information through a resolution of the council by way of a notice of motion. This does not apply where the General Manager refuses a councillor's request for information referred to in c & d above.

Nothing prevents a councillor from requesting the information in accordance with the *Government Information (Public Access) Act 2009.*

Where a councillor persistently makes requests for information which, in the General Manager's opinion, result in a significant and unreasonable diversion of staff time and resources the council may, on the advice of the General Manager, resolve to limit the number of requests the councillor may make.

Councillor requests are state records and must be managed in accordance with the *State Records Act 1998.*

A quarterly report will be provided to Council regarding the performance and efficiency of the councillor request system.

ACCESS TO COUNCIL STAFF

Councillors may directly contact members of staff that are listed in Schedule 1 of this Policy. The General Manager may amend this list at any time and will advise councillors promptly of any changes.

Councillors can contact staff listed in Schedule 1 about matters that relate to the staff member's area of responsibility.

Councillors should as far as practicable, only contact staff during normal business hours.

If councillors would like to contact a member of staff not listed in Schedule 1, they must receive permission from the General Manager.

If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or the Executive Assistant Councillor and/or Mayor Support who will provide advice about which authorised staff member to contact.

The General Manager or a member of the Council's executive leadership team may direct any staff member to contact councillors to provide specific information or clarification relating to a specific matter.

A councillor or member of staff must not take advantage of their official position to improperly influence other councillors or members of staff in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person. Such conduct should be immediately reported to the General Manager or Mayor in the first instance, or alternatively to the Office of Local Government, NSW Ombudsman, or the NSW Independent Commission Against Corruption.

COUNCILLOR ACCESS TO COUNCIL BUILDINGS

Councillors are entitled to have access to the council chambers, councillors' rooms, and public areas of Council's buildings during normal business hours for meetings. Councillors needing access to these facilities at other times must notify the Office of the General Manager.

Councillors are approved to enter the Maitland Administration Centre (MAC) to meet with the Mayor and/or General Manager or via prior appointment with a staff member identified in Schedule 1.

APPROPRIATE AND INAPPROPRIATE INTERACTIONS

Examples of appropriate interactions between councillors and staff include, but are not limited to, the following:

a) councillors and council staff are courteous and display a positive and professional attitude towards one another.

b) council staff ensure that information necessary for councillors to exercise their civic functions is made equally available to all councillors, in accordance with this Policy and any other relevant Council policies.

c) council staff record the advice they give to councillors in the same way they would if it was provided to members of the public.

d) council staff, including Council's executive team members, document councillor requests via the councillor requests system.

e) council meetings and councillor briefings are used to establish positive working relationships and help councillors to gain an understanding of the complex issues related to their civic duties.

f)   councillors and council staff feel supported when seeking and providing clarification about council related business.

g)   councillors forward requests through the councillor requests system and staff respond in accordance with the timeframes stipulated in this Policy

Examples of inappropriate interactions between councillors and staff include, but are not limited to, the following:

a)   councillors and council staff conducting themselves in a manner which:

    i)   is contrary to their duties under the *Work Health and Safety Act 2011* and their responsibilities under any policies or procedures adopted by the Council to ensure workplace health and safety

    ii)   constitutes harassment and/or bullying within the meaning of the Code of Conduct, or is unlawfully discriminatory

b)   councillors approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters

c)   staff approaching councillors to discuss individual or operational staff matters (other than matters relating to broader workforce policy such as, but not limited to, organisational restructures or outsourcing decisions), grievances, workplace investigations and disciplinary matters

d)   staff refusing to give information that is available to other councillors to a particular councillor

e)   councillors who have lodged an application with the council, discussing the matter with staff in staff-only areas of the council

f)   councillors being overbearing or threatening to staff

g)   staff being overbearing or threatening to councillors

h)   councillors making personal attacks on staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of the Code of Conduct in public forums including social media

i)   councillors directing or pressuring staff in the performance of their work, or recommendations they should make

j)   staff providing ad hoc advice to councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community

Where a councillor engages in conduct that, in the opinion of the General Manager, puts the health, safety or welfare of staff at risk, the General Manager may restrict the councillor's access to staff.

Any concerns relating to the conduct of staff under this Policy should be raised with the General Manager.

COMPLAINTS

Complaints about a breach of this policy should be made to the General Manager (if the complaint is about a councillor or member of council staff), or the Mayor (if the complaint is about the General Manager).

Complaints can also be reported to OLG, the NSW Ombudsman, the NSW Independent Commission Against Corruption or any other external agency.

Schedule 1 – Authorised staff contacts for councillors

1. The General Manager may amend this list at any time.

2. Councillors can contact staff listed below about matters that relate to the staff member's area of responsibility.

3. Councillors should as far as practicable, only contact staff during normal business hours.

4. If councillors would like to contact a member of staff not listed below, they must receive permission from the General Manager or their delegate.

5. If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the General Manager or the Executive Assistant Councillor and/or Mayor Support who will provide advice about which authorised staff member to contact.

6. In some instances, the General Manager or a member of the Council's executive leadership team may direct a council staff member to contact councillors to provide specific information or clarification relating to a specific matter.

Authorised staff member Position title
Office of the General Manager
Manager, Office of the General Manager
Team Leader Office of the General Manager
Executive Assistant (Councillor Support)
Executive Assistant (Mayor Support)
Executive Leadership Team
General Manager
Executive Manager, People and Performance
Executive Manager, Customer and Digital Services
Executive Manager, Finance
Director, City Planning
Director, City Services
Corporate Leadership Group
People and Performance
Manager Human Resources
Manager Enterprise Risk, Health and Safety
Manager Communications, Engagement and Marketing
Manager Corporate Planning and Performance
Manager Organisational Development
Legal Counsel
Customer and Digital Services
Manager ICT Operations
Manager Enterprise Architecture
Manager Digital and Customer Program
Finance
Chief Financial Officer

Manager Finance and Procurement
Senior Property Officer
City Planning
Manager Environment and Sustainability
Manager Development and Compliance
Manager Strategic Planning
City Services
Manager Works
Manager Asset Strategy, Plant and Engineering Services
Manager Building Projects and Services
Manager Libraries and Learning
Gallery Director – MRAG
Manager Community and Recreation

ACCESSIBILTY OF THIS POLICY

This policy will be made publicly available on Council's website as well as our staff intranet.

POLICY DEFINITIONS

Access:
In accordance with section 72 of the GIPA Act, access may be defined as the provision of government information to a person in any of the following ways:

"(1) by providing a reasonable opportunity to inspect a record containing the information,

(2) by providing a copy of a record containing the information,

(3) by providing access to a record containing the information, together with such facilities as may be necessary to enable the information to be read, viewed, or listened to (as appropriate to the kind of record concerned),

(4) by providing a written transcript of the information in the case of information recorded in an audio record or recorded in shorthand or other encoded format."

Contentious information
Information that is sensitive, controversial, likely to be subject to intense media interest or public debate and speculation.

Government information:
Information contained in a record held by an agency, as defined in section 4 of the GIPA Act.

Mandatory release
Information classified as open access information, in accordance with the GIPA Act and Regulations.

Open access information
Information that is publicly available, unless there is an overriding public interest against disclosure, in accordance with the GIPA Act.

Proactive release
Government information that Council decides to release outside other release provisions under the GIPA Act.

Record:
Any document or other source of information compiled, recorded, or stored in written form or by electronic process, or in any other manner or by any other means, as defined in the GIPA Act.

POLICY ADMINISTRATION

BUSINESS GROUP:	OFFICE OF THE GENERAL MANAGER
RESPONSIBLE OFFICER:	MANAGER, OFFICE OF THE GENERAL MANAGER
COUNCIL REFERENCE:	Ordinary Council Meeting 23 April 2024 Item 11.2
POLICY REVIEW DATE:	Three (3) years from date of adoption
FILE NUMBER:	130/1 & 35/31/1/1
RELEVANT LEGISLATION	• Government Information (Public Access) Act 2009 (NSW) • Government Information (Public Access) Regulation 2018 (NSW) • Local Government Act 1993 (NSW) • Privacy and Personal Information Protection Act 1998 (NSW) • Privacy Code of Practice for Local Government (NSW) • State Records Act 1998 (NSW)
RELATED POLICIES / PROCEDURES / PROTOCOLS	• Code of Conduct • Privacy Management Plan • Right to Information Guidelines

POLICY HISTORY

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	23 April 2024	New policy adopted