



Policy

104

COUNCILLOR ACCESS TO INFORMATION AND INTERACTION WITH STAFF

Strategic Outcome:	Good government	
Policy type	Strategic	
Date of Adoption:	17 January 2024	Minute Number: 012/24
Date for Review:	19 January 2028	
Responsible Officer:	Deputy Chief Executive Officer	
Document Control:	Replaces the Councillors and Staff Interaction Policy adopted on 16 February 2022	
Delivery Program Link:	2.1.2.1 Provide facilities and support including financial to elected Council	

1. POLICY STATEMENT

It is important for Councillors and staff to have an effective working relationship that recognises the important, but differing contribution, both parties bring to their complementary roles

This policy provides a framework for Councillors when exercising their civic functions by specifically addressing their ability to interact with, and receive advice from, authorised staff.

The policy complements and should be read in conjunction with the *Berrigan Shire Council Code of Conduct* (the Code of Conduct)

2. PURPOSE

The purpose of the Policy is to facilitate a positive working relationship between Councillors, as the community's elected representatives, and staff, who are employed to administer the operations of the Council.

The Policy provides direction on interactions between Councillors and staff to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.

3. SCOPE

This Policy applies to all Councillors and council staff.



Policy

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 Chief Executive Officer.

Clause 3.1(b) of the Code of Conduct provides council officials must not conduct themselves in a manner that is contrary to a council's policies. A breach of this Policy will be a breach of the Code.

4. OBJECTIVE

This policy is developed to assist the Council with the Delivery Program Objective:

2.1.2.1 Provide facilities and support including financial to elected Council.

5. POLICY IMPLEMENTATION

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



Policy

5.2 Principles, roles and responsibilities

5.2.1 Requirements

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 these operate within a hierarchy. The administration is accountable to the Chief Executive Officer, who in turn, is accountable to the Council's governing body.

Section 232 of the *Local Government Act 1993* (the LGA) states 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 and
- 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 they work within a system that is based on democratic governance. Councillors similarly need to understand it is a highly complex task to prepare information and provide quality advice on the very wide range of issues Council operations cover.

5.2.2 Principles

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



Policy

<u>Principle</u>	<u>Achieved by</u>
Equitable and consistent	Councillors and staff working supportively together in the interests of the whole community, based on mutual respect and consideration of their respective positions
Considerate and respectful	Ensuring appropriate, consistent and equitable access to information for all Councillors within established service levels
Ethical, open and transparent	Ensuring interactions between Councillors and staff are ethical, open, transparent, honest and display the highest standards of professional conduct
Fit for purpose	Ensuring 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 eight people.
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

5.2.3 Councillors

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 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 Chief Executive Officer 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 received favourable treatment for themselves or others.

5.2.4 Council staff

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



Policy

- a) they are not accountable to individual Councillors and do not take direction from them. They are accountable to the Chief Executive Officer, who in turn is accountable to the Council's governing body,
- b) they should not provide advice to Councillors unless it has been approved by the Chief Executive Officer,
- 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 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, through the Chief Executive Officer, sufficient to enable them to exercise their civic functions in accordance with this Policy.

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

The Chief Executive Officer may identify Council support staff (the Councillor support officer) under this Policy for the management of requests from Councillors.

5.3.1 Request system

Councillors should use the Councillor requests system to:

- a) Request information or ask questions that relate to the strategic position, performance, or function of the Council,
- b) bring concerns or works requests – either their own or those raised by members of the public – to the attention of staff and / or
- 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 Chief Executive Officer, 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.



Policy

The Chief Executive Officer, or the staff member authorised to manage a Councillor request, will provide a response within 5 working 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.

5.3.2 Confidentiality

The right of Councillors to have access to information is for the purpose of exercising the office of a Councillor. It does not carry with it the right to disclose any information obtained to a third party unless it is already in the public domain. Councillors have no authority to release documents on behalf of Council.

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 Chief Executive Officer, or the staff member authorised to manage their request.

5.3.3 Refusal or restriction of access to information

The Chief Executive Officer 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) the Councillor has previously declared a conflict of interest in the matter and removed themselves from decision-making on it, or
- c) the Chief Executive Officer is prevented by law from disclosing the information, or
- d) if responding to the request would, in the Chief Executive Officer's opinion, result in an unreasonable diversion of staff time and resources.

Where the Chief Executive Officer refuses to provide information requested by a Councillor, they must act reasonably. The Chief Executive Officer 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 Chief Executive Officer on the grounds referred to under paragraph c) above, the Councillor may instead request the information through a resolution of the council by way of a notice of motion.

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



Policy

5.3.4 Reporting

A report will be provided to Councillors regularly (at least quarterly) regarding the performance and efficiency of the Councillor requests system against established key performance indicators.

5.4 Access to Council staff

Councillors may directly contact members of staff listed at Appendix A of this Policy. The Chief Executive Officer may amend this list at any time and will advise Councillors promptly of any changes.

Councillors can contact staff listed at Appendix A 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 on Appendix A, they must receive permission from the Chief Executive Officer. This includes approaching a staff member in person.

If a Councillor is unsure which authorised staff member can help with their enquiry, they should contact the Chief Executive Officer or the Councillor Support Officer who will provide advice about which authorised staff member to contact.

In some instances, the Chief Executive Officer or a member of the Council's executive leadership team will direct a council staff member to contact Councillors to provide specific information or clarification relating to a specific matter. The Councillor should continue to discuss the matter with the relevant executive team member once that information is provided and **not** the council staff member.

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.

5.5 Councillor access to Council buildings

Councillors are entitled to have access to the council chamber, Mayor's office (subject to availability), 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 obtain approval from the Chief Executive Officer.

Councillors must not enter staff-only areas of Council buildings without the approval of the Chief Executive Officer

5.6 Interactions

5.6.1 Appropriate interactions



Policy

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 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.

Councillors forward requests through the Councillor requests system and staff respond in accordance with the timeframes stipulated in this Policy. A report will be provided to Councillors regularly (at least quarterly) regarding the performance and efficiency of the Councillor requests system against established key performance indicators.

5.6.2 Inappropriate interactions

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, or
 - ii) constitutes harassment and/or bullying within the meaning of clauses 3.7 and 3.9 of the Code of Conduct, or is unlawfully discriminatory.
 - b) Councillors approaching staff and staff organisations to discuss individual or operational matters, grievances, workplace investigations and / or disciplinary matters.
 - c) Staff approaching Councillors to discuss individual or operational staff matters, grievances, workplace investigations and disciplinary matters.
 - d) Subject to conflict of interest considerations, staff refusing to give information 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.
-



Policy

- 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 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.

5.6.3 Management

Where a Councillor engages in conduct that, in the opinion of the Chief Executive Officer, puts the health, safety, or welfare of staff at risk, the Chief Executive Officer may restrict the Councillor's access to staff.

Any concerns relating to the conduct of staff under this Policy should be raised with the Chief Executive Officer.

6. RELATED LEGISLATION, POLICIES AND STRATEGIES

6.1 Legislation

- [Local Government Act 1993](#)
- *Work Health and Safety Act 2011*

6.2 Council policies and guidelines

- [Code of Conduct](#)
- Procedures for the Administration of the Code of Conduct
- Work Health and Safety Policy
- Payment of Expenses and Provision of Facilities for Mayors and Councillors Policy

7. RECORDS MANAGEMENT

Recording of all information relating to this policy ...

All Records must be kept in accordance with Council's Records Management Policy (currently under development) and destroyed as per the General Retention and Disposal Authority: Local Government Records (GA39).

8. REVIEW AND EVALUATION

This policy (procedure) will be evaluated and reviewed at least once every four (4) years as per Council's Governance Policy (currently under development) or as required.



Policy

9. DOCUMENT AVAILABILITY

A number of legislative instruments require Councils to have the policy available for inspection at Council's principal office (i.e. Policies made under Part 3, of the Local Government Act 1993). Each document should therefore state the ways in which the policy is available including any relevant fees and charges for access to such policy. An example of the required statement is provided below:

This policy will be available for inspection at Council's principal office during ordinary business hours as per the requirements of section 18 (c) of the *Government Information (Public Access) Act 2009* and section 167 of the *Local Government Act 1993*.

Access to the policy in digital format is free and is available on Council's website <https://www.berriganshire.nsw.gov.au/>

Printed copies of the document are available at Council's principal office (address noted below) and are subject to Council's Fees and Charges.

*Berrigan Shire Council
56 Chanter Street
BERRIGAN NSW 2712*

Ph: 03 5888 5100

Email: mail@berriganshire.nsw.gov.au

10. VERSION CONTROL

Version Number	Date	Summary	Responsible Officer
1.0	17.11.2021	New Policy	Deputy Chief Executive Officer
2.0	16.02.2022	Re-adoption with amendment to Appendix A	Deputy Chief Executive Officer
3.0	17.01.2024	Change title to include Access to Information, include a clause regarding release of information by Councillors to third parties, other minor changes.	Deputy Chief Executive Officer



Policy

APPENDICES

Appendix A - Authorised staff contacts for Councillors

Section 5.4 of this Policy provides that councillors may directly contact members of staff that are listed below. The Chief Executive Officer may amend this list at any time.

Councillors can contact staff listed below 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 below, they must receive permission from the Chief Executive Officer.

If a councillor is unsure which authorised staff member can help with their enquiry, they can contact the Chief Executive Officer or the Councillor Support Officer who will provide advice about which authorised staff member to contact.

In some instances, the Chief Executive Officer or a member of the Council's executive leadership team will direct a council staff member to contact councillors to provide specific information or clarification relating to a specific matter.

Authorised staff members name	Position
Matthew Hansen	Deputy CEO
Andrew Fletcher	Director Strategic Planning and Development
Rohit Srivastava	Director Infrastructure
Tahlia Fry	Director Corporate Services
Keelan McDonald	Marketing, Communication and Engagement Coordinator/Executive Assistant