

POLICY REPORTS

8 **COUNCILLOR AND STAFF RELATIONSHIPS POLICY**

FILE REFERENCE INT178846

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RECOMMENDATION

That Council adopt the amended Councillor and Staff Relationships Policy, as attached

Attachments

- 1 Councillor and Staff Relationships Policy 3 Pages

EXECUTIVE SUMMARY

To consider amending the Policy detailing the arrangements for interactions and relationships between Councillors and staff.

BACKGROUND

Following amendments made to the Local Government Act arising from the Local Government Amendment (Improved Governance) Act there is now a requirement that the CEO ensures that appropriate policies, practices and protocols are in place defining appropriate arrangements for interaction between Council staff and Councillors.

The Council adopted the Councillor and Staff Relationships Policy at its meeting held on 21 March 2016 to ensure that such arrangements are in place.

The intent behind the Policy is to ensure that the relationship between Councillors and staff are co-operative and supportive with a clear understanding of each other's roles and responsibilities.

Interaction between Councillors (on the one hand) management and staff (on the other hand) must be:

- open
- transparent
- honest
- conducted in a professional and courteous manner.

This type of appropriate conduct is important to the organisation operating effectively while achieving the best outcomes for the community.

Adherence to the Policy will ensure that Councillors govern and management and staff manage Cardinia Shire Council well and in the best interests of the community.

During discussions in regard to the Councillor Code of Conduct it has been suggested that an additional clause should be included in the Policy to provide for a process to be followed in the event that a Councillor feels the need to complain about the activities of the Chief Executive Officer.

The following additional paragraph is being suggested as an appropriate means of providing this process:

If a Councillor wishes to lodge a complaint regarding the conduct of the Chief Executive Officer, the complaint must be lodged in writing to the Mayor who will advise the Council about the complaint at the next available Council meeting when the meeting is closed to members of the public.

The Council may progress the handling of the complaint in the manner set out in the Code of Conduct to resolve disputes.

POLICY IMPLICATIONS

Council adopted the Councillor and Staff Relationships Policy on 21 March 2016 and an amendment to the policy to include reference to a complaint regarding the Chief Executive Officer is proposed

RELEVANCE TO COUNCIL PLAN

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CONSULTATION/COMMUNICATION

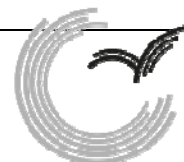
Council has discussed the policy during consideration of revisions required to the Councillor Code of Conduct

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

CONCLUSION

It is suggested that a minor amendment be made to the Councillor and Staff Relationships Policy and the policy as amended be adopted.



Cardinia

Councillor and staff relationships Policy

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Cardinia Shire Council as an organisation acknowledges that Councillors need to interact with Council staff. On occasions, Councillors may need to further matters of Council business and/or require staff to brief them on issues before a Council meeting or briefing. The relationship between Councillors and staff must be co-operative and supportive with a clear understanding of each other's roles and responsibilities.

Interaction between Councillors (on the one hand) management and staff (on the other hand) must be:

- open
- transparent
- honest
- conducted in a professional and courteous manner.

This type of appropriate conduct is important to the organisation operating effectively while achieving the best outcomes for the community.

The Chief Executive Officer (CEO) is responsible for the administrative management of Council as an organisation. To facilitate effective administration and to avoid staff being subject to conflicting directions, Councillors have no authority to direct or influence Council staff.

The organisation acknowledges that staff have professional obligations to give advice based on their knowledge and experience, and to write reports and recommendations in a professional, objective and unbiased way.

Guiding principles

To achieve a strong and harmonious relationship and the best outcomes for the community, the following principles will guide interaction between Councillors, management and staff.

1. Councillors accept that their role is one of policy development and leadership, not management or administration.
2. Councillors acknowledge that the CEO, in accordance with the *Local Government Act 1989*, is responsible for staff.
3. Councillors acknowledge that they have no capacity to individually direct staff to perform or not perform particular functions.
4. Councillors will refrain from using their position to influence staff unfairly in their duties or functions to gain advantage for themselves or others.
5. Councillors will respect the role of staff and treat them in a respectful way at all times.
6. Councillors acknowledge the professional obligation staff have to give advice based on their knowledge and experience, and to write reports and recommendations in a professional, objective and unbiased way.
7. Councillors will act courteously towards staff and avoid intimidating or bullying behaviour.
8. Councillors will only express their views about administration matters through the CEO.

Councillor approach when dealing with specific matters

Council policy – Councillors who need to engage with staff should primarily do this through the CEO.

Issue or matter for which a General Manager or a specific line Manager is responsible– Councillors should approach that General Manager or Manager directly.

Routine operational issue for which a particular staff member is responsible– it is reasonable for the Councillor to approach that staff member directly. However, Councillors are to advise the General Manager or Manager of their approach to the staff member. If a staff member feels uncomfortable about the nature of a Councillor enquiry, they will refer the Councillor to their General Manager.

Although Councillors may contact staff on routine matters, formal advice to elected representatives and Council should only come from the CEO and/or General Managers. This is the only advice against which the administration can be held accountable.

Adherence to these guidelines will ensure that Councillors govern and management and staff manage Cardinia Shire Council well and in the best interests of the community.

Complaints

If a Councillor or the member of Council staff considers that either has breached any of this Policy, he or she:

- a) may immediately terminate the interaction with the Councillor or Council staff member;
- b) must report, in relation to a Councillor, what has occurred to the Chief Executive who must inform the Councillor of the nature of the complaint; or
- c) must report, in relation to a member of Council staff, to the Chief Executive the nature of the complaint

The Chief Executive or a person chosen by the Chief Executive for the purpose who is independent of the parties must, if it is practicable to do so, encourage the Councillor and member of Council staff to attend a mediation. If held, the mediation and everything said or done with respect to the mediation must be kept confidential by the Chief Executive, Councillor and member of Council staff.

If it is not practicable to encourage the parties to attend a mediation or:

- (a) encouragement is given but the mediation does not take place; or
- (b) the mediation takes place but the Councillor or member of Council staff still feels aggrieved by the interaction which occurred

the Chief Executive may progress the handling of the complaint in the manner set out in the Code of Conduct to resolve disputes and if necessary the manner set out in regard to alleged breaches of the Code of Conduct

If a Councillor wishes to lodge a complaint regarding the conduct of the Chief Executive Officer, the complaint must be lodged in writing to the Mayor who will advise the Council about the complaint at the next available Council meeting when the meeting is closed to members of the public.

The Council may progress the handling of the complaint in the manner set out in the Code of Conduct to resolve disputes.