



**POLICY NUMBER 37 (C)**

**Councillor Staff Relationship Policy**

**DATE AMENDED:** February 2014

**DATE OF NEXT REVIEW:** February 2018

**DATE ADOPTED:** February 2014

**RESPONSIBLE OFFICER:** Chief Executive Officer

**REFERENCES:** *Local Government Act 1989*

### **Best Value Principles**

Hepburn Shire Council has the responsibility to provide its ratepayers with best value, with all services provided by Council meeting the expectations in terms of quality and cost. In providing this, all services need to be accessible, responsive to the needs of the community, considerate of the natural environment and subject to continuous improvement.

To achieve the best over life outcome for Council's expenditures, which meets quality and service expectations, there will be periodic review of services against best on offer in both the public and private sectors.

All Council staff members are responsible for supporting best value principles in their normal day to day actions to ensure services are recognised by the community as delivering best value.

## **Introduction**

It is recognised that a successful Council can only exist as a result of effective teamwork and co-operation between the Councillors, the Chief Executive Officer, and the Council's staff. This policy details the procedures and protocols required to achieve a climate of mutual respect between all facets of the organisation.

## **Scope**

The following accepted definitions of the primary roles of Councillors and Council staff will form the basis for the protocols to be used in the day-to-day operations of the Council organisation.

## **Purpose**

The purpose of this policy is to clarify the roles of Councillors, the Chief Executive Officer and Council staff and to acknowledge the importance of these roles in the development and implementation of the Council Plan and the realisation of the community's expressed needs and desires.

The observance of the Councillor/Staff Relationship protocols is seen as integral in the achievement of these objectives.

## **Definitions**

The following accepted definitions of the primary roles of Councillors and Council staff will form the basis for the protocols to be used in the day-to-day operations of the Council organisation.

## **Role of Councillors**

It is recognised that the role and function of Councillors is:

- Determining policy, setting objectives and establishing the strategic directions of Council.
- Providing a link with the community and addressing the needs and aspirations of the Shire through the development of appropriate service standards.
- Clearly separating the role and functions of Councillors from that of the Chief Executive Officer, as defined in the Local Government Act 1989.
- Undertaking the responsibility for the regular monitoring and review of the performance of the organisation and its Chief Executive Officer.
- Providing pro-active civic leadership and advocacy for the community.

- Fostering democratic participation, community cohesion, the development of active citizenship, a sense of local identity and civic pride and the building of better communities.
- Being a co-operative and effective member of the Council team.

To achieve that position, Councillors need to:

- Accept that their role is a leadership, not a management or administrative one.
- Acknowledge that the Chief Executive Officer is primarily responsible for staff.
- Acknowledge that they have no capacity to individually direct members of staff to carry out particular functions.
- Refrain from using their position to improperly influence members of staff in their duties or functions, or to gain an advantage for themselves or others.
- Refrain from publicly criticising staff in a way that casts aspersions on their professional competence or credibility.
- Take no part (direct or indirect) in any personnel matter relating to a staff member or any appointment of staff except in the case of position of Chief Executive Officer.
- Neither seek nor encourage the involvement of any member of staff in promoting the election of any candidate for election as a Councillor.
- Councillors should maintain at all times a professional relationship with staff.

### **Role of the Chief Executive Officer**

The specific role of the Chief Executive Officer has been defined as follows in Section 94A of the Local Government Act 1989 as follows:

#### ***“Section 94A - Functions of the Chief Executive Officer***

- (1) A Council’s Chief Executive Officer is responsible for –
  - (a) establishing and maintaining an appropriate organisational structure for the Council; and
  - (b) ensuring that the decisions of the Council are implemented without undue delay; and
  - (c) the day to day management of the Council’s operations in accordance with the Council Plan; and
  - (ca) developing, adopting and disseminating a code of conduct for Council staff; and
  - (d) providing timely advice to the Council; and

- (e) carrying out the Council's responsibilities as a deemed employer with respect to Councillors, as deemed workers, which arise under or with respect to the Accident Compensation Act 1985 or the Accident (Workcover Insurance) Act 1993
- (2) The Chief Executive Officer may appoint as many members of Council staff as are required to enable the functions of the Council under this Act or any other Act to be carried out and to enable the Chief Executive Officer to carry out her or his functions.
- (3) The Chief Executive Officer is responsible for appointing, directing, managing and dismissing Council staff and for all other issues that relate to Council staff.
- (4) A reference to Council staff in this section does not include a reference to the Chief Executive Officer.

The Chief Executive Officer is the only Council officer directly responsible to the Council. The performance of the organisation is, therefore, his/her responsibility and the performance measures of the position, as detailed in the provisions of his/her employment contract, will reflect this.

### **The Role of Staff**

For their part, staff will recognise that Councillors have a primary role in:

- Representing the community.
- Setting objectives and strategies to achieve the Council Plan objectives.
- Monitoring the progressive achievement of those objectives and strategies.

In doing so, staff will:

- Acknowledge the leadership role of Councillors and accept that their own role is in the areas of management and administration.
- Be responsive to requests from Councillors for information and professional advice required to carry out their role.
- Provide professional advice and then accept and implement the decisions of Council.
- Refrain from lobbying the Councillors or using personal influence to gain an advantage for themselves or others.
- Refrain from public criticism of Councillors.

- When a consultative process has begun and a Councillor has been involved in that process, staff will ensure that the Councillor is informed of any substantial developments relating to that particular issue.

### **Policy**

The Councillor Staff Relationship Policy has been drafted in consultation with Councillors and Staff to ensure that it assists with the clarification of the relative roles of Councillors and Staff and that the policy will form the basis for an ongoing healthy relationship where both Councillors and Staff are treated appropriately and with due respect.

Bearing in mind the respective roles of Councillors, the Chief Executive Officer and Council staff, it is important to have agreed protocols or procedures for Councillors in their day to day dealings with Council staff.

Any enquiries regarding this policy should be directed to the Chief Executive Officer.

### **Communications**

As a representative of the community Councillors need to be not only responsive to community views, but to adequately communicate the attitudes and decisions of the Council. There may be times when a Councillor as an individual disagrees with a majority decision of the Council and wants the community to know that. The appropriate time and place for communicating diverging views is when an item is being debated in the Council Chamber. This provides the best opportunity for informed decision-making and for both the community and the media to better understand the diversity of Councillor views and perspectives in context.

Obviously Councillors are entitled to present their own views, particularly at election time, but in doing so, Councillors should acknowledge that:

- as a member of the Council there is respect for the decision making processes of the Council which is based on a decision of the majority of the Council;
- an overriding concern ought to be in achieving a balance in the matters that are communicated and strive to achieve an outcome that presents the Council as effective and cohesive;
- the Mayor or some other specifically designated person is authorised to speak to the media and others on behalf of the Council;
- information of a confidential nature ought not be communicated unless it is no longer treated as confidential;

- information relating to decisions of the Council on approvals, permits and so on ought only be communicated in an official capacity by a designated officer of the Council;
- information concerning adopted policies, procedures and decisions of the Council is conveyed accurately

### **Request for Information**

All requests for information should be directed to the Chief Executive Officer, the relevant General Manager or Manager, or the Executive Services Team. Even if the matter concerns an officer other than those specified, all requests for information should go to the abovementioned officers.

### **Dealing with Correspondence Received**

When a Councillor receives a letter or email addressed to them personally, they will need to make a judgement as to whether the correspondence should be formally registered by the Shire or if the correspondence was simply of a personal nature to them as an individual.

All correspondence relating to Council business received directly by Councillors should be forwarded to the Executive Services Team who will then arrange to have it registered and then pass it on to the appropriate officer to action. Once the item has been actioned, a copy of any report or correspondence generated will be supplied to the Councillor. If the Councillor is not satisfied with the way in which the matter has been dealt with, he or she should raise their concerns with the appropriate General Manager or the Chief Executive Officer.

### **Staff Matters**

If a Councillor has any concerns in regard to the way in which he or she has been dealt with by a Council officer, those concerns should only be raised with the relevant General Manager or the Chief Executive Officer who has exclusive responsibility for all personnel matters.

### **Privacy Policy**

All forms of correspondence will be treated in accordance with the Hepburn Shire Council Privacy Policy 30 (C).