

## COUNCILLOR AND EMPLOYEE INTERACTION POLICY

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**Contact position: Manager Governance & Civic Services**

### Policy statement

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

The policy complements and should be read in conjunction with Blue Mountains City Council's Code of Conduct.

The aim of the policy is to facilitate a positive working relationship between councillors, as the community's elected representatives, and council employees, who are employed to administer the operations of the Council.

The policy provides direction on interactions between councillors and employees to assist both parties in carrying out their day-to-day duties professionally, ethically and respectfully.

It is important to have an effective working relationship that recognises the important but differing contribution both parties bring to their complementary roles.

### Scope

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

This policy applies whenever interactions between councillors and employees 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 employees are made by the Chief Executive Officer (CEO).

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

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### 1. Policy objectives

The objectives of the policy are to:

- a) establish positive, effective and professional working relationships between councillors and employees, defined by mutual respect and courtesy,
- b) enable councillors and employees 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 guidance to councillors on interacting with employees in general situations and when seeking information,
- f) maintain transparent decision-making and good governance arrangements,
- g) ensure the reputation of Council is enhanced by councillors and employees interacting consistently, professionally and positively in their day-to-day duties, and
- h) to provide a clear and consistent framework through which breaches of this policy will be managed in accordance with the Code of Conduct.

## 2. Principles, roles and responsibilities

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

The Council's governing body, and its administration (being employees 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 Chief Executive Officer (CEO), 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, 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 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 to provide quality advice on the very wide range of issues that council operations cover.

### 2.1 Overall principles

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

<b><u>Principle</u></b>	<b><u>Achieved by</u></b>
<b>Equitable and consistent</b>	Ensuring appropriate, consistent and equitable access to information for all councillors within established service levels.

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**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, and 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 12 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.

## 2.2 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 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) employees are not accountable to them individually,
- c) they must not direct employees except by giving appropriate direction to the CEO, 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, an employee in the exercise of their functions,
- e) they must not contact an employee 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.

### 2.3 Council employees

The CEO is responsible for the efficient and effective day-to-day operation of the Council and for ensuring that the decisions of the Council are lawful and implemented without undue delay.

Council employees need to understand that:

- a) they are not accountable to individual councillors and do not take direction from them. They are accountable to the CEO, 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 CEO and they must maintain related records of any advice they have provided,
- 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.

### 3. Councillor service requests

Councillors have a right to request information, provided it is relevant to councillors' exercising 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 that they are prevented from participating in because of a conflict of interest, unless the information is otherwise publicly available.

The CEO may assign the management of requests from councillors to members of the executive leadership team of service area managers.

Councillors can use the councillor request email process to:

- a) request information about 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 employees
- c) request ICT or other support from the Council administration.

Councillors must, to the best of their ability, be specific about what information they are requesting, and they must make their requests respectfully.

Where a councillor's request lacks specificity, the CEO or employee managing the matter is entitled to ask the councillor to clarify their request and the reasons why they are seeking the information.

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

The CEO or the employee delegated to manage a councillor request will provide a response in accordance with currently established customer service standards. Responses to councillor requests will be provided as soon as practicable, as per the currently established council priority systems for response.

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

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

Where a councillor is unsure of confidentiality requirements, they should contact the CEO to manage their request.

### 3.1 *CEO refusal*

The CEO 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 CEO is prevented by law from disclosing the information, or
- d) if responding to the request would (in the CEO's opinion), result in an unreasonable diversion of employee time and resources.

Where the CEO refuses to provide information requested by a councillor, they must act reasonably in doing so. The CEO 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 CEO on the grounds referred to under paragraph c) of section 3.1 above, the councillor may instead request the information through a resolution of council by way of a notice of motion.

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

### 3.2 *Councillor request reporting*

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

## **4. Councillor access to council employees**

Councillors may directly contact the CEO, who may then forward the request to members of the executive leadership or service area management teams.

Councillors should, as far as practicable, only contact employees during normal business hours and using the nominated contact methods.

If councillors would like to contact an employee that is not a member of the executive leadership team, they must receive permission from the CEO.

If a councillor is unsure what employee can help with their enquiry, they can contact the CEO, Executive Business Manager, or the Councillor Support Officer who will provide advice about which employee is best to contact.

In some instances, the CEO or a member of the Council's executive leadership team will direct a council employee to contact councillors to provide specific information or clarification regarding a specific matter.

A councillor or employee must not take advantage of their official position to improperly influence other councillors or employees in the performance of their civic or professional duties for the purposes of securing a private benefit for themselves or for another person.

## **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 CEO.

Councillors must not enter staff-only areas of Council buildings without the approval of the CEO.

## **6. Appropriate and inappropriate interactions**

### 6.1 *Appropriate interactions*

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

- a) councillors and employees are courteous and display a positive and professional attitude towards one another,

- b) employees 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) employees record the advice they give to councillors in the same way they would if it was provided to members of the public,
- d) employees, including Council's executive leadership team members, will 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 employees feel supported when seeking and providing clarification about council-related business, and
- g) councillors forward requests through the councillor requests system,
- h) As residents of the Blue Mountains local government area, Council employees maintain the right to appropriately communicate with councillors as residents of the LGA if and when concerned about community or residential matters. All communication and correspondence must adhere to the same standards as non-council employed residents, and must be conducted via the correct and proper methods. The onus to declare their position and to ensure there are no undue conflicts and/or benefits derived from the correspondence is placed on the employee initiating correspondence with the councillor(s).

## 6.2 *Inappropriate interactions*

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

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

organisational restructures or outsourcing decisions), grievances, workplace investigations or disciplinary matters,

- d) subject to paragraph b) of section 3.1, employees refusing to give information that is available to other councillors to a particular councillor,
- e) councillors who have lodged any type of application (including but not limited to development applications) with the council discussing the matter with employees in staff-only areas of the council,
- f) councillors being overbearing or threatening to employees,
- g) employees being overbearing or threatening to councillors,
- h) councillors making personal attacks on employees or engaging in conduct towards employees 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 employees in the performance of their work or regarding recommendations they should make,
- j) employees 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 CEO, puts the health, safety or welfare of employees at risk, the CEO may restrict the councillor's access to employees.

Any concerns relating to the conduct of employees under this policy should be raised with the CEO.

It should be noted that this policy applies to all interactions between employees and councillors as "friends" on social media. This includes any interaction that may be considered "personal" in nature, and/or communications beyond a professional relationship (such as social interactions, casual online comments/ chats etc.). To this end, this policy is to be read in conjunction with the Blue Mountain City Council's, *Social Media Policy*.

## Related documents

This document should be read in conjunction with:

### Legislation

- *Local Government Act 1993 (NSW)*
- *Local Government (General) Regulation 2005 (NSW)*

### Other documentation

- *BMCC Code of Conduct*
- *BMCC Procedures for the Administration of the Code of Conduct*
- *BMCC Social Media Policy*

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- *Office of Local Government Model  
Councillor and Staff Interaction Policy*