

Councillor and Council Officer Interaction Protocol

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Approved by:	CEO
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Responsible Officer:	Manager Customer Service and Councillor Business

1. Purpose

The purpose of this Protocol is to provide a framework that supports strong and effective working relationships between Councillors and Council officers, delivering good governance and compliance with the Local Government Act 2020 (the Act).

The Protocol has been developed to guide interactions and communication to help both Councillors and Council officers understand how they can assist each other to perform their roles and serve the community effectively.

The Protocol:

1. Provides Councillors and Council officers with clarity about their respective roles, obligations, and responsibilities when interacting and communicating with each other.
2. Recognises the importance of mutual respect and Council's values in underpinning effective and professional relationships between Councilors and Council officers.
3. Outlines the process for how requests received by Councillors from community members will be managed, ensuring equity and consistency with Council's Complaints Handling Policy and Customer Service Charter.
4. Supports the Chief Executive Officer (CEO) in the discharge of their obligations and responsibilities pursuant to Local Government Act 2020 (the Act). Specifically, section 46(3)(c) of the Act stipulates that the Chief Executive Officer has the responsibility for managing interactions between Councillors and staff and is required to develop, implement, and enforce policies and protocols to manage these interactions.

2. Scope

This Protocol applies to elected Councillors while holding the office of Councillor and to Council officers who are employees of Glen Eira City Council. For the purposes of this Protocol the definition of Council officer includes contractors and volunteers involved in the delivery of Council services under the direction of Council officers. The Protocol applies to all forms of communication, including meetings (both planned and unplanned), interactions in person, by telephone, email and via through digital and social media platforms.

3. Objectives:

The objectives of this protocol are to:

1. Provide a clear and consistent framework to guide the interactions between Councillors and Council officers based on the principles of:
 - No surprises
 - Respect for each other's roles
 - Equal access to information
 - Our Council values of respect, service excellence, collaboration, integrity and innovation.

2. Describe the respective roles and responsibilities of Councillors and Council officers as they relate to positive and effective communication and interactions.
3. Ensure Councillors are provided with timely and accurate information to support their role in decision making as elected officials and as community representatives.
4. Support compliance with the provisions of the Act in particular section 46(3) and section 123 - Misuse of position, and section 124 - Directing a member of Council staff.
5. Recognise the responsibilities of the Council in ensuring that it meets the responsibilities of the Occupational Health and Safety Act 2004 and the Equal Opportunity Act 2010 to protect people from risks to their health and safety including harassment, bullying, violence and discrimination.

4. Responsibilities

4.1 Councillors

Role of a Councillor

The role of a Councillor does not include the performance of any responsibilities or functions of the Chief Executive Officer.

123 Misuse of Position

1) A person who is, or has been, a Councillor or member of a delegated committee must not intentionally misuse their position—

- a) to gain or attempt to gain, directly or indirectly, an advantage for themselves or for any other person; or
- b) to cause, or attempt to cause, detriment to the Council or another person.

2) An offence against subsection (1) is an indictable offence.

3) For the purposes of this section, circumstances involving the misuse of a position by a person who is, or has been, a Councillor or member of a delegated committee include—

- a) making improper use of information acquired as a result of the position the person held or holds; or
- b) disclosing information that is confidential information; or
- c) directing or improperly influencing, or seeking to direct or improperly influence, a member of Council staff; or
- d) exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform.

124 Directing a member of Council staff

A Councillor must not intentionally direct, or seek to direct, a member of Council staff—

- (a) in the exercise of a delegated power, or the performance of a delegated duty or function, of the Council; or
- (b) in the exercise of a power or the performance of a duty or function exercised or performed by the member as an authorised officer under this Act or any other Act; or
- (c) in the exercise of a power or the performance of a duty or function the member exercises or performs in an office or position the member holds under this Act or any other Act; or
- (d) in relation to advice provided to the Council or a delegated committee, including advice in a report to the Council or delegated committee.

Under section 124 of the Act Councillors must not improperly direct Council officers. It is therefore important that, in undertaking their role, Councillors avoid behaving in a way that might contribute to the perception of, or actual, direction of a Council officer.

Councillors should consider the following when interacting with Council officers:

- Interactions should always be courteous and respectful of the professional opinion, skill and expertise of Council officers, even if you disagree with it.
- Requests for information from Council officers should follow the process outlined in **Appendix 2**.
- It is important to acknowledge that Council officers are required to adhere to formal processes when making decisions, providing information, and delivering services, especially when bound by legislation or statutory processes.
- Councillors should respect the normal business timeframes associated with making decisions and taking action. Officers must be allowed to make decisions under delegated authority within the formal reporting and decision-making processes and legislative timeframes.
- Councillors should observe the provisions of the Local Government Act 2020, the Councillor Code of Conduct, and other relevant Council policies.
- Consideration should be given to the potential impact on the resources and priorities of Council Officers when requesting advice or information.
- It is not appropriate to make disparaging comments about Council staff in public. This erodes community confidence in Council staff and may negatively impact the reputation of Council. Feedback about Council staff members should be raised with the CEO either one to one or during CEO / Councillor Only Time.

4.2 The Chief Executive Officer

46 Functions of the Chief Executive Officer

(c) managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented.

The Chief Executive Officer is the key point of interface between Councillors and the organisation. They are the only employee of the elected Council and have four main functions :

- a. to lead and manage a large, diverse and complex service organisation
- b. to provide timely advice to Council
- c. to support the Mayor in the performance of their role
- d. to implement Council's decisions without undue delay.

Under this Protocol and in accordance with section 46 of Local Government Act 2020 the CEO is responsible for:

- Ensuring communication and interaction between Council officers and Councillors is courteous and respectful.
- Ensuring community requests raised through Councillors are managed appropriately.
- Managing complaints from Council officers and Councillors regarding their interactions.
- Maintaining the Staff and Councillor Interaction Policy and promoting awareness.

The CEO is available to provide support and advice to Councillors either individually or collectively at any time. The CEO may also delegate liaison with Councillors to Directors on matters relevant to their professional portfolios, or other officers as outlined in Appendix 2.

The CEO and Councillors meet in-camera as a minimum every three weeks. This is referred to as CEO / Councillor Only Time and is a forum that Councillors may use to raise confidential items with the CEO that may be relevant to other Councillors.

It is also an opportunity for the CEO to update Councillors on confidential matters relevant to their role, and to provide feedback on matters that could assist the smooth and efficient operation of Council business.

4.3 Council Officers

Council Staff

In all matters and dealings, Council officers are bound by the Staff Code of Conduct and our Organisational Values of:

- Respect;
- Service Excellence;
- Collaboration;
- Integrity;
- Innovation.

A schedule of appropriate officer contacts is provided in Section 6 of this Protocol.

Council officers should consider the following when interacting with Councillors:

- Councillors are responsible for setting the strategic direction for Council, providing community leadership and facilitating engagement between the community and the Council.
- Council officers play an important role in providing assistance to Councillors in enabling them to perform this role effectively. Officers must follow the agreed processes when providing Councillors with information (outlined in **Appendix 2**). This includes providing concise, relevant, and timely information to Councillors in a way which supports their role in decision making.
- Officers must keep Councillors informed in a timely way about emerging strategic issues, priorities and risks.
- Information provided to one Councillor on any matter that is likely to come before Council for a decision must be provided to all Councillors so that there is equity and transparency in the distribution of information.
- Officers should ensure the most appropriate Council officer is providing Councillors with requested information.
- Where an officer is authorized or requested by the CEO or Director to contact a Councillor directly, the Officer will ensure the relevant Manager and Director is included in the communication.
- Council officers are not accountable to, nor should they take direction from, individual Councillors. Council officers must only take directions through their management structure. If a Councillor contacts a Council officer (other than the CEO or Director) outside of the parameters of this Protocol, the Council officer must notify their line manager immediately so that the Director / CEO can provide appropriate oversight.

5. Managing Friendships

Personal relationships or friendships between Council officers and Councillors should be avoided. Where they cannot be avoided, i.e., a friendship or close association already exists prior to the election of a Councillor, the nature of the relationship should be declared to the CEO. The CEO will ensure a management plan is put in place to ensure that neither party is compromised by the relationship and that Council and the Community's interests are protected.

6. Communication Channels and Contacts

The following contacts are appropriate for Councillor interaction with Council officers:

<i>Councillor Business Department</i>	Councillors have direct contact with Council officers in the Councillor Business department on a regular basis in relation to the administration of Councillor business and governance arrangements, including managing correspondence and requests made of Councillors by the community.
<i>Directors</i>	Councillors can contact Directors in relation to matters related specifically to their directorate.
<i>Managers</i>	Councillors can contact Managers providing the relevant Director is kept informed about the matters being discussed as outlined in Appendix 2.
<i>Communications, Engagement and Advocacy Team</i>	The Mayor and Councillors have direct contact with Council officers in the Communications, Engagement and Advocacy Department in relation to media enquiries, events or other promotional opportunities. Council officers can liaise directly with the Councillors and will keep the Councillor Business Team informed.
<i>Other</i>	There will be specific instances where Councillors will interact with other Council officers or seek clarification from them in other settings when unavoidable (such as through Advisory Committees). It is important that during these interactions Councillors and Council officers are aware of, and comply with, this Protocol.

7. Breaches and Escalation Process

If a Councillor or Council officer is believed to have breached the provisions of this Protocol, they:

1. must immediately cease the interaction with the Councillor or Council officer; and
2. must report the nature of the breach to the designated escalation point.

Council officers

If a member of Council staff believes an interaction with a Councillor is not aligned with this Protocol, they should escalate this to their direct line manager. This should then be communicated to the relevant Director who will address the interaction with the CEO.

Councillors

If a Councillor believes an interaction with a Council officer is not aligned with this Protocol they should escalate this to the CEO. Councillors may advise the CEO one to one, or alternatively at the scheduled CEO / Councillor Only Time.

8. Related Legislation and Documentation

This protocol should be read in conjunction with the following legislation and policy documents:

- *Glen Eira Councillor Code of Conduct*
- *Glen Eira Staff Code of Conduct*
- *Local Government Act 2020*

Appendix 1 – Procedure for Managing Councillor Requests (community enquiries sent to Councillors)

Councillors are regularly contacted by members of the community regarding a variety of matters. Some contact is in relation to Councillors role as elected representatives while other types of contact will relate to operational matters, service requests and complaints. Glen Eira has established a Customer Service Charter which ensures all service requests are actioned in a timely, consistent, empathetic, accessible and simple manner. The Charter sets out a commitment by Council to providing a highly valued customer experience for the community ensuring all requests are actioned in an agreed time frame.

Councillors should, in the first instance, encourage community members to contact Council directly (via the customer service centre) to register service requests or operational matters (e.g. reporting a pothole, raising a local issue or discussing a localised consultation activity)

Logging requests via the Customer Service Centre ensures that the matter is dealt with promptly, ensures that it is directed to the most appropriate team, and ensures that we are able to track and keep a record of the issue.

Notwithstanding this, in some cases Councillors may receive requests from community members for operational support, to escalate the resolution of an issue or concern or to raise an issue related to a Council decision, policy or strategy.

In all cases, Councillors should direct the request to the attention of the Councillor Business team via email to executiveandcouncillorsupport@gleneira.vic.gov.au.

Types of Requests:

To ensure the effective and timely management of requests Council officers will triage them into three categories:

Operational Requests – these requests are operational in nature and it is not appropriate for Councillors to play a role in their resolution. In these situations, Council staff will respond to the query and the Councillor will be advised of the outcome. These requests will be responded to within the timelines outlined in the Customer Service Charter.

Escalated Operational Requests- Complaints received by Councillors about the content of a response, no response received or the way an operational matter was handled. These requests will be responded to by the relevant Director who will copy the Councillor into their response.

A report is issued to Councillors each week advising of the status of these requests

Non-Operational Requests – These requests relate to community questions or feedback about a Council endorsed decision policy or strategy. In these situations, Directors will provide information and advice to Councillors to inform the formulation of a response, that Councillors will send to the community member. These will be triaged into standard and complex requests.

Process for responding to Councillor Requests – Operational Requests

1. Incoming correspondence will be triaged by the Councillor Business Team for initial review.
2. An acknowledgement will be sent to the requestor notifying them that their request has been received and is being actioned.
3. Council officers will lodge the request in the Customer Request Tracking system and the request will be actioned to Council staff for a response.
4. Once a response has been prepared, it will be sent to the community member with a copy sent to the Councillor for information.
5. Councillors may send an additional response after receiving official advice from Council officers.
6. More than one Councillor may be copied into the response if the original correspondence was sent to more than one Councillor.

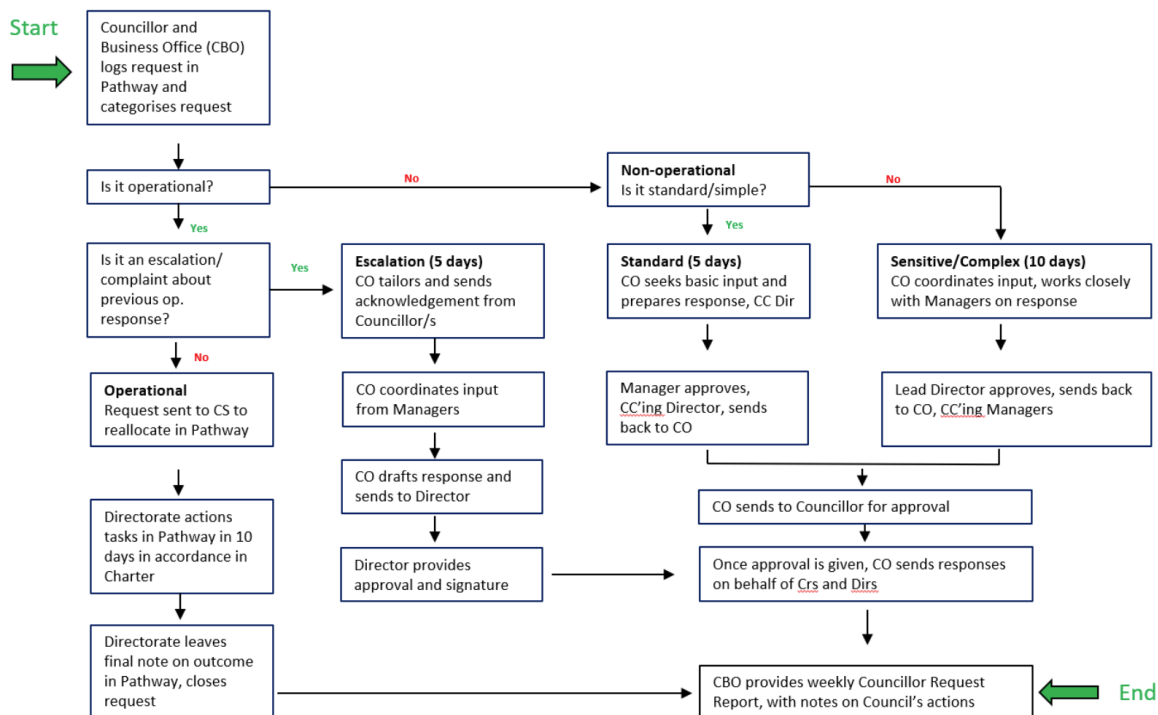
7. Where a Councillor may not agree with operational advice provided by Officers this should be raised with the CEO directly or raised in Councillor/CEO only time.

Process for responding to Councillor Requests - Non-Operational Requests

1. Incoming correspondence will be triaged by the Councillor Business Team for initial review and will be classified as a standard request requiring a response within 5 business days, or a complex request that requires a response within 10 business days.
2. An acknowledgement will be sent to the requestor notifying them that their request has been received and is being actioned. In addition to this Councillors may elect to send their own acknowledgement email.
3. Council officers will lodge the request in the Customer Request Tracking system and the request will be actioned to the relevant Director for further advice
4. The Director will provide advice through the Councillor Business team who will share the draft response with the Councillor. Should a Councillor have concerns with the drafting or require further clarification they may ask for amendments providing that the amendments do not change the accuracy of the advice. The Councillor will then approve the response to be sent from the Councillor Business team on behalf of the Councillor to the community member.
5. In the event that ALL Councillors are copied into correspondence the response will be sent from the Mayor. All remaining Councillors will be copied into the response.
6. Where more than one Councillor has been copied into correspondence the response will signed by the Councillor first addressed in the email from the community member. The response will indicate that the Councillor is responding on behalf of Council. All remaining Councillors will be copied into the response.

Disagreement over response

All reasonable endeavours will be made by Officers to provide a response that is both accurate and acceptable to the Councillor. If reasonable endeavours fail, the response will be escalated to the CEO to liaise with the Councillor regarding a resolution. In the rare circumstance where a resolution cannot be found, the CEO will sign and send the response on behalf of Council.



Complaints

All complaints received by Council, whether through Councillors or Customer Service, must be managed through a process consistent with Council's Complaints Handling Policy.

Requests relating to specific regulatory powers of Council

Certain types of complaints or requests for information must be managed without any input from Councillors. Such requests should be directed to the Councillor Business Department.

Areas of Council's business where Councillor involvement is inappropriate

- **Enforcement**

Involvement by elected representatives in any stages of matters of investigation and enforcement must not occur. Delegated and authorised officers must be able to perform investigation, determination of response, management of infringements and prosecutions in a manner that is free of improper direction or improper influence. All requests must be sent via the Executive and Councillor Support Inbox.

- **Public Liability Claims**

Any requests relating to an insurance claims must be sent directly to the Councillor Business Department. Councillors should refrain from providing any comment or opinion that may prejudice these matters.

- **Employment and Staffing Matters**

Councillors must avoid engaging on matters relating to employment and staff management. All staffing matters should be referred directly to the Chief Executive Officer.

Areas of Council's business where Councillors should exercise caution

- **Planning and Environment Act**

Council has significant responsibilities under the Planning and Environment Act 1987. It is important that Councillors remain independent from planning processes to ensure they are not excluded from participation and that the decision

making of the Council is not tarnished by perceptions of bias, predetermination, inappropriate direction or inappropriate influence.

- **Complaints**

Under the Local Government Act, all complaints received by Council, whether through Councillors or Customer Service, must be handled in accordance with the Complaints Handling Policy and associated procedures.

Council has a Complaints Handling Policy which guides the management of complaints including how complainants will be notified of the progress and outcome of their complaint. The Complaints Handling Policy and the Complaints Handling Procedure provide an open and transparent complaint handling system which ensures all complaints are handled fairly and objectively. Councillors must not seek to influence officers as they address complaints through this process.

Appendix 2 Process for Councillors Seeking Information from Council Officers

1. Unless the matter is genuinely urgent, Councillors should send their request via email to the Executive and Councillor Support inbox executiveandcouncillorsupport@gleneira.vic.gov.au.
2. The Councillor Business department will:
 - a. Log the request
 - b. Send an acknowledgement to the Councillor and advise relevant Director
3. The relevant Director will provide a response to the Councillor and if relevant copy in all Councillors or, provide information in the weekly Governance Digest.

*Where a Councillor has already been in contact with a Council Officer about a particular matter they are permitted to do so under this Protocol given the relevant Director has provided approval.

If a matter is genuinely urgent, Councillors may wish to send their request via email directly to the CEO and/or relevant Director, copying the Executive and Councillor Support inbox.

Other mechanisms for accessing information and support

Councillor Business

The Councillor Business team are available to support Councillors with a variety of matters to help fulfill their roles to the best of their abilities. These may include the following:

1. Councillor requests and community enquiries
2. Technology support
3. Locating information to best inform Councillors how to fulfill their role
4. Manage diaries and provide Councillors information for civic events
5. Generic administrative support to perform the role of Councillor

CEO and Executive

Councillors should at first point refer to the CEO or relevant Director for information or advice on matters related to their role in decision making.

The role of Executive is to provide timely and accurate information that will allow Councillors to do their role to the best of their ability. Councillors do not provide direction to members of Executive.

Executive may provide advice in relation to:

1. Strategic direction of relevant to Council policy and strategies
2. Decision making processes that are in progress
3. Keeping Councillors up to date with emerging issues or opportunities

Advisory Committees

Council Advisory Committees have no authority. They advise the Council by making recommendations. Decisions can only be made by Council. The Director responsible for each Advisory Committee is responsible for forwarding items from the Committee to the Council Agenda once the Chairperson has endorsed the Committee minutes.