
COUNCILLOR ISSUES RESOLUTION PROCEDURE

1. PURPOSE

The purpose of this procedure is to:

- as a primary principle, recognise that issues are best dealt with and resolved at the individual level, as soon as is practicable and without unnecessary formality
- meet statutory requirements that a complainant should first make efforts to resolve an issue at an informal level before pursuing a formal Code of Conduct complaint
- provide elected members with support to resolve issues in a manner that enables them to move forward and establish and maintain effective working relationships
- encourage an accountability culture where elected members seek to have genuine conversations to create and maintain effective ongoing working relationships, and
- operate in conjunction with any applicable law.

2. SCOPE

This procedure is an extension of the Code of Conduct and is the first process prior to the use of the legal framework of the Code of Conduct. If an informal process cannot provide a resolution to a real or perceived breach, the Code of Conduct provides the legal avenue for recourse.

3. APPLICATION

This document applies to the conduct and behaviour of elected members towards each other, council employees and community members, while performing the functions and exercising their powers of office or role with the council.

4. ISSUES RESOLUTION SUPPORT

COUNCIL'S EMPLOYEE ASSISTANCE PROGRAM

Elected members wishing to undertake informal issue resolution may seek assistance from the council's Employee Assistance Program provider.

RESPECTFUL CONDUCT ADVISOR

Upon the request of an elected member, a Respectful Conduct Officer, who is not an employee of council, may be assigned to support members' participation in informal resolution processes. The role of the Respectful Conduct Officer is to provide support and practical assistance to elected or executive members, individually or collectively.

In selecting persons to act in the capacity of the Respectful Conduct Officer, the Mayor will take into account the nature of the issue under discussion, experience in issues resolution or mediation, knowledge/experience of local government and interpersonal skills which can most likely assist in resolving matters of conflict.

5. ISSUES RESOLUTION PROCESSES

SELF-MANAGEMENT

- An elected member should first raise an issue directly with the elected member/s the matter relates to, where appropriate to do so.

A person may not be confident or comfortable to raise or discuss their concerns directly with the person or people involved. In such cases they are encouraged to discuss it with the Mayor first.

Making a person aware of an issue may give all people involved a chance to consider and, where appropriate, change their behaviour and reduce the possibility of the matter progressing past this stage.

Self-management may be effective where the issue is non-contentious and where persons involved may be unaware of the effect of their behaviours. In these circumstances this process can focus immediately on desired outcomes.

Self-management will not be suitable for circumstances including:

- serious or contentious matters
- where it is appropriate for the issue to be dealt with as a Code of Conduct matter, or
- serious health and safety risks at the workplace.

Elected members using the self-management process may notify the Mayor so the situation can be monitored to ensure there are no ongoing risks.

INDIRECT APPROACH

- Elected members should raise issues in relation to another elected member with the Mayor.
- Elected members should raise issues in relation to an executive member with the Mayor and Chief Executive Officer.
- Issues in relation to the Mayor should be raised with the Deputy Mayor.

A person may not be confident or comfortable to discuss their concerns directly with the person involved and may:

- seek advice to deal with the matter with the person direct
- want to just 'tell someone' who can understand, provide context, and monitor the situation, or
- have an appropriate person approach the person who is the subject of the issue to resolve or take other action while keeping their identity confidential and without there being any adverse findings.

This process will not be suitable for circumstances where it is necessary for the person who is the subject of the issue to be aware of detailed particulars before it can be resolved.

DIRECT COMPLAINT

- Elected members should lodge an Issues Resolution Form against an elected or executive member with the Mayor.
- Executive members should lodge an Issues Resolution Form against an elected or executive member with the Mayor and Chief Executive Officer.

If an Issues Resolution Form has been lodged, the Mayor (and Chief Executive Officer if the issues relates to an executive member) will make a preliminary assessment of the issue raised to determine:

- (a) if it is of a minor nature, or
- (b) if the alleged matter represents a more serious breach of council's Code of Conduct or the Councillor Statement of Expectations.

In circumstances where the issue is deemed 'minor' the elected member will be encouraged to seek resolution via self-management or an indirect approach, with appropriate support in place.

Where the issue is deemed to be more serious, or the Mayor (and Chief Executive Officer if the issues relates to an executive member) otherwise considers it appropriate, a Responsible Conduct Officer may be appointed who can adopt a process including any or all of the following:

- conducting initial interviews or requiring initial written responses
- implementing appropriate interim arrangements
- conducting a facilitated discussion or mediation (with the consent of the parties), or
- determination of the complaint.

DETERMINATION PROCESS

A Responsible Conduct Officer may conduct an enquiry which may consist of obtaining detailed statements and interviewing people directly relevant to the matter and provide council with a report determining that the complaint in whole or part is substantiated, not substantiated or unable to be substantiated.

In determining a complaint, a Responsible Conduct Officer is not bound by rules of evidence and may inform themselves in any manner they consider appropriate subject to conducting a procedurally fair process.

An elected or executive member who has a complaint substantiated against them or is found to have made a complaint that was false, vexatious, frivolous, not made in good faith or without any reasonable basis may be subject to any or all of the resolution options in section 6 (Resolutions).

6. RESOLUTIONS

Following determination and recommendation by a Responsible Conduct Advisor, the Mayor (*in regard to Elected Members*) or Chief Executive Officer (*in regard to Executive Members*) may implement any combination of the following resolutions considered appropriate in the circumstances:

- commitment to cease the behaviour
- commitment to apologise
- recommended training
- review a policy, procedure, or other document that is related to the issue
- mediation or any other facilitated restorative process, or
- such other action as is considered appropriate for the circumstances.

7. RELATED DOCUMENTS

The legislation and documents listed below form the framework to give effect to this policy:

- *Local Government Act 1993 (TAS)*
- Good Governance Guide Local Government
- *Work Health and Safety Act 2012 (Tas)*
- Clarence City Council Code of Conduct

8. IMPLEMENTATION AND COMMUNICATION

The Mayor and Chief Executive Officer are responsible for the implementation of this Policy in accordance with responsibilities outlined.

9. APPROVAL

COUNCIL APPROVAL DATE	25 July 2022
REVIEW	Every 4years following each council election
ECM REFERENCE	ECM_4852227

Issues Resolution Form

COMPLAINANT'S DETAILS (THE PERSON SEEKING THE COMPLAINT TO BE RESOLVED)

You may seek assistance in filling out this form

Name:

Position Title (if applicable):

TYPE OF COMPLAINT (PLEASE TICK)

- | | |
|---|--|
| <input type="checkbox"/> Bullying | <input type="checkbox"/> Sexual Harassment |
| <input type="checkbox"/> Equal Opportunity | <input type="checkbox"/> Discrimination |
| <input type="checkbox"/> Harassment | <input type="checkbox"/> Code of Conduct |
| <input type="checkbox"/> Work, health and safety matter | <input type="checkbox"/> Other |

DETAILS OF COMPLAINT [USE ATTACHMENT IF NECESSARY]

Date and time of performance, behaviour and/or conduct:

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Location of performance, behaviour and/or conduct:

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Names of Witnesses (if any):

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Complaint Details (be precise, in date order and use facts. Do not use opinion, beliefs or conclusions):

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Basis of Complaint (include why you are lodging this form, your beliefs or conclusions):

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Other relevant details:

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What resolution(s) would you like to occur as a result of raising the Complaint including any proposed process or outcome?

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DECLARATION AND ACKNOWLEDGEMENT

I declare/understand that the details I have provided in this form are correct to the best of my knowledge.

Signature:

Date:

This form and the subsequent process will be treated with the appropriate confidence.