**Former Employees Dealing with Council**

**Policy**

Leadership

An enhanced culture of positive leadership, accountability and ethical governance that guides well informed decisions to advance agreed community priorities

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# Objectives

The objectives of this Policy are to:

* + ensure that Council’s dealings with former employees are conducted in a defensible, open and transparent manner;
  + avoid any occasion for suspicion of improper conduct in the exercise of Council’s functions; and
  + ensure that no action, statement or communication to any party conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

This is aligned with and reflects Council’s organisational values of:

* + Integrity, Trust and Respect
  + Responsibility and Accountability
  + Communication and Team Work
  + Service Quality.

# Policy Statement

* 1. Council is committed to ensuring that its dealings with former employees in their capacity as consultants, particularly in the development application area, are conducted in a defensible, open and transparent manner. For the purposes of this policy, a development application is defined as an application for development consent under Part 4 of the Environmental Planning and Assessment Act 1979 (NSW) (“EPA Act”), a proponent initiated planning proposal under Division 3.4 of the EPA Act or certification generally under the EPA Act.
  2. For the purposes of this Policy, a former employee is a person who was a staff member of the Council within the previous three years of the adoption date of this Policy.
  3. Council is committed to ensuring that any matter with a former employee involvement is only dealt with by a Council staff member who did not work with that person directly previously. This should not be taken in any way to question the integrity or professionalism of Council staff members or former employees – it is simply to ensure openness and transparency.
  4. A Council staff member who is involved in any dealing with a former employee who they worked with directly must liaise with their supervisor to transfer the matter to a Council staff member who did not work with the former employee directly. Details of the dealings (as required in part 2.5 below) must also be provided to Council’s Governance team.
  5. A Register of known consultants who were former employees will be kept and maintained by Council’s Governance team, and will be made available to the public on Council’s website. The Register is to contain the following details:
     + Name of consultant/former employee;
     + Date(s) of dealings with Council;
     + Type of matter;
     + Name of Council staff member involved in dealing with a former employee who they worked with directly;
     + Name of Council staff member who matter was transferred to, who did not work with the former employee directly.

# Scope

This Policy applies to all Council employees and agency contractors to Council.

# Responsibilities

Responsibilities for the implementation of this Policy are shared as follows.

## Executive

The Executive shall:

* lead staff (either directly or through delegated authority) in their understanding of and compliance with this Policy and related documents.

## Manager Governance and Corporate Performance

The Manager Governance and Corporate Performance shall:

* provide guidance to Executive and other Council staff (including agency contractors to Council) as to the content and implementation of this Policy;
* ensure the timely review of this Policy; and
* conduct investigations into alleged non-compliance with this Policy.

## Managers

Managers shall:

* provide guidance to Council staff within their respective branches as to the content and implementation of this Policy, seeking guidance from the policy owner as required.

## Council staff

Council staff (who include agency contractors to Council) shall:

* Read, understand and comply with this Policy.

# Performance Measures

The success of this Policy will be measured by:

* No reports of breaches to this Policy.

# Definitions

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| **Consultant** | means a person or organisation engaged under contract on a temporary basis to provide recommendations or professional advice. |
| **Contractor** | means a person who is engaged by any person (except as an employee) to do any work for gain or reward. |
| **Council staff** | means Council employees and agency contractors to Council. |
| **Development application** | means an application for:   * + - * 1. development consent under Part 4 of the Environmental Planning and Assessment Act 1979 (NSW); or         2. a proponent initiated planning proposal under Division 3.4 of the Environmental Planning and Assessment Act 1979 (NSW);         3. certification generally under the Environmental Planning and Assessment Act 1979 (NSW). |
| **Former employee** | means a person who was a staff member of the Council within the previous three years of the adoption date of this Policy. |
| **Worked directly with** | means within the same work team or a direct report (up or down). |

# Related Material

## Related Legislation

The following legislative materials are related to this Policy:

* *Environmental Planning and Assessment Act 1979*
* *Local Government Act 1993*

## Related Documents

The following documents are related to this Policy:

* Code of Conduct
* Code of Conduct Procedures

# Non-compliance with this Policy

Non-compliance with this Policy should be reported to the Manager Governance and Corporate Performance who will investigate and determine the appropriate course of action.

# Document Control

## Version Control

|  |  |  |
| --- | --- | --- |
| Version | Adoption Date | Notes |
| 1.0 | 14 December 2022 | Initial adoption of document |

# Attachments

There are no attachments to this Policy.

**Approved by:**

**WINGECARRIBEE SHIRE COUNCIL**

14 December 2022