

## Risk Assessment and Control Measures

### Councillor Interactions – An assessment of problematic behaviours and options available to Council, August 2019

South Gippsland Shire Council's primary objective is to endeavour to achieve the best outcomes for the local community having regard to the long term cumulative effects of its decisions. The conduct of Councillors, as they work together as a democratically elected team, sets the 'tone' of the organisation in terms of how others perceive the professionalism and integrity of Council. As set out in the Councillor Code of Conduct, Councillors have agreed to:

- Respect differences and recognise there will be times "to agree to disagree" when we have differing view
- Listen to each other, to the community and to the staff
- Respect the democratic process and accept that the majority decision of Council, once made, becomes the position of Council
- Acknowledge and work on areas needing improvement

Council Administration recognises that there have been difficulties in the working relationships between some Councillors and between Councillors and staff.

This Risk Assessment sets out some of the **possible** behaviours that may have negative outcomes and affect working relationships between Councillors and between Councillors and staff which may limit Council's ability to work together to achieve its goals. It will be reviewed every three to six months, and consistent with Council's safety and governance responsibilities, Council Administration will consider any suggestions of new ways to eliminate or reduce the risk of behaviours that may have a negative outcome.

This document does not replace but sits alongside policies directed towards appropriate behaviour including the Councillor Code of Conduct, and South Gippsland Shire Council's policies and protocols which are documents incorporated by reference to the Councillor Code of Conduct.

Behaviour that may lead to a negative outcome	Possible People involved	Possible Outcomes	Possible Consequences	Treatments		
				Lowest Level Interventions	Mid Level Intervention	Highest Level Intervention
Sending voluminous emails	Councillors to other Councillors Councillors to Staff Councillors to Third Parties	Inefficiencies in Council Issues may be missed There may be a risk to the mental health of recipients	Minor to Moderate	Remind email users that email use should not be excessive and offer/provide direction or training on appropriate email use	Inform email user that all emails should be directed only to one person (as relevant)	Block email access to unnecessary people and have all emails from one user directed to one recipient and direct other recipients not to answer emails

Behaviour that may lead to a negative outcome	Possible People involved	Possible Outcomes	Possible Consequences	Treatments		
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Sending emails which are repetitive	Councillors to other Councillors Councillors to Staff Councillors to Third Parties	Inefficiencies in Council Issues may be missed There may be a risk to the mental health of recipients	Minor to Major	Remind email users that email use should not be excessive and offer/provide direction or training on appropriate email use	Inform email user that all emails that do not raise new issues will not be replied to or actioned	Block email access to unnecessary people and have all emails from one user directed to one recipient and direct other recipients not to answer emails
Sending emails which are abusive, aggressive, demeaning, or contain inflammatory statements (and possible responses which are similarly abusive or inflammatory)	Councillors to other Councillors Councillors to Staff Councillors to Third Parties	There may be a risk to the mental health of recipients There is a risk to the reputation of Council There could be WorkCover claims for compensation There may be involvement of a third party investigator or Regulator	Moderate to Critical	Remind email users on appropriate use and/or offer/ provide direction or training on appropriate email use Remind recipients that they should not respond in like terms Relevant persons asked to apologise	Inform email user that any inappropriate emails will be ignored Provide support for affected recipients Relevant persons asked to apologise and refrain from repeated behaviour	Block email access to unnecessary people and have all emails from one user directed to one recipient and direct other recipients not to answer emails Consider actions under the Local Government Act Provide support for affected recipients Relevant persons asked to apologise and required to refrain from repeated behaviour
Sending emails which are defamatory and possible responses which are similarly defamatory	Councillors to other Councillors Councillors to Staff Councillors to Third Parties	There may be a risk to the mental health of recipients Individuals may commence personal action in defamation or under the anti-bullying provisions of the Fair Work Act (for Staff )  There may be involvement of a third party regulator	Moderate to Critical	Remind email users on appropriate use and/or provide training on appropriate email use Remind recipients that they should not respond in like terms	Inform email user that any inappropriate emails will be ignored Remind recipients that they should not respond in like terms Provide support for affected recipients Relevant persons asked to apologise and refrain from repeated behaviour	Block email access to unnecessary people and have all emails from one user directed to one recipient and direct other recipients not to answer emails Provide support for affected recipients Relevant persons asked to apologise and required to refrain from repeated behaviour Consider actions under the Local Government Act

Behaviour that may lead to a negative outcome	Possible People involved	Possible Outcomes	Possible Consequences	Treatments		
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Inappropriate personal interactions with Staff and/or Councillor which are, for example, abusive/repetitive/defamatory/demeaning including recipients responding in similar terms	Councillors to Staff Councillors to other Councillors	There is a risk to the reputation of Council There may be a risk to the mental health of recipients Individuals may commence personal action in defamation or under the anti-bullying provisions of the Fair Work Act (for Staff ) There could be medical, EAP, legal or WorkCover claims for compensation There may be involvement of a third party investigator or regulator	Minor to Critical	Relevant persons to be reminded of appropriate conduct and offered/provided direction and training as required Remind recipients that they should not respond in like terms Provide support for affected recipients Relevant persons asked to apologise and directed to not repeat behaviour.	Recipients empowered to pause or end any meetings which are inappropriate Remind recipients that they should not respond in like terms Provide support for affected recipients Relevant persons asked to apologise and directed not to repeat behaviour.	Relevant persons physically barred from affected areas Provide support for affected recipients Relevant persons asked to apologise and directed not to repeat behaviour. Consider actions under the Local Government Act

Behaviour that may lead to a negative outcome	Possible People involved	Possible Outcomes	Possible Consequences	Treatments		
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Inappropriate behaviour at Council premises or functions (which may include recipients of that behaviour also responding inappropriately)	Councillors to other Councillors Councillors to Staff Councillors to Third Parties	There is a risk to the reputation of Council Risk to mental and/or physical health of employees, Councillors and others Individuals may commence personal action under the anti-bullying provisions of the Fair Work Act (for Staff ) or the Crimes Act There could be WorkCover claims for compensation There may be involvement of a third party regulator	Minor to Critical	Relevant persons to be reminded of appropriate conduct and offered/provided training as required Remind recipients that they should not respond in like terms Provide support for affected recipients Relevant persons asked to apologise and directed to not repeat behaviour.	Recipients empowered to remove themselves from any situations which are inappropriate Remind recipients that they should not respond in like terms Provide support for affected recipients Relevant persons asked to apologise Entry and exit times to relevant meetings "staggered" to better avoid one-on-one interactions	Relevant persons physically barred from affected areas Police and/or WorkSafe or Fairwork notified Provide support for affected recipients Consider actions under the Local Government Act
Inappropriate phone calls or texts or messages which are abusive/repetitive/defamatory or similar including recipients responding in similar terms	Councillors to other Councillors Councillors to Staff Councillors to Third Parties	There may be a risk to the mental health of recipients Individuals may commence personal action in defamation or under the anti-bullying provisions of the Fair Work Act (for Staff ) There could be WorkCover claims for compensation There may be involvement of a third party investigator or regulator	Minor to Critical	Relevant persons to be reminded of appropriate conduct and offered/provided training as required Remind recipients that they should not respond in like terms Provide support for affected recipients Relevant persons asked to apologise and directed to not repeat behaviour.	Recipients empowered to end phone calls which are inappropriate Remind recipients that they should not respond in like terms Provide support for affected recipients Relevant persons asked to apologise and directed to not repeat the behaviour.	Recipients empowered to refuse to take phone calls and/or calls blocked and relevant issues to be addressed in writing. Provide support for affected recipients Relevant persons asked to apologise and directed to not repeat behaviour. Consider actions under the Local Government Act. Block access to restrict communications. Barring from functions.

Behaviour that may lead to a negative outcome	Possible People involved	Possible Outcomes	Possible Consequences	Treatments		
				Lowest Level Interventions	Mid Level Intervention	Highest Level Intervention
<p>Questions and/or statements at Council meetings which contain unfounded allegations and accusations and which may be repetitive, irrelevant, defamatory and/or designed to embarrass, belittle, demean individuals and seemed designed to cause reputational damage to individuals and Council</p>	<p>Councillors to other Councillors Councillors to Staff</p>	<p>There is a risk to the reputation of Council There may be a risk to the mental health of recipients Individuals may commence personal action in defamation or under the anti-bullying provisions of the Fair Work Act (for Staff ) There could be WorkCover claims for compensation There may be involvement of a third party investigator or regulator</p>	<p>Minor to Critical</p>	<p>Mayor to address and to be provided with support from Council Administration Mayor to model appropriate behaviour at Council meetings Provide support for affected recipients Relevant persons asked to apologise and directed to not repeat behaviour.</p>	<p>As meeting Chair, Mayor to address and to be provided with support from Council Administration As meeting Chair and lead Councillor, Mayor to model appropriate behaviour at Council meetings Relevant persons to be reminded of appropriate conduct and offered/provided training as required Remind recipients that they should not respond in like terms Provide support for affected recipients Relevant persons asked to apologise and directed not to repeat behaviour</p>	<p>Consider actions under the Local Government Act Consider appointing a monitor/mentor to attend Council meetings and provide guidance and feedback to the Mayor and Councillors about appropriate behaviour Barring Councillors who transgress.</p>

Behaviour that may lead to a negative outcome	Possible People involved	Possible Outcomes	Possible Consequences	Treatments		
				Lowest Level Interventions	Mid Level Intervention	Highest Level Intervention
Questions and/or statements on social media sites, in public fora, or to the media which unfounded allegations and accusations and which are repetitive, irrelevant, defamatory and/or designed to embarrass individuals and seemed designed to cause reputational damage to individuals and Council	Councillors to other Councillors Councillors to Staff Councillors to Third Parties	There is a risk to the reputation of Council There may be a risk to the mental health of recipients Individuals may commence personal action in defamation or under the anti-bullying provisions of the Fair Work Act (for Staff ) There could be WorkCover claims for compensation There may be involvement of a third party regulator or investigator.	Minor to Critical	Mayor to address and to be provided with support from Council Administration Relevant persons to be reminded of appropriate conduct and offered/provided training as required Remind recipients that they should not respond in like terms Provide support for affected recipients Relevant persons asked to apologise and directed not to repeat behaviour.	Mayor to address and to be provided with support from Council Administration Council to consider a formal response Remind recipients that they should not respond in like terms Provide support for affected recipients Relevant persons asked to apologise and directed not to repeat behaviour.	Consider actions under the Local Government Act Consider appointing a monitor/mentor to attend Council meetings and provide guidance and feedback to the Mayor and Councillors about appropriate behaviour Legal avenues pursued.
Threats of legal action against Council, Councillors or Staff	Councillors to other Councillors Councillors to Staff	There is a risk to the reputation of Council There may be a risk to the mental health of recipients Individuals may commence personal action under the anti-bullying provisions of the Fair Work Act (for Staff), or other means. There could be WorkCover claims for compensation There may be involvement of a third party investigator or regulator.	Moderate to Critical	No action to be taken for low-level threat if they do not appear to have any basis or if it does not appear that any further action will occur. Provide support for affected recipients (as appropriate)	Council Administration to investigate relevant issues and determine if there is any basis for the threat Mayor to address and to be provided with support from Council Administration As Council leader, Mayor to model appropriate behaviour at Council meetings Provide support for affected recipients (as appropriate)	Consider actions under the Local Government Act Consider appointing a monitor/mentor to attend Council meetings and provide guidance and feedback to the Mayor and Councillors about appropriate behaviour Ensure appropriate separation.

Behaviour that may lead to a negative outcome	Possible People involved	Possible Outcomes	Possible Consequences	Treatments		
				Lowest Level Interventions	Mid Level Intervention	Highest Level Intervention
Inappropriate behaviour at Council meetings or in Councillor session	Councillors to other Councillors Councillors to Staff Councillors to guests/presenters.	There is a risk to the reputation of Council There may be a risk to the mental health of recipients Individuals may commence personal action under the anti-bullying provisions of the Fair Work Act (for Staff) or other. There could be WorkCover claims for compensation There may be involvement of a third party regulator	Minor to Critical	As Chair, Mayor to address and to be provided with support from Council Administration and other Councillors As leader, Mayor to model appropriate behaviour at Council meetings Provide support for affected recipients Relevant persons asked to apologise and directed not to repeat behaviour.	As Chair, Mayor to address and to be provided with support from Council Administration As leader, Mayor to model appropriate behaviour at Council meetings Relevant persons to be reminded of appropriate conduct and offered/provided training as required Remind recipients that they should not respond in like terms Provide support for affected recipients Relevant persons asked to apologise and directed not to repeat behaviour. Entry and exit times to relevant meetings "staggered" to avoid one-on-one interactions	Consider actions under the Local Government Act Consider appointing a monitor/mentor to attend Council meetings and provide guidance and feedback to the Mayor (as leader) and Councillors about appropriate behaviour Assess actions under other jurisdictions.

Behaviour that may lead to a negative outcome	Possible People involved	Possible Outcomes	Possible Consequences	Treatments		
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Voluminous or unnecessary requests for information	Councillors to Staff	<p>There may be a risk to the mental health of recipients</p> <p>Individuals may commence personal action under the anti-bullying provisions of the Fair Work Act (for Staff)</p> <p>There could be WorkCover claims for compensation</p> <p>There may be involvement of a third party investigator or regulator</p>	Minor to Critical	Requests to be processed in accordance with normal processes but person requesting to be asked not to submit unnecessary requests	Consideration given to advice as to whether requests must be complied with and action taken as appropriate	Consider actions under the Local Government Act or other jurisdiction.
Confidential information provided to third parties	<p>Councillors to other Councillors</p> <p>Councillors to Staff</p> <p>Councillors to Third Parties</p>	<p>There is a risk to the reputation of Council</p> <p>Risk of liability for Council</p> <p>There may be involvement of a third party regulator</p>	Minor to Critical	Training or advice provided to all Councillors and relevant Staff on confidentially obligations	Investigations (including forensic investigations) into any leaks	Consider actions under the Local Government Act or other jurisdictions.