


POLICY: DEVELOPMENT AND MANAGEMENT OF POLICIES

DATE ADOPTED:

ORIGINAL ADOPTION: Authorised by the General Manager:

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|  David Sherley | 15 Aug 2023 Date |
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FILE REFERENCE: 11.00039

OBJECTIVE: To define the process for making new policies, updating policies and revoking obsolete policies.

Scope:

The Policy applies to Councillors and staff, however excludes Policies for Childrens Services.

Definitions:

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| Council Policy | Is a formal statement of Council's position covering the principles it will adopt in serving the community and implementing its statutory responsibilities. |
| Delegations Register | Lists authorities delegated by Council to the General Manager and in turn, those delegations the General Manager has made to officers. |
| Executive Leadership Team (ELT) | The role of the Executive Leadership Team (ELT) is to: <ul style="list-style-type: none">• Develop strategy for Council and Management• Approve Daft Council policies before presentation to Council• Approve Internal Management policies• Oversee the Council's corporate governance and manage issues that impact across directorates. Members include the General Manager and all Directors. |
| Internal Management Policy (IMP) | An Internal management policy is an internal organisational position statement approved by ELT, regarding the 'day to day' management of Council in line with the strategic plans, programs and policies of Council. This includes: <ul style="list-style-type: none">• Exercising any functions of Council that are delegated to the General Manager under section 378 of the <i>Local Government Act</i> (the Act) |

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| | <ul style="list-style-type: none"> Functions of the General Manager's office in section 335 of the Act that does not require a resolution of Council. |
| Procedures | Provide the steps to carry out the objectives of policies. Procedures can apply to both Council policies and Internal management policies. |
| Policy Owner (PO) | Is the officer assigned ownership of a Council policy, Internal Management Policy or procedure. As the subject matter expert, the Policy Owner develops new policies or amends existing policies where required. |
| WHS polices | WHS policies are covered by the <i>Work, Health & Safety Act 2011 and regulations</i> . |

Criteria of a Council Policy:

A Council policy is established by resolution of Council at its Ordinary meetings.

It is distinguished from Internal Management Policies and procedures in the following manner:

| Description and criteria | | Council Resolution | Operational Approval | |
|-----------------------------------|--|--------------------|----------------------|----|
| | | | ELT | GM |
| Council policy | <p>A Council policy meets one or more of the following criteria:</p> <ol style="list-style-type: none"> Required by law to go before Council and public exhibition <ol style="list-style-type: none"> Is a policy which is required by the <i>Local Government Act 1993</i> (the Act) to be placed on public exhibition, including: <ol style="list-style-type: none"> Local approvals policy Civic office expenses & facilities policy Code of meeting practice Is a requirement of any other NSW legislation. Functions that cannot be delegated to the General Manager <ol style="list-style-type: none"> Relates to the General Manager under section 377 of the Act, or any other function that has not been delegated to the General Manager by Council resolution. | ✓ | ✓ | |
| Internal management policy | <ul style="list-style-type: none"> Relates to the functions defined under section 335 of the Act, for the day to day management of Council Relates to any function that has been delegated to the General Manager under section 378 of the Act. These functions are listed in Council's Delegations register. WHS policies are an exception to the approval process for IMPs as they are | | ✓ | ✓ |

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| | approved by the ELT with final authorisation by the General Manager. | | | |
| Procedures | - Procedures are approved by ELT Officers to provide the steps to carry out the intent of either Council or Internal management policies. | | ✓ | ✓ |
| WHS Procedures | - WHS procedures require ELT approval. | | ✓ | ✓ |

Creating a new policy or amending existing policies:

When there is a need for a new policy or the amendment of an existing policy, the relevant Director will assign a Manager as the policy owner – known as the Policy Owner.

The Policy Owner will notify the Governance section when they start the process to create a new policy or amend an existing policy. Governance officers will advise whether similar or complementary policies are being developed in other areas of Council, and direct them to the procedure to create and review policies.

The Policy Owner will ensure any proposed new policy or policy amendments:

- Follow the procedure to create and review policies
- Is presented in the standard policy template format using plain English
- Does not conflict with any existing policy, and if it does, recommends the necessary amendments or rationalisation of all affected policies
- Considers any legal and any financial or administrative implications
- Is authorised by the relevant director for review, prior to proceeding to ELT
- Has been reviewed and approved by ELT

All Internal management policies owned by the HR department will generally be referred to the staff consultative committee before proceeding to ELT for approval.

Following approval by ELT, Council policies will be presented to Council for adoption.

Public exhibition of Council policies:

Council policies are to be placed on public exhibition in accordance with legislative requirements. Council may resolve to place any other Council policy on public exhibition.

Minor amendments to policies:

The General Manager can approve minor amendments to IMP's if, in their opinion, the amendment does not:

- Change the intent of the policy
- Impact upon the community
- Result in a conflict with any existing policy
- Have material legal or financial implications

Amendments minor in nature include the following:

- Changes to the format of the policy or the policy name
- Changes to Policy Owners or those responsible for implementing the policy as a result of an organisational restructure/realignment.

- Correction of errors, grammar and punctuation in the policy, including but not limited to reference to other policies or documents or legislation.

Should the amendment be of a major nature, this would be reported to:

- Council Policy: Council Meeting
- Internal management policy: ELT

Conflicting policies:

If policies conflict, the later policy will prevail to the extent of any inconsistency, unless there is a legislative provision/instrument that overrides.

Policy Owners must act to resolve all conflicts that arise between policies, as soon as practicable. This includes recommending the necessary amendments or rationalisation of all affected policies to resolve the conflicts.

Amending and revoking policies:

Other than as outlined above, a Council policy can only be amended or repealed by a resolution of Council. An Internal Management Policy can only be amended or repealed by ELT.

Timing of reviews:

Every policy must contain a review date. This is the date by which the policy is to be reviewed by the Policy Owner to determine whether it will remain appropriate until the next review date.

A review will not necessarily result in amendment to a policy.

The criteria to determine review dates are as follows:

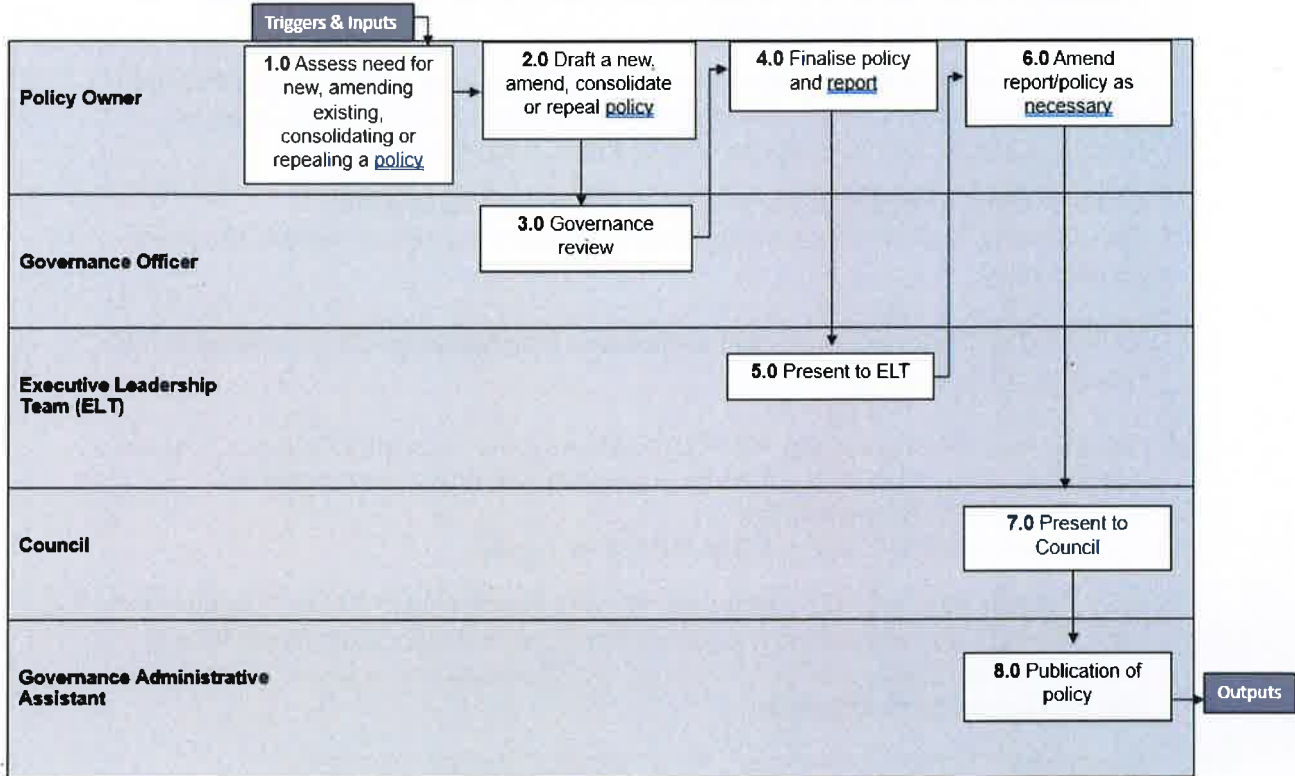
- Policies without specific legislative requirements are to be reviewed within 2 years of adoption or last amendment.
- Where legislation requires a review of the policy within a certain period, or by a certain date, the review date shall be before the end of that period or that date.

Where a policy becomes inappropriate to the operations of Council, or non-compliant due to a change in legislation, the policy shall be amended as soon as possible.

The Corporate Governance section will monitor the review of the policies and advise Policy Owners that a policy is due for review providing 90 day's notice. If the policy review remains incomplete for 30 days past the review due date, a notification will be sent to the respective Director for action.

Procedure for Creating or amending policies:

The procedure to create and review policies is:



Procedure

1.0 Assess need for new, amending existing, consolidating or revoking a policy (Policy Owner)

- a) Gather all relevant information on changes in legislation and community priorities that may require a new policy or amendment of an existing policy.
- b) Check for any related current council policies, ensuring that there is no duplication or conflict between any existing policies. Liaise with Manager/Director if conflict appears.

NOTE: Consult with the relevant Manager/Director to determine if any similar policies can be consolidated. Contact Governance who will advise if any similar policies exist.

- c) Check whether the policy can be repealed if the content is covered elsewhere, for example by a delegated authority.
- d) Discuss and determine with the relevant managers, whether to draft new, amend, consolidate, or repeal a policy.

2.0 Draft a new, amend, consolidate or revoke policy (Policy Owner)

- a) Access the standard policy templates on Content Manager and input the text for a new policy or re-draft the policy, as necessary, using concise and clearly worded plain English text.
- b) Check the policy against any related council policies. Add any related policies created since the last policy review.

NOTE: Check the policy register to see if any other policies relate to your policy and should be referenced. All Council policies can be found in Content Manager. All Internal Management Policies can also be found in Content Manager.

- c) Check that references to any legislation is current and up-to-date.
- d) Consider any legal, financial, administrative or other implications. Amend the policy as necessary.

NOTE: Where there are significant implications than these should be covered in the report to ELT and Council.

- e) Review the policy against any conflicting policies (previously identified) and prepare supporting information for the recommended amendments, consolidation or revocation of all affected policies.
- f) Forward the proposed policy to Governance for review.

NOTE: Any STAFF POLICY (owned by HR) is to be referred to the staff consultative committee (SCC) before referral to Governance (consult with Governance for any feedback on the policy prior to going to SCC). Please provide approval of the policy from staff consultative committee.

3.0 Governance review (Governance Officer, Manager Corporate Governance)

- a) Review the policy and recommend any changes necessary.
- b) Review and check any recommendations to rescind the policy is sound.
- c) Refer the policy for legal review where appropriate.
- d) Return amended policy document, or response to the rescinding of the policy, to policy owner.

4.0 Finalise policy and report (Policy Owner)

- a) Make any final revisions to the policy

NOTE: For STAFF POLICIES, assess changes made and refer back to SCC if required.

- b) Prepare memo to ELT and/or draft report to Council for a council policy. Submit memo and policy through your Director, to Executive Leadership Team for endorsement.

NOTE: The memo should cover the reasons for the new policy, any amendments made, supporting reasons for the consolidation of policies or reasons supporting the revocation of a policy. Address significant legal, financial, administrative, or other implications. Copies of all policies referenced are to be attached.

NOTE: Internal management policies are approved by ELT and reported to Council as information only (if required).

5.0 Present to ELT (Executive Leadership Team)

- a) Determine if the new, amended, consolidated or revoked Council policy is endorsed to proceed to Council for resolution.
- b) Determine if the new, amended, consolidated or revoked internal management policy is approved, and if approved, DCSF to notify Governance of approval to facilitate publication/revocation of the policy.
- c) Return to responsible officer for amendment or finalising report to Council.

6.0 Amend report/policy as necessary (Policy Owner)

- a) If required, amend the report and/or policy as per ELT recommendation
- b) Notify Governance of internal management policies approved by ELT. Governance will prepare a memo and circulate it to Councillors and directorates for information, attaching a copy of the policy.
- c) For Council policies endorsed by ELT, submit report and policy to Manager/Director/General Manager for approval to proceed to Council for resolution.

7.0 Present to Council (Council)

- a) Consider the recommendations regarding the council policy including requirement for public exhibition.

NOTE: Where public exhibition is not required or no submissions received go to step 7.0(c).

- b) Consider any submissions by the general public, tabled in a further report to Council.

NOTE: The Policy Owner to organise public exhibition of the policy. Prepare a further report to Council detailing submissions received and any suggested amendments to the policy.

- c) Resolve to adopt the new policy without changes, amend, reject or rescind it.

8.0 Publication of policy (Policy Owner)

- a) Make any amendments to the council policy as resolved by Council (Policy Owner)
- b) Forward the council policy to Governance for publication on Council's website. Intranet and updating on Council's policy register.
- c) Forward the approved Internal Management Policy to Governance for publication to Content Manager.

Triggers & Inputs

| TRIGGERS | |
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| Starts | Frequency |
| 2 years after a policy was created or reviewed | Every 2 years |
| Change in legislation or any other factor | adhoc |

| INPUTS | | |
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| Input | From Process | How Used |
| Governance advises responsible officer that a 2 year review is required | Create and amend policy | Policy review |

Outputs & Targets

| OUTPUTS | | |
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| Output | To Process | How Used |
| Policy review completed, approved by Council/ELT and published. Policy register updated. | Create and amend policy | New policy is in use |

| PERFORMANCE TARGETS | |
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| Measure | Target |
| Policy successfully created or reviewed and withdrawn or published | All policies in the policy register reviewed over a 2 year cycle |