

# CIRCULAR HEAD COUNCIL WARATAH-WYNYARD COUNCIL

---

## **POLICY FRAMEWORK**

A Guide for the development of Policies for the Circular Head and Waratah-Wynyard Councils.

November 2016



CONTENTS

1. PURPOSE.....3

2. OVERVIEW OF TYPES OF DOCUMENTS .....3

3. POLICY DEVELOPMENT.....6

**FIGURES**

Figure 1 Document levels .....4

Figure 2 Sections within a Policy.....6

## 1. PURPOSE

The purpose of this Framework is to achieve consistency in the development of Policies. The Framework will also ensure that legal obligations are met, without duplication of legislation and regulations. This Framework guides the development of supporting documentation for Policy, including Guidelines, Procedures, Standard Work Instructions, Forms and associated documentation.

This framework serves as guidance in the drafting of policies and related documents.

## 2. OVERVIEW OF TYPES OF DOCUMENTS

### 2.1 STRATEGIC DOCUMENTS

Strategic documents include the Council's Strategic Plan, Frameworks, and high-level plans or strategies that define Council's approach and objectives. A framework is a system of rules, ideas or principles that provide a logical structure for classifying and organising ideas or information.

### 2.2 POLICY – "What & Why"

A Policy is a set of guiding principles that define what we will do and why. A policy is a means of translating values, legal obligations, and strategy into standards at which to operate.

Policies are either Council or Managerial:

**A Council Policy is a statement of the Council's position on an issue, designed to guide the decision making of Council management to achieve the desired outcome.**

**A Managerial Policy relates to the internal business of Council (around matters such as corporate services or governance).**

Along with legislation, local laws, charters, delegations and Terms of Reference, policies provide the controls within which Council operates.

The elected Council may from time to time adopt a position on a matter of political or advocacy nature, without this position needing to be formulated into a policy.

### 2.3 GUIDELINES

A Guideline provides detailed information and context on aspects of Council business and operations. Guidelines are generally used to support a Policy.

## 2.4 CODES

Codes are similar to Guidelines but often include a set of rules, outlining social norms and responsibilities, or proper practices for an individual, group, or organisation.

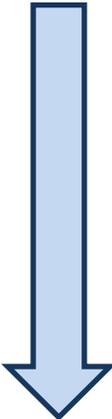
## 2.5 PROCEDURES – “How, When, Who”

Procedures are written and approved specifications for the execution of some activity, normally composed of steps, using established methods or forms designed to achieve a uniform approach to comply with applicable policies or directives.

A procedure is a particular way of accomplishing something such as the “How to” document that is used to implement a particular policy outcome (although procedures may stand-alone; unrelated to any policy).

## 2.6 STANDARD WORK INSTRUCTIONS (SWI) and SAFE WORK METHOD STATEMENTS (SWMS)

SWI’s and SWMS provide specific instructions that allow processes to be completed in a consistent, timely and repeatable manner. Standard Work Instructions may be used to support a procedure and are required for all risk work.

Level Of Detail	Document	Description/Purpose	Approval By
 High	Strategic Documents	Defines Council’s approach and objectives.	Council
	Council Policies	Provide a statement of the Council’s position on an issue, designed to guide the decision making of Council management in respect to achieving the desired outcome.	Council
	Managerial Policies	Managerial Policies relate to the internal business of Council (around matters such as corporate services or governance).	GM/EMT
	Guidelines & Codes	Defines best practice.	Council or GM/EMT dependent link to Policy
	Procedures	Prescribe specific actions to implement policy or legal obligation.	Directors/Managers

**Figure 1 Document levels**

## 2.7 COUNCIL POSITION STATEMENT

A policy of Council and a position that Council resolves on a matter are different things. A Council may take a position on a particular matter without it becoming a policy that requires any direction or action. A Council position may be resolved in relation to a specific issue or current matter without it becoming a policy of Council.

## 3. POLICY DEVELOPMENT

### 3.1 IS A POLICY NEEDED?

Policy should satisfy the following criteria:

1. It is a governing principle that mandates or constrains actions;
2. It changes infrequently and sets a course for the foreseeable future providing clarity and certainty of the way Council will deal with a matter;
3. Policy is subject to engagement with affected key stakeholders
4. It furthers strategic goals and objectives of the Council; and
5. It covers only matters which the Council or organisation has an ability to influence.

### 3.2 PREPARING & WRITING POLICY

1. All policies are to be developed using the policy template <insert template location at each Council>. The following drafting instructions apply:

<b>SCOPE</b>	To whom the Policy direction applies.
<b>PURPOSE</b>	Includes a brief statement about the need for the Policy and to what it refers.
<b>POLICY STATEMENT</b>	Council's position in relation to the Policy matter and, for Managerial policies, the GM/Management position.  The policy statement needs to be short statement of intent. It should only include a few points, as related documents and/or procedures should provide the detail of how the Policy is to be implemented.
<b>REFERENCES &amp; RELATED DOCUMENTS</b>	Supporting documents and reading material
<b>DEFINITIONS</b>	Terminology explanation.
<b>ATTACHMENTS</b>	List any attachments
<b>REVIEW DATE</b>	List any legislative review requirements e.g. some polices require review 5 yearly ( <i>although it is the intent of this framework to perform regular reviews</i> )
<b>RESPONSIBLE OFFICER</b>	Position responsible for oversight of delivery of the Policy and review and keeping it current.

## Figure 2 Sections within a Policy

2. All policies are to be limited to one (1) page in length.
3. All policies are to be written in plain concise English, understandable to a wide range of users.
4. Other policies, legislation or other documents are not duplicated or contradicted. Check the existence of other policies that may be relevant to the issue, and decide if they require updating to align with the new policy. A policy is to be given a number and a title that clearly describes its objective. e.g. Prevention of Fraud Policy.

### 3.3 POLICY APPROVAL PROCESS

In developing a policy there needs to be a high degree of collaboration between both Councils to achieve alignment of policies wherever possible.

An analysis and briefing is to be prepared on the policy need, purpose and objective before initiating any policy creation or review.

Collaboration with the relevant Director(s) for both CHC & WWC is to occur to establish whether to proceed with policy development and to determine whether the matter is to be presented to a joint EMT or workshopped with Councillors before proceeding.

The type of policy being developed will determine the approval process:

- Council approves Council Policies.
- Managerial Policies approved by the GM/EMT.

The GM (through the Policy Coordinator) will sign and date a Policy document once it has been approved.

### 3.4 POLICY ADMINISTRATION AND REVIEW

Policies are to be listed by an index containing details including date of last review and Officer responsible. Council policies are to be listed publicly on each Council's website.

Policies of the Council are to be reviewed on a rolling schedule over a 4-year election cycle.

In the first 12 months following an election, a consolidated review of the Policy list is to be undertaken.

Managerial Policies require regular review to maintain currency. A review may be triggered via a change in legislation, in response to risk situations, change to a Council Policy, or a change in employment conditions.

Managerial Policies will form part of Management review, expected to occur as part of regular management meetings.

Each policy is to be designated to an officer within the organisation who is to be responsible for its oversight. This responsibility includes implementation and initiation of reviews to maintain currency.

The respective Governance department within each Council is to be responsible for monitoring and providing ongoing oversight and support of the administration of the Policy Framework.

### **3.5 RESCINDING A POLICY**

There will be situations where a policy is no longer required, or has been superseded by another policy or legal requirement.

The review process should determine where any policy needs to be rescinded. To ensure a policy is correctly made inactive, the following process is to be followed:

1. Check for other documents that refer to the policy. These will need to be reviewed to remove the reference.
2. Consult with relevant internal and/or external stakeholders about any ongoing need for the policy.
3. Council Policies no longer applicable can only be rescinded by a Council resolution, except where legislation change renders them illegal. The EMT is to decide whether the decision to rescind should be approved by Council, for example, where a law is changed, there may be no judgment call to be made, and Council can simply be advised.
4. When Policies become out of date or inoperable by legislation change they should be rescinded as soon as possible.
5. Communicate to stakeholders that the policy is no longer active.
6. Advise the Policy Owner once all steps have been completed so that the policy can be removed from current listings and its status altered to “rescinded” on the Policy and Register.

## APPENDIX 2

### POLICY DEVELOPMENT TOOLKIT

Step 1 - Analysis	
<input type="checkbox"/> Does Council need a policy?	If specific guidance is available from legislation, regulations or a code, a policy won't be needed. A policy can be effective to provide direction where legislation is silent or allows for discretion.
<input type="checkbox"/> Identify the reason for having a policy.	There are usually triggers to the request for a new policy. What is the problem or current situation? What is the Council trying to achieve?
<input type="checkbox"/> Identify any relevant legislation, regulations, guidelines or codes.	When doing a review – is there anything new?
<input type="checkbox"/> Identify the type of policy: Council or Managerial Policy?	Or would a procedure be more appropriate?
<input type="checkbox"/> Determine who else within the organisation should be involved.	Consider who the policy will impact on. For a complex issue a working group may be appropriate?
<input type="checkbox"/> Identify who will be affected by the policy and any other stakeholders.	Or who is affected by the problem? Could be internal or external to Council. Includes internal committees e.g. risk, WHS, consultative committee.
<input type="checkbox"/> Identify the purpose, scope and objective.	If there is any doubt, a brief should be prepared and endorsement sought from the responsible Director or EMT before the work commences.
<input type="checkbox"/> Is the Policy consistent with the Council Strategic Plan and not in conflict with any other policies or strategic documents?	Council requirement and good practice.
<input type="checkbox"/> For a review, identify if the policy is still relevant and in use.	Are there any examples to support this?
<input type="checkbox"/> Identify what has changed since the last review.	Internal and external to Council.
<input type="checkbox"/> Are any future changes anticipated which will impact on the policy.	For example, legislation under consideration, or a report about to be published.
<input type="checkbox"/> Identify links to other Council documentation.	For example another policy, procedure, Code of Conduct, Council Plan, Budget or strategy.
<input type="checkbox"/> Undertake a review of any lower level Council documentation at the same time as reviewing the policy.	Such as associated procedures, forms, or templates.

<b>Step 2 – Research and Consultation</b>	
<input type="checkbox"/> Benchmark against policies adopted by other Councils	Use networks and the internet. Being specific in what is required will save time. Selection of councils is generally on basis of similar size. However, depending on the topic, a larger or a smaller council could be useful, or any councils known to be leading in this area.
<input type="checkbox"/> Research or review for any guidance on best practice.	Use networks, the internet, publications by LGAT or other relevant authorities. Reports by the Auditor General or Ombudsman are a good source of guidance.
<input type="checkbox"/> Are there any delegations applicable?	Check against instruments of delegation to identify statutory powers, duties or functions that apply.
<input type="checkbox"/> Identify legal, financial, environmental, social and political implications.	Ensure that policy development or review considers these implications.
<input type="checkbox"/> Consider risk analysis implications.	Refer to Council’s risk management process.
<input type="checkbox"/> Identify potential policy options.	This could include doing nothing, saying no on an issue, educating rather than regulating, developing a “for and against” case for a range of options.
<b>Step 3 – Development or review process</b>	
<input type="checkbox"/> Identify any discretion which may be required in its implementing the policy.	Include the basis for that discretion with the policy.
<input type="checkbox"/> Obtain Director(s) endorsement to proceed	Collaboration with the Director(s) of each CHC and WWC to determine to proceed and need for discussion at a joint EMT, or Council workshops prior to initiating draft.
<input type="checkbox"/> Prepare draft policy using Policy using Policy Template. For a policy review, track the changes proposed.	Use Policy Template and guidance included in the Policy Framework.
<input type="checkbox"/> Take an overall look at the policy and identify any improvements or potential changes required.	Use possible scenarios to test the policy to make sure it gives effect to the policy and does not have any unintended consequences.
<input type="checkbox"/> Check that the policy does not stray into irrelevant considerations.	Irrelevant considerations must not be taken into account in making administrative decisions.
<input type="checkbox"/> Identify how the policy will best be communicated once approved.	How, when and to whom. Refer to the Policy Framework for guidance.
<input type="checkbox"/> Identify the appropriate timeframe for the policy to be reviewed.	Refer to the criteria in the Policy Framework for guidance.
<input type="checkbox"/> Obtain endorsement of draft policy.	From responsible Director.
<input type="checkbox"/> Circular to all stakeholders for feedback and amend or develop further as necessary, including presentation of draft to the EMT, SMT and internal committees as required.	By this step there should be no surprises in the feedback received, if consultation has been conducted during the development of the document. Discussion at a Council workshop may be required

<b>Step 4 - Approval</b>	
<input type="checkbox"/> Obtain endorsement of draft policy.	Depending upon policy type this will be the Council or GM
<input type="checkbox"/> Prepare report/s on new or reviewed policy.	All documents are initially considered by EMT. A Council policy will require inclusion in the Council Agenda for formal adoption. A Council agenda report contains the background information to support the reasons for the policy.
<input type="checkbox"/> Consider formal feedback on Draft and make necessary changes.	Council policy – from external stakeholders. Managerial policies – internal stakeholders.
<input type="checkbox"/> Endorsement of final (approved policy)	Analysis and recommendations after considering feedback with any recommended alterations. Council policies – through a Council agenda. Managerial Policies – via GM/EMT meeting.
<input type="checkbox"/> Endorsement of final (approved policy)	Council policy – analysis and
<b>Step 5 Implementation</b>	
<input type="checkbox"/> Update Council records.	Once a policy is adopted or approved, provide the electronic version to the Policy Coordinator to add signature, PDF the document, update the register, review the schedule, and include on the website.
<input type="checkbox"/> Communication	Confirm approval or adoption to all stakeholders involved in the process. Conduct training or information sessions if necessary.
<b>Step 6 – Review</b>	
<input type="checkbox"/> Review according to approved timeframe.	Continue to schedule reviews according to timeframe set, or earlier when changes are identified.