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LGOIMA

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Information requested by the media, lobby groups, public sector organisations and MPs will always be published, while information specific to an individual or their property will not generally be published.

Request from:	Private Individual
Information requested:	Code of Conduct for Elected Members and staff
Response from:	Simon Bastion, Chief Executive

Private Individual

Via Email:

Dear Private Individual

Official information request seeking information regarding the Code of Conduct for Elected members and staff of Westland District Council.

I refer to your official information request dated 31 July 2020 seeking information regarding the Code of Conduct for Elected members and staff of Westland District Council.

The information you have requested is enclosed. This follows your numbering.

Code of Conduct for members

1. Does your Council have a code of conduct for members? Yes.

2. Are council staff subject to a code of conduct? Yes.

2. What are the consequences if a member breaches the code of conduct?

Breaches of the Code of Conduct and Penalties and Actions is outlined in the document available on the Council Website at the following link:

<https://www.westlanddc.govt.nz/sites/default/files/Code%20of%20Conduct%20-%20Adopted%20by%20Council%2024.10.19.pdf>

3. Who can make a complaint against a member's behaviour if that person considers a member has breached the code of conduct?

Any member, or the Chief Executive, who believes that the Code has been breached by the behaviour of a member may make a complaint to that effect. All complaints will be considered in a manner that is consistent with the following principles. Refer to page 10 of the Code of Conduct.

4. What is the disciplinary process to investigate the member's behaviour?

Where a complaint is determined to be material and referred to the Council or an adjudicative body established to consider complaints, the nature of any penalty or action will depend on the seriousness of the breach. Penalties and Actions is outlined on Page 11 of the Code of Conduct and the process where a complaint is referred to an Independent Investigator is outlined on Page 19 of the Code of Conduct.

Code of Conduct for staff

5. What are the consequences if a staff member breaches the code of conduct (please specify different levels from GM to operational staff)?

Where it is alleged that an employee's conduct amounts to persistent poor performance or misconduct, the Council will follow a disciplinary procedure as listed in the Staff Code of Conduct.

6. Who can make a complaint against a staff member's behaviour if that person considers a staff member has breached the code of conduct?

This is not defined in the Staff Code of Conduct.

7. What is the disciplinary process to investigate the staff member's behaviour? The normal forms of disciplinary action will be a first, second or third and final warning, then dismissal.

Review of Code of Conduct

8. When was the code of conducts and/or policies described in the answers above developed, implemented and reviewed?

The Code of Conduct for Elected Members was adopted by Council on 24.10.19.

9. Is a child protection policy included in the code of conduct? No.

If not or your council does not have a code of conduct, are councillors subject to a child protection policy? No.

If so, what are the consequences for breaching that policy and what is the disciplinary process to investigate a breach of that policy?

For Elected Members, outlined in number 4 above.

10. If you have a code of conduct, is appropriate behaviour with constituents included in the code of conduct (sexual harassment and bullying)?

Item 2 in the Code of Conduct for Elected Members advises that.

The Code is designed to deal with the behaviour of members towards:

- Each other;
- The Chief Executive and staff;
- The media; and
- The general public.

If not or your council does not have a code of conduct, are councillors subject to a policy in relation to appropriate behaviour with constituents e.g. sexual harassment and bullying policy? If so, what are the consequences for breaching that policy and what is the disciplinary process to investigate a breach of that policy?

Behaviour in the past five years

11. In the past five years, have you had any complaints on a member's or a staff member's behaviour in relation to inappropriate behaviour with youth (under 25s), or bullying, harassment or sexual harassment? No.

12. How many complaints resulted in an investigation process? Nil.

13. How many complaints resulted in disciplinary action? If so, what was that disciplinary action? Nil.

There is no charge in supplying this information to you.

If you wish to discuss this decision with us, please feel free to contact Maryanne Bell, Senior Administration Assistant at LGOIMA@westlanddc.govt.nz, 03 756 9091.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Simon Bastion | Chief Executive

SB/MB