

DECLARABLE ASSOCIATIONS POLICY

Policy Number:	2.4.4
Approved by:	Chief Executive Officer
Date Approved:	December 2022
Date of Next Review:	December 2023
Applicable to Unit(s):	Organisation
Responsible Officer:	Manager People and Capability
Related Policies:	Human Rights Policy Pre-Employment Screening Policy (internal)
Related Documents:	Declarable Associations Form Employee Code of Conduct
Statutory Reference:	Nil

OVERVIEW

A declarable association means any current association with a group or individual that:

- is incompatible with the role of Council or the ability to uphold the function of council;
- may give rise to a perception in the mind of a reasonable person that a Council employee is not upholding or may be not upholding their obligation as a Council employee; and
- may reflect adversely on the reputation of both employee and Council within the eyes of the community.

THE POLICY

As a part of the pre-employment screening process, Council employees are required to disclose known declarable associations, or associations they reasonably suspect to be declarable. This includes any association with persons, a group, event or organisation that is declarable under this policy.

Examples of declarable associations

Declarable associations include, but are not limited to, associations between a Council employee and:

- an individual or group involved in the use, sale, distribution, manufacture, exportation or importation of illicit drugs, precursor chemicals or equipment used in the manufacture of illicit drugs;
- former members of any Australian Public Service or private enterprise suspected or known to have left their organisation due to an integrity issue;
- an individual, group or organisation involved in any criminal or illegal activities;
- an individual who has a criminal history if the nature or timing of the offending would be likely to raise in the mind of a reasonable member of the community that the association is incompatible with the role of the employee or the organisation;
- an individual who encourages or tries to encourage the Council employee to misuse their position, or whose association creates the perception that the staff member has or may have misused their position;

- an individual associated with a group or organisation known to be frequented by individuals suspected of engaging in criminal activity. This includes members of:
 - outlaw motorcycle groups;
 - organised crime groups;
 - street gangs;
 - extremist groups;
 - groups operating online such as the 'Anonymous' hacker group;
- a land developer, service provider or consultant who interacts with Council or undertakes services for Council;
- an individual, group or organisation suspected or known to be involved in any activities that may be in conflict with the role and mission of the organisation;
- an individual person, group, event or organisation that may reflect poorly on the good reputation and/or integrity of Council, our employees or in the eyes of the wider community.

The declarable association could exist in either the real or virtual world and includes social media interactions.

Making a declaration

In order to maintain organisational integrity, all current Council employees are required to report declarable associations as they become known, in line with the *Employee Code of Conduct*.

Employment to Council is subject to pre-employment screening processes such as National Police Record Clearance, verification of references and credentials as well as and other vetting practices (as required). Prior to commencement to Council, all new employees are required to report any declarable associations.

For existing Council employees, reports must be made as soon as practicable after the employee becomes aware of the particulars about an individual, group or event.

The report should provide the details of the individual, group, event or organisation being declared and the circumstances in which the Council employee became aware of the fact that the association was a declarable one under this policy.

A declarable association only needs to be reported once, however any change in circumstances must be reported.

Declarations should be made using the **Declarable Associations Form** available on the Governance Intranet (see also Appendix 1).

Risk Assessment

Once a declaration has been made, the relevant Business Unit Manager and Manager People and Capability will undertake a risk assessment in relation to the information about the association and the associate.

Management of Risk:

Following a risk assessment of a declarable association, the following action/s may occur:

- the declaration is noted and placed on the employee's Human Resources (HR) file;
- management of the employee's health and wellbeing;

- direct the employee to relinquish the association.

Where the association needs to be managed through a documented and agreed arrangement as prescribed by the Manager People and Capability, the employee may be directed to apply risk mitigation strategies including:

- minimising employee involvement with the associate;
- reporting future interactions;
- advising of any relevant changes to circumstances.

A documented arrangement will be established only after discussions have taken place between the Council employees, the respective Business Unit Manager and HR about how to manage the risk. If the cost in establishing, managing or maintaining an arrangement is too significant or onerous for the organisation, the employee may be directed to relinquish the declarable association.

Failing to comply with a direction to discontinue an association may be regarded as a breach of the *Employee Code of Conduct* for failing to comply with lawful and reasonable direction. If an employee disagrees with any direction given, they must seek re-evaluation through the Grievance or Dispute Procedure.

HUMAN RIGHTS

Wellington Shire Council is committed to upholding the Human Rights principles as outlined in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* and referred to in Council's Human Rights Policy. The Human Rights Checklist has been completed and this policy accords with Council's policy commitment to uphold human rights principles.

REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Removed reference to legislative requirement under "Making a Declaration" to disclose as the <i>Local Government Act 2020</i> is silent however the expectation is that the process continues as a matter of best practice Changed Grievance Process to 'Grievance or Dispute Procedure' in line with the current Enterprise Agreement.

Declarable Associations Declaration Form



Background

A Declarable Association means any current association with a group or individual that:

- is incompatible with the Council undertaking its role in a lawful manner, or may have an adverse effect on the organisation and its reputation; and
- may give rise to a perception in the mind of a reasonable person that a council employee is not upholding or may be not upholding their obligation as a Council employee; and
- may reflect adversely on the reputation of both employee and Council within the eyes of the community.

In order to maintain organisational integrity, Council employees are required to disclose known declarable associations, or associations they reasonably suspect to be declarable. This includes any association with persons, a group, event or organisation that is declarable under the *Declarable Associations Policy*.

All Declarable Associations should be made by first reading the *Declarable Associations Policy* and completion of the below checklist.

Declarable associations include, but are not limited to, associations between a Council employee and:

- an individual or group involved in the use, sale, distribution, manufacture, exportation or importation of illicit drugs, precursor chemicals or equipment used in the manufacture of illicit drugs;
- former members of any Australian Public Service or private enterprise suspected or known to have left their organisation due to an integrity issue;
- an individual, group or organisation involved in any criminal or illegal activities;
- an individual who has a criminal history if the nature or timing of the offending would be likely to raise in the mind of a reasonable member of the community that the association is incompatible with the role of the employee or the organisation;
- an individual who encourages or tries to encourage the Council employee to misuse their position, or whose association creates the perception that the staff member has or may have misused their position;
- an individual associated with a group or organisation known to be frequented by individuals suspected of engaging in criminal activity;
- a land developer, service provider or consultant who interacts with Council or undertakes services for Council;
- an individual, group or organisation suspected or known to be involved in any activities that may be in conflict with the role and mission of the organisation;
- an individual person, group, event or organisation that may reflect poorly on the good reputation and/or integrity of Council, our employees or in the eyes of the wider community.

The declarable association could exist in either the real or virtual world and includes social media interactions.

Checklist

Tick (all known associations)	Declarable Association examples	Details
<input type="checkbox"/>	An individual or group involved in the use, sale, distribution, manufacture, exportation or importation of illicit drugs, precursor chemicals or equipment used in the manufacture of illicit drugs.	
<input type="checkbox"/>	Former members of any Australian Public Service or private enterprise suspected or known to have left their organisation due to an integrity issue.	
<input type="checkbox"/>	An individual who encourages or tries to encourage the Council employee to misuse their position, or whose association creates the perception that the staff member has or may have misused their position.	
<input type="checkbox"/>	An individual associated with a group or organisation known to be frequented by individuals suspected of engaging in criminal activity. This includes members of: <ul style="list-style-type: none"> a. Outlaw motorcycle groups b. Organised crime groups c. Street gangs d. Extremist groups ('Anonymous' hacker group) 	
<input type="checkbox"/>	A land developer, service provider or consultant who interacts with Council or undertakes services for Council.	
<input type="checkbox"/>	An individual, group or organisation suspected or known to be involved in any activities that may be in conflict with the role and mission of the organisation.	
<input type="checkbox"/>	An individual person, group, event or organisation that may reflect poorly on the good reputation and/or integrity of Council, our employees or in the eyes of the wider community.	

Name: _____ Date: _____

Position: _____

Please return this document to Coordinator Human Resources as soon as possible.

This form will be discussed with your Supervisor/Manager and the Manager People and Capability who will undertake a risk assessment in relation to the information about the declared association and the associate.