Submission to the NSW Office of Local Government's Draft Councillor Induction and Professional Development Guidelines

March 2018

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Executive Summary

Local Government NSW (LGNSW) has a longstanding commitment to professional development which supports elected members in acquiring and maintaining the skills and knowledge needed to govern in today's complex and diverse local government environment.

LGNSW welcomes the greater attention and emphasis being directed towards induction and professional development for elected members with the aim that they may better fulfil their responsibilities as democratically elected representatives of their local communities. In addition to the recent amendments to s 232 of the *Local Government Act 1993* (the Act), the proposed new regulations and guidelines provide a platform for supporting councils to take a systematic approach when implementing induction and professional development programs for their mayors and councillors.

LGNSW has developed the **Local Government Capability Framework** and **PD in a Box** which are squarely designed to support the local government sector to comply with the new regulations and respond to the new guidelines by articulating capabilities required by mayors and councillors, helping identify training needs and flag appropriate professional development programs.

The Local Government Capability Framework (the Capability Framework) is in place, freely available, and already used by a large number of councils to assess elected member capabilities and their development needs.

Appendix G of the draft OLG guidelines is named *'Skills and Knowledge Required by Councillors and Mayors'*. It references the Capability Framework but includes a competency framework as well. It is the firm view of LGNSW and the sector that the inclusion of this competency framework creates unnecessary duplication and confusion. Given that the Capability Framework was the product of extensive sector consultation and that the OLG participated on the steering committee, the guidelines' Appendix G should simply refer to the Capability Framework. The alternative competency framework should be removed.

LGNSW is keen to explore an opportunity to collaborate further with OLG by sharing de-identified information from **PD in a Box** to support joint assessment of capability strengths and gaps across the sector. This firm, evidence-based data would support the shared development of future initiatives aimed at building elected member capability across the sector.

To ensure the changes are effective, LGNSW recommends that the status of the provisions outlined in both the regulation and guidelines is made very clear to councils. The guidelines need to clearly distinguish between the statutory provisions outlined in the regulation and discretionary options and ideas to support implementation. A one size fits all approach must not be taken as elected members' profile and needs will vary from councils to council and term to term.

LGNSW also calls on the NSW Government to provide a needs-based fund for quality professional development opportunities to be made accessible to councils and their councillors where resources are otherwise unavailable to implement the guidelines locally.

Introduction

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing all NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community based system of local government in the State.

LGNSW thanks the Office of Local Government (OLG) for the opportunity to provide a submission on the development of draft guidelines for induction and professional development for mayors and councillors which will be issued under section 23A of the Act.

LGNSW has consulted with the sector about the proposals and their implementation in preparing this submission, and has included the feedback provided. This submission is in draft form until it is considered by the LGNSW Board. Any revisions made by the Board will be forwarded in the form of an updated submission.

Developing Capabilities of Elected Members

LGNSW has a longstanding commitment to professional development which supports elected members in acquiring and maintaining the skills and knowledge needed to govern in today's complex and diverse local government environment. It is LGNSW's firm view that induction and professional development is important for mayors and councillors because:

- It develops their confidence and ability to fulfil their roles
- It helps them to find new solutions to local problems
- It gives them a better understanding of the bigger picture
- It ensures they have knowledge to comply with legislation
- It enhances their credibility and reputation
- It prevents issues arising which might otherwise damage the reputation of the council and the sector
- If it is done together then it helps to build a team approach

LGNSW has undertaken two major projects which aim to support the local government sector in implementing the new regulations. Among other things the **Local Government Capability Framework** provides a basis for undertaking a training needs analysis, and **PD in a Box** supports councils in preparing an ongoing professional development program:

Local Government Capability Framework

The Local Government Capability Framework (Appendix One) sets out the essential knowledge, skills, abilities and other attributes needed to work effectively in local government. As the OLG will know from its participation in the steering committee to guide its development, the Capability Framework has been designed to align elected members and the workforce to deliver community outcomes by describing capabilities in terms of observable behaviour.

The Capability Framework has been developed through extensive engagement with many councils across NSW, which has helped ensure that the Capability Framework is well targeted and has applicability across the full spectrum of roles and councils.

LGNSW has developed a suite of supporting materials, online tools and implementation guides to assist councils in implementing the Capability Framework, and these are available at www.lgnsw.org.au/capability.

PD in a Box

PD in a Box is a free and confidential portal for mayors and councillors to assess their capabilities and create a personal and professional development plan. It was launched in mid December 2017 and at the time of writing this submission mayors and councillors from over 80 councils had accessed and used the system. Once they enter the system, mayors and councillors can:

- Click on 'Assess my capabilities' to complete a self-assessment against the capability framework. This is a confidential opportunity for them to identify their strengths and areas for development.

- Review their results, compare them with previous assessments that they've completed, and ask a colleague to complete a 360 degree assessment too.

- Be assured that their individual self-assessment results will not be shared with anyone.

- Consider options **PD in a Box** generates for them to include in their development plan. These are based on the 70:20:10 model which includes include simple (mostly free) things they can do, ways to learn from others and some structured learning programs.

- Add or delete activities from their development plan before submitting it to their Council for review.

- Send their development plans to the system administrator, which in each council might be the General Manager, Director of Corporate Governance or Learning and Development Manager.

- Keep track of their development and update progress.

Council administrators have access to aggregated and de-identified summary reports of the self-assessments to guide the choice of local development options to offer to councillors. Council administrators also receive the individual proposed development plans to review and approve any development options that would be paid from the council budget and to prepare a consolidated report as required under the proposed legislation.

Key Issues with the Draft Guidelines

Benefits for the Sector

LGNSW supports the introduction of new requirements for induction and professional development of elected members, and is proud that the local government sector is demonstrating important leadership in this area compared to its state and federal counterparts where elected people are not subject to professional development requirements nor do they have a capability framework outlining the skills and abilities and behaviours to do their job well.

By undertaking ongoing professional development mayors and councillors will be better able to fulfil their responsibilities as democratically elected representatives of their local communities, and councils will be taking a more systematic approach to ensuring that each individual is provided with adequate information and support.

While the *Local Government (State) Award 2017* already includes specific responsibilities for councils to develop a training plan and budget to provide employees with opportunities to acquire skills, there has previously been no requirement to do so for elected members. Recent amendments to the Act outline expanded and more strategic roles for the mayor, councillors and the governing body, and therefore a refreshed commitment is appropriate for ensuring that elected officials can fulfil these new roles in their local communities.

In our previous submission in February 2017 LGNSW supported a number of points that have now been adopted in these draft guidelines, including that:

- Councils will be required to provide a councillor induction program within six months of an election, and an ongoing program of professional development for councillors throughout their council term

- The particular details of a council's induction and professional development will not be mandatory, but be supported by a regular review by the council to assess and address the needs of the individuals elected to represent them

- Councils will need to tailor programs to their local circumstances, needs and budgets

- The purpose of the induction and professional development is to enable elected individuals to fulfil their roles as outlined in the Act

- Councils will have the flexibility to access induction and training offered or developed by a range of appropriate providers

Implementation Challenges

Councils' local circumstances vary so substantially that no one approach to implementation can possibly be applied across all councils. Noting that the profile and experience of each council's incoming councillors will also vary, LGNSW supports that the guidelines include checklists, content ideas and a model policy for councils to adapt to suit their circumstances and needs as they change over time.

It would be also be of assistance if the provisions of the regulation as proposed in circular 17-39 were outlined in the final guidelines – the current draft does not include or explain the regulation since it is not yet finalised, but should do so in order to provide a complete resource for councils. To ensure the changes are effective, LGNSW recommends that the status of the provisions outlined in both the regulation and guidelines is made very clear to councils. The guidelines need to clearly distinguish between the statutory provisions outlined in the regulation and discretionary options and ideas to support implementation:

Statutory responsibilities	Implementation options
- Induction program after election - Identification of ongoing training needs - Consultation with each mayor and councillor - Annual reporting provision of training and attendance	- Pre-election briefing sessions - Use of training content checklists - Adopting or adapting the model training policy - Using the local government capability framework and PD in a Box

Some councils will experience significant challenges in implementing these new requirements, particularly because of their varying capacity to fund the provision of good quality training programs. The identification of skill gaps is also a potentially fraught process. Individuals may have difficulty assessing their own skills objectively, and it can also be challenging for others to provide honest and objective feedback. This is true of anyone including employees and their managers, but for elected members there are some realities of political life which make an objective and supportive process more complicated for everyone involved. Self-assessment is a logical first step for this reason, and also because it involves a kind of reflection which itself encourages learning and critical thinking - the approach facilitated through using **PD in a Box**.

The implementation challenges facing councils in planning and delivering induction and professional development programs have the potential to wear down those endeavoring to embed the process. The guidelines might include some suggestions about ways that councils might meet these implementation challenges, including the need for practical supports, promotion of the benefits and facilitating an acceptance of the need for ongoing development. A checklist of ideas for promoting a learning culture within the council and the community could suggest the following:

- Provide a range of online resources and readings that promote self-directed learning

- Produce positive media statements about the benefits of elected members participating in professional development

- Schedule a range of short information sessions and briefings for councillors on a broad range of topics and at times that suit their other commitments

- Provide elected members with information about a broad range of professional development topics and formats to suit their own preferences and availability

- Evaluate the ongoing provision of professional development to identify benefits and opportunities for improvement

Some councils experience particular financial challenges with distance or personal circumstances of individual elected members, and the OLG should provide access to funding on a needs-basis for councils to deliver induction and professional development for elected members to fulfil their statutory roles and responsibilities and implement the guidelines locally where resources are otherwise unavailable to do so.

Draft Competency Framework

Appendix G of the draft OLG guidelines is named *'Skills and Knowledge Required by Councillors and Mayors'*, and while it references the Capability Framework at the outset it in fact rewrites and duplicates some of the content. It is also far less comprehensive in the range of capabilities it describes and lacks a supporting system to facilitate self-assessment and development of a professional development plan. By articulating a similar but different and substandard framework these guidelines:

- Will be confusing for councils and elected members as they will be receiving overlapping documents

- Do not build on extensive and collaborative work already undertaken by OLG and LGNSW;

- Do not reflect capability frameworks, an approach which already has strong local government and state government support;

- Are a missed opportunity to promote consistency across the sector.

In comparison to competencies which are limited to specific knowledge and skills, capability is a more holistic attribute that encompasses outcomes as well as process. Capabilities can include skills and knowledge but they are also values-based, they can define a culture and outline performance outcomes, and encourage adaptability and describe expectations. LGNSW strongly requests the removal of this draft competency framework and its replacement with reference to the Local Government Capability Framework for the following reasons:

Based on Best Practice and Sector Consultation

The Capability Framework draws on the best practice NSW Government Capability Framework, but includes some important changes to suit the local government environment and – in a world first - encompasses elected members as well as the workforce.

The Capability Framework and **PD in a Box** were developed with deep consultation with councils and with support of a committee that included OLG representation throughout the term of the project. OLG was also represented on the steering committee and has been fully aware of LGNSW's work in this area. Its input and support was explicitly sought throughout the project.

Legislative Compliance and Implementation Support

The Capability Framework was designed to reflect and align with both the guiding principles and the roles and responsibilities as set out in the amended *Local Government Act 1993*. The Framework can be used for pre-election candidate information as well as elected member induction, capability assessment, development needs assessment, and can also facilitate development itself.

PD in a Box provides an easy and effective way for elected members to self-assess against required capabilities (with the option of 360 feedback), determine development needs and a plan based on those needs, and select development activities (many of which are free). **PD in a Box** offers a comprehensive range of development options based on the 70:20:10 model – that is, a strong emphasis on things councillors can do which do not rely on structured training.

PD in a Box also provides an effective and accurate way of reporting on development needs and completed development activities, thereby easily satisfying new reporting requirements introduced by Regulation amendments. It also provides, for the first time, the opportunity to gain a view of development needs and completed development activities for individual councils, groups of councils (eg by region) and across the sector.

Sector Engagement

The Framework and **PD in a Box** were provided free to all councils in December 2017 in the spirit of supporting NSW Government objectives. The project has been highly successful. The Framework and tools have been received overwhelmingly positively: over 80 councils have already accessed and used **PD in a Box**. There is also a high demand for information sessions about the Capability Framework and associated implementation tools.

The Capability Framework is already widely distributed and known across councils. Direct communication about the Capability Framework has already issued to elected members. There is widespread intention to adopt it and many councils have already begun to implement it.

Eliminating Duplication

LGNSW notes that the draft competency framework draws heavily on the Capability Framework (as demonstrated by the table below) but uses slightly different headings and structure, and councils will be unclear which framework they should use.

The following maps the OLG competencies to the LGNSW capabilities and demonstrates that the content of the OLG competency framework is <u>fully</u> addressed in the Capability Framework:

OLG Competency Framework	Local Government Capability Framework	
	Group	Capability
A. Leadership	Civic Leadership	Inspire direction and purpose
		Represent communities
	Relationships	Community and customer focus
	Results	Create and innovate
B. Communication and Working with Others	Relationships	Communicate and engage
		Work collaboratively
		Influence and negotiate
C. Ethical Conduct and Accountability	Personal Attributes	Manage self
		Act with integrity
		Demonstrate accountability
D. Governance	Civic Leadership	Govern responsibly
	Resources	Procurement and contracts
E. Strategic Planning	Results	Plan and prioritise
		Think and solve problems
		Deliver results
F. Decision-making	Civic Leadership	Make quality decisions
	Resources	Technology and information
G. Land-use Planning	Results	Plan and prioritise
H. Financial Management	Resources	Finance
I. Environmental and Asset Management	Resources	Assets and tools

The guidelines should reference the Capability Framework as per Attachment One of this submission, and the various free supports including **PD in a Box** for elected members to assess their capabilities and for councils to fulfil their professional development obligations under the new regulation.

Collaboration in Implementation

As noted earlier in this submission, LGNSW has an ongoing commitment to support the development of mayors and councillors in our member councils. LGNSW is keen to work with OLG to develop an approach that will best serve the needs of councils and elected members.

LGNSW would like to collaborate with OLG by sharing de-identified information from **PD in a Box** to support joint assessment of capability strengths and gaps across the sector. This firm, evidence-based data would support the collaborative development of future initiatives aimed at building elected member capability across the sector.

The content of development plans could be reviewed as an annual collaborative research exercise. We would welcome the opportunity to demonstrate the PD in a Box system to OLG.

Recommendations

In summary LGNSW supports the draft guidelines as they have the potential to enhance the capacity and support for the sector, but only subject to the following amendments:

1. **Clarify the status of the guidelines**

To ensure the changes are effective, LGNSW recommends that the status of the provisions outlined in both the regulation and guidelines is made very clear to councils. The guidelines need to clearly distinguish between the statutory provisions outlined in the regulation and discretionary options and ideas to support implementation.

2. **Provide advice to facilitate the effective implementation of the new provisions**

The implementation challenges facing councils in planning and delivering induction and professional development programs have the potential to wear down those endeavoring to embed the process. The guidelines might include some suggestions about ways that councils might meet these implementation challenges, including the need for practical supports, promotion of the benefits and facilitating an acceptance of the need for ongoing development.

3. **Create a fund to provide financial assistance for councils to deliver induction and professional development**

Some councils experience particular financial challenges with distance or personal circumstances of individual elected members, and the OLG should provide access on a needs-basis for councils to deliver induction and professional development for elected members to fulfil their statutory roles and responsibilities.

4. **Remove the competency framework and replace it with reference to the Local Government Capability Framework**

The Capability Framework has been developed with extensive sector-wide support, and setting up a competing and substandard framework is confusing for councils and misses the opportunity for collaboration and consistency. The Capability Framework is freely available for

NSW councils, and is supported by a range of implementation services that will assist councils to achieve the outcomes intended by the OLG regulation and guidelines.

5. Work with LGNSW on an ongoing and collaborative basis to promote the implementation of these guidelines

We would welcome the opportunity to collaborate with the OLG in identifying emerging training needs, reviewing development plans and addressing identified capability gaps.

Thank you for the opportunity to make a submission, LGNSW looks forward to working together in the future.

Appendix One – Local Government Capability Framework

Personal Attributes

Manage Self
Show drive and motivation, an awareness of strengths and weaknesses, and a commitment to learning

Display Resilience and Adaptability
Express own views, persevere through challenges, and be flexible and willing to change

Act with Integrity
Be honest, ethical and professional, and prepared to speak up for what is right

Demonstrate Accountability
Take responsibility for own actions, commit to safety, and act in line with legislation and policy

Relationships

Communicate and Engage
Communicate clearly and respectfully, listen, and encourage input from others

Community and Customer Focus
Commit to meeting customer and community needs in line with organisational objectives

Work Collaboratively
Be a respectful, inclusive and reliable team member, collaborate with others, and value diversity

Influence and Negotiate
Persuade and gain commitment from others, and resolve issues and conflicts

Results

Plan and Prioritise
Plan and organise work in line with organisational goals, and adjust to changing priorities

Think and Solve Problems
Think, analyse and consider the broader context to develop practical solutions

Create and Innovate
Encourage and suggest new ideas and show commitment to improving services and ways of working

Deliver Results
Achieve results through efficient use of resources and a commitment to quality outcomes

Resources

Finance
Be a responsible custodian of council funds and apply processes in line with legislation and policy

Assets and Tools
Use, allocate and maintain work tools appropriately and manage community assets responsibly

Technology and Information
Use technology and information to maximise efficiency and effectiveness

Procurement and Contracts
Understand and apply procurement processes to ensure effective purchasing and contract performance

Workforce Leadership

Manage and Develop People
Engage and motivate staff and develop capability and potential in others

Inspire Direction and Purpose
Communicate organisational goals, priorities and vision and recognise achievements

Optimise Workforce Contribution
Hire and deploy people effectively and apply sound workforce planning principles

Lead and Manage Change
Initiate, support and champion change, and assist others to accept and engage with change

Civic Leadership

Represent Communities
Understand and promote the interests of citizens and stakeholders

Inspire Direction and Purpose
Create and communicate council's goals, priorities and vision for the community

Govern Responsibly
Be a responsible and active member of the governing body, fulfilling responsibilities in line with legislation

Make Quality Decisions
Make considered, timely and transparent decisions based on merit, and uphold the decision of council

Core Capabilities

People Managers

Elected Members