

From: [LGOIMA](#)
To: [REDACTED]
Subject: RE: LGOIMA request - Policies - Reference: 1690
Date: Tuesday, 20 February 2024 11:54:14 am
Attachments: [Internal Audit Charter.pdf](#)
[Customer Service Charter.pdf](#)
[HR25 Staff Conflict of Interest.pdf](#)
[HR13 Code of Conduct.pdf](#)
[2021 CS01 Sensitive Expenditure Policy .pdf](#)

Kia ora [REDACTED],

I refer to your official information request dated 25 January 2024 and subsequent email dated 19 February 2024. Our response is below:

I hereby request under the Local Government Official Information and Meetings Act 1987 the release of the following information:

1) Conflict of Interest policy

Please find **attached** a copy of Councils Staff Conflict of Interest Policy.

- *"HR25 Staff Conflict of Interest.pdf"*

2) Sensitive Expenditure policy

Please find **attached** a copy of Councils Sensitive Expenditure Policy.

- *"2021 CS01 Sensitive Expenditure Policy.pdf"*

3) Internal Audit charter

Please find **attached** a copy of Councils Internal Audit Charter.

- *"Internal Audit Charter.pdf"*

4) Customer Service charter

Please find **attached** a copy of Councils Customer Service.

- *"Customer Service Charter.pdf"*

5) Code of Conduct for staff

Please find **attached** a copy of Councils Code of Conduct for Staff.

- *"HR13 Code of Conduct.pdf"*

When responding to this request, please provide the full name and job title of the Officer releasing this information.

Council is refusing this section of your request under sections 7(2)(f)(ii) (the protection of such members, officers, employees, and persons from improper pressure or harassment) and section 6(d) (to endanger the safety of any person.) of the Local Government Official Information and Meetings Act (LGOIMA)

If you are not satisfied with Council's response, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact the Legal and Democracy Services team on lgoima@tasman.govt.nz.

Yours sincerely
Legal Services Officer

Sensitive Expenditure Policy

ORGANISATIONAL POLICY

POLICY REFERENCES

Sponsor:	Group Manager Finance
Effective date:	1 September 2021
Internal review due:	Reviewed August 2021 Next review date: August 2024
Legal compliance:	LGA 2002 Charities Act 2005
Associated Documents/References:	Delegations Register HR19 Professional Associations HR48 Drug and Alcohol Policy HR49 Reward and Recognition Policy EM05 Policy on Elected Members Allowances & Recovery of Expenses CS03 Vehicle Management Policy CS05 Fraud Policy CS10 Prizes or Gifts Received by Staff CS28 Credit Cards Policy Corporate Clothing Information for Staff Sensitive Expenditure Controls, Procedure and Guidelines
Policy Number:	CS01
Original Approval by Council:	Original approved: 5 June 2013 Resolution CN13-06-20

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1. Purpose

The purpose of this policy is to:

- a) Provide guidance to Tasman District Council staff and elected members of the activities and expenditure areas that could be perceived to benefit individual staff members and thereby adversely impact the reputation of the Council.
- b) Clearly document both the guiding principles to identify potential areas of sensitive expenditure and types of expenditure that could be considered sensitive expenditure as defined.
- c) Incorporate the guidance provided by the Office of the Auditor-General for public entities to control sensitive expenditures.

2. Definitions

2.1 **Sensitive expenditure** - Any Council expenditure where there may be a perceived personal benefit to staff or elected members or expenditure that could be considered unusual for a council is deemed to be sensitive expenditure. Sensitive Expenditure (as defined by the Auditor General) is spending by Council that could be seen to give some benefit to a staff member or elected official or could be considered unusual for Council.

Expenditure is likely to be sensitive if it:

- a) Could be seen to result in a perceived or real private benefit to the individual.
- b) Would be an unusual expenditure item for Council.
- c) Does not directly align with the core business of Council or have a strong link to the business purposes of Council.
- d) Is a discretionary expenditure item, i.e. non-essential to Council's operations, and is likely to be more difficult to justify to the public.
- e) Could involve a conflict of interest (legal or ethical).
- f) Could be considered an extravagant or excessive expenditure.

Credit card has the normal meaning but should also be read as applying to vehicle fleet cards, purchase cards, and equivalent cards used to obtain goods and services before payment is made.

Proper and prudent behaviour, in relation to expenditure, includes identifying and managing conflicts of interest (or situations with the potential to be perceived as conflicts of interest); being fair, honest, transparent, circumspect, and careful to avoid undesirable consequences; and being accountable for complying with council controls over expenditure.

Conflicts of interest exist when staff, internal contractors (for services) and elected members duties to the Council could be or could be perceived affected by some other separate interest or duty. Conflicts of interest can have both legal and ethical dimensions.

Controls are the means to promote, direct, restrain, govern and check on various activities.

GST - Goods and Services tax, **FBT** - Fringe Benefit Tax

3. Application

3.1 This policy applies to all staff, internal contractors (for services) and elected members of the Tasman District Council.

4. Policy

4.1 Wherever any expenditure is or could be assessed as being sensitive, such expenditure must be authorised in advance by a person at a higher level in the organisational chart than the level of the person who will benefit (or might be perceived to benefit). Where that is not possible, this should be recorded, and any such expenditure should be subject to monitoring.

4.2 Trust and confidence in public organisations is driven by competence, reliability, and integrity. Where there is any question about any one of those things, real or perceived, trust and confidence can be eroded. It is important that organisations and their staff are adhering to the highest standards of integrity and are seen to be doing so.

4.3 Of specific concern is expenditure which could incur criticism as being excessive or extravagant, which cannot be justified to stakeholders including the general public. Particular care needs to be taken with expenditure related to travel, accommodation, and hospitality. Problems can also arise from expenditure that is unusual or is not closely related to an organisation's purpose and/or functions. Therefore, the Sensitive Expenditure Procedure and Guidelines should be read in conjunction with this policy. These Guidelines are to be kept updated in line with good practice indicated by the Controller and Auditor General [guidance](#).

4.4 Expenditures and employee-related payments subject to employment agreements are outside the scope of this policy.

4.5 While this policy lists a number of expenditures considered to be sensitive, the overriding objective of this policy is to adopt a principles-based approach, where staff are expected to consider other expenditures not specifically listed in this policy, but that could fall within the definition of sensitive expenditures outlined below. In this regard, leaders and managers are expected to constantly consider other expenditures that could be considered sensitive and provide guidance as to what is acceptable or not acceptable.

4.6 To be truly effective, the Sensitive Expenditure Policy, procedures and other controls must be embedded in the Council's values, philosophy, practices and business processes. When this occurs everyone at Council becomes involved in the proper and

prudent management of sensitive expenditure. Overall responsibility for this policy rests with the Mayor, Councillors and Leadership Team. This group must make it clear to staff what is and is not acceptable sensitive expenditure. This group also must model those behaviours to the highest standard.

5. Principles

5.1 The Council is spending public money – it is not the property of staff or elected members to do as they please. Consequently, all expenditure should be subject to a standard of probity and financial prudence that is to be expected of a local authority and be able to withstand public scrutiny and support trust and confidence in the public sector. To maintain the public's trust and confidence in the public sector, elected members, the chief executive, and leadership team and all staff need to ensure that Council operates with a high level of integrity.

Each decision about sensitive expenditure is important, even if the amount of money spent is small compared to the organisation's total expenditure. Improper expenditure could harm the reputation of, and trust in, the Council, as well as the public sector generally.

Even when sensitive expenditure decisions can be justifiable at the individual transaction level, the combined amount spent on a category of expenditure might be significant and the organisation could be criticised for extravagance and waste. In other words, the organisation has failed to ensure that the expenditure of public money is proper and prudent. For example, a gift valued at \$150 for an individual to mark a significant achievement or contribution might be acceptable. However, if that gift will be given to all employees of an organisation, then the total amount is likely to be considered extravagant.

5.2 Those standards apply the principle that expenditure decisions:

- a) Have a justifiable business purpose.
- b) Preserve impartiality.
- c) Are made with integrity.
- d) Are moderate and conservative, having regard to the circumstances.
- e) Are made transparently.
- f) Are appropriate in all respects.

5.3 In practice, staff (with the delegated authority) will decide on, and/or payment for, each item of sensitive expenditure. They will need to exercise careful judgement in accordance with these principles and this policy. This will always be about balance in a particular context. The principles must also be applied as a set as all are equally important.

5.4 Finance will set guideline spending limits or boundaries and specify dollar limits and defined boundaries, where practicable in the process guidelines. These limits will be approved by the Group Manager Finance.

6. Controls and Judgement

6.1 Elected members, the Chief Executive, Leadership Team, and any staff member approving expenditure, has a particular responsibility to ensure that sensitive expenditure is appropriate for Council.

To maintain the public's trust and confidence Council will ensure:

- a principles-based approach;
- leading proper and prudent practices by example;
- approving and putting in place suitable policies and procedures;
- procedures that consistently support all staff (at all levels and roles in the organisation) to follow proper and prudent practices;
- appropriate training;
- monitoring of activities to ensure effective control of sensitive expenditure;
- carrying out regular reviews to ensure that there is compliance with policies and that the overall principles are being achieved; and
- taking corrective action on failures and learning from them.

7. Approval of sensitive expenditure

7.1 Sensitive expenditure should be approved only when:

- approval is given by a person who is senior to the person who will benefit (or might be perceived to benefit) from the sensitive expenditure (the 'one up' rule). Where that is not possible, this should be recorded, and any such expenditure should be subject to some form of monitoring.
- the person approving the expenditure is satisfied that it is for a justifiable business purpose that is consistent with the public organisation's objectives, and all of the principles above have been adequately met.
- approval is given before the expenditure is incurred (for example, via a Purchase Order, or written request), where practical, and allowed in Council's policies and guidelines;
- the expenditure will be within budget and where delegated authority exists; and
- the expenditure is supported by appropriate evidence which shows the expenditure is actual and reasonable.

7.2 Approval of policy exceptions

Any exceptions (management override) to a policy or procedure may only occur in rare or exceptional circumstances. These must be approved by the Chief Executive, in consultation with the Group Manager Finance, and communicated to internal audit. The rationale and approval must be clearly documented. This should occur, whenever practical before the expenditure is incurred.

7.3 Approval of senior positions

For people in senior positions, the good practice of approval by a more senior person should be applied to the maximum extent possible. However, where there is no more senior person to approve the expenditure, an alternative approach will **be needed**. In such instances, there must be no reciprocal arrangement for approving sensitive expenditure (that is, with a person approving expenditure having their expenditure approved by the person whose expenditure they are approving). In this situation, three people are required (for example, person A approves person B's expenditure, person B approves person C's expenditure, and person C approves person A's expenditure).

7.4 Approval will apply as follows:

The person receiving the benefit	To be approved by:
Mayor	Chief Executive and the Deputy Mayor.
Chief Executive	Mayor, and either Group Manager Finance, Chief Operations Manager or the Deputy Mayor.
Leadership Team	Chief Executive.
Elected members (other than the Mayor)	Group Manager Finance, or the Finance Manager.
All other staff	One up from the most senior person that could be perceived to receive the benefit (typically a T2 or T3 Manager).

The Finance Section shall review expenditure for policy compliance before payment, any matters (such as policy exceptions) will be escalated to the Group Manager Finance, or the Chief Executive for approval, if adequate approvals are not in place. Results of the review, including any significant matters of concern, shall be communicated with the Audit and Risk Committee.

8. Types of sensitive expenditure

8.1 Sensitive expenditure includes, but is not limited to:

- Staff and elected member's travel and accommodation;
- Staff and elected member's entertainment and hospitality;
- Business-related entertainment and hospitality;
- Staff events, training, gifts and farewells;
- reward and recognition payments; and
- Incidental expenditure, including – donations, koha and tipping.

The Group Manager Finance shall be responsible for ensuring Sensitive Expenditure Guidelines set the specific controls, limits and procedures for common types of sensitive expenditure, adhere to best practice, and are regularly reviewed.

9. Taxation

- 9.1 Expenditure must be supported by documentary evidence, and a Goods and Services (GST) tax invoice is required for all expenses over \$50.
Gifts and staff benefit payments may be subject to Fringe Benefits Tax (FBT) and need to be recorded in the Gifts Register, or the Reward and Recognition Register, with the appropriate level of detail and description to ensure Council correctly calculates and returns any FBT obligations.

10. Use of Credit Cards

- 10.1 Refer to Policy CS28 Credit Card Policy

11. Approval



Authorised by Janine Dowding, Chief Executive

07 September 2021

Date of approval:

Customer Charter

Tasman District Council is committed to providing high quality services to all its communities. This charter describes our commitment to you and how you can help us.

We'll Communicate

We'll listen to what you have to say and communicate clearly.

To help us, we ask you treat us with the same courtesy.

We'll understand

We'll take time with our conversations to achieve a common understanding.

To help us, we ask you to be clear about what you need from us.

Best possible outcome

We'll give a timely professional response. We'll hold ourselves accountable.

To help us, we ask you to provide the information we need, and keep us up to date with changes.

Your feedback

We'll do our best to meet your expectations and wishes when administering regulations.

To help us, tell us if you have had good service, if you have a problem that is not resolved, we may be able to suggest a solution that may solve the problem.

Employee Code of Conduct - Ngā Tikanga Whakahaere

ORGANISATIONAL POLICY

POLICY REFERENCES

• Sponsor:	People & Wellbeing Manager
• Internal review due:	November 2026
• Legal compliance:	Human Rights Act 1993 Employment Relations Act 2000 Protected Disclosures Act 2000 Health & Safety at Work Act 2015 Smokefree Environments and Regulated Products Act 1990
• Associated Documents/References	Harassment, Bullying and Discrimination Policy Staff Conflict of Interest Policy, Sensitive Expenditure Policy, Ministry of Business, Innovation and Employment website, Council's Performance Conversation Framework, all other Council internal staff-related policies.
• Policy Number	HR13
• Approved by Chief Executive	
• Approved by Council (If Applicable)	Not Applicable

Purpose

The purpose of this Code of Conduct is to assist employees to understand the standards of conduct, behaviour and performance expected of them as Council employees and to ensure employees are aware of the consequences of failing to abide by this code.

This reflects the basic requirements of professionalism, job competency, integrity and courtesy required by all employees to ensure that Council provides a high-quality service to Tasman residents and other customers, and that a positive and safe working environment exists for all employees.

Definitions

A performance issue: is where an employee fails to perform all, some or one of the duties of the position to the standards required; this can be issues of speed, quality, quantity or how they are delivering service, or where an employee doesn't comply with work rules or work procedures and may include negative and disruptive behaviour that impacts on co-workers.

Note: This type of issue should not immediately be treated as misconduct when the employee is new to the work. In these situations, it is important to be sure that the employee is aware of work rules and has been trained and understands the procedures which apply. Where the concern relates to a behavioural issue its important to ensure that the employee understands the standard of acceptable behaviour that is expected in the workplace.

Misconduct: is when an employee does something wrong either by doing something, not doing something, or through their behaviour and may justify some form of disciplinary action being taken by the employer.

Serious Misconduct: is any behaviour that undermines the contractual relationship between an employee and the Council, and/or threatens the wellbeing of the organisation.

Serious misconduct usually involves the employee acting deliberately, however there may be circumstances in which an employee acts so carelessly, or repeatedly that it amounts to serious misconduct.

Performance Versus Disciplinary Issues

Poor performance or underperformance is when an employee is not meeting the standards and expectations of their role. Misconduct constitutes behaviour in the workplace that is unacceptable and is in breach of rules, policies or procedures.

The table below shows the difference between performance management / improvement versus disciplinary issues.

<p>Performance management versus disciplinary issues:</p> <p>You are aware of an issue with an employee but are unsure how to deal with it – is it a performance issue or a disciplinary issue? Is there an element of both issues to deal with? Does it even matter?</p> <p>Yes, it matters. There are two distinct processes – one for managing poor performance and one for dealing with bad behaviour (including poor work attitude) – and it is important to understand how each may be addressed.</p> <p>When deciding which path to follow, ask yourself some questions:</p> <ul style="list-style-type: none"> Is the issue to do with how the employee performs their work, or is it about how they behave in the workplace? Was it deliberate or unintentional? Could it fairly be described as 'misconduct'? Has our Code of Conduct potentially been breached? How have other similar situations been dealt with – consistency / disparity? 	
<p>Performance Management:</p> <p>Focus is on helping the employee to improve their performance – i.e. how they perform their work.</p> <p>Must go through warning stages before dismissal is considered, with reasonable opportunity to improve between each.</p>	<p>Disciplinary:</p> <p>Focus is on disciplining an employee for bad / inappropriate behaviour / misconduct.</p> <p>Warnings should be given for misconduct, but cases of serious misconduct may justify summary (immediate) dismissal.</p>

Commencement of process under this policy

For any issues relating to alleged misconduct or serious misconduct the process chart in **Appendix 3** will be followed. Before commencing any process under this policy, Senior Leaders and Team Leaders should seek advice from People and Wellbeing.

In all cases of alleged poor performance, misconduct, and serious misconduct the employer will act in good faith, with good reason, using a fair process and in accordance with MBIE / Employment NZ guidelines.

1. [Employees' Responsibilities](#)
2. [Suspension](#)
3. [Preliminary Investigation](#)
4. [Misconduct](#)
5. [Serious Misconduct](#)
6. [Performance Improvement](#)
7. [Warning Procedures](#)

Policy

1. Employees' Responsibilities

All employees of Council have an obligation to:

- carry out their duties honestly, faithfully and efficiently, with professionalism and integrity;
- treat customers, ratepayers, colleagues, contractors and elected members with respect and courtesy;
- consistently demonstrate behaviours that reflect the Council's values;
- devote the whole of their working time, attention and abilities to carrying out their duties;
- work collaboratively towards the common goal of serving the Council and our community;
- comply with lawful and reasonable instructions, policies, processes and to work as directed;
- undertake reasonable training or undertake their work in new ways when new systems and technologies are introduced;
- Protect and promote the Council's reputation;
- not copy, publish, reveal or disclose to any person or entity any confidential, sensitive or official information without the consent of the Employer unless this is otherwise deemed necessary for the proper performance of the employee's duties;
- maintain professional dress standards appropriate to the position and the occasion;
- be present at work as required and to only be absent from the workplace with appropriate authority;
- respect the privacy of individuals, use confidential, sensitive or official information only for the purposes for which it was intended and not for an individual's benefit;
- neither use, nor allow the use of, Council property, resources, or funds for other than authorised purposes;
- treat Council and customer property with respect;
- incur no liability on the part of Council without appropriate authorisation;
- avoid a failure to disclose any real or perceived conflicts of interest.

2. Suspension

If a serious issue occurs, there are limited circumstances where suspension may be considered necessary, for example where an employee's behaviour is under disciplinary investigation and having them at work may compromise an investigation or cause further issues i.e. fraud (where they may need to be removed to protect the workplace during the investigation).

Other reasons for suspending an employee may be where they pose a risk to health and safety i.e., acts of violence, being under the influence of drugs/alcohol, or not in a fit emotional state to do their job safely. Any suspension will be on pay. If the employee is suspended and an allegation is not proven, the employee will return to work without any break in service and without any loss of earnings.

3. Preliminary Investigation

Notwithstanding suspension, before considering taking any form of disciplinary action, a preliminary investigation into alleged misconduct or alleged serious misconduct must be carried out promptly. The purpose of the preliminary investigation is to assess whether the issue is serious enough to warrant a disciplinary process to be initiated.

Preliminary and any subsequent investigations for first or second offence allegations of misconduct will be carried out by a Senior Leader and a representative from People and Wellbeing. Any third offence allegations of misconduct or allegations of serious misconduct investigations will be carried out by a Group Manager and a representative from People and Wellbeing. Alternatively, appointment of an external party may be required to carry out the investigation.

The employee will be informed:

- that there will be a preliminary investigation
- the matter being investigated
- the investigation is not disciplinary action
- that written information relating to the allegation will be shared with the employee
- that they should participate and co-operate in the process/investigation
- that no decision has yet been made
- That only after the above decision is made will it be decided if any further action (including disciplinary action) needs to be taken

There are three possible outcomes to an investigation:

1. If the investigation finds no justification or there is insufficient information or evidence available for the allegation, no further action will be formally taken.
2. If the investigation identifies that behaviour improvement is required, a plan for the behaviour improvement may be developed.
3. If the investigation does find the allegation/s are substantiated a formal disciplinary process will be followed.

4. Misconduct

Examples of Misconduct are contained in **Appendix 1**.

A formal disciplinary meeting will be carried out with the employee, the employee's Senior Leader or Group Manager and a representative from People and Wellbeing. The employer will put the allegations, concerns and investigation results to the employee, and the employee will have an opportunity to respond. The employee's explanation and any mitigating circumstances will be considered before a preliminary decision is made on the appropriate course of action. Employees will be invited to bring a support person or union representative to all formal disciplinary meetings.

At the meeting further information may come to light or more investigation may be required, and a 2nd formal meeting may be necessary to deliver results of further investigation, which the employee will have the opportunity to respond to.

After full consideration of all factors and explanations are taken into account a preliminary decision will be issued to the employee in writing, the employee will have an

opportunity to provide written or verbal feedback before a final decision is made.

5. Serious Misconduct

Examples of serious misconduct are contained in **Appendix 2**.

The process for allegations of serious misconduct will be followed as per the procedure for misconduct, and this will include:

- a) If serious misconduct is substantiated and is likely to result in dismissal, the Chief Executive, at their sole discretion, may impose a lesser disciplinary measure than dismissal.
- b) Depending on the circumstances the above procedure may not be appropriate, in which case the Council will act in a fair manner and may exercise its discretion to commence a disciplinary or performance-related formal process with a more serious level of warning than set out in the warning procedures below.
- c) The Council may, at its discretion, elect as an alternative to dismissal, to demote or transfer an employee to another position, or reduce the employee's remuneration package.

6. Performance Improvement

For any issues relating to performance issues the process chart in **Appendix 4** will be followed. Before commencing any process under this policy, Senior Leaders and Team Leaders should seek advice from People and Wellbeing.

Before entering into a performance improvement process a Senior Leader and Team Leader should consider all possible ways to identify performance issue/s and resolve them. If the performance issue/s are not able to be successfully resolved, a performance improvement plan should be implemented as soon as possible.

Informal Performance Improvement

The purpose of an informal performance improvement process is to provide the employee with an awareness of any concerns with the employee's level of performance, and to provide the employee with support, feedback and additional training that will enable the employee to meet the competency level expected for their role.

An Informal Performance Improvement Plan (IPIP) is the first step in the performance improvement process. The [BOOST Performance Coaching Form](#) will be used to capture the performance discussions and objectives outlined in the plan.

Formal Performance Improvement

If an IPIP has not been successful in assisting an employee to achieve the competency level or standard of performance expected for their role, then the next step is a formal Performance Improvement Plan (PIP). The [Performance Improvement Plan](#) will be used to capture performance discussions and outputs in accordance with the objectives outlined in the plan. If after an appropriate period, the employee has not met the standards of performance required to carry out the role the disciplinary procedure for misconduct will be followed.

7. Warning Procedures

Failure to comply with this Code of Conduct could result in warnings being issued and eventually the termination of an employee's employment.

First Written Warning

The employee will receive a first written warning, setting out the type of conduct and/or areas of performance that have been unsatisfactory, the improvement needed and the consequences of a repetition or failure to improve performance or behaviour. A copy will also be placed on the employee's personnel file.

Final Written Warning

The employee will receive a final written warning for serious misconduct, repeated misconduct or poor performance whether or not it is the same type of misconduct or poor performance that led to the first warning. This will again specify the conduct or areas of performance that have been unsatisfactory, the improvement needed and the consequences of repetition or failure to improve. A copy of the written warning will be placed on the employees personnel file and it will be explained to them that a third offence may result in dismissal.

Note: First and final warnings will stand for a period of twelve months from date of issue. Warnings are not limited to repetitions of the same or a similar offence but may be applied to offences of a different nature. All warnings will remain on the employee's file.

Dismissal

Depending on the seriousness of the offence if misconduct occurs again or serious misconduct occurs, employment may be terminated.

Authorised by Janine Dowding

Chief Executive



Date of approval: November 2023

Appendix 1

Examples of Misconduct:

- Failing to advise, without good reason as close as practicable to your normal starting time, of lateness or absence for which prior permission has not been given.
- Repeated lateness or absenteeism.
- Unsatisfactory attitude to work or colleagues.
- Failing to be at assigned workplace during working hours or leaving an assigned workplace without good reason or permission.
- Failure to adhere to Council policy, rules, procedures, or processes.
- Failure to observe health and safety procedures or working in an unsafe manner or failing to make proper use of safety equipment provided.
- Any unauthorised use of a Council vehicle.
- Driving a Council vehicle in a reckless manner or demonstrating a pattern or poor driving behaviour.
- Failure to perform work as directed to the required standard of competency and/or within the agreed timeframe.
- Failure to constructively participate in an informal or formal Performance Improvement Plan.
- Deliberate waste of time or material, or low productivity.
- Refusal to undertake training to learn how to use new systems or technologies or to undertake work using new systems or technologies that have been introduced by the Employer.
- Dress that is inappropriate for the employees work environment.
- Giving false information or failing to give information when requested.
- Inappropriate use of Council information.
- Use of abusive language or gestures or any other behaviour which may cause offence to another person while on Council property, or at another place of work.
- Misuse of Council equipment, property, council provided email address or internet access, and information including purchase orders and petty cash.
- Being discourteous or disrespectful to employees, customers, or clients.
- Boisterous play or irresponsible behaviour that is offensive or unwanted by the receiver/s.
- Posting of offensive messages on the noticeboards or elsewhere at a Council location.
- Failure to report any accident, incident or near miss, including vehicle or property damage to their Manager.
- Smoking or vaping in or on Council owned or controlled building, land (including carparking areas) or vehicles.
- Sleeping during working hours.
- Any other behaviour, or pattern of behaviour, or action or non-action deemed by the Employer to be misconduct

Appendix 2

Examples of Serious Misconduct:

- Discrimination including harassment, bullying or victimisation against any person on the grounds of gender, marital status, religion, race, colour, ethnic or national origins, disability, age, political opinion, employment status, family status or sexual orientation.
- Possession of Council property or taking Council property from the premises without authorisation.
- Deliberate damage to Council property and vehicles or misuse of a Council vehicle, including dangerous driving, refuelling a vehicle with the wrong fuel type that results in engine damage, or driving without a valid driver's licence.
- Threatening behaviour including assaulting, fighting or intimidating another person at any Council location.
- Possession of another employee's personal property without that employee's consent.
- Deliberate irresponsible use of fire protection or safety equipment.
- Refusal to perform work assigned to them unless the employee believes that it would be unsafe to do so.
- Insubordination, deliberate refusal or disregard of instructions, refusing to perform assigned work, negligence or gross incompetence.
- Failure to follow established cash handling or finance policies and procedures.
- Any fraudulent action or behaviour.
- Deliberately acting in a way whereby the goodwill, public image, or reputation of the Council may be prejudicially affected.
- Any breach of obligation that applies in relation to any Council official, confidential, or sensitive information (including unauthorised access, disclosure copying, or personal use) without prior authorisation, or any attempt to use such information for their own personal benefit.
- Boisterous play which may result in damage to Council or another person's personal property.
- Irresponsible action affecting quality or compromising safety that may result in injury to you or other persons.
- Deliberate falsification of Council records, client documents, timesheets, purchase orders, ACC records, expense claim forms and any other documentation.
- Being in possession of illegal drugs at any Council location or in a Council vehicle, or unauthorised consumption or possession for consumption of alcohol at any Council location or in a Council vehicle.
- Being absent for five consecutive working days without the consent of the Employer, or without notification to the Employer.
- Reporting for work, or being at work in such a condition that in the opinion of the Employer the employee is unable to perform their duties properly and safely because they are under the influence of drugs, alcohol or other substance that impairs work performance.
- Actions or inactions that put the operation or security of the Councils computer networks at risk.
- Non-disclosure of criminal history/convictions from job application forms and/or other completed declarations, including falsification or non-disclosure of relevant information on pre-employment documentation.
- Failure to declare conflicts of interest.
- Any other behaviour, or pattern of behaviour, or action or non-action deemed by the Employer to be serious misconduct.

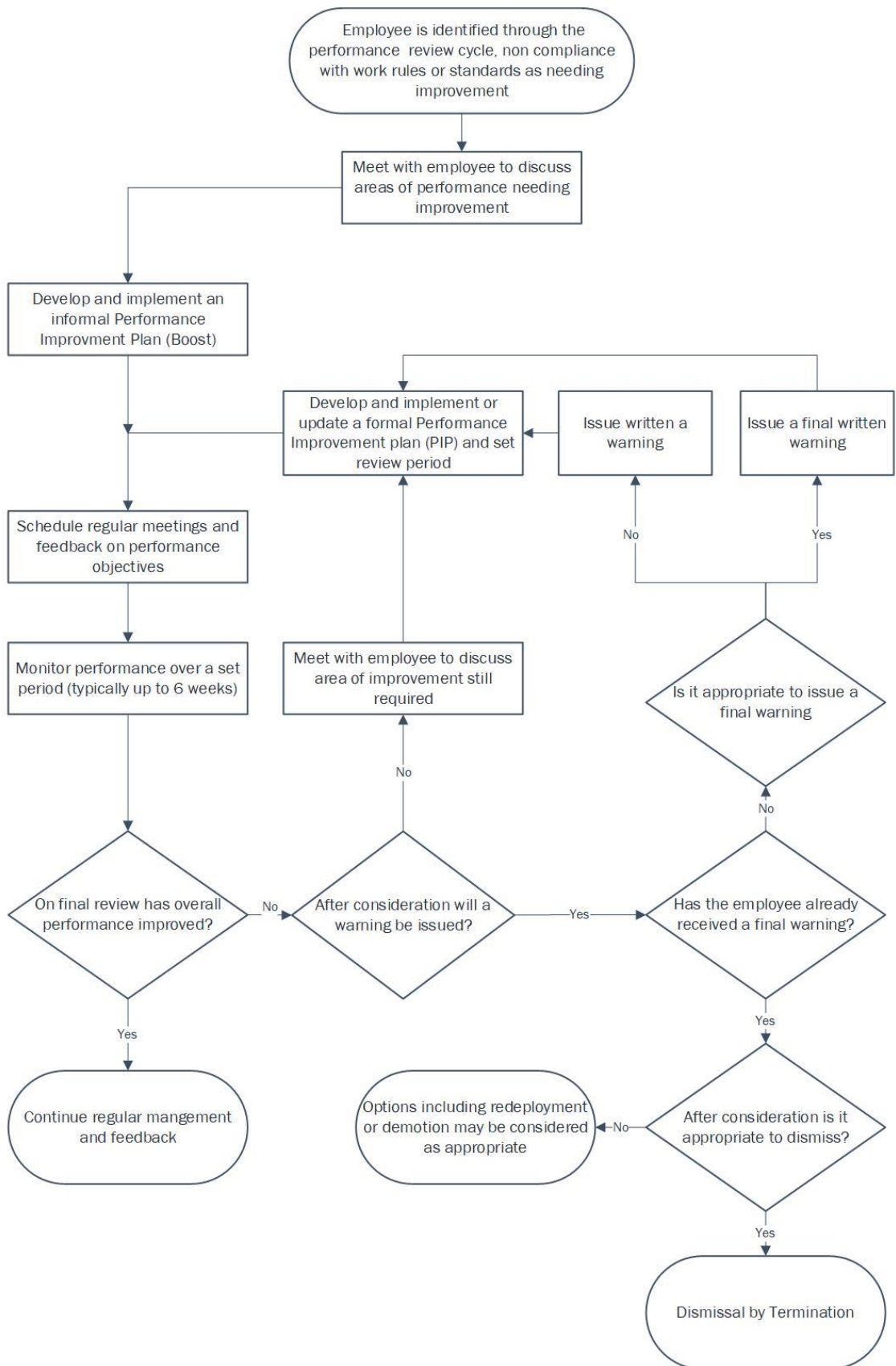
Misconduct & Serious Misconduct Process

APPENDIX 3



Performance Improvement Process

APPENDIX 4



Staff Conflict of Interest

ORGANISATIONAL POLICY

POLICY REFERENCES

• Sponsor:	People & Wellbeing Manager
• Internal review due:	November 2026
• Legal compliance:	N/A
• Associated Documents/References	LGA good employer obligations Public Complaints Against Staff Policy Code of Conduct Policy Sensitive Expenditure Policy Staff Interests Register Employee Disclosure Form
• Policy Number	HR25
• Approved by Chief Executive	November 2019
• Approved by Council (If Applicable)	Not Applicable

Purpose

To provide guidelines to employees when their role as a Council employee may conflict with their interests, rights and obligations as a citizen.

Application

The following five obligations should at all times guide an employee's behaviour where there might be a conflict real or perceived between their role as an employee and their interests as an individual, Tasman District resident or member of the public:

- Employees should fulfil their lawful obligations to the Council with professionalism and integrity;
- Employees should perform their duties honestly, faithfully and efficiently, respecting the rights of the public, colleagues and customers;
- Employees should not bring their employer into disrepute through their private activities;
- Employees should not let their personal values, views and interests adversely influence or compromise the performance of their duties;

Policy Contents:

1. [Political Neutrality](#)
2. [Conflicts of Interest and Compromising of Integrity](#)
3. [Council Officers as Private Individuals](#)

4. [Council Officers as Submitters](#)
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Policy

1. Political Neutrality:

As a Council employee you serve the Council of the day, but you must also be able to serve successive Councils that may be politically different. You need to maintain the confidence of the current Council and also be able to establish the same relationship with future Councils. To do this you must be politically neutral in your work. However, you should not be politically naïve – in fact you need to be aware of the political environment in which the Mayor and Councillors that you service operate.

If you find yourself in a situation where your personal views on an issue conflict with Council policy or proposed policy, and you are reluctant to carry out an instruction, then you should discuss the circumstances and options immediately with your Senior Manager or Team Leader.

2. Conflicts of Interest and Compromising of Integrity:

The integrity of Council employees is critical to the maintenance of public confidence in the Council. So you must act with integrity in all aspects of your work and perform your duties honestly and impartially. You should endeavour to avoid/mitigate any personal, financial or professional situations which you can reasonably predict might compromise your integrity or otherwise lead to a conflict of interest.

You must disclose to the Council in writing all situations where you, your immediate family, your partner, a person who you are in a relationship with, or a close personal friend:

- has other employment, either employed or self-employed in a role that may conflict with your role as a Council employee;
- holds a management or governance role in an entity contracting with the Council, Nelson City Council or a Council CCO.
- is, in a personal capacity, a member of, or has family involvement in, a trust or community organisation which is funded by or otherwise supported by the Council;
- is in a close personal relationship with another staff member, elected member, election candidate or with a person involved in any professional activity that has a direct connection to the role you hold with the Council;
- holds office or a position within a professional group, business or association which is funded by or otherwise supported by the Council;
- has a position as a Council officer which could be seen to result in any personal gain;
- has an interest in a matter that may require the Council's discretionary approval such as a building or resource consent or any other statutory activity that the Council can approve or decline.

When any of these situations occur/have the potential to occur you are obliged in the first instance to inform your Senior Manager or Team Leader. They will assist you to determine if there is a conflict of interest or if your integrity is being compromised and agree the best course of action to resolve it.

You must also ensure that you do not use your official position for personal gain, such as acceptance of gifts, rewards or benefits which might compromise, or give the appearance of compromising, your integrity. Where such an offer is made, you are expected to discuss this with your Senior Manager or Team Leader who will determine the appropriate response. Active soliciting of such gifts, rewards or benefits would be treated as serious misconduct. For more information regarding the receipt of gifts, refer to the Sensitive Expenditure Policy.

Your disclosure of any interest does not mean that any conflict of interest (real or perceived), has been mitigated. In all instances you should discuss the disclosure with your manager who will advise whether or not a real or perceived conflict of interest exists and the measures that should be taken to manage the issue.

You need to record the disclosure of interest through the [online Employee Disclosure Form](#), so it can be included in the Interests Register, which is held by the Legal & Democracy Services Team. Interests related to building consents should be registered with the Building Assurance Team.

Examples of conflicts of interest

Personal Relationships

Employees may have family or other close personal relationships with people engaged in activities that could have an interest in issues the employee is dealing with.

Examples could include people who have business dealing with council.

Employees are, of course, perfectly entitled to have such relationships, but employees should be open about them. They should therefore disclose the names and activities of family and other personal relationships that could or could be seen to impact upon employee's responsibilities.

Definitions of personal relationships - for purpose of the policy a "close personal relationship" includes:

- An employee's family (e.g., children, spouse /partner, parents, siblings, aunts, uncles, cousins etc. – whether by blood or otherwise)
- Members of the same whanau as the employee's with whom there is regular, close contact, friends, business partners or associates.

In the case of a close personal relationship with team or work group, it may be desirable for one party to move to another work area. While it is not uncommon or wrong for couples or family to be working in the same team, it is not usually appropriate for one to have any line responsibility over another. Despite the sensitivity involved, it is also important that all employees feel able to raise with more senior management any concerns about perceptions of conflicts of interest resulting from family members working in council.

Interests of immediate family members

The term 'immediate family members' applies to spouses and dependent children. Employees agree they will declare any private interests or relationships of their immediate family they are aware of, where circumstances arise in which they consider that these interests could or could be seen to influence the decisions they are taking or advice they are given.

Conflicts with financial interests

Financial interests may cover such things as directorship, shareholders, real estate or trusts, which have potential to conflict with official duties. Examples of this type of conflict are when a Council employee:

- Is the director of a family company that may be affected by policy changes being considered in his or her work.

- May be assessing tenders from companies that they or a relative may have an interest in.

Conflicts with personal interests

Personal and other interests may include personal relationships such as sporting, social or cultural activities as well as family, intimate or other relationships. Examples of where personal or other interests may conflict with an employee's duties are where an employee:

- Is in a position to assess grants to a community group which they belong
- Is in a selection panel and has a close personal relationship with an applicant for the position

3. Council Officers as Private Individuals

As a Council Officer, you have the same rights as other members of the public. However, you must ensure that in your activities and contribution to any public debate or discussion it is clear that you are expressing your opinion as a private individual and that your private opinion does not influence or affect your integrity at work.

We acknowledge your right, as submitter, to express personal opinions to the Council or in public which may differ from:

- proposals being developed for Council or management; or
- proposals being made to Council or management; or
- material being considered by Council or management; or
- positions or policies approved by Council or management or

In any case where you do wish to express your personal opinions, ensure you follow the procedure set out in section 4.

In general, your comments when acting as a private individual as opposed to being a Council employee would be unacceptable if you:

- reveal advice given to Councillors, or use or reveal any information gained through your official duties which is not readily available to the public or already known to them;
- publicly criticise a proposed or existing Council policy or programme, particularly if your criticism is based on information gained through your official duties which is not readily available to the public or already known to them;
- publicly criticise a Councillor or any employee of the Council;
- publicly criticise Council Policies relating to matters for which you are required to provide advice to Council or exercise any delegated authority on behalf of the Council.

Any of these actions could breach the staff Code of Conduct and may lead to disciplinary action.

You are not permitted to develop a private submission or application during work time or by using any Council resources.

4. Procedure to be Followed by Council Officers to Avoid or Mitigate any Actual, or Perception of, Conflict of Interest:

- a. If you, either personally or through an agent, in your personal capacity, wish to address a public meeting or make a submission on a matter before Council, as set out in Section 3 above; you should advise your manager in writing

- b. If you, either personally or through an agent, intend to lodge an application for a building or resource consent, or other formal licence or approval which may be discretionary in nature, you should advise your manager in writing.
- c. If you are aware of a member of your immediate family or a close associate who intends to make a submission or address a public meeting as set out in Section 3 above; or lodge an application for a building or resource consent, or other formal licence or approval which may be discretionary in nature, you should advise your manager in writing, if there is any possibility of actual or perceived conflict of interest. The manager will acknowledge the notice from you. After consultation with you, if necessary, the manager may formally advise you of mitigation measures to manage any real or perceived conflict of interest.
- d. The manager will ensure that a copy of the disclosure of conflict of interest and the manager's formal response are filed on your personnel file and copied to the Interests Register, which is held by the Legal & Democracy Services team, including any other relevant information or material.
- e. The manager may also direct you to take no part in any Council, Committee or staff discussion or proceedings of the matter relating to the identified potential conflict of interest. Where you are expected to represent Council at a meeting or elsewhere in public and you believe you may be placed in a position of conflict or embarrassment, you should advise the Group Manager of this possibility. You must take leave from your employment when appearing before the Council in a private capacity.

This procedure is intended to ensure the Council, the Executive Leadership Team and the general public receive consistent and credible advice from Council employees acting professionally. At the same time the procedure protects individual employees' right to access Council services, rights of freedom of personal expression in their private capacities.

5. Private Communication with Elected Members:

You have the same rights of access to your elected representatives as other members of the public.

However, given the requirement for Council employees to remain politically neutral in their work, you need to approach such communication with sensitivity.

As a general guide:

- You may communicate privately with elected members about any matters outside your employment, but if you occupy a senior position or work closely with elected members, you should exercise particular care with such communications.
- You should not lobby or influence elected members about decisions that are the responsibility of the Chief Executive or fall within their delegations such as priority of work or allocation of resources. These matters should be raised and resolved within your existing management structure or reporting lines to the Council or its Committees.
- You should not communicate with elected members about matters concerning your or another employee's employment. These matters are to be raised and resolved with your Team Leader or Senior Manager or the Chief Executive as appropriate.

If approached privately by an elected member, you should endeavour to impartially satisfy the elected member's query or request, if it is within your normal duties and delegations. If it is not, you should promptly refer the matter to your manager who will ensure that the elected member's needs are managed. Employees should avoid comment to elected members on aspects of Council business outside their area of responsibility.

6. Participation in Public Bodies or Voluntary Associations:

You are free to stand for, or serve in, any office or position on any public, professional, voluntary body, or lobby group. However, if it is anticipated that a conflict may exist, or potentially could exist, between participation and your official duties, you should discuss the matter with your Senior Manager or Team Leader outlining your intentions and/or level of involvement. This is particularly important where you are considering joining a lobby group.

Where your Senior Manager or Team Leader, after consultation with you, considers holding such an office may conflict your work responsibility to Council, your participation may need to be avoided or resolved in line with the principles inherent in this policy. In some circumstances you may be counselled/requested/directed not to stand for office, or to resign a position or membership already held. In the latter case this will be done formally, and reasons given.

Authorised by

Janine Dowding, Chief Executive



Date of approval: November 2023

Tasman District Council

Internal Audit Charter

Introduction

This charter sets out the purpose, role, authority and responsibility of the Internal Audit function at Tasman District Council.

Mission

The purpose of the Internal Audit function at Tasman District Council is to assist the Council to achieve its objectives by providing independent and objective assurance and consulting services to add value and improve the Council's operations.

Objectives

The Internal Audit function has the following objectives:

- Provision of assurance on the adequacy and effectiveness of risk management processes in reducing risk exposures down to acceptable levels.
- To provide management with a protective service where the activities of compliance, probity, verification and appraisal of internal controls are provided along with risk management related to Council's business processes.
- Provision of value add and consulting services to improve the Council's operations, business processes, governance mechanisms and culture.
- Reviewing the economy, efficiency and effectiveness of how objectives are achieved and best practices should be incorporated into the organisation's management practices.

Role

The role of the Council's Internal Audit function includes:

- Assessing the adequacy and effectiveness of the system of risk management and internal controls operated within the organisation
- Reviewing and evaluating compliance with policies, plans, procedures, laws and regulations
- Assessing the reliability and integrity of information
- The safeguarding of assets
- Review all areas of Council at appropriate intervals to determine whether they are efficiently, effectively and economically carrying out their functions in accordance with Council objectives and the applicable legislation, regulations, policy, procedures and standards
- Maintain a focus on new and existing information and financial systems assurance (including security and control)
- Determine whether the systems of internal control are adequate and functioning effectively and efficiently
- Promote effective control and risk management at reasonable cost
- Report the results of assurance reviews and recommendations to those members of management who should be informed, or should take corrective action
- Review the implementation of corrective actions to ensure that recommendations have been implemented in a timely and effective manner

- Promotes a culture of open and honest conversations
- Regular contact and follow up with the Chief Executive and Leadership Team
- Liaison with external auditors
- Reporting to the appropriate level of management any instances of significant breaches of internal control or unmanaged risk that Internal Audit is aware of
- Regular reporting to Chief Executive and the Audit and Risk Committee
- Providing consultation and investigatory services as required
- Training and developing awareness of risk and internal audit requirements, including topics such as internal control, ethics, conflicts of interest, protected disclosures, anonymous letters, risk management and delegations.
- Maintaining Internal Audit documentation designed for further awareness and understanding of these activities.

Scope of activities

The scope of Internal Audit activities shall include all activities and operations of sections, departments and other groups within Council, including the Leadership Team.

There is no limitation to scope imposed by management.

Review activities may include:

- Financial, operational and information systems audits.
- Appraising the economy, effectiveness and efficiency with which resources are used in operations.
- Assessing the accuracy and adequacy of management information.
- Reviewing the reliability and integrity of financial information and the means used to identify, measure, classify and report that information.
- Reviewing the planning, design, development and implementation of new systems, significant projects or initiatives.
- Reviewing systems and procedures and recommending improvements to existing processes and procedures, where appropriate.
- Assessing areas for compliance with relevant legislation, regulations, policy and procedures.
- Probity audits (including tender and contract reviews).
- Carrying out any special projects, investigations, appraisal and inspections as required.
- Enquiries, special projects or investigations as required.
- Interpretation or guidance on policy, procedure and delegations.

Independence

Internal Audit has independent status within the Council and for that purpose:

- The function reports directly to, and is responsible to, the Chief Executive.
- Internal Audit provides regular reporting to the Audit and Risk Committee and has direct access to the Audit and Risk Committee to raise any independence issues and other matters.
- Internal Audit activities are generally performed by an independent third-party internal audit services provider. When the internal audit activities are performed by the Council's staff, this work will be performed by staff not directly involved in these activities and the results will be reviewed by an independent third-party internal audit services provider.

This reporting structure is designed to provide independence, promote comprehensive assurance coverage and objectivity and ensure that proper consideration is given to Internal Audit recommendations. Internal Audit has no executive or managerial powers.

Council is committed to observing the very highest standards of corporate governance and this reflects the desire to address issues surrounding actual and perceived independence for Internal Audit. As a result, Internal Audit is required to confirm to the Audit and Risk Committee at least annually the organisational independence of Internal Audit.

Authority – Access

Staff and contractors engaged in Internal Audit shall:

- At all reasonable times have full and free access to all information and property of Council as is necessary to perform their duties.
- At all reasonable times have discussions with any personnel and require them to provide information, advice and explanations in connection with their work.
- Receive every assistance from groups, departments or staff under review in order to facilitate the progress of the review.

Authority – Limits

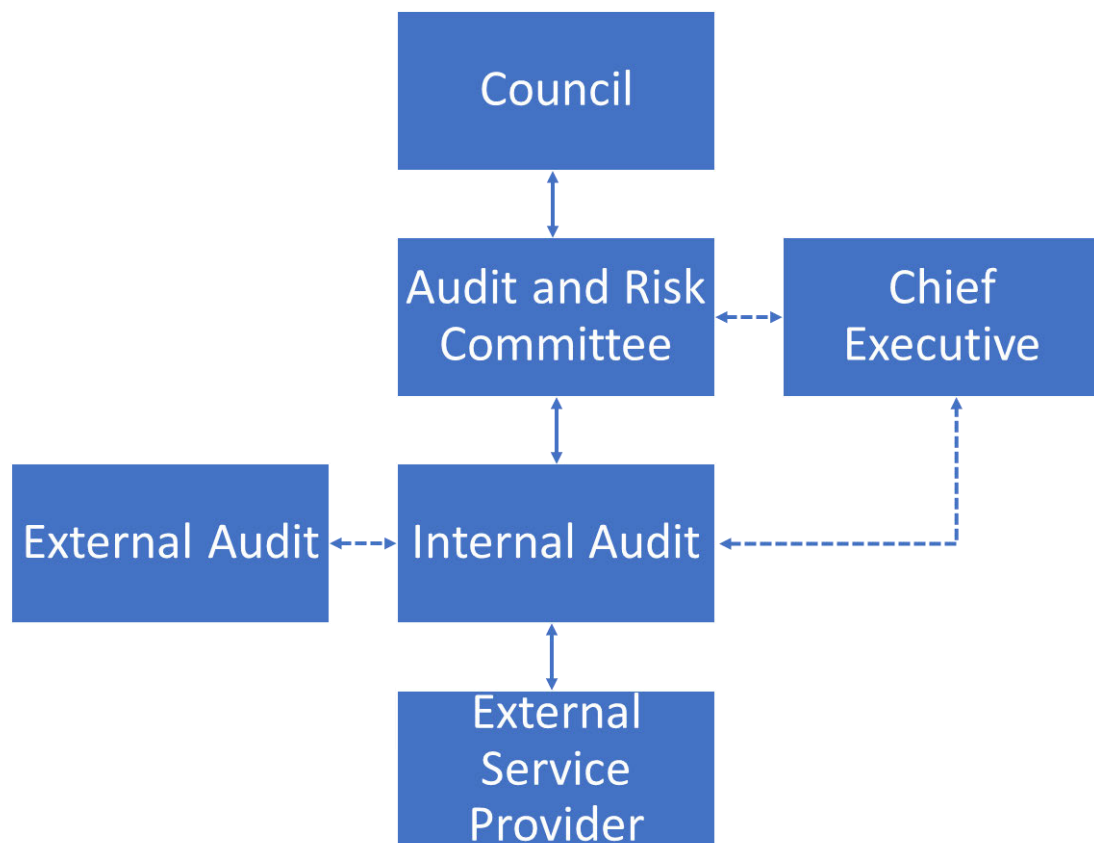
Staff and contractors engaged in audit work do not exercise direct authority over persons in the organisation whose work is under review. The work of Internal Audit in reviewing, reporting, and appraising established policies, plans and procedures does not in any way relieve operating line management or personnel of responsibilities assigned to them.

Responsibilities

The following roles and responsibilities are relevant for the Internal Audit function:

- The Corporate and Governance Services Manager, in conjunction with the Financial Accountant, will monitor and co-ordinate all Internal Audit activities across Council. They will be responsible for the function of Internal Audit being delivered.
- An independent third party internal audit service provider will provide guidance and assistance where required in accordance with the Terms of Reference agreed between the Corporate Services Manager (or Financial Accountant) and the service provider.
- It is expected that in carrying out its role Internal Audit will work closely with all areas of Council to enhance the delivery of business process improvements.

- The Audit and Risk Committee is the main stakeholder for the Internal Audit function. Its roles and responsibilities are described in its Terms of Reference.



Planning

Each year, Internal Audit will develop an indicative risk-based work programme covering the next three years. This work programme should address the key Council's risks and includes consideration of the:

- Risk Register, while taking into account existing assurance processes in place;
- Matters raised by the Audit and Risk Committee; and
- Discussions with staff including the Chief Executive.

The proposed programme should be presented to and approved by the Council's Audit and Risk Committee.

From this approved work programme, a more detailed work plan and, for most reviews, formal audit plans are prepared covering scope, objectives, resources and timing.

Proficiency and due professional care

All work undertaken by Internal Audit will be performed with proficiency and due professional care and with appropriate standards of ethical behaviour. Reporting will be timely, honest and objective. Information gained in the course of work is confidential and not to be used outside the scope of approved responsibilities.

Specifically, Internal Audit is subject, as applicable, to the following professional standards and ethics:

- The International Standards for the Professional Practice of Internal Auditing
- New Zealand Institute of Chartered Accountants.

In addition, Internal Audit is guided by:

- Australian/New Zealand Standard for Risk Management AS/NZS ISO 31000
- New Zealand Standard for Risk Management for Local Government SNZ HB 436:2013
- COSO Enterprise Risk Management – Integrated framework
- Other relevant publications and guidelines (e.g. MBIE's Government Rules of Sourcing, OAG guidance for sensitive expenditure, etc.)

Approval of the Internal Audit Charter

The Internal Audit Charter was approved by the Council on 21 May 2020.