

Drafting Local Government Policies: five tips

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Council policies are a major component of the governance framework for all local governments. They support the strategic direction of a local government and guide the organisation’s decision-making process.

A great deal of care and thought should therefore go into creating policies. Well-drafted policies will stand the organisation in good stead. On the other hand, poorly drafted policies can result in serious inefficiencies within the operations of a local government.

To achieve an effective policy manual it is important to ensure all policies are clear, concise and contemporary. Here are some ways to help you get there.

1. Separate policies from procedures

Policies and procedures each play a distinct role within a local government’s governance framework.

Policies set some parameters for decision-making and show the “why” behind actions. They make the organisation’s thought processes predictable and consistent.

On the other hand, procedures, otherwise referred to as ‘operational directives’, describe how to complete specific tasks. They make the organisation’s actions predictable and consistent.

Taken together, policies and procedures amount to an organisation doing what it says it will do, as set out in its strategic objectives, as found in the Community Strategy Plan and the Corporate Business Plan. In effect, policies and procedures form a basis for good governance.

Why should policy and procedural documents be separate?

The council is responsible for determining the strategic direction of a local government. This is assisted by the adoption of policies that reflect such a direction.

It is a truism that it is not the role of the council to concern itself with the detailed workings of the administration. It should therefore not be asked to approve policy documents which have elements of procedure in them. A policy can drive the need for a procedure, but should not dictate the actual wording of the operational procedure.

Maintaining separate documentation for policies and procedures provides a clear distinction between the role of the council and the role of the local government administration.

In addition, combining policy and procedure(s) in the same document may result in long, convoluted documents and operational inefficiencies. For example, reviewing a policy and making a minor amendment will require more time and effort when procedures are interwoven within the policy.

Although it is best for policies and procedures to be contained in separate documents, they must work in conjunction with one another. Where relevant, policies should therefore reference procedural documents and vice versa.

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2. Use a policy template

Policy templates reduce the time spent on drafting new policies by providing a clear structural guide. They also provide consistency between the policies of a local government.

Policy templates will differ between local governments.

When building your template, take time to consider those aspects that can be applied across various policies.

For example, policies may include the following headings:

- Policy objective;
- Policy statement;
- Responsible officer, team or directorate;
- Adoption date or resolution number;
- Definitions;
- Legislative head of power (relevant legislation, local laws or delegations);
- Related documents (e.g. other policies or procedures);
- Last review date or amendment date; and/or
- Next review date.

Local governments might wish to add other headings to best suit their own policy style. A local government may also need more than one template for policies. For example, town planning policies can require a different format to policies under the *Local Government Act*.

3. Write in plain English

A well drafted policy is easily understood and interpreted by the reader. Use short sentences and consistent terminology to ensure the policy can be easily understood.

Ensure all acronyms are spelt out in full the first time they are used, or defined under a 'definitions' subheading to avoid confusion.

Policies should be drafted in a clear and succinct manner. A "policy on a page" is a good guide when you start your drafting, as this will encourage you to keep the policy succinct. For example providing reference to the policy's legal head of power is appropriate, but there is no need to reproduce the legislation verbatim. Doing so risks cluttering up the document unnecessarily.

Some guidance for writing in plain English includes:

- Keeping sentences to no more than 25 words;
- Using the present tense; and
- Using the active rather than passive voice.

For more guidance on plain English writing, refer to the *Australian Government Style Manual*.

4. Use terminology in line with the policy's intent

It is important to be mindful of the intent of the policy and ensure this is reflected in your choice of language. For instance, the words 'should', 'can' and 'may' implies there is a choice. Whereas the word 'must' does not.

The above example touches on how strict a council might want to be. It helps to know if the council intends to be permissive or prescriptive. Knowing the intent will assist in selecting terminology for the policy.

Sometimes a policy reflects a certain value that the council holds. For example, a council considers that it should accept the science behind climate change in relation to its environmental policy. If you know that is the intent, you can frame the wording of the policy accordingly.

One common mistake is to reproduce a legislative provision in a policy as if the wording of that provision was part of the content of that policy.

Law and policy are two very different things. If legislation is to be reproduced in a policy, it should be for reference only.

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5. Ensure all policies are regularly reviewed

All policies in a local government, or any other organisation, should be regularly reviewed to ensure they remain contemporary. Unlike local laws, there is no statutory deadline for conducting policy reviews. Instead, each local government should determine a reasonable time interval between reviewing its policies. This may be by conducting annual or biennial reviews (or some other suitable period).

All policies should identify details such as the responsible officer or team and the dates of the last review and next review. Calendar or email reminders should be set in advance to ensure policy reviews are not forgotten. These steps will help make the system of review more effective.

Although policies should be regularly reviewed, it is best to avoid including information that may fast become outdated. For example, refer to position titles rather than the names of officers. This will assist in maintaining the effectiveness of policies in between reviews.

Key Points

1. Separate policies from procedures
2. Use a policy template
3. Write in plain English
4. Use terminology in line with the policy's intent
5. Ensure all policies are regularly reviewed

Conclusion

Drafting policies can often be given a lower priority when pressing operational issues need to be managed. Yet, they can be invaluable on the occasions when the organisation needs to know how to act or react to emerging situations.

A suitable set of policies can be of great assistance in making your organisation more efficient and effective in the long run. Using the techniques described above, you can move towards making your policies clear, consistent and contemporary and improve the overall good governance of your local government.

Time spent on policy development is therefore time well spent.

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