# Communications protocols

Communications protocols guide communications between the board and stakeholders. They set out the communications path internally and externally, and accepted processes for approving and disseminating information.

As a general rule, it is important your board communicates:

* a clear and united message, usually through the chair
* only on matters within its scope and authority
* with consideration of the board’s responsibility to its agency and its accountabilities including to government and/or parliament
* with appropriate protocols in place to ensure stakeholders are informed about board activities
* with consideration to confidentiality obligations.

Communications refer to:

* personal interactions (telephone calls, meetings, conferences)
* electronic media (emails, social media, messaging)
* written documents (letters, reports, briefings, papers)
* industry consultative forums and group activities
* government and stakeholder strategic directions, policies and programs.

Communications protocols establish for each type of communications:

* who communicates with whom and when
* scope and extent of what is to be communicated
* relevant conflicts of interest and confidentiality considerations.

Board and agency head

The CEO leads communications with employees and authorises communications from employees with industry, government agencies, other stakeholders and the media.

Generally, board members do not directly approach staff for information but make requests through the CEO. Staff approach the board through the CEO.

Boards develop protocols regarding board-to-CEO communications to suit their particular circumstances.

A board member’s communications are focused on direction, strategic planning, policy determination, and financial and governance matters. They are likely to be whole-of-board business.

For a consistent and unified approach, you and your fellow board members need to inform the board and CEO of any significant external communications activity.

Board and minister

Usually the chair or CEO communicates with the minister. As a board member you only communicate directly with the minister or minister’s staff with authorisation from the chair or CEO.

From time to time the board may receive requests from the minister or representative on matters before the board. In some cases, a board’s enabling legislation may allow the minister to provide a direction to the board. It is important for there to be clear guidelines about what constitutes a ‘direction’ from the minister.

For agencies headed by a governing board, the chair may have a major role in liaising with the minister.

Public comments and representing the public sector agency

A comment is considered ‘public’ if it is reasonable to expect it could reach the wider community, for example via the internet or social media, in a speech or to media.

Generally, only the board chair or agency CEO makes public statements, however you could occasionally be asked to represent the board or agency in a public setting. Your comments need to reflect that operational responsibility lies solely with the agency. Your comments and behaviour should be consistent with the objectives of the board, be ethical and demonstrate the level of probity expected in the public sector.

As a board member you should not publicly share your personal views, speculate on future directions, criticise any political parties or continue debate on an issue after a decision has been made by the board.

Talking with the media

Communications protocols also cover how members deal with requests and queries from the media. The first step is to discuss any request with the chair or CEO as appropriate.

Members who have permission to make public comments should confine their comments to information necessary to provide a concise, factual response. Most public sector bodies have their own media liaison policies and procedures which may apply. Many also have staff with expertise and responsibility for liaising with the media.

Working with stakeholders

Information flows between the board and stakeholders are 2-way and ideally include the board receiving feedback from stakeholders on its stakeholder engagement and communications strategies.

Communications protocols include who communicates with whom and what can be discussed, public comments and representing the board or agency.

Representative boards need protocols that allow members to consult with their networks and remain informed while not compromising their need to act in the interest for which the board was formed rather than promoting the interests of the particular stakeholder group they represent. Where representative members are expected to communicate with those in their networks or consult with constituents, it may be appropriate to reimburse necessary costs incurred.

Contact with lobbyists

The WA Government has established a [code of conduct](https://www.wa.gov.au/service/business-support/business-registration-and-licensing/register-lobbyist) that guides government officers, including board members, on contact with lobbyists.

Confidential information

Section 81 of the *Criminal Code* makes it illegal for public officials to disclose confidential information and prohibits them from publishing or communicating any facts or documents that came to their knowledge or possession by virtue of their office and which it is their duty to keep confidential.

The board’s code of conduct and communications protocols outline the board’s approach and responsibilities in relation to confidentiality.

Any private use of information obtained in an official capacity that is not already in the public domain is likely to be inappropriate as it has the potential to conflict with a member’s official duties or compromise confidentiality.

Boards may be subject to the *Freedom of Information Act 1992* which provides public access to government documents, subject to certain restrictions, to promote accountability and transparency.

Given the nature of board member communications and that it may often include email contact and use of personal email accounts, particular care is required with information provided to members electronically (for example, ensuring that confidential information from earlier email conversation threads is not forwarded on unintentionally).

Raising concerns

Board members have several avenues for raising concerns about decisions and actions that may be contrary to the board’s public duty or potential misconduct by board members and management.

Depending on the nature of the matter, the first step is to raise concerns with the board chair and, for matters relating to management, also with the CEO or relevant public sector agency representative.

Where concerns relate to improper conduct, members may wish to make a public interest disclosure (PID) in accordance with the *Public Interest Disclosure Act 2003*.

Misconduct should be reported to the Corruption and Crime Commission (serious misconduct) or the Public Sector Commission (minor misconduct) in accordance with the *Corruption and Crime Commission Act 2003*.

Any information about actual or potentially corrupt or illegal activities should be disclosed to the board chair, CEO or, if necessary, the Corruption and Crime Commission or board’s PID officer.