



Internal Ombudsman Shared Service

ANNUAL REPORT

2017 - 2018

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INTRODUCTION

Letter to the Chairman of the Internal Ombudsman Shared Service Management Committee

Mr Rik Hart

Chairman of the Internal Ombudsman Shared Service Management Committee

Inner West Council

7-15 Wetherill Street

LEICHARDT NSW 2040

Dear Mr Hart,

Internal Ombudsman Shared Service Annual Report 2017-2018

I am pleased to present the First Annual Report for the Internal Ombudsman Shared Service with City of Parramatta, Cumberland and Inner West Councils. This report contains an account of our work for the period 25 September 2017 to 30 June 2018.

Yours sincerely,



Suellen Bullock

Internal Ombudsman

29 August 2018

Message from the Chairman of the Internal Ombudsman Shared Service Management Committee

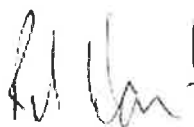
The Internal Ombudsman Shared Service came into existence in September 2017 to provide an “independent ear” to “the residents, community members, ratepayers, local businesses, staff, Councillors and other Council stakeholders” of City of Parramatta, Cumberland and Inner West Councils.

It gives me great pleasure as Chairman of the Internal Ombudsman Shared Service Management Committee to commend to you the activities of the Internal Ombudsman Shared Service as reflected in this first Annual Report.

Along with the milestone of setting up the Internal Ombudsman Shared Service, some other major milestones have been achieved for example: in assisting the three Councils to review and improve their complaint handling protocols and to provide input into other policies such as the Gifts and Benefits Policy, Sponsorship Policy and Social Media and Media Policies; by establishing with the three Councils two important forums: the Shared Council Children's Services Forum and the Shared Council Governance Forum); attending each Council's Audit Risk and Improvement Committee; and re-establishing the Internal Ombudsman Network with other New South Wales Local Council Internal Ombudsmen (ION). Consultation mechanisms have been established with external agencies such as the NSW Ombudsman, the Independent Commission Against Corruption, the Office of Local Government, NSW Police Force in relation to child protection matters and most recently, with the Audit Office of New South Wales.

As the Internal Ombudsman Shared Service is about to enter its second year, I congratulate the Service on its achievements and look forward, with the Management Committee, to the Internal Ombudsman Shared Service working towards its vision of assisting the three Councils to promote:

- Fair and reasoned decision-making
- Responsive administrative processes
- Effective complaint handling practices
- Quality services



Rik Hart

**Chairman, Internal Ombudsman
Shared Service Management
Committee**
General Manager, Inner West Council

- Good ethical conduct and behaviour



Message from the Internal Ombudsman

The Internal Ombudsman Shared Service (IOSS) with Cumberland, City of Parramatta and Inner West Councils commenced on 25 September 2017.

The IOSS's role and work is governed by the Internal Ombudsman Shared Service Governance Charter, which provides that the IOSS "*provides residents, community members, ratepayers, local businesses, staff, Councillors and other Council stakeholders with an 'independent ear'*". The establishment of the IOSS reflects the three Councils' commitment to operate to a high standard of ethical conduct and decision-making; administrative conduct and procedures; and, to strive for a corruption free organisation. All operations of the IOSS are underpinned by the principles of procedural fairness, impartiality, accountability and transparency.

The Internal Ombudsman Shared Service consists of the Internal Ombudsman, Assistant Internal Ombudsman, Mr Rodney O'Donahue, and Complaint Assessment and Administration Officer, Ms Sarah Labone. The work of the

IOSS encompasses the "*Triple Governance Track*" based on a tripartite model of: **prevention**, including policy review and development; **education**, including the development and delivery of training; and, the **investigation** of complaints within jurisdiction including about administrative conduct, unethical behaviour by Council, corrupt conduct, misconduct, or maladministration. If a complaint is found to have been sustained, the Internal Ombudsman may make recommendations to the relevant Council for appropriate action.

From the inception of the IOSS, we have received 99 complaints. The issues we dealt with encompass: administrative processes including failure and delay in responding to complaints; inadequate reasoning in responses; and, allegations of corruption. Complaints about Council services included about: development decisions (not the decision itself); environmental and building compliance; waste services; trees; and, parking. During the past year, we have provided input into the review and/or development of various policies such as: Social Media and Media Policies; Complaint Handling and Compliments Policies; and the Gifts and Benefits Policy. The IOSS has also contributed to the review and delivery of Code of Conduct training and Probity in Procurement training for the three Councils.

The IOSS has attended a number of Councillor Briefings and attends each Council's Audit Risk and Improvement Committee (ARIC) meetings at which information is provided about the work of the IOSS and any projects involving the IOSS which may be of assistance and relevance to the work of the ARIC, such as in fraud and corruption prevention.

I am particularly proud of the work done by the IOSS in terms of assisting in the establishment of a Shared Service Children's Services Forum working towards establishing a best practice procedure across the three Councils in dealing with child protection complaints and procedures and also in the establishment of a Shared Service Governance Forum with the three Councils.

Internal Ombudsmen are not new in New South Wales Local Government, but an Internal Ombudsman Shared Service is unique.

During the reporting year, the Audit Office of NSW published a report on Shared Services in Local Government. I am keen to work with the Audit Office of NSW to pursue and refine the procedures whereby Internal Ombudsman Shared Services may be expanded in NSW Local Government. Discussions with the Office of Local Government certainly recognise the potential benefit of such shared services for regional NSW Councils.

Many Councils are exploring or have already appointed an Internal Ombudsman and such individuals have much to offer Local Government. The learnings and experience of such individuals is invaluable and in recognising this and the support which each of us in these positions can offer, this has led to the re-establishment of the Internal Ombudsman Network (ION).

Finally I wish to thank the Internal Ombudsman Shared Service Team of Rodney O'Donahue and Sarah Labone who have worked tirelessly with me to establish the IOSS and to ensure, through their continued efforts, to assist the three Councils in their pursuit of good administrative conduct and governance. My thanks are also extended to the members of the Internal Ombudsman Shared Service Management Committee and to the Governance Groups of the three Councils who have assisted in the establishment of the IOSS and in encouraging and promoting the work of the IOSS with the three Councils.



Suellen Bullock

Internal Ombudsman

About this Report

This Annual Report provides a comprehensive account of the IOSS's performance from inception on 25 September 2017 and throughout the 2017-2018 financial year. This report provides a thorough overview of the work completed by the IOSS as well as outlining the plan for the year ahead.

Whilst there is no requirement for the IOSS to present an annual report, the IOSS Governance Charter states that *"Where the Internal Ombudsman Shared Service considers it to be in the public interest, or in the interest of a person or the member Council, the Internal Ombudsman Shared*

Service may, with the endorsement of the Internal Ombudsman Shared Service Management Committee, publish a report relating generally to the performance of duties under this Governance Charter". The IOSS strives to be a leader in transparency and accountability and this document meets that commitment. It is also a source of information for all City of Parramatta, Cumberland, and Inner West Councils (IOSS member Councils), their communities and stakeholders, including ratepayers, residents, businesses, community and interest groups, news media, Council staff, Councillors and the wider general community.

This Annual Report is made up of four parts:

Part 1

About Us -

Details of the IOSS and who we are, what we do and we go about our work.

Part 2

Our Year in Review-

Details of the IOSS's work on investigation, prevention, education and promotion activities, as well as their performance against the IOSS Strategic Plan for 2017-2018.

Part 3

Management and Accountability -

Information on how the IOSS is accountable and transparent, including its financial summary.

Part 4

The Year Ahead -

A summary of the IOSS's focus for 2018-2019.

Enquiries about this report should be directed to the Internal Ombudsman, Internal Ombudsman Shared Service. Contact details can be found on page 10 of this report.

PART 1: ABOUT US

Who we are

The term 'ombudsman' is loosely translated as 'the citizen's defender' or 'representative of the people'.

The IOSS was established by the *Internal Ombudsman Shared Service Agreement* between City of Parramatta, Cumberland and Inner West Councils, signed on 31 July 2017 by Mr Greg Dyer, then Chief Executive Officer of City of Parramatta Council, Mr Malcom Ryan, then General Manager of Cumberland Council and Mr Rik Hart, General Manager of Inner West Council. Each Council is to financially contribute equally to the IOSS, with Cumberland Council designated the host Council for the purposes of administrative and financial arrangements.

The Internal Ombudsman Shared Service Management Committee (the Management Committee) governs the work of the IOSS and is comprised of the Internal Ombudsman, the two General Managers of Cumberland and Inner West Councils and the Chief Executive Officer of the City of Parramatta Council. The Management Committee has Terms of Reference. The IOSS operates according to the IOSS Governance Charter which provides for the IOSS's jurisdiction and how it undertakes its role and work.

On 25 September 2017, Suellen Bullock, commenced as the Internal Ombudsman. The initial term of appointment is for three years. An office for the IOSS was established at 11 Northumberland Road, Auburn, NSW 2144. The office location is separate from any of the member Councils' offices, a deliberate action to promote the independence of the IOSS. Assistant Internal Ombudsman, Mr Rodney O'Donahue, commenced on 27 November 2017, and Complaint Assessment and Administration Officer, Ms Sarah Labone, commenced on 23 January 2018.

The operation of the IOSS reflects the commitment of each member Council in operating to a high standard of ethical conduct and decision-making; administrative conduct; corporate governance; and being corruption free.

What we do

The Internal Ombudsman Shared Service's Agreement states that:

"Each of the Councils is desirous of providing residents, members of the public, ratepayers, local businesses, staff, Councillors and other Council stakeholders with an 'independent ear' regarding administrative complaints about unethical behaviour by Council; corrupt conduct; misconduct; or maladministration.

The Internal Ombudsman Shared Service will investigate matters and provide the relevant council and affected parties with results of the investigation and make recommendations regarding required corrective action, and process improvements where necessary. The Internal Ombudsman Shared Service will also provide member councils with a proactive education service in regard to continuous improvement in administrative processes and ethical decision making across all council services."

The IOSS may also instigate its own investigations on matters without first receiving a complaint, as well as any matters that are considered systemic, reflect a pattern of conduct, and/or are serious and significant.

The IOSS also assists the member Councils with policy development and review and training in relation to good governance and administrative conduct, as well as providing ad-hoc or written probity advice to staff, Councillors, or Council delegates. It also provides a proactive education service regarding continuous improvement in administrative processes, good governance and ethical decision-making across all member Council services.

It had been anticipated when the IOSS was established, that the Internal Ombudsman would be able to investigate Code of Conduct complaints including against Councillors as a Code of Conduct Reviewer. However, under the provisions of the existing Model Code of Conduct for Local Councils in NSW and the proposed new Model Code of Conduct for Local Councils in NSW as detailed in the Office of Local Government's Consultation Draft, an employee of Council cannot investigate Code of Conduct Complaints in relation to Councillors. Legal advice provided

to the IOSS is that the Internal Ombudsman and Assistant Internal Ombudsman, despite their independence from the Councils, could be considered employees of each Council. A submission was submitted by the Internal Ombudsman to the Office of Local Government seeking an exemption from this preclusion. The outcome of the Internal Ombudsman's submission is not known pending the Office of Local Government's deliberations on all the submissions provided in relation to the proposed Model Code of Conduct and its associated Procedures For The Administration of the Model Code of Conduct for Local Councils in NSW.

Cumberland and Inner West Councils have delegated to the Internal Ombudsman and

Assistant Internal Ombudsman, the function of Code of Conduct Complaints Coordinator in addition to the function of Public Interests Disclosures Coordinator.

All operations are underpinned by the principles of procedural fairness, accountability and transparency. The IOSS is committed to providing effective, efficient, responsive, and high quality services. Our service standards encompass responsiveness, service quality, effectiveness, and efficiency.

The IOSS abides by each member Council's Code of Conduct and relevant policies and procedures in relation to any work conducted for, in relation to, or on behalf of the relevant member Council to which the work relates.

Our Mission Statement

To provide guidance and focus to the IOSS's work, the team has developed a Mission and Values Statement. This is shown below:



Contacting the Internal Ombudsman

Anyone can make a complaint to the IOSS as long as it concerns one of the member Council's administrative decision-making in relation to their operations and functions and is within the IOSS's jurisdiction. Complaints may be received from residents, community members, ratepayers, local businesses, staff, Councillors, and other Council stakeholders. IOSS staff are available in person, by email or by telephone to discuss matters as to whether the IOSS is the correct entity to handle the complaint, or refer matters appropriately. The IOSS Governance Charter outlines in greater detail the scope of the Internal Ombudsman service, including who can make complaints, what types of complaints will be investigated and how these will be resolved.

Before making a complaint, the complainant should take all reasonable steps to try and resolve the matter with the local Council through the Council's complaint handling policy. If the matter is about an administrative issue, the complainant should request the Council review its processes before contacting the Internal Ombudsman. If after a period of up to six weeks, the complaint to Council has not been reasonably, or justly resolved by Council, then a complainant can complain in writing to the Internal Ombudsman. Complaints to the IOSS must include full details of the matter/issue and any relevant documents. IOSS staff can provide assistance to persons who wish to make a complaint but are unable to submit a written complaint themselves. There is no charge to lodge a complaint to the IOSS or have a matter reviewed or investigated.

Complaints to the IOSS or requests for information about the IOSS, can be accessed:

Online

Visit: City of Parramatta Council: www.cityofparramatta.nsw.gov.au/council/internal-ombudsman

Cumberland Council: www.cumberland.nsw.gov.au/council/about-council/internal-ombudsman

Inner West Council: www.innerwest.nsw.gov.au/about/the-council/internal-ombudsman

Email

Write to: City of Parramatta Council: internalombudsman@cityofparramatta.nsw.gov.au

Cumberland Council: internalombudsman@cumberland.nsw.gov.au

Inner West Council: internalombudsman@innerwest.nsw.gov.au

Phone

Call: 02 8757 9044 between 9am and 5pm (AEST) Monday to Friday.

In writing or in person

The Internal Ombudsman Shared Service
11 Northumberland Road
Auburn NSW 2144

Services available to help you

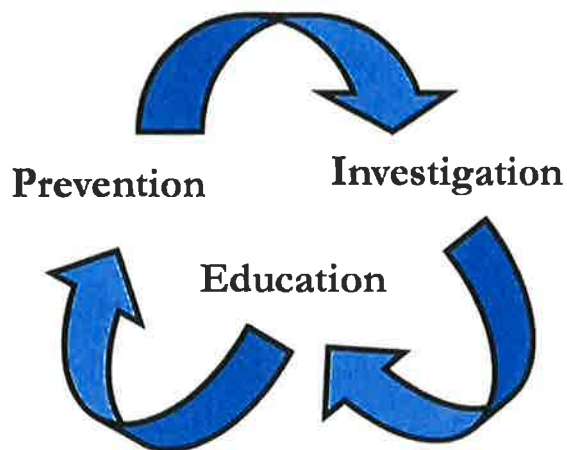
If you are a non-English speaking person, we can help you through the Translating and Interpreting Service (TIS) on **131 450**. If other assistance is needed to communicate to the IOSS, this can be arranged by either email, post or by telephone.



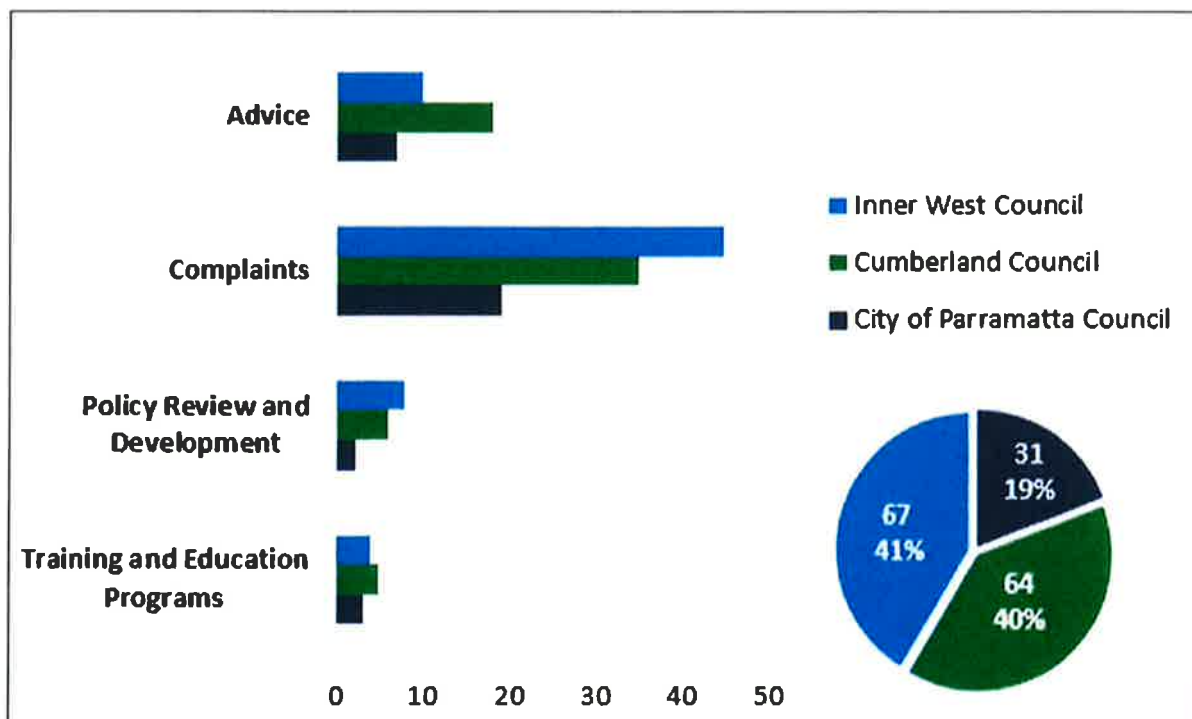
PART 2: OUR YEAR IN REVIEW

The IOSS provides a range of services to add value and assist in the provision of good administrative conduct and governance, corruption free operations and quality customer service for City of Parramatta, Cumberland and Inner West Councils.

As previously noted, we do this in using what we call the 'Triple Governance Track', through **Prevention** such as assisting in policy review and development, and providing advice on probity matters particularly to staff and Councillors; **Education**, through the delivery of or assistance with the development of various training programmes; and **Investigation** of complaints within our jurisdiction and in accordance with each Council's Complaint Handling Policy with the view to making recommendations for improvement. Our work is governed by the IOSS Governance Charter and this sets out what the Internal Ombudsman can and cannot do and how it is to undertake its work.



The following graph indicates the work of the IOSS with each of the member Councils:



*The variations in each of the member Council's statistics may be due to population differences across the three Local Government Areas (LGA), demographics and geographic location/proximity in the Cumberland LGA.

Complaint handling and investigation

The Internal Ombudsman can investigate or refer for investigation matters including:

- all Council administrative processes
- any failure to comply with Council's Code of Conduct, policies or procedures
- Council's lack of attention to matters, or review of Council's complaint handling procedures
- allegations of poor administration, maladministration, corruption, or other alleged improper conduct by Council or Council Officials
- anonymous complaints if sufficient details are provided
- matters referred by the Management Committee

The Internal Ombudsman is unable to investigate matters:

- that have not firstly been reviewed or investigated in accordance with the member Council's relevant complaints handling policy/protocol
- that are not part of Council's functions or businesses
- that require initial referral to external agencies including but not limited to: the NSW Independent Commission Against Corruption (the ICAC), the NSW Office of Local Government, the NSW Ombudsman, or the NSW Police
- where adequate details of the complaint are not available to allow proper investigation
- that are frivolous, vexatious or not made in good faith or are trivial in nature

Case Study

Lack of Communication within Council

A number of objections were made regarding a development application by the complainant and others to the Council and the Independent Hearing and Assessment Panel (IHAP). This complainant also identified that his communication with the Council staff was inconsistent and poor. Following the IHAP determination, building works commenced at the site. During construction it was observed by the complainant that the building was being erected in breach of the IHAP determination. The complainant contacted Council to discuss and was assured that the Council would look into it. The Council spoke with the Private Certifier who advised Council construction was in line with the approved plans. The complainant continued to contact the Council as it was clear that the development was in breach of the IHAP determination. Three months after the original complaint, the Council attended the site and found that the development was in breach of the IHAP determination. At that time, the construction was so far advanced that the illegal works could not be stopped being completed. The builder applied to have the illegal works approved by Council. This was rejected. On review by the IOSS, it was found that the Council relied on the advice of a Private Certifier who did not actually attend the site to observe the building. It was reasonable for the Council to take the advice from the PCA. It is unfortunate that the PCA provided incorrect information to the Council in this instance. The IOSS found that even though a matter had gone to the IHAP, the original plans were stamped and approved and did not have any actual notations to the diagrams regarding the IHAP determination. Further, there was a lack of communication between teams within the Council, which meant that the flow of necessary information between teams was at best slow and in some instances lacking. Another issue identified was that only one member of a team was able to use one particular system which meant that while this person was on leave for a period of time, key critical work in this particular matter was stalled, resulting in further delays. The IOSS has recommended a number of training and education requirements, as well as cross skilling of team members and rotations through a number of teams to identify training / skills gaps.

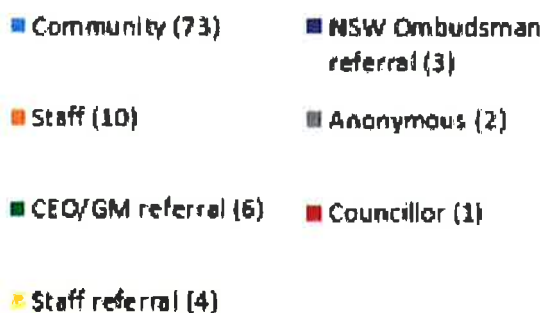
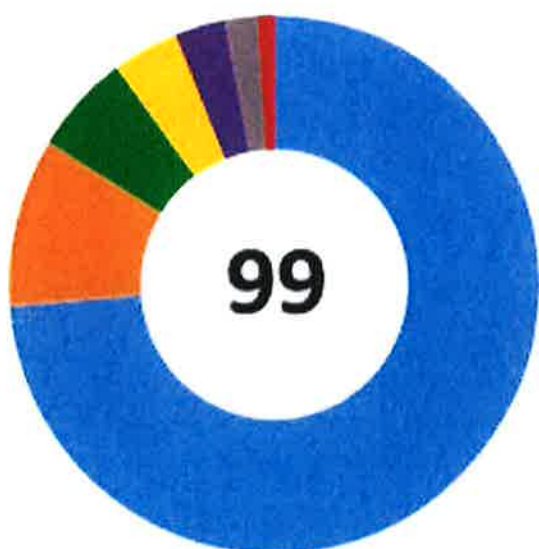
Complaints facts and figures

The IOSS receives complaints by a variety of methods, with email being the preferred method, followed by telephone.

During 2017/2018 we received 99 complaints. There has been a steady increase in complaints since the simultaneous media release by the member Councils to their communities.

The main source of complaints are from the community, with Council staff being the next source.

The following graph shows the source of the 99 complaints:



Complaints to the IOSS have covered many areas, including:

- Responsiveness and adequacy of responses provided
- Decision-making
- Corrupt conduct
- Customer Service
- Administrative conduct
- Code of Conduct matters
- Internal processes
- Probity and procurement practices

These include 17 approaches from Council staff, Councillors, and the community to enquire about how and whether to make a complaint. When people contact us, our aim is to understand their concerns and see if we can help them in some way. To do this well, we ensure that people contacting the IOSS are given any help they need and sufficient time to explain their problem and to let them know they have been heard. In doing so, it is important for the IOSS to remain objective and impartial as we are not an advocate for either a Council or a complainant. The IOSS undertakes a triage exercise with complaints to assess the information provided to us and then to accept the complaint and take appropriate action if it is within our jurisdiction. If the complaint is not within jurisdiction, we endeavour to provide information about where a complaint or enquiry should be directed. Our knowledge of the functions and policies of the member Councils enables us to give the most appropriate assistance to the people who contact us.

Of the total complaints received, 33 were in-jurisdiction. Although we declined (after assessing) approximately 66% of the formal complaints we received, we made preliminary enquiries with the member Councils about 37 matters which achieved positive outcomes and were finalised without having to commence an investigation. These included member Councils correcting errors, improving policies and procedures, and reviewing or changing their decisions. Of the complaints received, 19 per cent required more substantial investigation. 14 complaints are currently open.

Case Study

Golf Ball Damage

A complaint was received by the IOSS that damage had been sustained to the windscreen of the complainant's vehicle while it was parked outside the complainant's home which is located adjacent to a Council owned Golf Club. The complainant had initially complained to the Council with supporting evidence and was formally advised by Council that liability for the damage to the vehicle was denied. The complainant was telephoned by the relevant Council officer and the decision explained. The complainant was also advised that a further complaint could be made to the IOSS. Preliminary enquiries about this complaint were made by the IOSS with the relevant Council Manager, including asking: was the denial of the claim based on a Council Policy; were there signs erected at the perimeter of golf courses warning of potential golf damage and also providing information about whether or not Council would accept responsibility for any damage caused by golf balls. The IOSS was advised that there were signs erected and it had been thought there was a relevant policy, but in fact, the policy had not been formalised. As a result of previous similar small claims, Council had undertaken some recent work to protect residents with higher nets on the perimeters of golf courses, the installation of fences and the planting of trees. As a result of the IOSS's enquiries, the complainant's claim was reviewed and a decision made on the relevant facts to accept liability for the damage to the vehicle. It is important to understand that claims must be examined case by case on their merits and the relevant facts. The IOSS has recommended that in the interests of accountability, transparency and consistent decision-making, that Council formulate a set of standards/protocols in relation to golf ball damage.

The day-to-day contact we have with the public also enables us to gauge when the community is experiencing particular issues with an IOSS member Council's decisions or a problem with their services.

There have also been numerous matters that the IOSS has been involved in, which have required contact with various members of the member Councils' staff to discuss new/ongoing complaints or inquiries to assist in the resolution of them. These have ranged from tree issues, wildlife concerns, DA's, waste management and service issues, and have resulted in either resolution over the phone or following detailed requests with council staff.

Requests for review

When the IOSS has investigated a complaint and the complainant is unhappy with the IOSS's written decision and reasons, then a complaint can be made to an external agency such as the NSW Ombudsman or the NSW Independent Commission Against Corruption (ICAC). A complainant can complain to an external agency at any time, even if the IOSS is investigating a complaint.

Summary of the recommendations provided for the investigations conducted

If an investigation from the IOSS finds that there has been an act or omission by a Council Official contrary to a policy or procedure and/or good administrative conduct, the Internal Ombudsman can recommend that specific appropriate action be taken.

The IOSS cannot amend any operational decisions made by Council or Council officers.

In making a confidential investigation report, the IOSS may recommend to the relevant General Manager or Chief Executive Officer or as appropriate, to the Mayor or the Council or the Chairman of the relevant member Council's Audit, Risk and Improvement Committee that:

- a) The matter be referred to the General Manager or Chief Executive Officer for further consideration;
- b) An omission or delay be rectified;
- c) A decision or recommendation by an employee or employees of the Council be revoked or varied;

- d) Reasons be given by an employee or employees of the Council for a decision;
- e) A practice or procedure be altered;
- f) A statute, regulation or by law be reconsidered;
- g) The Council pay compensation to a complainant;
- h) The Council provide a particular service;
- i) The Council amend, or not impose, a charge or condition in relation to a particular service, application or consent;
- j) The Council supply a good or service or undertake any necessary corrective or other work to resolve a complaint;
- k) The Council make an appropriate correction, deletion or addition to a record; or
- l) Such other steps are taken as the Internal Ombudsman Shared Service considers reasonable and just.

It is the General Manager or Chief Executive Officer's responsibility to address recommendations made by the Internal Ombudsman and ensure their implementation within the Council. Each member Council is required to record each recommendation made by the Internal Ombudsman, take appropriate action, and record what action has been taken by Council. The Internal Ombudsman has the right to request at any time information regarding Council's action on previous report recommendations.

A summary of the recommendations provided is as follows:

Making correspondence clearer

Recommendations have been made for Council staff to have training or refresher training in writing clear, plain English responses and to provide reasoning in relation to decisions in order that the recipients of a written Council decision are fully aware of the decision being made and the reason for the decision i.e. the legislative basis for a decision.

Keeping complainants informed

Recommendations have been made to Council dealing with a complaint, to keep complainants informed of progress in the investigation of complaints and if there is likely to be some delay in responding, for example, when there is some complexity, that the complainant be advised of this in accordance with Council's complaint handling policies or protocols.

Policy Review and /or Development

Recommendations have been made for the development of a Social Media Policy.

Trends identified in matters received or investigated

The IOSS has identified that in the amalgamated Councils there needs to be a targeted approach to harmonising Council policies to ensure that there is one Council policy on the relevant matter and no other similarly named policies continuing to exist, some of which may be inconsistent. Staff and the community need to be confident of where to find Council policies and that all policies are consistent. Not having this one source of truth in place can lead to inconsistency in the application of certain policies/matters due to differences within pre-amalgamation policies. We note that there seems to be an ad hoc process 'as something is identified it is reviewed'; we think a more proactive approach for each council would be greatly beneficial. The Councils have recognised this issue and are working on improving and harmonising their policies.

There are also legacy issues in relation to some of the Councils' records management systems, intranet and financial management processes. It is acknowledged that work is currently underway to harmonise these various issues and implement a single application such as through TechOne – an IT system designed to bring together a number of legacy systems and harmonise their operations i.e. finance. It is noticed that because of these legacy issues, Council efficiency, the progress towards harmonisation and cultural change are slowed.

Having change management agents, as well as someone responsible for transformation and cultural change, in the various areas of Council would be beneficial. This would assist in driving harmonisation and the dissipation of loyalty to legacy Councils to the detriment of the amalgamated Councils.

We have also identified an inconsistent approach to complaint management through internal and external complaints, code of conduct complaints and public interest disclosures. Each Council has reviewed its Complaint Management policy/protocol but there is some work to be done in adopting the policy/protocol, in training staff and communicating to the community about these new policies. The IOSS has been assisting with



the review and further development of complaint handling policies with the three Councils. To ensure that an employee or member of the public understands the relevant person/team to speak with regarding a complaint, there needs to be clearer reporting lines and a more centralised approach to complaints management.

The majority of the complaints during 2017/2018 relate to dissatisfaction with development decisions and the administrative processes related to them including delay in responding and action being taken, and inadequacy of reasons for a decision. The IOSS considers that some work needs to be undertaken in relation to Councils providing better reasons for decisions, especially conveying information about adverse decisions, as well as improving timeliness of responses.

Prevention

Policy review and development

The IOSS has provided significant input into the review of existing policies or newly developed policies with each of the member Councils. Involvement in the review and development of policy is important as it creates good governance from the outset.

The individual Council policy reviews and/or development of new policies work completed by the IOSS in the reporting year are detailed on the following page:

City of Parramatta Council

- Complaints Handling Policy and Complaint Management Guidelines.
- Gifts and Benefits Policy.

Cumberland Council

- Compliments and Complaints Management Policy.
- Grievance and Dispute Handling Guidelines.
- Child Protection Policy and Guidelines.
- Media Policy.
- Sponsorship Guidelines.
- Culture Awareness Program.

Inner West Council

- Social Media Policy.
- Social Media for Councillors Policy.
- Media Policy.
- Media for Councillors Policy.
- Complaints Handling Protocols.
- Gifts and Benefits Policy.
- Sponsorship Policy.
- Strategic & Corporate Risk Registers.

Probity advice

Advice is requested from the IOSS from time to time and has included:



City of Parramatta Council

- Advice provided to Councillors on the joint submission to the Office of Local Government on the Consultation Drafts for the Model Code of Conduct for Local Councils in NSW and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.
- Advice provided to Council Management about the disclosure of information in relation to Code of Conduct complaints.

- Advice provided about obligations and options, including the application of the *Public Interest Disclosures Act 1994*, when observing potentially corrupt or inappropriate/intimidatory conduct by others.
- Advice provided about the procedure for a group of complainants to provide evidence in relation to their individual interactions with a Council staff member.
- General probity advice in relation to possible corruption/maladministration in a development.
- Advice provided to a Councillor about making a formal complaint.

Cumberland Council

- Advice regarding dealing with unreasonable complainants in accordance with relevant Council policy and the Guidelines of the NSW Ombudsman.
- Advice about Council's Fraud and Corruption Action Plan and involvement in aspects of it.
- Advice regarding a child protection complaints panel.
- Advice regarding an alleged bribe to Council staff.
- Advice about the management of complaints across the LGA.
- Advice regarding processes in relation to a subpoena.
- Advice about fair and transparent processes for a competition across the LGA.
- Assistance with the selection of Council's Code of Conduct - Conduct Reviewer Panel.
- Advice about the inappropriate handing out of party political material by casual staff on Council Election Day.
- Advice regarding the collection of section 94 contributions.
- Referral of a matter involving an allegation in relation to a child protection matter against a volunteer.

- Advice regarding the process with various insurance claims, including golf ball damage and third party assets.
- Potential conflict of interest with depot plumbing contracts.
- Investigation and advice about an alleged fraudulent activity with Council's health and wellbeing program.
- Advice regarding Councillor conduct during a meeting.

Inner West Council

- Advice regarding disclosure of information about code of conduct complaints.
- Advice about Councillor interactions with staff.
- Advice regarding the application of the Model Code of Conduct Procedures to a Code of Conduct complaint about Council staff.
- Advice about the strategy for dealing with a major workplace accident.
- Advice about the selection process for additional members to the ARIC committee.
- Advice in relation to progressing an external investigation of a complaint.
- Referral of a matter involving potential probity issues.
- Request for an independent review of two insurance related matters.
- Advice in relation to the probity process for a tender matter.

IOSS to deliver Code of Conduct Training to staff, once the new Model Code of Conduct for Local Councils in NSW has been released by the Minister for Local Government. The IOSS team provided input into a recent review of Code of Conduct training for Inner West Council staff resulting in the updating and subsequent delivery of this training to new Council staff. The IOSS has been consulted in relation to also assisting the Inner West Council to engage an external consultant to deliver existing Code of Conduct training to Councillors of the Inner West Council.

The IOSS has provided significant input into various training programs with the member Councils, and has also developed and delivered some of these programs. They include:

- Developing Public Interest Disclosure Training for City of Parramatta staff to be delivered in the next reporting year.
- Development and Delivery of Probity in Procurement Training for Cumberland Council staff. A pilot session has been held. As a result of Inner West Council becoming aware of the development by the IOSS of such training, the IOSS has been requested to provide the same training to Inner West Council staff with responsibility for procurement. Such a request reflects the benefits of the shared services between the Councils.
- Developing and delivering training for Inner West Council staff in conjunction Inner West Council's new complaint handling protocols.

Education

Training programs

An important area of our work is providing training and education to Council staff and Councillors to help them fulfil their responsibilities under the Code of Conduct, and to assist in fraud and corruption strategies.

Plenary discussions have commenced with all three Councils' Governance groups for the



- Review of Cumberland Council external consultant's Customer Complaint Training for Pool staff and subsequent joint delivery of this training.
- A request was made by Cumberland Council for Customer Complaint Training for Parks staff. This request was considered more appropriate that such training be provided by the Corporate and Customer group, with IOSS involvement.

Briefings

Conducting briefings to Council staff and Councillors is an important aspect of raising awareness of the IOSS and its role. The following briefings have been undertaken:

- Briefings were conducted in late 2017 for all Councillors of the three Councils either at their Induction or at subsequent Councillor Briefings about the role and work of the IOSS.
- Ongoing participation in all three Council's Induction sessions for new staff.
- Monthly briefing to Cumberland Council's Executive Team.
- Face to Face/Toolbox/Depot talks have been conducted for multiple staff at the three Councils at their depots and buildings for both indoor and outdoor staff.
- Briefing conducted for Cumberland Council Children's Services Team.
- Briefing conducted for Inner West Council Communication and Engagement Team, and Asset & Environment Leadership Team.
- Briefing provided for City of Parramatta Council City Services Management Group, and City Services Supervisors.
- Briefing provided to Inner West Councillors on the work of the IOSS within Inner West Council.
- Briefing requested by Cumberland Council Councillors on the Joint Submission by City of Parramatta,

Cumberland and Inner West Councils on the Consultation Draft of the Model Code of Conduct for Local Councils in NSW and the associated Procedures For the Administration of the Model Code

Promotion

Media activities

The IOSS with the endorsement of the Management Committee, may issue media statements and make public comment on any matters relating to the IOSS.

A coordinated media release was issued by each of the Councils on Friday, 23 February 2018. This was to advise the various communities of the completion of the IOSS appointments and provide information on the IOSS Governance Charter, Fact Sheet and contact details. This is available on each Council's website. Subsequent articles about the IOSS were also in the local press (Inner West Times on 28 February 2018, Parramatta Advertiser on 28 February 2018, and Auburn Review on 6 March 2018).

Connecting with our communities

The following promotion activities have also been undertaken by the IOSS to assist in promoting the IOSS to staff and the community:

- Finalisation of the IOSS Governance Charter in October 2017, signed off by the Management Committee.
- Developing information about the IOSS for display on the three Councils' websites and intranet.
- Development of the Internal Ombudsman Shared Service Mission Statement and strategic goals.
- Working with IT staff in the three Councils to establish electronic access to the Councils' records and applications and business rules for the redirection of emails from City of Parramatta and Inner West Councils to Cumberland Council.

- Development of a Fact Sheet providing a practical summary of the role and work of the Internal Ombudsman Shared Service
- Inner West Council Mayor's Facebook post about the IOSS.
- IOSS mentioned in Local Government Focus March 2018 edition.



- A short video of the Internal Ombudsman discussing the IOSS's role and is displayed on all three Councils' intranets.
- I/Chief Executive Officer's briefing about the IOSS provided at City of Parramatta Council's Staff Forums.
- Participation in Cumberland Council's Health Fair for indoor and outdoor staff.
- Article in City of Parramatta Council's staff newsletter "Scoop".
- Working with each Council's IT in compliance with the IOSS Governance Charter, to ensure each Council's records are stored separately.
- IOSS global email from the Internal Ombudsman to all City of Parramatta staff about the IOSS.
- Article in Cumberland Council's staff newsletter "Communique".
- Radio Skid Row interview in the Inner West Council LGA of the Internal Ombudsman.
- Presentation by the Internal Ombudsman to SSROC.

Shared Services

In December 2017, the Internal Ombudsman initiated a joint submission from the three Councils to the Office of Local Government in relation to the Consultation Draft of the Model Code of Conduct for Local Councils in NSW and the associated Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. This is a good example of the Councils working together to achieve common goals.

The IOSS meets regularly with Inner West Council's Enterprise Risk team to discuss matters of mutual interest and to discuss issues which arise out of complaints or other IOSS activities which may be relevant to the work of the Enterprise Risk group. The IOSS also meets regularly with Cumberland Council Transformation and Business Excellence Team to discuss matters of mutual relevance to our work and with City of Parramatta Council's Governance and Risk group to discuss complaint handling, training and other governance and risk issues.

Contact has been made with the Internal Ombudsmen in: Burwood Council; Dubbo Regional Council; Central Coast Council; Waverley Council; Wollongong Council; Lake Macquarie Council; and, Liverpool Council and all expressed their enthusiasm and willingness to re-establish the Internal Ombudsman Network (ION) to share learnings and progress the work and role of the local government Internal Ombudsman. The inaugural meeting was held in June 2018, with the next one to be held in August 2018. Going forward, it is expected that the meetings will be held on a quarterly basis.

The Internal Ombudsman provided a presentation to the Southern Sydney Regional Organisation of Councils (SSROC) about the IOSS and the learnings of the shared model. The Internal Ombudsman will also be presenting to an upcoming LGNSW "Good Governance: Focus on Performance" forum about the shared services model which will address the challenges and help develop capability in other local Council's to develop and deliver shared services or a shared service model. The Office of Local Government is interested in pursuing with NSW Councils, especially in regional areas, the possibility of

Shared Internal Ombudsman Services.

Following on from the Audit Office of NSW's report on "Shared Services in local government", the Internal Ombudsman approached the Audit Office of NSW to discuss the work and role of the Internal Ombudsman Shared Service. This initiative has been followed up by the Audit Office of NSW with a meeting to take place early in the next reporting year.

Shared Model learnings

The IOSS has provided to the three Councils significant input into the review of existing policies or newly developed policies. As part of the benefit of the shared learning across the three Councils, the IOSS has provided the other two Councils with any policy review/development of a new policy for the other member Council. This sharing of information has greatly benefited all three member councils.

The IOSS has initiated a regular Governance Forum between the member Councils to share learnings and promote economies of scale in relation to governance activities. A key focus of this forum is the soon to be released Model code of Conduct from the Office of Local Government. The IOSS and the Councils aim is to develop and deliver an updated Code of Conduct training package for all staff relating to the developments expected to be contained in the new Code.

Arising out of IOSS discussions with the member Council, it was considered by all that there would be much to be gained by establishing a shared model to deal with child protection complaints. The NSW Ombudsman has been contacted for input about developing a shared Council best practice model involving the IOSS. The NSW Ombudsman's Employment Related Child Protection Division has acknowledged the great merit in such an approach and its support for it.

The Forum is also focussing on developing Child Protection Guidelines that will be used in the three Councils as the best practice model in the protection of children within each LGA as well as a best practice model in responding to



allegations against employees.

The Forum has developed a scope/mission document which outlines the strategic direction of the group. Discussions have also commenced with external agencies to meet with the Forum to plan and discuss how the group can liaise and collaborate with the other NSW Government agencies such as the NSW Police Force, the NSW Ombudsman, the NSW Department of Health and the NSW Department of Education and Training. The benefit of collaborating with these NSW Government agencies provides the opportunity for the three Councils to be recognised as the leaders in Local Government and for our model to be spread and utilised across NSW. ARIC Committees met with prior to the finalisation of this Report have expressed great enthusiasm and support for this initiative.

The IOSS will continue to work with the member Councils to identify any key areas that can benefit from shared forums.

Our achievements



Since inception, the IOSS has developed its complaint handling protocols and established ongoing working relationships with each Councils staff.



Input has been provided to the development and/or review of key governance policies and training either delivered by the IOSS or input provided to Council developed training.



Briefings have been provided to Councillors and the Internal Ombudsman has attended each Council's Audit Risk and Improvement Committee (ARIC).



To provide guidance and focus to the IOSS's work, the team has developed a Mission and Values Statement.



Service Standards have also been developed which identify common requests and services of the IOSS from the community, staff and Councillors within the member Councils, and set baseline service standard deliverables for them.



A Case Management system is currently being developed with the assistance of Cumberland Council, which will provide performance indicators against which our future performance can be assessed.



Strategic goals have been established which are reviewed at monthly Strategic Planning Meetings.

PART 3: MANAGEMENT AND ACCOUNTABILITY

Internal Ombudsman Shared Service Management Committee

In December 2017, the Internal Ombudsman initiated a joint submission from the three Councils to the Office of Local Government in relation to the Consultation Draft of the Model Code of Conduct for Local Councils in NSW and the associated Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW. This is a good example of the Councils working together to achieve common goals.

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Audit Risk and Improvement Committees

The Internal Ombudsman attends the Audit, Risk and Improvement Committees (ARIC) for City of Parramatta, Cumberland and Inner West Councils. The Internal Ombudsman attends ARIC meetings to advise of the work of the IOSS and any concerns or issues which

may be relevant to ARIC. The benefit of attending such meetings is that some of the issues being dealt with by the IOSS may impact on the considerations of ARIC. By way of example, at Cumberland Council ARIC, the work being undertaken by the Internal Ombudsman in relation to policy review and development has been greatly welcomed and acknowledged by the Chairperson of the ARIC.

Corporate Governance practices

Risk Management and Business Continuity Planning

It is important that we identify and manage any potential events which could stop us achieving our objectives. The IOSS is currently finalising its Risk Management Plan, which has identified key risks and mitigation strategies that apply to its operational and strategic work. The risk register will be reviewed on an annual basis as part of the business planning process.

Our Business Continuity Plan is one of the IOSS's key risk management strategies. It sets out our strategies for ensuring that the most critical work of the IOSS can continue to be done, or quickly resumed, in the event of a disaster. This will also be reviewed on an annual basis.

Professional Development

Members of the IOSS have attended the following professional development opportunities:

- ICAC Probity Forum Program for Local Government 1 March 2018.
- NSW Ombudsman Protected Interest Disclosures Management training 22 March 2018.
- Minimising Corruption, Fraud and Misconduct Conference 23 and 24 May 2018.

- ICAC Corruption Prevention in Procurement and Contract

Financial summary

Each member Council is to financially contribute equally to the IOSS, with Cumberland Council designated the host Council for the purposes of administrative and financial arrangements. The Table on the following page provides a financial summary of the IOSS for the period since inception on 25 September 2017 to 30 June 2018.

INTERNAL OMBUDSMAN SHARED SERVICE				
Financial Performance for the year end 30.06.2018				
Statement in Australian Dollars	Budget	Actual	Variance	Notes
Income				
Contribution - City of Parramatta Council	200,000	200,000	-	
Contribution - Cumberland Council	200,000	200,000	-	
Contribution - Inner West Council	200,000	200,000	-	
Total Contribution Income	600,000	600,000	-	
Other Income	70,000	-	(70,000)	1
Total Income	670,000	600,000	(70,000)	
Expenses				
Employee Expenses				
Salary & On-Costs	329,597	328,889	708	
MV Allowance	9,000	7,859	1,141	
Training & Conferences	8,000	3,872	4,128	
Total Employee Expenses	346,597	340,620	5,977	
Contractors & Consultants				
Consultants	70,000	-	70,000	1
Professional Services	45,000	9,257	35,743	
Total Contractor & Consultants	115,000	9,257	105,743	
Establishment Cost				
Building Refurbishment	47,820	47,658	162	
Total Establishment Cost	47,820	47,658	162	
Accommodation & Substances				
Stationary and Office Supplies	10,000	9,039	961	
Occupancy Costs	54,250	54,250	-	
Information Technology	22,700	22,700	-	
Media & Communication	6,430	6,430	-	
Human Resources	6,600	6,600	-	
Administration	47,470	47,470	-	
Amortisation and Office Consumables	9,500	7,492	2,008	
Total Accommodation & Substance	156,950	153,981	2,969	
Total Expenditure	666,367	551,516	114,851	
Net Surplus (Deficit)	3,633	48,484	44,851	
Notes				
1. Recoverable Consultant Fees budgeted but not spent.				

The IOSS recorded a small surplus of \$44,851.00 in 2017–2018 which will be carried forward to the next financial year. This is predominately due to the commencement of the IOSS on 25 September 2017 and its staff commencing later in the 2017-2018 financial year. This means there has been a smaller than expected expenditure on staff and other items. Funds expended in 2017-2018 mostly related to the establishment costs, including building refurbishment works, for the establishment of the IOSS independent office space.

External Stakeholder Liaison

The IOSS has engaged with the following external agencies to initially inform of the role and work of the IOSS and to establish ongoing liaison networks.

NSW Ombudsman

Briefing about the IOSS role for the then Acting New South Wales Ombudsman, Professor John McMillan and the Deputy Ombudsman, Mr Chris Wheeler.

Independent Commission Against Corruption

Briefing about the role of the IOSS for the ICAC Executive Director, Corruption Prevention Division, Mr Lewis Rangott.

Office of Local Government

Briefing about the role of the IOSS with the Office of Local Government's Manager, Council Governance, Mr John Davies. Mr Davies advised that the Office of Local Government supports the concept of an Internal Ombudsman Shared Service and later in 2018, plans to advocate such a service for regional Councils. Mr Davies indicated that when work commences on this strategy by the Office of Local Government, he will be in contact with the IOSS.

PART 4: THE YEAR AHEAD

Looking forward, the IOSS Office has a busy year ahead, and achieving our strategic goals will be undertaken within a tight resource environment.

Managing complaints

Firstly, we need to ensure that people who come to us receive a service that is fair, professional and as useful as possible. With the increasing volume of complaints, we need to make use of technology so that people can contact us easily, and so that we can find the most efficient way to assist people. While managing individual complaints is important, also of great systemic importance is maintaining a critical eye on areas of complaints that highlight with each Council, trends or issues that need to be addressed at the training, program or policy design and implementation level. This is in line with our Triple Governance Track.

Continuing our work with the member Councils

The IOSS's future direction at this point clearly lies with assisting the three Councils to harmonise and streamline processes and policies to better serve the community, Council staff, Councillors and stakeholders. There has been a great deal of change in the three Councils with many new staff and managers obtaining a greater understanding of their roles within for example an amalgamated Council and existing staff having to deal with many changes.

We also intend to provide further training and education to the three Councils' staff regarding Code of Conduct, fraud and corruption prevention, probity and procurement, bullying and harassment and other training issues as they arise. We will work with the existing areas of each Council in such matters to hopefully add value to the work already being undertaken.

We will continue to be present at and meet with all Council staff at their various staff forums and meetings to ensure that both internal and outdoor staff are aware of the IOSS, and to be available for staff questions. With our continued exposure and promotion, staff will see that we are an avenue of approach if they need to discuss a matter or raise an issue with us.

Engaging with the community

City of Parramatta, Cumberland and Inner West Councils are some of the most culturally diverse Local Government Areas (LGA) in NSW, with diverse communities from many non-English speaking backgrounds, religious beliefs and countries of birth creating an unrivalled vibrancy to the LGA.

It's important that we are accessible to all members of community. We are committed to raising awareness of our office by participating in community events, visiting community groups to talk about our work, and ensuring that information about our services is readily available to everyone in an accessible form.

The IOSS is therefore currently developing a strategy with each member Council's Communications team for increased community engagement across the LGA of the member Councils.

APPENDICES

- 1.Internal Ombudsman Shared Service – Governance Charter
- 2.Internal Ombudsman Shared Service – Fact Sheet
- 3.Internal Ombudsman Shared Service – Service Standards



Internal Ombudsman Shared Service

City of Parramatta, Cumberland and Inner West Councils

Governance Charter

1. The Role of the Internal Ombudsman Shared Service

1.1 The Internal Council Ombudsman is a service provided to member Councils who have opted to pool resourcing to fund and facilitate an Internal Ombudsman Shared Service that conducts independent and impartial investigations and reviews into administrative processes and services provided by the member Councils.

1.2 The Internal Ombudsman Shared Service provides residents, community members, ratepayers, local businesses, staff, Councillors and other Council stakeholders with an 'independent ear' regarding complaints about: administrative conduct; unethical behaviour by Council; corrupt conduct; misconduct; or maladministration. All operations of the Internal Ombudsman Shared Service are underpinned by the principles of procedural fairness; accountability; transparency; and fairness.

1.3 The Internal Ombudsman Shared Service will investigate matters within jurisdiction and provide the relevant Council and affected parties with the results of the investigation and make recommendations regarding required corrective action and process improvements where relevant. The Internal Ombudsman Shared Service will also provide member Councils with a proactive education service regarding continuous improvement in administrative processes, good governance and ethical decision-making across all member Council services.

1.4 This Governance Charter and the operation of the Internal Ombudsman Shared Service reflect the commitment of each member Council in operating to a high standard of ethical conduct and decision-making; administrative conduct; corporate governance; and being corruption free.

1.5 This Governance Charter has been agreed upon and adopted by each member Council and the Internal Ombudsman Shared Service Management Committee, and provides a framework for the operation of the service and relevant delegations. This Governance Charter details the functions and powers of the Internal Ombudsman Shared Service and these are subject to change. The Internal

Ombudsman's Governance Charter will be reviewed annually but initially at the end of the first six months of the commencement of the Internal Ombudsman's Shared Service.

1.6 Councils who are part of this shared service have all signed a legal Agreement detailing their obligations in regards to the Internal Ombudsman Shared Service resourcing; scope of the operations; and their required participation on the Internal Ombudsman Shared Service Management Committee.

1.7 The Internal Ombudsman Shared Service will abide by each member Council's Code of Conduct and relevant policies and procedures in relation to any work conducted for, in relation to, or on behalf of the relevant member Council to which the work relates.

2. Scope of the Internal Ombudsman Shared Service

2.1 The operations of the Internal Ombudsman Shared Service apply to all Council functions and activities; staff; Councillors; and other delegates for each member Council.

2.2 All staff, Councillors, and other delegates for each member Council are to cooperate fully with the Internal Ombudsman Shared Service in any investigation to be carried out, and must comply with any lawful direction given by the Internal Ombudsman or associated staff in connection with any investigation undertaken or any recommendation made by the Internal Ombudsman Shared Service pursuant to this Governance Charter.

2.3 All staff, Councillors, and other delegates for each member Council shall be bound by the Internal Ombudsman Shared Service recommendations, once, as relevant to the circumstances, the General Manager or Chief Executive Officer, or Mayor or the elected Council or a Council's Audit, Risk and Improvement Committee has accepted them. The complainant cannot be bound.

3. Management Committee

3.1 The role, functions, resourcing and budget of the Internal Ombudsman Shared Service is administered by the Internal Ombudsman Shared Service Management Committee which is a committee comprising of one (1) representative from each member Council. The Internal Ombudsman Shared Service Management Committee has its own Terms of Reference.

4. What the Internal Ombudsman Shared Service will investigate

4.1 The Internal Ombudsman Shared Service will review and investigate the following types of matters including, but not limited to:

- a) All Council administrative processes, including matters such as: development processes; waste management; sporting and community operations; recreation and environment Council operations; Council Committees; and other staff matters as determined by the Chief Executive Officer or General Manager;
- b) Any failure to comply with Council's Code of Conduct or policies or procedures including but not limited to conflict of interests; tender processes; release of confidential information; other employment; and gifts and benefits. (The applicable provisions of the Procedures of the

Administration of the Model Code of Conduct for Local Councils in NSW will be applied during these reviews where required);

- c) Council's lack of attention to matters, or review of Council's complaint handling procedures;
- d) Anonymous matters will be considered for review or investigation, but only if adequate detail is provided to allow the matter to be reviewed or investigated;
- e) Receipt and referral of allegations of poor administration; unreasonableness; maladministration; corruption; or other alleged improper conduct by Council or Council Officials;
- f) Referral of internal matters from a General Manager or Chief Executive Officer, Mayors, Internal Audit; and external government agencies including but not limited to the following agencies: the NSW Independent Commission for Corruption (the ICAC); the NSW Ombudsman; or the Office of the Local Government;
- g) Public Interest Disclosures and including breaches of disclosure obligations.

4.2 The Internal Ombudsman Shared Service may instigate its own investigations on matters without first receiving a complaint, upon approval from the Internal Ombudsman Shared Service Management Committee.

4.3 The Internal Ombudsman Shared Service may also provide ad-hoc or written probity advice to staff; Councillors; or Council delegates.

5. What the Internal Ombudsman Shared Service will not investigate

5.1 The Internal Ombudsman Shared Service will NOT review and investigate, or will cease to investigate the following types of matters including, but not limited to, matters in which:

- a) They have not firstly been reviewed or investigated in accordance with the member Council's relevant Complaints Management Policy;
- b) They are not part of Council's functions or businesses;
- c) The complainant has had knowledge of the matter for more than six (6) months before making the complaint unless it is a complaint about a staff member or a Councillor (see below);
- d) They relate to the conduct of staff or Councillors or delegates, where the complainant has had knowledge of the matter for more than three (3) months before making the complaint (refer to the Procedures of the Administration of the Model Code of Conduct for Local Councils in NSW);
- e) They require initial referral to external agencies including but not limited to: the NSW Independent Commission for Corruption (the ICAC); or the Office of the Local Government; or the NSW Ombudsman; or the NSW Police;
- f) Adequate details of the complaint are not available to allow proper investigation;
- g) They are frivolous, vexatious or not made in good faith or concern a trivial matter;
- h) An adequate remedy of right of appeal already exists, whether or not the complainant uses that remedy or right of appeal;
- i) They are already before or under investigation by a court, coroner or other tribunal or government agency;
- j) They relate to the appointment or dismissal of an employee or any industrial or disciplinary issue, other than in relation to the administrative process of the appointment, dismissal or disciplinary issue;
- k) They concern a private individual;
- l) Resources are not available, or the matter is of a low priority;

- m) The complainant declines or refuses to provide further information to allow investigation and/or there are threats made against Council;
- n) It concerns a review of a decision of the elected Council, or committee of Council, or matters awaiting determination;
- o) It relates to a planning decision.

5.2 However, any matters that are listed above but are considered systemic; reflect a pattern of conduct; and/or are serious and significant; may be investigated immediately, or reviewed by the Internal Ombudsman Shared Service at the Internal Ombudsman Shared Service Management Committee's discretion.

5.3 The Internal Ombudsman Shared Service may refer matters as appropriate to any other internal Council departments or senior person to investigate a matter; or to any external government agency to investigate as appropriate.

5.4 The Internal Ombudsman Shared Service will not act as a community advocate, nor support any organisation or body; or defend Council.

5.5 When the Internal Ombudsman Shared Service decides not to investigate, or ceases to investigate a matter, the Internal Ombudsman Shared Service will inform the complainant in writing of the decision and provide the reason for the decision.

6. Who can make complaints?

6.1 Anyone can make a complaint to the Internal Ombudsman Shared Service as long as it concerns one of the member council's operations and functions and is within the Internal Ombudsman Shared Service's jurisdiction. Complaints may be received from: residents; community members; ratepayers; local businesses; staff; Councillors; and other Council stakeholders.

6.2 Complaints must be made in writing to either the member Council, or direct to the Internal Ombudsman Shared Service.

6.3 Internal Ombudsman Shared Service staff are available in person or by telephone to discuss matters as to whether the Internal Ombudsman Shared Service is the correct entity to handle the complaint, or refer matters appropriately.

6.4 Internal Ombudsman Shared Service staff can provide assistance to persons who wish to make a complaint but are unable to submit a written complaint themselves.

7. Who pays for the services?

7.1 Each member Council contributes financially to the operation of the Internal Ombudsman Shared Service, as agreed upon and detailed within the *Internal Ombudsman Shared Service Management Committee – Terms of Reference*, and the legal Agreement between the member Councils.

7.2 There is no charge to lodge a complaint to the Internal Ombudsman Shared Service or have a matter reviewed or investigated.

8. Confidentiality and Privacy

8.1 All parties to a matter investigated by the Internal Ombudsman Shared Service are required to maintain confidentiality in relation to all correspondence and reports; any conversations or discussions; and any interviews conducted. The processes of the Internal Ombudsman Shared Service are undertaken in private, and in a secure location.

8.2 Records management and the handling of personal and private information within the Internal Ombudsman Shared Service are in accordance with the relevant member Council's Code of Conduct. The Internal Ombudsman Shared Service will manage and maintain strict separation and confidentiality of each individual member Council's records.

8.3 Staff and Councillors are also bound by the confidentiality and privacy provisions of Council's Code of Conduct.

8.4 Complainant's details will not be disclosed unless written consent from the complainant has been provided.

9. Access to information

9.1 The Internal Ombudsman Shared Service will have access to all relevant information upon which to conduct a fair investigation, and will not seek to access any irrelevant information from any member Council or related party. Each Council's records will be managed separately and confidentiality will be maintained individually for each Council and in accordance with the Code of Conduct. Any investigation of electronic information held by Council, will be undertaken in accordance with relevant legislation and Council policies.

9.2 The Internal Ombudsman Shared Service may enter and inspect any member Council premises and engage in conversations with persons; obtain or create records; make requests for information or records; and remove information or records from Council premises.

10. Reviews and Investigations

10.1 The process for reviews and investigations conducted by the Internal Ombudsman Shared Service will operate around the following basic principles, as the Internal Ombudsman Shared Service considers necessary:

- a) Review of the matter as to its jurisdiction and priority allocated;
- b) An acknowledgement letter will be sent to the complainant;
- c) Preliminary documentation review of any records or information available in relation to the issues raised; including any current policies and procedures applicable to the matter; and site inspections where relevant;
- d) Interviews with the relevant person(s);
- e) Preparation of a confidential report to the relevant General Manager or Chief Executive Officer or as appropriate to the Mayor or the Council (see 11.3) or the Chairman of the member Council's Audit, Risk and Improvement Committee, which will include:
 - i. A review of the evidence available to the investigation.
 - ii. Determinations on the complaint.

iii. Appropriate recommendations on the matters investigated.

iv. Any other issues identified which are not directly associated with the matters under review or investigation will be noted for further review by Council.

f) A letter to the complainant detailing the results of the investigation, and any actions, if appropriate giving consideration to relevant privacy legislative requirements. Information provided to the complainant detailing the results of some investigations may therefore be limited.

10.2 The procedures adopted and undertaken by the Internal Ombudsman Shared Service will comply at all times with relevant legislation, Council policies and follow best practice.

10.3 The timeframe for the investigation will be determined by the allocation of the priority of the matter, and other work constraints of the Internal Ombudsman Shared Service.

10.4 The Internal Ombudsman Shared Service may refer matters to other bodies, internal or external to Council for investigation, due to the nature of the matter; or the current resourcing or skills of the Internal Ombudsman Shared Service; or the urgency of the matter.

11. Reports and Recommendations

11.1 Where, after completing an investigation, the Internal Ombudsman is of the opinion that a decision, recommendation, act, omission or procedure of an employee or Councillor or delegate of the Council:

- a) Is contrary to law;
- b) Is unjust, oppressive or improperly discriminatory;
- c) Is based on a rule of law or practice that is unjust, oppressive or improperly discriminatory;
- d) Is based in whole or in part on a mistake of law or fact or on an irrelevant ground or consideration;
- e) Is related to the application of arbitrary, unreasonable or unfair procedure;
- f) Was made without providing adequate reasons; or
- g) Involves maladministration or misconduct of any kind;

then the Internal Ombudsman Shared Service shall provide a confidential written report of the opinion, with reasons, to the relevant General Manager or Chief Executive Officer, or as appropriate, to the Mayor or the Council (see 11.3) or the Chairman of the relevant member Council's Audit, Risk and Improvement Committee.

11.2 In making an investigation report, the Internal Ombudsman Shared Service may recommend to the relevant General Manager or Chief Executive Officer or as appropriate, to the Mayor or the Council (see 11.3) or the Chairman of the relevant member Council's Audit, Risk and Improvement Committee that:

- a) The matter be referred to the General Manager or Chief Executive Officer for further consideration;
- b) An omission or delay be rectified;
- c) A decision or recommendation by an employee or employees of the Council be revoked or varied;
- d) Reasons be given by an employee or employees of the Council for a decision;
- e) A practice or procedure be altered;

- f) A statute, regulation or by law be reconsidered;
- g) The Council pay compensation to a complainant;
- h) The Council provide a particular service;
- i) The Council amend, or not impose, a charge or condition in relation to a particular service, application or consent;
- j) The Council supply a good or service or undertake any necessary corrective or other work to resolve a complaint;
- k) The Council make an appropriate correction, deletion or addition to a record; or
- l) Such other steps are taken as the Internal Ombudsman Shared Service considers reasonable and just.

11.3 It is the General Manager or Chief Executive Officer's responsibility to address recommendations made by the Internal Ombudsman Shared Service and ensure their implementation within the Council. The exception to this is when a conflict of interests may occur by referring the matter to the General Manager or Chief Executive Officer in which case the matter is referred to the Mayor. If for some reasons both the General Manager or Chief Executive Officer and the Mayor are perceived to have a conflict of interests, then the matter is referred direct to the elected Council to address the recommendations. The report on a complaint against the Mayor, General Manager or a Councillor in relation to a Code of Conduct breach, is reported in accordance with the Procedures of the Administration of the Model Code of Conduct for Local Councils in NSW. In the Internal Ombudsman Shared Services model, subject to the requirements of the Model Code of Conduct for Local Councils in NSW, the General Managers and Chief Executive Officer have agreed that in relation to the Internal Ombudsman's report following investigation of a complaint against one of them, this may be referred by the Internal Ombudsman to either the Chief Executive Officer or General Manager of the other Member Councils.

11.4 Each member Council is required to record each recommendation made by the Internal Ombudsman Shared Service; take appropriate action; and record what action has been taken by Council, by whom and when, for each recommendation made by the Internal Ombudsman Shared Service. The Internal Ombudsman Shared Service has the right to request at any time from each member Council, information regarding Council's action on previous report recommendations. Any concerns that the Internal Ombudsman Shared Service has regarding the failure of the member Council to implement the Internal Ombudsman Shared Service recommendations, may be reported to the elected Council, the Chairman of a Council's Audit, Risk and Improvement Committee and/or the relevant government agency as appropriate. A matter would be referred directly to the Chairman of the relevant member Council's Audit, Risk and Improvement Committee should the Internal Ombudsman Shared Service have concerns regarding Council's inaction or in serious matters.

11.5 The Internal Ombudsman Shared Service cannot amend any operational decisions made by Council or Council officers.

11.6 The Internal Ombudsman Shared Service may from time to time document and implement its own specific procedures and processes regarding the management and investigation of matters.

12. Review of an Internal Ombudsman Decision

12.1 No proceeding of the Internal Ombudsman Shared Service is necessarily negated or invalid because of technical defects in the conduct of the investigation. Any such defects in the conduct of an investigation will be considered individually in terms of their impact on the outcome of the investigation.

12.2 The Internal Ombudsman Shared Service's recommendations can only be reviewed by a body external to the Internal Ombudsman Shared Service and member Council.

13. Breach and Penalty

13.1 A person who wilfully and without justification:

- a) Obstructs, hinders or resists the Internal Ombudsman Shared Service or any other person in the performance of the functions and duties of the Internal Ombudsman Shared Service under this Governance Charter;
- b) Fails to comply with a request of the Internal Ombudsman Shared Service; or
- c) Makes a false statement to, or misleads or attempts to mislead, the Internal Ombudsman Shared Service or any other person in the exercise or performance of the functions and duties of the Internal Ombudsman Shared Service under this Governance Charter;

will be guilty of a breach of this Governance Charter and if a Council official, may be liable to disciplinary action in accordance with Council's Code of Conduct and other relevant policies.

14. Performance Reporting

14.1 In addition to the confidential reporting of each matter investigated to the member Council, the Internal Ombudsman Shared Service will prepare and submit quarterly reports to each member Council, or as determined by the Internal Ombudsman Shared Service Management Committee, on the operations of the Internal Ombudsman Shared Service shared service.

14.2 The Internal Ombudsman Shared Service Performance Report will include but not limited to the following details:

- a) A summary of the matters received including: how they were processed; the source of the complaint; and the types of complaints received.
- b) A summary of the investigations conducted and their recommendations.
- c) Educations activities conducted.
- d) Probity advice provided.
- e) Promotion and media activities.
- f) Issues identified for future review.
- g) Trends identified in matters received or investigated.
- h) Other performance indicators.
- i) Financial performance.
- j) Future directions
- k) Other procedural matters of note.

15. Resourcing and Review

15.1 Staffing of the Internal Ombudsman Shared Service regarding the number of staff appointed to the service; who is appointed to the key roles; and their ongoing performance and other staff related matters; are determinations made by the Internal Ombudsman Shared Service Management Committee. Staff will be appointed to the Internal Ombudsman Shared Service based upon merit selection, and shall have no relevant conflict of interests with the member Councils, or have any public political affiliations.

15.2 The term of appointment of the Internal Ombudsman will be for three (3) years and is subject to ongoing satisfactory performance.

15.3 The Internal Ombudsman Shared Service shall report administratively to each member Council's General Manager or Chief Executive Officer, and to the Internal Ombudsman Shared Service Management Committee regarding all other matters.

15.4 Other resources required by the Internal Ombudsman Shared Service to effectively operate the service will be determined and funded by the Internal Ombudsman Shared Service Management Committee.

15.5 Apart from the initial review of the new Governance Charter after the first six months of operation, the operation of the Internal Ombudsman Shared Service and this Governance Charter will be reviewed on an annual basis by the Internal Ombudsman Shared Service Management Committee.

16. Media Policy

16.1 The Internal Ombudsman Shared Service with the endorsement of the Internal Ombudsman Shared Service Management Committee, may issue media statements and make public comment on any matters relating to the Internal Ombudsman Shared Service.

16.2 All media inquiries regarding the Internal Ombudsman Shared Service are to be directed to, and addressed by the Internal Ombudsman.

16.3 Where the Internal Ombudsman Shared Service considers it to be in the public interest, or in the interest of a person or the member Council, the Internal Ombudsman Shared Service may, with the endorsement of the Internal Ombudsman Shared Service Management Committee, publish a report relating generally to the performance of duties under this Governance Charter or to a case investigated by the Internal Ombudsman Shared Service, whether or not the matters in the report are the subject of a report to Council under this Governance Charter.

17. Definitions

Confidentiality Means the characteristic of information being disclosed only to authorised people or organisations in the authorised manner.

Corruption As per the definition in the *Independent Commissions Against Corruption Act 1988* Section 8.

Council	Means all member Councils who have signed the Agreement to be part of the Internal Ombudsman Shared Service, and may include the elected Council and/or an appointed Administrator.
Councillors	Means the elected Councillors of each member Council.
General Manager/Chief Executive Officer	Means the General Manager or Chief Executive Officer (or equivalent, or their delegate) as appointed by each member elected Council.
Internal Ombudsman	Means the person appointed to the position of Internal Ombudsman of the Office of the Internal Ombudsman established by the Internal Ombudsman Shared Service Management Committee on behalf of its member Councils.
Internal Ombudsman Shared Service	Means the staff; procedures; and activities of the Internal Ombudsman Shared Service established by the Internal Ombudsman Shared Service Management Committee on behalf of its member Councils.
Maladministration	As per the definition in the <i>Public Interest Disclosures Act 1994</i> .
Procedural Fairness	Means that a person is entitled to know the facts and issues of a matter to be determined in order to allow preparation of the person's case. Decisions should be made, without bias, in a timely manner but with a person being given adequate time to present their case and participate in the decisions which affect them.
Unreasonableness	Means decisions or actions so unreasonable that no reasonable person would so decide of act. This term could include arbitrary, unfair or inequitable decisions or actions; the application of a policy inflexibly without regard to the merits of the incurred case; serious delays in making a decision or taking action.

18. References

Internal Ombudsman Shared Service Management Committee - Terms of Reference

Office of Local Government Model Code of Conduct for Local Councils in NSW

Office of Local Government Procedures of the Administration of the Model Code of Conduct for Local Councils in NSW

Local Government Act 1993

Ombudsman Act 1974

NSW Ombudsman's Effective Complaint Handling Guidelines

Independent Commission Against Corruption Act 1988

Public Interest Disclosures Act 1994

Privacy and Personal Information Protection Act 1998

INTERNAL OMBUDSMAN SHARED SERVICE



FACT Sheet

What does the Internal Ombudsman Shared Service do?

The Internal Ombudsman Shared Service provides residents, community members, ratepayers, local businesses, staff, Councillors and other Council Stakeholders with an "independent ear" regarding complaints about:

- administrative conduct
- unethical behaviour by Council
- corrupt conduct
- misconduct
- or maladministration

The service also assists the Councils with policy development and review and training in relation to good governance and administrative conduct.

All operations are underpinned by principles of procedural fairness, accountability and transparency.

The service is shared by City of Parramatta, Cumberland and Inner West Councils and operates under the Internal Ombudsman Shared Service Governance Charter.

How do I make a complaint to the Internal Ombudsman Shared Service?

Before making a complaint you should take **all reasonable steps** to try and resolve the matter with your local Council through the Council's complaint handling policy. If the matter is about an administrative issue, you should request the Council review its processes before contacting the Internal Ombudsman.

Allow up to six weeks for a response from Council in regards to your concern/complaint. If after this period the matter has not been reasonably, or justly resolved by Council, then you may forward your complaint in writing to the Internal Ombudsman.

Your complaint to the Internal Ombudsman Shared Service must include full details of the matter/issue and any relevant documents.

Complaints may be sent **via email** to the relevant Council email address as detailed below:

internalombudsman@cityofparramatta.nsw.gov.au

internalombudsman@cumberland.nsw.gov.au

internalombudsman@innerwest.nsw.gov.au

Internal Ombudsman staff can also be contacted **via post**:

**The Internal Ombudsman Shared Service
11 Northumberland Road
Auburn NSW 2144**

Internal Ombudsman staff are available in person or by telephone to assist with this process or to refer a matter appropriately. **Telephone: (02) 8757 9044.**

What can the Internal Ombudsman investigate?

The Internal Ombudsman can investigate or refer for investigation matters including:

- all Council administrative processes
- any failure to comply with Council's Code of Conduct, policies or procedures
- Council's lack of attention to matters, or review of Council's complaint handling procedures
- allegations of poor administration, maladministration, corruption, or other alleged improper conduct by Council or Council Officials
- anonymous complaints if sufficient details are provided
- matters referred by the Internal Ombudsman Shared Service Management Committee

What can't the Internal Ombudsman Shared Service investigate?

The Internal Ombudsman is **unable** to investigate matters:

- that have not firstly been reviewed or investigated in accordance with the member Council's relevant complaints handling policy
- that are not part of Council's functions or businesses
- that require initial referral to external agencies including but not limited to: the NSW Independent Commission Against Corruption (the ICAC), the NSW Office of Local Government, the NSW Ombudsman, or the NSW Police



Internal Ombudsman Shared Service City Of Parramatta, Cumberland and Inner West Councils Service Standards

The Internal Ombudsman Shared Service provides a range of services to add value and assist in the provision of good administrative conduct, governance and customer service for City of Parramatta, Cumberland and Inner West Councils.

We do this in three main ways, using what we call the 'Triple Governance Track', through **Prevention** such as assisting in policy review and development, and providing advice on probity matters particularly to staff and Councillors; **Education**, through the delivery of or assistance with the development of various training programmes; and **Investigation** of complaints within our jurisdiction and in accordance with each Council's Complaint Handling Policy with the view to making recommendations for improvement. Our work is governed by the Internal Ombudsman Shared Service Governance Charter and this sets out what the Internal Ombudsman can and cannot do and how it is to undertake its work.

The purpose of this Service Standards document is to identify common requests and services of the Internal Ombudsman Shared Service, and set baseline Service Standard deliverables for them. Requests for the Internal Ombudsman's involvement come from the community and from staff and Councillors within City of Parramatta, Cumberland and Inner West Councils.

The following table details common requests and services we receive by phone, email or in person, and our commitment to you:

Service/Request	Description	Service Standard
General Advice	Providing advice on probity matters to Council staff and Councillors.	Response provided within 5 working days
Policy Review	Request to review Council policies.	Response provided within 5 working days
Policy Development	Development of new policies for Council.	Response provided within 7 working days
Training Development	Assistance with the development of various training programs for Council.	Response provided within 10 working days
Training Delivery	Delivery of various training programs for Council.	Acknowledgement provided within 3 working days, with timeframe for delivery as agreed

- where adequate details of the complaint are not available to allow proper investigation
- that are frivolous, vexatious or not made in good faith or are trivial in nature

What does an investigation involve?

1. Each case will be reviewed on its merit, seriousness and priority.
2. An acknowledgement letter will be sent to the complainant within three business days.
3. Records or information provided in relation to the issues raised will be reviewed.
4. Interviews with the relevant person(s) will be conducted.
5. A confidential report to the relevant General Manager or Chief Executive Officer will be prepared. This will include a review of the evidence available to the investigation, determinations on the complaint and any appropriate recommendations on the matters investigated.
6. A letter will be sent to the complainant detailing the results of the investigation, and any actions, if appropriate, giving consideration to relevant privacy legislative requirements.
7. Each investigation will be carried out in a timely manner.

The Internal Ombudsman may refer matters to other bodies, Internal or external to Council for investigation, due to the nature, or urgency of the matter.

The timeframe for the investigation will be determined by the allocation, the priority of the matter, and other work constraints of the Internal Ombudsman Shared Service. All matters will be dealt with in a timely manner.

What outcomes can I expect from an investigation?

If a report from the Internal Ombudsman Shared Service finds that there has been an act or omission by a Council Official contrary to a policy or procedure and/or good administrative conduct, the Internal Ombudsman can recommend that specific appropriate action be taken.

It is the General Manager or Chief Executive Officer's responsibility to address recommendations made by the Internal Ombudsman and ensure their implementation within the Council.

Each member Council is required to record each recommendation made by the Internal Ombudsman, take

appropriate action, and record what action has been taken by Council. The Internal Ombudsman has the right to request at any time information regarding Council's action on previous report recommendations.

What about my privacy?

All parties to a matter investigated by the Internal Ombudsman are required to maintain confidentiality.

Internal Ombudsman Shared Service enquiries are undertaken in private and in a secure location.

Personal and private information are managed in accordance with the relevant member Council's Code of Conduct and the *NSW Privacy and Personal Information Protection Act 1998*.

The Internal Ombudsman Shared Service manages and maintains strict separation and confidentiality of each individual member Council's records.

Council staff and Councillors are also bound by the confidentiality and privacy provisions of Council's Code of Conduct. A complainant's details will not be disclosed unless written consent from the complainant has been provided.

Where can I get more information?

View the **Internal Ombudsman Shared Service Governance Charter**. The document outlines in greater detail the scope of the Internal Ombudsman service, including who can make complaints, what types of complaints will be investigated and how these will be resolved.

To view, go to the relevant Council website as detailed below:

www.cityofparramatta.nsw.gov.au

www.cumberland.nsw.gov.au

www.innerwest.nsw.gov.au

Child Protection Matters	Assistance with child protection matters, including notification to the NSW Ombudsman, for Council.	Acknowledgement provided within 1 working day and responsive action according to seriousness
Documentation Review	Request to review Council documentation.	Response provided within 5 working days
Complaint - Acknowledgment	Acknowledgement for new complaints from the community, staff and Councillors.	Acknowledgement provided within 3 working days
Complaint - Investigation	Investigation for new complaints.	Investigation completed within 6 weeks, unless complex at which point the complainant will be provided with reasoning for delay in investigation
Complaint – Final Report	Final report to be provided to the General Managers or Chief Executive Officer of the relevant Council for the complaint.	Final report provided within 2 weeks of the completion of the investigation
Complaint – Recommendations	Follow up of the recommendations with the General Managers or Chief Executive Officer of the relevant Council for the complaint.	Within 3 weeks of the final report being provided
Management Committee Report	Report of the IOSS work provided quarterly to the General Managers and Chief Executive Officer of the member Councils.	Report provided within 5 working days of the management committee meeting

We are committed to providing effective, efficient, responsive, and high quality services to all our customers; our internal service standards encompass:

Responsiveness – we will respond promptly to written, telephone, and email inquiries in a pleasant, helpful, and professional manner with notice of completion date.

Service Quality – we will be knowledgeable, courteous, and dedicated to the effective and professional performance of our duties and responsibilities.

Effectiveness - we will strive to find solutions.

Efficiency - we will respond promptly to requests for assistance or advice; and we will make every effort to provide concise and accurate information.