



Internal Ombudsman Shared Service **ANNUAL REPORT** **2021-2022**

INTERNAL
OMBUDSMAN
SHARED SERVICE



**CITY OF
PARRAMATTA**



CUMBERLAND
CITY COUNCIL



Acknowledgement of Country

The Internal Ombudsman Shared Service acknowledges the traditional custodians of the lands on which we work, and we pay our respects to all Elders past and present, and to the children of today who are the Elders of our future.



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Introduction

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

25 October 2022

Dear Mr Fitzgerald,

Internal Ombudsman Shared Service Annual Report 2021-2022

I am pleased to present the Annual Report for the Internal Ombudsman Shared Service with City of Parramatta, Cumberland City and Inner West Councils, which contains an account of our work for the period 1 July 2021 to 30 June 2022. This is our fifth Annual Report.

Yours sincerely,



Elizabeth Renneberg

Internal Ombudsman

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

On behalf of the three member Councils of City of Parramatta Council, Cumberland City Council and Inner West Council, I am pleased to present to you the Internal Ombudsman Shared Service (IOSS) Annual Report for 2021-22.

Across the year, the IOSS continued its important work as an “independent ear” for the community and all other Council stakeholders.

Despite the COVID-19 pandemic, the usage of the service by the community and Council has remained steady with the IOSS undertaking a broad range of activity under the service’s Triple Governance Track of Prevention, Education and Complaints/Investigation.

Throughout the year, the IOSS undertook a number of important investigations for the three member Councils, provided valued probity advice and assistance, and delivered training to staff to improve the standard of administrative conduct, governance and ethical decision-making across Councils. Ultimately, this improves the level of service provided to ratepayers, members of the community and all those that interface with Council services.

During the changed working conditions with the COVID-19 pandemic, the IOSS continued to deliver training and awareness sessions online to continue capacity building work and raise awareness of the service, with digital enhancements to improve engagement. The IOSS also undertook improvements to its online presence to improve accessibility to the broader public



and the ease in which the community can contact the office.

Throughout the reporting year, the IOSS regularly reported to each Councils’ Executive team, providing an update on the services delivered, reported quarterly to all Councils’ Audit, Risk and Improvement Committee, and reported to the IOSS Management Committee on an annual basis.

I congratulate the service on its achievements throughout the year and look forward, along with the City of Parramatta Council and the Inner West Council, to the continued work of the IOSS to assist in promoting a high standard of conduct and decision making across our organisations.

A handwritten signature in black ink, appearing to read 'Peter Fitzgerald', written over a light blue horizontal line.

Peter Fitzgerald

Chair 2021-22, Internal Ombudsman Shared Service Management Committee

General Manager, Cumberland City Council



Message from the Internal Ombudsman

I am delighted to present the Internal Ombudsman Shared Service's (IOSS) Annual Report for 2021-22. It records our work and achievements across the Councils of the City of Parramatta, Cumberland City and Inner West.

The year saw the IOSS continue to adapt and respond to the challenges of the pandemic. Pleasingly, we have returned to business as usual, and I am impressed at how the IOSS has leveraged business improvements arising from these challenges, resulting in efficiencies and higher engagement.

The IOSS continues to be assisted by Ms Sarah Labone, the Complaint Assessment and Administration Officer, she displays compassion, empathy and detailed knowledge of Council operations in her management of complaints. Sarah delivers a professional and quality service to the IOSS and the community. I thank Sarah for her for immense ongoing contribution to the service.

The IOSS was assisted by Mr Daniel Richardson this year and I thank Daniel for his contributions. I am pleased to report we recruited Mr Dhamendra Unka as the new Assistant Internal Ombudsman. We head into the new year with a full complement of staff, ready to deliver for our communities.

Over the year, the IOSS has assisted Councils with inductions and training of Councillors and new staff, raising awareness of our roles.. We provided ongoing support including advice and assisting in the implementation of new Council Committees.

The role of an Ombudsman is primarily an "independent ear" responding to complaints. The IOSS undertakes work in line with the Triple Track of: Prevention, Education and Investigation of Complaints. The IOSS has continued to bolster our work in the prevention and education space to raise awareness, build staff capacity and improve administrative conduct.

Looking ahead

Following two years of reduced in-person engagement, we will increase our presence in the community broadening our reach, scope and awareness of what we do.

Crucially, under the new *Public Interest Disclosure Act 2022* important whistleblower protections are strengthened. We will work with Councils to ensure that Council officials are trained in the new requirements and protections afforded under the Act ahead of commencement in October 2023.

I also thank the members of the IOSS Management Committee, Chair, Mr Peter Fitzgerald, General Manager, Cumberland City Council, Mr Brett Newman, Chief Executive Officer, City of Parramatta Council and Mr Peter Gainsford, General Manager, Inner West Council for their ongoing commitment to this important service.

This Annual Report will be presented to each Council's Audit Risk and Improvement Committee for endorsement. I commend to you the IOSS Annual Report.

A handwritten signature in black ink, appearing to read 'Elizabeth Renneberg'. The signature is fluid and cursive, with a large initial 'E' and 'R'.

Elizabeth Renneberg
Internal Ombudsman

2021-22 highlights

PREVENTION

17 Reviews of Council policies and procedures.

Probity advice given Council staff and Councillors. **73**

8 Proactive advice given to Council staff following environmental scans.

Prevention projects initiated. **10**

EDUCATION

33% Increase in education activities delivering 12 sessions to 214 staff.

Feedback received from training rating the sessions high. **98%**

5 Trainings and awareness programs delivered to Councillors.

Inductions attended by the IOSS to present on our role within Council. **16**

INVESTIGATION

39 Complaints resolved early by the IOSS staff, following advice and informal enquiries.

Increase of complaints assessed as within jurisdiction. **4%**

8% Increase in informal resolution and investigation techniques to resolve complaints.

Complaints finalised within the financial year. **99%**

87 IOSS recommendations made to Councils this financial year.

IOSS recommendations accepted by Councils. **100%**

ADDING VALUE

4

Number of cross Council shared knowledge and improvement forums hosted.



Ongoing liaison with other government agencies including ICAC, NSW Ombudsman, and the OLG.

ACCOUNTABILITY

Regular briefings to each member Council's Executive Team.



12

Reports to quarterly Council Audit Risk and Improvement Committee meetings.

Ongoing participation and liaison with the Internal Ombudsman Network.



Continued recognition of the role and work of the IOSS as reflected in advice being sought from other Councils.



INNOVATION



Continuous improvement of the IOSS case management, and reporting system.

Attendance and participation at industry seminars and forums, training and professional development opportunities.

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About this Report

Our fifth Annual Report provides a comprehensive account of the Internal Ombudsman Shared Service (IOSS) performance throughout the 2021-2022 financial year, as well as outlining the plan for the year ahead.

The IOSS strives to be a leader in transparency and accountability and this Annual Report, helps us deliver on this commitment by being a source of information for IOSS member Councils, their communities and stakeholders: including, ratepayers, residents, businesses, community and interest groups, news media, Council staff, and Councillors.

This Annual Report is made up of four parts:



Enquiries about this report should be directed to the Internal Ombudsman, Internal Ombudsman Shared Service. Contact details can be found on page 11 of this report.

Case Study

Following the correct administrative processes when investigating noise complaints

Councils have a role in regulating and managing environmental health in their local government area. As part of this Council has a role to regulating certain types of offensive noise. Complaints about noise are a normal request for Council and noise can have a significant impact on residents' lives.

The IOSS received a complaint from a resident that Council had not correctly investigated their noise complaints. Under the IOSS Governance Charter we can investigate complaints about Council processes and if internal processes are lawful.

We interviewed the Complainant, relevant Council officers, reviewed the Council's processes, and the resources available to residents. We also reviewed all the complaints made by the resident in the past year against the process Council followed.

The review of Council's processes for investigating noise complaints showed the process was consistent with the NSW Local Government Guide for Noise, issued by the NSW Environmental Protection Agency and the Protection of Environment Operations Act 1997.

The review of the noise complaints managed by Council showed: Council had correctly followed its process in receiving, assessing and investigating these complaints. It also showed the reported noises did not meet the legal requirements of being offensive and therefore Council was justified in taking no action.

The IOSS did not uphold the complaint, however made recommendations for future improvement which included:

Asking Council to develop a website page focused on information about noise complaints; and

Asking Council to provide more training to Customer Service officers about the noise complaint process, so members of the public have access to this information from first contact.



Part 1: About Us

Who we are

The Internal Ombudsman Shared Service (IOSS) was established on 31 July 2017, and operates between City of Parramatta, Cumberland City and Inner West Councils. On 1 July 2022, the IOSS commenced its sixth year of operation.

The service is headed by the Internal Ombudsman, who is supported by the Assistant Internal Ombudsman and Complaints Assessment and Administration Officer.

IOSS team

Elizabeth Renneberg **Internal Ombudsman**

Elizabeth was appointed Internal Ombudsman in June 2021, having acted in the role since September 2020. Elizabeth joined the IOSS in January 2020 as Assistant Internal Ombudsman. Elizabeth has previously worked across a number of federal government agencies and has experience in interpreting and applying administrative law, corruption prevention measures, capacity building, complaints handling, internal and external investigations and senior management roles.

Elizabeth is passionate about improving the administrative conduct of the member Councils and has bolstered the proactive, preventative measures undertaken by the IOSS since her commencement.

Dhamendra Unka **Assistant Internal Ombudsman**

Dhamendra was appointed Assistant Internal Ombudsman in May 2022. Dhamendra has previously worked across Ombudsman and External Dispute Resolution Schemes in Australia and New Zealand, including the Telecommunications Industry Ombudsman, Victorian Ombudsman and Utilities Disputes Limited (New Zealand).



Dhamendra has an avid interest in improving complaint handling practices, and working with councils and the community to improve public administration.

Sarah Labone **Complaint Assessment and Administration Officer**

Sarah has been with the IOSS since January 2018. Prior to this Sarah had a broad range of experiences with previous roles encompassing Investigations, Finance, Business Planning, Customer Service and Project Management for both Local Government and private sector Companies in New South Wales, Victoria and London, United Kingdom.

Sarah's work experience allows her to understand the operations of local government and she enjoys identifying process improvements as part of any complaint investigation to assist the City of Parramatta, Cumberland City, and Inner West Council achieve their goals.

What we do

The Internal Ombudsman Shared Service is an independent ear for all Council stakeholders, including residents and ratepayers, general public, local businesses, staff and Councillors.

We investigate complaints, give advice and make recommendations for improvements, regarding, good administrative processes, unethical behaviour, corrupt conduct, misconduct and maladministration. The Internal Ombudsman also provides member Councils with an education service targeting improvement in administrative processes and decision making across all council services.

The IOSS operates under a Governance Charter which sets out the IOSS' jurisdiction and governs how the IOSS works.

The work of the IOSS is overseen by the IOSS Management Committee and is comprised of the General Managers of the Cumberland City and Inner West Councils and the Chief Executive Officer of City of Parramatta Council. The IOSS Management Committee is governed by a Terms of Reference and an Agreement.

Our work in action

To undertake our broad role within the community we operate through a 'Triple Governance Track' model. This model has three approaches: Investigation, Prevention and Education. Using this model the IOSS assists member Councils to identify areas for improvement in each Council's administrative conduct and decision making and to assist in high standards of probity and governance. This includes: the delivery of services to each Council community; ensuring they are acting fairly, with integrity and in their communities' best interests and in accordance with each Council's Code of Conduct; and working to improve each Council's complaint handling systems. We also aim to promote best practice in the member Council operations.

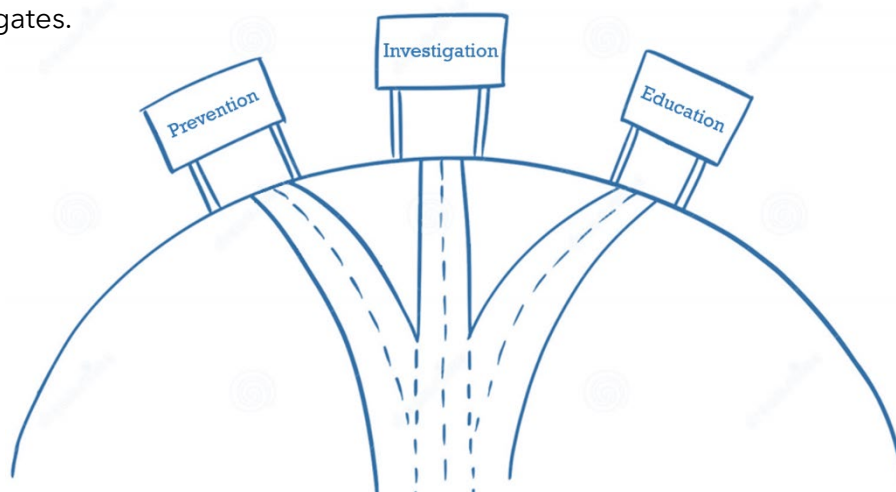
Prevention: assisting in policy review, undertaking small projects/reviews of Council practices, and providing ad-hoc advice on probity matters particularly to staff, Councillors or Council delegates.

Education: development and delivery of tailored training programs, bespoke to each business area in relation to good governance, ethical decision-making and administrative conduct across all member Council areas including addressing any matters arising from investigation outcomes or as identified as a result of other training programs conducted.

Investigation: of complaints within our jurisdiction and in accordance with each Council's Complaint Handling Policy with the view to making any recommendations for improvement. The IOSS may also instigate its own motion 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.

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

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.



Other functions

Each member Council has delegated the Internal Ombudsman to the function of Code of Conduct Complaints Coordinator in accordance with the Model Code of Conduct for Local Councils in NSW in addition to the function of the Public Interest Disclosures Coordinator under the *Public Interests Disclosures Disclosure Act 1994* (NSW).

The IOSS sits on Cumberland City Council's Child Protection triage team which handles allegations against staff in relation to child protection matters. City of Parramatta and Inner West Councils are in the process of considering implementing a similar model.

Our Vision, Purpose, Guarantee and Values

Vision

To promote, good ethical conduct and behaviour, fair and reasoned decision making, responsive administrative processes, effective complaint handling practices and quality services.

Purpose

To assist each member Council to improve their service delivery and meet their obligations to the public in a timely manner through investigating complaints and providing recommendations, policy review, developing and delivering effective and relevant education services and promotion of our service to staff and the community.

Guarantee

We will consider each matter promptly and fairly, maintain confidentiality, provide clear and reasoned explanations for our decisions and always look to add value through our work.

Values

We will adhere to and uphold the values of each member Council. We will also act with:

Integrity - Impartiality - Fairness - Respect

Integrity	behaving lawfully, honestly and ethically, with good judgement and high professional standards
Impartiality	acting in a non-partisan manner
Fairness	providing procedural fairness, accountability and transparency
Respect	treating everyone with dignity and respect



Contacting the Internal Ombudsman Shared Service

Anyone can make a complaint to the IOSS and all complaints are assessed in accordance with our Governance Charter. There is no charge to lodge a complaint to the IOSS nor for your complaint to be considered

IOSS staff are available in person, by telephone or email to discuss whether the IOSS is the correct entity to handle the complaint or the IOSS can refer matters appropriately.

Before making a complaint, the complainant should take reasonable steps to try and resolve the matter with the relevant Council first. If the matter is about administrative decision making, the complainant should request the Council review its processes before contacting the IOSS. We typically allow each Council six weeks to review and respond to a complaint, depending on the complexity of the matter.

The complainant can contact the IOSS after they have received a final response from Council or in the event the Council does not respond within six weeks.

While the IOSS is available on the phone or in person, where possible complaints should be made in writing and include full details of the matter/issue and any relevant documents. IOSS staff can assist where a person is not able to make a written complaint.

IOSS Contacts

Phone: 02 8757 9044

9am to 5pm, Monday to Friday. Messages can be left on this service out of hours.

City of Parramatta Council

Email: internalombudsman@cityofparramatta.nsw.gov.au

Online:



Cumberland City Council

Email: internalombudsman@cumberland.nsw.gov.au

Online:



Inner West Council

Email: internalombudsman@innerwest.nsw.gov.au

Online:



In writing or in person by appointment:

The Internal Ombudsman Shared Service
11 Northumberland Road
Auburn NSW 2144

Services available to assist 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 with the IOSS, this can be arranged by contacting us either by email, post, telephone or in person.

Case Study

Positive outcomes as a result of complaints made by the community

A complaint was received regarding the administrative conduct and decision-making process by one member Council (Council) following the approval of a permit granted to a neighbouring property.

This was initially reviewed and responded to by the Council however the complainant remained dissatisfied and sought a review of Council's decision with the IOSS.

A number of documents were reviewed, including the relevant policy that guides the decision-making process for this particular permit type.

During the course of the investigation, it was identified that there were multiple versions of the relevant policy available to and being used by the Council staff in deciding applications for similar permit types.

The version publicly available on Council's website also differed from the version in use by staff.

The IOSS found that the Council's decision in relation to the relevant permit was based on the Council's adopted version and therefore the relevant information had been considered. However due to the incorrect version being publicly available on Council's website this caused confusion to the complainant. This was the basis of the complainant's initial complaint to the Council and their dissatisfaction with Council's response. Unfortunately, on this occasion the administrative error had not been identified by Council.

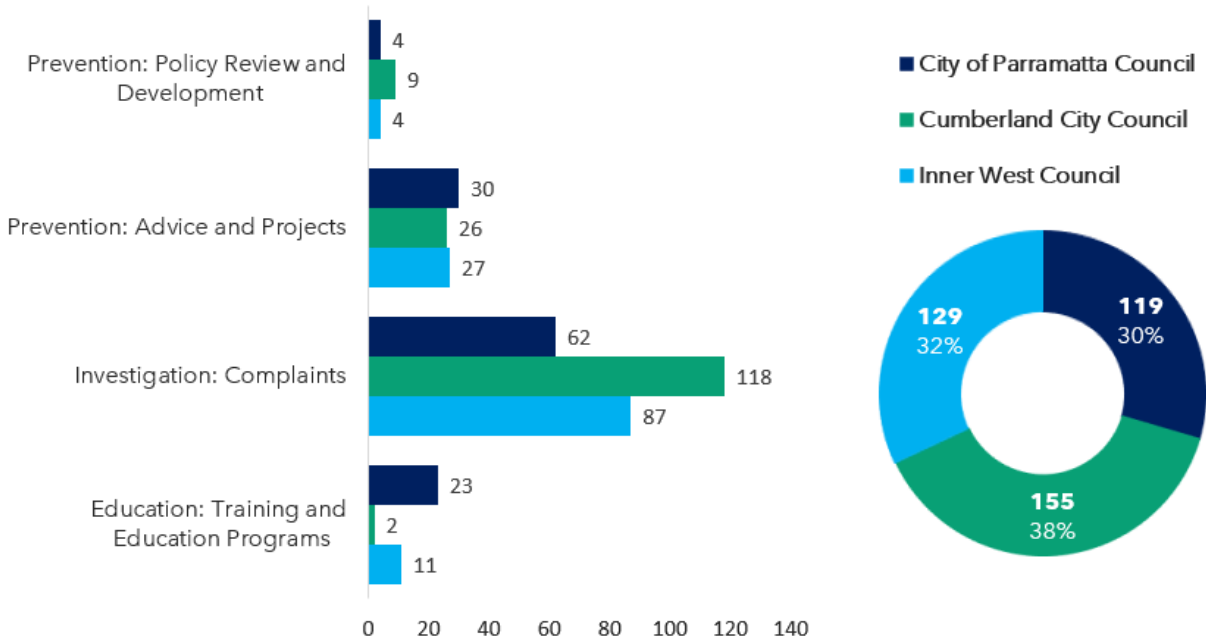
The IOSS found that there was a range of contributing factors in relation to internal processes following Council decisions which led to a number of administrative errors being undertaken by multiple departments in relation to the relevant policy. A number of recommendations were made as an improvement to the Council's internal processes and to ensure the Council accurately met their responsibilities, including in relation to document management, communication protocols, policy management and implementation processes.

This complaint highlights the importance of customer complaints and the role they can have in identifying administrative errors and process improvements.



Part 2: Our Year in Review

Work of the IOSS with each of the member Councils for the 2021-2022 Financial Year:



**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. The quantity of activities shown in the graph does not represent time spent or complexity.*

In 2021-22 the IOSS undertook **403 activities** across the member Councils.

The volume of complaints and requests for probity advice received has remained steady over the past twelve months. In addition, the IOSS continued prevention-related projects at the member Councils.

There has been a slight reduction in the volume of requests we have received for policy reviews which was expected with local government elections in the reporting period.

The IOSS has bolstered delivery of education programs (33%) by developing and delivering a number of bespoke training sessions for high-risk areas of the member Councils.

Complaint handling and investigation



We can investigate:

- Council administrative processes
- failures to follow 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 where sufficient details are provided
- matters referred by the Management Committee
- matters on our "own-motion" upon approval from the Management Committee.

We can't investigate matters:

- that are not part of Council's functions or businesses
- that have not firstly been reviewed or investigated in accordance with the member Council's relevant complaints handling policy/protocol
- that require initial referral to external agencies including: 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.

How we action complaints

Providing initial advice

People (including members of the public and Council officials) often contact us to obtain initial advice regarding their concerns, including the aspects to consider in proceeding with a formal complaint. When people contact us, our aim is to understand their concerns and see how we can help. To do this well, we ensure that people contacting the IOSS are given sufficient time to explain their problem and to feel heard. We also explain options, our role and what we may be able to help. It is important for the IOSS to remain objective and impartial; we do not advocate for Council or a complainant.

In all instances we endeavour to help by providing information so a person:

- understands the reasoning behind a decision
- obtains a response or action to a complaint or concern
- knows how to resolve a complaint directly with Council
- obtains informal resolution from the relevant Council to their enquiry
- has a complaint referred to Council for review and response

Our knowledge of the functions and policies of the member Councils enables us to provide the most appropriate assistance to the people who contact us.

Referrals to Council

The IOSS triages complaints assessing the information provided to us and we then take appropriate action if it is within our jurisdiction.

If the complaint has not been reviewed by the member Council, we assist by referring it to the member Council's relevant Officer. Depending on the complexity of the matter and information obtained, we will often provide a summary of our assessment which includes the points that should be considered by the Council.

Informal resolution and investigation

Often we find that if a complaint has been reviewed by the member Council, we are able to resolve the complaint through preliminary enquiries and informal investigative processes made with relevant Council Officers. In some cases, the information we receive via this method identifies no wrongdoing by Council however we are often able to better explain and provide further information to support the reasoning behind the decision, response or action to the complainant.

We may identify opportunities for process improvements by the relevant Council and we will make recommendations to the member Council as required.

Formal investigation

More than half of all complaints within jurisdiction resulted in formal investigation. When an investigation is completed, a final report is provided to the relevant General Manager or CEO of the member Council. The report will include the findings related to the investigation, including any relevant recommendations.

Management of code of conduct complaints

All complaints about Councillors or the General Manager/CEO are managed via a separate process and in accordance with the Procedures for the Administration of the Model Code of Conduct (Procedures).

The General Manager/CEO (in matters involving Councillors) or the Mayor/Lord Mayor (in matters involving the GM/CEO) considers the complaint to determine a course of action to undertake in line with the Procedures. These outline a range of options available to the decision maker, including taking no further action, dealing with the matter via alternative means (such as informal counselling or training), or a preliminary assessment by an independent Conduct Reviewer from Council's dedicated panel of conduct reviewers to assess whether the complaint should progress to a formal investigation, as outlined in the Procedures.

As noted within this report, the Internal Ombudsman is delegated the Code of Conduct Complaints Coordinator for each member Council, which means ensuring that the related administrative functions of any matters referred from the General Manager/CEO or Mayor/Lord Mayor for preliminary assessment or formal investigation are undertaken, including coordination of the Conduct Reviewer, and in accordance with the Procedures. Timeframes for these processes are outlined in the Procedures.

Requests for review

If the IOSS has investigated a complaint and a complainant is dissatisfied with the IOSS's written decision and reasons, a complaint can be made to an external agency such as the NSW Ombudsman or the NSW Independent Commission Against Corruption (ICAC). The IOSS advises all complainants of this option. A complaint can be made to an external agency at any time, even if the IOSS is investigating a complaint. This is also in line with each member Council's complaint handling policy. No requests for review were received by the IOSS during the reporting period.

Case Study

Dealing with anonymous complaints

An anonymous complaint was received in relation to alleged timesheet fraud by a number of Council Officers and associated poor management oversight practices at one of the member Councils (Council).

Allegations of this nature are particularly serious not only due to the corrupt nature of the conduct, but also the effect on staff morale and potential negative influence on staff conduct by any observers to this type of conduct, as well as the risk of damaging Council's reputation.

The IOSS considers anonymous complaints where adequate detail is provided to allow the matter to be reviewed or investigated.

In this case, sufficient information was included in the complaint to undertake an investigation.

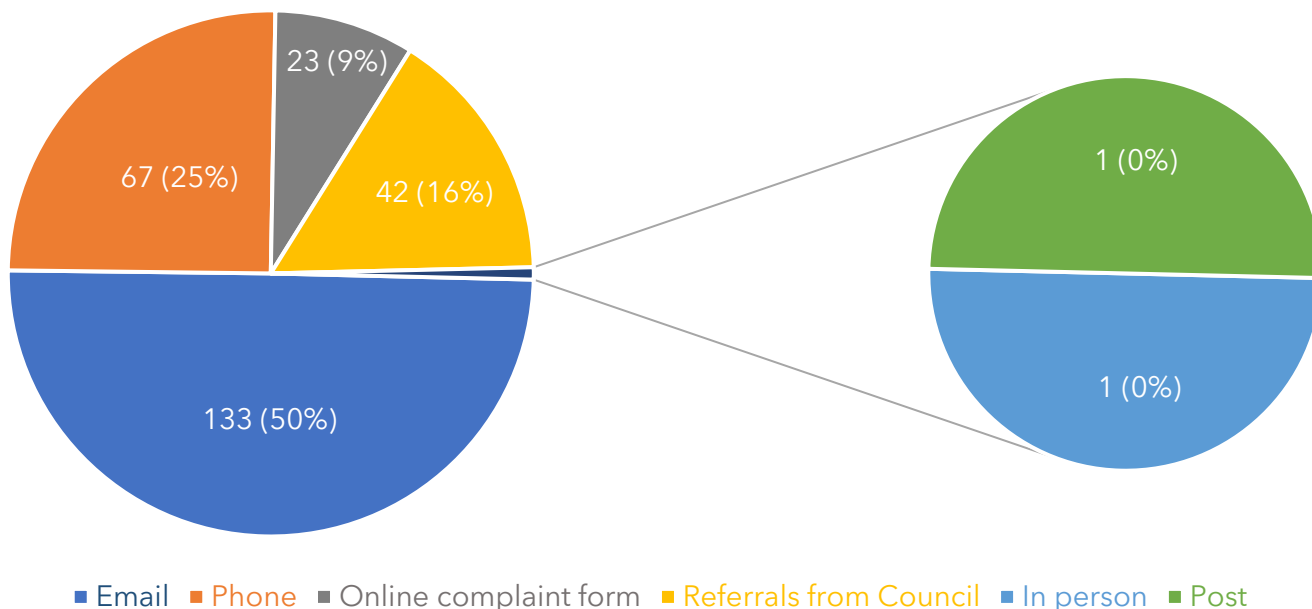
The IOSS undertook an investigation including a review of relevant data, consideration and assessment of all available evidence, including obtaining statements through interview. The allegations were unsubstantiated. Regardless, a number of recommendations were made regarding workplace practices to ensure data security, privacy, record keeping and WHS requirements were being met at the Council. It is noted that the complainant may have formed their initial view due to the perception of these workplace practices.

It is noted that as this complaint was anonymous, the IOSS was unable to provide any information regarding the investigation outcome to the complainant. Whilst this case included adequate detail to investigate the complaint, occasionally anonymous complaints do not contain sufficient information to progress to investigation and so are usually closed with no further action taken. The IOSS has been actively promoting to all staff at the member Councils the avenues to raise a complaint, including as a public interest disclosure. As part of this process we are highlighting how we deal with privacy and confidentiality when managing a complaint.



Complaints facts and figures 2021-2022

How we received complaints and who from



During 2021-2022 we received 267 complaints. This has remained generally steady. Responding to complaints amounted to 66% of the total activities undertaken by the IOSS during the reporting year.

We have a range of ways we can be contacted. During 2021-22 complaints were received via, email, phone, online complaint form, referral, in person and by post.

The IOSS receives 75% of all complaints by email and phone. Email continues to be the preferred method to make a complaint, followed by telephone which increased 12% compared to the previous year. Being able to speak to a complainant on the phone is important to the IOSS as it helps us refine complaint issues and handle complaints quicker.

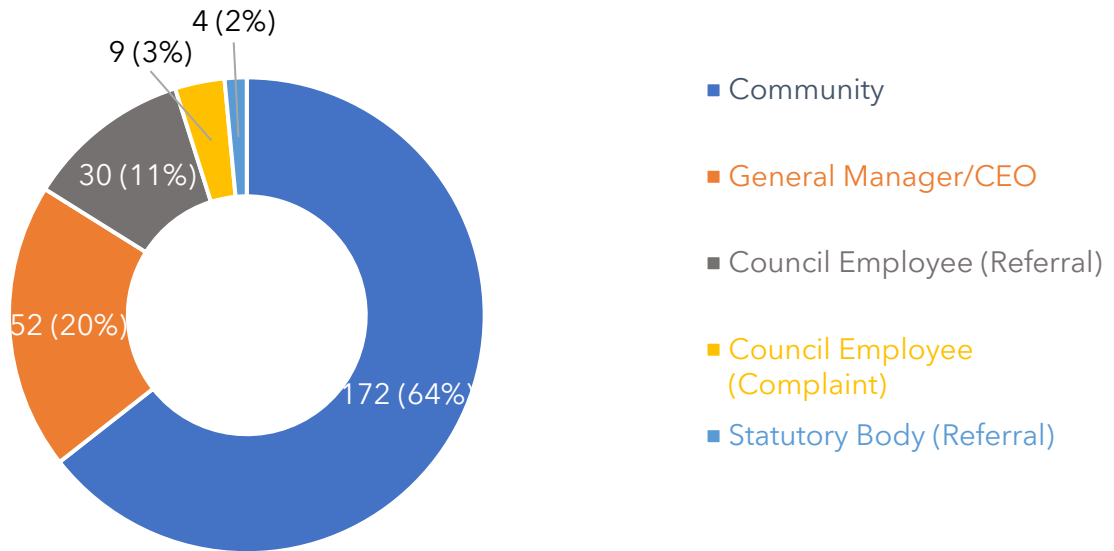
The IOSS typically receives very low volumes of complaints either in person or post. This was exacerbated during some periods of 2021-22 when in-person visits and

movements were restricted due to the ongoing impacts of COVID-19.

To increase accessibility to our service we have implemented changes to our online complaints forms and to our page content improving the quality and layout of information on each Council website.

The update of the online form has been pleasing with the IOSS able to capture better information at the outset. After the finalisation of the implementation of our online complaint form in June 2021, we received 9% of complaints via this method. This reflects customers preference to conduct business online.

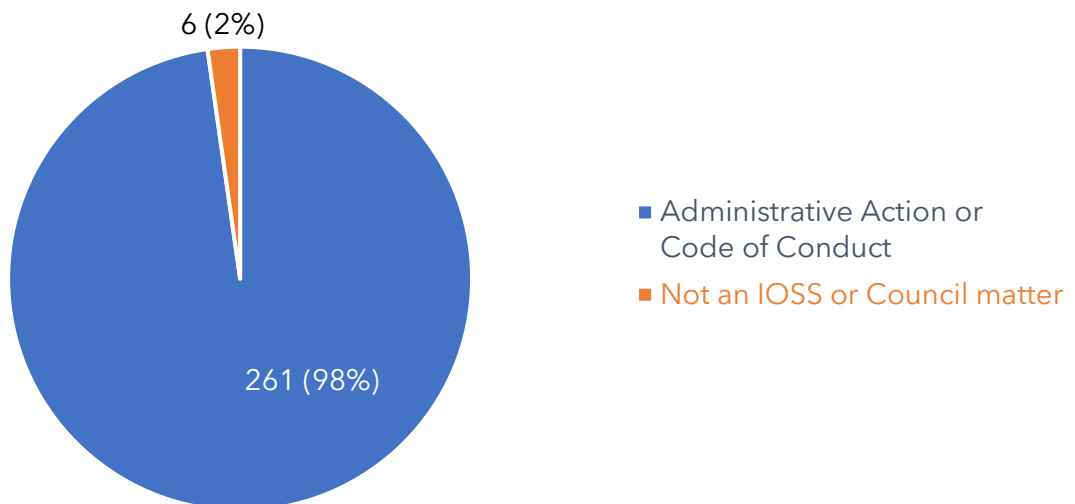




More than 64% (171) of complaints across the member Councils are received directly from the community. This is a 14% increase compared to the previous year, which demonstrates a continued awareness of the role of the IOSS in the member Councils' communities.

The remaining 36% (97) are referred by staff either from the community or in relation to Council Officials, raised by staff themselves, or from a statutory body.

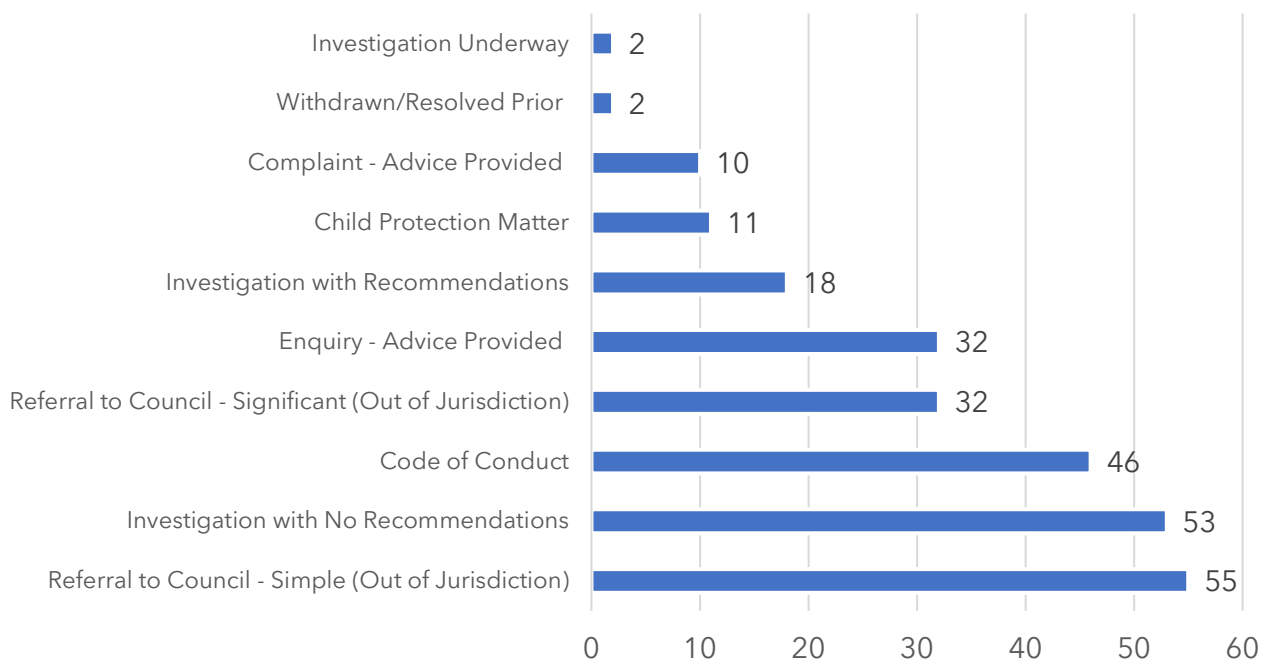
How we managed the complaints received



How we managed a complaint depended on the nature of the complaint and our jurisdiction (the types of complaints we can investigate and when).

261 complaints related to matters which concerned an administrative action of a member Council or a code of conduct complaint. Only six complaints were not IOSS or Council matters and were not handled. The IOSS did not investigate all 261 complaints.

The graph below shows how we managed the 261 complaints we received.



Across the member Councils, the IOSS received 140 complaints within jurisdiction (54% of total complaints). Compared to the amount within jurisdiction the previous year (139), this represents a slight increase from 50% to 54%. The IOSS received 89 complaints (34%) which were not in jurisdiction. Broadly, this means Council had not yet had the opportunity to consider the matter or was currently managing the matter, and, less frequently, insufficient information was provided despite attempts by the IOSS to follow-up, the complaint was withdrawn, it was out of time, the issue was resolved prior to considering.

While there were a number of complaints out of jurisdiction there was still considerable work undertaken by the IOSS in establishing the status of such complaints and how best to assist with a response. The day-to-day contact we have with the public also enables us to gauge when the community is experiencing particular issues with a IOSS member Council's decisions or an issue with their services.

The NSW and Commonwealth Ombudsman report an average of around 30% of

complaints not within jurisdiction, therefore the volume of matters out of jurisdiction, 34%, is similar to this industry average. Similar to these agencies, the IOSS works to refer or assist in resolving complaints that are found to be outside jurisdiction. 4%, is similar to this industry average. Similar to these agencies, the IOSS works to refer or assist in resolving complaints that are found to be outside jurisdiction.

Following advice provided by the IOSS, 32 matters (12%) did not progress to a complaint and were classed as enquiries. This reflects the abilities of the IOSS staff to be able to provide advice and resolve matters from the outset.

Of those not in jurisdiction (89), 55 were referred to a member Council following a simple process, or the IOSS directing a complainant to the relevant Council. Of the remaining, 32 complaints were referred to member Councils and needed substantial work from the IOSS, including liaising with relevant areas and obtaining agreements of those areas to handle a complaint; and two were withdrawn or resolved prior to further review of the matter.

There were 11 complaints that were handled under child protection processes. These include complaints assessed or investigated by the IOSS, and referred to any relevant statutory body. The IOSS handled 10 complaints by providing advice to Council or the complainant.

Lastly, 73 complaints were investigated by the IOSS in some form. Of these 53 complaints were investigated and resulted in no recommendations and 18 complaints investigated resulted in recommendations being made with regard to an administrative action, process, practise, or decision making. As at the end of the financial year, two investigations remained on hand.

Trends identified in matters received or investigated

We continue to receive a high number of complaints from the community in relation to timeliness and lack of action from Council officers in handling requests across the member Councils. We continue to provide advice to the relevant department to ensure customer expectations are managed throughout the request. The IOSS notes that a number of customer experience strategies have commenced to improve this aspect.

A significant number of requests for administrative reviews of compensation claims were undertaken during the reporting period. This can largely be attributed to the extreme weather events experienced across Sydney that resulted in ongoing impacts to the condition of its roads. At Cumberland City Council, a high number (20) of requests were received. Of these, 10 were enquiries from the community which, following the provision of relevant advice by the IOSS, did not progress to a formal complaint. The IOSS therefore undertook 10 reviews in the reporting period. No errors were identified in these matters; however a number of internal process improvement



recommendations were made to Council. Further information about this is detailed within the case study on page 28.

City of Parramatta and Inner West Councils included information about avenues of appeal for reviews of decisions of compensation claim matters in March 2022, with two reviews per Council undertaken for the reporting period.

At City of Parramatta Council, the majority of complaints relate to administrative processes, including decision making processes and timeliness within the planning and development and regulatory compliance areas (47%).

At Cumberland City Council, apart from code of conduct related complaints, the majority of the remaining complaints continue to relate to the administrative processes, including decision making processes and timeliness within the regulatory compliance and works areas (29%). The IOSS also has additional functions, including, participating in Council's Child Protection triage team for allegations against staff in relation to child protection matters. This model continues to work well in quickly identifying and responding to child protection issues and implementing strategies to support and provide guidance to staff and Centres.

At Inner West Council, apart from code of conduct related complaints, the majority of the remaining complaints to relate to the administrative processes, including decision making processes and timeliness within the planning and development, and regulatory compliance and works areas (55%).

From the complaints received in 2021-22 the IOSS has identified the below key trends across member Councils.

Trend	Detail
Administrative Decision Making	A trend across 2021-22 relates to complaints where a core issue was about a delay in decision making processes, or with the adequacy of reasons given with decisions. Requiring IOSS assistance in facilitating an enhanced response.
Administrative Processes	A consistent trend across 2021-22 were complaints about a delay in responding to or dealing with complaints. This often highlighted that responsible staff were not actioning complaints in line with their responsibilities under relevant policies or procedures.
Continued referral of serious complaints	A continuing trend across 2021-22 was the higher level of referred serious complaints to the IOSS for management and investigation.
Planning and development	<p>An emerging trend in 2021-22 were complaints about delays in the development and planning process.</p> <p>This is a trend seen across all member Councils as there has been staff shortages in these areas.</p>
Regulatory Services	A continuing trend are complaints about the enforcement and compliance actions of the Regulatory Services areas.
Council Officers	The IOSS continues to review complaints about the conduct of Council Officers from the community. A common theme is with regards to the handling of complaints by Officers.
Public Liability Claims	<p>A continuing trend across 2021-22 were complaints about the administrative decision making in public liability claims. Once assessed most concerns are generally about the outcome of a claim, and decisions made by Council to decline liability under the <i>Civil Liability Act</i>.</p> <p>This is a trend seen across all member Councils due to the increase in claims caused by the severe weather across the state. With a predicted third <i>la nina</i> weather event this coming summer this trend is expected to continue into 2022-23.</p>

Summary of recommendations provided for 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 change any operational decisions made by Council or Council officers.

When issuing an investigation report, the IOSS may recommend to the relevant General Manager or Chief Executive Officer or as appropriate to the Mayor, or the Chair 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 make an appropriate correction, deletion or addition to a record; or
- k) 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 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. This is currently reported via each Council's ARIC. The Internal Ombudsman has the right to request information regarding Council's action on previous report recommendations.

During the reporting period, the IOSS made 87 recommendations as the result of investigations into 18 complaints at the member Councils during the reporting period. Some themes are set out on the following pages.

	2021/22 Recommendations	Recommendations Accepted
City of Parramatta Council	31	31
Cumberland City Council	15	15
Inner West Council	41	41
Totals	87	87

Continued input to actions arising from child protection related matters

The IOSS sits on Cumberland City Council's triage team for allegations received against staff. This process continues to work well with appropriate considered discussion amongst the team and efficient resolution of related actions. The IOSS will investigate matters which are assessed as meeting the threshold of reportable conduct. Whilst Council will manage relevant processes related to non-reportable matters, the IOSS still provides significant advice and recommendations to assist Council in this process, including in relation to communication, meetings, and management practices. The IOSS has also commenced the provision of advice to City of Parramatta and Inner West Councils for matters arising from child protection matters throughout the reporting period. Both Councils are in the process of considering the establishment of similar triage team processes.

Personal benefits

The IOSS received a complaint in relation to an alleged breach of the pecuniary interest requirements of a member Council's Code of Conduct by a Council Official. The complainant made a number of allegations as part of the complaint. Following mandatory referral requirements as outlined in the Procedures for the Administration of the Model Code of Conduct, the relevant authority referred the matter back to the IOSS investigate. A preliminary assessment was completed by the IOSS which identified a number of related concerns. The IOSS consulted with the member Council regarding actions to be taken in relation to the relevant Council Official. Recommendations were also made in relation to revision of relevant policies and procedures to address conflict of interest issues, and the development of a protocol for the use of overtime.

An enquiry was also received regarding the outcome of a previous referral at a member Council. It was identified that the investigation outcome was not completed, and recommendations were made in relation to a number of oversight and management practices to ensure compliance to the Code of Conduct and Independent Commission Against Corruption Act NSW.

Transparency in the provision of planning advice

A complaint was received regarding the administrative conduct and decision-making process with a pre-DA advice process. A number of documents were reviewed by the IOSS. The investigation outcome was a proper assessment had been undertaken by the member Council, that procedural fairness was applied and that the complaint was managed in accordance with the Council's relevant Complaint Handling Policy. However, as part of any investigation, the IOSS is always seeking to identify any improvements which can assist either Council and/or the community. A recommendation was therefore made to provide information from the outset to customers about the pre-DA advice process, including updates to Council's relevant website. The recommendation has been accepted and implemented in full.

Reviews of anonymous complaints

The IOSS can consider anonymous complaints if sufficient information is provided to enable an assessment and/or investigation. An anonymous complaint was received related to conduct within one member Council. Whilst the complaint was largely not particularised, a review of the available information was still undertaken in relation to the identified concerns within the complaint. Recommendations were made in relation to relevant financial policies and workplace practices in the processing of applications.



Roles and responsibilities to committees and volunteers

Following a complaint received about committee-related processes, an investigation was completed by the IOSS which included liaising with the complainant and the relevant department. Whilst there were no concerns found with the member Council's conduct, a number of recommendations were made in relation to the member Council's Code of Conduct revision considerations for committee members, information provided as part of the orientation/induction sessions to committee members and a review of relevant policies. As part of the benefit of the shared service, advice was also provided to the other member Councils as relevant.

Improving the customer experience with public liability claim processes

An enquiry was received regarding the status of a public liability claim at one of the member Councils. Whilst this was not within the IOSS jurisdiction for investigation at that stage, the IOSS made enquiries to determine the status of the matter as part of the overall customer service that the IOSS aims to provide to complainants. It was identified that there were a range of factors which were impacting on the completion timeframe and the customer experience. Recommendations were made in relation to investigation processes, establishment and promotion of a service standard, internal liaison with Council departments, systems and records management, and reporting. It is anticipated that these recommendations will assist both the customer and Council staff.

Case Study

Decision making with compensation claims

The IOSS continues to undertake administrative reviews of Cumberland City Council's determination of public liability claims, as requested by customers, with a total of 10 reviews completed by the IOSS during the reporting year. This increase was largely due to the surge in road-related claims received following the extreme wet weather events experienced across Sydney in 2021-22 that resulted in ongoing impacts to the condition of its roads. It is important to note that the IOSS cannot overturn a Council decision, however if appropriate the IOSS is able to make a recommendation to Council to reconsider their decision. The IOSS acknowledges the significant increase in claims processed by Council Officers at the member Councils and the resultant increase in workloads and customer management in a challenging environment.

In NSW, Councils rely on the *Civil Liability Act 2002* (the Act), which allows agencies to not be held liable for vehicle damage in cases where they had no prior knowledge of the poor road condition, or in which they are aware but undertook repairs in a reasonable timeframe according to its resources.

It was found that the decision made by Council was correct in all of the reviewed cases. However, the recurrent theme is that customers still did not fully understand the relevant legislation. But when the IOSS was able to explain this in greater detail and in plain English, the customer was more readily able to accept the decision made by Council. The IOSS has been advised that Council is reviewing the information provided to members of the public in order to be clear and transparent about the processes undertaken in relation to public liability claims and what aspects are considered in determining the outcome. At the same time the IOSS revised the information provided in Council's outcome letters to better explain the scope of the IOSS's review processes and to better manage complainant expectations. Despite this, the IOSS is always seeking to identify any improvements to Council's processes as part of any review undertaken. A number of recommendations were made to improve Council's record keeping, the integrity of Council's data and to streamline Council's relevant processes.

There were also a number of reviews conducted for flooding, stormwater and tree related claims. Again, the decision made by Council was correct in all of the reviewed cases however there were opportunities for improvements to the customer experience and the IOSS recommended to the relevant Council departments. This included the recommendation that public liability claims be reviewed holistically; not just from a claim process, to consider the customer service perspective assess whether a referral was also warranted to the relevant service area to review any service requests or processes that may be required to be undertaken.

City of Parramatta and Inner West Councils included information about avenues of appeal for reviews of decisions of compensation claim matters in March 2022, with two reviews per Council undertaken for the reporting period. Similarly, we found that the decision made by Council was correct in all of the reviewed cases. A number of process improvements were identified at one of the Councils to streamline various processes and seek to improve the customer experience. The IOSS has been advised that a strategy has already commenced to implement these recommendations.

Prevention



Policy review and development

Across 2021-22 the IOSS contributed to the review and development of 17 different policies across member Councils. Our role here is important as we bring our significant experience in good governance and improvement to ensure these policies best support the work of the member Councils.

City of Parramatta Council

- Code of Conduct (Mandatory review required by Council following Council election)
- Grants and Donations Policy and Procedure
- COVID-19 Vaccination Procedure
- Councillor Misconduct Framework Review (Office of Local Government)

Cumberland City Council

- Code of Conduct (Mandatory review required by Council following Council election)
- Councillor Expenses and Facilities Policy
- Media Policy
- Social Media Policy
- Volunteers Policy

- Input to Council's Child-related work procurement specifications document.
- Input to Council's Child Protection information sheet issued to parents by Council in the event of any child protection relation complaints
- COVID-19 Vaccination Procedure
- Councillor Misconduct Framework Review (Office of Local Government)

Inner West Council

- Councillor Expenses and Facilities Policy
- Workplace Surveillance Policy
- COVID-19 Vaccination Procedure
- Councillor Misconduct Framework Review (Office of Local Government)
- Ongoing assistance with the Social Media Policy

Environmental scans

The IOSS conducts environmental scans reviewing reports of other government agencies for findings and improvements which may support member Councils. We provide advice accordingly, including:

- Advice regarding statement of business ethics - arising from ICAC's Operation Dasha
- Advice regarding sexual harassment in local government - arising from Victorian Auditor-General's Office (VAGO) audit into Sexual harassment in Local Government (Vic) (2020).
- Advice regarding procurement process - arising from Independent Commission Against Corruption report into Operation Lancer.

Probity advice

Probity advice is an important part of the IOSS' function and as our members independent ear, we hear from all areas of Council across a range of issues.

	City of Parramatta Council	Cumberland City Council	Inner West Council	Totals
Code of Conduct Councillor	8	5	9	22
Internal Processes	4	5	8	17
Recruitment	3	2	2	7
Code of Conduct Staff	3	1	3	7
Other	3	1	1	5
Privacy	-	4	-	4
Corrupt Conduct	1	1	1	3
Decision Making	-	-	2	2
Misconduct	1	-	-	1
Breach of Pecuniary Interest	1	1	-	2
Bullying and Harassment	1	-	-	1
Child Protection	-	1	-	1
Unethical Behaviour	-	-	1	1
Totals	25	21	27	73



Prevention Projects

10 prevention-related projects were initiated by the IOSS at the member Councils. This involves undertaking audits across a variety of areas including fraud and corruption, conflicts of interest, procurement practices, legislative compliance, councillor interactions, contract management, regulatory functions and children's services, and making recommendations as relevant. This reflects the value-add of the IOSS work. This reflects the value-add of the IOSS work.

Advice from finalised matters

Sharing the learnings from completed matters across the member Councils is an important part of the IOSS's prevention role. Opportunities to pass on learnings in the form of advice from one Council to another arises at the completion of investigations or training

sessions. Sharing learnings in this way helps Councils in the shared service better tackle emerging issues, building off the knowledge and experiences of member Councils. This demonstrates the value of the shared service.

THEME OF ADVICE	DETAILS
Improving customer experience	Updating notices attached to videos of Council meetings on Council's website
Adherence to the Code of Conduct - Secondary Employment	Ensuring casual Council employees adhere to secondary employment obligations under the <i>Model Code of Conduct</i>
Improve recruitment and selection processes	Identifying relevant convictions or employment misconduct during recruitment
Improve employee experience	Implementing a process to manage internal job applications from Council employees undergoing disciplinary action
Improve systems and processes	Addressing systemic issues in procurement and finance

The IOSS also provides proactive advice to Councils regarding recommendations made to another Council following an investigation, as appropriate.

Case Study

Strategies for repeated complaints

A high-risk area within a Council has been the subject of a small number of complaints regarding the conduct of staff, particularly the misuse of their position to obtain a private benefit. The allegations regarding this misconduct was proven, with a number of staff receiving disciplinary action.

While the conduct was disappointing for the Council and the community, pleasingly all matters were raised internally, promptly, by peers, supervisors and managers, highlighting understanding and adherence to the Code of Conduct and Council's values.

To avoid any continued concerns, the IOSS assisted the Council with a strategy to assist building further awareness and understanding, and setting clear expectations amongst the area.

The IOSS delivered targeted Code of Conduct training, with specialised scenarios, to complement the Council's mandatory annual training; established a network for supervisors and managers with the other IOSS member Councils to discuss best practice, share advice and receive assistance; engaged with the leadership to address issues as they arise; continued a program of audit; developed scenarios to discuss in regular team meetings and delivered training to team leaders on motivations for misconduct. The strategy remains ongoing and has been well-received.

Education

Training programs

An important area of our work is providing training and education to Council staff and Councillors.

This helps promote awareness and adherence to, the Code of Conduct, complaint management best

practise, fraud and corruption prevention, good governance strategies and improved administrative practice. We also provide training on the roles and responsibilities outlined in the Public Interest Disclosure Act.

Due to the COVID-19 pandemic, training sessions were redesigned for both online and face to face delivery with a focus on ensuring high levels of engagement.

We will continue to offer hybrid training opportunities moving forward as way of increasing availability across member Councils.

The online training has been successful, with positive feedback received.

In 2021-22, the IOSS delivered 36 education and training sessions across the member Councils.



Educating new staff about the role of the IOSS and the Public Interest Disclosure regime formed the majority of our training activity and is critical in ensuring staff understand our role and their obligations. This was delivered as induction training and in one stand alone session. This is a short and engaging session which has been refined to

include elements of administrative decision making. Cumberland City Council moved its induction online which includes information about the role of the IOSS and the Public Interest Disclosure framework.

Development and delivery of Code of Conduct Training is the next largest training activity, in this tailored 2-hour session we deliver training with topical examples relevant to the areas, with a focus on prevention and improvement.

	City of Parramatta Council	Cumberland City Council	Inner West Council
Staff Induction	13	-	3
Code of Conduct	7	-	5
Social Media Policy	-	-	2
IOSS Awareness/PID	1	-	-
Councillor Induction/Training	2	2	1
Totals	23	2	11
Total Education and Training	36		

The focus of the IOSS training activities have been on high-risk areas, and areas where we can achieve the greatest impact. These include areas which have high portions of complaints.

Code of Conduct Training

For the Code of Conduct training sessions delivered to staff across the member Councils, 214 staff attended. We collect information about the quality of training and responses stated

- o 98% strongly agreed that our training has improved their confidence in understanding Council's Code of Conduct.
- o 98% rated our trainers as excellent.
- o 99% strongly agreed that the content presented in the workshops was appropriate and engaging.
- o 98% would recommend our training to their colleagues.

In the last quarter of 2021, the IOSS continued its Public Interest Disclosure Awareness training to all staff within the Planning and Design directorate at City of Parramatta Council.

Public Interest Disclosure Training

Public Interest Disclosure training is currently being organised for new Disclosure Officers across the member Councils. This will be delivered in one combined workshop across the member Councils. The IOSS will also liaise with the member Councils to ensure training required is delivered as a result of the legislative changes to the *Public Interest Disclosure Act*.

Case Study

Investigating allegations of misconduct and abuse of power by a Council Officer

Council officers hold positions of trust within the communities they serve. The IOSS received allegations of conduct that could bring Council and this trust into disrepute, therefore this matter was investigated.

The IOSS reviewed the potential misconduct of a Council officer in relation to ongoing enforcement at a residential property. It was alleged the Council officer was using their position within Council to influence compliance and enforcement outcomes against the complainant, who was their neighbour. As part of this matter, we interviewed relevant Council officers and the Complainant. We also reviewed all available system records and relevant information. The Complainant stated they ran a business from their residential address. The complainant provided no evidence or detail to support their claims of misconduct or abuse of power. The Complainant also confirmed they had never spoken directly to the officer.

A review of Council's systems and requests relating to the Complainant and their property also did not support the allegations. The evidence showed the Council officer had not made any reports about the Complainant specifically and any requests made as a resident were appropriate. Interviews with Council Officials also yielded no evidence which supported the allegations.

The evidence we were able to collect showed the Complainant was likely running an unlawful business operation from the property, with Council undertaking normal enforcement processes to stop. This was not connected to the Council officer. The IOSS did not investigate this matter beyond an initial review. The IOSS did not uphold the complaint and recommended no further action.

Briefings

Briefing Council staff and Councillors is an important aspect of raising awareness of the IOSS and our role. This year the IOSS conducted:

- Briefings about the role of the IOSS to newly elected Councillors at the Councillor induction programs.
- Information sessions on Public Interest Disclosures and Code of Conduct to each Council's Lord Mayor/Mayors at the start of their terms outlining their responsibilities.



- Participating in a social media briefing to Inner West Councillors during the new-Councillor induction program.
- Monthly or quarterly meetings/briefings with the Councils' Executive Teams.

The IOSS also met with new senior staff across the Councils, including Directors and Senior Managers to discuss the work of the IOSS, trends for their respective areas, priorities and to plan any prevention and education activities.

Promotion

Connecting with our communities



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

- The Annual Report 2020-21 was made available on each Council's website and staff intranet in December 2021.
- The Annual Report 2020-21 was included within the following articles:

Community	Staff
The Summer/Autumn 2021-22 edition of City of Parramatta Council's newsletter " <i>Parramatta Pulse</i> "	The December 2021 edition of City of Parramatta Council's newsletter " <i>Scoop</i> "
The December 2021 edition of Inner West Council's online e-newsletter. This was also promoted as an announcement on Council's website home page	The December 2021 edition of Cumberland City Council's newsletter " <i>Communique</i> "
	The December 2021 weekly edition of Inner West Council's internal General Manager communications to staff

- Information about the IOSS and its activities for the 2020-21 financial year was included in each member Councils' annual report.
- The IOSS was included on Cumberland City Council's new internal staff key contacts card, provided to all staff in December 2021.

Adding Value: Shared Services

An important benefit of the IOSS working across three Councils is that we are able to bring together communities of practice. Across the last year we have set up important communities of practise across member Councils to share knowledge and experience. This encourages Council officers and departments to work with their counterparts across the member Councils to share knowledge, learnings and ideas to improve their work, and promote economies of scale.



Human Resources and Industrial Relations Shared Services Forum

This is attended by relevant representatives for People and Culture sections at member Councils.

Following the inaugural forum held during September 2021, two forums were held during the reporting period. Topics of interest and discussed by the forum members has included Council's COVID response, including implementation of vaccination policies; declarations made as part of a recruitment process; workforce management plans; workplace surveillance; utilisation of EAP; strategies for bolstering the Council's value proposition with recruitment; and business preparedness.

The IOSS also discussed with the forum observations and considerations from two

environmental scans: ICAC's Operation Lancer; and the Victorian Auditor General's Office (VAGO) report into sexual harassment in Local Government.

Arising out of the forum, the IOSS will be developing and delivering an investigations training package for relevant Human Resources staff during 2022. This will be based on ICAC's recently published "Factfinder: A guide to conducting internal investigations" and will also take into account LG Workplace Investigations Guidelines.

Regulatory Services Forum

This is attended by management representatives from building certification, parking, rangers and compliance (health and environment) at member Councils.

The inaugural meeting was held during May 2022 and attended by managers with responsibilities for regulatory functions, including parking, environmental health and building compliance.

It focussed on building certification processes; clean-up programs; dealing with complaints and service requests; learnings from Council's COVID response; attracting staff and succession planning; and legislation changes.

The meeting was successful, with the next meeting to be held in September 2022.

Governance Forum

This is attended by management representatives from governance and risk at member Councils.

Following the completion of pre and post NSW Councillor election activities, the Governance Forum is resuming in October 2022. The focus will be on the new Public Interest Disclosures Bill; scheduling policy reviews for 2023; and code of conduct training.

Case Study

Avenues to raise complaints

Throughout 2021, the IOSS received a number of anonymous complaints from one business area via email, mail and phone call pertaining to a serious issue in the business area. All complainants discussed concerns in general terms but did not particularise the complaint. There was no mechanism to obtain further information from any of the complainants. All complainants stated that they were reticent to raise the matter internally due to a variety of concerns.

The complaints continued to be received.

To assist in resolving the complaint, the IOSS conducted awareness sessions throughout Council directorates, advising of the role of IOSS particularly in relation to investigations management, confidentiality and the Public Interest Disclosure Act provisions.

Following from these sessions, a number of calls and visits were made to the IOSS by complainants, seeking to obtain further information. Considerable work was undertaken by the IOSS to explain processes, obtain the trust of complainants, undertake risk assessments, manage confidentiality and explain possible outcomes and remedies. After some time, a number of formal complaints were made and managed by the IOSS to finalisation.

While the IOSS is of the view that any complaint should initially be raised at appropriate internal levels to address concerns at the source and in the most efficient manner, this matter highlights the importance of the IOSS as an independent, impartial, alternative body to raise serious concerns within the workplace if there are concerns for approaching other established channels.



Part 3: Management and Accountability



Internal Ombudsman Shared Service Management Committee

The IOSS Management Committee (the Management Committee) is comprised of the two General Managers of Cumberland and Inner West Councils and the Chief Executive Officer of the City of Parramatta Council. The committee conducts its business in accordance with a terms of reference. The Management Committee meets annually and the Internal Ombudsman presents a summary of the IOSS's operations for the previous year.

The Internal Ombudsman also regularly attends and provides a verbal report on the activities of the IOSS and any issues identified to the Executive Team Meetings at the member Councils. A written performance report is provided and presented at these meetings by the Internal Ombudsman on a quarterly basis. These are important meetings which enhance the engagement of the IOSS and further understanding of the IOSS role.

The IOSS Governance Charter sets out the mandatory reporting requirements to be included in the performance report, which are: a summary of the matters received; a summary of the investigations conducted and their recommendations; education

activities conducted; probity advice provided; promotion and media activities; issues identified for future review; trends identified in matters received or investigated; other performance indicators; financial performance; future directions; and, other procedural matters of note.

Audit, Risk and Improvement Committees

The Internal Ombudsman continues to attend the Audit, Risk and Improvement Committees (ARIC) for the three member Councils. The Internal Ombudsman reports to the ARIC to advise of the work of the IOSS and escalate any concerns or issues which may be relevant to ARIC, including attendance at in-camera briefings as relevant. The benefit of attending such meetings is that some issues being considered by the IOSS may impact on the considerations of ARIC.

Statutory Reporting

Public Interest Disclosure statistics

In line with the Public Interest Disclosures Act 1994 (PID Act), each Council is required to appoint a Public Interest Disclosures Coordinator. This role is responsible for the coordination and management of all Public Interest Disclosures received by the Council. Each member Council has delegated this function to the Internal Ombudsman and Assistant Internal Ombudsman.

The PID Act also outlines reporting obligations to be undertaken. Under section 6CA, public authorities are required to provide the NSW Ombudsman with statistical information every six months about their handling of PIDs, as well as information about staff awareness activities that have

been undertaken during that period. This reporting has been completed for the six months periods ending December 2021 and June 2022 for each member Council.

A summary of PID information is also required be included in each Council's Annual Report. This information has been provided to each member Council for inclusion in their Annual Report for 2021-2022.

Code of Conduct Complaints against Councillors statistics

In line with the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020 (Procedures), each Council is required to appoint a Complaints Coordinator. This role is responsible for the coordination of preliminary assessments and investigations undertaken by Conduct Reviewers in relation to complaints received against Councillors, as requested by the relevant General Manager. Each member Council has delegated to the Internal Ombudsman and Assistant Internal Ombudsman the function of Complaints Coordinator.

The Procedures also outline reporting obligations to be completed. Part 11 requires that Council's Complaints Coordinator must report annually to the Council and to the Office of Local Government on a range of complaint statistics within three months of the end of September. This reporting has been completed for the period ending September 2021 for each member Council.

Corporate Governance Practices

Risk Management and Business Continuity Planning

It is important that we identify and manage any potential events which could affect us achieving our objectives. The IOSS has adopted a Risk Management Plan, which has

identified key risks and mitigation strategies that apply to its operational and strategic work. 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 crisis. These plans form part of our risk register and is reviewed on an annual basis as part of our business planning process.

During the year, ongoing COVID-19 risk assessments were undertaken to allow our staff to return to the office. A COVID Safe plan was also completed in conjunction with our host Council's (Cumberland City Council) Risk and Safety team. Work Health and Safety is regularly discussed amongst the IOSS team and reported in line with our host Council's procedures.



Privacy

We manage privacy in accordance with our host Council's (Cumberland City Council) Privacy Management Plan which addresses the requirements of both the Privacy and Personal Information Protection Act 1998 (NSW) and the Health Records and Information Privacy Act 2002 (NSW).

We are in the process of updating our Governance Charter to ensure that it aligns with the Privacy Act. We have enhanced our references to how we handle the collection and disclosure of personal information that

we receive. We also updated our operational procedures to ensure that information about how we manage privacy is provided at the

outset to all complainants, noting this was previously available as part of Council's Privacy Management Plan.

Financial Summary

Each member Council financially contributes equally to the IOSS, with Cumberland Council designated the host Council for the purposes of administrative and financial arrangements.

Our financial position as 30 June 2022

The net result for the year ended 30 June 2022 is a surplus of \$75,095.00. This surplus is largely due to employee cost savings incurred as a result of staff shortages throughout the year.

The below table provides a financial summary of the IOSS for the period 1 July 2021 to 30 June 2022.

INTERNAL OMBUDSMAN SHARED SERVICE		
Financial Performance for the period to 30.06.2022		
	Budgeted \$	Actual \$
Income		
City of Parramatta Council Contribution	243,101	243,101
Cumberland Council Contribution	243,101	243,101
Inner West Council Contribution	243,101	243,101
Subtotal	729,303	729,303
Total Income	729,303	729,303
Expenses		
Staff Costs		
Salary & On-Costs	551,557	491,684
Training & Conferences	8,000	7,675
IOSS Investigations	14,000	43,911
Consultants	10,000	-
Stationery and Office Supplies	6,000	288
Internal charges	110,650	110,650
Subtotal	700,207	654,208
Total Expenditure	700,207	654,208
Net Surplus	29,096	75,095

Professional Development

It is important for members of the IOSS to remain aware of strategies, legislation changes and information across the public sector to assist with our investigation, prevention and education activities and add value to the member Councils.

During the year, we have attended the following professional development opportunities:



Workshops and Forums	Child Protection	Training
Corruption Prevention for Managers workshop - 14 July 2021	Child Safe Standards Local Government Forum - 6 September 2021	Cumberland City Council's mandatory Code of Conduct and Public Interest Disclosure refresher online training - July 2021
Deafblind World Workshop attended by the then Strategic Project Officer - 12 October 2021	Office of Children's Guardian reportable conduct information session - 14 October 2021	Mental Health First Aid Training attended by the Complaint Assessment and Administration Officer - 14 and 15 November 2021
Corruption Prevention Network "Monitoring and Surveillance in the Workplace - ethical and legal matters" seminar - 15 September 2021	Office of Children's Guardian "Introduction to the Child Safe Standards" workshops - February and March 2022.	Cumberland City Council's mandatory Cyber Security online training - February 2022
	Child Participation in Practice webinar - 8 June 2022	Audit, Risk and Improvement Committee training attended by the Assistant Internal Ombudsman - 3 June 2022
		First Aid Training attended by the Complaint Assessment and Administration Officer - 21 June 2022
		The Complaint Assessment and Administration Officer commenced a Certificate IV in Government Investigations in January 2022, which will be completed during 2022.

Case Study

Corruption Prevention

A complaint was received from a Council supplier alleging inappropriate procurement practices of a Council officer managing other suppliers. The IOSS undertook data analysis and reviewed the usage of suppliers on panels and the use of suppliers outside appointed panels. Information was obtained from a number of internal and external witnesses. Allegations relating to inappropriate relationships with suppliers and inappropriate procurement practices were substantiated, with Council undertaking relevant disciplinary action.

The IOSS recommended:

- additional training to officers to understand the prevalent risks and areas for exposure (delivered by the IOSS);
- an update to the relevant policy and procedure to avoid similar concerns;
- further justification of use of suppliers be provided and retained on Council records;
- further management oversight of the actions outside the recommended policy position;
- further advice around gifts and benefits be issued;
- fraud and integrity scenarios be discussed regularly in team meetings;
- further conflicts of interest be declared; and,
- an audit of contracts be undertaken.

All recommendations were accepted by the Council and are being implemented. The relevant external authority was advised of the matter from the outset however declined to investigate and referred the matter back to the IOSS to investigate. The authority was notified of the final outcome and recommendations and was satisfied with actions undertaken.

External Stakeholder Liaison

The IOSS continues to engage with external agencies including the NSW Ombudsman, Independent Commission Against Corruption, Office of Local Government, and the NSW Audit Office regarding the work of the IOSS and ongoing liaison as required.

The IOSS attends and participates quarterly in the Internal Ombudsman Network (ION) with other Internal Ombudsmen across NSW Local Councils, being Central Coast Council; Dubbo Regional Council; Lake Macquarie

Council; Liverpool Council; Wollondilly Council; and Wollongong Council.

The ION meets to discuss matters of common interest and shared learnings, including code of conduct issues and training, and key challenges for an Internal Ombudsman within NSW Local Councils. In attendance at ION meetings are also representatives from the external government agencies, where information is both shared with the ION and the ION's views are sought on various topics including code of conduct complaints

Part 4:

The Year Ahead

In addition to our work of prevention, education and investigation activities across the member Councils, we will also focus on delivering key initiatives to continue to add value to the member Councils and their communities.

Community Engagement

Over 2022-23 IOSS will commence the development of a community engagement strategy to increase awareness of the IOSS in the member Council areas and to better engage with different sections of our diverse community.

Continuing to encourage collaboration and promote economies of scale between the member Councils

In addition to the established shared service forums held regularly in Governance; Human Resources and Industrial Relations; and Regulatory Services, we will continue to identify new opportunities for shared service forums in key areas of Council. This will include the commencement of a forum for staff responsible for complaint handling practices; and other areas as identified.

Enhancing staff knowledge and skills in workplace investigations with the member Councils

We will develop and deliver a combined bespoke investigations training package for relevant staff within People and Culture departments at the member Councils. This will be run over two sessions focused on scoping an investigation and forming/drafting allegations. This will be based on information contained within a recent ICAC guide to conducting internal

investigations and LG workplace investigations guidelines.



Preparation of the new PID Act 2022

Following changes to the Public Interest Disclosures Act assented in April 2022 the IOSS will co-ordinate with member Councils to prepare to ensure the various changes are implemented within the required timeframe. The IOSS will be commencing this process in the Shared Service Governance Forum in October 2022.

Comprehensive analysis of complaint trends

Over 2022-23 the IOSS will use recent changes to our case management and reporting systems to prepare enhanced reporting into complaint analysis and trends to our member Councils. This information will be delivered to the Councils' Executive and ARIC, and will help us work with each Council to identify any trends or issues that need to be addressed either in the development of new training, delivery of targeted or refresher training, or development of policy.

Contributing to Inner West Council's customer experience improvement initiatives

Continuing to participate and contribute to Inner West Council's customer experience enhancements identified in conjunction with Council's newly established Customer Service Review Sub-Committee. The Internal Ombudsman provided an initial briefing about the role of the IOSS to the committee in August 2022.

Internal Ombudsman Shared Service Governance Charter



Internal Ombudsman Shared Service

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INTERNAL
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SHARED SERVICE



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PARRAMATTA**



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