

INTERNAL  
OMBUDSMAN  
SHARED SERVICE



**CITY OF  
PARRAMATTA**



CUMBERLAND  
CITY COUNCIL



Internal Ombudsman Shared Service

# **ANNUAL REPORT 2020 - 2021**

## **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

Dear Mr Fitzgerald,

### **Internal Ombudsman Shared Service Annual Report 2020-2021**

I am pleased to present the fourth Annual Report for the Internal Ombudsman Shared Service with City of Parramatta, Cumberland City and Inner West Councils. This report contains an account of our work for the period 1 July 2020 to 30 June 2021.

Yours sincerely,



Elizabeth Renneberg

**Internal Ombudsman**

25 October 2021

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

On behalf of the three member Councils of City of Parramatta, Cumberland City and Inner West, I am pleased to commend to you the Internal Ombudsman Shared Service (IOSS) Annual Report for 2020-2021.

On 1 July 2020, the IOSS commenced the second term of operation, an acknowledgement of the important service the IOSS delivers in its role as an “independent ear” for all stakeholders.

Indicative of the importance of the service, there has been a further increase in the volume of activity undertaken by the IOSS 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.

During the reporting year, the IOSS delivered Public Interest Disclosure training to all Disclosure Officers across the three Councils and undertook a number of awareness raising activities with Human Resources, People and Culture sections and other teams to assist staff in understanding the important protections available to them in reporting wrongdoing.

During the changed working conditions with the COVID-19 pandemic, the IOSS continued to deliver training and awareness sessions online to assist in maintaining an awareness of the service in the changed times.



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, provided to briefings to Councillors on the Annual Report and reported to the IOSS Management Committee on an annual basis.

I congratulate the service on its achievements throughout a difficult 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 in a cursive style.

Peter Fitzgerald

**Chair, Internal Ombudsman Shared Service Management Committee**

**General Manager, Cumberland City Council**



## Message from the Internal Ombudsman

I am pleased to present the 2020-2021 Annual Report of the Internal Ombudsman Shared Service, working across the City of Parramatta Council, Cumberland City Council and Inner West Council.

At the outset I would like to acknowledge Suellen Bullock, the inaugural Internal Ombudsman of the Internal Ombudsman Shared Service, who retired on 25 September 2020. Suellen led the initial establishment of the service, and in over three years set a firm foundation to develop the IOSS on the path to identifying areas for improvement in each Councils' administrative conduct and decision making, and to assist in high standards of probity and governance.

On behalf of the IOSS, I thank Sue for her immense contribution to the IOSS and the three member Councils.

The 2020-2021 reporting year saw the commencement of the second three term for the Internal Ombudsman Shared Service, with the renewal of the service indicative of the important role the service plays for all

Council stakeholders - the community, Council staff and Councillors.

The IOSS was again ably assisted by Ms Sarah Labone, the Complaint Assessment and Administration Officer, who provides an exceptional, professional service to all in undertaking her role. From January 2021 onwards, Dio-Antonio Pullan joined the service as a Strategic Project Officer, assisting the service in responding to complaints while undertaking a number of projects with Ms Labone to improve service delivery, record keeping, trend identification and analysis, and planning. Within a short period of time, Dio has greatly assisted the service and I thank him for this enthusiasm, strategies and improvements.

While the role of an Ombudsman is primarily as an "independent ear" to respond to complaints, the IOSS undertakes work in line with the Triple Governance Track of Prevention, Education and Investigation of Complaints.

In the reporting year, the IOSS saw a 17 per cent increase in the volume of complaints received. I am excited that this demonstrates increased confidence from the community in approaching the service to seek assistance. Combined with this increase in complaints received, pleasingly the IOSS also received a significant increase in the percentage of complaints in jurisdiction over the previous year - meaning we spent significantly more time assisting the people we can, over the year before. The increase of the volume of complaints in jurisdiction is as a result of a number of strategies put in place to improve the information available to the public and to further explain the processes of the IOSS.

While predominately focused on responding to complaints and conducting investigations, the IOSS bolstered our provision of services in prevention - providing more feedback on policies given our complaint knowledge and experience, and assisting in the provision of probity advice; and in education - while

regular training opportunities declined given COVID restrictions, we provided more diversified and targeted training throughout the year.

While COVID-19 restrictions reduced our ability to assist complainants in person, we focused throughout this year in seeking to improve accessibility arrangements where we can including improving the readability of our website, ease of obtaining information, and adding online forms to gain efficiencies in obtaining full complaint detail from complainants. There has been a strong utilisation of our new online forms which continues to assist us in improving service standards and response times.

While unfortunately the world will continue to respond to issues relating to the COVID-19 pandemic for some time to come, we are pleased to report we have received a low volume of complaints relating to Council's responses to COVID-19 from staff and the community and limited complaints regarding the reduction in services as a result of the pandemic.

### **Looking ahead**

Pleasingly, the service has been able to maintain its high levels of service to the community, Council and Councillors, despite the COVID-19 restrictions, and we look forward to returning to in-person engagement when we can while harnessing the efficiencies gained from new working models.

With the upcoming Local Government elections, now postponed until December 2021, we look forward to assisting Councils and the newly elected officials in continuing to improve administrative conduct, decision making and the services delivered to communities.

I thank the IOSS team for their tenacity, resilience and agility over a difficult year for

all, and 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 support and commitment to the service.

This Annual Report will be provided to the IOSS Management Committee and subsequently to each Council's Audit Risk and Improvement Committee for consideration and endorsement. I commend to you the Internal Ombudsman Shared Service Annual Report, highlighting the achievements of the service over the past year.



Elizabeth Renneberg

**Internal Ombudsman**

## About this Report

This fourth Annual Report provides a comprehensive account of the IOSS's performance throughout the 2020-2021 financial year, as well as outlining the plan for the year ahead.

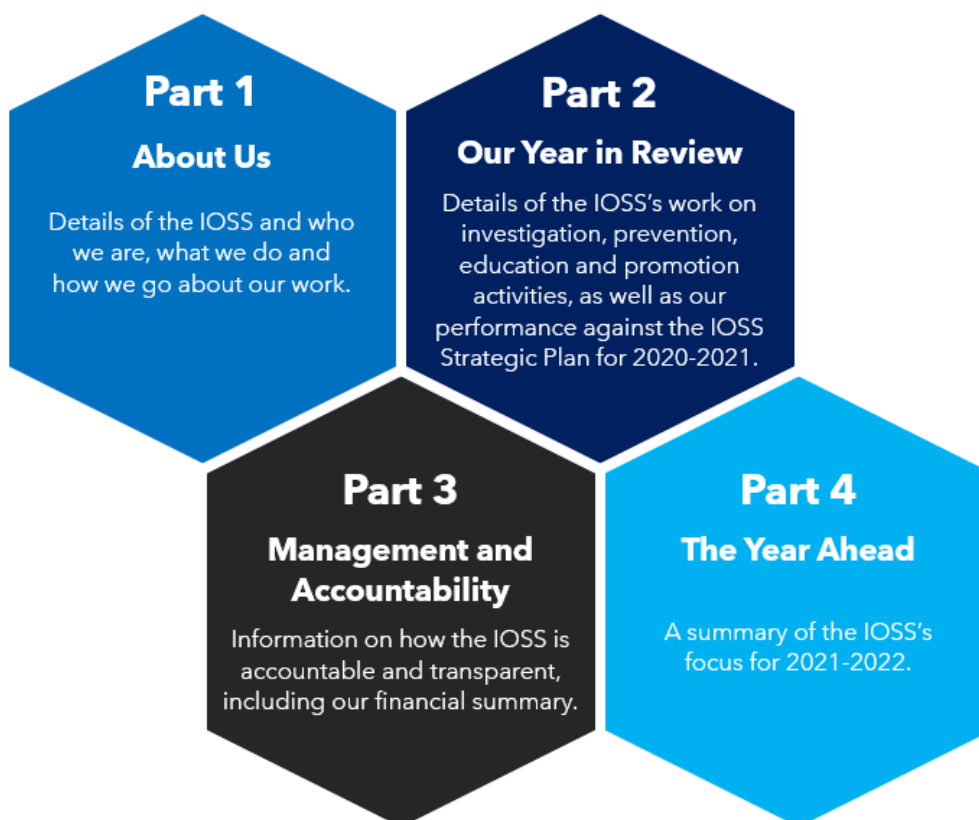
While there is no requirement for the IOSS to present an annual report, the IOSS Governance Charter states that *"Where the Internal Ombudsman Shared Service considers it to be in the public interest, or in the interest of a person or the member Council, the Internal Ombudsman Shared Service may, with 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 is a step towards meeting this commitment. It is also a source of information for all City of Parramatta, Cumberland City, 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.

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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.



# 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 City and Inner West Councils, signed on 31 July 2017. Each Council financially contributes equally to the IOSS, with Cumberland City Council designated the host Council for the purposes of administrative and financial arrangements.

On 1 July 2020, the IOSS commenced its second three year term of operation.

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 the Cumberland City and Inner West Councils and the Chief Executive Officer of City of Parramatta Council. The Management Committee is governed by a Terms of Reference and an Agreement. The IOSS operates according to the IOSS Governance Charter which outlines the IOSS' jurisdiction and governs how the IOSS undertakes its role and work.

During the reporting year, the inaugural Internal Ombudsman, Ms Suellen Bullock, retired (September 2020), with Ms Elizabeth Renneberg permanently appointed to this role in June 2021 after a period of acting. Ms Renneberg was joined by Ms Sarah Labone, Complaint Assessment and Administration Officer, and Mr Dio-Antonio Pullan, Strategic Projects Officer (from January 2021), a temporary role while recruitment action for the Assistant Internal Ombudsman is finalised.

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

Our purpose is to assist the three IOSS member Councils 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 for example: the delivery of services to each Councils' community; ensuring they are acting fairly, with integrity and in their communities' best interests and in accordance with each Council's Code of Conduct; dealing effectively and fairly with service requests; and working to improve each Council's complaint handling systems. We also aim to promote best practice in the member Council operations.

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 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.

The IOSS also assists the member Councils with prevention and education activities such as policy review, and training in relation to good governance and administrative conduct, as well as providing ad hoc 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.

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 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.


Each member Council has delegated to the Internal Ombudsman the function of Code of Conduct Complaints Coordinator in addition to the function of Public Interests Disclosures Coordinator.

For Cumberland City Council, the IOSS sits on Council’s Child Protection triage team in relation to allegations against staff in relation to child protection matters. City of Parramatta and Inner West Councils are currently in the process of implementing or considering a similar model.

The Internal Ombudsman also assists Cumberland City Council with undertaking Internal Privacy Review.

## Our Vision, Values, Purpose and Guarantee

To provide guidance and focus to the IOSS’s work, we provide the following:

|   |   |   |
|---|---|---|
| <h3>Our Vision</h3> <p>Our vision is to promote:</p> <ul style="list-style-type: none"> <li>• good ethical conduct and behaviour</li> <li>• fair and reasoned decision making</li> <li>• responsive administrative processes</li> <li>• effective complaint handling practices</li> <li>• quality services</li> </ul>   |  <h3>INTERNAL OMBUDSMAN SHARED SERVICE</h3> <p>The term "ombudsman" is loosely translated as the 'citizens defender' or 'representative of the people'.</p> <p>The Internal Ombudsman Shared Service was established in September 2017 and is accountable to the Shared Service Management Committee, consisting of City of Parramatta, Cumberland and Inner West councils.</p> <p>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.</p> | <h3>Our Values</h3> <p>We will adhere to and uphold the values of each member Council. We will also act with:</p> <ul style="list-style-type: none"> <li>• Integrity - behaving lawfully, honestly and ethically, with good judgement and high professional standards</li> <li>• Impartiality - acting in a non-partisan manner</li> <li>• Fairness - providing procedural fairness, accountability and transparency</li> <li>• Respect - treating everyone with dignity and respect</li> </ul> |
| <h3>Our Purpose</h3> <p>We aim to assist each member Council to improve its service delivery and meet its obligations to the public in a timely manner through:</p> <ul style="list-style-type: none"> <li>• investigating complaints and providing recommendations</li> <li>• policy review and development</li> <li>• developing and delivering effective and relevant education services</li> <li>• promotion of our service to staff and the community</li> </ul> |   | <h3>Our Guarantee</h3> <p>We will:</p> <ul style="list-style-type: none"> <li>• consider each matter promptly and fairly</li> <li>• maintain confidentiality</li> <li>• provide clear and reasoned explanations for our decisions</li> <li>• always look to add value through our work</li> </ul>   |

## Contacting the Internal Ombudsman Shared Service

Anyone can make a complaint to the IOSS. The IOSS is governed by a Governance Charter and any complaints within jurisdiction relating to one of the member Council's administrative decision making in relation to their operations and functions can be accepted.

Complaints may be received from residents, community members, ratepayers, local businesses, staff, Councillors and other Council stakeholders. IOSS staff are available in person (in line with relevant public health orders), 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 IOSS, including 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 in accordance with 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 (including online complaint form):

City of Parramatta Council:  
[www.cityofparramatta.nsw.gov.au/council/internal-ombudsman](http://www.cityofparramatta.nsw.gov.au/council/internal-ombudsman)

Cumberland City Council:  
[www.cumberland.nsw.gov.au/internal-ombudsman](http://www.cumberland.nsw.gov.au/internal-ombudsman)

Inner West Council:  
[www.innerwest.nsw.gov.au/about/the-council/internal-ombudsman](http://www.innerwest.nsw.gov.au/about/the-council/internal-ombudsman)

### Email:

City of Parramatta Council:  
[internalombudsman@cityofparramatta.nsw.gov.au](mailto:internalombudsman@cityofparramatta.nsw.gov.au)

Cumberland City Council:  
[internalombudsman@cumberland.nsw.gov.au](mailto:internalombudsman@cumberland.nsw.gov.au)

Inner West Council:  
[internalombudsman@innerwest.nsw.gov.au](mailto:internalombudsman@innerwest.nsw.gov.au)

### Phone:

**02 8757 9044** between 9am and 5pm  
Monday to Friday.

### In writing or in person:

The Internal Ombudsman Shared Service  
11 Northumberland Road  
Auburn NSW 2144

### Services available to assist you:

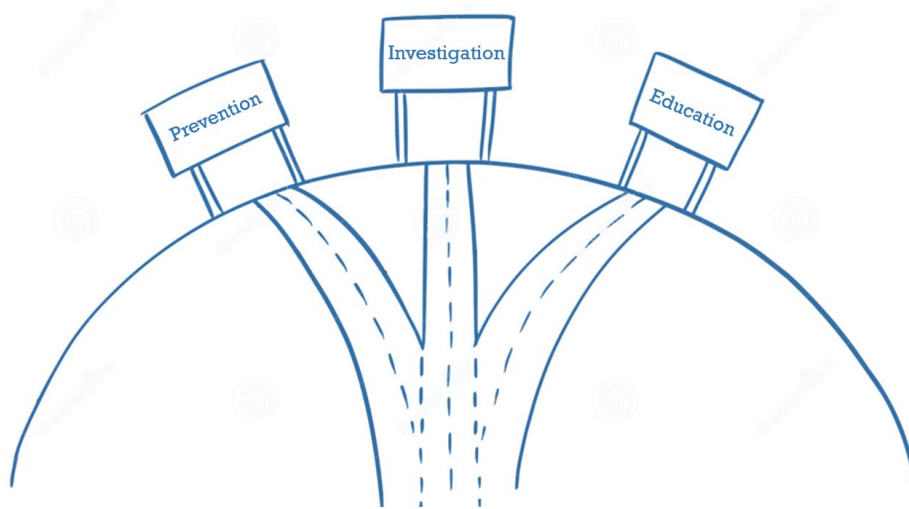
If you are a non-English speaking person, we can help you through the Telephone Interpreting Service (TIS) on **131 450**. If other assistance is needed to communicate with the IOSS, this can be arranged by contacting us either by email, post, telephone or in person.



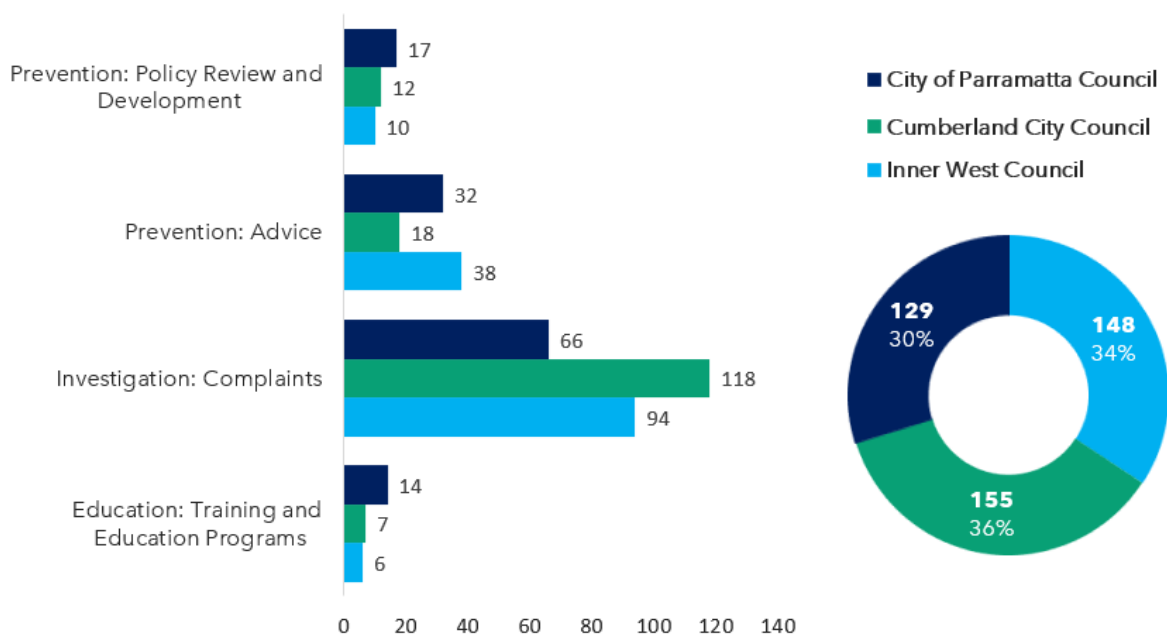
# Part 2: Our Year in Review

The IOSS continues to provide 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 City 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 providing advice on probity matters particularly to staff and Councillors; **Education**, through the delivery of training programs; and **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. Our work is governed by the IOSS Governance Charter and this sets out what the Internal Ombudsman can and cannot investigate and how it is to undertake its work.



## Work of the IOSS with each of the member Councils for the 2020-2021 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 the intricacy of work that has been undertaken with some more complex matters.

In the 2020-2021 Financial Year, there has been a 31% increase in total activities across member Councils over the 2019-2020 Financial Year. Specifically, in the 2020-2021 Financial Year over the previous year:

- There has been a 17% increase in complaints
- There has been a significant increase in prevention activity with policy reviews and the provision of probity advice increasing from 62 to 127
- While there has been a slight reduction in education and training activities from 29 to 27, with the reduction of induction sessions offered across the three Councils, the IOSS has increased other training and education activities.

## 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



## Complaints facts and figures

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

During 2020-2021 we received 278 complaints, a 17% increase over the previous year. This increase, despite the impacts of COVID-19, demonstrates awareness of the IOSS continues to grow.

More than 50% of complaints across each Council are received directly from the community with the remainder either referred by staff from the community or raised by staff themselves.

### How complaints were received by the IOSS during 2020-2021:



Complaints to the IOSS continue to cover many areas, including allegations about:

- Responsiveness and adequacy of responses provided
- Decision-making
- Conduct of staff
- Administrative conduct
- Code of Conduct matters
- Internal processes
- Insurance matters
- Probity and procurement practices
- Alleged corrupt conduct

Of the total 278 complaints received, 139 were assessed as within jurisdiction of the IOSS. Of these, 117 complaints were considered serious matters and required more substantial investigation. In addition to the 117 matters, we made preliminary enquiries or assessments with the member Councils in relation to 22 matters which achieved positive outcomes and were finalised without having to commence a formal investigation.

From the total 278 complaints, after conducting an initial assessment of the complaint, we declined 103 or 37% of the complaints received as the matter was out of 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, or, it was unrelated to a Council service.

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.

It is important to note that 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 an IOSS member Council's decisions or a problem with their services.

The NSW and Commonwealth Ombudsman report an average of around 30% rate of complaints not within jurisdiction, therefore the volume of matters out of jurisdiction, 37%, 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. Pleasing, the volume of complaints out of jurisdiction sharply decreased from 63% last year to 37% this year.

Of the total matters reported, these included 36 enquiries from Council staff and the community about how and whether to make a complaint. While the IOSS provided advice and assistance to these persons, these 36 matters did not progress to a complaint.

## **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). A complaint can be made to an external agency at any time, even if the IOSS is investigating a complaint. The IOSS advises all complainants of this option.



## 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 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 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 information regarding Council's action on previous report recommendations.





## **A summary of the recommendations made during the 2020-2021 Financial Year:**

### **Communicating to the community**

An enquiry concerning Masterplan consultation processes, led to recommendations to ensure that stakeholders are adequately informed of changes affecting them, in accordance with the minimum timeframes set out in Council's Community Engagement Strategy. Scope was also identified to better manage community expectations through communicating via Council's website as part of general information in relation to the Masterplan process the fact that all community views cannot be accommodated given non-negotiable technical aspects.

Similarly, Council's website could be expanded in relation to Council's tree maintenance and removal obligations and explaining how submissions to development applications are considered.

### **Recruitment activities**

A number of complaints were received from staff in relation to recruitment activities across Councils with matters relating to the recruitment process, market premiums applied to certain positions, managing conflicts of interest with family employment, managing vacancies with senior staff, and long-term acting opportunities.

In this regard, various recommendations were made including ensuring transparency with advertisements; ensuring all relevant information is provided to applicants such as the development of a guideline for hiring managers; review of related policies and procedures, including the development of a policy regarding family employment; specifying transition arrangements; and ensuring relevant training has been completed.

### **Management of staff grievances**

Various concerns were raised with the handling of a complaint, including the timeliness and investigation processes. Recommendations extended to:

- Development of a decision matrix which would assist in identifying when an investigation should be outsourced to an external investigator; when an investigation should be conducted internally; and when a matter should be escalated to a Director for oversight.
- Training of Human Resources staff in the conduct of investigations including applying the principles of procedural fairness.
- Providing clear information to staff regarding the process and timeframes in relation to complaints made against a staff member. That Council's Grievance and Dispute Handling Policy is reviewed to ensure transparency and procedural fairness requirements are clearly articulated and promote understanding.
- Providing updates to complainants and setting expectations early regarding the expected timeframes.

### **Breaking down silos**

Recommendations were made to improve engagement and cooperation across Council departments, such as between the fleet and risk sections, and the insurance and Roads/Engineering teams. This aims to encourage proactive knowledge sharing and an understanding of each other's work and thus generally reduce Council's liability and claims exposure and ensure a suitable compliance framework is in place to manage Chain of Responsibility requirements and regular reporting is conducted.

### **Staff Knowledge - Training and Awareness**

This was a common theme noted throughout various investigations, with training recommended in relation to many areas of Council, including Regulatory, Parking, Children's Services, and Building Compliance.

It was also identified that there was a significant lack of knowledge in some departments about the IOSS and public interest disclosures, so recommendations were made to ensure all staff were aware of avenues available to them.

### **Responsible Dog Ownership**

Following a complaint about activities at a Council dog park, recommendations were made for Council to consider the timely installation and maintenance of additional signage to educate users on etiquette and acceptable behaviour at dog park areas. Enhancements to Council's website were also suggested to ensure the community has access to accurate information regarding regulatory processes relating to animal management, including the complaints process surrounding nuisance dog barking.

### **Improving Procurement Practices**

It was recommended that Council engages ICAC to conduct awareness sessions on corruption risks for officers involved in procurement activities. It was also suggested that when reviewing its *Procurement Guidelines*, that Council considers incorporating information from ICAC's Supplier Due Diligence guide and learnings from the NSW Auditor-General's Report on Procurement in Local Government, and mandate the development and completion of procurement plans, WHS and risk assessments prior to submission for approval.

### **Work Health and Safety**

As a result of an investigation, it was identified that a number of WHS issues were not reported in Council's WHS reporting system. It was recommended that all WHS concerns identified are recorded in Council systems, in full, regardless of whether the issue is addressed at the time, to allow the development of appropriate and considered strategies to prevent future occurrences. Further recommendations related to training to highlight the benefit of reporting any WHS matters to assist Council in improving processes and updating policies and procedures.

### **Policy and Procedure Development**

IOSS investigations have led to a number of recommendations to develop new policies and procedures, or strengthen their existing processes to enhance transparency, accountability and responsiveness throughout Council services.

Recommendations relating to policy and procedure development included: a clear policy for escalation of incidents to assist officers in seeking support and assistance from supervisors; creation of a Secondment Policy to establish transparent and accountable processes; review of Grievance and Dispute Handling Policy to set clear parameters in relation to timeliness in dealing with complaints from HR; development of policy on management of charity/fundraising activities at Child Care Centres; update regulatory policies to ensure currency; develop a template for conducting and reviewing assessments of public tress; develop procedures to provide clear segregation of duties between HR and Payroll staff; ensuring all policies are updated on the staff intranet.

### **Parking Infringement Procedures**

Following a review of a member Council's parking infringement procedures, recommendations were made to improve officers' decision-making and record keeping. These included providing guidance to officers in circumstances where cautions should be issued rather than infringements, and clear advice on recording and documenting of cautions as part of Council's SOP. It was also recommended that further evidence could be maintained to substantiate and verify reasoning of a void or cancellation of an infringement, and that an escalation process be implemented for officers to report any concerns with Council's infringement operating system.

### **Engagement with Regulatory Services Officers**

Recommended Council update its Regulatory Services Manual to improve customer service with officers identifying themselves and providing supervisor information if requested. Suggestions were made about the distribution of business cards by regulatory officers including relevant contact details of Council's Customer Service area, in the event of enquiries.

Council's policies and guidelines should be updated and current. These documents should include processes such as: undertaking a risk assessment prior to undertaking regulatory services activities with a consideration of how many Council officers should attend undertaking regulatory activities and an assessment of the appropriate communication style.

### **Quality Assurance - Records, Auditing and Legislative compliance**

A serious allegation was received regarding purchases made which were deemed as not being compliant to relevant legislation, and thus unusable. In this regard it was recommended that Council improve Council staff understanding of legislative compliance within their roles at Council such as by providing a training program in relation to the importance and necessity of understanding, interpreting and applying legislation, and providing training in the understanding and application of the relevant delegation product used by Council.

In another matter, it was recommended that Council review its quality assurance systems and develop an accountable system that captures, documents and records the quality assurance inspections undertaken by their staff (regardless of outcome of the inspection) during the engagement of asphalt and kerb and guttering services. It was also recommended that all relevant documentation is stored in Council's document management system, rather than on group/common network drives.

## Trends identified in matters received or investigated

At City of Parramatta Council, there has been an increase in referrals of complaints of a serious nature to the IOSS for management and appropriate investigation. There has also been a number of recent allegations reported to external agencies and which have been referred back to Council/IOSS for investigation.

At Cumberland City Council, the majority of the complaints continue to relate to the administrative processes, including lack of reasoning provided for a decision, particularly regarding planning and development and compliance matters (25%). The IOSS also conducts reviews of decisions of compensation claim matters and has undertaken ten reviews in the reporting period.

At Cumberland City Council, the IOSS sits on Council's Child Protection triage team for allegations against staff in relation to child protection matters. There has been doubling of matters referred to the triage team this financial year.

The Internal Ombudsman has an integral role on Council's Child Protection triage team, which was recognised as a finalist at the National Child Protection Week Awards in September 2021, for its impressive child protection resource development work. 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. The IOSS has received feedback from the Office of Children's Guardian, in which they positively commented on Cumberland Council's response to a matter and stated, *"It is encouraging to see the Council identify and proactively manage possible vulnerabilities in their policies and procedures"*.

At Inner West Council, the majority of the complaints continue to relate to the administrative processes, including delay in responding (18% of complaints) and lack of reasoning provided for a decision, particularly regarding planning and development and compliance matters (33%).

In a continuing trend, feedback from the community suggests a lack of responsiveness from Council officers in handling requests. The IOSS continues to contact the relevant department to offer advice to Council staff about how to progress the enquiry to ensure that customer expectations are managed from the outset.



# Case Study

## Improving Parking Officer Procedures

Client facing regulatory officers undertake a significant role in the community, which is often difficult and challenging. Officers need to be fully trained, equipped and feel supported to ensure that they can properly conduct their duties.

Two complaints were investigated by the Internal Ombudsman Shared Service (IOSS) concerning the conduct of regulatory officers in relation to the issuance of infringement notices (parking fines) across Councils. In these two unrelated matters, the complaints raised a number of issues including the conduct of the Council officers, particularly the manner in which officers engaged with customers, and the use of discretion when issuing fines. Under the IOSS Governance Charter, complaints about the issuance of fines cannot be investigated, however the administrative processes surrounding the issuance of fines, including the policy on the use of discretion and training provided to officers can be reviewed by the IOSS.

Although a complainant had provided video footage, there was no evidence to support their claims that officers had engaged in unprofessional conduct during their interaction when issuing a parking fine, and the IOSS investigation found that officers acted appropriately in this instance. However, a concern was identified of possible dangerous behaviour of a parking officer undertaking their duties, by stepping onto the street to take a photograph of a vehicle as the driver was moving their car.

In the second matter, the allegations that parking officers had engaged in inappropriate conduct through the cancellation of fines, were also unsubstantiated. Though, the IOSS had identified scope to enhance Council's existing procedures in relation to the issuance of cautions, rather than fines. Addressing this would limit the potential for deliberate misconduct and improve the accuracy of officers performing parking compliance activities.

As a result of these investigations, recommendations were made to Councils to mitigate the identified concerns. These included:

- That the footage provided by the complainant be reviewed with the relevant parking officer, to discuss potential WHS concerns with stepping in front of a moving vehicle in a clearway zone, and that the incident be formally reported in Council's WHS reporting system as a near miss.
- That guidance be provided to officers regarding circumstances where cautions should be issued rather than infringements, and reporting and documenting of cautions as part of Council's Standard Operating Procedure, including clear record keeping advice.
- An audit of caution record keeping should be conducted to ensure the new process is understood and implemented.
- Further evidence could be maintained to substantiate and verify the reasoning of a void or cancellation.
- That a process be implemented for parking officers to escalate and identify concerns with Council's fines operating system.
- That the team undertake a program of regular, documented quality assurance to identify any concerns and assist with performance management.

The IOSS continues to work with Councils to track the implementation of the above recommendations.

# Prevention



## Policy review and development

The IOSS continues to provide 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.

Reviews undertaken include:

### City of Parramatta Council

- Acceptable Use of Council Equipment Policy.
- Code of Conduct and associated Procedures for the Administration of the Model Code of Conduct.
- Complaint Handling Policy.
- Enterprise Risk Management Policy.
- Fraud and Corruption Policy.
- Gifts and Benefits Policy.
- Governance Framework.
- Interaction between Councillors and Staff Policy.
- Legislative Compliance Policy and Procedure.
- Outdoor Dining Policy.
- Public Interest Disclosure Policy.
- Recruitment and Selection Policy.

- Statement of Business Ethics.
- Input provided to the governance arrangements for Council's Planning Prioritisation Program.
- Input provided to Council's 'Expected Levels of Customer Service, Dealing with Difficult Customers/De-escalation, Other incidents' information being incorporated into Standard Operating Procedures for the parking and rangers team.
- Input and feedback provided to Council's review of its process for Abandoned Vehicles, and Impounding Services.

### Cumberland City Council

- Child Safe Organisation Guideline.
- Community Grants and Donations Policy.
- Fraud and Corruption Control Policy.
- Complaints and Feedback Policy.
- Complaints and Feedback Guidelines.
- Dividing Fences Hardship Policy.
- Charity Collection Bin Policy.
- Investment Policy.
- Large Display Advertising Policy.
- Sister City and Friendship Policy.
- Input and feedback provided to Council's Public Interest Disclosure poster for staff.
- Continued review and refinement of the Reportable Conduct (Child Protection Allegations Against Staff) flowchart and Initial Documentation form in line with the changes to the Children's Guardian Act.

- Input to Council's National Redress Scheme Procedure.
- Input to Council's Mandatory reporting of risk of significant harm guidelines.
- Input to Council's Child Safe Organisation Guideline Review.
- Input to Council's submission on proposed updates to the Children's Guardian Bill.
- Input and feedback provided to Council's Child protection webpages on their website and staff intranet.

### **Inner West Council**

- Audit Risk and Improvement Committee Charter.
- Complaints Handling Policy.
- Community Engagement Policy.
- Volunteer Policy.
- Fraud and Corruption Framework
- Child Protection Procedures for employees.
- Contractors, grants and sponsorship Procedures with the IOSS assisted with staff engagement sessions.
- Parking Officer Handbook.



### **Probity advice**

Advice is often requested from the IOSS across a variety of areas and issues. While some matters are confidential in general terms this has included:

### **City of Parramatta Council**

- Advice about a number of Code of Conduct matters related to Councillors and staff, including advice to Councillors and staff as to how to proceed with matters and available options
- Advice requested regarding Councillor interactions and conflicts of interest.
- Advice regarding potential public interest disclosures.
- Advice about the release of information from external agencies.
- Advice provided regarding an alleged reportable conduct / child protection incident.
- Advice provided regarding the use of workplace promotions.
- Advice regarding bullying and harassment matters
- Advice regarding strategies to respond to complaints.

The IOSS also:

- Met with Council's External Auditor to discuss their audit into complaints handling at Council.
- Met with the NSW Audit Office to provide information as part of their yearly audit.

### **Cumberland City Council**

- Advice provided as part of Council's triage process with Children's Services regarding child protection matters.
- Advice to staff members regarding alleged bullying and harassment matters.

- Advice to both staff and Councillors regarding Code of Conduct matters.
- Advice relating to privacy matters.
- Documents, advice and guidance provided in relation to GIPA requests.

The IOSS also participated in:

- Council's monthly Child Protection Team meeting. This group has representatives from a range of departments across Council and meets to discuss child protection strategies.
- The IO was a panel member on a recruitment exercise for Council.

### **Inner West Council**

- Advice about a number of Code of Conduct matters related to Councillors and staff.
- Advice regarding Councillor interactions with staff.
- Advice regarding a media enquiry; and promotional activities.
- Advice regarding recruitment processes.
- Advice regarding conflict of interest matters
- Advice on managing allegations received from a member of the public.

The IOSS also:

- Met with Council's Internal Auditor to discuss the internal audit of Council's Child Safe Procedures.

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

## **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.

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

This included:

- Public Interest Disclosure training was delivered over seven sessions to each of the Council's Public Interest Disclosure Officers and HR teams, with a further session to Cumberland City Council's Child Protection team.
- The IOSS has been delivering Public Interest Disclosure Awareness training to all staff within each directorate across City of Parramatta Council during 2021. This will also be rolled out to Cumberland City and Inner West Councils during the FY 2021-2022.
- Continuing to present on the role of the IOSS at all three Councils' Induction sessions for new staff, with some sessions moving online or to eLearning given ongoing restrictions.
- The IOSS is undertaking a review within Cumberland City Council relating to the management of two large contracts.
- Request received to deliver Conflict of Interest training to Inner West Council's staff with responsibility for procurement. At time of writing, this has been completed, with further departments to be targeted.





## 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 conducted in late 2020 for Councillors of the three Councils regarding the work of the IOSS as outlined in the previous annual report 2019-2020.
- Monthly meetings with the three Councils' Executive Teams. A quarterly briefing is provided to City of Parramatta Council's Executive Team.

The IOSS met with all Human Resources / People and Culture sections throughout the year to discuss and plan activities.

## Promotion

### Media activities

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

No media releases were issued by the IOSS during the 2020-2021 financial year.

### Connecting with our communities

City of Parramatta, Cumberland City and Inner West Councils are some of the most

culturally diverse Local Government Areas (LGAs) in NSW, with diverse communities from many non-English speaking backgrounds, religious beliefs and countries of birth creating an unrivalled vibrancy to the LGAs.

It is important that we are accessible to all members of community.

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

- An article in the 2020 Spring Edition of City of Parramatta Council's community newsletter "*Parramatta Pulse*".
- Article within the City of Parramatta's August 2020 edition of the internal staff newsletter, "*Scoop*".
- The Annual Report 2019-2020 has been made available on each Council's website and staff intranet.
- Accessibility enhancements were applied on the Internal Ombudsman page of each Council's website in May 2021.
- An IOSS Complaint form was added to the Internal Ombudsman webpage of each Council's website.
- An online form was also added to webpages on 24 May 2021.



## Shared Services

The IOSS continues to attend and participate 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 external government agencies, including the Office of Local Government and NSW Ombudsman where information is both shared with the ION and the ION's views are sought on various topics including code of conduct complaints.

## Shared Model Learnings

The IOSS continues to provide to the three Councils input into the review of existing policies or newly developed policies. In the interest of knowledge sharing, policy review/development insights provided to one Council by the IOSS, are distributed to the remaining member Councils for their benefit.

Arising out of a finalised investigation at either Council, where appropriate, the IOSS has shared recommendations identified to the other member Councils in a confidential manner, not identifying the Council nor the specific details of the matter, to provide proactive advice to Councils.

The IOSS continues to run shared service forums with the member Councils. This is an opportunity to share learnings and promote economies of scales.



## Governance Forum

Two forums were held during the reporting year. The current focus has been on a code of conduct training plan for 2021; gifts and benefits policies and training; Public Interest Disclosures; scheduling policy reviews for 2021; upcoming elections; induction of the newly elected Council; social media best practice; and PID awareness initiatives.

## Human Resources Forum

The inaugural forum was held during September 2021 and focused on investigation management; bullying and harassment management case studies; resignations during show cause; and training opportunities.

# Case Study

## Decision making with compensation claim matters

The IOSS currently undertakes reviews of compensation claim matters with Cumberland City Council.

Where a claimant with Council is not satisfied with Council's determination of their claim, they are open to contact the IOSS to undertake a review of the matter.

It is important to note that as per the IOSS Governance Charter, the IOSS cannot overturn a Council decision, however if appropriate the IOSS is able to make a recommendation to Council to reconsider their decision.

During the reporting year, the IOSS undertook reviews of seven (7) compensation claim matters.

Generally speaking, the decision made by Council was correct in all instances, particularly as for claims relating to vehicle damage from poor road conditions in NSW, Councils are able to rely on the *Civil Liability Act 2002* (the Act), however the IOSS found that often the claimant did not fully understand this legislation.

The Act allows agencies to not be held liable for vehicle damage in cases where they had no prior knowledge of the poor road condition, which means that the claimant is required to show that Council had actual knowledge of the poor road condition prior to their accident. Unfortunately, Councils typically do not have the resources to conduct proactive inspections and rely on members of the public to notify them of poor road conditions. The IOSS found that when this was explained in greater detail, that the claimant more readily accepted the decision made by Council.

The IOSS's review typically includes checking Council's systems to ensure that its records it is relying on to deny liability is factual and correct. For each review, even though the evidence that Council relied on was correct, it was found that often Council's records were held in separate systems and so recommendations were made to conduct a review of Council systems to ensure that all Council service requests were adequately recorded in one central system.

Since under one investigation, one Council has established a process of rolling out tablets to workers in the Works and Infrastructure teams which will enable information to be obtained instantaneously, ensure road repair works are captured accurately and consistently, and reported into the one system.

## Our achievements



The IOSS continues to develop its ongoing working relationships with each Council's staff.



Input has continued to be provided into the development and/or review of key governance policies or Council developed training.



Delivery of Public Interest Disclosure Training to nominated Disclosure Officers across the member Councils.



Establishment of IOSS Online Complaint Form accessible via Councils' websites.



Briefings continue to be provided to Councillors and the Internal Ombudsman continues to attend each Council's Audit Risk and Improvement Committee (ARIC) on a quarterly basis.



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



Development of a Project Tracking system to efficiently manage projects throughout the year (MS Planner)



Enhanced feedback mechanism through development of post-investigation survey



Review of IOSS information on Council's public website and staff intranet to enhance accessibility.



Hosted the Shared Service Governance Forum on two occasions.



Strategic goals continue to be reviewed at monthly Strategic Planning Meetings.



Recommendations following investigations leading to improvements in the information Councils provide to their communities and to greater responsiveness and accountability of the Councils.



Continued recognition of the role and work of the Internal Ombudsman Shared Service as reflected in invitations to present at conferences and in advice being sought from external agencies and other Councils.



Delivery of Public Interest Disclosure awareness sessions to staff at City of Parramatta Council. This will be rolled out to Cumberland City and Inner West Councils during 2022.



Ongoing liaison with the Internal Ombudsman Network.

# 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 and the Chief Executive Officer of the three Councils and has its own terms of reference. The Management Committee meets annually, and the Internal Ombudsman prepares a report on the IOSS's operations.

The IOSS Governance Charter sets out the mandatory reporting requirements to be included in the Management Committee 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.

The Internal Ombudsman also attends and/or reports to the monthly Executive Team Meetings at City of Parramatta, Cumberland City and Inner West Councils to provide an update on the activities of the IOSS and any issues identified. These are very fruitful meetings.

## Audit, Risk and Improvement Committees

The Internal Ombudsman continues to attend the Audit, Risk and Improvement Committees (ARIC) for City of Parramatta, Cumberland City 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.



## 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. The risk register is 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 crisis. This is reviewed on an annual basis.

## 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. The below table provides a financial summary of the IOSS for the period 1 July 2020 to 30 June 2021.

### INTERNAL OMBUDSMAN SHARED SERVICE Financial Performance for the period to 30.06.2021

|  | Revised Budget | YTD Actual     | Variance        |
|--|----------------|----------------|-----------------|
|  | \$             | \$             | \$              |
| <b>Income</b>                              |                |                |                 |
| City of Parramatta Contribution            | 231,525        | 231,525        | -               |
| Cumberland Council Contribution            | 231,525        | 231,525        | -               |
| Inner West Council Contribution            | 231,525        | 231,525        | -               |
| Subtotal                                   | <b>694,575</b> | <b>694,575</b> | -               |
| <b>Total Income</b>                        | <b>694,575</b> | <b>694,575</b> | -               |
| <b>Expenses</b>                            |                |                |                 |
| <b>Staff Costs</b>                         |                |                |                 |
| Salary & On-Costs                          | 507,508        | 464,355        | (43,153)        |
| Training & Conferences                     | 2,000          | 526            | (1,474)         |
| <b>Total Staff Costs</b>                   | <b>509,508</b> | <b>464,880</b> | <b>(44,627)</b> |
| <b>Contractors &amp; Consultants</b>       |                |                |                 |
| IOSS Investigations                        | 45,200         | 52,955         | 7,755           |
| Professional Services                      | 24,830         | 24,830         | -               |
| Consultants                                | 10,093         | -              | (10,093)        |
| <b>Total Contractor &amp; Consultants</b>  | <b>80,123</b>  | <b>77,785</b>  | <b>(2,338)</b>  |
| <b>Accommodation &amp; Substances</b>      |                |                |                 |
| Stationery and Office Supplies             | 6,000          | 716            | (5,284)         |
| Administration                             | 22,978         | 22,978         | -               |
| Information Technology                     | 45,432         | 45,432         | -               |
| Occupancy Costs                            | 28,784         | 28,784         | -               |
| Media & Communication                      | 500            | 500            | -               |
| Human Resources                            | 10,980         | 10,980         | -               |
| <b>Total Accommodation &amp; Substance</b> | <b>114,674</b> | <b>109,390</b> | <b>(5,284)</b>  |
| <b>Total Expenditure</b>                   | <b>704,305</b> | <b>652,055</b> | <b>(52,250)</b> |
| <b>Net Surplus</b>                         | <b>(9,730)</b> | <b>42,520</b>  | <b>52,250</b>   |

## Professional Development

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

- Cyber Security Essentials Training - 19 August 2020.
- Supplier Due Diligence Webinar - 19 August 2020.
- Child Safe Forum - Child Safe Organisations - A Local Government Perspective - 8 and 15 September 2020.
- ICAC Corruption Prevention Forum - 2 November 2020.
- NSW Ombudsman Public Interest Disclosure Training - 3 November 2020.
- Corruption Prevention for Managers training - 10 December 2020.
- Public Interest Disclosure training for the Strategic Project Officer on 9 March 2021.
- Engaging Employees & Stakeholders in your Anti-fraud and Corruption Program seminar attended by the Complaint Assessment and Administration Officer on 17 March 2021.
- Conflicts of Interest - Privacy and Disclosure seminar - 21 April 2021.
- Applying behavioural insights to anti-corruption and fraud prevention seminar attended - 19 May 2021.
- Child Safe Leaders Program - May and June 2021.
- An overview of and case studies from the NSW ICACs investigation into Canterbury City Council (Operation Dasha) seminar - 16 June 2021

## External Stakeholder Liaison

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



# Part 4: The Year Ahead

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

## Increasing prevention and education activities

The IOSS will continue to work with the three Councils to harmonise and streamline processes and policies to better serve the community, Council staff, Councillors and stakeholders.

We also intend to continue to provide further training and education to the three Councils' staff regarding code of conduct, conflict of interest, probity and procurement, and other training issues as they arise.

## Trends in complaints

The IOSS had finalised development of its Case Management system, which will enable the IOSS to report more accurately. The IOSS will be reviewing in greater detail 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.



## Engaging with the new elected Councils

With the upcoming elections in December 2021, it will be important for the IOSS to engage with the newly elected Council bodies of each member Council, to both inform of the operations of the IOSS, and as Council's Code of Conduct Complaints Coordinator and PID Coordinator, provide information about the Code of Conduct and Public Interest Disclosures. The IOSS has been discussing this with each member Council's Governance Team.

## Community Engagement

The IOSS had hoped to engage with the community more during the 2020-2021 reporting period. Progress on this has been on hold due to a reduction in resources and COVID restrictions. However, and if it allows, the IO will be advancing a community engagement strategy for the IOSS with each Council once the IOSS is back to full staffing capacity, likely to commence in 2022.

## Improving Council's complaint handling

The IOSS will be engaging with each Council's Complaints Coordinator to develop a strategy within each Council to review its complainant handling practices, with particular reference to the NSW Ombudsman's *Complaints Handling Improvement Program*.



# Appendices

1. Internal Ombudsman Shared Service Governance Charter - updated February 2021

## **Internal Ombudsman Shared Service**

### **City of Parramatta, Cumberland City and Inner West Councils**

#### **Governance Charter**

##### **1. The Role of the Internal Ombudsman Shared Service**

1.1 The Internal Ombudsman Shared Service is a service provided to member Councils who have opted to pool resourcing to fund and facilitate an Internal Ombudsman 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 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;  
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);
- b) Council's lack of attention to matters, or review of Council's complaint handling procedures;
- c) 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;
- d) Receipt and referral of allegations of poor administration; unreasonableness; maladministration; corruption; or other alleged improper conduct by Council or Council Officials;
- e) 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 Against Corruption (the ICAC); the NSW Ombudsman; or the Office of Local Government;
- f) Public Interest Disclosures, 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 Against Corruption (the ICAC); or the Office of 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 **and legislative obligations**. 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 **or as required by law**.

8.5 In the event of any unauthorised access to IOSS information, such as a data breach, the IOSS will immediately seek to rectify the issue as is required by law and in accordance with the Information and Privacy Commission NSW's *Data Breach Guidance for Agencies* and relevant Council policies and procedures. The IOSS will act immediately to contain the breach and then commence the process to assess, notify and take action to prevent any future occurrences. Any possible deliberate action will be assessed under the relevant Council *Code of Conduct* and/or policy. As part of the IOSS's prevention measures, a regular program of quality assurance is undertaken.

## **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.

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**

|                        |  |
|------------------------|--|
| <b>Confidentiality</b> | Means the characteristic of information being disclosed only to authorised people or organisations in the authorised manner.   |
| <b>Corruption</b>      | As per the definition in the <i>Independent Commissions Against Corruption Act 1988</i> Section 8.   |
| <b>Council</b>         | 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. |
| <b>Councillors</b>     | Means the elected Councillors of each member Council.  |

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| <b>General Manager/Chief Executive Officer</b> | Means the General Manager or Chief Executive Officer (or equivalent, or their delegate) as appointed by each member elected Council.   |
| <b>Internal Ombudsman</b>                      | Means the person appointed to the position of Internal Ombudsman with the Office of the Internal Ombudsman established by the Internal Ombudsman Shared Service Management Committee on behalf of its member Councils.   |
| <b>Internal Ombudsman Shared Service</b>       | 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.   |
| <b>Maladministration</b>                       | As per the definition in the <i>Public Interest Disclosures Act 1994</i> .   |
| <b>Procedural Fairness</b>                     | 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. |
| <b>Unreasonableness</b>                        | Means decisions or actions so unreasonable that no reasonable person would so decide to 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*