



Internal Ombudsman Shared Service

ANNUAL REPORT 2019 - 2020

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

Mr Hamish McNulty

Chairman of the Internal Ombudsman Shared Service Management Committee

Cumberland City Council

Dear Mr McNulty,

Internal Ombudsman Shared Service Annual Report 2019-2020

I am pleased to present the Third 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 2019 to 30 June 2020.

Yours sincerely,



Suellen Bullock

Internal Ombudsman

26 September 2020

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

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

The IOSS has continued to consolidate its service to the member Councils of Cumberland City, Inner West and City of Parramatta Councils. The Service's work continues in terms of its Triple Governance Track activities of Prevention, Education and the Investigation of Complaints. There has been a continued demand on the IOSS' services as reported in this Annual Report.

During the reporting year, Code of Conduct training on the new Code of Conduct 2018 was completed following the IOSS arranging for this training to be provided in a consistent approach to Council staff and Councillors for all member Councils.

The IOSS has a number of accountability and reporting requirements. In accordance with the IOSS Governance Charter, following the IOSS having to report quarterly to the Management Committee for the first two years of its existence, the IOSS now has to report annually to the Management Committee. Although not formally required by the IOSS Governance Charter, the Internal Ombudsman continues to attend and to report to each Council's Audit Risk and Improvement Committee (ARIC). Consultation has continued with external agency stakeholders such as the NSW Ombudsman, the Independent Commission Against Corruption, the Office of Local Government and more recently, with the Audit Office of New South Wales.

Also during the reporting year, the Internal Ombudsman has reported monthly to the Executive Teams of Cumberland City Council and City of Parramatta Council. Briefings have been provided to the member Council's Councillors on the Annual Report.

I congratulate the Service on its achievements and look forward, with the Management Committee, to the IOSS working towards its vision of assisting the



member Councils to promote a high standard of ethical and administrative conduct and procedures; improve decision-making; and, to strive for a corruption free organisation.

A handwritten signature in black ink that reads "Hamish McNulty". The signature is written in a cursive style.

Hamish McNulty

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

**General Manager, Cumberland City
Council**



Message from the Internal Ombudsman

The 2019-2020 reporting period is the third year of the Internal Ombudsman Shared Service (IOSS) working with City of Parramatta, Cumberland City and Inner West Councils to identify areas for improvement in each Council's administrative conduct and decision-making and to assist in high standards of probity and governance. This has been an exciting and challenging year: exciting, because of the IOSS' achievements including the signing on 10 September 2019 of a further Agreement between the three heads of the IOSS Member Councils to extend the operation of the IOSS for another three years commencing on 1 July 2020 to 30 June 2023; and, challenging, because of the demand on our services in the context of the COVID-19 Pandemic and restrictions.

The IOSS Team was joined in January 2020 by Assistant Internal Ombudsman, Ms Elizabeth Renneberg. Ms Renneberg was recruited when Mr Rodney O'Donahue left the IOSS to take up another public sector position. Ms

Renneberg is a talented and dedicated Assistant Internal Ombudsman who has already distinguished herself in her new role. Ms Sarah Labone is the Complaint Assessment and Administration Officer and continues to provide an exceptional service to the IOSS and those who engage with it.

During 2019-2020, the IOSS continued its work across the three areas of the Triple Governance Track of Prevention, Education and Investigation of complaints. Details of the activities across Triple Governance Track is contained later in the Annual Report. Complaints remained steady which reflects the local communities' and the Councils' staff knowledge of the IOSS, and confidence in the IOSS' work to be able to report complaints.

This Annual Report highlights all aspects of the IOSS' work with the member Councils over the past year and also reflects the performance and accountability requirements for the IOSS arising out of the IOSS Governance Charter.

The IOSS has continued to report to the IOSS Management Committee and each Council's Audit Risk and Improvement Committees.

As reported last year, an Independent Review of the IOSS was commenced. The Review was completed in May 2020 and reported that the IOSS:

"Demonstrates value for money in the function and services it provides. Feedback from the majority of stakeholders approached as part of this review indicated that the same level of service could not be provided in-house at their Member Council, and that the service demonstrated value for money"...

"Is an effective shared service and has taken proactive steps to benefit Member Councils".

Also completed during the reporting year was a Survey of staff of the member Councils into their understanding and contact with the IOSS. The detailed results of the Survey are contained later in this Annual Report.

It has continued to be a pleasure and a privilege to work as part of the IOSS team. I take this opportunity to thank the members of the IOSS team. I also wish to thank the members of the IOSS Management Committee: Chairman, Mr Hamish McNulty

who is also General Manager of Cumberland City Council; Chief Executive Officer of City of Parramatta Council, Mr Brett Newman; and, Chief Executive Officer of Inner West Council, Mr Michael Deegan. The Management Committee remains committed to working with the IOSS for the good governance and administrative conduct of their Councils. Such commitment is also highlighted in each Council's governance practitioners with whom the IOSS maintains a very productive working relationship.

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 this third Annual Report to you reflecting the work and achievements of the IOSS during the 2019 and 2020 reporting year.

A handwritten signature in cursive script, reading "S. M. Bullock".

Suellen Bullock

Internal Ombudsman

About this Report

This third Annual Report provides a comprehensive account of the IOSS's performance throughout the 2019-2020 financial year, as well as outlining the plan for the year ahead.

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

Ombudsman Shared Service Management Committee, publish a report relating generally to the performance of duties under this Governance Charter”. The IOSS strives to be a leader in transparency and accountability and this document 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.



This Annual Report is made up of four parts:

Part 1

About Us -

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

Part 2

Our Year in Review-

Details of the IOSS' work on investigation, prevention, education and promotion activities, as well as their performance against the IOSS Strategic Plan for 2019-2020.

Part 3

Management and Accountability -

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

Part 4

The Year Ahead -

A summary of the IOSS's focus for 2020-2021.

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

PART 1: ABOUT US

Who we are

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

The IOSS was established by the *Internal Ombudsman Shared Service Agreement* between City of Parramatta, Cumberland 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.

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

During the reporting year, the IOSS was made up of Ms Suellen Bullock, Internal Ombudsman, Mr Rodney O’Donahue (until September 2019) and Ms Elizabeth Renneberg (from January 2020), Assistant Internal Ombudsman, and Ms Sarah Labone, Complaint Assessment and Administration Officer.

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 Council’s communities; 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 Councils’ 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 investigations on matters without first receiving a complaint, as well as any matters that are considered systemic, reflect a pattern of conduct, and/or are serious and significant.

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

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. 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 and Assistant Internal Ombudsman, the function of Code of Conduct

Complaints Coordinator in addition to the function of Public Interests Disclosures Coordinator.

As the time of writing, a new Model Code of Conduct for Local Councils in NSW 2020 (Model Code of Conduct) was introduced in August 2020. At this time, each member Council has either adopted or is in the process of adopting this new Model Code of Conduct and its associated Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (the Procedures).

Our Mission Statement

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



Contacting the Internal Ombudsman Shared Service

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

Before making a complaint, the complainant should take all reasonable steps to try and resolve the matter with the local Council 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

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:

Phone

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

In writing or in person

The Internal Ombudsman Shared Service
11 Northumberland Road
Auburn NSW 2144

Online

Visit: City of Parramatta Council:

www.cityofparramatta.nsw.gov.au/council/internal-ombudsman

Cumberland City Council:

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

Inner West Council:

www.innerwest.nsw.gov.au/about/the-council/internal-ombudsman

Email

Write to:

City of Parramatta Council:

internalombudsman@cityofparramatta.nsw.gov.au

Cumberland City Council:

internalombudsman@cumberland.nsw.gov.au

Inner West Council:

internalombudsman@innerwest.nsw.gov.au



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 either email, post or by telephone.

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.

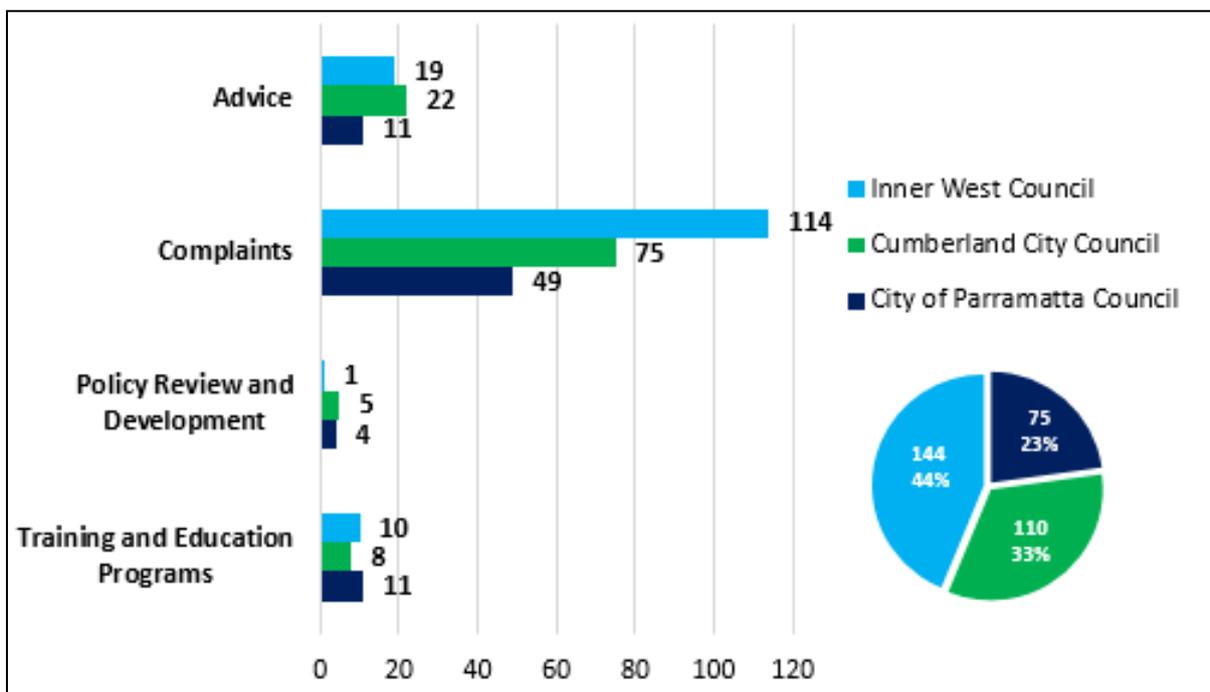
As previously noted, we do this in using what we call the ‘Triple Governance Track’, through

Prevention such as assisting in policy review and development, and providing advice on probity matters particularly to staff and Councillors; **Education**, through the delivery of

training programmes; and **Investigation** of complaints within our jurisdiction and in accordance with each Council’s Complaint Handling Policy with the view to making recommendations for improvement. Our work is governed by the IOSS Governance Charter and this sets out what the Internal Ombudsman can and cannot do and how it is to undertake its work.



The following graph indicates the work of the IOSS with each of the member Councils for the 2019-2020 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.



Complaint handling and investigation

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

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

The Internal Ombudsman is unable to investigate matters:

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



Case Study

A number of individual complaints were received by the IOSS alleging a breach of the Council's Code of Conduct by a Council staff member in relation to the complainants being terminated from a volunteer program of the Council. The complainants had been long term volunteers and they alleged amongst other matters that they were not provided with the opportunity of answering Council's concerns about their conduct as volunteers before being terminated from the volunteer program.

The investigation found that there was no breach of Council's Code of Conduct by the staff member but recommended that the Council develop a Volunteer Policy with guidelines and protocols as to how to implement Volunteer Programs, including having consistent and transparent procedures for the selection of volunteers, and processes for dealing in a procedurally fair manner with disputes and reviews of Council decisions relating to volunteer programs.

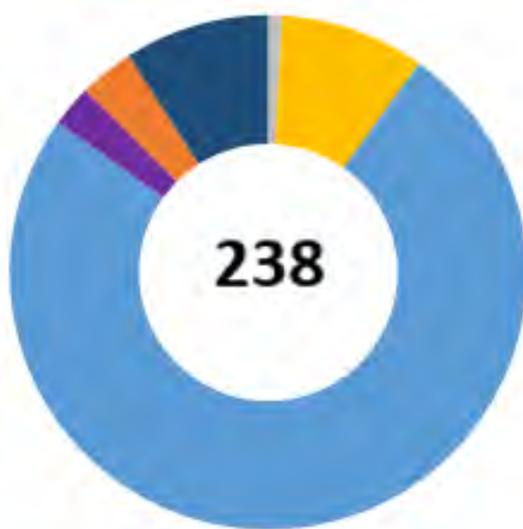
The IOSS provided significant input into the new Volunteer Protocol.

Complaints facts and figures

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

During 2019/2020 we received 238 complaints. There continues to be a steady amount of complaints as awareness of the IOSS grows within each of the member Councils' communities.

The main source of complaints are from the community, with Council staff being the next source. Referrals of complaints from Council on behalf of the community also tend to be a common method in which complaints are received by the IOSS.



- Anonymous (2)
- CEO/GM referral (21)
- Community (174)
- NSW Ombudsman (6)
- Staff (8)
- Staff referral (21)

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

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

These include 35 approaches from Council staff, Councillors, and the community to enquire about how and whether to make a complaint. When people contact us, our aim is to understand their concerns and see if we can help them in some way. To do this well, we ensure that people contacting the IOSS are given any help they need and sufficient time to explain their problem and to let them know they have been heard. In doing so, it is important for the IOSS to remain objective and impartial as we are not an advocate for either a Council or a complainant. The IOSS undertakes a triage exercise with complaints to assess the information provided to us and then to accept the complaint and take appropriate action if it is within our jurisdiction. If the complaint is not within jurisdiction, we endeavour to provide information about where a complaint or enquiry should be directed. Our knowledge of the functions and policies of the member Councils enables us to give the most appropriate assistance to the people who contact us.

Of the total complaints received, 68 were in jurisdiction. These 68 complaints were considered serious matters and required more substantial investigation. In addition to this, we made preliminary enquiries or assessments with the member Councils about 21 matters which achieved positive outcomes and were finalised without having to commence an formal investigation. These included member Councils correcting errors, improving policies and procedures, and reviewing or changing their decisions. Of the complaints received this reporting year, five complaints are currently open

at time of publication.

Further to these 89 matters, after conducting an assessment, we declined 63% of the complaints we received as they were: either premature, with Council who had not had the opportunity to respond; insufficient information was provided despite attempts by the IOSS to follow-up; the complaint was withdrawn; or, it was not within jurisdiction.

Having a quite high number of matters not within jurisdiction, (156) is a known issue with complaint handling bodies such as the NSW Ombudsman and Commonwealth Ombudsman. Similar to these agencies, work is undertaken by the IOSS to refer or assist in resolving these complaints that are found to be outside jurisdiction.

One measure considered by the IOSS to reduce the number of complaints received which are not within jurisdiction is to undertake more community liaison and engagement strategies in 2020. The IOSS is considering online and digital engagement strategies given liaison has been hindered by the COVID-19 pandemic restrictions. Notwithstanding the number of complaints received which were not within jurisdiction, it is important to note that 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.

Requests for review

When the IOSS has investigated a complaint and the complainant is unhappy with the IOSS's written decision and reasons, then a complaint can be made to an external agency such as the NSW Ombudsman or the NSW Independent Commission Against Corruption (ICAC). A complainant can complain to an external agency at any time, even if the IOSS is investigating a complaint. The NSW Ombudsman has investigated a number of complaints raised by complainants in relation to the IOSS, however no findings have been made against the IOSS.



Summary of the recommendations provided for the investigations conducted

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

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

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

- a) The matter be referred to the General Manager or Chief Executive Officer for further consideration;
- b) An omission or delay be rectified;
- c) A decision or recommendation by an employee or employees of the Council be revoked or varied;
- d) Reasons be given by an employee or employees of the Council for a decision;
- e) A practice or procedure be altered;
- f) A statute, regulation or by law be reconsidered;
- g) The Council pay compensation to a complainant;
- h) The Council provide a particular service;
- i) The Council amend, or not impose, a charge or condition in relation to a particular service, application or consent;
- j) The Council 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 provided is as follows:

Keeping complainants informed

This point has continued to be reinforced this year due to a number of matters raised with the IOSS that Councils are not always prompt and transparent with their communication with community members. While on many occasions there is a reasonable explanation for any delay, such information has not been provided to the community member. Councils need to ensure they keep complainants informed of progress in the investigation of complaints and if there is likely to be some delay in responding, for example, when there is some complexity, that the complainant be advised of this in accordance with Council's complaint handling policies or protocols.

Recommendations were also made to a specific department to consider the use of a group mailbox to manage enquiries to avoid delays in the event of staff absence, illness or departure from Council and ensure appropriate out of office messages are applied when a staff member is absent.

Educating GIPA applicants

Recommendation provided to encourage communication with customers making informal applications if the request is complex or unclear.

Development of a decision matrix

Recommendations have been made for 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.

Providing the community with further and clearer information about development applications to applicants and objectors, about the pre-DA process and what considerations are taken into account in making a determination.

A number of complaints continued to be made in relation to the development application process and determinations which highlighted that Councils' websites and other Council information could be expanded and made clearer so that applicants and objectors could be better informed.

Assessing the condition of public trees

Noting that Councils have a large number of public trees and qualified Arborists to conduct assessments, there is no standard procedures or framework for the recording and assessing of public trees. Recommendations were made to implement an assessment methodology to review and assess the condition and status of public trees within Council areas, to standardise assessments, ensure adequate record keeping from a risk and liability perspective and assist in more efficient and consistent reviews. Further recommendations were made to review relevant Guidelines and update available information of Council's website.

Local Planning Panel meetings

Recommendations were made to Council to update publicly available information in relation to the registration process for appearing at Local Planning Panel meetings to avoid confusion and misunderstanding.

Responsible animal management by members of the community

Concerns were raised by a member of the community regarding the management of dogs in Council open spaces.

Recommendations were made to Council regarding ongoing visible Council engagement at dog parks to ensure responsible dog management and ownership; for Council to update its publicly available information in relation to complaints about dog parks; and, it was further recommended for adequate signage to be available at dog parks to educate dog park users and the community.

Improving the functions of regulatory officers when issuing infringements and orders

As a result of a complaint received in relation to the conduct of Council officers performing regulatory functions, recommendations were made for the development of a formal competency package to deliver training (and ongoing refresher training) in client service expectations, including identification; dealing with difficult customers/de-escalation techniques; use of official notebooks; and the use of body worn cameras. Recommendations included the development of a formal policy on escalation of incidents, and on the use of discretion; the development of a formal Quality Assurance program of official notebook usage and a formal Quality Assurance Program in response to incidents to seek to continuously improve processes and client service.

A complaint was also received in relation to Council's handling of a Notice of Intention to issue a Nuisance Order. A recommendation was made in relation to timely management and procedural fairness when issuing orders.

Providing training to staff

Recommendations have been made to Human Resources staff to undertake specialist investigation training to assist them in HR related investigations; for Records Keeping staff to be adequately trained in searching and retrieving records; and, that ongoing training, guidance and support is provided to heritage advisors beyond initial induction training, including quality assurance or quality control of advice provided as part of internal referral processes.



Refinement of human resources related policies

Recommendations have been made to a number of Councils to strengthen human resource related policies in relation to recruitment and selection, record keeping, appeals processes, grievance disputes, performance counselling and secondments to ensure transparency and accountability.

Community members facing hardship

Following a complaint received by a community member in relation to Council's decision making on a rates hardship application, recommendations were made for Council to consider providing further clarity to ratepayers in relation to the Rates Hardship Policy; to ensure procedural fairness is considered in all decision making, with adverse information put to customers; and customer forms in relation to rates, the Hardship Rate Relief Application form, are revised to request all relevant required information and that customer expectations are adequately managed.

Apologising to complainants

Recommended Council provide an apology to a member of the community for the provision of conflicting information to them.

Recommendations have also been made for Council to provide apologies to complainants when there has been significant delays in responding to them.

Keeping staff informed

A number of complaints from staff in relation to staff grievance matters were received by the IOSS which highlighted the need for staff to not only be regularly updated throughout the process, but also having expectations set early by the Human Resources department the timeline for review and investigation, and written responses that clearly outlines how decisions were made as part of the outcome letter.

Collaboration between heritage advisors and development assessors

Following a complaint received which highlighted the impact of inconsistent advice provided as part of DA assessments has on the conservation and heritage of areas within the LGA, along with the impact on residents attempting to restore or renovate properties, a recommendation was made to ensure ongoing meaningful collaboration with heritage advisors.

Trends identified in matters received or investigated

As with the 2018/2019 Annual Report, the majority of the complaints during 2019/2020 relate to the administrative and decision-making processes arising out of development applications both from enquiries and complaints. Also, complaints about delay generally in receiving responses from the Councils and lack of reasoning provided in Council correspondence continue to dominate the complaints received. As previously noted, the IOSS' Charter does not allow the IOSS to investigate an actual planning decision, but does provide jurisdiction to investigate the administrative processes associated with a planning decision. It is noted though, that often there is reason(s) for the delay, but that information has not been provided to the community member. Councils need to ensure they keep complainants informed of progress in the investigation of complaints and if there is likely to be some delay in responding, for example, when there is some complexity, that the complainant be advised of this in accordance with Council's complaint handling policies or protocols.

Increasingly, a number of matters are being seen by the IOSS in which it becomes apparent that a Council has been, or is conducting an investigation/responding to a community member. The IOSS has monitored the progress of the matter to ensure that there is an appropriate resolution. This type of action from the IOSS is becoming more common as community members will often contact the IOSS while the Council is still undertaking its own inquiries. On occasion, the IOSS has offered advice to Council staff about how to progress/manage this Tier 1 investigation/inquiry.

Considering that the majority of responses that impact residents typically relate to development matters, the IOSS is developing a strategy across the member Councils to improve Council's communication of reasons for decisions,



including timeliness. The IOSS will arrange a meeting with Cumberland City Council's Director Environment and Planning to commence this piece of work. Once this has been developed successfully at Cumberland City Council, this will be commenced at City of Parramatta and Inner West Council.

The complaint handling processes in Cumberland City and Inner West Councils are working well and there is a consistent approach being followed. With the change in complaint handling at City of Parramatta Council, in that Tier 1 complaints are being dealt with by Customer Service, there has been an improvement in the application of Council's three tier complaint handling process.

The IOSS will organise the next round of meetings with each Council's Complaints Coordinator to discuss how the complaints handling process is going in relation to first and second tier, what training is needed/ being developed to enhance staff skills in complaint handling, and sharing of trends coming from complaints. The IOSS will give consideration to the format for this meeting given the current COVID-19 precautions.

Case Study

Conduct of Regulatory Officers

The Internal Ombudsman Shared Service (IOSS) investigated three complaints about the conduct of regulatory officers whilst issuing penalty infringement notices (parking fines) across Councils. In these three unrelated matters, the complaints raised a number of issues: the conduct of the Council officers, particularly the manner in which officers engaged with customers; the use of discretion when issuing fines; the attention to the health and safety of customers when issuing fines; and the adequacy and timeliness of Council's initial responses to complaints. Under the IOSS Governance Charter, complaints about the issuance of penalty infringement notices (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.

It is acknowledged that client-facing regulatory officers undertake a difficult and challenging role, and officers need to be fully trained and supported in their role.

In one matter, evidence obtained from body-worn cameras did not support the claims made by a complainant that the health and welfare of the customer was not taken into account during the infringement process and that officers engaged in unprofessional conduct throughout the interaction. The IOSS investigation found that officers acted appropriately in this instance.

In the second matter, it was found that the initial complaint was responded to within advertised service standards by Council, however further work could have been undertaken to manage the expectations of the complainant. In relation to the conduct of the officers, it was found that the interaction was evidence of poor client service and officers were formally counselled. The IOSS also found that inadequate notes were maintained by officers in official note keeping devices, insufficient information was provided to the customer in terms of the use of body-worn cameras and there was insufficient investigation and record keeping into complaints, particularly as a mechanism to improve client service.

In the remaining matter, it was found that staff did not receive any training in relation to the use of discretion, nor was a policy in place to assist officers in applying the law flexibly and reasonably in line with relevant circumstances.

As a result of these investigations, recommendations were made including:

- The development of a formal competency package to deliver training in a) client service expectations, including identification, b) dealing with difficult customers/de-escalation techniques, c) use of official notebooks and d) the use of body worn cameras;
- The development and delivery of ongoing refresher training in the above areas;
- The development of a formal policy on escalation of incidents;
- The development of a formal Quality Assurance program of official notebook usage and a formal Quality Assurance Program in response to incidents to seek to continuously improve processes and client service, and
- The development of a formal policy and guidance on the use of discretion.

The IOSS continues to work with Councils in the improvement and implementation of Complaint Handling Policies.

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.

The individual Council policy reviews and/or development of new policies work completed by the IOSS in the reporting year include:

City of Parramatta Council

- Public Interest Disclosure Policy.
- Customer Service Policy.
- Complaints Handling Policy.
- Domestic and Family Violence Policy.

Cumberland City Council

- 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 2019.
- Public Interest Disclosure poster.
- National Redress Scheme Procedure
- Mandatory Reporting of Risk of Significant Harm Guidelines.
- Risk Management Policy.
- Public Interest Disclosure Training Module.

Inner West Council

- Fraud and Corruption Framework, including a fraud and corruption triage process.

A request was also received from the Office of Local Government regarding the IOSS's input into a social media best practice policy for NSW councils. Feedback on this policy as well as proposed other best practice policies was provided to OLG.



Probity advice

Advice is often requested from the IOSS across a number of issues and has included:

City of Parramatta Council

- Advice regarding unreasonable complainant conduct.
- Advice about a procurement matter.
- Advice about a number of Code of Conduct matters related to Councillors and staff.
- Advice regarding social media posts.
- Advice about staffing matters.
- Advice regarding possible corruption matters.

Cumberland Council

- Advice provided in line with Council's triage process with Children's Services regarding child protection matters.
- Advice to staff members regarding alleged bullying and harassment.
- Advice to both staff and Councillors regarding Code of Conduct matters.

- Advice to Children’s Services staff regarding the use of online platforms for virtual workshops for children.
- Advice about a Code of Conduct training provider providing training to Councillors, as well as being a Conduct Reviewer on Council’s panel of Conduct Reviewers.
- Advice about a potential conflict of interest by a staff member with a grants program.
- Advice regarding a potential unreasonable complainant conduct restriction.
- Request for assistance with an investigation into a breach of privacy.
- Advice regarding a customer’s conduct in relation to a Council service.
- Contact and consultation with the Council Crime Prevention Officer and a particular matter that involved the NSW Police Force and a complaint by a community member.
- Advice regarding potential misuse of funds.
- The IO and AIO have recently been requested to participate on the recruitment selection committee for senior positions, including Director Community and Organisation Development and Manager Strategic Communications.
- Advice regarding Councillor interactions with staff.
- Advice to staff and Councillors about a number of Code of Conduct matters.
- Advice to staff members regarding alleged bullying and harassment.
- Advice about confidential documents.
- Advice about committees and potential conflicts of interest.
- Advice regarding Council matters that involve Councillors or staff as residents.

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 had previously met with the Governance teams across the three member Councils and developed Public Interest Disclosure (PID) Training. This training had commenced with PID training being delivered to some City of Parramatta Council staff who are Public Interest Disclosures Officers, City of Parramatta Council HR team so that they are aware of the legislation as they may be frontline staff who receive an initial disclosure that may meet the requirements of a PID; and Inner West Council Disclosures Officers. Training had been scheduled for early 2020 for Cumberland City Council Disclosure Officers and the remaining Disclosures Officers at City of Parramatta Council, however this was placed on hold with the COVID-19 restrictions at the time. This is currently being organised to recommence in late 2020.

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

- Code of Conduct training was delivered to each of the Council’s staff and Councillors by SINC Solutions, with the final programs being delivered in November 2019.

Inner West Council

- Advice about staffing matters.
- Advice regarding Code of Conduct complaint statistics.
- Advice regarding probity and governance processes with Council grants.
- Advice to Councillors generally about various matters including about the Code of Meeting Practice.

- A consultant was engaged to deliver Unreasonable Complainant Conduct training to Inner West Council staff in July/August 2019.
- Delivery of Public Interest Disclosure Training to City of Parramatta Council's HR Team on 11 July 2019.
- PID training was provided to the new Inner West Council PID Disclosures Officers on 4 September 2019. In addition, plans will also be made to meet further with all new Disclosures Officers to provide information and ongoing support.
- General PID training will also be provided to all staff at Inner West Council.
- Discussions to be arranged with Cumberland Council's Manager Procurement during 2020-2021, regarding the ongoing delivery of Probity in Procurement training to other Cumberland Council staff, following previous training in 2018 to Facilities, Parks and Children's Services groups.
- Request received to deliver Probity in Procurement training to Inner West Council's staff with responsibility for procurement. Planning discussions delayed because of COVID-19.



Briefings

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

- Briefings were conducted in late 2019 and early 2020 for all Councillors of the three Councils regarding the work of the IOSS as outlined in the previous annual report 2018-2019.
- Continuing to present on the role of the IOSS at all three Councils' Induction sessions for new staff when scheduled.
- Monthly briefing to Cumberland City Council's Executive Team, with the General Manager and Directors.
- Monthly meetings with City of Parramatta Council Governance Team up to December 2019.
- Monthly briefing to City of Parramatta Council's CEO and Executive Director Corporate Services to provide an update on the activities of the IOSS, including the status of open complaints.
- Monthly briefing and/or report to City of Parramatta Council's Executive Team, with the CEO and Directors.
- Attendance and participation in City of Parramatta Council's Action Planning Workshops during March 2020. This was an opportunity for staff to be involved in the actions arising out of Council's recent Staff Culture Survey undertaken at the end of 2019.
- Briefing about the IOSS with City of Parramatta Council's Human Resources group on 11 July 2019.
- A virtual briefing was provided to Inner West Council staff on 1 July 2020 as part of an ongoing bi-weekly series in which the CEO, Directors and Managers take part in a live Skype Q&A-style session with all staff, as well as providing information regarding the activities within their areas.

- Met with the new CEO of City of Parramatta Council, Mr Brett Newman, on 20 September 2019 to provide a briefing on the IOSS.
- The IOSS attended City of Parramatta Council's Staff Forums on 25 and 27 February 2020.
- Attendance at the four Cumberland City Council Face to Face talks at Council's Auburn and Merrylands offices, and Guildford and Merrylands Depots on 2 and 3 July 2019 to outline the IOSS staff survey as well as providing an update on the progress of the 'Speak Up' program of work being undertaken by the three Councils.
- Attendance at the four Cumberland City Council Face to Face talks at Council's Auburn and Merrylands offices, and Guildford and Merrylands Depots on 6 and 7 November 2019 to outline the IOSS' staff survey results with the three Councils.
- Meeting with the Inner West Council Chief Executive Officer, Mr Michael Deegan, to discuss a number of complaints on 11 December 2019.
- Briefing about the IOSS at the four City of Parramatta Council's Staff Forums on 8 May 2019.
- Briefing about the IOSS with Cumberland Council's Environment and Planning leadership team on 27 June 2019.
- Forthcoming briefings about the IOSS and its current priorities to be arranged with City of Parramatta and Cumberland Councils' Leadership Team meetings. It is hoped that a similar briefing can also be arranged with Inner West Council's Leadership Team.



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 2019-2020 financial year.

Connecting with our communities

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

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

The IOSS had hoped to engage with the community more during the reporting period, with advice having been received from each of the three Council's Managers of Communications and Engagement in relation to promoting the IOSS and developing a community engagement strategy for the three Council's LGA's. Further progress in relation to Community Engagement has been delayed due to workload and COVID-19 circumstances and restrictions, however the IOSS will seek to engage with stakeholders through as many online engagement platforms as possible.

However, despite the circumstances the following promotion activities have been undertaken by the IOSS to assist in promoting the IOSS to staff and the community in:

- The Internal Ombudsman delivered a session on 14 November 2019 at the Institute of Internal Auditors (IIA)-Australia Local Government Assurance Forum in relation to ‘Building better governance through the Internal Ombudsman’.
- The Internal Ombudsman has been requested to present at the 13th National Investigations Symposium on: “The Triple Governance Track – Innovation in dealing with complaint handling and investigation in local government using strategies of prevention education and investigation”. Given the current COVID-19 restrictions, this has been rescheduled from 19 November 2020 to 18 November 2021.
- The Internal Ombudsman and A/ Assistant Internal Ombudsman met with the then Victorian Local Government Inspector, Mr David Wolf, on 29 October 2019. Mr Wolf managed complaints for all Victorian Councils.
- The Internal Ombudsman appeared with other Cumberland City Council staff on a video being created by the Office of the Children’s Guardian about Council’s initiatives in the Child Protection space.
- The Annual Report 2018-2019 has been made available on each Council’s website and staff intranet.
- An article about the IOSS was placed in the 2020 Spring Edition of City of Parramatta Council’s “Parramatta Pulse”, a newsletter to the community.

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; Northern Beaches Council; Waverley Council; Wollondilly Council; and Wollongong Council.

The ION meets quarterly (most recently virtually) 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 NSW Audit Office, the ICAC and the Office of Local Government, where information is both shared with the ION and the ION’s views are sought on various topics including code of conduct complaints about Councillors. Representatives from the NSW Ombudsman have also expressed an interest in attending future ION meetings. The ION has resolved to hold a standing invitation for external agencies (NSW Ombudsman, ICAC, NSW Audit Office) to attend each of its quarterly meetings.

A Fact Sheet about the role of an Internal Ombudsman was previously finalised by the IOSS and approved by the ION, with the view to providing NSW Local Government General Managers, Chief Executive Officers and Mayors, with information about the role of an Internal Ombudsman service and its benefits. This approach is in line with the OLG’s support for other NSW Councils to establish an Internal Ombudsman role. However the

delivery has been delayed due to the COVID-19 pandemic. It is expected that the Fact Sheet will be distributed later this year.



Shared Model learnings

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

The IOSS continues to hold regular Governance Forums between the member Councils to share learnings and promote economies of scale in relation to governance activities. A key focus of the forum had been the implementation of training for staff and Councillors on the then new Model Code of Conduct from the Office of Local Government, released in December 2018. It was decided at the previous meeting that the forum be expanded to include Risk staff from each Council considering the synergies between risk and governance. Due to the COVID-10 pandemic this forum was temporarily placed on hold however the IOSS will run future meetings virtually.

The IOSS also holds Children's Services Forum meetings with each Council's Children's Services practitioners, with the forum striving for best practice in dealing with child protection matters, including the development of child protection policies and guidelines. The Forum has developed an action plan to accompany the scope/mission document which outlines the strategic direction of the group. Due to staffing changes and the COVID-19 pandemic, the last meeting was held on 20 September 2019, and the next meeting will be scheduled at a later date.

The IOSS has drafted one part of the guidelines to support the Child Protection Policy adopted by Cumberland City Council. This Guideline relates to the Allegations Against Employees component of the Policy and would be available for City of Parramatta and Inner West to use to support their Child Protection Policies.

Speak-Up Culture – As previously reported, it was decided by the Management Committee that instead of investing in a dedicated Public Interest Disclosure (PID) Hotline, that it would be beneficial to establish a "Speak Up" culture in each of the Councils to encourage staff to speak up about all sorts of matters including safety, bullying and harassment, and PIDs.

A meeting had been scheduled to progress this initiative in March 2020 however had to be postponed with the current COVID-19 restrictions. The IOSS is continuing to engage with Senior Management in terms of progressing this further.

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



Best Practice Model - Child Protection triage team: A joint Cumberland City Council and IOSS initiative

The IOSS and Cumberland City Council continue to operate a triage system to identify, assess and determine any Child Protection matters as quickly, consistently and as thoroughly as possible. Clear, definitive role-based guidelines, with set timeframes for action, high level representation and a strong understanding of Child Protection policies and legislation enables considered and responsive action to any concerns raised. The IOSS continues to leverage off Cumberland City Council's state-wide recognised Child Protection Framework as the foundation for the joint triage team activities.

The triage team ensures that initial allegations are received and reviewed quickly, with further information obtained from reporters and any witnesses, and an action plan is developed to immediately address concerns and mitigate any ongoing risks or service gaps. All matters are referred to the Office of the Children's Guardian for formal assessment under the Reportable Conduct Scheme with liaison undertaken by the IOSS. Initial assessment is undertaken in line with the Reportable Conduct legislation and all previous files are reviewed to identify any previous behaviour of concern. Both the IOSS and Cumberland City Council work to ensure that parents, guardians and other care givers are informed of any allegations and regularly notified of any developments and updates. Depending on the severity of the conduct in accordance with the Reportable Conduct Scheme, matters are managed either as a formal IOSS investigation of alleged breaches of the Code of Conduct, or are managed as performance and improvement strategies by specialist Council officers, including the implementation of a formal work improvement plan, if required. All triage team members ensure the highest levels of record keeping to ensure that any material can be quickly and readily identified. The excellent liaison and stakeholder relationships maintained between the IOSS and Cumberland City Council have resulted in matters being managed quickly and thoroughly and the Office of the Children's Guardian complimented Cumberland City Council on its Child Protection processes.

The IOSS is keen to work with other Council members, as part of the Shared Council Services Children's Forum, to identify further best practice in ensuring Councils continue to provide strong child-safe environments.



Our achievements



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



Input has continued to be provided to 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.



Finalisation of a Survey to all staff of the member Councils into their understanding and contact with the IOSS. An action plan based on the results has also been developed for implementation during 2020-2021.



Facilitation of Unreasonable Complainant Conduct training for management staff at inner West Council.



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, NSW Audit Office, and the OLG.



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



Facilitation of Code of Conduct training for all Councillors and staff as a result of the shared service model.



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.

PART 3: MANAGEMENT AND ACCOUNTABILITY

Internal Ombudsman Shared Service Management Committee

The IOSS Management Committee (the Management Committee) is comprised of the Internal Ombudsman, the General Manager and the two Chief Executive Officers 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 Report). The IOSS Governance Charter sets out the mandatory reporting requirements to be included in the 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 Meeting at City of Parramatta and Cumberland City Councils to provide an update on the activities of the IOSS and any issues identified. These are very fruitful meetings and the Internal Ombudsman has recommended to Inner West Council that a similar approach would be beneficial.

The Management Committee also approved an independent review of the IOSS in September 2019 to be conducted by SINC Solutions. The independent review was also endorsed by all three ARICs of the member Councils. The Report was finally issued on 22 May 2020. The IOSS have provided comments on the Report however nothing further was received from the consultant, therefore the Report was provided to the IOSS Management Committee for consideration and discussion at the IOSS Management Committee meeting on 31 July 2020. Following this, it will be reported to each Council's ARICs. The Review found that the IOSS "demonstrates value for money in the function and services it provides"; "is an effective shared service and has taken proactive steps to benefit Member Councils".

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 stop us achieving our objectives. The IOSS has 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 is to financially contribute 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 2018 to 30 June 2019.

INTERNAL OMBUDSMAN SHARED SERVICE						
Financial Performance for the period to 30.06.2020						
	Original Budget	YTD Budget	YTD Actual	YTD Variance	Notes	Full Year Forecast
	\$	\$	\$	\$		\$
Income						
City of Parramatta Contribution	220,500	220,500	220,500	-		220,500
Cumberland Council Contribution	220,500	220,500	220,500	-		220,500
Inner West Council Contribution	220,500	220,500	220,500	-		220,500
Training fund to receive	-	0	-	-		0
Subtotal	661,500	661,500	661,500	-		661,500
Other Income	74,613	74,613	127,100	52,487	/	74,613
Total Income	736,113	736,113	788,600	52,487		736,113
Expenses						
Staff Costs						
Salary & On-Costs	496,064	496,064	472,120	(23,944)		496,064
MV Allowance	7,128	12,774	12,774	0		12,774
Training & Conferences	8,000	50,000	53,378	3,378		50,000
Total Staff Costs	511,192	558,838	538,273	(20,565)		558,838
Contractors & Consultants						
Consultants	30,000	10,000	7,250	(2,750)		10,000
Professional Services	49,613	69,613	153,444	83,831	/	69,613
Total Contractor & Consultants	79,613	79,613	160,694	81,081		79,613
Accommodation & Substances						
Stationary and Office Supplies	5,040	5,040	3,021	(2,019)		5,040
Occupancy Costs	28,460	28,460	28,460	-		28,460
Information Technology	49,744	49,744	49,744	-		49,744
Media & Communication	500	500	500	-		500
Human Resources	10,368	10,368	10,368	-		10,368
Administration	21,682	21,682	21,682	-		21,682
Depreciation	10,000	10,000	10,178	178		10,000
Total Accommodation & Substance	125,794	125,794	123,953	(1,841)		125,794
Total Expenditure	716,599	764,245	822,920	58,675		764,245
Net Surplus	19,514	(28,132)	(34,320)	(6,188)	/	(28,132)
Notes						
1. The IOSS recorded a small deficit of \$6,188.00 in 2019-2020 which is due to recoverable consultant fees not yet recouped.						

Professional Development

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

- Attendance at the National Public Sector Fraud and Corruption Congress on 31 July and 1 August 2019.
- Attendance at the Australian Public Sector Anti-Corruption Conference (APSAC) on 30 and 31 October 2019.
- Attendance and Presentation at the IIA-Australia Local Government Assurance Forum on 14 November 2019.
- Attendance at the LGNSW “Introduction to Local Government” course by the Assistant Internal Ombudsman on 19 February 2020.
- Attendance at the LGNSW “National Redress Scheme” Forum by the Assistant Internal Ombudsman on 5 March 2020.
- Attendance at the Office of the Children’s Guardian “Children’s Guardian Act changes” information session by the Assistant Internal Ombudsman on 11 March 2020.
- Online attendance at City of Parramatta Council’s “Working Remotely” Webinar by the IOSS team during March and April 2020.
- Online attendance at City of Parramatta Council’s “Leading Remote Teams” Webinar by the Assistant Internal Ombudsman on 2 April 2020.
- Online attendance at City of Parramatta Council’s “Wellbeing whilst working remotely” Webinar by the Assistant Internal Ombudsman and Complaint Assessment and Administration Officer on 7 May 2020.
- Online attendance at Centium Group’s “Business Continuity, resilience and managing conduct issues” by the Assistant Internal Ombudsman and Complaint Assessment Officer on 7 May 2020.

- Online attendance at Corruption Prevention Network’s “The importance of government data in Corruption prevention” by the Internal Ombudsman, Assistant Internal Ombudsman and Complaint Assessment Officer on 27 May 2020.
- Online attendance at Corruption Prevention Network’s “Financial Crime – what has changed since COVID-19” by the Assistant Internal Ombudsman and Complaint Assessment Officer on 24 June 2020.

External Stakeholder Liaison

The IOSS continues to engage with other external agencies, including the NSW Ombudsman, Independent Commission Against Corruption, the NSW Audit Office 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.

Managing complaints

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

The IOSS had previously developed a Case Management system which included performance/reporting requirements and alerts. However, with the recent upgrade of Cumberland City Council's TechOne system, advice was provided to the IOSS that TechOne now has the capability to provide the IOSS with a case management system and this would be better as it would prevent duplication of case entries. The IOSS is currently finalising the workflow data with Council's specialist TechOne advisor and is expected to be utilised before December 2020. This case management system will provide the platform for the IOSS to report and identify trends more accurately, and enhance the IOSS' accountability mechanisms.

As previously reported, the IOSS has developed a complaint form, which will assist complainants with providing the information necessary for investigating a complaint. This will also assist the IOSS in its triage of complaints. This will be made available on the IOSS webpage of each Council's website once the IOSS' case management system is operational. It is planned to have the complaint form web based.

Continuing our work with the member Councils

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

We will continue to meet with all Council staff at Face-To-Face/Staff Forum/Depot Toolbox talks, to ensure that both internal and outdoor staff are aware of the IOSS and its role and what we have achieved in our third year of operation.



It is recognised by the IOSS, that given the many changes which have resulted to date from the member Councils' responses to COVID-19, it is likely that the pre COVID-19 way of working may change or be permanently modified. The IOSS team has had preliminary discussions considering how we can achieve our goals and deliver our service to our many stakeholders. As has been reported in general communication from the ICAC, OLG and other governance/probity organisations, there are unique opportunities for corruption and other governance/administrative issues with many people working from home. In such circumstances it is even more important for the IOSS to continue its exposure and promotion, so that the community, staff and Councillors are reminded that the IOSS is an avenue of approach if they need to discuss a matter or raise an issue with us.

IOSS visibility to Staff

The IOSS conducted a short survey with staff of all IOSS member Councils from 24 June to 1 August 2019. The aim of the survey was to obtain information to gauge use of, knowledge and experience about the IOSS by staff.

The results highlighted the need for more visibility of the IOSS team within Council offices which will be reviewed depending on COVID-19 work arrangements. The results also highlighted a request for regular information to be provided to staff about types of matters that the IOSS typically investigate and their outcomes, and practical examples of when staff might need to approach the IOSS, as well as via different methods including flyers, attending team meetings.

The IOSS has developed an action plan based on the results of the survey and we will be reviewing this for implementation in late 2020.

APPENDICES

1. Internal Ombudsman Shared Service Governance Charter—updated October 2020

INTERNAL
OMBUDSMAN
SHARED SERVICE



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 for Corruption (the ICAC); the NSW Ombudsman; or the Office of the Local Government;
- f) Public Interest Disclosures and including breaches of disclosure obligations.

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

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

5. What the Internal Ombudsman Shared Service will not investigate

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

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

- n) It concerns a review of a decision of the elected Council, or committee of Council, or matters awaiting determination;
- o) It relates to a planning decision.

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

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

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

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

6. Who can make complaints?

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

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

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

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

7. Who pays for the services?

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

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

8. Confidentiality and Privacy

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

8.1 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 shared service.

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

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

15. Resourcing and Review

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

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

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

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

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

16. Media Policy

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

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

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

17. Definitions

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

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

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

18. References

Internal Ombudsman Shared Service Management Committee - Terms of Reference

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

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

Local Government Act 1993

Ombudsman Act 1974

NSW Ombudsman's Effective Complaint Handling Guidelines

Independent Commission Against Corruption Act 1988

Public Interest Disclosures Act 1994

Privacy and Personal Information Protection Act 1998