

# INTERNAL OMBUDSMAN

Shared Service

---



**CITY OF  
PARRAMATTA**



CUMBERLAND  
CITY COUNCIL



**ANNUAL REPORT 2023 -2024**

## **Acknowledgement of Country**

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



# Contents

<b>Introduction</b>	<b>4</b>
Letter to the Chair of the Internal Ombudsman Shared Service Management Committee	4
Message from the Chair of the Internal Ombudsman Shared Service Management Committee	5
Message from the Internal Ombudsman	6
2023-2024 Highlights	7
About this Report	9
<b>Part 1. About us</b>	<b>11</b>
Who we are	11
IOSS Team	11
What we do	12
Complaint handling and investigation	13
How we action complaints	14
Our Vision, Purpose, Guarantee and Values	17
<b>Part 2. Our year in review</b>	<b>18</b>
<b>Investigation</b>	<b>18</b>
Complaints facts and figures	20
How we received complaints	20
Who made the complaints	21
What area the complaints related to	22
What the complaints were about	23
How we managed complaints	24
Response time for complaints	26
Summary of recommendations provided for the investigations conducted	27
Trends identified in matters received or investigated	28
<b>Prevention</b>	<b>31</b>
Policy review and development	31
Environmental scans	32
Probity advice	32
Advice from finalised matters	33
Prevention projects	33

<b>Education</b>	35
Training Programs	35
Briefings	36
<b>Promotion</b>	36
Connecting with our communities	36
<b>Adding Value: Shared Services</b>	36
<b>Part 3. Management and accountability</b>	<b>39</b>
Internal Ombudsman Shared Service Management Committee	39
Audit, Risk and Improvement Committees	39
Statutory Reporting	39
Corporate Governance practices	40
Risk Management and Business Continuity Planning	38
Privacy	40
Financial Summary	41
External Stakeholder Liaison and proactive awareness activities	42
<b>Part 4. The Year Ahead</b>	<b>44</b>
New Council Team	44
Council strategies and initiatives	44
Obligations under the PID Act 2022	44
Continuing to encourage collaboration between the member Councils	44
Proactive advice	44
Trend identification	44
Professional development	44
<b>IOSS Governance Charter</b>	45
<b>Contacting the Internal Ombudsman Shared Service</b>	46

# Introduction

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

24 October 2024

Dear Mr Gainsford,

### **Internal Ombudsman Shared Service Annual Report 2023-2024**

I am delighted to present the Annual Report for the Internal Ombudsman Shared Service with City of Parramatta, Cumberland City and Inner West Councils, which contains an account of our work for the period 1 July 2023 to 30 June 2024.

Yours sincerely,



Elizabeth Renneberg

**Internal Ombudsman**

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

On behalf of the three member Councils of City of Parramatta Council, Cumberland City Council and Inner West Council, I am pleased to present to you the Internal Ombudsman Shared Service (IOSS) Annual Report for 2023-24.

In its seventh year, the IOSS has continued its vital work as an “independent ear” for the community and all Council stakeholders.

In 2023, the service was renewed for a third three year term, indicative of the importance Council and the administration places in this high quality, independent service.

The usage of the service by the community and Council has been maintained at the high levels of engagement as seen in 2022-23. The service has received 383 complaints over the 12 months, a slight decrease on the year prior. This is combined with the IOSS undertaking a broad range of activities under the IOSS’s Triple Governance Track of Prevention, Education and Complaints/ Investigation.

The IOSS has provided a valuable service to the Councils, undertaking important investigations covering the broad gamut of Council operations and services, providing advice to the community and Council officials and delivering training.

Throughout the year, the IOSS regularly reported to each Council’s Executive and Leadership Teams, providing an update on the services delivered and sharing important information on trends and concerns identified.

As part of the IOSS’s accountability and transparency measures, the IOSS reported quarterly to all Councils Audit, Risk and Improvement Committee, and reports to the IOSS Management Committee on an annual basis.



I congratulate the service on its achievements throughout the year.

Along with the City of Parramatta and Inner West Council, I look forward to the continued work of the IOSS to assist in promoting a high standard of ethical, transparent, and administrative conduct and decision making across our organisations which improves the level of service provided to our communities.

A handwritten signature in black ink, appearing to read 'Peter Gainsford'.

Peter Gainsford

**Chair 2023-24, Internal Ombudsman Shared Service Management Committee**

**General Manager, Inner West Council**



## Message from the Internal Ombudsman

I am delighted to present the Internal Ombudsman Shared Service's (IOSS) Annual Report for 2023-24. This report, my third, recognises the breadth of the work delivered by the IOSS to the Councils of the City of Parramatta, Cumberland City and Inner West.

I remain very proud of the work of our small team in delivering improved services for the community. Returning to the service this year following a period of leave after giving birth to twins, I have a renewed appreciation of the services delivered by Councils and a renewed vigour to ensure Council's services to those communities are of a high quality.

I acknowledge the contribution of **Josh Jongma**, who acted in the role of Internal Ombudsman for several months throughout the year. I thank Josh for taking the reins with enthusiasm, undertaking a number of important investigations of high calibre and managing changes arising from the *Public Interest Disclosure Act 2022*.

This year **Sarah Labone** was promoted to the Deputy Internal Ombudsman. Sarah's genuine warmth and compassion gives her the ability to connect with people, display empathy and quickly understand concerns.

**Finbarr Cahalane** joined the IOSS in May 2023 and in early 2024 was appointed permanently to the role of Complaints Assessment and Administration Officer. Fin is an integral member of the team and his calm and engaging nature ably assists as the first port of call for complainants.

I thank both Sarah and Fin for their contributions to the service and congratulate them on their appointments.

The IOSS undertook 549 activities across the three Councils, including managing 383 complaints, including several significant investigations.

Throughout the year, the IOSS developed and delivered a significant number of training and awareness sessions to staff with 80 sessions delivered across the three Councils to more than 1200 staff at over ten Council sites. This was a considerable undertaking, given the size of our office and the volume of activities.

A critical function of our role is to support the member Councils to implement our recommendations arising from investigations and share learnings with stakeholders. The IOSS made 57 recommendations relating to creating new or amending existing processes and procedures, undertaking audits, or providing education and training. I am pleased to report that all recommendations made to the three Councils were accepted.

### The Year Ahead

With the recent Local Government Elections, we will work with Councils to assist in the induction and ongoing support of the newly elected Council officials. We continue to work on the accessibility of our service to the broader community and to increase knowledge and awareness of the service.

I acknowledge and appreciate the support and commitment of the IOSS by the IOSS Management Committee, Chair, Mr Peter Gainsford, General Manager, Inner West Council, Ms Gail Connolly PSM, Chief Executive Officer, City of Parramatta Council and Mr Peter Fitzgerald, General Manager, Cumberland City Council.

This Annual Report will be presented to each Council's Audit Risk and Improvement Committee for endorsement.

I commend to you the IOSS Annual Report.

Elizabeth Renneberg  
**Internal Ombudsman**

# 2023-24 highlights

## PREVENTION

- **67** pieces of advice requested by and provided to Council staff and Councillors
- **15** reviews of Council policies and procedures completed
- **Four** Prevention projects initiated



## EDUCATION



- **80** training programs delivered
- **1200** staff attended training
- **10** training sessions delivered to PID disclosure officers
- **26** Inductions attended by the IOSS to present on our role within Council and provide PID awareness



## INVESTIGATION

- **383** complaints received
- **345** complaints actioned
- **89%** of complaints received were finalised within our six week timeframe
- **66%** of complaints received were finalised within one week of receipt



## ADDING VALUE

- **57** recommendations made to improve Council services
- **100%** recommendations accepted by member Councils
- **Four** shared service forums hosted to encourage collaboration, improvement and share knowledge at our member Councils

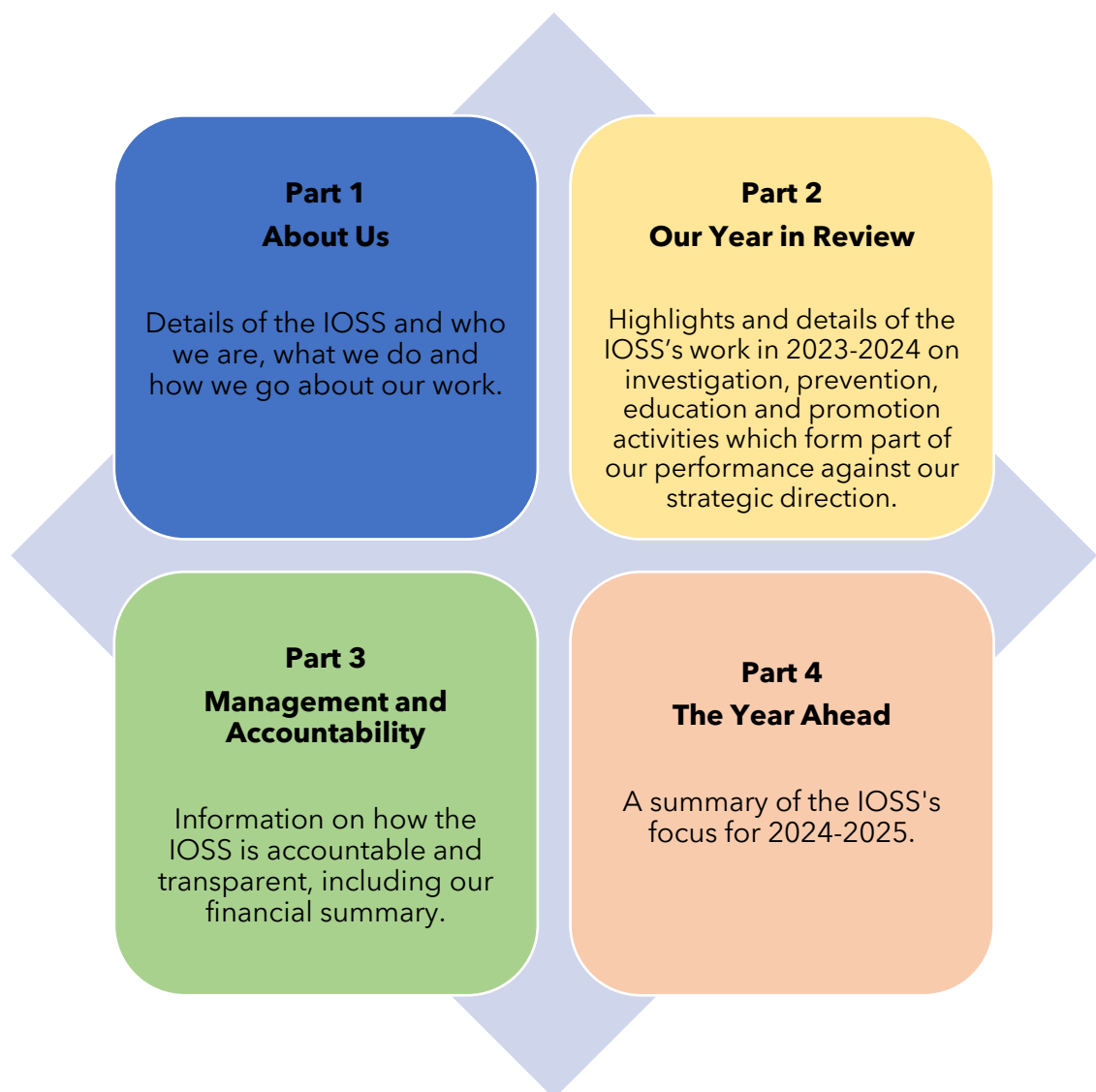


## About this Report

Our seventh Annual Report provides a comprehensive account of the Internal Ombudsman Shared Service (IOSS) performance throughout the 2023-2024 financial year, as well as outlining our plan for the year ahead.

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

This Annual Report is made up of four parts:



Enquiries about this report should be directed to the Internal Ombudsman, Internal Ombudsman Shared Service. Contact details can be found on page 46 of this report.

## Case Study

### **Benefits of well-documented decision making and thorough record-keeping**

The IOSS received a complaint from a community member dissatisfied with a change in the service delivered to them as a customer. The complainant was dissatisfied with Council's decision, the way the outcome was delivered to them and claimed that Council had taken irrelevant aspects into account when making the decision.

The complainant sought to utilise Council's services again engaging with Council on further occasions. While the outcome of the decision was recorded on Council's systems, the reasoning was not clear to officers delivering services to this customer. Therefore, when the customer requested reasoning about the change, the complainant stated conflicting information was provided by staff. Staff also sought information from supervisors, which led the customer to question who was the decision maker and what information was being considered.

The IOSS investigated the matter and as the decision was communicated verbally, the IOSS found that there was the potential for misunderstanding. The IOSS recommended that the original decision reasoning be provided to the complainant in writing.

The IOSS also reviewed the decision made and found that Council relied upon relevant information and the decision was open for Council to make. The IOSS also considered that the relevant guiding document could be revised for clarity and made a recommendation for revision to Council.

Council accepted both recommendations.



# Part 1: About Us

## Who we are

The Internal Ombudsman Shared Service (IOSS) was established on 31 July 2017, and operates between City of Parramatta, Cumberland City and Inner West Councils.

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

## IOSS team

### **Elizabeth Renneberg** **Internal Ombudsman**

Elizabeth has been with the IOSS since January 2020. Elizabeth has previously worked across a number of federal government agencies and has experience in interpreting and applying administrative law, corruption prevention measures, capacity building, complaints handling, and internal and external investigations across senior management roles.

Elizabeth is passionate about improving the administrative conduct of the member Councils to improve the quality of important and critical services for the communities served by the IOSS. In order to deliver lasting change, Elizabeth continues to bolster the proactive, preventative measures undertaken by the IOSS.

### **Sarah Labone** **Deputy Internal Ombudsman**

Sarah has been with the IOSS since January 2018. Focussed on people, Sarah has significant experience with investigations,

insurance and enterprise risk, project management, customer outcomes and finance. Sarah has gained this experience in both the public and private sector in NSW, Victoria and the United Kingdom. This has given her a thorough understanding of the operations of local government.

Sarah is passionate about working with all stakeholders to ensure concerns and processes are well understood, which are at times complex, to get the best possible outcome.

Sarah is focussed on identifying opportunities for improvements to the member Councils' processes as part of any investigation. This focus assists the member Councils to improve their administrative conduct, decision making, transparency, accountability and service delivery to their communities.

### **Finbarr Cahalane** **Complaint Assessment and Administration Officer**

Finbarr joined the IOSS in May 2023 and was appointed permanently in May 2024. Prior to joining the IOSS, Finbarr has had a range of experiences with previous roles encompassing Complaints handling, Investigations and Customer Service.

Finbarr continues to build his knowledge of local government and applies his work experience especially in complaint handling in identifying and understand complaints from the community and where they sit within the IOSS. Finbarr also continues to identify improvements and trends that assist the IOSS as well as the member Councils.



## What we do

The Internal Ombudsman Shared Service (IOSS) is an independent ear for all member Council stakeholders, including residents and ratepayers, the general public, local businesses, Council staff and Councillors to raise concerns about administrative processes, unethical behaviour, corrupt conduct, misconduct and maladministration in relation to the member Councils' functions and services.



This 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.

The IOSS is committed to providing effective, efficient, responsive and high-quality services that contributes to an improved service to the community and all member Council stakeholders.

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

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

To undertake our broad role, we operate under a 'Triple Governance Track' model.

This model has three approaches: Investigation, Prevention and Education. Utilising this model, the IOSS assists member Councils to identify areas for improvement in administrative conduct and decision making and to assist in high standards of probity and governance. This includes ensuring the member Councils are acting fairly, with integrity and in their communities' best interests and in accordance with each Code of Conduct; and working to improve the member Councils' complaint handling systems. We also aim to promote best practice in the member Councils' operations.

**Investigation:** of complaints within our jurisdiction in accordance with our Governance Charter and each member Councils' complaint handling policy with the view to making any recommendations for improvement. The IOSS may also instigate its own motion investigations on matters without first receiving a complaint, as well as any matters that are considered systemic, reflect a pattern of conduct, and/or are serious and significant.

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

**Education:** development and delivery of tailored training programs, bespoke to each business area in relation to good governance, ethical decision-making, administrative conduct, fraud and corruption awareness, adherence to the Code of Conduct and Public Interest Disclosure awareness. This also includes addressing any matters arising from investigation outcomes or as identified as a result of other training programs conducted.

### Other functions

Each member Council has delegated the Internal Ombudsman and Deputy Internal Ombudsman to the function of Code of Conduct Complaints Coordinator in accordance with the *Model Code of Conduct for Local Councils in NSW* in addition to the function of the Public Interest Disclosures Coordinator under the *Public Interest Disclosures Act 2022 (NSW)*.

The IOSS sit on Cumberland City Council's Child Protection triage team which handles allegations against staff in relation to child protection matters. The IOSS is also a member of the Cumberland City Council Child Protection team. This teams raises awareness and identifies potential concerns and risks in child safety and protection in Council business.

# Complaint handling and investigation

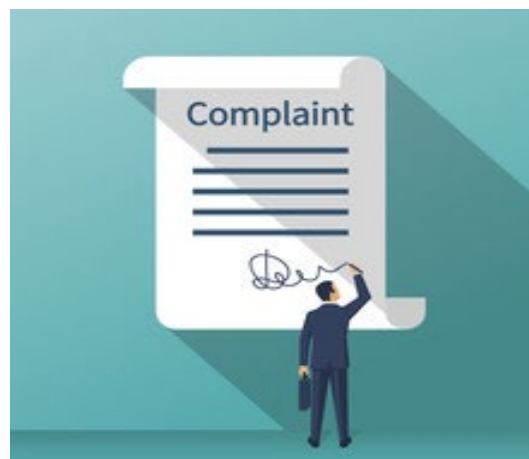
In accordance with the IOSS's Governance Charter:

## We can investigate:

- Council administrative processes
- failures to follow Council's Code of Conduct, policies or procedures
- Council's lack of attention to matters, or review of Council's complaint handling procedures
- allegations of poor administration, unreasonableness, maladministration, corruption, or other alleged improper conduct by Council Officials
- anonymous complaints where sufficient details are provided
- Referred internal matters from a General Manager, Mayor, Internal Audit or an external agency
- own-motion matters upon approval from the Management Committee
- Public Interest Disclosures, including breaches of disclosure obligations

## We can't investigate matters:

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



- Ombudsman, or the NSW Police
- where adequate details of the complaint are not available to allow proper investigation
- that are frivolous, vexatious, or not made in good faith or are trivial in nature
- the complainant has no direct or sufficient interest in the subject matter of the complaint
- an adequate remedy or right of appeal already exists, whether or not the complainant uses that remedy or right of appeal
- they are already before or under investigation by a court, coroner or other tribunal or government agency
- 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
- they concern a private individual
- resources are not available, or the matter is of a low priority
- the complainant declines or refuses to provide further sufficient information to allow investigation
- the complainant has made threats against Council or the IOSS
- it concerns a review of a decision of the elected Council, or committee of Council, or matters awaiting determination
- it relates to a planning decision



## How we action complaints

### Providing initial advice

We often receive enquiries from members of the public and Council officials requesting initial advice regarding their concerns, including the processes and aspects to consider in proceeding with a formal complaint.

When people contact us, our aim is to seek to understand their concerns and see how we can help. To do this well, we ensure that people contacting the IOSS are given sufficient time to explain their problem and to feel heard. We also explain options, our role and what we may be able to do to help. It is important for the IOSS to remain objective and impartial; we do not advocate for Council or a complainant.

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

- understands the reasoning behind a decision
- obtains a response or action to a complaint or concern
- knows how to resolve a complaint directly with Council
- obtains informal resolution from the relevant Council to their enquiry, if appropriate

- has a complaint referred to Council for review and response, if appropriate

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

If the matter is outside the scope of our role, we will endeavour to explain any possible alternative options available.

### Referrals to Council

The IOSS triages complaints received, assessing information provided to us and taking appropriate action if the matter is within our jurisdiction.

In accordance with our Governance Charter and each member Councils' complaint handling policy, it is reasonable that the member Council has an opportunity to review, address and respond to complaint, prior to being considered by the IOSS.

If the complaint has not been reviewed by the member Council in accordance with their complaint handling policy, we assist by referring it to the member Councils' relevant Officer responsible for coordinating a response to the complaint. This is helpful to the complainant as it means they do not have to start their complaint process again by contacting the member Council. We invite the complainant to contact us again if they are not satisfied with the member Councils' response and/or handling of the matter.

Depending on the complexity of the matter and information obtained, we will often provide a summary of the matter to the member Council which includes the points that should be considered and responded to by the Council.

### Informal resolution and investigation

If a complaint has been reviewed by the member Council, we may make preliminary



enquiries and/or undertake informal investigative processes.

This means we engage with relevant Council employees to obtain information and/or review relevant policies, procedures and legislation. This helps us understand the concerns raised and to consider whether a formal investigation is required.

In some cases, the information we receive and review identifies no wrongdoing by the member Council. However, we are often able to provide further information to support the reasoning behind the decision, response or action to the complainant. As part of this, we may identify opportunities for process improvements by the member Council and we will make recommendations to the member Council as required.

In other cases, we may identify that the member Council needs to take further action in relation to the complaint, including reconsidering a decision or providing further information and/or reasoning to the complainant that addresses their concerns.

We will then request the member Council to undertake the relevant action and invite the complainant to contact us again if they continue to remain dissatisfied with the member Council's response or the handling of their matter.

### Formal investigation

Most complaints we receive do not result in a formal investigation. Generally, only those complaints that are considered either serious, sensitive or systemic are formally investigated. This typically includes allegations of poor administration, maladministration, corruption or other alleged improper conduct by Council Officials. It also includes failures by Council employees to adhere to Council's Code of Conduct.

A formal investigation involves obtaining, reviewing and assessing information in relation to the matter. It can also include a

statement being obtained from the complainant, and, if relevant, any witnesses and the respondent. This ensures procedural fairness to the parties that may be associated with the matter.

When an investigation is completed, a confidential final report is provided to the relevant General Manager or CEO of the member Council.

The report will include the findings related to the investigation, including any relevant recommendations relating to the conduct as well as any process improvements for the member Council.

Further information about how recommendations are considered by the member Councils can be found on page 27.

### [Code of conduct complaints about Councillors and the General Manager/CEO](#)

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

The General Manager/CEO (in matters involving Councillors) or the Mayor/Lord Mayor (in matters involving the General Manager/CEO) considers the complaint to determine the course of action to undertake in accordance with the Procedures.

The Procedures outline three options for the decision maker, including taking no action, dealing with the matter via alternative means (such as informal counselling or training), or commencing a preliminary assessment.

A preliminary assessment is undertaken by an independent Conduct Reviewer from Council's dedicated panel of conduct reviewers to determine how the matter should be handled as outlined in the Procedures. There is also the option for a matter to be referred to an external government agency, if appropriate.



The Internal Ombudsman and the Deputy Internal Ombudsman are the delegated Code of Conduct Complaints Coordinator for each member Council, which requires ensuring that the administrative functions of any matters referred from the General Manager/CEO (in matters involving Councillors) or the Mayor/Lord Mayor (in matters involving the General Manager/CEO) for preliminary assessment and, if required, formal investigation are undertaken, including coordination of the Conduct Reviewer, and in accordance with the Procedures.

Timeframes for these processes are outlined in the Procedures.

### **Requests for review**

If the IOSS has investigated a complaint and a complainant is dissatisfied with the IOSS's written decision and reasons, a complaint can be made to an external government agency. The IOSS advises all complainants of this option. A complaint can be made to an external agency at any time, even if the IOSS is investigating a complaint, which is also in line with each member Council's complaint handling policy.

## **Case Study**

### **Managing equity and fairness in the workplace**

The IOSS undertook an assessment of the distribution and use of overtime amongst staff in certain areas at a number of the member Councils. This was necessary to ensure that any work health and safety, and corruption risks had been appropriately considered as part of Council's management.

To do this, the IOSS reviewed relevant data and practices undertaken by both staff who undertook the overtime, and also staff who assigned and approved overtime, to assess how overtime was being used and distributed.

The IOSS recommended the development of an overtime policy that outlined appropriate and acceptable use of overtime, including guidelines for managers about equitable distribution. To ensure adequate oversight, the IOSS also recommended that the policy be supplemented by reporting to the relevant executive on a regular basis on the distribution and volumes of overtime within their directorate.



# Our Vision, Purpose, Guarantee and Values



## Vision

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

## Purpose

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

## Guarantee

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

## Values

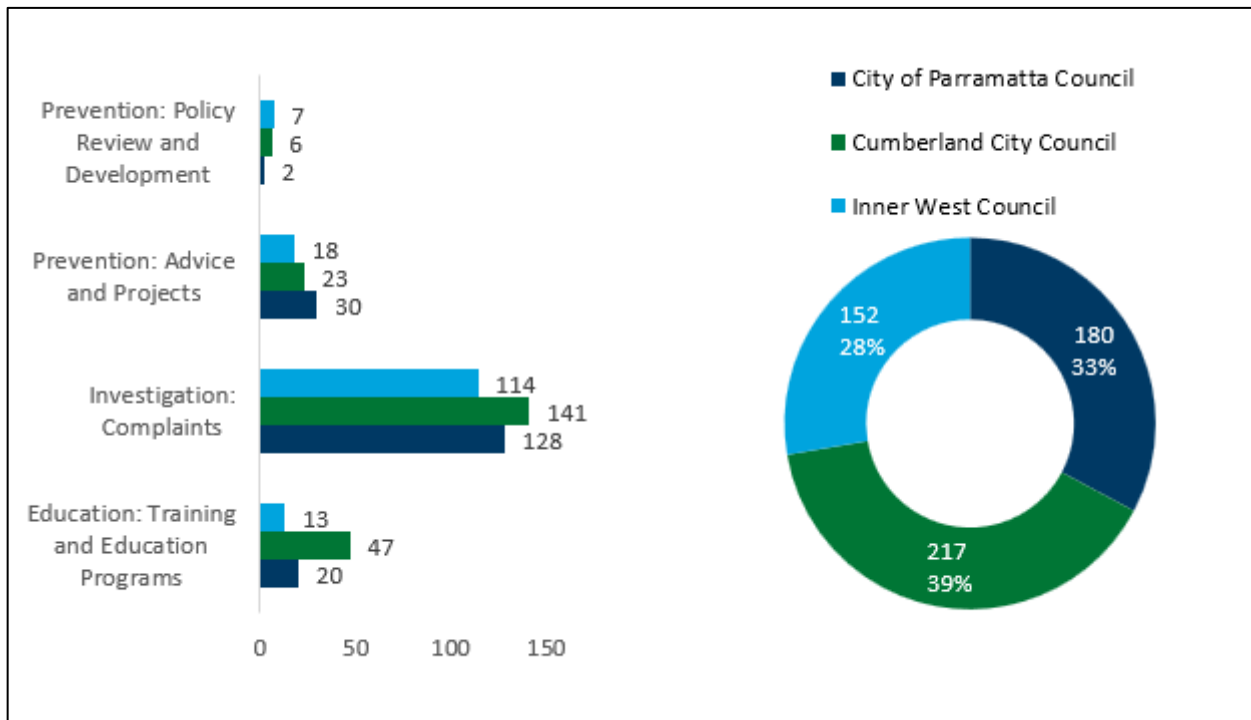
We will adhere to and uphold the values of each member Council. We will also act with:

### **Integrity - Impartiality - Fairness - Respect**

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

# Part 2: Our Year in Review

## Work of the IOSS with each of the member Councils for the 2023-2024 Financial Year:



*\*The variations in each of the member Council's statistics may be due to population differences across the three Local Government Areas (LGA), demographics and geographic location/proximity. The quantity of activities shown in the graph does not represent time spent or complexity.*

In 2023-24 the IOSS undertook **549 investigation, education and prevention activities** across the member Councils.

Of these activities, 70% of our work was spent responding to complaints, consistent with the previous year.

Training and education programs accounted for 15% of our work, higher than the previous year at 6%. This represents a significant increase in training of 135% in over the previous twelve months.

Similarly, undertaking prevention activities accounted for 15% of our work.

**Investigation:** The IOSS received a total of 383 complaints that related to a member Councils' function or service.

Of these, 226 complaints (59%) were managed directly by the IOSS and required appropriate action by the IOSS.

There were 140 complaints (37%) that were referred to the member Council as they had not had an opportunity to review and respond to the complaint initially in line with their complaint handling policy. This figure is similar to other government agencies that handle complaints. There was still considerable work undertaken by the IOSS in establishing the status of these complaints and working with member Councils to ensure a response was provided to the complainant that addressed their concerns. The remaining 17 complaints (4%) relates to matters that were either

resolved prior, insufficient information was provided to proceed with the complaint or the matter was withdrawn.

A comprehensive breakdown of how complaints were received and handled by the IOSS during the financial year can be found on Page 20.

**Education:** The IOSS developed and delivered 80 training and awareness sessions to staff across the member Councils to more than 1200 staff at over ten Council sites. This included the delivery of Code of Conduct training sessions to all Council staff at Cumberland City Council, as well as Public Interest Disclosure Officer training sessions across all the member Councils due to changes within the *Public Interest Disclosure Act 2022*.

Further information on training and education programs undertaken by the IOSS during the financial year can be found on page 35.

**Prevention:** The IOSS provided feedback on 15 policies across the member Councils. There was also the request and provision of 67 pieces of probity advice to staff and Councillors at the member Councils to assist in good administrative conduct, decision making and ethical conduct. The IOSS also undertook four projects throughout the year. A further breakdown of prevention activities during the financial year can be found on page 31.

## Case Study

### Ensuring adequate systems and controls are in place to support staff under the age of 18

In line with the *Children's Guardian Act 2019*, member Councils have specific obligations in relation to children and young people (under 18) in its care.

This is generally associated with children and young people attending its early learning centres and after school care as a customer.

However, member Councils also employ young people to work across its breadth of services, including aquatic centres, children's centres, as well as traineeships and apprenticeships in other areas of Council. It is important that young people feel empowered in the workplace when undertaking their role and that people leaders are aware of specific requirements regarding young people under their supervision.

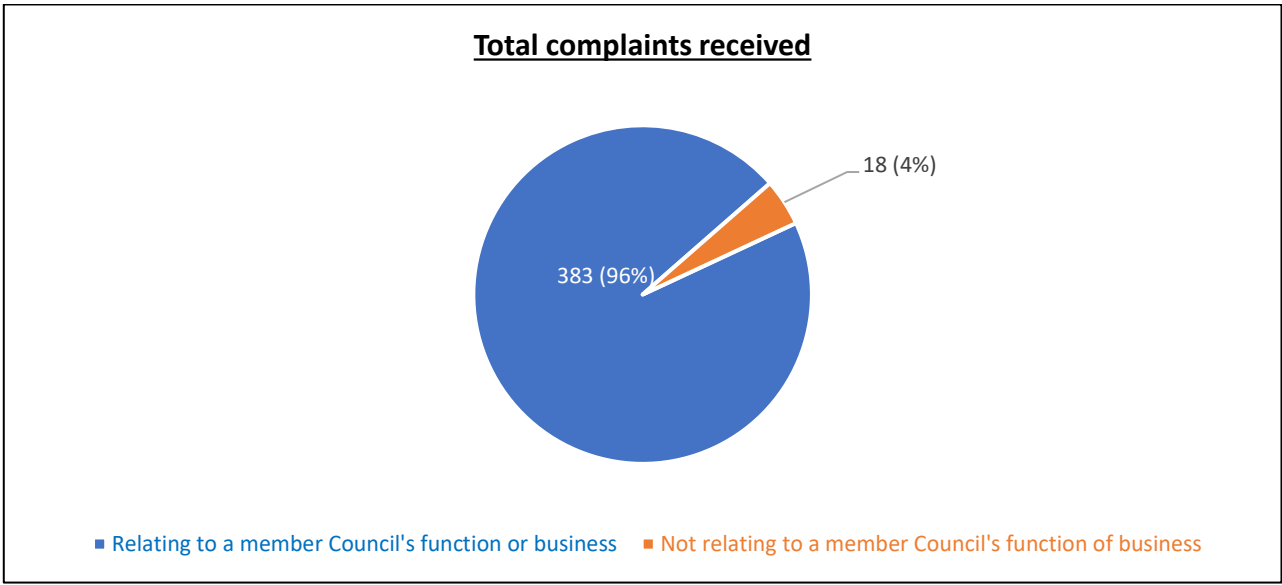
To support this, member Councils have a Child Protection Framework in place.

As a result of an investigation undertaken by the IOSS, a number of recommendations were made to member Councils to improve internal processes to ensure it was meeting its obligations, including training and awareness to staff and people leaders of its obligations in relation to young people.

# Complaints facts and figures 2023-2024

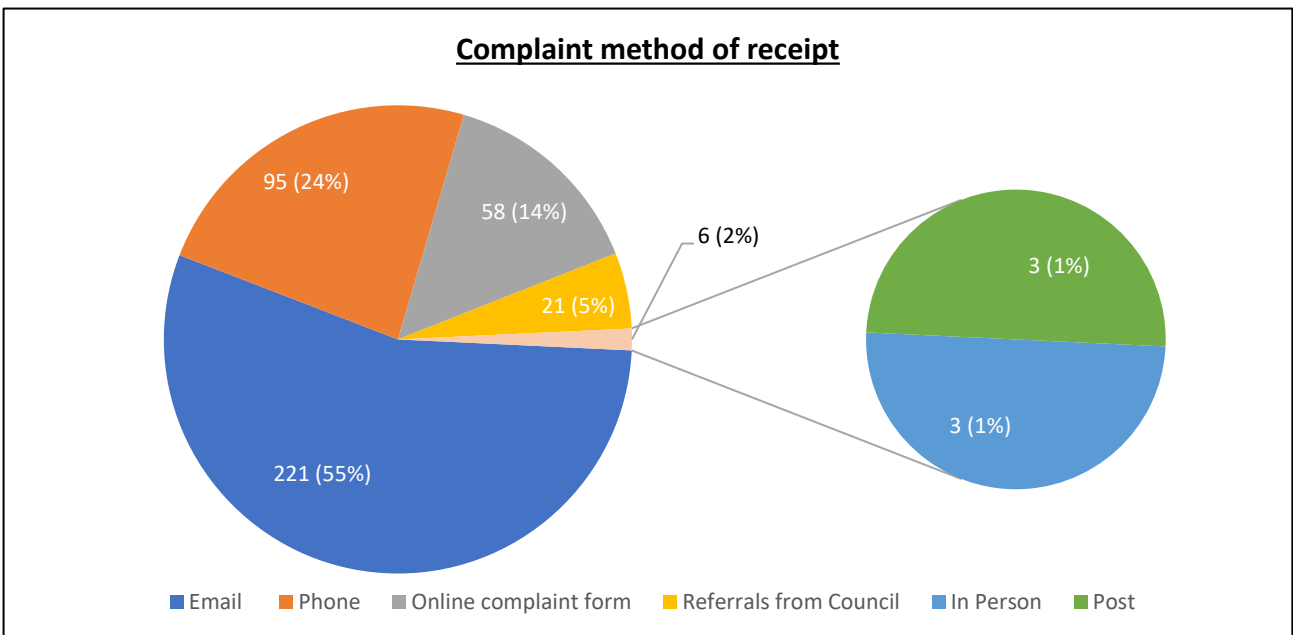
## Volume of complaints:

During 2023-2024, we received 401 complaints. Of these, 383 related to a member Councils' functions or business and 18 complaints were misdirected as they did not relate to a member Councils' functions or business. This is a slight decrease in the number of complaints received in 2022-23 of 413.



## How we received complaints:

We continue to improve the accessibility of how we can be contacted. Complaints were received via email, phone, our online complaint form, referral, in person and by post.





The IOSS received 55% of all complaints by email and 24% by phone. We have seen an increase in the usage of our automated online complaint form with 14% of complaints received via this form compared to 9% the previous year. Combined with email, 69% of all complaints were received via electronic means, which continues to reflect customer preference to conduct business online.

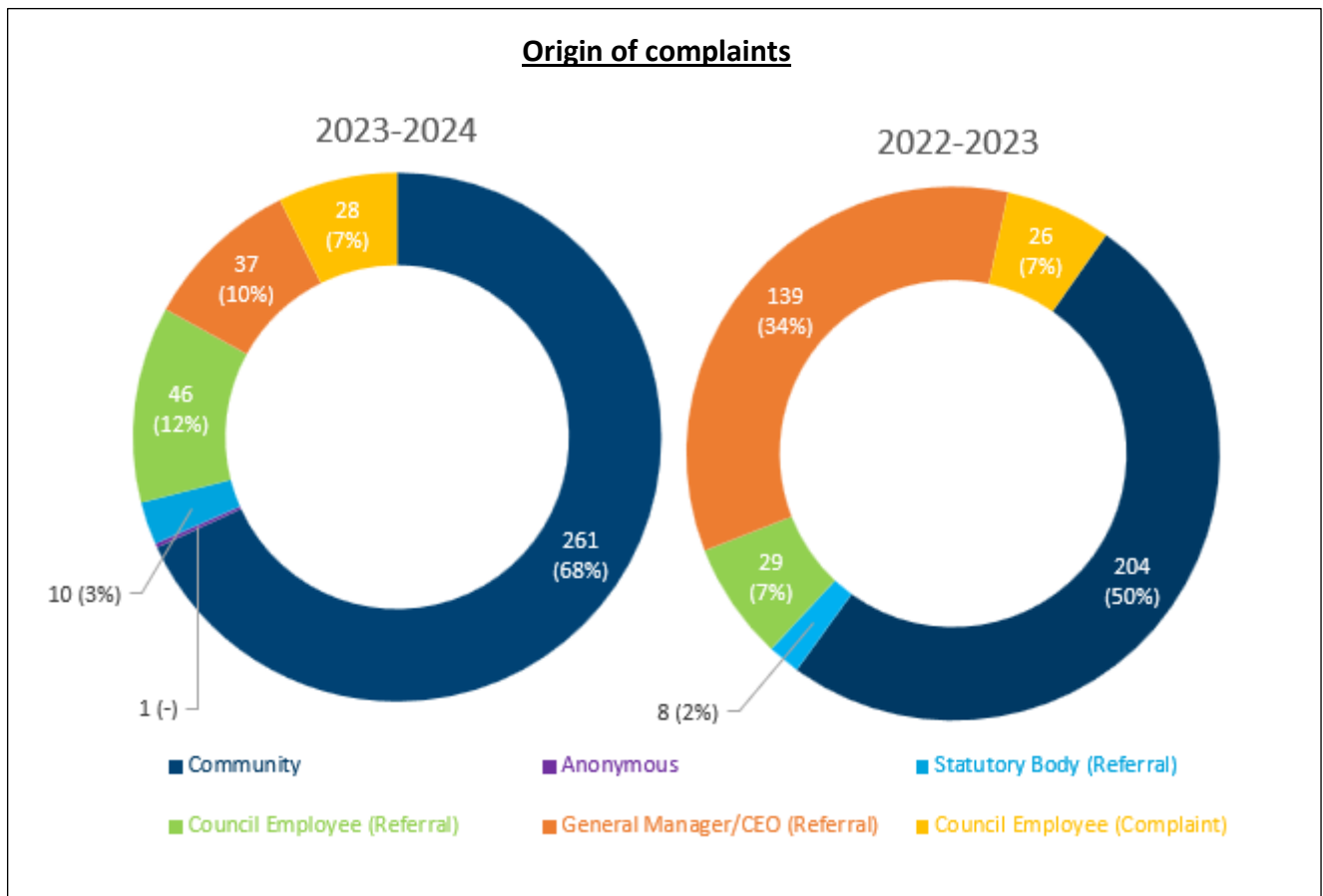


The IOSS continues to receive very low volumes of complaints in person (three complaints) and post (three complaints), however the IOSS retains our 'shop front' in Auburn to facilitate a range of accessibility options.

### Who made the complaints:

Of the 383 complaints received relating to a member Councils' function or business, 68% (261) were received directly from the community. This represents a 18% increase compared to the previous year and reflects the community's continued engagement with and knowledge of the IOSS.

The remaining 32% of complaints (122) were referred to the IOSS from member Councils or referred directly from an external agency. Referrals from member Councils include complaints escalated from the community and complaints made by staff.





## What area the complaints related to:

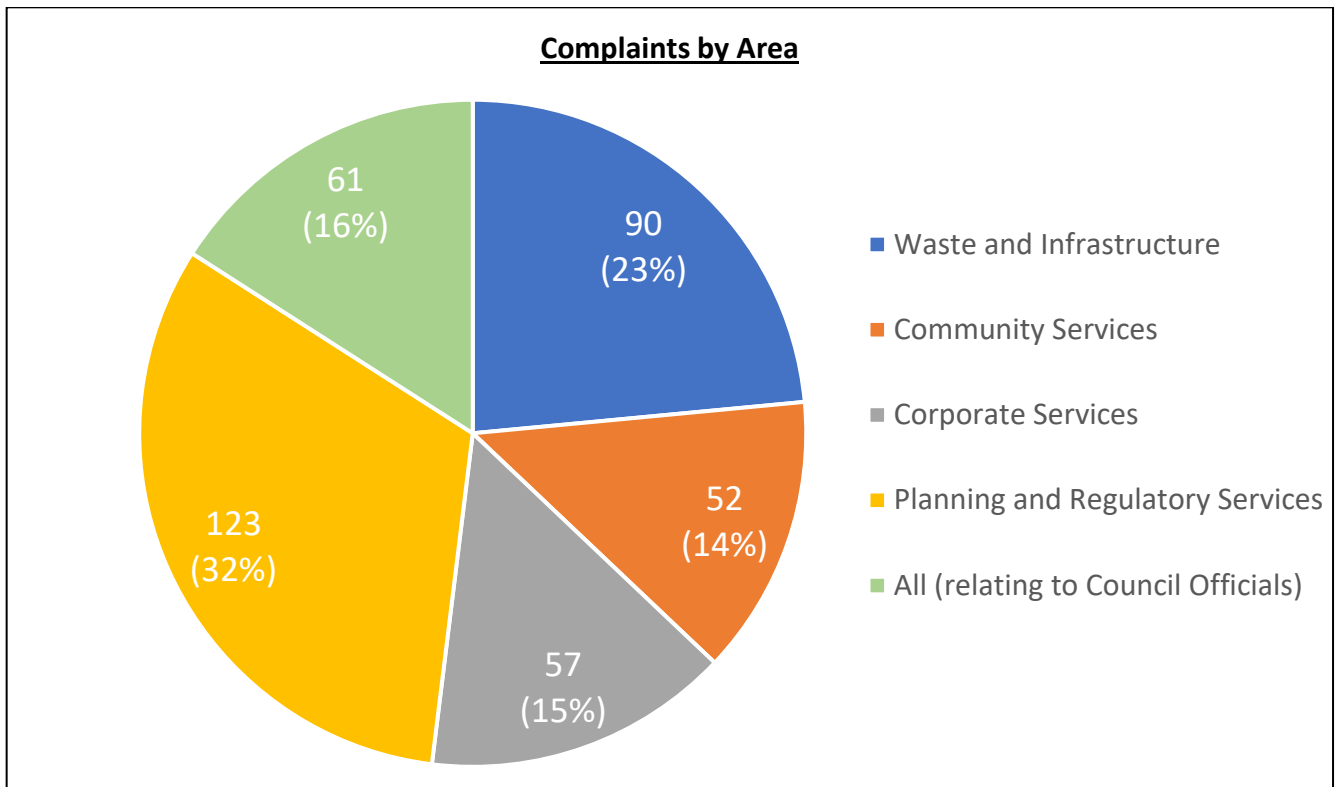
Of the 383 complaints received relating to a member Councils' function or business, the largest proportion (32%) related to the Planning and Regulatory Services directorate, which includes planning and development matters and regulatory compliance matters (building and development compliance; environment and health; parking). Given the high levels of engagement with this directorate with the community, this volume is to be expected.

The second largest proportion (23%) related to the Waste and Infrastructure directorate, which covers public spaces (parks and recreation; public trees), traffic related matters, waste management, and matters relating to works (capital works; engineering; infrastructure; roads). As another area with high levels of interface with the community, this volume is to be expected.

There were 15% that related to the Corporate Services directorate, which covers functions and services in relation to communications and events, compensation claims, council meetings, financial services (such as rates), public information and recruitment.

There were 14% that related to the Community Services directorate, with functions and services in relation to aged and disability services, aquatic centres, children's centres, libraries and other community-based programs.

The remaining 16% related to matters about Council Officials (employees and Councillors).





## What the complaints were about:

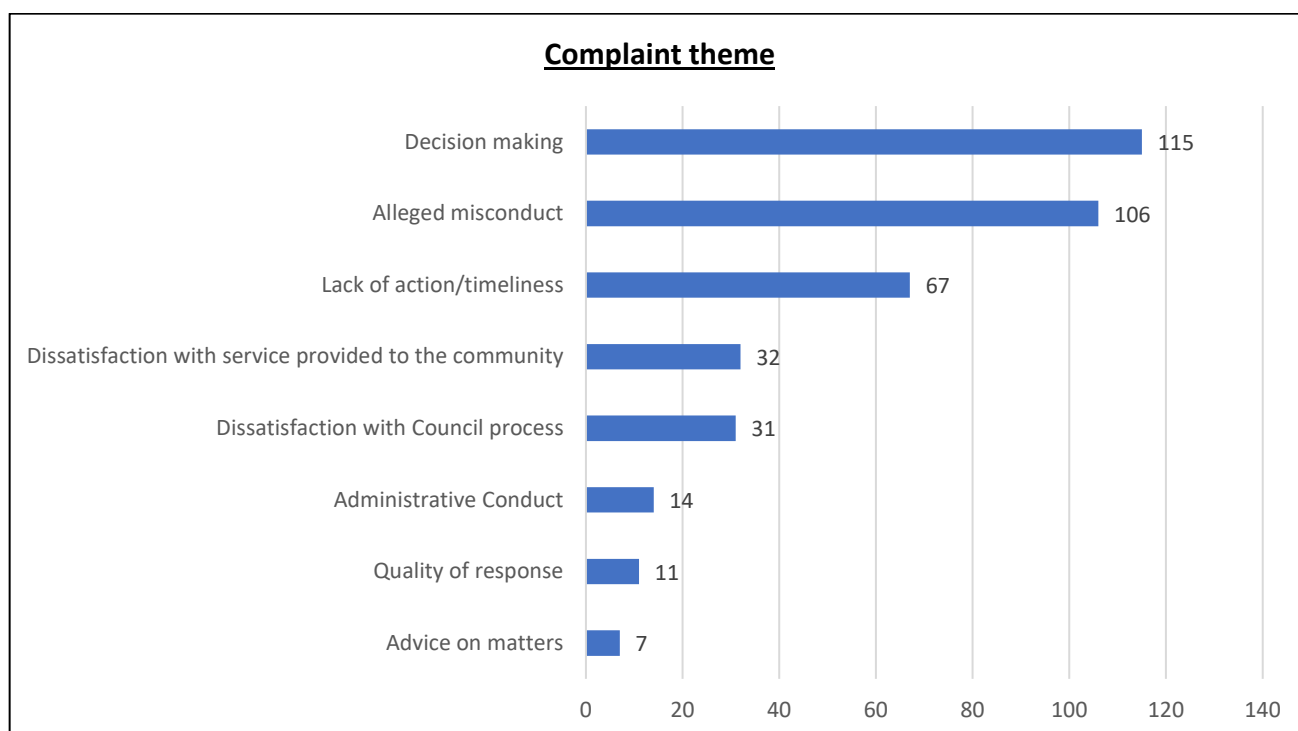
Of the 383 complaints received relating to a member Councils' function or business, broadly, the largest proportion of complaints (30%) related to decision making undertaken by member Councils.

The second largest proportion (28%) related to alleged misconduct in matters including child protection, code of conduct and corrupt conduct. While some of these complaints related to specific incidents of alleged misconduct, in other circumstances, misconduct was alleged given a failure to address or take relevant action in complaints.

There were 18% about member Councils' lack of action and timeliness in resolving concerns raised by the community.

There were 16% where the community were either dissatisfied with a service provided by or a process undertaken by the members Councils.

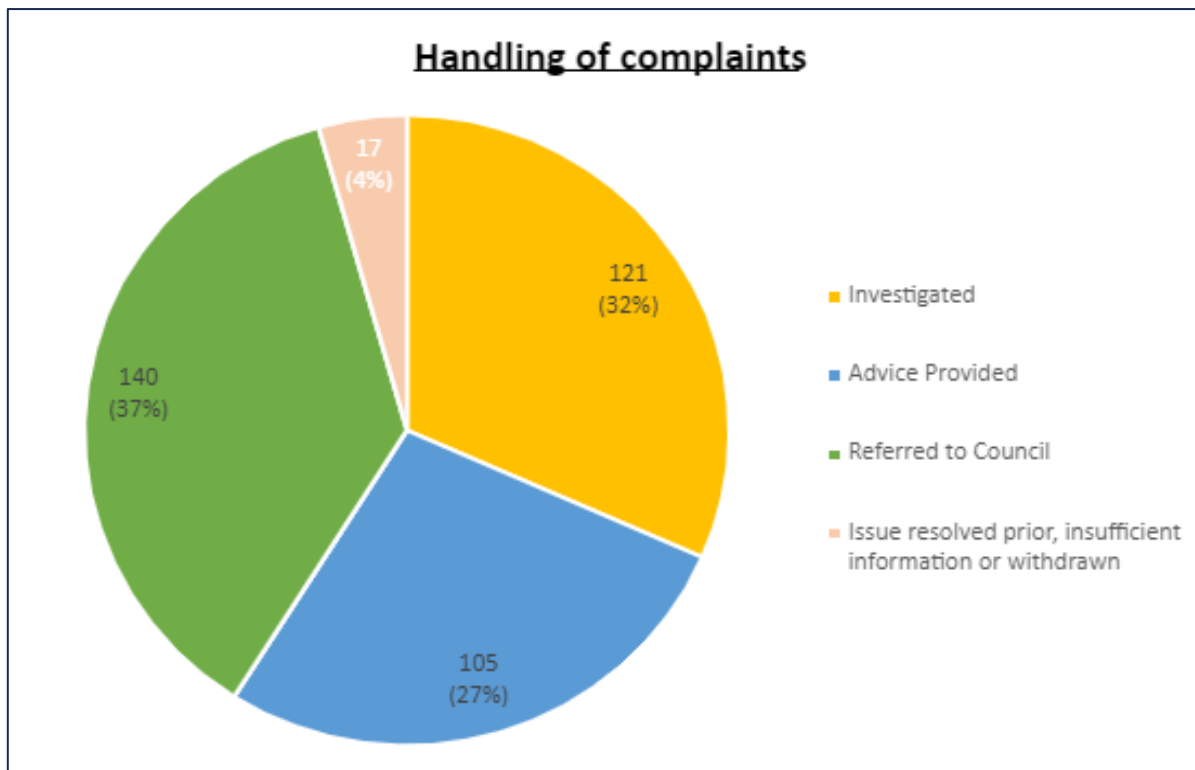
Of the remaining matters (8%), these related to administrative conduct or the quality of response received. In a small number of matters, specific advice was requested and/or provided.





## How we managed the complaints:

Consistent with other government agencies that handle complaints, most complaints we receive do not result in an investigation. Generally, only those complaints that are considered either serious, sensitive or systemic are investigated.



Of the 383 complaints that related to a member Council's function or business:

### Referred to Council

There were 140 complaints (37%) referred to member Councils for review and response, as they had not had an opportunity to review the matter in line with their complaint handling policy.

This means member Councils had not yet had the opportunity to consider the matter or may have been already managing the matter.

There is still considerable work undertaken by the IOSS in establishing the status of such complaints including providing advice and working with Council in resolving the matter.

This figure is generally similar to the industry average of other government agencies that handle complaints, who report an average of around 30% of complaints that are referred to an agency for initial review and response.

The IOSS is working on improvements to its publicly available information to promote each member Council's complaint handling policy and process as an avenue for complainants to approach in the first instance.

These complaints also serve a purpose by identifying any trends in issues about member Councils' functions or services that the community is experiencing.

### Investigated

There were 121 complaints (32%) that were investigated by the IOSS.

As part of this, 45 matters related to concerns about administrative conduct, decision making and employee conduct, with nine of these resulting in recommendations being made regarding an administrative action, process, practice or decision making.

This included 17 complaints that were handled in the Councillor Code of Conduct Complaint Process.

These include complaints resolved at the outset by the GM/CEO by alternative means, and matters determined by the GM/CEO to be referred to independent conduct reviewers or any relevant statutory body.

This also included 21 complaints that were handled under child protection legislation. These include complaints assessed or investigated by the IOSS and referred to the relevant statutory body.

At the end of the financial year, 38 matters remained on hand.

---

### Advice provided

Advice was provided to complainants and/or member Councils in relation to 105 complaints (27%).

This reflects the abilities of the IOSS staff to be able to provide advice and resolve matters from the outset without progressing to a formal investigation.

This included the IOSS providing initial verbal advice to 47 complainants about how to resolve their matter.

This also included the IOSS providing written advice in 53 matters. Generally, this means that the IOSS undertook enquiries with member Councils and then provided written advice to complainants that explained the decision and process. In some matters, the IOSS worked with Council to obtain a resolution for the complainant.

There were five matters in which complainants were advised of a more appropriate avenue to pursue their complaint, such as Revenue NSW or NCAT.

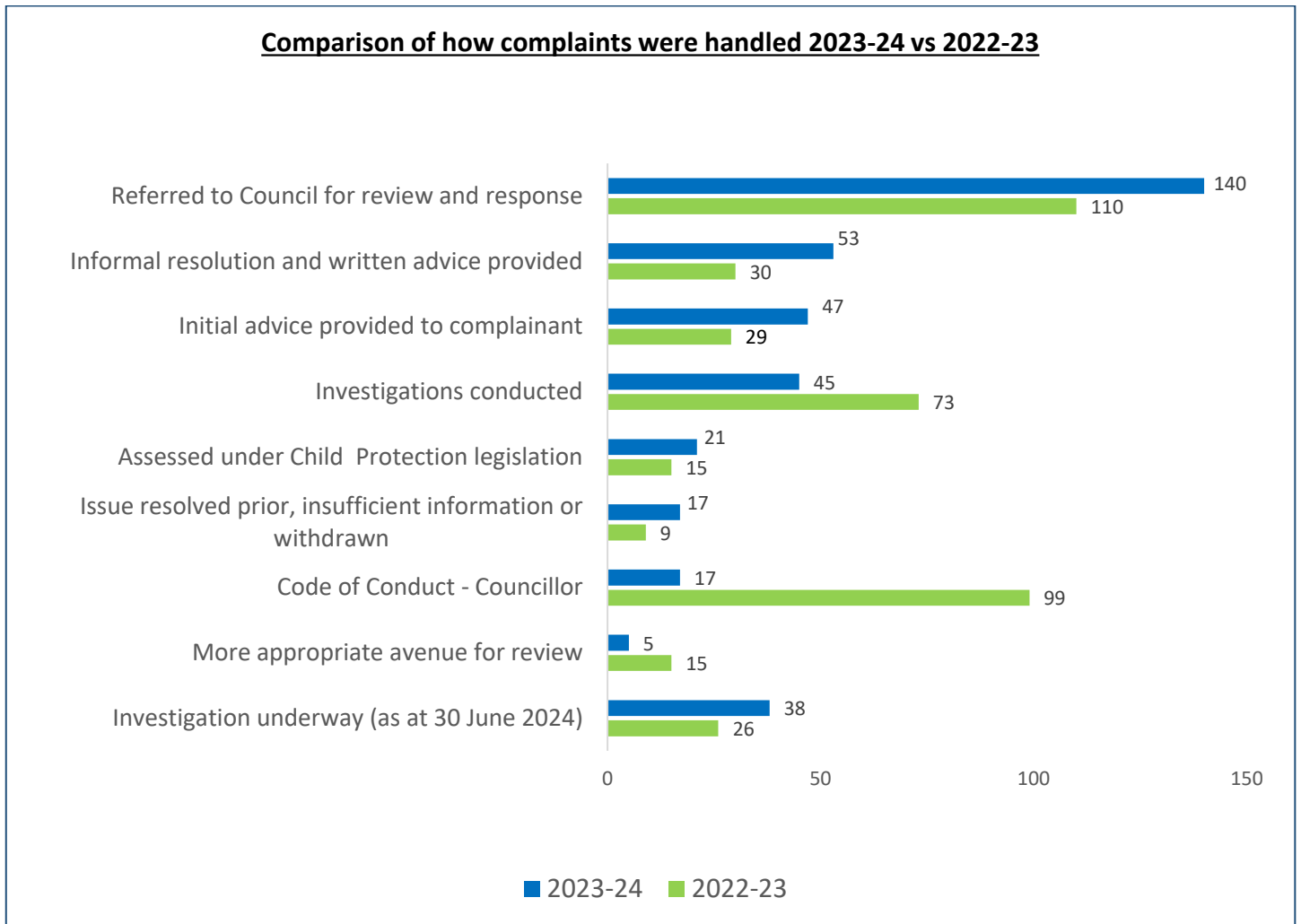
---

### Issue resolved prior, insufficient information or withdrawn

The remaining 17 complaints (4%) were either withdrawn, insufficient information was provided despite attempts by the IOSS to follow-up, or the issue was resolved prior to considering.



The graph below provides a detailed breakdown of how the complaints were handled in 2023-24 and compares this to the 2022-23 financial year.



### Response time for complaints:

The IOSS aims to resolve complaints in a timely manner and has a service standard of six weeks to finalise a matter. The IOSS also undertakes complex, large or serious matters and matters investigated under statutory requirements which require a longer processing time.



Of the 345 complaints finalised during the financial year, 89% (307) were finalised within our six-week timeframe and 66% (228) were finalised in the first week. The complaints finalised outside this timeframe related to complex and serious matters.

## Summary of recommendations provided for investigations conducted

If an investigation from the IOSS finds that there has been an act or omission by a Council Official contrary to a policy or procedure or good administrative conduct, the Internal Ombudsman can recommend that specific appropriate action be taken. In accordance with our Guarantee, we always strive to add value in our work and this includes identifying any possible recommendations for improvements.

The IOSS cannot change or amend any operational decisions made by Council officers, however can recommend that a decision be revoked or varied.

When issuing an investigation report, the IOSS may recommend to the relevant General Manager or Chief Executive Officer or as appropriate to the Mayor, or the Chair of the relevant member Council's Audit, Risk and Improvement Committee that:

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

particular service, application or consent

- j) The Council supply a good or service to undertake any necessary corrective or other work to resolve a complaint
- k) The Council make an appropriate correction, deletion or addition to a record; or
- l) Such other steps are taken as the Internal Ombudsman Shared Service considers reasonable and just.

It is the General Manager or Chief Executive Officer's responsibility to address recommendations made by the Internal Ombudsman and ensure implementation within the Council. Each member Council is required to record each recommendation made by the Internal Ombudsman, take appropriate action, and record what action has been taken by Council. This is currently reported via each Council's ARIC.

The Internal Ombudsman has the right to request information regarding Council's action on the implementation and progress of previous recommendations.

During the 2023-24 financial year, the IOSS made 57 recommendations as the result of investigations into 29 matters at the member Councils during the reporting period

	Recommendations Made	Recommendations Accepted
<b>City of Parramatta Council</b>	8	8
<b>Cumberland City Council</b>	29	29
<b>Inner West Council</b>	20	20
<b>Totals</b>	57	57

## Trends identified in matters received or investigated from the community

Each year the IOSS identifies key trends across member Councils.

The majority of complaints received from the community related to decision making and complaints regarding a lack of action. While these complaints were received across the breadth of Council's services, the largest volume of complaints received were in relation to regulatory services, planning and development, waste, child protection and public spaces.

We continue to provide advice to relevant departments to ensure customer expectations are managed throughout each matter. Throughout the year, a number of customer experience strategies, service and system improvements have been implemented across the member Councils to improve responsiveness and ensure accountability for relevant officers.

### Regulatory services

Approximately a quarter of all complaints received by the IOSS related to regulatory services, mainly relating to allegations of unauthorised works, non-compliant works and concerns relating to noise. While the IOSS cannot review planning decisions, the majority of the complaints received related to a perceived lack of action or perceived insufficient action. The IOSS recognises that this is a complex area, with the requirement for a measured, stepped response, while also acknowledging the impact these aspects can have on residential amenity.

At Inner West Council with complaints regarding regulatory services, around half related to perceived inaction or perceived insufficient action from Council to address a complaint regarding a regulatory aspect of a property. While a third arose from the subject of enforcement action, who were raising concerns about decision making associated with orders and notices. The majority of regulatory services complaints arising from Cumberland City Council similarly related to perceived inaction or perceived insufficient action to unauthorised or non-compliant works with a small number raised by residents the subject of enforcement action.

More than half of the regulatory services complaints from City of Parramatta Council were made by residents who were the subject of enforcement action.

### Planning and development

Around 8% of all complaints received related to planning and development functions. Given the proximity of this function to residents' daily lives, this volume of matters is expected. While the IOSS has no jurisdiction over the merits of a decision, the IOSS can review administrative aspects and often the IOSS provided further information to complainants to further explain decisions and processes. The majority of complaints received related to the timeliness and concerns with decisions, adequacy and quality of responses and customer service delivered.

### Waste

The IOSS saw an increase in complaints regarding Waste from Inner West Council. The implementation of FOGO and the impact on regular waste services saw an increase in complaints regarding a lack of action in resolving requests, resulting in complaints. All complaints relating to Council services, were referred back to Council for action in accordance with Council's Complaints Handling Policy.

## Child protection

The IOSS has additional functions with Cumberland City Council in relation to Child protection. The IOSS sits on the Council's Child protection triage team, triaging allegations about staff or contractors' conduct towards children receiving a Council service. Given this specific focus and involvement, the IOSS received a higher volume of matters relating to child protection from Cumberland City Council than the other member Councils. Complaints also related to parental access, conduct of children and conduct of parents/guardians towards Council staff. The triage team follows established processes to respond to any allegations, noting only a small number of cases required full investigation.

## Trees

Trees, either in public spaces, neighbours' yards or in resident's own was also a source of complaints. Tree management is a contentious community issue with opposing concerns over potential damage to property and safety versus retaining important tree species and managing an effective tree canopy to reduce heat. More than half of these matters were referred back to Council to address initially and a quarter were resolved at the outset by the IOSS with information and advice provided to the complainant either verbally or in writing. A small number of complaints were investigated with further information provided to complainants to explain Council's decision making, however no administrative errors were identified.

## Emerging issues

An emerging issue in 2023-24 involved complaints in response to decisions made by elected officials. The IOSS received a number of complaints in relation to Council resolutions and the representation of resolutions. The IOSS has no jurisdiction over decisions made by elected officials, however the IOSS ensured responses were received in relation to community concerns. The IOSS conducted an investigation into the representation of a Council resolution, and while noting the matter was highly sensitive, the IOSS found the Council operated within the relevant guiding document.



## Case Study

### **Improving the way departments work together to contribute to a positive customer experience**

The IOSS received a complaint from a community member dissatisfied with Council's actions to resolve reports of unlawful activity at a business.

The complainant had raised complaints with Council over a considerable length of time, including by providing various information as requested to support their concerns. They had been provided various advice by Council on how it would action the matter, which included at times being advised to resolve the matter directly with the business.

As the complaints about unlawful activity at the property related to two different concerns, there were multiple departments at Council involved in reviewing and responding to the matter. As part of its investigation, the IOSS reviewed the actions taken by Council, the relevant policies and documents Council relied on, and discussed the matter with the various departments involved.

The IOSS found that the complainant was provided with conflicting advice from Council as to how it would respond to the reports of unlawful activity. The IOSS found that this was primarily due to multiple Council officers from different departments being involved which caused internal confusion about how the reports of unlawful activity were to be managed by Council. This impact of this was that the complainant perceived that no action was being taken, especially considering that the unlawful activities had not ceased. The IOSS recommended that Council meet with complainant to discuss their ongoing concerns and outline how it will manage future complaints of unlawful activity at the business.

Further, the IOSS found that the evidence provided by the complainant was either not considered at all or not appropriately considered by Council at the time it responded to the complaints. This was subsequently reviewed by Council and formed the basis for its discussions with the business to ensure that the ongoing activities on the property are compliant.

The IOSS also found that while the relevant development consent conditions outlined a complaints hotline to be set up by the property to deal with concerns raised by residents, this did not release Council from its responsibility to investigate complaints received from residents about the business. The IOSS found that the advice provided by Council to the complainant to raise their complaints with the property was a misinterpretation of the development consent conditions and was not in line with their policies.

A number of recommendations were made and accepted by Council to improve its processes and customer service. This included the development of a new protocol to provide guidance and clarity to Council Officers about their roles and responsibilities in these types of complaints, as well as training and mentoring to relevant staff to ensure consistency in the application of the protocol and to ensure a customer-centric approach to resolving complaints.

This also included a review to be undertaken of the multiple departments involved in the matter to identify improvements in how it manages complaints that cover multiple aspects and business areas within the department, and how it considers evidence provided by complainants. Suggestions for how this could be improved included the implementation of a triage process, a decision and risk matrix, and an appropriate escalation process.

# Prevention

## Policy review and development

Across 2023-24 the IOSS contributed to the review and assisted in the development of 15 different policies across member Councils.

Our role here is important as we bring our significant experience in good governance and improvement to ensure any new or revised policies best support the work of the member Councils.

We also consider any learnings from investigations undertaken as part of our review.

### Cumberland City Council

- Bullying and Harassment Guidelines (reviewed in 2023)
- Bullying and Harassment Guidelines (reviewed in 2024)
- Fraud and Corruption Control Policy
- Public Interest Disclosure Policy
- Front-line Customer Service and Safety training package
- Compliments and Complaints Management Policy

### Inner West Council

- Complaint Handling Policy
- Compliance and Enforcement Policy
- Fraud and Corruption training package
- Model Code of Conduct training package
- Public Interest Disclosure Policy
- Privacy training package
- Risk Management training package

### City of Parramatta Council

- Overtime Protocol and Procedure
- Public Interest Disclosure Policy





## Environmental scans

The IOSS conducts environmental scans, reviewing reports and publications issued by government agencies and other organisations for information which may assist and improve member Council's services.

We provided advice to the member Councils regarding the following publications:



- Advice regarding summary of changes and key impacts arising from the new *Public Interest Disclosures Act 2022* which came into effect in October 2023.
- Advice regarding recommendations from ICAC's "*Common Forms of Corrupt Conduct: Risks Faced by NSW Public Sector Agencies*" publication.

## Probity advice

As our members Councils' 'independent ear', we hear from all areas of Council requesting probity advice across a range of issues. Providing advice is an important part of the IOSS's function and assists the member Councils to ensure good administrative conduct and decision making,

ethical obligations are met and corruption strategies are considered.

Over 2023-24, the IOSS gave member Councils 67 pieces of advice.

Theme	City of Parramatta Council	Cumberland City Council	Inner West Council	Totals
Internal Processes	9	4	7	20
Code of Conduct	5	5	-	10
Guidance on complaints processes	3	2	2	7
Child Protection	2	4	1	7
Corrupt Conduct (including Fraud)	2	1	3	6
Decision Making	4	-	1	5
Services to the community	-	1	2	3
Recruitment	-	2	-	2
Probity	1	1	-	2
Bullying and Harassment	1	-	-	1
Staff Grievances	-	1	-	1
Training	-	1	-	1
Privacy	1	-	-	1
Public Interest Disclosure	1	-	-	1
<b>Totals</b>	<b>29</b>	<b>22</b>	<b>16</b>	<b>67</b>

## Advice from finalised matters

Sharing the learnings from completed matters, as appropriate, across the member Councils is an important part of the IOSS's prevention role. Opportunities to pass on learnings in the form of advice from one Council to another arises at the completion of an investigation, review, advice or training sessions. Sharing learnings in this way helps Councils within the shared service better tackle emerging issues, building off the knowledge and experiences of member Councils. This is an excellent demonstration of the value of the shared service.

THEME	DETAILS
<b>Identifying Potential Risks</b>	Addressing risks that can arise with usage of contractors.
<b>Improve systems and reporting obligations</b>	Ensuring adequate systems and controls are in place to support staff under the age of 18, including awareness of obligations in line with the <i>Children's Guardian Act 2019</i> .
<b>Improve processes</b>	Recommended improved processes in the management of grants.

## Prevention Projects

The IOSS also conducts proactive reviews of Council processes to ensure better outcomes for Council and the community and makes recommendations as relevant. This reflects the value-add service of the IOSS.

In 2023-24, the IOSS completed three (3) projects across the member Councils, and commenced a fourth project for another member Council. These projects are categorised below.

Focus	City of Parramatta Council	Cumberland City Council	Inner West Council	Totals
Internal Processes	1	1	1	3
Improving Customer Service			1	1
<b>Totals</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>4</b>



# Case Study

## Explaining the administrative processes in planning decisions

The IOSS received a complaint from a community member dissatisfied with Council's consideration of impacts to their property as a result of an approved development for a neighbouring property. The complainant contended that certain aspects of the development had not complied with legislation and policies.

Under the IOSS Governance Charter, the IOSS is unable to overturn a planning decision, however, can review the administrative process undertaken by member Councils once the complainant has received a response to their complaint from Council. Broadly this means reviewing whether the decision was open for Council to make, whether it was made in line with relevant legislation and policies, and whether adequate reasoning was provided to the complainant.

As part of its investigation, the IOSS reviewed the administrative process taken by Council, the relevant legislation, policies, and documents Council relied on to make its decision and discussed the matter with the various departments involved.

The IOSS found that the complainant had referred to an incorrect part of the legislation and policy when stating that the development had not complied with legislation and policies.

The IOSS therefore found that Council had considered its assessment of impacts to their property in line with the applicable controls. The IOSS also found that this had been adequately responded to by Council to the complainant.

While the findings did not change the outcome, the IOSS provided a detailed response to the complainant to outline how Council had made its decision, which assisted the complainant in understanding the actions and consideration taken by Council.



## Education

### Training programs

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

This helps promote awareness and adherence to the Code of Conduct, complaint management best practice, fraud and corruption prevention, good governance strategies and improved administrative practice.

The training we deliver may be focussed on high-risk areas or areas which have a higher volume of complaints so we can achieve the greatest impact.

We also provide training on the roles and responsibilities outlined in the *Public Interest Disclosure Act 2022*. In 2023-24, the IOSS delivered 80 education and training sessions across the member Councils, a very significant undertaking for a small office.

Delivering Code of Conduct training to staff was our largest activity with a total of 40

sessions delivered across the financial year. This included a specifically tailored one and a half hour program delivered to all staff over 36 sessions at one member Council, and four training sessions to one specific work area to another member Council.

Delivering training and awareness on obligations on the *Public Interest Disclosure Act 2022* (Act) which came in effect in October 2023 was the next largest training activity.

This training involved a tailored a two-hour training package over 11 sessions delivered to staff and Councillors with specific responsibilities under the Act.

Inducting new staff about the role of the IOSS, administrative decision making and the *Public Interest Disclosure Act 2022* forms a large part of our training activity. This training is critical in ensuring staff understand our role and their obligations. This is delivered as a short and engaging session, face to face as part of each Council's new staff induction program.

Focus	City of Parramatta Council	Cumberland City Council	Inner West Council	Totals
Code of Conduct	-	36	4	40
Staff Induction - administrative decision making and Public Interest Disclosure awareness	15	7	4	26
Public Interest Disclosure Officer Training	3	3	4	10
Team Briefings - administrative decision making and Public Interest Disclosure awareness	1	-	1	2
Lord Mayor Briefing - Public Interest Disclosure and Code of Conduct obligations with role	1	-	-	1
Work Health and Safety Briefing	-	1	-	1
<b>Totals</b>	<b>20</b>	<b>47</b>	<b>13</b>	<b>80</b>

## Briefings

Briefing Council staff, Councillors and Council delegates is an important aspect of raising awareness of the IOSS and our role. This includes providing information about the work undertaken by the IOSS across investigation, education and prevention activities.

The IOSS conducted regular meetings/briefings with the member Councils' Executive Teams and regularly presented at Leadership Forums. Information about trends in complaints

received, priorities and learnings from investigations was also provided in these briefings.

The IOSS also met with newly appointed senior staff across member Councils, including Executive Directors and Senior Managers. Information about trends in complaints received for their respective areas, learnings from investigations, priorities for their respective areas, planning of any prevention and education activities was also provided in these briefings. We also provided assistance in connecting these new staff with their counterparts across the member Councils.

---

## Promotion

### Connecting with our communities

The following promotional activities were undertaken by the IOSS to assist in promoting the IOSS to staff and the community during the financial year:

- The IOSS Annual Report 2022-23 was made available on each member Councils' website and staff intranet in December 2023.
- Information about the IOSS and its activities for the 2022-23 financial year was included in each member Councils' Annual Report 2022-23.



### Adding Value: Shared Services

An important benefit of the IOSS working across three Councils is that we are able to bring together communities of practice.

Across the last year we have continued this in the areas of human resources and

industrial relations, and regulatory services. and have commenced connections in customer service and complaint management across member Councils to share knowledge and experience.

This encourages Council officers and departments to work with their counterparts across the member Councils to share knowledge, challenges, learnings, best practice techniques and ideas to improve their work, and promote economies of scale.

The intention for 2024-25 is to return the frequency of these forums to quarterly.

## Human Resources and Industrial Relations Shared Services Forum

This is attended by relevant representatives from People and Culture / Human Resources sections at member Councils.

Two forums were held during the financial year.

Topics of interest discussed by the forum members included leadership programs, team building and cultural celebrations for staff, reference check processes, employee reference groups, responsibilities for staff that are minors and investigation processes.

Discussions were held on publications issued by external government agencies including the Independent Commission Against Corruption's (ICAC) report on *Common Forms of Corrupt Conduct Risks faced by NSW Public Sector Agencies*.

A representative from the NSW Veterans Employment Program also attended a forum to present information on the benefits of Veterans Employment.

## Regulatory Services Forum

This is attended by management representatives with responsibilities for building compliance, environmental health, parking, ranger services and other regulatory functions at member Councils.

One forum was held during the financial year.

Topics of interest and discussed by the forum members included the increase in the use of technology in parking, ICAC guidance around conflict of duties, implications of the new *Public Spaces (Unattended Property) Act* and success stories.

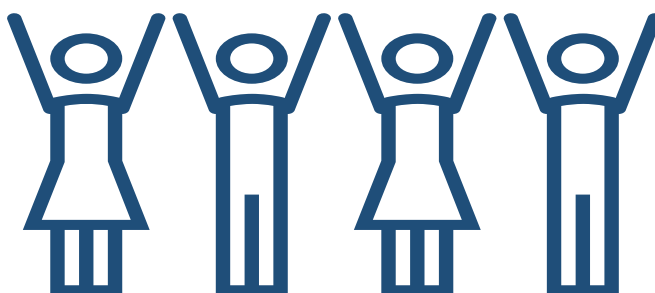
## Governance Forum

This is attended by relevant representatives with responsibilities within governance areas at member Councils.

One forum was held during the financial year.

This was focussed on the implementation of the new *Public Interest Disclosures Act 2022* (PID Act), which came into effect in October 2023. A representative from the NSW Ombudsman Public Interest Disclosures Unit attended to provide an overview of the changes in the PID Act and discuss strategies for implementation of the new framework with the forum members.

Other topics of interest also discussed amongst the forum members included staff complaint trends at the IOSS, common complaints and issues in an election year, creating a speak up culture and complaints dealt with under multiple frameworks.



# Case Study

## Responding to concerns raised by the community about poor administrative conduct

The IOSS received a complaint from a community member dissatisfied with Council's consultation processes with a traffic change that was affecting some of the community. The complainant contended that Council had failed to act in accordance with its strategies and policies when undertaking its consultation processes to inform its decision about the traffic change. The complainant also contended that the results of the consultation should have meant that the traffic change was not to be implemented.

The complaint was initially referred to Council for review and response, which Council responded to in line with their complaint handling policy, however the complainant remained dissatisfied with Council's response.

The role of the IOSS is to review Council's administrative processes, including whether Council's decision was open for them to make, whether the decision has been correctly applied and whether adequate reasoning has been provided. While the IOSS is unable to overturn a Council decision, the IOSS can make recommendations to improve Council's processes if relevant.

As part of its investigation, the IOSS reviewed the administrative process taken by Council, the relevant legislation, policies, and a comprehensive number of plans, strategies and reports that documents Council relied on to make its decision and discussed the matter with the various departments involved.

The IOSS found that Council had undertaken a range of community engagement activities in relation to the proposed traffic change and that this was in line with their strategies, practices and policies. Typically, consultation only forms one part of the decision-making process, with other objectives also to be considered, including safety for other users of the roads. The IOSS was able to explain these processes to the Council, along with detailed information about how Council came to make its decision.

The IOSS found that subsequent detailed reviews of the traffic change had been undertaken to consider whether any variations could be made to the traffic changes. Ultimately Council resolved that the road would remain in its original form and the IOSS found that this was a decision open for Council to make and was in line with policies.

While the findings did not change the result of the concerns raised by the complainant, the IOSS provided a detailed response to the complainant to outline how Council had made its decision, which assisted the complainant in understanding the actions and consideration taken by Council.





# Part 3: Management and Accountability



## Internal Ombudsman Shared Service Management Committee

The IOSS Management Committee (the Management Committee) is comprised of the two General Managers of Cumberland City and Inner West Councils and the Chief Executive Officer of the City of Parramatta Council. The Management Committee operates in accordance with a Terms of Reference.

The Management Committee meets annually, and the Internal Ombudsman presents a performance report and summary of the IOSS's operations for the previous financial year.

The IOSS Governance Charter sets out the mandatory reporting requirements to be included in the performance report, which are: a summary of the matters received; a summary of the investigations conducted and their recommendations; education activities conducted; probity advice provided; promotion and media activities; issues identified for future review; trends identified in matters received or investigated; other performance indicators; financial performance; future directions; and, other procedural matters of note.

## Audit, Risk and Improvement Committees

The Internal Ombudsman continues to attend the Audit, Risk and Improvement Committees (ARIC) for the three member Councils.

The Internal Ombudsman reports to the ARIC to advise of the work of the IOSS and escalate any concerns or issues which may be relevant to ARIC, including attendance at in-camera briefings as relevant.

Apart from, the transparency, oversight and accountability, an additional benefit of attending such meetings is that issues being considered by the IOSS may impact on the considerations of ARIC.

## Statutory Reporting

### Public Interest Disclosure reporting

In accordance with the *Public Interest Disclosures Act 2022* (PID Act) each Council is required to appoint a Public Interest Disclosures Coordinator.

This role is responsible for the coordination and management of all Public Interest Disclosures received by the Council, including notification processes and risk mitigations. Each member Council has delegated this function to the Internal Ombudsman and the Deputy Internal Ombudsman.

The PID Act also outlines reporting obligations to be undertaken. Under the 2022 PID Act, new reporting obligations came into effect in October 2023. Under Part 6, Division 2, section 78, public authorities, including each member Council, are required to provide the NSW Ombudsman with statistical information every 12 months



ending on 30 June during the reporting period. This includes information about our handling of PIDs, as well as information about staff training and awareness activities that have been undertaken during the period. This reporting has been completed for the period ending 30 June 2024 for each member Council.

A summary of PID information was provided to be included in each Council's Annual Report for 2023-2024. Given changes to the PID Act, this information will not be required to be provided to each member Council for inclusion in their Annual Report in future.

## Code of Conduct Complaints against Councillors reporting

In accordance with the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW 2020* (Procedures), each Council is required to appoint a Complaints Coordinator.

This role is responsible for the coordination of preliminary assessments and investigations undertaken by Conduct Reviewers in relation to complaints received against Councillors, as requested by the relevant General Manager, or for matters involving the General Manager, as requested by the relevant Mayor.

Each member Council has delegated this function to the Internal Ombudsman and the Deputy Internal Ombudsman.

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

ending September 2023 for each member Council.

## Corporate Governance Practices

### Risk Management and Business Continuity Planning

It is important that we identify and manage any potential events which could affect us achieving our objectives.

The IOSS has a Risk Management Plan, which identifies key risks and mitigation strategies that apply to its operational and strategic work. Our Business Continuity Plan is one of the IOSS's key risk management strategies. It sets out our strategies for ensuring that the most critical work of the IOSS can continue to be undertaken, or quickly resumed, in the event of an impact on our business operations. These plans form part of our risk register and is reviewed as part of our business planning process.

The IOSS regularly reviews each plan with support from subject matter experts within the Councils to ensure we are operating with consideration to our key risk and mitigation strategies.

Work Health and Safety is regularly discussed amongst the IOSS team and reported monthly in line with our host Council's (Cumberland City Council) procedures.

### Privacy

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

## Financial Summary

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

### Our financial position as 30 June 2024

The IOSS commenced the financial year with a surplus from previous years. The IOSS incurred some additional staffing costs due to long term leave and back-fill arrangements. The net result for the year is a surplus of \$28,281.

<b>INTERNAL OMBUDSMAN SHARED SERVICE</b>		
<b>Financial Performance for the period to 30.06.2024</b>		
	<b>Budgeted</b>	<b>Actual</b>
	<b>\$</b>	<b>\$</b>
<b>Income</b>		
City of Parramatta Council Contribution	250,000	250,000
Cumberland City Council Contribution	250,000	250,000
Inner West Council Contribution	250,000	250,000
Subtotal	<b>750,000</b>	<b>750,000</b>
<b>Total Income</b>	<b>750,000</b>	<b>750,000</b>
<b>Expenses</b>		
Salary & On-Costs	607,617	630,612
Training & Conferences	8,500	6,512
IOSS Investigations	73,000	45,264
Consultants	10,500	0
Stationery and Office Supplies	5,500	420
Internal charges	124,600	124,600
Subtotal	<b>829,717</b>	<b>807,407</b>
<b>Total Expenditure</b>	<b>829,717</b>	<b>807,407</b>
<b>Net Surplus</b>	<b>5,971</b>	<b>28,281</b>

## External Stakeholder Liaison and proactive awareness strategies

It is important for members of the IOSS to remain aware of strategies, legislation changes and information across the public sector to assist our investigation, prevention and education activities and therefore contribute to providing an improved service to the member Councils.

The IOSS continues to engage with external government agencies, including the NSW Ombudsman, Independent Commission Against Corruption (ICAC), Office of Local Government, Office of the Children's Guardian, the NSW Police and the NSW Audit Office regarding the work of the IOSS. We make and receive referrals of complaints for action. Referrals to these agencies may be in accordance with mandatory or discretionary statutory requirements. In addition, we receive referrals of matters with both mandatory and discretionary investigation requirements. We also conduct reviews of the external government agencies' audit and investigation reports to inform the work of the IOSS.

The IOSS attends and participates quarterly in the Internal Ombudsman Network (ION) with other Internal Ombudsman across NSW Local Councils, being Central Coast Council, Lake Macquarie Council, Wollondilly Shire Council, Wollongong City Council and for a period during the year, Liverpool Council and Wingecarribee Shire Council.

The ION meets to discuss matters of common interest and shared learnings, including code of conduct issues and training, and key challenges for an Internal Ombudsman within NSW Local Councils. In

attendance at ION meetings are also representatives from the external government agencies, where information is both shared with the ION and the ION's views are sought on various topics.

Staff in the IOSS continue to undertake training and development opportunities that are meaningful to our work and so we are equipped with relevant information to add value to the member Councils.

The IOSS team regularly attends sessions delivered by the Corruption Prevention Network. During the reporting year, the IOSS team completed training on NSW Child Protection and Managing Psychosocial Hazards at Work. The Complaint and Assessment Officer also completed training on Administrative Law in the Public Sector.



# SNAPSHOT:

## Compensation Claims

The IOSS continues to receive complaints in relation to decisions to decline compensation claims, with 19 matters received during the year. This is a reduction from 37 received the previous year.

In relation to compensation claims, Councils rely upon the *Civil Liability Act 2002 NSW* (the Act), which contains provisions that agencies are only liable for compensation when there is evidence that Council was negligent and in relation to damage to motor vehicles, Council is not liable where they had no prior knowledge of the relevant road condition or where they were aware but took reasonable action, in accordance with resources available.

Therefore, the IOSS can only review whether there has been an administrative error in Council's decision making and whether the decision was open for Council to make.

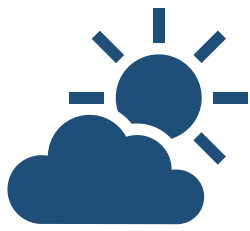
In line with our Charter, the IOSS cannot overturn a Council decision, however, if appropriate we can recommend Council reconsider their decision and we may make recommendations in relation to the improvement of processes.

Of the 19 matters received:

- 4 obtained advice and did not proceed with a formal complaint;
- 1 was closed as insufficient information was provided to identify an administrative error;
- 3 were referred back to Council with a request to reconsider the decision as it appeared Council had relied on incorrect or irrelevant information within its decision;
- 1 was referred back to Council to address the damage;
- 10 reviews were undertaken and no concerns were identified.

Generally, across the board, there has been a decrease in the volume of complaints relating to the timeliness of receiving a decision from Council, a direct result of increased processes implemented by Councils, following IOSS recommendations, and an increased focus on customer service.





## Part 4: The Year Ahead

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

### New Council Term

The IOSS will assist member Councils with delivering sessions at Councillor induction programs to enable newly elected Councillors to become quickly familiar with their obligations and requirements. The IOSS will provide information on the IOSS service, how we provide assistance to the community and Council officials, and information about the Code of Conduct and Procedures for the Administration for the Model Code of Conduct.

The IOSS will also provide feedback in the response to consultation on the new Councillor Conduct framework review.

### Council strategies and initiatives

The member Councils have requested the assistance of the IOSS on two important areas impacting on Council's customer experience. The IOSS will undertake two projects in 2024-25 to review the customer service improvements at Inner West Council and to develop and implement a Community Engagement Framework to increase understanding of the role of the IOSS and accessibility of our services for First Nations People, under City of Parramatta's First Nations Strategy.

### Obligations under the PID Act 2022

The IOSS assisted member Councils with implementation of the *Public Interest Disclosure Act 2022* across 2023-24. The IOSS will assist member Councils to

undertake a self-assessment audit of the implementation activities early in the financial year and assist with consolidating obligations into operations, particularly ongoing training and awareness.

### Continuing to encourage collaboration between the member Councils

The IOSS has established shared services Forums between the three member Councils to bring practitioners together to seek and share ideas and views. The forums focused on HR/IR and regulatory services are firmly established and a valued collaboration opportunity by the Councils. In 2024-25, we will return the frequency of these forums to quarterly and further collaborate on training opportunities.

The IOSS will also reinvigorate the Governance Shared Services forum given recent recruitment across the member Councils.

### Proactive advice

The IOSS offers proactive advice to member Councils following investigation to share learnings and findings. This information is deidentified, however is shared to promote a culture of improvement and avoid known pitfalls. As resourcing permits, the IOSS will seek to use learnings and findings to conduct audits across the member Councils.

### Trend identification

As the IOSS enters its eighth year, the IOSS is now in a position to conduct further reviews of trends arising from complaints made. This information will be shared with Councils in order to address any issues and, also, to celebrate improvements.

### Professional development

The IOSS has a number of planned professional development activities to ensure staff are training and equipped to deliver a high quality service to the member Councils.

# Internal Ombudsman Shared Service Governance Charter



## Contacting the Internal Ombudsman Shared Service

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

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

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

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

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

### Services available to assist you:

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



## IOSS Contacts

Phone: 02 8757 9044

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

### City of Parramatta Council

Email: [internalombudsman@cityofparramatta.nsw.gov.au](mailto:internalombudsman@cityofparramatta.nsw.gov.au)

Online:



### Cumberland City Council

Email: [internalombudsman@cumberland.nsw.gov.au](mailto:internalombudsman@cumberland.nsw.gov.au)

Online:



### Inner West Council

Email: [internalombudsman@innerwest.nsw.gov.au](mailto:internalombudsman@innerwest.nsw.gov.au)

Online:



### In writing or in person by appointment:

The Internal Ombudsman Shared Service  
11 Northumberland Road  
Auburn NSW 2144

Internal Ombudsman Shared Service

Phone: 02 8757 9044

11 Northumberland Road  
Auburn NSW 2144

INTERNAL  
OMBUDSMAN  
SHARED SERVICE



**CITY OF  
PARRAMATTA**



CUMBERLAND  
CITY COUNCIL

