

Internal Ombudsman

FACT SHEET



DUBBO REGIONAL COUNCIL

What does the Internal Ombudsman do?

An Internal Ombudsman provides residents, community members, ratepayers, local businesses, staff, Councillors and other Council Stakeholders with an “independent ear” regarding complaints about:

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

The Internal Ombudsman role is pro-active and can also assist Councils and staff with policy development and review, training in relation to good governance, probity and administrative conduct and in providing ad hoc advice on such matters.

In summary, Internal Ombudsman has three core functions – prevention, education and improvement.

The Internal Ombudsman will:

- independently assess administrative processes of the Council or Council staff
- investigate complaints that meet the assessment criteria of a Public Interest Disclosure (allegations such as corrupt conduct, serious misconduct, maladministration, contravention of the *Government Information (Public Access) Act 2009*, or Local Government pecuniary interest contravention).
- ensure complaints in relation to Council or Council staff are impartially and objectively managed and investigated, in accordance with best practice, natural justice and the principles of procedural fairness.
- progressively examine the way Council operates and make recommendations to improve accountability, transparency and fairness.
- Provide specialist advice, training and education to staff and management on ethical decision making, how to prevent and react to corrupt conduct, misconduct and/or other unlawful or unethical behaviour.
- Provide ad-hoc or written probity advice to staff; Councillors; or Council delegates.

The Internal Ombudsman cannot:

- act as a community advocate;
- influence, overturn or amend Council’s operational and planning decisions; or,
- support any organisation or body, including Dubbo Regional Council.

How do I make a complaint to the Internal Ombudsman?

Before making a complaint you should take **all reasonable steps** to resolve the matter with Council (via Council's Complaints Management Policy) and allow a reasonable timeframe for a response to your concern or complaint. If after this period the matter has not been reasonably or appropriately resolved by Council, you may forward your complaint in writing to the Internal Ombudsman. Before lodging a complaint with the Internal Ombudsman, it is useful to ask yourself the following questions:

- **What has Council or Council staff done wrong in this situation?**
- **Has Council or Council staff breached a law or policy which they have a duty to uphold?**
- **Has a process been applied unfairly or discriminatively?**
- **Has a Council officer done something that is against the law or could be a breach of Council's Code of Conduct?**

Complaints can be made to the Internal Ombudsman in writing, marked for the attention of the Internal Ombudsman via Post to PO Box 81, Dubbo, NSW 2830; via email (ombudsman@dubbo.nsw.gov.au), or completion of an online pro forma on Council's website: <https://www.dubbo.nsw.gov.au/I-Want-To/Contact-Council/contact-the-internal-ombudsman>,

What can the Internal Ombudsman investigate?

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

- Council administrative processes
- Any failure to comply with Council's Code of Conduct, policies or procedures
- Public Interest Disclosure allegations (poor administration, maladministration, corruption, or other alleged improper conduct by Council or Council Officials)
- Anonymous complaints if sufficient details are provided
- Matters referred to the Internal Ombudsman by the Chief Executive Officer or external agencies including but not limited to the following agencies: The NSW Independent Commission Against Corruption (ICAC), the NSW Ombudsman or Office of Local Government

What can't the internal Ombudsman investigate?

The Internal Ombudsman is unable to investigate matters that:

- Have not firstly been reviewed or investigated in accordance with Council's relevant complaints handling procedures
- Do not concern Council's functions or business
- Require initial referral to external agencies such as NSW ICAC, NSW Office of Local Government, NSW Ombudsman or the NSW Police Force.

- Where adequate details of the complaint are not available
- Complaints that are frivolous, vexatious, not made in good faith, or are trivial in nature

What does an investigation involve?

A review and assessment of the matter, where consideration will be given to the seriousness, merit and priority. Following this:

- The complainant will have their complaint acknowledged within 5 business days
- Available records and information will be obtained and reviewed in relation to the issues raised
- Interviews with the relevant person(s) will be conducted
- A confidential report to the Chief Executive Officer will be prepared. This will include a review of the evidence available, determinations on the complaint and any recommendations on the matters investigated.
- A letter will be sent to the complainant detailing the results of the investigation, and any actions, if appropriate, and in accordance with relevant legislative / privacy requirements.

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

All matters will be dealt with in a timely manner, however the timeframe for the completion of an investigation will be determined according to the priority of the matter and other work constraints of the Internal Ombudsman.

What outcomes can I expect from an investigation?

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

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

Council is required to record each recommendation made by the Internal Ombudsman, take appropriate action, and record when/what action has been taken by Council.

What about my privacy?

All parties to a matter investigated by the Internal Ombudsman are required to maintain confidentiality. The Internal Ombudsman is to ensure that enquiries are undertaken in private and in a secure location. Personal and private information is managed in accordance with Council's Code of Conduct and the NSW *Privacy and Personal Information Protection Act 1998*.

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

Where can I get more information?

More information is available via the Dubbo Regional Council Internal Ombudsman Policy. The document outlines in greater detail the scope of the Internal Ombudsman, including who can make complaints, what types of complaints will be investigated and how these will be resolved.

To view, go to the Dubbo Regional Council website - <https://www.dubbo.nsw.gov.au/>