MEETING MINUTES

COUNCILLORS IMPLEMENTATION WORKING GROUP

OMBUDSMAN'S RECOMMENDATIONS

29 March 2011, 7.00pm

Council Chambers - Town Hall

Meeting Started: 7.00pm

Attendees:
Mayor AM Jean Hay (Chair); Councillors: Hugh Burns; Cathy Griffin; Adele Heasman; Alan Le Surf; Peter Macdonald; David Murphy; and Craig Whitting.

Apologies: Councillors: Barbara Aird; Lauren Elder; and Richard Morrison.
Absent: Councillor Mark Norek

Also in attendance:
Deputy General Manager, Landuse & Sustainability; Head of Strategy, General Counsel and Secretariat Officer

ITEM 1 Welcome and Apologies

Apologies were received from Clr Barbara Aird; Clr Lauren Elder; and Clr Richard Morrison.
(Clrs Hay/Whitting)
Unanimous

ITEM 2 Declaration of Interests – Nil

ITEM 3 Confirmation of Minutes – 3 February 2011
(Clrs Burns/Whitting)
Unanimous

ITEM 4 The Mayor introduced Mr Barry Davidow from Fraud Prevention & Governance who presented in respect of 7.16, 7.19, 7.23 and tabling of:

1. Procedures for Misconduct Complaint (Final)
2. Complaints Handling Procedures (Final)
3. Complaints Pamphlet (Final)
4. Recruitment & Selection Policy (Final)
5. Recruitment & Selection Procedures (Final)
6. Performance Management Policy (Final)
7. Correspondence Handling Procedures to support the Customer Service Charter (Final)

Mr Davidow provided an overview of all seven documents. He stated that all of the documents are straight forward. The Recruitment & Selection Procedures have been amended to include identity checks be carried out. The Performance Management Policy draws together all aspects of performance review including annual assessment, the encouragement of good performance and the discouragement of poor performance. The Complaints Handling Procedures is the most important document which sets out to make the procedures as practical as possible. It has been developed in line with the NSW Ombudsman's Guidelines and should be read in conjunction with the Complaints Management Policy.

Clr Burns made the following comment regarding the Complaints Handling Procedures:

Concerned that the Procedures did not adequately cover dealing with Tier 2 and Tier 3 complaints.

Mr Davidow responded that very few complaints get to Tier 2 or Tier 3.

Clr Whitting made the following comment about the Recruitment & Selection Procedures:

Regarding page 14 of 26 of the document did any earlier versions require a background or qualifications checks be done.

Mr Davidow responded that there was a process however it was often carried out in a diverse way, eg by Line Managers. This process is now conducted by the expanded Organisational Development team who are trained in making rigorous checks.

The General Manager responded that the 2004 version of the procedures required that Date of Birth be verified and a copy of claimed qualifications be sighted. The revised procedures make the Organisational Development team solely responsible for validation.

Clr Macdonald made the following comment regarding the Complaints Handling Procedures:

Would Mr Davidow comment on the fact that Warringah Council has an Internal Ombudsman.

Mr Davidow's response was that an Internal Ombudsman's role is primarily one of a focus on disciplinary matters, such as staff misconduct. At Manly Council there is a process right from the beginning of a complaint of getting the most appropriate person involved, this being the Coordinator of Customer Support Services, in whom Mr Davidow expressed confidence.

Clr Burns/Macdonald moved:

That the Complaints Handling Procedures be modified to include Tier 2 and Tier Complaints Handling and what constitutes exhaustion of a complaint.

For the Motion: Clrs Burns and Whitting.
Against the Motion: Clrs Hay, Griffin, Le Surf, Heasman, Macdonald, and Murphy.

Motion Lost.

Clrs Le Surf/Griffin moved:

That the seven Procedures listed above be adopted.

For the Motion: Clrs Hay, Griffin, Le Surf, Heasman, Macdonald, and Murphy.

Against the Motion: Clrs Burns and Whitting.

Motion Carried.

Mr Davidow left the meeting at 8.07pm.

ITEM 5 Tabling of Internal Auditor's Reports as presented at the Audit & Risk Committee held on 24th March 2011:

The General Manager introduced the Head of Strategy to report to the Committee on the findings of two recent audits.

(1) Legal Expenditure Audit (7.8)

The Executive Summary of the **Assurance Report from the Review of Legal Services Expenditure and Action** was tabled at the meeting.

The Head of Strategy advised that due to time and resource constrains, the Internal Auditor engaged O'Connor Marsden and Associates to undertake the independent audit which found that:

- Manly Council is no different to any other council in Australia in that it has to obtain legal advice, particularly in regard to matters before the Land and Environment Court, where costs can often be outside the control of Council;
- Manly Council's engagement process is consistent with other councils;
- Council has in place a procedure for obtaining internal legal advice and external legal advice and a number of internal controls, including the establishment of a legal unit within Council;
- The decision to enforce actions is normally taken following legal advice

The Report suggests that:

- Council should review the panel of legal service providers as the current panel has been in place for the past 12 years.
- A system of tracking key decision points.

The Audit and Risk Committee resolved to receive and note the Report and directed that Final Report be amended to remove the names of individual members of staff.

Clr Burns questioned how the Panel was used.

The General Manager advised that the two firms on the panel are engaged based on their areas of expertise and are paid according to a schedule of fees.

(2) Records Audit (7.21)

The Executive Summary of the **Records Management Review Implementation** was tabled at the meeting.

The Head of Strategy advised the committee that the Audit Report found that:

- 27 out of the 30 recommendations had been implemented in full or in part;
- The remaining recommendations required the consideration of purchasing a new system which will involve substantial costs and lengthy conversion and migration of data from current systems and its integration with Council corporate systems.

The Report recommended that:

- The Records Manager should continue the program of site visits aimed at resolving records management issues across Council;
- The Records Key User Group should be re-established to continue the work of improving records management practices.
- Senior Staff should continue to encourage and reinforce the discipline of good record keeping by all staff.

Clr Burns made the following comments:

1. There are problems with GIPA requests. The paper files are provided faster than electronic files.
2. Why rush to a new system.
3. How does the search function work with the existing system?
4. Are the email and records management systems separate systems?
5. There should be a procedure to ensure all staff comply with the records management policy.

The General Manager explained that there have been rapid technology advances since 2005; and Council, like all other similar organisations, has to manage the growing volume of email traffic and work out the best method of transferring business emails into a records management system.

Clr Griffin asked about the re-establish the Records Key User Group. The General Manager advised that this steering group has a term of reference that sets out its aims and objective, which he will provide to the Councillor.

Clrs Le Surf/Burns moved:

That the two Internal Auditor's Reports as presented at the Audit and Risk Committee held on 24th March 2011 be received and noted.
(Unanimous)

ITEM 6 Implementation Plan as at 24/03/2011

The General Manager informed the Committee that, after tonight's meeting, 2 out of the 3 remaining outstanding matters will be acquitted, and that training on the Complaints Management Procedures will commence on 30th March 2011 for all staff. Councillors will also be included in the training program at some time in the future.

Clrs Le Surf/Macdonald moved:

That the Implementation Plan as at 24/03/2011 be received and noted.
(Unanimous)

ITEM 7 General Business

There was no general business to be discussed.

ITEM 8 Closed Committee

<u>Closed Session</u>

The Deputy General Manager, Head of Strategy, Counsel and Secretariat Officer left the meeting at 8.45pm.

Confidential Item

ITEM 6 Implementation Plan as at 24/03/2011 (Point 7.2)

This item was considered in closed session with the press and public excluded as provided for under section 10A(2) of the *Local Government Act 1993* on the grounds that the matter will involve the discussion of personnel matters concerning a particular individual (other than councillors).

The General Manager left the Meeting at 9:17pm

<u>Open Session</u> (9:40pm)

Clrs Griffin/Le Surf moved:

That Council in writing inform the Deputy Ombudsman that:

> Manly Councillors have reviewed the Ombudsman's Report prepared under Section 29 of the *Ombudsman Act* – An investigation into Manly Council's handling and investigation of complaints from Mr and Mrs Paul Humphreys of Seaforth, and the Peninsula Owners Corporation of Manly (the Report).
>
> The Councillors, through the Councillors Implementation Working Group, have satisfactorily progressed and implemented the recommendations of the Report. In particular, the Councillors of Manly Council have reviewed Recommendation 7.2 of the Report (*the elected Council reviews the performance of the General Manager in light of the information in this report*), and are satisfied with the General Manager's performance.

(Unanimous)

Meeting Closed at 9.45pm.