

REPORT FOR DECISION

Agenda Item	
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MEETING: STANDARDS COMMITTEE
DATE: WEDNESDAY 28 APRIL 2004
SUBJECT: OMBUDSMAN REPORT – COMPLAINT 02/C/14188
REPORT FROM: MONITORING OFFICER
CONTACT OFFICER: DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

TYPE OF DECISION: COMMITTEE

REPORT STATUS: OPEN

PURPOSE/SUMMARY: To present to Members a report of the Ombudsman in respect of a complaint against the Council.

OPTIONS AND RECOMMENDED OPTION (with reasons): The Committee is asked to note the report and the action taken by the Council in response to it.

IMPLICATIONS -

Financial Implications and Risk Considerations

There are no such implications arising from this report

Corporate Aims/Policy Framework:

Do the proposals accord with the Policy Framework? Yes ✓ No

Are there any legal implications? Yes No ✓

Considered by Monitoring Officer: Yes ✓ When the Council receives a report from the Ombudsman which finds injustice as a result of maladministration, there is a requirement to make a press announcement and ensure that the report is available for public inspection.

Statement by Director of Finance and E-Government:

A payment of £500 has been made to the complainants in this case.

Staffing/ICT/Property:

N/A

Wards Affected: N/A

Scrutiny Interest: N/A

TRACKING/PROCESS

DIRECTOR: LEGAL AND DEMOCRATIC SERVICES

Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
YES	NO	NO	NO
Scrutiny Panel	Executive	Committee	Council
NO	NO	YES	NO

1.0 BACKGROUND

- 1.1 The Ombudsman recently issued a report which found that the complainant had suffered maladministration causing injustice. The complaint was in respect of the inspection and registration service for adults (no longer provided by the Council) and a copy of the Ombudsman's report is attached (Appendix 1).
- 1.2 The Ombudsman has defined Maladministration against fourteen categories which include delay, failure to take correct or appropriate action, failure to consult and failure to have regard to policies, procedures or legal requirements. Examples of injustice are:-
- Denial of benefit or service
 - Direct financial loss
 - Distress
 - Being put to avoidable time and trouble
- 1.3 In accordance with requirements set out under Section 30 of the Local Government Act 1974, a press announcement concerning the Report, and arrangements through which it could be inspected and copied, appeared in the Bury Times and the Radcliffe Times during the week beginning 8 March 2004. The Report was also on deposit at Bury Town Hall and Radcliffe Library for a period of 3 weeks.

2.0 ISSUES

- 2.1 The Council receives a draft of the report for comment before it is made available to the public. Representations were made to the Ombudsman regarding statements which appeared in the original draft and these were taken on board. Some of these related to actions that had already been taken by the Council to deal with some of the matters raised in the investigation. In light of this, the Council's Officers were willing to accept the findings of the Ombudsman and agree to pay the Complainants a sum of £500 for distress caused.

3.0 CONCLUSION

- 3.1 The Committee is asked to note the report and the action taken in this exceptional case in response to it.

List of Background Papers: Nil

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