
MEETING: STANDARDS COMMITTEE
DATE: THURSDAY 23 SEPTEMBER 2004
SUBJECT: LOCAL GOVERNMENT OMBUDSMAN – ANNUAL REPORT
AND REMEDIES
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 information contained in the Local Government Ombudsman's Annual Report for 2003/04 and to provide information on remedies to complaints.

OPTIONS AND RECOMMENDED OPTION (with reasons): The Committee is asked to note the report.

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 ✓

Statement by Director of Finance and E-Government: N/A

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
NO	NO	NO	NO
Scrutiny Panel	Executive	Committee	Council
NO	NO	YES	NO

1.0 BACKGROUND

1.1 At the meeting of the Committee held on 28 April, 2004 (Minute S1583 refers), Members were provided with provisional statistics in advance of the release of the Ombudsman's Annual Report for 2003/2004. The Annual Report has now been received and the following information is presented in respect of Bury MBC.

	2002/2003	2003/2004
Total Complaints Determined	30	50
Maladministration & Injustice Reports	0	2
Local Settlements	6	6
Maladministration Reports	0	0
No Maladministration Reports	0	0
No Maladministration Without Report	20	24
Ombudsman's Discretion	1	8
Outside Jurisdiction	3	10

1.2 As indicated, there were two instances where complaints resulted in the issuing by the Ombudsman of reports finding maladministration with injustice. Details were reported to the last meeting (Minutes S1581 and S1582 refer). Complaint 02/C/14188 had resulted in a payment of £500 to the complainant for distress caused.

Complaint 02/C/0499C had resulted in a payment of £400 to the complainant for time and trouble. The Council's Officers had agreed to the payment on the basis of time and trouble in pursuing the complaint and on an entirely without prejudice basis. Investigations into a means of providing a satisfactory solution to the complaint are ongoing.

- 1.3 Also at the last meeting, it was asked that information be provided on remedies put forward by the Ombudsman and how amounts of compensation were calculated.
- 1.4 The Ombudsman identifies the following examples of action which could be taken where fault is found in a local authority's actions:
- Make an apology
 - Pay compensation
 - Carry out repairs
 - Take action to make a decision which could have happened before
 - Reconsider a decision which was not properly taken
 - Improve procedures
 - Consider enforcement action against an unauthorised building
 - Hold a fresh school admissions appeal
 - Review a housing benefit claim and pay benefit due
- 1.5 Where financial compensation is recommended, the amount could be relatively easy to calculate as in the following examples:
- Where a decision finds in favour of a complainant and involves non-payment of a sum of money.
 - Costs incurred by the complainant which would not have been necessary but for the maladministration.
 - Loss of value or damage to possessions
 - Professional fees incurred
- 1.6 Compensation is also sometimes recommended for "Distress" and "Time and Trouble." The Ombudsman suggests that compensation for distress may be a moderate sum of a few hundred pounds or less or in severe cases a more substantial sum.
Compensation in respect of time and trouble in pursuing a complaint would normally fall within the range of £25 to £250.

2.0 CONCLUSION

- 2.1 Members are asked to note the report.

- List of Background Papers:** (1) Local Government Ombudsman Annual Report
2003/2004
(2) Commission for Local Administration in England –
Guidance on Good Practice No.6 - Remedies

Contact Details: - Chris Shillitto, Democratic Services.
Telephone 0161 253 5041
Email – c.shillitto@bury.gov.uk'
