

COMPLAINTS PROCEDURE – AMENDMENTS

Purpose of Report

1. To ask the Standards Committee to recommend the Council to adopt further amendments to the Corporate Complaints Procedure.

Background

2. At its meeting on 18th May 2004 the Council resolved:
 - (1) *To amend the Corporate Complaints Procedure to reflect the following:*
 - (i) *In recommending the payment of any financial award the complaints review panel will have regard to the ombudsman's guidance on remedies and;*
 - (ii) *The panel may take advice from the department director on the operational implications of any recommendations before confirming their decision.*
 - (2) *To note that following the comments of the Overview and Scrutiny Management Committee, the Standards Committee will consider how to take forward the issue of final arbitration on objection to a panel's decision at a future meeting having taken time to consult further on the complaints procedure.*

Proposed Amendments

3. Having reflected further on the issue at (2) above it is considered that the most appropriate course is to make the Review Panel's decision final, removing the present unsatisfactory requirement to refer the matter to full Council in the event of the chief executive, departmental director and monitoring officer objecting.
4. The Review Panel may take advice from the departmental director on the operational implications of any recommendations before confirming their decision. This should normally resolve any problems. However, if the departmental director considers that it is impossible or impracticable, for operational reasons, to implement the recommendations of the Review Panel the complainant will be advised of his or her right to pursue a complaint to the Local Government Ombudsman.
5. The Complaints Procedure is currently included within the main part of the Council's Constitution. This means that any amendments to the procedure, however minor, must under the terms of the Constitution, be referred to full Council for approval. Any amendments can, therefore, be subject to lengthy delays before implementation.

6. It is proposed that the Corporate Complaints Procedure is moved to the Protocol Section of the Constitution and that the Monitoring Officer is authorised to make such further changes as he sees fit. Any significant changes will be reported to this Committee.

Risks associated with the recommendations in this report

7. The Council may experience a rise in the number of complaints made to the Ombudsman. This needs to be seen in the light of the relatively low number of Ombudsman complaints made against the Council, and the very low number of findings of maladministration leading to injustice. If it can be demonstrated that officers have reached their operational conclusions reasonably, it is unlikely that there will be any increase in findings of maladministration.

Recommendations

8. The Standards Committee is invited to recommend the Council:
 - a. to amend Stage 3 of the Corporate Complaints Procedure so that the Review Panel becomes the final arbiter in the process;
 - b. to incorporate the amended procedure within the Protocol Section of the Constitution and to authorise the Monitoring Officer to make such further revisions as he sees fit.

STEPHEN GERRARD
MONITORING OFFICER

Report author: Nina Wilton, Corporate Standards Manager

Unpublished documents relied upon in the production of this report: None

Environmental impact of the recommendations contained in this report: None