

# WIRRAL COUNCIL

## STANDARDS COMMITTEE – 30 SEPTEMBER 2008

### REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

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#### AMENDMENT TO THE SCHEME OF DELEGATION IN RELATION TO THE SETTLEMENT OF COMPLAINTS

##### 1. Executive Summary

The current scheme of delegation provides for the amounts which can be paid as compensation to settle complaints. There are practical difficulties with the current scheme which inhibit the ability of the Council to effectively respond to complaints and resolve them at the earliest possible stage. This report seeks the endorsement of this Committee to amendments to the scheme to be referred to Cabinet and Council for approval.

##### 2. Background

2.1 The current scheme of delegation authorises all Chief Officers to:

*...settle complaints of maladministration, after consultation with the Director of Finance and the Director of Corporate Services, by making compensation payments up to a maximum of £800 in any one case, provided the amount of compensation to be offered has been approved informally by the Local Ombudsman. (Cases over £800 are dealt with by the Standards Committee - see Article 9 in Part 2).*

2.2 The Terms of Reference of this Committee deal with cases over £800. They state:

*...approve the payment of compensation involving sums in excess of £800 (or less, if considered appropriate) to settle complaints of maladministration, provided the amount of compensation to be offered has been approved informally by the Local Ombudsman.*

##### 3. Difficulties with the Current Scheme

3.1 It is best practice for any complaints scheme to seek to resolve any problem at the earliest possible stage. Under the current scheme of delegation a Chief Officer and indeed this committee only has power to offer compensation when the Ombudsman has “approved informally” the amount. In practice the Ombudsman is unlikely to want to express an informal view without conducting at least an initial investigation. This means that complaints which could be settled relatively easily become protracted. It also means that cases take up unnecessary additional time commitment for officers and the Ombudsman’s office.

3.2 The Ombudsman has produced guidance on the operation of Council Complaints Procedures. It states:

*49 The complaints system is there to put things rights if they have gone wrong (to provide a remedy'). The remedy should fit the harm or injustice to the complainant. Section 92 of the Local Government Act 2000 gives councils a general power to pay compensation or take other remedial action. Money is not the only, or necessarily the best, remedy in every case. Complainants should be asked to say what they think would be a reasonable and fair outcome.*

*50 Councils should have a policy on remedies as part of their complaints system. They should also consider delegating authority to officers at the appropriate level to make decisions on remedies.*

- 3.3 It is important to stress that compensation should not be seen as the only or even the principal way of resolving a complaint, often other remedies are far more appropriate, such as an apology or changes in service provision which ensure any mistakes will not recur in the future.

#### **4. Proposed Amendments**

- 4.1 In order to improve the Council's response to complaints it is proposed that the limits are increased and the requirement for informal consultation with the LGO be removed. Therefore the following amended terms are proposed:

To the Officers Scheme of Delegation

*...settle complaints of maladministration, after consultation with the Director of Finance and the Director of Law, HR and Asset Management, by making compensation payments up to a maximum of £1,000 in any one case. The terms of such settlements shall subsequently be reported to the Standards Committee.*

*...settle complaints of maladministration, after consultation with the Chair of the Standards Committee, the Director of Finance and the Director of Law, HR and Asset Management, by making compensation payments up to a maximum of £10,000 in any one case. The terms of such settlements shall subsequently be reported to the Standards Committee (Cases over £10,000 are dealt with by the Standards Committee - see Article 9 in Part 2).*

To the Terms of Reference of this Committee

*...approve the payment of compensation involving sums in excess of £10,000 to settle complaints of maladministration.*

#### **5. Corporate Objectives**

The manner in which the Council responds to complaints contributes towards the Council's objective to be an excellent council. The changes proposed will enable the Council to respond more efficiently and appropriately which will contribute towards this corporate objective.

#### **6. Financial and Staffing Implications**

There are none arising directly from this report.

#### **7. Local Member Support**

There are no implications for individual wards arising directly from this report.

8. **Equal Opportunity Implications**

There are none arising directly from this report.

9. **Human Right Implications**

There are none arising directly from this report.

10. **Local Agenda 21 Implications**

There are none arising directly from this report.

11. **Community Safety Implications**

There are none arising directly from this report.

12. **Planning Implications**

There are none arising directly from this report.

13. **Background Papers**

There are no background papers

14. **Recommendation**

That the Committee endorses the amendments to the Scheme of Delegation for Officers and the Terms of Reference for this Committee for referral to Cabinet and Council for approval.

BILL NORMAN

Director of Law, HR and Asset Management

SG/LW.

11 September 2008