



The Commission for
Local Administration in England

Good administrative practice

Guidance on good practice **2**

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The Commission is committed to providing equal opportunities in employment and in the services it provides. The Commission seeks to ensure that no complainant, job applicant or Commission employee is treated any differently from another because of their: colour, race, nationality, ethnic group, regional or national origin, age, marital status, disability, political or religious belief, sex, trade union activity, sexuality, or class.

Introduction

The Commission for Local Administration in England welcomes the current emphasis on customer care, quality assurance and the quest for excellence. Those concepts are now being expressed more strongly than ever before in local government and in the public service generally. They are reflected in the Citizen's Charter.

Striving to serve the customer well and seeking to achieve excellent standards within the constraints of available resources are not new concepts in local government. The Commission does not believe that councils and individual members of staff have failed over the years to achieve significant quality. But there may be a need for a greater consistency of high achievement. The investigations by the Local Government Ombudsmen do show that failings sometimes occur and the accent on quality promotion is timely.

If faults are identified in an investigation the outcome can often be that advice is given to the council concerned by the Ombudsman about measures which the council could consider in order to provide a better service. However, it may be useful that the lessons learnt from individual investigations should be made more widely known so that similar mistakes can be avoided.

The experience of the Ombudsmen in investigating allegations of maladministration has built up a significant body of knowledge about good and bad practice. This guidance note therefore sets out some of the important conclusions which can be drawn from the Ombudsmen's investigations and observations. Following consultation with the local authority associations the Commission is offering this guidance note to councils with the hope that it will be helpful for staff at all levels and for members too. In particular the objectives of the note are:

- (a) to assist councils in the promotion of good administrative practice for all services and functions and the achievement of high standards for their customers;
- (b) to endorse and publicise relevant recommendations of the Committee of Ministers of the Council of Europe;
- (c) to provide a checklist of points which could be useful to councils for the review and audit of their administrative arrangements or any part of them;
- (d) to provide material and ideas to assist with the briefing and training of staff;
- (e) to contribute to the briefing of members about how they discharge certain of their responsibilities;
- (f) to disseminate information about findings by the Local Government Ombudsmen which illustrate useful points about administrative practice;
- (g) to assist councils generally in their understanding of what the Local Government Ombudsmen expect by way of good practice, and conversely why the Ombudsmen make criticisms when they do; and

(h) to contribute to the prevention of maladministration and secure a reduction in the volume of complaints to the Ombudsmen.

The examples used here are from a wide range of services, although many are from housing and planning, which account for most of the Commission's work. The note is not about any particular service. It is about good administrative practice generally and is relevant to all services.

The document is written particularly for councils. However, the Commission hopes that it will also be helpful for other organisations. Comments will be welcome, since the document may be revised in due course.

Axioms of good administration

This section sets out 42 principles or axioms of good administration, together with some explanatory comments and illustrations. They take account of the recommendations of the Committee of Ministers of the Council of Europe (Appendix to Recommendation No R(80)2 of 11 March 1980) and the practical experience of investigations by the Local Government Ombudsmen.

Councils and their staff may find it helpful to consider these principles. They are grouped below under eight headings: the law, policy, decisions, action prior to decision taking, administrative processes, customer relations, impartiality and fairness, and complaints.

The law

1. Understand what the law requires the council to do and fulfil those requirements.
2. Ensure that all staff working in any particular area of activity understand and fulfil the legal requirements relevant to that area of activity.

These two points may seem obvious, particularly against the background of a strong local government tradition of basing policies and actions firmly in the context of what the law requires or permits. However, investigations have revealed circumstances where, for example:

- there is a misunderstanding or lack of knowledge of what the law requires;
- the understanding of relevant legal requirements does not filter down to the staff who are responsible for particular areas of the council's activities; or
- there is no lack of understanding of what is required but the legal duty is not complied with in particular cases.

In fact, failure to comply with legal requirements is one of the most common reasons for findings of maladministration.

Councils need to ensure that all staff are fully briefed about legal requirements relevant to their work, including changes in the law as they occur. Where the law gives the council a power to do something rather than a duty this may sometimes be subject to conditions or available only in specified circumstances; and staff need to be aware of any such provision. Staff as necessary also need a knowledge of the law apart from the council's own legal obligations in order to advise and help the council's customers.

Compliance with legal requirements is a basic necessity. However, what a council does should not necessarily be restricted to that. It is good practice to consider what other steps can reasonably be taken to be helpful to customers. For example, the minimum statutory requirement for publicity about planning applications for small developments could be satisfied simply by posting a site notice. It would be good practice to consider other measures – for example, neighbour notification, press and other publicity – in order to secure more effective, comprehensive and helpful coverage.

Policy

3. Formulate policies which set out the general approach for each area of activity and the criteria which are used in decision making.
4. Ensure that criteria are clear and relevant and can be applied objectively so that decisions are not made on an inconsistent ad hoc or subjective basis.

In many areas of council activity there is a statutory requirement that policies must be formulated. Housing authorities, for example, must have – and must have available for public inspection and publish in summary – rules for determining priority as between applicants in the allocation of their housing accommodation and for tenants wishing to transfer. Education authorities are obliged to publish their policies and criteria for deciding upon the allocation of school places where there are too many applicants for the places available in any particular school.

Even where it is not a statutory requirement, it is nonetheless good administration to formulate general policies and criteria for decision making. This should help to ensure that there is a systematic consideration of relevant factors by the appropriate committee or responsible officer and that there is consistent decision making. It should also ensure that the public or particular individuals involved can understand how decisions are made and see that the process is fair and consistent. Ombudsmen have been critical of councils where this principle is not followed. In one case, for example, in respect of housing allocations the sub-committee had no criteria for selecting tenants from the lists submitted to them by officers: the members introduced their own unwritten rules and different members came to their allocation decisions for different reasons.

The formulation of the policy needs to be comprehensive. Often councils have been criticised by the Ombudsmen because their written statement of policy did not cover all the material points which in practice they were following. Policies frequently need to develop or be amended. It is sensible to review policies regularly to check that they are accurate, appropriate, up-to-date and complete.

Where appropriate, account needs to be taken of national policies. Account should also be taken of the need for the various policies of the council to be mutually compatible and for specific policies to be consistent with general policies such as equal opportunities policies.

The making of decisions needs to be based on criteria which are clear, unambiguous, well thought out and relevant, and which can be applied objectively. In the housing field, for example, the Institute of Housing's document *Housing information brief on allocations* (1988) identified three common types of allocation system:

- date order systems or 'first come first served';
- points systems which give differing weight to various factors; and
- merit schemes which do not have fixed rules but deal with all cases 'on their merits'.

The report considered that merit schemes are unsuitable and should be discontinued since:

- they are open to patronage or even corruption;
- they cannot be seen to be fair;
- they cannot operate consistently; and
- they are in breach of the legal obligation to publish rules.

5. Communicate relevant policies and rules to customers.

Whether or not there is a statutory obligation to do so it is good practice and fair to acquaint users or potential users of a council's services with any policies or rules which affect or potentially affect them. This helps customers to co-operate with the council, for example, over the council's requirements in respect of property tenancies; or assists applicants for services to understand what information they need to supply in support of their application and how best to make their case. Statements should be in clear, simple language and jargon-free. Consideration where appropriate should be given to the need for documents to be available in languages other than English.

Examples of communication failures which investigations by the Ombudsmen have revealed include omitting to draw housing allocation policy documents to the attention of applicants and failure to explain to applicants for discretionary further education awards what the council's criteria were.

6. Ensure that all staff understand council policies relevant to their area of work.

In the same way that it is essential that staff responsible for any particular activity correctly understand the relevant law, they must also correctly understand the council's policies appropriate to their area of activity and keep abreast of any policy changes. Failure to do so is likely to lead to mistakes being made and incorrect advice or information being given to enquirers. Staff also need to have a reasonable understanding of associated areas of work.

This point, and indeed many others in this paper, underline the need for good staff briefing and training. The Commission hopes that this guidance note will itself be useful in the context of training, in association with other relevant material.

Decisions

7. Ensure that the council does what its own policy or established practice requires.
8. Consider any special circumstances of each case as well as the council's policy so as to determine whether there are exceptional reasons which justify a decision more favourable to the individual customer than what the policy would normally provide.

Maladministration is sometimes found because a council fails to do something which its own policy or established practice requires. An example is the failure to notify neighbours about a planning application despite the council's policy that this should be done. Another example is where a council's housing allocation policy is based on a points system but the council does not allocate accommodation to the applicants with most points because the decisions are taken by ward members for the area who operate on a different basis.

At the same time a council's policy must not be used as a rigidly applied constraint which prevents the proper consideration of any exceptional circumstances of a case. Where the council has a discretion to confer a benefit it is inappropriate to operate a policy which purports to specify in advance circumstances where the discretion will never be exercised. A council which seeks to operate in that way would be fettering its discretion.

It has sometimes been suggested that axioms 7 and 8 appear to be mutually inconsistent – that on the one hand a policy must always be carried out but that on the other hand exceptions can be made. The two axioms are not in fact incompatible and it may be helpful to comment further on them. Axiom 7 makes the point that where a policy is a positive statement of what will be done then the citizen is entitled to expect that the promise is fulfilled. Where, however, a policy is a negative definition – stating what will not be done – then such a policy provides a general guideline but cannot be an absolute bar to a decision beneficial to the citizen. The particular arguments put forward have to be considered to see whether an exception would be justified.

An illustration may be helpful. A council may have a policy, for example, that all children over the age of eight are entitled to free transport to school if they live more than two-and-a-half miles away. If a request is made for free transport for a child living two-and-three-quarter miles away then clearly there is an entitlement under the policy and the request must be met. On the other hand if the council receives a request for free transport in respect of a child living two-and-a-quarter miles from school then there is no automatic entitlement. However, it lies within the discretion of the council to give free transport if it so wishes. If the council were to operate on the basis of determining in advance that never in any circumstances would any child over the age of eight have free transport if the distance was below two-and-a-half miles and refusing to consider whether any case made by a parent would justify an exception, then the council would be fettering its discretion.

Another example of the fettering of discretion, which came to light in an investigation by the Ombudsman, was where a council operated an absolute rule that applications for a transfer of council house tenancies

were not considered if there were any rent arrears, no matter how small the arrears, how they had arisen or what exceptional circumstances were evident.

9. Ensure that decisions are not taken which are inconsistent with established policies of the council or other relevant plans or guidelines unless there are adequate and relevant grounds for doing so.

As has been already emphasised, councils must not fetter their discretion. At the same time they need to ensure that decisions which go beyond the constraints of normal policy are only taken if there are proper reasons which support the decision.

In dealing with planning applications, for example, councils are required by law to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations; and must determine the application in accordance with the plan unless material considerations indicate otherwise. The plan should normally be given considerable weight in the decision and strong contrary planning grounds would have to be demonstrated to justify a proposal which conflicts with it. The reasons for departing from the development plan have to be relevant – they must be planning grounds – and they have to be of sufficient weight. Maladministration has been found in investigations by the Ombudsmen where it could not reasonably be considered that those requirements were fulfilled. This has happened, for example, where councils were influenced by the fact that the applicants were local people and granted planning permission for residential development in the open countryside contrary to the provisions of the development plan and without proper planning grounds for departing from the plan.

Where exceptionally a decision is taken which is a departure from established policy, it is good practice that the committee should agree upon the reasons for the decision and record them in the minutes of the meeting. An explanation is then on record and available for any person aggrieved by the decision.

10. Have regard to relevant codes of practice and government circulars; and follow the advice contained in them unless there are justifiable reasons not to do so.

In respect of some activities there are statutory codes of practice (for example, on homelessness) and councils have a duty to have regard to the code. In other cases there are non-statutory codes of practice (for example, the code of practice on school admission appeals issued by the local authority associations in consultation with the Council on Tribunals). There is also advice set out in government circulars or practice notes. There is no legal obligation on a council slavishly to follow such codes or advice in every respect. However, advice of this kind is drawn up after very careful consideration and consultation and is intended as helpful guidance. It will normally be prudent to follow it. If councils do not do so they can be vulnerable to criticism. If challenged, councils should be able to show that they at least had given adequate consideration to the advice and that, if they decided not to follow it, they had justifiable reasons for taking that course of action.

11. Ensure that irrelevant considerations are not taken into account in making a decision.

12. Ensure that adequate consideration is given to all relevant and material factors in making a decision.

These two points, emphasised by the Committee of Ministers of the Council of Europe, will be recognised as elements in the 'Wednesbury principles', as the concepts outlined in *Associated Provincial Picture Houses Ltd v Wednesbury Corporation* (1948) are known. In a discussion about the need for authorities to act reasonably, Lord Greene referred in that case to the concept of unreasonableness embracing bad faith, dishonesty, disregard of public policy, failure to direct oneself properly in law, failure to consider matters which must be considered, taking into account irrelevant matters or taking a decision which is so unreasonable that no reasonable authority could ever have come to it (or, as courts have put it in subsequent cases, that the decision is irrational or perverse).

13. Give proper consideration to the views of relevant parties in making a decision.

In taking a decision, a committee – or officer acting under delegated powers – is not obliged to agree with any views which have been put forward, either as a result of consultation or views expressed by relevant officers. However, there is an onus on the decision taker to give proper consideration to those views. Where the views are those of specialist officers (conservation officers, educational psychologists and so on), or other authorities with a relevant responsibility, they are likely to carry weight and particularly careful consideration must be given to them. But good practice and fair dealing also require that decision takers must give proper consideration to points made by other people expressing a view, for example, members of the public commenting on a planning application, and assess the merits of those points.

Examples of failure to follow this precept are:

- not giving any consideration at all to objections by the highway authority about a planning application;
- rejecting without adequate grounds the assessment of the medical officer that a homeless couple were vulnerable for medical reasons; and
- drawing up a statement of special educational needs for a child without taking account of the professional advice tendered to the council.

14. Use the powers of the council only for their proper purpose and not in order to achieve some other purpose.

This is one of the principles to which attention is drawn by the Committee of Ministers of the Council of Europe. If a council has powers vested in it for a particular purpose it is improper to purport to use those powers in order to achieve some different purpose. An example would be the use of powers to give building improvement grants in a partial way so as to avoid providing a benefit to certain groups (for example, freemasons) to which the council is opposed.

15. Ensure that decisions are not made or action taken prematurely.

Premature taking of decisions can arise in relation to consultation periods, because a decision is made before the end of the period specified for receipt of comments.

Examples have emerged from investigations by the Ombudsmen where even statutory consultation periods, for example, in relation to listed buildings and conservation areas, have been disregarded by councils. But in any event, whether the consultation is statutory or non-statutory, the principle is the same. The full consultation period must be allowed to run and the council must then properly consider the views expressed by the end of that period (and any later views which arrive in time to be considered).

It is helpful to have a system for checking that all the relevant steps have been completed before decisions are taken.

Examples of action taken prematurely are:

- starting work on a development being carried out by the council before the council in its capacity as planning authority had given itself the necessary deemed planning consent;
- implementation of a Traffic Regulation Order before the council had made the order and while objections to the proposed order were still under consideration; and
- letting a contract for the installation of an alarm call system before completion of the consultation with tenants.

16. Give reasons for an adverse decision and record them in writing for the customer concerned.

This is one of the important principles emphasised by the Committee of Ministers of the Council of Europe. It was recognised in the United Kingdom as long ago as 1932 when the Donoughmore Committee on Ministers' powers stated that "any party affected by a decision should be informed of the reasons on which the decision is based". Giving reasons is fair and helpful for those affected by decisions. It is likely to improve public confidence and improve the quality and consistency of decision making.

The reasons given need to be formulated with care, to be clearly expressed, to be the real reasons and to be sufficient in the particular circumstances. The giving of reasons was described by the Ombudsman in a housing allocation investigation as one of the "basic axioms of good administration". Another of the basic axioms, he said, is that reasons should be recorded in writing and given to the applicant. The absence of reasons:

- meant that applicants could not be told why they were not selected;
- could give the impression that decisions were made arbitrarily;
- made it difficult for officers to advise applicants;
- meant that unsuccessful applicants would be unable to make informed judgements on their future housing arrangements; and

- raised serious doubts about the appeal procedure because applicants could not properly prepare an appeal if they had no idea what reasoning they were attempting to counter.

17. Ensure that any necessary decisions or actions are taken as circumstances require and within a reasonable time.

Failure to do something which ought to be done is clearly an infringement of good practice. Delay in acting also needs to be avoided. In fact, delay is the most common cause for findings of maladministration.

In some fields of activity there are specific statutory timescales laid down (for example, for decisions on eligibility for payment of housing benefit) and in others there are timescales which are suggested in government circulars as reasonable expectations. Councils clearly should aim always to meet such statutory or advisory timescales, or failing that to do so in the great majority of cases and otherwise to get reasonably near to doing so. The Ombudsmen, recognising the severe pressures and resource constraints under which councils generally work, will not necessarily find maladministration where councils only narrowly fail to meet such timetables. However, delays which extend well beyond the statutory or recommended time will usually be regarded as unreasonable.

Where there are no particular time limits laid down externally, action should be taken within a period which is reasonable in the circumstances. Councils often set their own target times and that is a helpful approach. It enables the public to know what standards to expect; it is a useful guideline for staff; and it enables councils to monitor their own performance and take corrective action where necessary.

18. If a decision is being taken under delegated powers, ensure that there is proper and sufficient authority for this to be done and that use of delegated powers is appropriate in the circumstances.

The use of delegated powers is an important aid to efficient management and the expeditious discharge of business. However, it is important that proper authority exists for any individual officer to act under such powers. Any authority to act under delegated powers should be recorded in writing; the terms of the authority should be clear and specific; and the delegation power should not be misinterpreted or misapplied. Examples of incorrect action which have come to light in investigations by the Ombudsmen are:

- under the arrangements approved by the council there were four defined categories of planning application which could be determined under delegated powers. However, the planning officer determined an application which did not fall within any of the four categories; and
- the council's delegation arrangements were that the planning officer could determine planning applications which complied with the council's policy guidelines but those which did not would be referred to the relevant committee. However, the planning officer approved an application not conforming to the guidelines.

Even where delegated powers exist and could be used, there may sometimes be circumstances where it is not appropriate to do so. Use of delegated powers is a discretion and is not an obligation. Any officer with the power to act needs to be alert to the possibility that a particular issue would be better referred to a committee for consideration.

Action prior to decision taking

19. Carry out a sufficient investigation so as to establish all the relevant and material facts.

In some contexts there is a statutory duty to carry out an investigation, for example, in relation to homelessness where housing authorities must make enquiries into the circumstances of an applicant for housing if they have reason to believe the applicant may be homeless. But whether there is a statutory duty or not it is good practice that, whatever the issue a council has to deal with, the first and essential step is to establish all the relevant and material facts. Examples of criticisms where the Ombudsman considered that this had not been properly done are:

- failure to undertake adequate research and gather evidence before making an application for compulsory admission of a person to hospital;
- failure properly to consider whether the education a woman was providing for her son at home was satisfactory;
- failure to undertake a site visit to appraise a planning application; and
- failure to investigate complaints about nuisance from or harassment by neighbouring tenants.

20. Seek appropriate specialist advice as necessary.

It will frequently be necessary to seek specialist advice if a proper evaluation of an issue is to be made. For example:

- seeking the views of the planning conservation officer on a planning application in a conservation area designated under the planning legislation;
- seeking the views of environmental health officers or legal advisers about complaints of nuisance from neighbouring tenants; and
- seeking expert advice on the effects of noise and the need for safety measures in relation to a planning application for a development such as a rifle range.

Maladministration has been found by Ombudsmen where the council neglected to seek specialist advice where the nature of the issue made that appropriate. This is because they considered that the evaluation of the issue could not in those circumstances be considered thorough.

Specialist advice is often available within the council. Where necessary it can involve seeking the views of another authority or on some occasions other external advice may be needed.

21. Consult any individuals or organisations who might reasonably consider that they would be adversely and significantly affected by a proposed action.

It may often be difficult to determine exactly where to draw the line on who should be consulted about particular issues. Councils should, however, seek to act fairly. Where there are good grounds for thinking that an individual or organisation could be directly and adversely affected in a significant way – or if the question is considered from their point of view, that they might reasonably think so – by some development which the council has in mind or is being asked to determine, then it is fair to provide an opportunity for comment. The council can then assess any points raised in objection and take them into account in making a decision. The issue very commonly arises in relation to planning applications and the question of whether neighbours should be notified and, if so, which neighbours. A useful guide is that within reason it is normally better to run the risk of notifying too many people than not enough. There are many other areas of course where it is good and fair practice to allow persons potentially affected to comment before a decision is made. Examples are licensing where decisions can affect a person's livelihood, or in respect of alterations to highway arrangements where changes in access can affect businesses or the amenity of residents. In some cases consultation is a legal requirement (for example, consultation with parents about a proposal to close or reorganise a school) or is strongly advised by Ministers (for example, consulting staff about a school closure or reorganisation). Consultation in such cases clearly must be undertaken, but it is good practice to go further and consider consultation in any situation where it could reasonably be thought that fairness requires it.

Care may need to be taken to ensure that opportunities to comment are even-handed. Where, for example, applicants for planning permission are allowed to address a committee or a site meeting, then the same opportunity should be afforded to objectors (or a representative).

There is a particular onus on councils to ensure that their own applications for deemed planning consent are dealt with fairly by reference to the same criteria as for an application by a private developer. Wide consultations can be a good way of avoiding any suspicion that double standards could be applied.

Where consultation is undertaken it is important that adequate and accurate information is given about the issues and sufficient time must be allowed to enable consideration and response. The period allowed should comply with any statutory requirement or governmental guidance. Where there are no particular requirements laid down or recommended, the period must be reasonable in the circumstances.

In some circumstances a second round of consultations may be needed. If a council consults about a specific proposal and in the light of the representations formulates a significantly revised proposal – or a different proposal altogether – fairness would normally require reconsultation. This is because the new proposal could affect different people or affect the same people but in a different way. Care also needs to be exercised where planning applications are amended: consideration needs to be given to renotification of neighbours about the amended proposal if the amendment is significant.

When a decision is made, it is helpful to inform those who were consulted.

22. Detect major errors which materially affect an issue under consideration.

It is the responsibility of any party putting a document to a council, whether a planning application, a proposed legal document or any other kind of document, to ensure that it is accurate. However, the matter does not end there and there is an onus also on the council to carry out a check for accuracy appropriate to the circumstances. In some cases it is in the interests of the council to do so. In other cases it will be important for members of the public who could be directly affected. It is reasonable to expect that the council will at least detect obvious errors.

Advice about checking for errors in relation to planning applications was published by the Royal Town Planning Institute in 1989 in Practice Note No. 7 following consultation with the Commission.

Another example discovered in an investigation was the agreement by a council to sell land for access to a site but then failure to detect that the plan submitted was inaccurate and did not give practical effect to what the council intended.

23. Give adequate consideration to the reasonable courses of action which are open to the council in any particular circumstances.

Making a judgement about what course of action to adopt may often involve the need to assess difficult and complex factors and may be no easy task. Good practice is that the available options should be identified and that proper consideration should be given to them. Options may then be ruled out but this should be done only after a sufficient and reasoned assessment.

Examples which have come to light in investigations and where there was a failure to give adequate – or in some cases any – consideration to an available option are:

- failure to consider whether enforcement action was appropriate when it was found, contrary to the expectation of neighbours and the council, that ground levels for a housing development were being raised by some three metres;
- failure to consider imposing a condition to restrict hours of use when planning permission was given for a tall collapsible radio mast in a conservation area;
- failure to consider use of discretionary powers under housing legislation to prevent the landlord of a property allowing it to fall into such disrepair that it became unfit for human habitation; and
- failure to consider using budgetary savings arising from educational psychologist vacancies to engage private psychologists so as to tackle an urgent backlog of special educational needs assessments.

24. Ensure that a committee is provided with a report when circumstances require and that the report is materially accurate and covers all the relevant points.

A committee report should provide all the material the members need to make an informed decision. The report should be in clear terms and should cover as necessary:

- relevant policy;
- relevant law;
- sufficient and accurate information to enable members to understand the issue;
- a summary of the outcome of any consultation or seeking of advice;
- reference to all the considerations which have to be taken into account in the decision;
- identification of possible approaches which could be adopted;
- the reasons for any recommendations; and
- an analysis of any financial or other significant implications which are relevant.

Where reports have been criticised in investigations by the Ombudsmen this has commonly been because there were significant omissions or inaccurate or misleading statements. Ombudsmen have also been critical on occasions when officers have not put a report to a committee in circumstances where there were serious, persistent or long-standing problems which the committee should have been told about and had the opportunity to consider.

Administrative processes

25. Ensure that the correct action is taken both to implement decisions when they are made and generally in the conduct of the council's business.

When a decision is taken the first requirement is that the necessary action to implement it must follow. Secondly, care has to be taken to ensure that the implementation is correct. Examples of where it has been found that this did not happen are:

- the committee agreed to give planning permission with conditions but then the permission was issued without conditions (and also the converse has happened where officers without authority have added conditions to what the committee has approved);
- the committee agreed to grant planning permission on the basis of an amended proposal but then the permission letter was issued referring to the original plan; and
- officers in error issued a planning permission notice, although the decision of the committee had been to defer the application for further consideration.

Such errors can arise if the council does not have an adequate system to ensure accurate compliance. A good system will ensure first that the decision of the committee is clearly formulated at the meeting; second that there is a check that the key people involved, such as the officer presenting the report and the committee clerk, do not have different views about exactly what was decided, or if they do the differences are resolved; and then a careful check is made that all the necessary steps are taken and that what is being done is accurate.

The conduct of business generally also requires accuracy, and even quite simple errors can have serious repercussions, for example:

- because of a simple computer inputting error, issuing a housing benefit cheque to a tenant despite an arrangement that it should be paid to the landlord. This had the result that, following the departure of the tenant, the landlord did not receive a significant amount of money owed to him; and
- giving incorrect details of the council's housing stock to the Department of the Environment in a questionnaire. The result was that the Department did not later approach the council about a particular type of housing found to be defective and for which substantial repair grants were available within a time limit: some of the houses in the meantime had been sold and the owners each lost the opportunity for grants of some £20,000.

26. Have adequate systems and written procedures for staff to follow in dealing with particular areas of activity.

Whatever the area of activity involved, it is highly advisable that the council should have a suitable system and that clear procedures should be available and made known to all the staff concerned. It is unwise to rely solely on oral instructions or good memories. The procedure can best be set down in written form. Many of the faults identified in investigations by the Ombudsmen – particularly faults of omission, confusion or delay – occur because there are inadequacies in the administrative system or because there is a lack of system. Frequently the result of an investigation is that the council is recommended to review its system or to introduce one so as to avoid a repetition of the faults identified.

Exactly what system is used will vary depending on the nature of the business and the particular way in which the council wishes to work. However, the points which could usefully be covered include the following:

- written procedures and guidelines for staff;
- a means of identifying the action needed;
- a clear definition of who is responsible for taking action;
- determination of arrangements in the event of staff absences;
- checklists of particular steps to be worked through and questions to be considered;

- criteria to identify urgent cases requiring priority;
- identification of what information or comment from other sources is needed;
- setting a timetable for action and target dates for particular processes to be accomplished or information received;
- definition of any necessary arrangements for liaison between relevant departments or sections of a department;
- regular monitoring of progress;
- a bring-forward system, for example, to identify the need to chase up requests for information or comment, or to follow up action after a previous step; and
- regular review of the course of action being pursued, to check whether it is still appropriate or needs to be changed.

27. Have a system for ensuring proper liaison and co-operation between different departments, different sections of a department, or different areas in the authority.

This has already been referred to under axiom 26 but it perhaps calls for special comment in view of its significance.

Many issues which councils have to deal with call for a contribution from more than one department and for a corporate approach. Good liaison and good working relations are essential. In particular arrangements need to provide for:

- clarity about who is the lead officer for any issue and responsible for ensuring that work on the issue progresses and reaches a conclusion;
- identification of issues which need a corporate approach;
- ensuring that all relevant departments are involved;
- ensuring that the involvement of relevant departments comes early enough in the process;
- ensuring that relevant information is shared between departments;
- the calling of case conferences where necessary;
- proper consideration to be given by the lead officer to advice from colleagues;
- arrangements for resolving conflicts of view between departments; and
- defining how liaison with agents acting for the council is handled.

An example of the need for good liaison is when housing officers are dealing with serious complaints about nuisance caused by noisy tenants. They need to judge when to seek help from colleagues in environmental health and the legal department and to ensure that such involvement comes at an early enough stage.

Liaison between different areas within the same council is also important where the responsibilities of the council are devolved to smaller neighbourhood units. Within a system of devolved management the council must still ensure that statutory responsibilities are fulfilled and that arrangements are efficient and in accordance with good practice. Particular weaknesses which have been observed and which derived from insufficient liaison are:

- failure to apply important lessons learned in one neighbourhood to improve practice in other neighbourhoods within the council; so that, for example, fundamental mistakes in dealing with cockroach infestation identified in one neighbourhood were found to be still being repeated a year later in another neighbourhood, with a significant waste of resources and enormous problems for tenants;
- difficulties for tenants wishing to transfer across neighbourhood boundaries and failure to ensure equitable treatment; and
- gross disparity of standards for customers, for example, where waiting times for an occupational therapy assessment varied from less than one month in one neighbourhood to more than four years in another.

28. Compile and maintain adequate records.

Compiling and maintaining proper records is a basic necessity, but one which the Ombudsmen have observed is sometimes neglected. It is prudent to make a record of anything which is not trivial or transitory. Meetings, site visits, telephone calls and conversations with callers at the office will normally merit a note being made unless it is quite clear that this is not necessary. Care too should be taken about the maintenance of records and councils are well advised to have systems for tracking files so as to ensure they are always available when needed, and are not mislaid. Records need to be retained for a reasonable period. Good record keeping has the advantages that:

- those involved are clear at the time about what took place (and have the opportunity to query the record if in doubt);
- busy officers do not have to rely on memory;
- dealing with disputes or complaints (whether within the internal system of the authority or complaints being investigated by the Ombudsmen) is facilitated;
- when staff leave the records are still available for reference;
- if staff are absent for significant periods, business can continue efficiently;
- where departments are being reorganised and staff responsibilities changed, it is easier to avoid problems being neglected or dealt with inappropriately;
- it promotes efficient use of resources because it is possible to avoid waste of staff time through work being duplicated; and
- customers can be given a good service (for example, if statutory maps are accurate and kept up-to-date).

29. Monitor progress and carry out regular appraisals of how an issue or problem is being dealt with.

The need for monitoring of progress is mentioned in axiom 26 as one of the requirements of a good administrative system. Its importance deserves some emphasis. It is relevant for both timing and method of approach.

Many of the problems of delay and poor service to customers can be avoided if there is careful monitoring of progress. Where councils adopt the desirable practice of setting time targets for particular processes, or for requests for information or comment from one department to another or to an outside agency, it is prudent for the relevant officer to monitor progress actively. If the target date is reached without the desired outcome immediate steps should then be taken to secure prompt action. At that point it may be sensible to consider the need for a progress report to the customer. If no targets are set, there nevertheless should be a bring-forward system to ensure that the matter is pursued further at an appropriate time.

It may sometimes be the relevant officer who needs to take further action after an interval of time by way of follow-up. For example, if a warning letter has been sent about possible legal action with a deadline for compliance with some action which the council requires, then the expiry of the deadline should prompt further action. Again if no deadline is given the situation should nonetheless not be allowed to drift and follow-up action should be initiated at the appropriate time.

It may also be helpful to monitor how an issue is being handled. The approach initially adopted should be systematically reviewed at intervals, to consider whether it is still suitable. For example, an education authority considered that a child with special educational needs required boarding education to meet her particular needs but did not pursue this possibility because officers knew the parents wanted the child to stay at home, and they tried other approaches instead. It may have been commendable to start by being guided by the parents' known preferences but what was tried was ineffective. The council allowed an unacceptable situation to continue for much too long without reviewing its approach. When finally the parents were properly counselled about boarding education, they accepted it.

30. Seek to resolve difficulties or disagreements by negotiations in the first instance but take formal action when it is clear that informal attempts at resolution are not working.

Councils may sometimes encounter difficulties in discharging their responsibilities and commonly they seek to resolve those difficulties by discussion and negotiation. That is good practice and will frequently secure a satisfactory and amicable solution.

However, it is also important to recognise when that approach has been sufficiently tried and it is necessary and likely to be more effective to move on to formal action. It is good practice to give a warning before formal action; but it is also important, if the warning does not bring results, then to move to the next step. The following are examples of where councils have let things drift too long without recognising that a change of tactics was needed.

- When tenants are causing nuisance or are harassing their neighbours, failure to embark early enough on legal action to terminate the tenancy.
- When a draft statement of special educational needs has been produced and discussed with the parents without achieving any agreement, failure to take the formal step of issuing the statement which would then enable the parents to appeal if they wished and the issue could be resolved through the formal appeal mechanisms.
- Failure for ten years to stop unauthorised tipping by a farmer on his land in an area of outstanding natural beauty through continuing with informal persuasion attempts and threats of legal action which were seen to be empty.

Customer relations

31. Avoid making misleading or inaccurate statements to customers.

Customers will naturally expect, and are entitled to expect, that any statements made to them by the council will be accurate and unambiguous. The consequences of inaccuracy are sometimes relatively minor but they can be very serious, for example:

- inaccurate answers given in response to searches before house purchase;
- giving neighbours an inaccurate description of the proposal when notifying them of a planning application; and
- failure to indicate the location of a pipe ditch when a house extension was contemplated, with the result that the extension quickly became subject to subsidence and had to be demolished.

Customers can be misled because what officers say is not sufficiently clear. For example, applicants for planning permission or their agents can be told, or understandably believe that they have been told, that if they amend their plans in a particular way the proposal would be acceptable and planning permission would be forthcoming, and then find the permission does not materialise. It will often be necessary to make the context of statements clear and to point out that the power to make a decision lies elsewhere, for example, with a committee; or that the recommendation to be made to the committee will be decided by a more senior officer.

Officers – and members too – need to be circumspect in their statements to members of the public and not give the impression that they are giving an undertaking on behalf of the council unless that is what is intended.

It is helpful to deal with issues through direct discussion but also it is good practice to put – or after discussions confirm – advice in writing so as to eliminate or at least minimise any risk of misunderstanding. In some cases legislation requires a statement in writing for the customer (for example, overpayment of housing benefit, or advice on whether an applicant is deemed homeless and in priority need). But whether or not it is a legal requirement, it is good practice that advice is recorded in writing on any issue of consequence.

32. Formulate undertakings with care and discharge any responsibilities towards customers which arise from them.

Customers naturally expect that any undertaking or promise given by a council will be honoured. It is therefore important that undertakings should not be given lightly, that they should be expressed carefully and clearly, and that councils should only give undertakings which they are confident they can fulfil.

Many undertakings are matters of decisions or promises to do something which affect individuals or small groups of people and will normally be effected within a short timescale. Others may be of a more general and ongoing nature relating to policies the council is pursuing or actions it proposes to take or promises not to take. In matters involving the exercise of discretion, the law imposes limits on the ability of councils to bind their successors. The political complexion of a council may change following an election, or policies or circumstances may change in any event. Where necessary, therefore, it should be made clear that an undertaking relates only to a limited time or to the actions of the existing council. There may often be other provisos that need to be stated where relevant, for example, that an undertaking is subject to the availability of funds, or the grant of planning permission, or the approval of the Secretary of State.

As a general rule undertakings should be fulfilled. If exceptionally because of a change of circumstances that cannot be done, the council may need to consider steps to safeguard the interests of those affected. People may reasonably have placed reliance on the council's undertaking and incurred expenditure or taken some action as a result. It would then be reasonable that the council should compensate them for any abortive costs or otherwise assist as appropriate.

Examples which have come to light in investigations are:

- councils have given undertakings to individuals that they would do specific things (for example, take enforcement action in respect of an unauthorised use of land; give priority for the installation of central heating; provide a written account of action taken about a complaint of harassment) but have not kept that promise;
- a council gave an unqualified undertaking to purchase properties in an area affected by a proposed clearance scheme but then declined to do so;
- a council agreed to sell small plots of amenity land but then brought in a new policy and refused to complete the sales; in the meantime the tenants had incurred planning and legal costs, which the Ombudsman considered that the council should reimburse;
- a council indicated to a prospective purchaser of a site that residential development would be acceptable but after the purchase refused planning permission; the Ombudsman asked the council to pay compensation for the loss of value of the land; and

- a council informed a tenant moving temporarily that she would receive a home loss payment and she committed herself to expenditure; the council then said it had made a mistake and no payment would be made. The Ombudsman considered that compensation should be paid to cover the expenditure incurred in reliance on the council's original promise.

Even where no specific undertakings have been given, care has to be taken when consideration is given to changing a policy. Some members of the public could be adversely affected because, for example, some expected benefit would not materialise or their priority on a waiting list would change. The council may find it useful where possible to take into account information about the number of those likely to be affected by a change of policy, the nature of that effect and what if anything can be done to ameliorate it. Decisions should not have retrospective effect (unless they confer a benefit). Councils should ensure that officers and members of the public affected are quickly informed about any change of policy.

33. Reply to letters and other enquiries and do so courteously and within a reasonable period; and have a system for ensuring that appropriate action is taken on every occasion.

Courtesy to customers and business efficiency require that letters, telephone queries and questions raised in personal contacts should be dealt with reasonably speedily; that telephone calls should be returned as necessary; and that customers should be told if the council does not propose to reply in writing to a letter because an oral communication is considered a sufficient response. In view of the volume of business undertaken by councils there is potential for things to go wrong and it is prudent to have a system to ensure that the right action is always taken. This should include recording incoming mail, monitoring progress and ensuring that each issue is dealt with. Examples of faults which have been found in investigations are:

- dealing with some issues in a letter – but not all of them – so that a request for approval of a plan for building regulations purposes was dealt with but a proposal to amend the planning approval was neglected;
- when the relevant planning officer was on holiday a significant objection letter arrived and was filed with the result that the committee was not advised about a concern regarding a fire hazard and the opportunity to negotiate with the developer was lost; and
- mislaying a letter terminating a tenancy with the result that rent continued to be debited and court action was taken to recover it.

34. Keep customers regularly informed about the progress of matters which are of concern to them.

Some issues of necessity take some time to resolve. Where this is the case, it is good practice to advise the customer at the outset about expected timescales, and to give the customer a progress report at suitable intervals. This could be either when a particular stage is reached or after a period of time.

35. Provide adequate and accurate information, explanation and advice to customers on issues of concern to them.

Not only is it prudent to avoid misleading statements, but it is good practice to look for opportunities to be positively helpful. Examples of where this should have been done are:

- failure to advise a person telephoning to object to a planning application that the objection had to be put in writing in order to be considered;
- failure to advise an applicant when first registering a residential home that substantial work would be needed to meet fire precautions requirements;
- failure to advise a parent about time limits for changing higher education courses with the result that his daughter could not transfer her student award to her new course;
- failure to inform tenants that there were unsatisfactory flues in their houses and it was dangerous to use their gas fires; and
- failure to inform an elderly couple that owing to a change of policy the purchase of their home under the 'right to buy' legislation would affect the application for elderly persons accommodation which they had made earlier.

Again it will often be prudent and helpful to put advice in writing for the customer, so that any scope for misunderstanding is minimised and the customer can refer to the document later. This is likely to be particularly helpful if the advice is complex or extensive; if its relevance is likely to subsist for some time; or if the consequences of not heeding the advice could be significant. The written advice should be clear, concise, readily understood and jargon-free. It is also helpful to provide a named contact point; to invite the customer to seek further help or explanation if desired; and to make information readily available (subject to safeguarding the privacy of third parties).

Impartiality and fairness

36. Ensure that the body taking a decision on a formal appeal from a dissatisfied customer does not include any person previously concerned with the case or who has a personal or otherwise significant interest in the outcome.

Where someone is disappointed by the decision of a committee or officer, it may often happen that the person will ask that committee or officer to reconsider the position with a view to coming to a more favourable conclusion. Such consideration or review is properly a matter for the body or person who made the decision.

If, however, in respect of any matter there is a right of appeal to some other body or person, and the aggrieved customer wishes to exercise that right, then it is the appeal body which is being asked to consider the case with a view – the appellant would hope – to overturning the earlier decision. The appeal body must act fairly – and be seen to act fairly – in looking afresh at the case. It should not, therefore, include any person who was involved in the previous decision. If that principle were not to be followed it would be difficult for the appeal body to command any confidence in the fairness and impartiality of its proceedings.

Similarly the appeal body should not include any person who could reasonably be thought by the public to have a significant interest in the outcome of the appeal. An illustration would be that school admission appeal panels should not, for example, include any teacher or governor of a school to which the child would be allocated if the appeal were unsuccessful, any person related in any way to the child concerned or any person married or closely related to a person excluded from membership of the panel.

In very small organisations there can sometimes be practical difficulties in meeting the requirements of good practice in respect of appeals. However, in an organisation like a council there ought not to be any insurmountable obstacle. There will often, however, be a need to plan arrangements very carefully and in good time so as to anticipate and resolve any potential problems.

37. Avoid unfair discrimination against particular individuals, groups or sections of society.

This is another of the principles emphasised by the Committee of Ministers of the Council of Europe.

Discrimination of itself is inevitable in the running of local authority services. If at any point in time there are more people applying for council accommodation than there are properties available, then the council must choose some applicants in preference to others. What, however, is not acceptable is unfair discrimination. One mechanism which can produce unfair discrimination is that judgements are made on the basis of factors which are not relevant to the issue to be decided; or in other words it is one of the possible outcomes of taking irrelevant factors into account (see axiom 11). So, for example, it is proper to decide housing allocations by reference to housing need; it would not be proper to decide by reference to the ethnicity of the applicants. Unfair discrimination can also arise as a result of arbitrary action or from error.

Some forms of discrimination (for example, on grounds of sex or race) are of course proscribed by legislation. But there are also other forms of discrimination which are unfair. Examples which have been found in investigations are:

- a council declined to give a historic buildings repair grant. This was not on the basis of considering the importance of the building concerned or other criteria for grants under that scheme but solely because the applicants were a lodge of freemasons and the council was opposed to freemasonry;
- a council decided that it would not consider applications for housing transfer from tenants in one particular district of the council's area;
- a council used different methods to calculate the rent of two identical houses with the result that the tenants in one paid more than their neighbours; and
- a council gave a householder the opportunity to bid for a plot of land while denying the opportunity to a neighbour in similar circumstances.

38. Maintain a proper balance between any adverse effects which a decision may have on the rights or interests of individuals and the purpose which the council is pursuing.

Again, this is a principle expressed by the Council of Ministers. A council needs to maintain a balance in its approach and ensure that it does not take any action causing adverse effects upon individuals which would be out of proportion by comparison with the expected benefits of the council's action. For example, this may be relevant when a council is considering whether to take enforcement action in respect of unauthorised development.

39. Where an individual is adversely affected by a decision, or the decision is otherwise one which the individual potentially might wish to challenge, inform him or her of any rights of appeal or avenues for pursuing a complaint.

In some circumstances this is a statutory requirement. This may be either because appeal provisions must be included in general information made available at the outset of a process (for example, in school admission procedures) or because there is a requirement that when a decision is made the individual must be informed of the right of appeal (for example, if following an assessment of a child's needs the council decides not to issue a statutory statement determining the special educational provision).

Whether there is a statutory obligation or not, it is good practice to make clear to those affected by decisions what further avenue may be open to them, either through an appeal process or the complaints system.

40. Ensure that members and officers are fully aware of the requirements for declaring an interest where appropriate and the reasons for doing so.

The Commission has published a separate guidance note on the declaration of interests by members. This is *Guidance on good practice 4: Members' interests* (April 1994).

Officers too can find themselves faced by circumstances where they need to abstain from participation in consideration of an issue because of a personal interest or close involvement with someone who has such an interest. If they are in any doubt, it is prudent to seek advice from an appropriate senior officer and, if necessary, err on the side of caution; and to record their interest in writing to their chief officer or chief executive.

Complaints

41. Have a simple, well-publicised complaints system and operate it effectively.
42. Take remedial action when faults are identified, both to provide redress for the individuals concerned and to prevent recurrence of the problem in the future.

The Commission has published guidance on the handling of complaints. That is contained in *Guidance on good practice 1: Devising a complaints system* (February 1992).

Conclusion

This is not an exhaustive statement of good administrative practice. It is, however, a broad indication of some of the most important principles and covers the significant points which have commonly arisen in the course of investigations by the Ombudsmen.

Neither does the note give a comprehensive definition of maladministration. Ombudsmen have to consider each complaint to them in the light of the particular facts and exercise a judgement, and it would be impossible to specify every conceivable way in which authorities might in future be found to be acting mistakenly, unfairly or unreasonably. However, the note indicates the most common ways in which maladministration is likely to arise; and the intention partly is to help authorities avoid maladministration.

If authorities followed all the advice offered in this note there is no doubt that the incidence of maladministration would significantly decline and a high standard of service for their customers would be promoted. The Ombudsmen recognise of course that the avoidance of maladministration is only a minimum objective and good authorities aim for a much higher quality standard for their citizens.

Summary

The experience of the Ombudsmen in investigating allegations of maladministration has built up a significant body of knowledge about good and bad practice. This guidance note sets out some of the important conclusions which can be drawn from the Ombudsmen's investigations and observations. The note is intended to assist councils in the promotion of good administrative practice and the achievement of high standards for their customers.

The note is not about any particular service. It is about good administrative practice generally and is relevant to all services.

The document sets out 42 principles or axioms of good administration, together with some explanatory comments and illustrations. The 42 axioms are grouped under eight headings and are:

The law

1. Understand what the law requires the council to do and fulfil those requirements.
2. Ensure that all staff working in any particular area of activity understand and fulfil the legal requirements relevant to that area of activity.

Policy

3. Formulate policies which set out the general approach for each area of activity and the criteria which are used in decision making.
4. Ensure that criteria are clear and relevant and can be applied objectively so that decisions are not made on an inconsistent ad hoc or subjective basis.
5. Communicate relevant policies and rules to customers.
6. Ensure that all staff understand council policies relevant to their area of work.

Decisions

7. Ensure that the council does what its own policy or established practice requires.
8. Consider any special circumstances of each case as well as the council's policy so as to determine whether there are exceptional reasons which justify a decision more favourable to the individual customer than what the policy would normally provide.
9. Ensure that decisions are not taken which are inconsistent with established policies of the council or other relevant plans or guidelines unless there are adequate and relevant grounds for doing so.
10. Have regard to relevant codes of practice and government circulars; and follow the advice contained in them unless there are justifiable reasons not to do so.
11. Ensure that irrelevant considerations are not taken into account in making a decision.
12. Ensure that adequate consideration is given to all relevant and material factors in making a decision.

13. Give proper consideration to the views of relevant parties in making a decision.
14. Use the powers of the council only for their proper purpose and not in order to achieve some other purpose.
15. Ensure that decisions are not made or action taken prematurely.
16. Give reasons for an adverse decision and record them in writing for the customer concerned.
17. Ensure that any necessary decisions or actions are taken as circumstances require and within a reasonable time.
18. If a decision is being taken under delegated powers, ensure that there is proper and sufficient authority for this to be done and that use of delegated powers is appropriate in the circumstances.

Action prior to decision taking

19. Carry out a sufficient investigation so as to establish all the relevant and material facts.
20. Seek appropriate specialist advice as necessary.
21. Consult any individuals or organisations who might reasonably consider that they would be adversely and significantly affected by a proposed action.
22. Detect major errors which materially affect an issue under consideration.
23. Give adequate consideration to the reasonable courses of action which are open to the council in any particular circumstances.
24. Ensure that a committee is provided with a report when circumstances require and that the report is materially accurate and covers all the relevant points.

Administrative processes

25. Ensure that the correct action is taken both to implement decisions when they are made and generally in the conduct of the council's business.
26. Have adequate systems and written procedures for staff to follow in dealing with particular areas of activity.
27. Have a system for ensuring proper liaison and co-operation between different departments, different sections of a department, or different areas in the authority.
28. Compile and maintain adequate records.
29. Monitor progress and carry out regular appraisals of how an issue or problem is being dealt with.
30. Seek to resolve difficulties or disagreements by negotiations in the first instance but take formal action when it is clear that informal attempts at resolution are not working.

Customer relations

31. Avoid making misleading or inaccurate statements to customers.
32. Formulate undertakings with care and discharge any responsibilities towards customers which arise from them.
33. Reply to letters and other enquiries and do so courteously and within a reasonable period; and have a system for ensuring that appropriate action is taken on every occasion.
34. Keep customers regularly informed about the progress of matters which are of concern to them.
35. Provide adequate and accurate information, explanation and advice to customers on issues of concern to them.

Impartiality and fairness

36. Ensure that the body taking a decision on a formal appeal from a dissatisfied customer does not include any person previously concerned with the case or who has a personal or otherwise significant interest in the outcome.
37. Avoid unfair discrimination against particular individuals, groups or sections of society.
38. Maintain a proper balance between any adverse effects which a decision may have on the rights or interests of individuals and the purpose which the council is pursuing.
39. Where an individual is adversely affected by a decision, or the decision is otherwise one which the individual potentially might wish to challenge, inform him or her of any rights of appeal or avenues for pursuing a complaint.
40. Ensure that members and officers are fully aware of the requirements for declaring an interest where appropriate and the reasons for doing so.

Complaints

41. Have a simple, well-publicised complaints system and operate it effectively.
42. Take remedial action when faults are identified, both to provide redress for the individuals concerned and to prevent recurrence of the problem in the future.

The Commission for Local Administration in England

21 Queen Anne's Gate London SW1H 9BU

Tel 020 7915 3210 Fax 020 7233 0396

www.lgo.org.uk