



CCB 9

2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

The Rt Hon John Wakeham MP
Lord President of the Council
Privy Council Office
Whitehall
LONDON
SW1A 2AT

5 February 1988

1. PMS ^{MS}/s/2
2. nbpm

Dear John

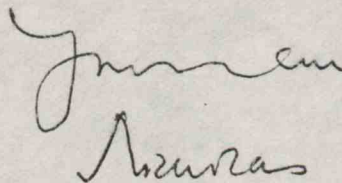
Lord McIntosh and Lord Dean have tabled two amendments to Schedule 3 of the Local Government Bill which would have the effect of enabling members of the public to complain directly to the Local Commissioner for Administration (local ombudsman) about their local authority, instead of having to refer complaints - except in special circumstances - through a councillor.

This was a recommendation of the Widdicombe Report on the conduct of Local Authority Business, and it is one which Michael Howard's Ministerial group considering the Report consider we should support. I agree with this conclusion. I attach a copy of an extract from the paper which officials put to Michael's group which sets out the arguments clearly. It is unlikely that these proposals will give rise to any significant additional costs since the Local Commissioners already operate an informal system for providing direct access.

In the normal course of events I would propose that we include a commitment in the Government's response to the Widdicombe Report to legislate to provide direct access, as part of a package of measures for improving the ombudsman service. However it is unlikely that I would be able to give very high priority to these particular proposals in a very full legislative programme, and it would probably be some time before they could be implemented.

Clearly it will be difficult for us to resist amendments to the current Bill to provide direct access and then a few months later announce that we intend to legislate, but with little prospect of doing so in the near future. I therefore consider we should take the opportunity which has presented itself, to make provision in the current Bill. The amendments which have been tabled are defective for technical reasons, and I suggest that it would also be desirable for the provisions to be extended to Scotland - especially as I understand that the Secretary of State for Scotland supports the proposal.

When Lord McIntosh's and Lord Dean's amendments were taken in Committee earlier this week Malcolm Caithness undertook to consider the matter further. I propose that we table appropriate amendments at Report Stage and I would be grateful for your, and colleagues, agreement to these changes. As Report Stage will begin on 15 February I shall be grateful for a response no later than 11 February. I am copying this letter to the Prime Minister, other members of H Committee, the Minister for Agriculture, Fisheries and Food, the Minister of State for the Civil Service and Sir Robin Butler, and First Parliamentary Counsel.

A handwritten signature in dark ink, appearing to read 'Nicholas Ridley', written in a cursive style.

NICHOLAS RIDLEY

EXTRACT FROM MINISTERIAL STEERING GROUP PAPER ON THE LOCAL OMBUDSMAN

A. Complainants should have the right of direct access to the Local Ombudsman without referral through a councillor (Rec.77)

11. The Widdicombe arguments on direct access are considered to be sound. The arrangements for channelled access can confuse or deter complainants, especially when councillors are strongly committed to their authority. The Secretary of State for Scotland has already, before the Widdicombe Committee was set up, announced that he would introduce direct access in Scotland as soon as an opportunity presented itself. Widdicombe stresses that the Local Ombudsman must, of course continue to afford the local authority concerned an opportunity to investigate and redress the complaint. This would therefore sustain local accountability, leaving scope for the more responsible councils to seek redress, if so inclined, and to involve ward councillors where appropriate. The Group therefore supports the Widdicombe proposal.

12. The change would mean, of course, that although the council and/or ward councillor would have the opportunity to redress a grievance put direct to the Ombudsman, they would no longer have the power to constitute a (sometimes insurmountable) first hurdle, or filter. The question arises whether there will be pressures for a similar 'read across' change to provide direct access to the PCA. At present, complaints to the PCA must be channelled through an MP. But the MP's relationship to the Government Department (etc) cited in the complaint is not the same as the local councillor's in relation to his council; each councillor is a member of the executive body responsible for administrative action, whereas relatively few MPs are members of the Government. We see no reason, therefore, to be anxious about any 'read across' pressure to provide direct access to the PCA, who already has an informal procedure for handling complaints made direct.



nbpm cc89
SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

The Rt Hon John Wakeham MP
Lord President of the Council
Privy Council Office
Whitehall
LONDON
SW1A 2AT

15 February 1988

Dear Sir,

I refer to Nicholas Ridley's letter to you of 5 February about amendments to the Local Government Bill designed to allow complaints about maladministration on the part of local authorities and other bodies to be made directly to the Local Ombudsman. 5 Reply

I fully agree that it would be difficult to justify resisting such amendments at this stage when we have it in mind to announce fairly soon the intention of bringing forward amendments to the same effect. Also, since direct access has already been agreed in principle so far as the Scottish Local Ombudsman is concerned, it would certainly be desirable that the relevant Scottish provisions should be amended at the same time as the equivalent provisions for England and Wales. I therefore support the proposal that Government amendments for this purpose should be tabled at Report stage.

I am copying this letter to the Prime Minister, other members of H Committee, the Minister for Agriculture, Fisheries and Food, the Minister of State for the Civil Service and Sir Robin Butler, and First Parliamentary Counsel.

Yours ever,
Malcolm Rifkind

MALCOLM RIFKIND

LOCAL GOVT: Relations pt 34





C164

NBPM

PRCG

11/2

Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon John Wakeham MP
Lord President of the Council
Privy Council Office
68 Whitehall
LONDON SW1A 2AT

11 February 1988

Dear John,

LOCAL GOVERNMENT BILL: DIRECT ACCESS TO LOCAL OMBUDSMAN

FILE WITH PG

Nicholas Ridley's letter of 5 February sought colleagues' agreement to amendments being made at Report Stage to the Local Government Bill to allow the public direct access to the local Ombudsman.

2. I am content for these amendments to be made, on the understanding that they are unlikely to give rise to any significant additional costs. However, should any additional costs arise, these will need to be offset from within DOE's programmes, under the normal "new burden" procedures.

3. I am copying this letter to the Prime Minister, other members of H Committee, John MacGregor, Richard Luce, and to Sir Robin Butler and First Parliamentary Counsel.

Pm

PETER BROOKE

LOCAL GOVT: Relations P-134.



CCB9



Y SWYDDFA GYMREIG

GWYDYR HOUSE

WHITEHALL LONDON SW1A 2ER

Tel. 01-270 3000 (Switsfwrdd)
01-270 0538 (Llinell Union)

Oddi wrth Ysgrifennydd Gwladol Cymru

WELSH OFFICE

GWYDYR HOUSE

WHITEHALL LONDON SW1A 2ER

Tel. 01-270 5300 (Switchboard)
01-270 (Direct Line)

From The Secretary of State for Wales

The Rt Hon Peter Walker MBE MP

11 February 1988

CT/4077/88

*N.B.H.
RCCG
1/2*

Dear Secretary of State

FIG WITH PG

I refer to your letter of 5 February to John Wakeham about enabling members of the public to complain directly to the Local Commissioner for Administration.

I am content with your proposal to table an appropriate amendment at Report Stage of the Local Government Bill.

I am copying this letter to the Prime Minister, other members of H Committee, the Minister for Agriculture, Fisheries and Food, the Minister of State for the Civil Service, Sir Robin Butler and First Parliamentary Counsel.

Yours sincerely

K.K. Davies

*Approved by the Secretary of State
and signed in his absence*

The Rt Hon Nicholas Ridley MP
Secretary of State for the Environment

LOCAL GOVT Relations PT34.

CEB



DEPARTMENT OF HEALTH AND SOCIAL SECURITY

Richmond House, 79 Whitehall, London SW1A 2NS

Telephone 01-210 3000

From the Secretary of State for Social Services

NBRM

The Rt Hon Nicholas Ridley MP
Secretary of State for the Environment
Department of the Environment
2 Marsham Street
LONDON
SW1P 3EB

PLG
11/2

10 February 1988

Dear Nicholas,

AMENDMENTS TO THE LOCAL GOVERNMENT BILL; COMPLAINTS TO THE LOCAL OMBUDSMAN

FILE WITH PG

Thank you for sending me a copy of your letter of 5 February to John Wakeham about enabling members of the public to complain directly to the local ombudsman.

I can see no objection to the general principle: the public can already refer their complaints direct to the Health Service Commissioner and your proposal would not therefore create any difficulty on that score.

I would agree that, given general agreement on the objective and the likelihood that it would otherwise be included in a package of measures following up the Widdicombe report, it would be awkward simply to reject the amendments tabled. I am therefore content with what you propose.

I am copying this letter to the Prime Minister, others members of H Committee, the Minister for Agriculture, Fisheries and Food, the Minister of State for the Civil Service, Sir Robin Butler, and First Parliamentary Counsel.

JOHN MOORE

LOCAL GOVT : Kelantan PT34





CABINET OFFICE
OFFICE of the MINISTER
for the CIVIL SERVICE

CB4
15pm

The Minister of State
Privy Council Office
The Rt. Hon. Richard Luce MP

Horse Guards Road
London SW1P 3AL
Telephone: 01-270 5929

C88/751

The Rt Hon Nicholas Ridley MP
Secretary of State for the Environment
2 Marsham Street
LONDON SW1 3EB

9 February 1988

Dear Nicholas,

Thank you for copying to me your letter of 5 February to John Wakeham proposing that amendments should be accepted to the Local Government Bill to introduce direct access for complainants to the local ombudsman, as recommended in the Widdicombe Report.

at flap

As you point out, the recommendation has already been endorsed in Michael Howard's Ministerial Group of which I am a member. I agree that, for the reasons set out in your enclosure, it will not present the potentially embarrassing read-across to the relationship between the Parliamentary Commissioner for Administration and Government departments that some of the other proposals under consideration in this area would involve. I am therefore content that you should proceed as you suggest.

I am copying this letter to the recipients of yours.

W
Richard

RICHARD LUCE

Local Gov. T. Relations

Pa 34