

Agency's record keeping criticised

An Ombudsman's report has criticised the Northern Ireland Environment Agency for not keeping proper records about its decision firstly to commission, and then ultimately not proceed with, an independent engineer's report relating to effluent treatment structures at a location on the River Faughan at Drumahoe.

The issue was raised with the Ombudsman by a representative from the River Faughan Anglers, a not for profit organisation with an interest in environmental issues on the river. The complainant had previously been told that an engineer would look at concerns about any risks posed by the effluent treatment structures, and that a report would be issued in due course.

While acknowledging that decision making was a matter for the Northern Ireland Environment Agency, the investigation looked at the way the Agency handled the commissioning of the report.

During the examination of the case, investigators were unable to find contemporaneous records of any analysis, discussions or decisions that took place within the Environment Agency about the issue. There were no records relating to the decision to propose commissioning the engineer's report, the terms of reference for the report, or substantive contact with civil service technical engineering specialists who could provide the report. There were also no records which showed why the decision was taken not to proceed with it.

The Ombudsman referred to the second Principle of Good Administration which requires public bodies to be 'customer focused'. This includes keeping to commitments made. It was clear from the complaint that the River Faughan Anglers were placing significant reliance on the commissioning of the engineer's report, and that the Agency should have considered updating the complainant on the change of position at a much earlier point.

The Ombudsman was satisfied that the failures relating to record keeping, and the Agency's poor communication with the complainant about the issue, amounted to maladministration.