

COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND

Minutes of the meeting of the Commission held at Millbank Tower, Millbank, London SW1P 4QP on Tuesday 9 August 2005 at 9am

Present: Mr T Redmond (Chairman)
Mrs P A Thomas (Vice Chairman)
Mr J R White
Ms A Abraham

In attendance: Mr N H Jones
Mr M King
Mr P MacMahon
Ms K Dowse
Mrs M L Handley (items 9-10)
Mr S D Jones (items 3-6)
Mr D G Nice (items 12-13)
Mr R P Rundle

1. Matters arising from the minutes of 12 July Commission meeting

The minutes of the 12 July meeting were confirmed as an accurate record and signed by Tony Redmond.

There were two matters arising.

Minute 1: Equality and Diversity

CLA 1472 had been circulated. Kathryn Dowse said that the information we gathered on type of disability was not currently used, and the figures were too small to use to inform our work on improving customer service for minority and other vulnerable groups. Our Equality and Diversity Adviser felt strongly that the question was inappropriate and that it might deter some complainants from completing the monitoring form.

Michael King said that the way we collected the data led some people to believe that the information on the monitoring form was passed to investigators, even though it specifically said this was not the case.

Peter MacMahon said that the definition of 'disability' was not accepted by all those groups we might count as 'disabled', eg some hearing impaired people did not see themselves as disabled. He also was concerned that we had enough information easily at hand to enable us to tailor our investigation process in the best way to help particular groups.

It was **AGREED** that the question on type of disability would be removed from the monitoring form next time the leaflet was printed, and the decision reviewed 12 months later.

KD

On a related issue, Michael King said that staff receiving Equality and Diversity training had asked that the training should be oriented more towards the practical application of knowledge, and less theoretical. This was **AGREED**.

MLH

Minute 2: Commission PIs

Tony Redmond said that he and Peter MacMahon would prepare a report for the September Commission meeting which would seek to identify possible reasons for the London team's performance against the decisions target, and the action being taken to remedy this.

TR;PM

2. Commission PIs: July 2005

CLA 1459 had been circulated. The following points were noted:

- Table A: Complaints received in Coventry were bucking the general downward trend;
- Table B: Complaints on education in London showed a significant rise. Peter MacMahon said this was partly due to complaints against two county councils;
- Table B: Social services complaints in York were rising, whilst housing benefit complaints were down. Patricia Thomas said that there was extra time and effort involved in considering complex social services complaints, and that, for this reason, the Commission might review the issue of complaint weighting. Generally, it was the simpler complaints that were reducing in numbers;
- Table C: There was uncertainty over exactly how the figures for *Total in hand per head/inv* were calculated. Did they include unallocated complaints or not? (*Post-meeting note: this figure would normally include unallocated complaints, but in this data set they did not. A revised data set has now been produced showing 'in hand' and 'in hand per head' figures including unallocated complaints. This has replaced the original Table C in the PIs*).
- Tony Redmond said that, at the September meeting, the debate on complaints handling should be widened, and a detailed profile of complaints in hand considered.
- Table F: Reports issued. Tony Redmond said he had 10-12 reports in the pipeline, but that at the end of the year it could be that the three LGOs would have issued only 60 or so reports between them. Jerry White said they should have a debate on the issue of reports.
- Patricia Thomas said that she had noticed, in one local authority, suggestions of a possible system failure in homelessness cases, where they were being regularly settled. There would seem to be a good case for issuing a report on at least one case to highlight the problem.

- Table J: Working establishment. There was confusion over the figure of 34 given in each team for funded establishment of investigative staff, as teams exceed this figure.

KD to check

3. Outturn Statements 2004/05

CLA 1460 had been circulated. The following points were noted.

- Peter MacMahon said that, in London, they were beginning to catch up on the backlog of repairs and maintenance caused by the delay in letting the contract.
- Neville Jones said that, in Coventry, there was a higher level of activity on taking legal advice; replacement of the failing air-cooling system would be a major but essential expense; and the high cost of the data service (ie DX system) was due to the number of home-based workers.
- Michael King said that, in York, the travel budget would need permanent adjustment for travel as a result of the greater level of travel to London for public value activity; the underspend on legal/litigation was unlikely to continue in view, in part, of the increase in JR applications.
- Stephen Jones said that, in Corporate Services, he would shortly be changing the way that costs incurred by Anne Whitehorn in giving advice to the teams were shown. Costs would be split retrospectively among the teams in line with the information in her quarterly report.
- Tony Redmond said that, in general terms, the outturn for 2004/05 was very satisfactory.

4. Budgetary Control Report: June 2005

CLA 1461 had been circulated. The Commission noted the report, and in particular:

- Stephen Jones said the next month's report should be in the new 'user friendly' format. He hoped this would be more useful, but pointed out it would need greater input from the Deputies.

SDJ

- Tony Redmond was concerned over the drop in income from external training. Stephen Jones said there had been a recent hiatus but there was now a substantial programme in hand. However, income for the first half of the year was likely to be closer to £50,000 than £100,000. Peter MacMahon asked that the Deputies should receive a business plan on external training, as this matter had a substantial effect on the overall budget.

NJK

5. Budget Estimates

CLA 1462 had been circulated, plus a later note of a revision.

Stephen Jones said that the level of grant bid for 2006/07 was significantly above the current level. This was largely a result of the pension increases that were due this year, but were deferred on the strength of the understanding with the Minister at the time that the position would be regularised in 2006/07 (including arrears). He pointed out that, the longer we took to catch up on the arrears, the greater the cost (including interest). Tony Redmond expressed concern on whether the Government would agree to fulfil this commitment now a new Minister was in post. Ann Abraham said that, at the very least, the Commission should obtain a commitment from the ODPM that it would get the Commission out of the pensions problem, even if was over a number of years. It was **AGREED** that, in its bid, the Commission should express its concern about the position it would find itself in if the pension scheme was not fully funded, in the light of its responsibility to staff. Also, the bid should reflect what was necessary to sustain the numbers and complexity of complaints being received.

The second element of budget increase related to the proposal to replace Comtrac. It was emphasised that this needed to be done because the current system was now less relevant to the needs of the Commission. Ann Abraham said it was critical to adopt a new system, as the current one could merely manage casework, it had no knowledge management function. Ann Abraham asked whether £350,000 was enough, and Jerry White said it could not be more than start-up costs. It was **AGREED** that the figure quoted in the estimate should be realistic and not understate the cost.

The third element of the budget increase related to continuing activity and was mostly to cover inflation. In the revised note on CLA 1462, the number of investigators per team was shown as 34. It was felt that it did not reflect the true situation if, to balance the books, the number of investigators was reduced by two. It was **AGREED** that the estimates should be recalculated to show the true position.

It was **AGREED** that Stephen Jones would revise the grant estimates and circulate them to the members of the Commission.

SDJ

6. Development of Financial Awareness

CLA 1463 had been circulated. Stephen Jones explained how the pilot scheme to enable greater budgetary involvement to one AO in each office had gone, and the proposal to roll out the scheme to all AOs.

Tony Redmond said that there had been mixed reactions to the proposal for greater financial awareness for AOs, but it was essential for the development of their management role. At present, AOs' contribution to budget holder meetings was limited.

It was **AGREED** to approve the proposal in principle, but that it should not be included in the budget until the finance was known to be available following the outcome of the grant bid.

SDJ

7. Programme Management

CLA 1464 had been circulated. There was considerable discussion and a number of key points were noted:

- There was unanimous agreement on the suitability of the programme management approach;
- It had been a tremendous task to pull all this information together, but the overall document was too large and bureaucratic. The size of the document meant that it was easy to lose sight of developmental work, as opposed to continuing activity;
- It was felt that the number of programme areas could be reduced, perhaps to as few as five. Some 'programme areas' were simply activities. 'Advice calls' was noted as not being a programme area in its own right, and could form part of (for example) external communications or investigative practice;
- Not all the schedules were consistent in format; and
- It was essential to convey to staff what had actually been achieved as a result of the 'provocative propositions'.

The Commission would like to receive a shorter, 'distilled' document, articulating the overall 'vision', as linked to the Public Value Agenda, at its meeting on 13 September. It should bring out the main messages and key areas that were to be addressed. It was **AGREED** that the Deputies would prepare this.

DEPs

8. Customer Satisfaction Study 2005

CLA 1465 had been circulated. Kathryn Dowse introduced the document and noted that, after reconsideration, BMG had concluded that complainants' satisfaction levels *were* linked to the outcome of their complaints.

Jackie Feeney and Kathryn Dowse would present their recommendations on what actions should be taken arising from the Study to the Deputies on 26 August.

JF; KD

The Commission **AGREED** to note the progress report and endorse the process for taking forward the key messages identified in the report.

9. Review of the 2004/05 Investigator Appraisals

CLA 1466 had been circulated. In response to questions, Margaret Handley said she thought the competencies scheme was now 'bedding down' and generally accepted, although there were improvements to be made.

The following points were noted:

- Peter MacMahon said that some people still felt that the burden of gathering evidence was too great.
- There was no consistency in the way LGOs contributed to the appraisal or the calibration process.
- On casework targets, Patricia Thomas was inclined against having numerical targets, as this militated against experimentation in the way work was allocated because it would impact adversely on the competency framework as it stood. This issue would need to be looked at again, particularly, for example, if the introduction of an intake unit removed the ‘easy outs’ from an investigator’s workload. Other things, such as an investigator’s local settlement rate, or the numbers of reports produced, could be counted.
- Kathryn Dowse said that she was working in conjunction with Margaret Handley to put together an additional set of quantitative information to help inform the appraisal process.

KD

- Peter MacMahon said he was strongly opposed to the recommendation on the structure of the calibration meeting. He felt that the Deputy Ombudsman should conduct the appeals of his own team.

The recommendations of the Working Group were **AGREED** with the following amendments and notes:

- a) In the absence of a positive recommendation for change to the separate competencies on problem solving and gathering information, the scheme should remain unchanged (*ref para 3.1*);
- b) The Deputy Ombudsman should chair calibration meetings and appeals should be heard by a Deputy Ombudsman from another office (*ref para 6.6*); and
- c) Margaret Handley would propose a formal and consistent method for LGOs to give their input into the appraisal/calibration process.

MLH

10. Recruitment Policy

CLA 1467 had been circulated. Margaret Handley explained this was simply bringing together existing material from other policies into one coherent document.

The policy and resulting changes to the Equality and Diversity Code of Practice were **AGREED**.

MLH

11. Quarterly report on Freedom of Information requests

CLA 1468 had been circulated. It was noted that the number of FOIA requests was falling, and Ann Abraham said this pattern was similar to that in her office.

On a wider issue, Peter MacMahon said there had been some complaints where the issue had been referred to the Information Commissioner, who had then returned the matter to us to deal with. There may be a need for a specific protocol to be agreed with the Information Commission.

It was **AGREED** that future reports should give information on reasons for not meeting the 20-day deadline or non-completion of the FOIA spreadsheet.

HJP

12. Triennial Review: Education

CLA 1469 had been circulated. David Nice said this was an attempt to respond to an earlier Commission discussion on what changes might be made to the LGOs' jurisdiction in both theoretical and practical terms.

There was discussion on point (a) *actions taken on behalf of the council* as to whether this covered all education matters. David Nice said he interpreted most actions in a school to be taken on behalf of the school *governors*, rather than the council, but Peter MacMahon said that surely *provision of education* was on behalf of the council. David Nice said he thought that councils had to *provide* the schools but not necessarily *run* them. Peter MacMahon pointed out that all school staff were, nonetheless, council officers.

Patricia Thomas suggested simply removing all the exclusions, while acknowledging that we would then have to use section 26(10) to reject a lot of complaints about minor issues. Jerry White said he would prefer a minimal extension to our jurisdiction, thus not opening the floodgates to extensive use of 26(10).

Tony Redmond suggested that part (c) *actions taken by the governing body etc* might be split into two sections. Peter MacMahon said that the interpretation of the phrase *management of the educational establishment* could still be a problem.

There was no agreement on the proposals. It was **AGREED** that Tony Redmond would work with David Nice to prepare an amended document to take forward.

TR;DGN

13. LGA 1974: Schedule 5 (5)

CLA 1470 had been circulated. The proposals in the paper were **AGREED**.

14. Date of next meeting

The next meeting will be held at **11am** on Tuesday 13 September 2005 in MBT.