

COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND

Minutes of the meeting of the Commission held at Millbank Tower, Millbank, London SW1P 4QP on Tuesday 8 February 2005 at 11.00am

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

In attendance: Mr N H Jones
Mr N J Karney
Mr M King
Mr P MacMahon
Ms H J Pook (item 5)
Ms H J York (items 6 & 7)
Mr A L Creech

1. Matters arising from the minutes of 14 December Commission meeting

The minutes of the 14 December meeting, and the confidential minutes, were confirmed as an accurate record, and signed by Tony Redmond.

There were the following matters arising:

Minute 2: Race Relations (Amendment) Act 2000

Ann Abraham reported that she had not yet heard from the Home Office about the round table discussion they had agreed to organise to discuss the implications of the legislation, involving the Ombudsmen affected together with their sponsoring Departments and the CRE.

Minute 2: Special Reports

Jerry White said that the *Neighbour Nuisance and Anti-Social Behaviour* Special Report was with the printers and was due to be published on 24 February. He added that he understood that a Home Office working party on burial grounds intended to issue guidance. If this proved to be the case, the Special Report planned on *Graveyards* would need to take this into account and so its publication date would be delayed.

Patricia Thomas said that the draft Special Report on *Charging for Residential Care* would be put to the Commission for approval at the April meeting, with publication in June or July.

Tony Redmond said that the Special Report on *Partnerships* would require extensive external consultation and so it was possible that this would be published after the *Charging for Residential Care* Special Report.

Ann Abraham reported that her Special Report on *NHS complaints procedures* was due to be published on 10 March.

The Commission then considered possible future Special Reports, and **AGREED** that telecommunications masts would be a suitable topic. The Commission asked the Deputies to consider this and report back to a future Commission meeting.

DOs

Minute 12: Legal work for the Commission

Patricia Thomas reported that, in accordance with the Commission's decision at the last meeting, a copy of the Administrative Court's guidance notes on JRs/PAP had been sent to two York complainants who had asked what action was available to them to challenge the Ombudsman's decision. It was too soon to tell whether these complainants would seek an application for JR, although this had provoked further correspondence from them.

2. Commission PIs: January 2005

CLA 1407 had been circulated. The following points were noted:

- The trend in new complaints showed a slight decrease (as reflected in the revised CLA 1409), up by 3.4% over the April 2004 to January 2005 period compared with the previous year. However, within this overall position, there was an imbalance in the number of complaints received by Coventry compared with the other two offices. The Commission **AGREED** that the Deputies should review the numbers of complaints received by each of the offices, and consider whether there should be any changes to the Ombudsmen's areas.

DEPs

- Neville Jones pointed out an error in the January target for the number of decided complaints, which was understated.
- The number of reports issued by each of the Ombudsmen over the year to date had increased.
- The number of OJ complaints decided by the York office was substantially below the numbers in Coventry and London. The Deputies were asked to analyse possible reasons for this and report back to the next Commission meeting.

DEPs

- The number of calls dealt with straightaway by the advice service had decreased compared with the previous year. Michael King said that he would explore possible reasons for this trend. He added that the pattern of calls received by the service during the day, and national research, suggested that it may be necessary to open the advice service at 8.30am rather than 9.00am. Also that there was likely to be a peak between 12.00 and 2.00pm.

MK

- There had been a substantial increase in the number of customer complaints received during the April 2004-January 2005 period, together with the number upheld/partly upheld. The reasons for this would be investigated, and the analysis reviewed to eg show the number of customer complaints about delay.

NJK

3. Budgetary Control Report: 31 December 2004

CLA 1408 had been circulated. Tony Redmond reported that the overall financial position remained sound, with a small deficit forecast for the end of the financial year.

Tony Redmond then reported on the outcome of the Commission's bid for grant, and in particular his meeting with Mr Nick Raynsford, the ODPM Minister for Local and Regional Government (a note of which had been circulated to Ombudsmen and Deputies). Mr Raynsford had explained that it had not been possible to increase the Commission's grant settlement over its provisional decision (an increase of 4% compared with the previous year), because it had been essential to hold down the grant for local government and he could not have treated the Commission any differently. Tony Redmond said that he had queried this linkage, on the basis that the Commission is a body independent of local government. However, the Commission was encouraged to note that Mr Raynsford had stated that, for the Commission's 2006/07 grant settlement, he would aim to restore the Commission to the position it would have been in if it had been awarded the full amount of the 2005/06 grant bid.

4. Review of Business Plan assumptions

Nigel Karney had circulated a revised version of CLA 1409 to reflect the January complaints statistics, which as noted earlier showed a decline in the complaints trend. He explained that this had produced a forecast number of complaints received for 2004/05 of 19,200. Nigel Karney pointed out that the model used in the paper was based on actual staff output data (non-S26 (5) decisions), adjusted for likely turnover and secondments, and anticipated AOs deciding 10 cases per year in 2005/06 to reflect extra public value activity (some currently decided considerably more).

The following key points were made in the discussion:

- The Commission felt that, now that levels had dropped and stabilised, it was no longer necessary to show HB and non HB complaints separately in forward predictions, although it recognised that HB figures would need to be considered separately to assess three year and five year trends.
- In the light of the trend in new complaints over the past six months, the Commission considered that it would be prudent to reduce the number of complaints it predicted would be received in 2005/06 from the levels predicted in the business plan produced in September 2004.
- The Commission noted that these predictions would mean that six additional investigators (two per office) would need to be recruited in 2005/06 to deal with the forecast shortfall in complaints decided against total workload for the year (in addition to the replacements for investigators who would be seconded to training activities). Patricia Thomas and Michael King reported that a detailed review of

accommodation in the York office was underway, and it was likely that there would be room for additional staff in the office.

- The Deputies stated that if the Commission made provision for these extra staff they would phase staff recruitment to reflect actual workload pressures (taking into account the lead time for recruitment). There might also be a possibility, if complaints levels proved to be lower than forecast, of devoting spare staff resources to special projects within the External Communications Strategy eg Special Reports.

The Commission **AGREED** to revise the business plan assumptions on the number of complaints it would receive in 2005/06 to an increase of 3.5% over the current year. Tony Redmond and the Deputies would construct the draft 2005/06 budgets on the basis of six extra investigators (and replacements for seconded staff), for approval at the March Commission meeting.

TR; DEPs

5. Annual Report 2004/05

CLA 1410 had been circulated. The Commission began by considering the suggestion that, instead of a summary annual report, an “annual review” should be produced highlighting key themes for inclusion with the Annual Letters. The Commission noted that this suggestion had arisen in part from the perception that the Commission’s Annual Report is not widely read, and an annual review might be a better way of increasing awareness of the Ombudsmen.

In the discussion, the following key points were made:

- The Commission was concerned that the impact of the Annual Letters might be diluted if it is accompanied by another publication.
- The Commission viewed the Annual Report as a key document for demonstrating its accountability/stewardship of public funds, particularly since the Commission does not report to a Parliamentary Committee on its activities. The Annual Report also constituted a valuable historical record of the Commission’s activities over the years, and provided the opportunity for researchers to obtain comparative data.
- The Commission considered whether to bring forward the publication date of the Annual Report so that this could be published at the same time as the Annual Letters, but noted that this would not be possible, even if the Annual Accounts continue not to be included. Tony Redmond pointed out that there were sound arguments for publishing the Annual Report and the Annual Accounts together, but this may delay publication of the Annual Report because of the requirement to have the Annual Accounts audited.
- However, the Commission was agreed that there should be as much co-ordination as possible between the Annual Letters and the Annual Report. This would need to be reviewed in the context of the External Communications Strategy.
- The Commission noted that a number of councils had commented as part of the feedback on the 2004 Annual Letters exercise that they would like more

comparative data with neighbouring groups of councils etc. Hilary Pook said that the complaints statistics published with the full Annual Report could be placed on the Commission's website at the same time as the Annual Letters are issued. This would enable councils to download the statistics and aggregate them in whatever format they required. The Commission felt that this would be welcomed by councils.

The Commission **AGREED**:

- i Not to pursue the suggestion of an "annual review", to be sent with the Annual Letters.
- ii That the detailed complaint statistics published with the Annual Report should be placed on the Commission's website at the same time as the Annual Letters are issued, for analysis by councils.
- iii Not to change the format of the 2004/05 Annual Report, but to review the 2005/06 Annual Report in the context of the Commission's External Communication's Strategy.

HJP

The Commission then considered themes for the 2004/05 Annual report and **AGREED** the following:

- i The main theme would be accessibility, taking in the Change Agenda work on children and young people, and public awareness. Jerry White would draft a chapter on this theme.
- ii The Annual Report would include a section on the top line results of the customer satisfaction study, which are scheduled to be available by the end of March 2005, subject to the deadline being met.
- iii The Commission's activities in the external environment would be covered in the Report, including the various consultations and discussions with Government/regulatory bodies that have taken place during the year.

JRW

The Commission also confirmed that there would be a joint Ombudsmen's chapter, as in the 2003/04 Annual Report.

6. Council response times

CLA 1411 had been circulated. The Commission considered whether to increase the number of days councils are given to respond to Ombudsmen enquiries, from 21 days to 28 days. The Commission saw merit in the arguments put forward in the paper for increasing the number of days, in particular that only half of all councils meet the current 21 day target (although there are variations within sub teams), and also that the new guidance on good investigative practice specifies 28 days for key stages of the investigative process. The point was made that a 28 day target for responses would mean that the Commission could be more robust in enforcing it.

The Commission **AGREED** to:

i Change the wording of the standard enquiry letter, with effect from 1 July 2005, to “please would you send me your comments on the complaint so that they reach me within 28 days of the date of this letter.”

ii Tell councils about the change in the 2005 Annual Letters.

HY

7. Annual Letters: Guidance for 2005

CLA 1412 had been circulated. The Commission began by commending Hilary York and everyone else involved in producing comprehensive and useful guidance. The Commission made the following points in its discussion:

- The Commission considered whether to include complaint reference numbers in the Annual Letters. The 2005 Annual Letters would be expected to receive wider publicity than in 2004 and omitting the reference numbers would minimise the risk of individual complainants being identified. The Commission supported the proposal to omit them.
- The Commission noted that the revised approach to the CPA process, in which greater focus would be made on users’ experience of the council’s services, meant that Annual Letters would be likely to have an increasingly important role in this process.
- It might help bring the Annual Letters ‘to life’ if complainants’ experiences of using the service could be quoted, in their own words.

The Commission **AGREED** to approve the draft guidance, subject to councils’ comments on the presentation of the complaints data, which would be put to the March meeting of the Commission for consideration.

HY

8. Review of London support staff arrangements

CLA 1413 had been circulated. Peter MacMahon introduced the paper by outlining the background to the proposals and the consultation process. In reply to a query from Ann Abraham, he confirmed that the proposals were cost neutral.

In the discussion, the Commission noted that the London proposals were a pragmatic solution to the situation as it existed in London, and Coventry and York would not be required to replicate them. However, it was emphasised that any changes Coventry and York proposed to their own support staff services would require the specific approval of the Commission.

The Commission **AGREED** to approve the LMT’s proposals ie:

- i Merger of the existing four support teams into two support teams, each providing a service for a pair of investigative teams;

- ii Each of the two new support teams to be managed by an STL who will report to a designated AO;
- iii The remaining two STL posts to carry out PA duties for a pair of AOs as well as handle premature complaints, and will report to the same designated AOs.

Confidential business

There was no confidential business, other than the individual staff responses to the consultation paper on the review of London support staff arrangements.

9. Date of next meeting

The next meeting will be held at 9am on Tuesday 8 March 2005 at Millbank Tower, London.