

COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND

Minutes of the meeting of the Commission held at Millbank Tower, Millbank, London SW1P 4QP on Tuesday 10 May 2005 at 11.30am

Present: Mr T Redmond (Chairman)
Mr J R White
Ms A Abraham

In attendance: Mr N H Jones
Mr N J Karney
Mr M King
Mr P MacMahon
Ms H J Pook (item 4)
Ms J Feeney (item 4)
Mr D G Nice (item 6)
Miss A Whitehorn (item 7)
Mr A L Creech

1. Apologies

Apologies for absence had been received from Patricia Thomas.

2. Matters arising from the minutes of 12 April Commission meeting

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

There were no matters arising.

3. Commission PIs: April 2005

CLA 1433 had been circulated. The following points were noted:

- The number of new complaints received by York had increased substantially in the month of April (up 6.3% compared with April 2004), in contrast to the decline in London and Coventry (down 8.3% and 8.9% respectively). Michael King said that the York office had analysed possible reasons for the increase, but none could be discerned because it was spread across all local authorities and all complaint subjects. This led to discussion about the current position on investigator vacancies within the offices, and the number of appointable candidates in each office's investigator pool. The Commission **AGREED** that the Deputies should make the first of their reports on the workload/resources position in each of the offices at the next Commission meeting on 7 June.

DEPs

- Peter MacMahon said that the number of unallocated complaints (182 unallocated after more than 4 weeks at 30 April) remained a significant issue for the London office, which would be reviewed by the London Management Team at its next meeting.

- The number of calls to the advice line had increased in the past month; this might indicate an upturn in complaints. Nigel Karney said that, based on the end results of 2004/05, the link between calls and complaints was unclear. He would ask the Head of Policy and Research to consider the matter when she takes up her post in June.

NJK; KD

4. Annual Report 2004/05

CLA 1434 had been circulated. The Commission's new Head of Communications, Jackie Feeney, was welcomed to the meeting. The Commission considered the final text of the 2004/05 Annual Report in the light of the LGA's comments (tabled at the meeting); the summary annual report; and draft press release.

The Commission noted the LGA's comments and **AGREED** to approve:

- The draft Annual Report, with amendments to take account of the following points:

The Commission and its role

- Change the heading *Our vision is* to *Our Public Value vision statement is*.

Chapter 1: Chairman's introduction

- For consistency with the rest of the Report, change *These decisions included 127 reports issued by the Ombudsmen* to *We issued reports in respect of 167 complaint...*
- Amend the following sentence as indicated: *The Local Government Ombudsmen and Parliamentary and Health Service Ombudsman are also working with the administrative courts...*

Chapter 2: Accessibility

- Change *Each year more and more people have brought their complaints to us* to *Over the years more people have brought their complaints to us*.
- Omit the third paragraph beginning *Of course, merely being accessible would be little use if we were not effective too*.

Chapter 3: Business Goals and performance

- Explain that the average cost per complaint in 2004/05 (£592) was slightly less than the previous year's figure, taking account of inflation.
- Move the total row in *Table 4: customer complaints* to the top of the table.
- Delete *large* from the sentence *So, every four years, we commission a large customer satisfaction study...*

Chapter 6: Mrs Thomas-the final chapter

- Change the chapter title to *Mrs Thomas – reflections on 20 years as a Local Government Ombudsman*¹.

Appendix 2: council response times

- Not to update the 2001/02 figures quoted in the 2001/02 Annual Report.

ii The draft text of the summary annual report, with the following changes:

- Review the wording *The figure of £1.1 million represents the minimum we have achieved...* (to eg “obtained for complainants”), with the same change to Chapter 5 of the full Annual Report.
- Change the paragraph heading *Change Agenda* to *Public Value Agenda*.
- Review the paragraph beginning *Although there is no evidence that we are failing to reach minority ethnic communities in general* (with consequent changes to the same paragraph in the Annual Report).

iii The draft press release, subject to:

- Including details on the number and type of councils where the Ombudsmen had recommended that they review their policies or procedures.
- Omitting the second paragraph beginning *Financial compensation is not the only remedy available...*
- Refer to the £87.2m reimbursed to complainants as a result of the S117 Mental Health Act Special Report.

5. Steering the Public Value Agenda

CLA 1430 had been circulated for the 12 April Commission meeting, but withdrawn pending the Staff Event.

Nigel Karney explained that, at their Awayday the previous week, the Deputies had reflected on how to take forward the Public Value Agenda and issues arising from the Staff Event. He emphasised that these ideas were still in development, but the Deputies had felt that it would be helpful if they could obtain the Commission’s initial views on them, in advance of the meeting of Staff Event facilitators arranged for the following day.

¹ This was subsequently amended to *Mrs Thomas – reflections on 20 years* on the advice of the Annual Report designers.

Nigel Karney tabled a number of diagrams/bullet points which illustrated the Deputies' ideas. He apologised that, because of the short timescale, he had not been able to circulate a paper in advance. He outlined the Deputies' ideas as follows:

- There are already a number of distinct areas of work which are linked to taking forward the Public Value Agenda and to organisational development. Some of these are linked to existing working groups and most are either led by a Head of Service in Corporate Services or an Assistant Ombudsman (eg IT, Equality and Diversity, Quality and Efficiency, Investigative Practice).
- A similar approach could be taken in other areas in order to provide a comprehensive and clearer structure for programming development activities (termed "Programme Areas" by the Deputies).
- The other areas might include Role and Influence, Knowledge Management, Finance and Facilities, and Advice Calls.
- The common features for all these Programme Areas would be a development programme; a leader (Head of Service/AO) who would ensure that the Programme is delivered, and a member of senior management (the Chairman and/or Deputy) who would closely monitor the plans and advise the leader.
- In most Programme Areas there would be a support/scrutiny working group, chaired by one of the sponsors, and the Deputies suggest that in some Areas there would also be a lead AO in each office with special responsibility for the Area (this is already the case with External Communications). This would fit well with the emerging conclusions of the recent audit of working groups by Sayers Vincent.
- Under this model, the Programme Areas would be regularly reported to the Commission for approval and review, and to the Deputies Group to consider progress and provide direction.
- The Deputies suggest that the arrangements for Commission and Deputies Group meetings might need to be changed in order to accommodate the focus on Programme Areas alongside individual items of business.
- The Deputies suggest that there are two distinct themes emerging from the Staff Event – these are the "Provocative Propositions" produced by the workshop discussions, and a "one organisation" spirit. The Deputies propose that the Provocative Propositions should be considered through the Programme Area groupings as they had outlined, so that the Propositions could be considered alongside other work already in progress. The Commission would then consider which Propositions should be taken further.
- The Deputies also propose that a "One Organisation Group" should be appointed, comprising a cross-section of staff from the three offices with responsibility for planning/organising special measures to develop and maintain a "one organisation" spirit.

The Commission commented that it would need more time to consider the Deputies' ideas in detail (especially in the light of Patricia Thomas's absence), but it did make the following initial observations:

- It was important to show clearly, within the model, the Commission's central role as the primary strategy/policy making body for the organisation, with stewardship of public resources.
- If the model was adopted, the Commission recognised that it may need to review its meeting arrangements. One possibility would be to have a full day meeting every quarter (say), in place of the regular meeting to focus on the wider strategic issues facing the organisation. Ann Abraham said that, in the PHSO, in order to reduce the amount of detailed operational information put to its management board, it will in future be receiving a quarterly 'stewardship' report giving composite performance information.
- There was a danger that the focus on internal working groups would mean that the programmes would be too "inward facing" and the model needed to ensure an external focus in many of the Areas.

The Commission **AGREED** that:

i The Deputies' ideas, as developed in the light of the discussion, could be circulated to Staff Event facilitators for their views.

NJK

ii A paper based on these ideas and views from the facilitators should be put to the Commission for discussion at its 7 June meeting.

DEPs

6. LGA 1974 Schedule 5 (5)

CLA 1436 had been circulated. The Ombudsmen considered their jurisdiction in relation to complaints about actions which have taken place in schools. David Nice had raised this with them because inconsistencies in approach had emerged from a recent review of case files he had undertaken as part of the quality control initiative. It had seemed to him important that there should be consistency of approach, particularly since it would be helpful for staff to have clear guidance. It had not so far proved possible to obtain agreement on this in his individual consultations with the Ombudsmen.

David Nice explained the two possible approaches to the Ombudsmen's jurisdiction in this matter that might be adopted, and the way forward he had proposed in his paper ie to adopt the less restrictive approach to jurisdiction, but to provide for the exercise of discretion under section 26 (10) not to investigate a complaint where it was clear that the likely benefit which might result would be insignificant and therefore an investigation would not be justified.

In the discussion, the Ombudsmen noted the arguments for each of the options, and considered that it would be prudent to obtain a Counsel's opinion before coming to a final view. The Ombudsmen therefore **AGREED** to request that David Nice, in consultation with Anne Whitehorn, obtains a Counsel's opinion on this matter, and then

to bring this back to the Ombudsmen for further consideration at a future Commission meeting.

DGN; AW

7. Confidential business

There were two items of confidential business:

1. An annual report presented by Stephen Jones on the superannuation benefits of retired Local Commissioners, which the Commission noted (CLA 1437)
2. A confidential legal matter brought to the Commission's attention by its Legal Adviser, Anne Whitehorn, concerning Mayer Brown Rowe and Maw. A separate, confidential minute was taken of the Commission's discussion.

8. Date of next meeting

The next meeting will be held at **11.30am** on Tuesday 7 June at the York office.