

**COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND**

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

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

**In attendance:** Mr N J Karney  
Mr N H Jones  
Mr M King  
Mr R K Duveen (item 3)  
Ms M L Handley (items 7, 10-11)  
Miss A Whitehorn (item 12)  
Mr A L Creech

**1. Welcome**

Anne Seex was welcomed to her first meeting of the Commission since taking up her appointment.

**2. Apologies**

Apologies had been received from Peter MacMahon.

**3. Matters arising from the minutes of 7 October Commission meeting**

The minutes of the 7 October meeting were confirmed as an accurate record, and signed by Tony Redmond, subject to one change to minute 5 “Business case for replacing Comtrac”: the third sentence of the bullet point on page 3 should be deleted and replaced by:

“Ann Abraham explained that the Visual Files system was used by the Treasury Solicitors amongst others.”

There were two matters arising.

**Minute 5: Business case for replacing Comtrac**

CLA 1491 had been circulated. Ricky Duveen summed up his report by stating that a number of issues had come to light in his review of PHSO’s implementation of Visual Files (listed in paragraph 21 of his paper) which had led him to conclude that the Commission should undertake its own procurement exercise to find a replacement for Comtrac, assuming that funding for the project is secured in the 2006/07 grant bid. However, he added that there might be strategic reasons (not considered in his report) for adopting the PHSO IT solution, such as increased joint working, which might be judged to outweigh the shortcomings he had identified.

In the discussion, the following points were made:

- Anne Seex observed that the report did not include an evaluation of Visual Files by users, or a thorough analysis against the Commission's business requirements, and that the Commission did not therefore have sufficient information to take a considered view on the disadvantages/advantages of PHSO's IT system.
- Ann Abraham pointed out that:
  - She had only had the opportunity for a preliminary discussion with PHSO colleagues about Ricky Duveen's report, but it was clear that there were a number of inaccuracies in the report in respect of PHSO's IT system, and she gave the Commission some examples of these.
  - PHSO colleagues would do all they could to assist the Commission in evaluating their IT system; extensive information was available on past projects; and the report which had recently been put to the PHSO Project Board, when it had signed off the Visual Files project, could also be made available.
  - A key factor for PHSO had been the capability of developing their system in-house rather than having to rely on an external developer.
  - She was committed to the Commission securing the most appropriate solution for its business requirements (which need to be defined very clearly), and achieving the best possible value for money.
- There is a need to find a pragmatic and cost-effective solution, and to involve users in the evaluation process. And, in strategic terms, the presumption should be, whenever the two organisations are looking to develop their back-office functions, that they consider the possibility of working more closely together. So the procurement process for replacing Comtrac needs to include a detailed evaluation of PHSO's Visual Files solution, and it was for consideration whether this should comprise a separate first stage of the process, or whether this should be part of the process of evaluating the different products available in the market.

The Commission then discussed the governance arrangements for the project. Ann Abraham advised that PHSO's experience of past IT projects had highlighted the importance of putting in robust governance arrangements at an early a stage as possible. Also that senior management, as well as users and technical experts, have a key role in the process. Nigel Karney outlined the governance arrangements for the Comtrac replacement project, as set out in the business case. These were for a Project Board; a Review Board (which would quality control/assure the project) and a Users Group. These had been modelled on the arrangements that had been put in place for the successful procurement/implementation of Comtrac (which had included close involvement of users). Nigel Karney said that, given the relative lack of in-house experience of managing such a major project, the business case had also proposed the appointment of an external consultant who would act as project manager.

In the discussion, the point was made that, while the Project Board would run/oversee the project, the Commission itself would have an important role in receiving progress reports and making the key strategic decisions. The Commission agreed that the first stage of the procurement process should be a thorough evaluation, against the Commission's business requirements, of PHSO's Visual File solution, and that this evaluation should involve users as well as IT experts.

The Commission **AGREED** that Nigel Karney and Ricky Duveen will prepare a report for the next meeting of the Commission on 13 December, which will set out the Project Board's brief/terms of reference, the timetable for the project and details on how the evaluation of PHSO's Visual Files system will be carried out prior to determining the full procurement process

NJK;RKD

### **Minute 7: Health and Safety in Graveyards**

Jerry White gave the following progress report on the *Health and Safety in Graveyards* Special Report:

- He had amended the draft Report to take account of the majority of Anne Seex's comments. He had not considered it necessary to bring the Report back to the Commission for further discussion.
- He had arranged to meet the author John Greenwood later that week to finalise the Report, which would then be issued as a consultation draft.
- Consultees will be given two months to comment on the Report (ie mid January deadline).
- He will refer the Report to the Commission if consultees raise substantive points which warrant this. But, otherwise, he will aim to publish the Special Report during March 2006, in advance of the Association of Burial Association's annual conference.
- Jackie Feeney, Head of Communications, will be fully involved in the consultation and publication process.

The Commission then discussed the draft Special Report on *Paying for residential and nursing home care*, which had been initially prepared by Patricia Thomas and the York investigator John Osmont. Anne Seex said that, since the Commission had last considered the draft Report in June 2005, further substantial comments had been received from Age Concern. She had reviewed the Report and concluded that further work would be needed on it before it could be issued as a consultation draft, mainly because it continued to draw heavily on the views of external bodies rather than the Ombudsmen's own specific experience and expertise (the Commission had expressed similar concerns in June 2005). Anne Seex therefore considered that it was unlikely that the Report, in a revised/reduced format, would be published during the current 2005/06 financial year. Nigel Karney wondered whether a more appropriate vehicle for raising the issues set out in the Special Report might be to host a special event involving key stakeholders; Anne Seex said that she would consider this suggestion further.

The Commission noted Jerry White's and Anne Seex's progress reports.

#### 4. Commission PIs: September 2005

CLA 1492 had been circulated. The following points were noted/agreed:

- The total number of complaints received over the past 12 months had decreased by 3.1% (down 7% in the month of October).
- Within this overall picture, however, the mix of complaints had changed, with an increase in the more complex categories such as Social Services, and a decrease in less complex categories such as Housing Benefit. Tony Redmond pointed out that these figures are monitored by Government, and if the declining trend in complaints numbers becomes well established, he suggested that the Commission will need to consider at a future meeting what actions to take to manage the decline.
- In this context, Anne Seex commented that it would be helpful for the Commission to have available more detailed demographic information about the make-up of complainants. She recalled the discussion at the October management conference about analysing complainants by postcode, and asked whether there was a timescale for this work. Nigel Karney said that he would take this up with Kathryn Dowse, Head of Policy and Research, and report to the next meeting of the Commission on 13 December.

**NJK;KD**

- The total number of complaints in hand in the London office (1,750), and the total unallocated at 31 October (528), combined with the performance against decision targets, remain a cause for concern. Tony Redmond said that he and Peter MacMahon continued to discuss possible reasons for this and the means by which the backlog might be eliminated with AOs.
- Neville Jones reported that Coventry had recently agreed to take 200 new complaints from London up to December 2005. Tony Redmond said that the office was grateful for Coventry's assistance, although this did not remove the need for the London office to address the residual backlog.
- Neville Jones also reported that, with effect from 1 November 2005, complaints about local authorities within Warwickshire had been transferred to the York office. The Commission **AGREED** to note this with approval.
- Michael King pointed out that the York office's investigative staff level (35) was one higher than the funded establishment: a York investigator was due to leave the Commission's service, and to remedy this imbalance the post will not be filled.

#### 5. Budgetary control report: September 2005

CLA 1476 had been circulated. Tony Redmond said that the overall budgetary position was satisfactory, but also that a significant underspending is projected for the year-end.

This underspend was largely attributable to the salaries budget, with higher than anticipated staff turnover and delays in recruiting staff. The Commission needed to give further consideration at a future meeting to the following issues:

- The reasons for the continuing underspends against budgets.
- Whether the reserves might partly be utilised for one-off capital projects.

Tony Redmond then gave the Commission a brief progress report on the 2006/07 grant bid, and in particular his recent meetings with the ODPM Minister, Phil Woolas, senior ODPM civil servants, and the LGA. He said that he would keep Commission members informed of the latest developments. Also that confirmation of ODPM's recommendations on the Commission's grant bid was expected during November.

**TR**

## **6. Programme management: reports on key projects**

CLA 1477 had been circulated; the notes of the October management conference had been circulated separately.

Introducing the reports, which had been prepared in the light of the management conference discussions, Nigel Karney suggested that the project leaders should attend the Commission meeting to report on progress and answer any questions when the updated key projects reports are next presented to the Commission in six months' time

The Commission **AGREED** to approve the report on key projects, subject to amendments where appropriate to take account of the following comments:

Key project 5: Review the front end of the service, including enhancing the advice service: Ann Abraham referred to the management conference discussions about whether the enhanced advice service might in future have the capacity to provide ADR, which was also of relevance to the 'Alternative Resolution of Complaints' provision in the draft Regulatory Reform Order (RRO). The CLA and PHSO need a continuing dialogue on these issues, so that both organisations can jointly reap the benefit of the RRO, rather than giving them separate/parallel consideration. The Commission endorsed Ann Abraham's point.

Michael King then reported on progress with the advice service project. He said that he and Kathryn Dowse had met on a number of occasions to "brainstorm" ideas, when it had become apparent to them that enhancing the front-end would have implications for the rest of the organisation. They planned to report to a future meeting of the Commission, setting out their thoughts and asking for the Commission's guidance on how to take the project forward.

**MK; KD**

Michael King also reported that he had reviewed with Jack Kellett of PHSO the recent York/PHSO joint working pilot, and they were currently planning a joint seminar in York to present the results of the review to staff. The seminar would take place in January 2006. He confirmed that a report on the pilot would be made available to both organisations, and PHSO staff will be invited to the York seminar.

Key project 9: Develop website: In answer to a question from Anne Seex, Nigel Karney explained that the tender for developing the website had been prepared but not yet let, pending confirmation that funding for the project has been agreed as part of the 2006/07 grant bid.

Finally, on the management conference notes, Anne Seex commented that these were very long/detailed, and staff would find it helpful if the key themes/points of agreement could be clearly set out. Tony Redmond said that he would consider this point further.

TR

## 7. **Amendment to the Disciplinary procedure**

CLA 1478 had been circulated. Margaret Handley explained that the amendments to disciplinary procedure had been sought by the Deputies, and in particular Peter MacMahon. The main change was to focus on the results of the investigation and evidence from the disciplinary hearing when deciding about the seriousness of the misconduct. This removed the need to describe the procedure in stages of seriousness. Margaret Handley drew the Commission's attention to the Staff side comments, and the Deputies' view that they would not wish to revise the proposals to take account of these comments, but felt that the principles on which the Policy was based gave adequate assurance. She also tabled an additional amendment to paragraph 4.3 of the draft revised procedure, which provided for a second member of management to be present to take notes of the proceedings and act as a witness.

In answer to a question from Ann Abraham, Margaret Handley explained that, although there are references to "work" in the procedure (for example in paragraph 4.4 "if, after meeting the person conducting the meeting remains of the view that the employees work or conduct does not meet acceptable standards"), this applies where the employee's conduct affects the standard of work, and there is a separate Commission policy on incapacity cases.

The Commission **AGREED** to approve the revised disciplinary procedure, subject to the following changes:

Paragraph 4.3: Amend the proposed additional sentence to read "a second member of management may be present to act as a witness."

Paragraph 7.2: Amend the penultimate bullet point to read "serious misuse of computer equipment (e.g. with the risk of, or resulting, in major damage to the Commission's software; maliciously introducing a computer virus into the Commission's computer equipment.)"

General comment: Refer throughout to "he or she".

MLH

## 8. **FOIA quarterly report: September 2005**

CLA 1485 had been circulated. The Commission noted that the number of requests continued to decrease (42 compared with 53 in the previous quarter), and the majority of refusals were on Section 44 grounds. Michael King referred to Hilary Pook's comment

that the recording of complaints needs to be improved: he would follow this up in York, where it was his perception that there might be some under reporting.

**MK**

Neville Jones then gave a progress report on a Coventry request referred to the Information Commissioner, which involved a complaint that Coventry had not considered the request in the light of the Environmental Information Regulations. Neville Jones had requested guidance from the Information Commissioner on this point, but had not yet had received a response. He would keep the Commission informed of progress.

**NHJ**

The Commission **AGREED** to note the quarterly report.

## **9. Review of retention and disposal policy**

CLA 1491 had been circulated. Hilary Pook explained that the main change proposed to the policy was an additional exception to the 14 months retention rule (in addition to “landmark” cases), which is where a file is needed in relation to a subsequent complaint from the same complainant. This was in order to accommodate a local practice which came to light while she was working on a London office procedure for destroying complaint files, and the amendment was required to accommodate this practice. However, that this did not mean that the Coventry and York offices were bound to comply with this provision: it had been included in order to allow the London office to continue its local practice. She added that she planned to contact the Coventry and York Facilities Managers shortly to help draw up local procedures for those offices.

The Commission **AGREED** to approve the revised retention and disposal policy, subject to omitting the terms “half-dead” and “full-dead”.

**HJP**

Neville Jones and Michael King will explain the revised procedures to Coventry and York office staff.

**NHJ; MK**

## **10. Sickness absence quarterly report: September 2005**

CLA 1479 had been circulated. The analysis was noted, in particular that the number of average days of sickness in the Commission over the past 12 months, at 7.39 days, was above the target set by DTLR for NDPBs. Margaret Handley will check that the targets are up-to-date.

**MLH**

## **Confidential business**

### **11. Pay of Assistant Ombudsmen and Heads of Service (exempt from FOIA under section 36)**

CLA 1500 had been circulated to Commissioners and Deputies. The Commission **AGREED** to proceed to consult staff and Staff side, and ODPM officials, concerning the proposed new pay range for Assistant Ombudsmen and Heads of Service.

### **12. Local Government White Paper (exempt from FOIA under sections 22 and 36)**

CLA 1495 had been circulated to Commissioners and Deputies. The Commission noted that this item had been placed in error on the open Commission agenda.

The Commission considered a draft outline of requirements for submission to Government on what might be included in the White Paper dealing with changes to the Local Government Ombudsmen's legislation, and agreed the next steps.

- 13. Date of next meeting**  
**11am, 13 December in MBT.**