

COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND

Minutes of the meeting of the Commission held at Millbank Tower, Millbank, London SW1P 4QP on Tuesday 13 September at 10.30am

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

In attendance: Mr N J Karney
Mr N H Jones
Mr M King
Mr P MacMahon
Ms K Dowse
Mr D G Nice (item 3)
Ms J Feeney (item 16)
Mr A L Creech

1. **Patricia Thomas**

Tony Redmond said that this was Patricia Thomas' last Commission meeting before her retirement at the end of September. Tony Redmond expressed his appreciation on behalf of the Commission to Patricia Thomas for her outstanding contribution to the work of the Commission over the past 20 years.

2. **Apologies**

Apologies had been received from Ann Abraham.

3. **Matters arising from the minutes of 9 August Commission meeting**

The minutes of the 9 August meeting were confirmed as an accurate record and signed by Tony Redmond.

There were two matters arising.

Minute 11: Quarterly report on Freedom of Information requests

Patricia Thomas reported that her office had recently received an FOIA request from an MP, which involved an allegation that the council had changed its practice on education admissions because of the LGO's 'interference' with the council. The request had been for all records of LGO meetings with the council; no such records were available to disclose.

Nigel Karney will consider whether this has any implications for the Commission's FOIA guidance.

NJK

Minute 12: Triennial Review 2005/06

CLA 1473 had been circulated. The Commission considered the results of Tony Redmond and David Nice's further work on what to propose in the 2005/06 Triennial Review in respect of the LGO's jurisdiction over education matters, taking account of the points made by the Commission at its August meeting.

The Commission noted that point (a) had been amended to "action taken in discharge of the functions of the council" (from "action taken on behalf of the council"). David Nice confirmed this was intended to cover SEN complaints. Also, that the effect of the revised proposals would be to bring within jurisdiction welfare matters such as how bullying is dealt with by the school.

In the discussion, the Commission confirmed that it was content with the revised formulation, subject to the omission of the examples given in the final part of paragraph 3.5.

DGN

However, the Commission also recognised that such changes would still leave significant aspects of activity in schools (e.g. curriculum matters, discipline), which are not within the jurisdiction of the Ombudsman or some other independent body. It was noted, for example, that parents have a right in general terms to participate in OFSTED inspections, but they have no right to take individual complaints about education matters to OFSTED. The Commission considered that this situation should be addressed by Government, whether by setting up an Education Ombudsman or by an extension of the LGO's jurisdiction. The implications for existing regulators such as OFSTED, the Children's Commissioner and Higher Education adjudicators would also need to be considered. The Commission appreciated that extending the LGO's jurisdiction to other activities within school could lead to a large number of relatively minor/trivial complaints being received, but it was considered that this could be overcome by requiring schools to have local mechanisms in place to deal with such complaints.

The Commission **AGREED**:

- i To approve the revised formulation, as amended, for inclusion in the consultation draft of the 2005/06 Triennial Review.

DGN

- ii That Tony Redmond will raise the lack of coverage by an Ombudsman over significant areas of education matters in the covering letter he had undertaken to send with the Triennial Review submission.

TR

4. Transitional arrangements: York Office

CLA 1474 had been circulated. The Commission considered what arrangements to put in place to deal with complaints during the four week period between Patricia Thomas retiring from the Commission and Anne Seex taking up her appointment. Also, whether any transfers in local authorities between the offices would be appropriate in the light of previous positions held by Anne Seex.

The Commission **AGREED** that:

- i Jerry White will oversee the York office during the interregnum between Patricia Thomas' retirement and Anne Seex taking up her appointment; he will arrange to visit the York office during this period to meet staff.

JRW

- ii With effect from 1 October 2005, complaints about Manchester City Council and Peak National Park (a newly appointed York investigator is married to the National Park's Chief Executive) will be transferred to the Coventry office, and, to balance complaint numbers, complaints about local authorities within Warwickshire will be transferred to the York office, subject to Neville Jones confirming this with Coventry AOs.

NHJ

- iii Complaints about Lancaster City Council will continue to be dealt with by the Coventry office.

- iv Michael King and Neville Jones will liaise on the detailed implementation issues, consulting Jerry White and Patricia Thomas where appropriate eg on communications with York/Coventry office staff, informing the relevant local authorities.

MK;NHJ

Patricia Thomas added that it was likely that her Special Report on paying for residential and nursing care will not be finalised by the time she retires. The Commission noted that Michael King will complete work on the Special Report, in consultation with Tony Redmond.

MK;TR

5. Commission PIs: July 2005

CLA 1475 had been circulated. The following points were noted:

- The total number of complaints received had increased by 7% in the month of August, mainly due to a 16.3% increase in complaints received by the London office. Overall, however, it was difficult to discern any underlying trend in the figures.
- Calls to the Advice Calls service continued to increase, and it was noted that the table now included letters and e-mails received by the service. Michael King reported that there had been a very good response to the advertisement for the service's vacant post.
- Neville Jones said that he had investigated possible reasons for the relatively high number of comebacks recorded in the Coventry office as "decision confirmed: further explanation". This could be attributed to how the figure was recorded in Coventry rather than any actual difference in the figure.

6. The London Office: Managing allocation delays

CLA 1476 had been circulated. The Commission considered Peter MacMahon's report on the London office's performance, against the background of increasing delays in allocating complaints. Introducing his report, Peter MacMahon:

- Highlighted some of the initiatives/different ways of working currently being undertaken by London office staff investigators to reduce the backlog of unallocated cases.
- Gave the latest available performance figures for the London office. These showed an encouraging improvement over recent weeks with eg 587 decisions made in August (67 above target) and total unallocated complaints reduced from 700 at 31 July to 579 at 31 August. However, he stressed that there was still a lot to do, with 1,829 complaints in hand at 31 August. One seasonal factor contributing to high productivity was the high number of school admission complaints (approx 700), which would be decided within the next few weeks.
- Pointed out that the key message to get across to staff was the importance of achieving the 2005/06 performance targets set for the London office.

In the discussion, Tony Redmond emphasised the importance of maintaining the momentum of initiatives; they should not be viewed as a "quick fix".

The Commission then exchanged information on stockpiling and caseload levels, and discussed the extent to which this might influence productivity levels.

The Commission noted the report, including the staffing proposal set out in paragraph 10 of the paper.

7. Budgetary control report: July 2005

CLA 1477 had been circulated. Tony Redmond explained that the report was in the new format, but that this was not yet in its final form and would be subject to further review. He added that the overall financial position was in line with predictions.

The following points were noted:

- The forecast increase in income from the local authorities training initiative was encouraging, but this relied on the expressions of interest so far received turning into firm bookings. The Commission took the opportunity of expressing its appreciation to the project leader Anne Carus for all the hard work she is putting into the project. The Commission also requested that Jackie Feeney gives a progress report on the project to its next meeting on 7 October.

JF

- The annual operating savings of £24,000 in MBT will be achieved by Corporate Services moving later in the year from the 14th to the 10th floor, thereby saving space.

8. Draft Estimates 2006/07: Corporate Plan 2006/09: Business Case for replacing Comtrac

CLA 1478 had been circulated. The Commission **AGREED** to approve the draft Estimates 2006/7, the draft Corporate Plan 2006/09; and the draft of the business case for replacing Comtrac for inclusion in the 2006/07 estimates, subject to the following comments and changes:

Corporate Plan 2006/09

- (a) Chapter 4: *Developing the Commission over the next three years*: Nigel Karney will amend this Chapter to make it consistent with the Commission's decisions on Programme Management (minute 10).
- (b) Page 48: Table 36: *Budgeted Establishment*: amend the table to show Advice Call staff on a separate line.

NJK

Business case for replacing Comtrac

- (c) Nigel Karney will arrange for Ricky Duveen to give a presentation to the Commission at its 7 October meeting on the business case for replacing Comtrac. Nigel Karney explained that it had not proved possible to do so until now because of the very tight timescale between receipt of the IT consultant's report and the deadline for submitting the draft business case to the ODPM. He commented that it was greatly to the credit of IT Unit staff that the business case had been produced in such a short timescale, given that there is relatively little experience of this kind of task within the Commission.

RKD

Tony Redmond then reported on the discussions held so far with LGA and ODPM officials on the draft Estimates. Meetings had also been requested with LGA members and the Minister for Local Government. Tony Redmond said that he had met Sir Brian Briscoe of the LGA earlier that day, to whom he had explained the serious financial difficulties the Commission would face if it does not receive funding to compensate for the deficit in employers' pension contributions.

Tony Redmond said that he had also had an informal meeting with the Minister, Phil Woolas, when he had made it clear that his predecessor had made a commitment to restore the Commission to the position it would have been in if it had received funding for pension contributions in its 2005/06 grant award. There had been an acknowledgment of the Commission's position.

Tony Redmond will keep the other Commissioners informed of progress. Jerry White said that he would be happy to be involved in the discussions if this would prove helpful.

TR

9. Enhancing the Advice Service

CLA 1485 had been circulated. The Commission considered a proposal for an 'options' project, estimated to take about six months, to undertake a detailed, comprehensive assessment of developing the advice of service.

Introducing her paper, Kathryn Dowse explained that:

- The proposal arose from the Deputies' discussion of intake units, which the Commission had asked them to explore in more depth following consideration of a paper on the subject at its July meeting.
- Starting from the Commission's business goals and priorities, and taking into account key themes arising from the customer satisfaction study and the provocative propositions, the Deputies had concluded that expanding the advice service would be a better means of achieving these priorities. Although this would not preclude the possibility of further expanding the service by eg acting as a platform for ADR as is the case for other ombudsman schemes such as the FOS; any subsequent consideration of intake unit options.

Michael King confirmed that the current proposal was entirely consistent with the direction in which the Advice Calls Service is already going, albeit at a faster pace.

Jerry White said that he considered the proposal to be a positive and interesting development. He suggested an amendment to be second bullet point on page one of the paper to make it clear that complainants should be offered guidance/assistance in formulating a complaint.

KD

The Commission then discussed the resourcing of the project, given its size and importance and the limited resources in-house. The Commission concluded that that it was preferable to undertake the project in-house, supplemented by external advice and assistance from other ombudsman schemes and Government Departments such as the DTI, and from technical specialists in software/telephony.

Nigel Karney commented that a dedicated project manager might be appointed on a short-term basis (possibly by secondment) to work with Kathryn Dowse and Michael King. This would depend on the Government providing funding for the proposed development.

Jerry White said that he had recently spoken at a London conference where Cambridge City Council's new customer relations centre had been widely praised. He was due to visit the Chief Executive of the Council shortly to discuss their Annual Letter, and he would arrange for Kathryn Dowse to accompany him to visit the Council's customer relations centre.

JRW

After further discussion, the Commission **AGREED** to approve the project proposal.

MK;KD

10. Programme Management

CLA 1479 had been circulated. Nigel Karney explained that, following the points made by the Commission at its last meeting (when it had approved in principle the

Programme Management approach as suitable for progressing its Public Value Vision), the Deputies had reviewed the material assembled and recommended that:

- The Commission's business goals should be used as the framework for identifying and tracking the key development projects.
- The Commission should determine its key priorities against each of the business goals for development activity in 2006/07 and the following two years, with progress reports brought forward by the Deputies to the twice yearly management conferences on the most significant development projects that relate to the Commission's priorities.

Subject to the Commission's agreement, Nigel Karney said that he would build this revised approach into the current draft of the Corporate Plan.

Jerry White suggested a fourth priority for Business Goal 3 (page six of the report), which would cover the provision of more guidance and assistance to complainants on the types of complaints we deal with and the outcomes we achieve (in response to the customer satisfaction study). This was agreed by the Commission.

The Commission **AGREED:**

- i To approve the revised programme management framework, and to confirm the business goals and priorities set out in the paper (as amended), for incorporation into the Corporate Plan.

NJK

- ii To inform all Commission staff about the revised Programme Management framework and the working group structure.

TR

11. Advice Calls Customer satisfaction report: June and July 2005

CLA 1481 had been circulated. The Commission considered the results of a survey of satisfaction amongst callers to the Advice Service carried out by Debbie Mitchison, the Advice Calls Team Leader, in June and July.

Michael King explained that he had circulated this to Commission for its information and also to ask whether it wished to see future reports.

The following points were made in the discussion:

- The Commission was pleased to note that satisfaction levels in respect of questions 2 to 5 were very high, although this should be tempered by the fact that the sample was small; callers had received a one to one service; and some may be actively involved in a complaint and so less likely to criticise.
- Responses to question 1 "*It was easy to find out how to contact the LGO*" showed lower satisfaction levels (80/76%). Michael King suggested that the advice calls project would need to include ways of improving accessibility to/awareness of the service.

The Commission **AGREED**:

That future returns should, if possible, be incorporated into the Advice Calls section of the Commission PIs on a quarterly basis. Annual figures should also be compiled for inclusion in the 2005/06 Annual Report.

DH;KD;DP

12. Assistant Ombudsman: new Job Description (JD) and Person Specification (PS)

CLA 1487 had been circulated. This included the Staff side's comments on the draft JD and PS. Nigel Karney reported that the amendments he had suggested to the JD in response to these comments had been seen by the Staff side and they had no further concerns or comments to make.

The Commission **AGREED** to approve the new JD and PS, subject to broadening the *Experience* section of the PS to include experience in a complaint handling body or advice service such as a CAB.

Next steps

The new JD, as amended, will be the subject of a job evaluation exercise on 14 September.

MLH

13. Health and Safety for Home Based Workers

CLA 1482 had been circulated.

Patricia Thomas pointed out that it should be made clear that the allowance of £588 per annum quoted on page 4 of the Terms and Conditions Service for Home-Based Workers is the current figure.

Subject to this amendment, the Commission **AGREED** to approve the Deputies' recommendation that the Terms and Conditions for Home-Based Workers and the Desk Sharing Scheme should be amended to include details of Health and Safety by means of an Annex (appended to the paper).

MLH

14. Sickness absence quarterly report: June 2005

CLA 1483 had been circulated. The Commission noted the return. Neville Jones pointed out that the relatively high absence rate in the Coventry office could be attributed in part to a number of staff sustaining injuries outside work.

15. Audit Committee

CLA 1484 had been circulated. The Commission noted the minutes of the 12 July meeting of the Audit Committee, and in particular Chris Swinson's comment in the discussion on the Risk Register Update (minute 8) that "an independent review of complaints needed to be undertaken in order that the Commission complies with its statutory obligations". The Commission noted that this will be addressed as part of the

practical actions arising from the customer satisfaction study. Also that Chris Swinson's comment could be taken to refer to the Commission's governance arrangements.

Confidential business

16. Customer Satisfaction Study (exempt from FOIA under Section 22)

CLA 1480 had been circulated to Commissioners and Deputies, which comprised:

- (a) A covering paper by Nigel Karney, which set out the Deputies' recommendations on how to take forward the results of the study.
- (b) The "Key messages for the LGO" identified by BMG, together with a commentary/ideas for discussion (this had been placed on the Intranet).
- (c) A summary of the suggestions/recommended actions which had arisen from the staff focus groups organised during August to discuss the results of the study (also placed on the Intranet).
- (d) Chris Swinson's comments on the study (chair of the Audit Committee).
- (e) A draft Commission response to the results of the study, for issue at the same time as the BMG report is published (exempt from FOIA under Section 22).

The Commission also considered the pre-publication version of the BMG report, which had been circulated separately.

The Commission **AGREED:**

- i That the practical actions that can be taken in response to the study, based on the staff focus group suggestions, should be referred to the relevant Programme Groups for consideration/implementation.
DEPs
- ii To accept the Report, subject to drafting changes to the Executive Summary (subsequently accepted by BMG).
NJK;KD
- iii To ask Nigel Karney to amend the draft Commission response in the light of the points made in the discussion.
NJK
- iv To publish the Report on the Commission's website, together with the Executive Summary as a separate document and the Commission's response, and that this will be launched by means of a press release by the end of September.
NJK;KD;JF

17. Payment of Honorarium (exempt from FOIA under Section 40)

CLA 1486 had been circulated to Commissioners and Deputies. The Commission **AGREED** the award of an honorarium to a member of staff.

18. Date of next meeting

2.30 pm, 7 October in Scarman House, Warwick