

COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND

Minutes of the meeting of the Commission held at Millbank Tower, Millbank, London SW1P 4QP on Wednesday 15 February 2006 at 10.30am

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

In attendance: Mr N J Karney
Mr N H Jones
Mr M King
Mr P MacMahon
Ms K Dowse
Ms J Feeney
Mr A L Creech

1. Matters arising from the minutes of 10 January Commission meeting

The minutes of the 10 January meeting were confirmed as an accurate record, and signed by Tony Redmond.

There was one matter arising.

Minute 3: Health and Safety in Graveyards

Jerry White reported that:

- Comments on the consultation draft of the *Health and Safety in Graveyards* Special Report had been received from all consultees apart from the Home Office.
- Responses had generally been very positive/favourable.
- Some local authorities had expressed reservations, although they had also confirmed that the Report would be a worthwhile document.
- He had circulated to the other LGOs a final version of the Report, taking account of local authority comments, and if there were any further points/queries he would be glad to discuss them outside the meeting.
- Adam Peat, the Public Sector Ombudsman for Wales, had confirmed that he fully supported the content and had provided some supporting cases; he wished it to be issued as a joint document.

- Jerry White was confident of achieving the target publication date of the end of March 2006. The production schedule would include translation of the Report into Welsh.

The Commission noted Jerry White's report, and **AGREED** that Jackie Feeney should liaise with PHSO on the precise publication date of the Special Report to ensure that this does not coincide with the day on which a PHSO report would be published.

JF

Anne Seex said that she had reviewed the draft text of the *Paying for residential and nursing home care* Report, and concluded that this would benefit from being shortened and might comprise an aide-memoire rather than a Special Report. She would consider with Jackie Feeney the appropriate format for the document.

AS; JF

Tony Redmond said that good progress was being made with the draft *Partnerships* Special Report. The ODPM had recently issued a consultation document on Local Strategic Partnerships (LSPs), which included a robust view on the responsibility of local authorities for the actions of LSPs, and this would need to be reflected in the draft Special Report. Also that Anne Whitehorn's Legal Assistant was in the process of reviewing the text of the draft Report.

2. Commission PIs: January 2006

CLA 1513 had been circulated. The following points were noted/agreed:

- The total number of complaints received in the past 12 months (Table A) had decreased by 3.1% compared with the previous 12 month period, but, as the graphs showed, the position over recent months was relatively stable, with no sharp declines in complaint numbers.
- Anne Seex considered that the practice of providing average time figures in Table D in respect of all decisions should be changed to provide more meaningful information eg to show how quickly we respond to complainants on the various decision categories, especially premature complaints. The Deputies and Kathryn Dowse would revise this table.

DEPs;KD

- Jerry White said that he had drafted a discussion paper on the numbers of reports issued (Table E), which he would circulate to the other LGOs.

JRW

- Peter MacMahon suggested that an extra line should be added to Table Q (locally as well as nationally) to show the number of non-S 26(5) decisions taken per investigator. This point was endorsed by the Commission; Kathryn Dowse would arrange for this to be done.

KD

3. Budgetary control report: December 2005

CLA 1514 had been circulated.

Tony Redmond commented that:

- The Commission was forecast to have balances of over £1m in reserve by the end of March 2006. An underspending on staffing costs across all the offices was the principal cause.
- He will raise at the next round of budgetary control meetings the need for budget holders to find more imaginative ways of presenting their narratives on the budgetary control reports.

TR

4. Review of business plan assumptions

CLA 1515 had been circulated. The Commission considered the Deputies' review of the planning assumptions in the 2006/7 business plan, in the light of the December 2005 complaints data.

Nigel Karney pointed out that he had reviewed the Deputies' recommendations in the light of the January 2006 data, and this had not led him to suggest any changes to the recommendations.

The Commission **AGREED** with the Deputies' recommendations that the planning assumptions for 2006/07 would be:

- Incoming complaints in 2006/07 will be nil percent change from 2005/06.
- 25% of new complaints received in 2006/7 will be premature.
- Decisions per investigator in 2006/07 should remain at 185.
- Based on these assumptions, we should budget to have an average of 102 investigators in post during 2006/07.
- The assumptions for 2007/08 should be re-examined at the end of the first six months of 2006/07.

DEPs

- The time targets for 2006/7 should remain as they are, but with the time target for cases over 52 weeks rounded upwards from 95.5% to 96%.
- The other numerical targets relating to telephone response times should remain as stated, subject the outcome of the advice service review.

DEPs

5. Annual Report 2005/06

CLA 1516 had been circulated.

The Commission **AGREED** the following proposals for reformatted/retimed annual report publications:

- i. Replacing the current Annual Report/summary version with an Annual Review, published at the same time as the Annual Letters.

- ii. Reformatting the full Annual Report, including summary accounts, and publishing in September to a more limited audience than currently.

The Commission also **AGREED**:

- iii. The themes proposed for Annual Review, subject to:
 - a Changing their order of priority, so that the theme relating to customer feedback/focus (which should also refer to work on the Children and Young People project) appears first.
 - b Broadening the RRO/joint working theme to refer to other initiatives such as the joint Health/Social Services White Paper.
- iv. That Jackie Feeney will arrange for a copy of the relevant part of the subscription mailing list held by Corporate Services, which includes individual CABs, to be passed to Jerry White and Anne Seex. **JF**
- v That the legal status of the Annual Review and proposed later, reformatted Annual Report, should be confirmed to ensure that these publications continue to discharge the LGA 1974 duty on the LGOs to publish an “Annual Report” on their activities. **JF**

6. **Sickness absence: December 2005**

CLA 1517 had been circulated.

The following points were noted/agreed:

- The Commission noted the updated local government sickness statistics supplied by Margaret Handley in her covering paper.
- The Commission **AGREED** that it would be helpful if they could have more background information underlying the figures shown in the analysis, including management actions, to help them to gauge whether there are any particular points of concern/interest. The Deputies and Margaret Handley would consider this further. **DEPs; MLH**

7. **FOIA: December 2005**

CLA 1519 had been circulated.

In the Commission’s discussion about the quarterly return, the following key points were noted:

- The law requires that a complainant who has a request for information turned down has the right to have recourse to an appeal mechanism before the complaint can then be referred to the Information Commissioner. Also that he/she is informed of these rights.

- Peter MacMahon said that circumstances can arise where, after a proper risk assessment and where this is judged to be in the interest of the complainant, and there are no implications for third parties, an information request turned down initially may be wholly or partly met at the appeal stage. He cited three cases where he had decided to disclose some (but not all) the information requested. He would circulate details of these cases to the Commissioners/other Deputies for information.

PM

- Nigel Karney explained that updated FOIA/DPA guidance for staff is in the process of production, reflecting on the first year's experience of the FOIA and incorporating advice from the Information Commissioner on a case involving the Environmental Regulations. The Deputies planned to organise seminars for all staff in each of the offices to launch the updated guidance.

DEPs

The Commission then **AGREED** the recommendations in the paper for tightening up the procedure for recording requests and complaints about requests ie

DEPs

- i. If a person who has already made a request and has received a full response asks for further clarification, or for new information, this should *not* be recorded as a complaint. Further clarification should be given, but noted as such on the spreadsheet. If the person is asking for new information, this should be treated as a separate request, and given a new reference number.
- ii. If a complaint is made about the response to the original request, this should always be responded to by someone more senior.
- iii. All referrals to the information Commissioner should be noted on the spreadsheet.

Confidential business

8. Enhancing the advice service (exempt from FOIA under section 22, 36)

CLA 1518 had been circulated to Commissioners and Deputies. The Commission considered a proposal from Michael King and Kathryn Dowse to begin a project to review our initial contact with complainants. The proposal pulled together information put to the Commission on 10 January with supplementary information provided for the Commission's special meeting on 18 January.

The Commission **AGREED** that Michael King and Kathryn Dowse should amend the proposal in the light of the discussion, and circulate it to the Commissioners (including Ann Abraham, who would seek the advice of key staff with particular expertise in initial contact with complainants), for final consideration. When this is approved, the Commissioners will communicate to all staff the details of the project.

MK; KD

9. Budgets 2006/07, 2007/08 (exempt from FOIA under sections 22, 36)

CLA 1520 had been circulated to Commissioners and Deputies. The Commission considered a draft budget for 2006/07 and indicative budget for 2007/08, drawn up by

the Deputies in consultation with Tony Redmond, and how to deal with the non-recurring costs of growth schemes ie whether and when these should be met from the Commission's reserve. Tony Redmond pointed out that work was still in progress on finalising the estimates and this version was circulated for comments.

The Commission **AGREED:**

- i. That Coventry Plant Improvement is necessary maintenance and is approved to proceed; the procurement process should commence immediately.
- ii. To consider the other growth schemes when the final 2005/06 out-turn becomes known in April/May 2006.
- iii. To consider the final version of the draft budget for 2006/07 at the next Commission meeting.

10. Date of next meeting
11.00am, 14 March 2006.