

COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND

Minutes of the meeting of the Commission held at Millbank Tower, Millbank, London SW1P 4QP on Tuesday 14 March 2006 at 12.00pm

- Present:** Mr T Redmond (Chairman)
Mr J R White (Vice Chairman)
Ms A Seex
Ms A Abraham
- In attendance:** Mr N J Karney
Mr M King
Mr P MacMahon
Ms K Dowse
Ms J Feeney
Mr R K Duveen (item 7)
Ms K Sayers, Sayers Vincent (item 9)
Mr A L Creech

1. Apologies

Apologies were received from Neville Jones, who was unwell.

2. Matters arising from the minutes of 15 February Commission meeting

The minutes of the 15 February meeting were confirmed as an accurate record, and signed by Tony Redmond.

There were two matters arising from the minutes.

Minute 1: Health and Safety in Graveyards

Jerry White reported that the joint England and Wales *Health and Safety in Graveyards* Special Report would be published on 30 March.

Anne Seex said that she had produced a draft advice note on the topic of *Paying for residential and nursing home care*, which she would discuss with the other LGOs outside the meeting, in particular to ensure that the advice would be helpful for local authorities.

AS

Tony Redmond said that:

- more work would be needed on the consultation draft of the *Partnerships* Special Report before it could be finalised. Peter MacMahon said that he planned to set aside time in April to complete the draft.
- research/background work had begun on the *Telecommunications Masts* Special Report; this was being led by the London AO Richard Shaw.

PM

RS

Minute 7: FOIA: December 2005

Peter MacMahon explained that he had not so far been in a position to circulate to the Commissioners/other Deputies the three cases where he had decided to disclose at the appeal stage some (but not all) the information requested by complainants. He would do this as soon as possible.

PM

The Commission noted that Anne Seex planned to raise the Commission's current FOIA guidance at the next meeting on 11 April.

AS

3. Commission PIs: February 2006

CLA 1521 had been circulated. The following points were noted/agreed:

- 18,500 complaints had been received in the past 12 months (Table A), which represented a decrease of 2.2% compared with the previous 12 month period. The position remained relatively stable, although it was noteworthy that HB complaints had fallen by 24.8% over the same period, whilst Education complaints had risen by 20.2% (Table B).
- Peter MacMahon reported that the London office was making good progress towards achieving its target of having no cases unallocated more than four weeks/stockpiled by 31 March 2006: 47 cases had been unallocated more than four weeks and 23 cases stockpiled as at 28 February (Table C). Achievement of the target had been made more difficult by the recent rise in the number of incoming complaints to the London office, and the long-term sickness absence of an experienced investigator.
- Anne Seex commented that care is needed when interpreting the PIs in order to examine the position on unallocated/stockpiled cases. She drew attention to the relatively high number of premature complaints decided by the York office (Table D) compared with the other offices. This led the Commission to recall previous research into this issue that had been undertaken by the Coventry office. In addition, Peter MacMahon reported that the London office was currently analysing the underlying reasons for the numbers of premature and outside jurisdiction complaints decided in London. The Commission **AGREED** that it would give this issue further consideration once the results of the York offices business process review are known, and in the light of the London office's research.

CLA; PM

4. Budgetary control report: January 2006

CLA 1522 had been circulated. The following points were noted/agreed:

- Tony Redmond commented that the overall financial position was similar to that recorded in December 2005. Also that the principal reason for the forecast surplus remained the underspending in staffing costs in each of the offices.
- The Commission **AGREED** that future reports should show the position on reserves; Tony Redmond will follow this up with Stephen Jones.

TR; SDJ

5. Budgets 2006/07, 2007/08

CLA 1523 had been circulated.

Introducing the draft budgets, Nigel Karney pointed out that:

- He had discussed the draft budgets in detail with budget holders and Tony Redmond.

- Approximately £40,000 had been unallocated in the 2006/07 draft budget. He proposed using this to increase the Coventry budget heading in respect of *legal costs* (currently set at £36,500), in view of the on-going judicial review case in Coventry that was likely to involve substantial costs which it would not be possible to recoup. This was **AGREED** by the Commission.

NJK; SDJ

- The situation in 2007/08 was a cause for concern, because of an indicative shortfall of around £200,000 approx between grant and expenditure. The indicative budget for 2007/08 would need to be reviewed during 2006/07 in the light of developments during the year.

DEPs

Tony Redmond commented that:

- The 2006/07 budgets had been framed in a more robust manner than in previous years, because they reflected actual expenditure incurred in 2005/06.
- He considered it important that budget holders analyse the detailed financial/management information underpinning the expenditure headings given in the draft budgets: he would raise this at the next round of budget holders meetings.

TR

The following points were discussed by the Commission:

- Anne Seex wondered whether it might be better to have a single, consolidated *legal costs* budget, rather than individual *legal costs* budgets apportioned to each of the offices, on the basis that the outcome of legal proceedings are relevant for all the Ombudsmen. It was noted that, in practice, the Deputies liaise closely with Anne Whitehorn to control/monitor expenditure incurred by individual offices and can transfer funds between offices.
- Margaret Handley will be writing shortly to the Staff side and staff currently in receipt of luncheon vouchers to notify them of the Commission's decision to consult staff on the removal of luncheon vouchers in favour of lunch allowance. The Chairman would take the final decision following consultation.

MLH

The Commission **AGREED** to:

- i approve the draft budget for 2006/07;
- ii note the indicative budget for 2007/08.

6. Procuring a replacement for Comtrac

CLA 1524 had been circulated. The Commission considered Nigel Karney's update on activities undertaken since his last report to the Commission's December meeting, which had been deferred pending discussions about the advice service.

The Commission **AGREED**, in the light of the report and on the advice of Tony Redmond as the Commission's Accounting Officer, that it would have to conduct a procurement exercise to replace Comtrac.

The Commission discussed what directions to give Nigel Karney on the procurement process. It concluded that it was not in a position to do this, or confirm the Requirement

for the Comtrac replacement (which included an eDRM system), until it had had the opportunity of exploring in depth/achieving greater understanding of the key features and concepts of the Commission's Knowledge Management requirements, and in particular the potential benefits, advantages/disadvantages and linkages between the various components of the proposal and the Commission's future business requirements. It recognised that some of this material had been included in the business case presented in September 2005 but would wish for a broader perspective to include the development of the intranet and website.

This would then enable the Commission to make an informed decision on the Requirements and the procurement model.

The Commission **AGREED** that Nigel Karney and Ricky Duveen should provide for the Commissioners and Deputies background information/explanatory material for an in-depth discussion of these issues, which should take place as soon as possible. The Commission recognised that there would be likely to be substantial benefits for the Commission if the timetable for system procurement could be consistent with the timetable for enhancing the advice service.

NJK; RKD

7. IT Strategy 2006/07, 2007/08, 2008/09

CLA 1525 had been circulated.

The Commission **AGREED** to approve the draft Strategy, subject to amendments to reflect the following comments and queries:

NJK; RKD

- a. Place more emphasis/give further details on the following IT projects, which are of particular interest/relevance to Commission staff:
 - Comtrac replacement (to reflect the Commission's ongoing discussions)
 - Tender for developing the Commission's web site/intranet
- b. Refer to the major problem experienced in December with the Outlook server, and the measures that are being taken to minimise the risk of a recurrence.

c. Section 3.2 - Technology developments

Electronic document transmission: strengthen the reference in the Strategy to this; it was noted that local authorities are well advanced in electronic transmission of documents/files.

Use of the web: obtain details on the use of the web for research purposes by staff, and circulate this to the Commission/Deputies for information; anecdotal evidence suggested that there was widespread variation in the extent to which this is being used.

NJK;RKD

Operating systems: Ricky Duveen explained that there would be a review during the life of the Strategy of the appropriateness of switching operating systems to Linux from Microsoft, but that any transfer would not take place within the timeframe of the plan.

d Appendix 2: IT Implementation Plan

Michael King referred to the £500 allocated in the Plans to *advice line support*. He pointed out that IT/telephony costs would form a fundamental element in the development of the advice service, but it was not possible to predict the true cost at this stage with any certainty. This was noted by the Commission.

8. External Communications Strategy 2006/07, 2007/08, 2008/09; and Managing the media and the Commission for the future

CLA 1526 had been circulated, together with a confidential addendum for Commissioners and Deputies comprising legal advice by the Commission's Legal Adviser (exempt from FOIA under Section 42).

The following key points were made in the Commission's discussion:

- Ann Abraham suggested that the Strategy should place greater emphasis on increasing the Commission's influence (but bearing in mind the limited resources available) over the following target audiences:
 - o The legal community/judiciary/academia
 - o Central government/"political players"

She cited Government proposals on revisions to health/social care complaint arrangements as an example of the kind of initiative which the Commission would wish to influence/have an input into.

Peter MacMahon pointed out that a number of activities are already being carried out in these areas, but they are not referred to in the document.

- Jerry White said that the External Communications projects appended to the Strategy should be divided more clearly into the Public Value Agenda elements, and with greater emphasis on the customer care interface and linkages to the actions undertaken as a result of the BMG study.

On the *Managing the Media* paper, Jerry White drew attention to the recommendation that the method of recording local settlements on Comtrac should be changed to show where fault had been identified and cases where it had not; this would help counter negative publicity about the low number of investigations that are upheld. If implemented, he pointed out that local authorities would need to be told about the change.

- Anne Seex considered that it would increase the understanding and impact of the Commission's operations in this area, both amongst internal and external audiences, if a brief paper could be produced which drew out the key activities that will be carried out during 2006/07. She felt that Commission staff would find this a useful source of reference. This point was endorsed by the other Commissioners. Ann Abraham pointed out that PHSO had given careful thought to which external communications activities to target, and had produced a "top 10" of targets/activities.

After further discussion, the Commission **AGREED** that Tony Redmond will, in consultation with Jackie Feeney:

TR; JF

- i produce a short *statement of intent*, along the lines discussed, which will set out the key External Communications activities the Commission will be progressing during 2006/7. He will arrange for a draft of the statement to be circulated to the other Commissioners for comment/agreement outside the meeting.
- ii give detailed consideration to the recommendations set out in the *Managing the Media* paper, consulting where necessary/appropriate the other Commissioners outside the meeting. To assist this, Jerry White will provide an update on the paper he is preparing on LGO Reports.

JRW

9. Sayers Vincent: Report on efficiency

CLA 1527 had been circulated.

Introducing the Report, Kate Sayers described briefly its background and methodology, and summarised the key conclusions.

She also referred to the Audit Committee's discussion about the Report earlier that day. One point that had arisen was the need to recognise that the work on the KPMG report should be regarded as closed, and the need now is to look at current issues and actions to improve efficiency. An example of this, which had been raised in her discussions about the Report's recommendations with the Deputies, had been a need to review the Commission's key performance indicators and how the Commission manages performance. Anne Seex commented that it would be important to draw a distinction between the Commission-wide PIs and the performance information produced and used locally.

Kate Sayers added that there could be other areas of work potentially, and the Audit Committee had discussed the role of internal auditors in this work. Tony Redmond pointed out that he and Chris Swinson would arrange to meet Kate Sayers and John Dee of PKF to consider this matter further.

TR; CS

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

10. Forward programme of the Commission business

CLA 1528 had been circulated.

It was noted that the forward programme will be presented annually to the Commission at its March meeting, with updates circulated at regular intervals to the Commission, Deputies and Heads of Service for consideration and comment.

The following points/decisions were made by the Commission which would be reflected in the programme:

ALC

- Tony Redmond will consider further the suggestion that the other Commissioners would benefit from a Chairman's report to the Commission on the latest position with key strategic issues such as the RRO. Ann Abraham commented that she gave a similar regular report to the PHSO main Board.
- The programme will need to incorporate items discussed at the separate LGOs/Commissioners meetings that are due to take place regularly during 2006/07.

TR

- Policy discussions will be needed on issues such as injustice, remedies and the Ombudsmen's view on the overall quality of investigations.
- A revised *Disposal of Land* guidance note is in preparation and will be put to a future meeting of the Commission.
- In the interests of agenda management, the Equality and Diversity papers will be moved from the June to the July Commission meeting.
- Tony Redmond and Nigel Karney will review the format of reports/papers to the Commission, with a view to ensuring that key issues such as financial implications are addressed by authors.

TR; NJK

- In response to question from Ann Abraham, Tony Redmond confirmed that the consultation draft of the 2005/06 Triennial Review has not yet been issued, pending recent contacts with the ODPM on the Commission's submission in respect of the forthcoming Local Government White Paper.

11. Audit Committee

CLA 1529 had been circulated.

The Commission noted the minutes of the Audit Committee's meeting on 13 December.

Confidential business

12. Enhancing the advice service (exempt from FOIA under S 22, 36)

There was a matter arising from the confidential minute of the 15 February discussion.

13. Date of next meeting

11.00am, 11 April 2006.