

COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND

Minutes of the meeting of the Commission held at Millbank Tower, Millbank, London SW1P 4QP on Tuesday 13 February 2007 at 11.00am

- Present:** Mr T Redmond (Chairman)
Mr J R White (Vice Chairman)
Ms A Seex
Ms A Abraham
- In attendance:** Mr C Swinson (Audit Committee Chair)
Mr N Hobbs
Mr N H Jones
Mr N J Karney
Mr M King
Mr P MacMahon
Mr R Duveen (item 4)
Ms K Dowse
Ms J Feeney
Ms S Ruckwood
Mr A L Creech

1. Matters arising from the minutes of 12 December Commission meeting

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

There was one matter arising from the minutes.

Minute 2: Customer satisfaction study 2007

Nigel Karney tabled a progress report and draft timetable for the 2007 customer satisfaction study, and he highlighted the following points:

- Due to the range of other corporate commitments, he would act as the project manager.
- In view of the time taken to complete the last quantitative study in 1999 (10 months), it would be reasonable to aim for a target completion date of September 2007. This timing would allow for inclusion of the results in the 2008-11 Corporate Plan.
- He had obtained, with the assistance of PHSO procurement colleagues, a Framework Agreement which would provide a means of contracting MORI to undertake the study, without the need for a tender exercise. There were sound reasons for doing this, including the fact that MORI had undertaken both the 1995 and 1999 studies.

In the discussion:

- Jerry White commented that the design of the questionnaire should, so far as practicable and allowing for later developments, facilitate benchmarking against the 1999 results.

- Anne Seex considered that the project brief should include advice on continuous monitoring of customer satisfaction. Nigel Karney confirmed that this would form part of the project.
- Ann Abraham commented that that the PHSO Board were due to consider the most effective method of gauging customer satisfaction, in the context of their Research Strategy. Also, that the PSO Research Officers working group should be encouraged to exchange information about latest developments, so that they can assess the scope for read across/consistency between their researches.

The Commission **AGREED** to note with approval Nigel Karney's progress report, and in particular the target completion date for the study of September 2007.

NJK

2. Commission PIs: December 2006

CLA 1568 had been circulated. The December PIs were noted by the Commission.

Anne Seex then tabled a briefing note, as requested by the Commission at its December 2006 meeting, which analysed the current position in the York office in terms of work in hand and productivity, and reported on the management action being taken by the York Management Team (YMT) to remedy the situation. This included setting up the York stockpile team.

Anne Seex drew attention to the following points in her note:

- At its simplest, York investigators were taking less decisions on complaints than previously, and fewer than their colleagues in Coventry and London. But it was not possible to identify a single/simple reason for the difference.
- A relatively small increase in the average number of decisions taken by investigator would remedy the situation, but achieving this will be a big step and take time.
- The YMT were deeply concerned about the loss of productivity, but their focus had also been on ensuring rigorous, proportionate enquiries leading to sound decisions.
- The profile of complaints in hand was older in York than in London or Coventry. York AOs had been taking care to ensure when allocating complaints that investigators did not boost output numbers by taking 'quick' cases at the expense of complainants who had been waiting a long time. The moratorium on new complaint allocations to the teams had increased their decision making capacity.
- The objective of the stockpile team - which had been asked to take the caseload of outstanding complaints received in November, December and January - would be to 'clear the decks', so that when allocations began again to the teams, there were no individual 'logjams'.
- Anne Seex, Neil Hobbs and York AOs were holding weekly meetings to review incoming cases and ensure consistent treatment.
- The York AOs were fully engaged in increasing investigators' productivity, and were holding individual performance management meetings including one-to-one supervisions and setting individual targets for numbers of decisions made by month, and for reaching sound and justified decisions on the oldest cases as quickly as possible.

- Both quality and speed would be assisted by the introduction of new practices in York such as standard enquiry templates, greater use of e-mail and telephone to establish information from councils.
- The YMT considered that the best way to tackle the complaints received in October but not yet allocated would be by targeted overtime offered for midweek evenings. The aim would be to get all of these to the stage of enquiries to councils by the end of March. A further tranche of overtime would then be needed in late April/May to analyse responses and where necessary take them to the next stage. The first tranche was estimated to be 482 hours of overtime at a cost of around £12,300, with the second tranche requiring similar levels. This would relieve the stockpile team of dealing only with the oldest/possibly most disgruntled complainants.
- Progress would be monitored with regular reports to the Commission.

In the Commission's discussion about the briefing note, the following key points were made:

- Jerry White reiterated his concerns about the seriousness of the Commission's position, which he considered could not be overstated. The underperformance in York presented a risk for the Commission's reputation in terms of fulfilling its public value agenda, and the achievement of its 2006/07 business plan targets. Tony Redmond and Ann Abraham endorsed these comments.
- There was agreement that the York situation was a Commission-wide problem, which needed to be resolved as a matter of urgency. Anne Seex and Neil Hobbs confirmed that this was the YMT's absolute priority.
- This led to a discussion about what assistance London and Coventry might be able to offer York.
- Peter MacMahon said that London would consider providing York with assistance, but it would be helpful if London staff could understand the context in which they are offering assistance ie by receiving further information on how the shortfall is being tackled in the long-term.
- Neville Jones referred to the serious IT problems experienced by Coventry in January which had affected output. He would be in a better position to gauge how much assistance Coventry might offer York at the end of February, but it was unlikely that assistance could be provided before the end of March.
- Neil Hobbs thanked the other offices for the offers. He recalled that, on past occasions, York office staff had provided assistance to the other offices when they had experienced problems for example to London during the "Housing Benefit" upsurge of cases in 1995.
- Concerning the specific proposal for additional overtime in York, this should be seen only as a short term/temporary measure to reduce delay; the YMT needed to address urgently the underlying causes that had given rise to the underperformance.
- Chris Swinson referred to a graph tabled by Peter MacMahon, which showed by office the average number of decisions taken per investigator, excluding S 26(5)s, over the previous 10 years. This showed that the adverse trend in York's performance had been established for some 12 to 18 months. It was a cause for

concern that this trend had not been apparent in the monthly PIs produced for the Commission. He also endorsed the Commissioners' comments on the importance of understanding the reasons for the York situation.

After further discussion, the Commission **AGREED** to:

- i Express serious concern about the current situation York, which needed to be resolved as a matter of urgency.
- ii Endorse the stockpile arrangements/management actions set out in Anne Seex's briefing note.
- iii Approve the proposal for overtime working in March at a cost of £12,300, subject to (v) below.
- iv Consider what assistance London and Coventry might provide for the York office, from 1 April 2007.
- v Emphasise that these measures should be underpinned by a detailed recovery plan to ensure that the reasons for the underperformance are addressed in the long-term, including a clear indication of when the backlog will be eliminated.

PM; NHJ

AS; NH

3. Budgetary control report: November 2006

CLA 1569 had been circulated. Tony Redmond said that the projected out-turn for 2006/07 was satisfactory, despite the overspend to date (£100,900); the Deputies continued to address the 2007/08 budget position.

The Deputies made the following comments on the control reports:

Corporate Services

Nigel Karney said that the overspending in terms of staffing costs was mainly due to the unusually high costs in respect of recruitment and interim appointments following the retirement of the Head of HR and the facilities service reorganisation.

London

Peter MacMahon tabled updated comments on the London control report. He drew attention to the recruitment of three new investigators, including the former Path trainee; a new Path trainee; and the second Facilities Assistant. He estimated that these would reduce (but not eliminate) the projected underspend in salary costs. This could possibly allow the working of limited additional overtime. He also referred to the impact of litigation/legal costs (over which he had no direct control) included under the salary costs heading; he suggested that improvements could still be made to how such costs are reported. Also, there was a projected overspend on travelling costs, which could be the result of misallocation of costs to this budget head.

York

Neil Hobbs explained that he had not included any written comments on the York control report, because they would have been very similar to previous comments. He pointed out that expenditure on temporary staff had been high; a new investigator had been recruited to start on 1 April to replace a retiring investigator; and there would be a one-off overspend on travel/team building. He also explained that the expenditure on

additional overtime working agreed by the Commission would be drawn from the reserves.

Coventry

Neville Jones referred again to the IT problems experienced by the office in January. He also paid tribute to the Facilities Team, which had successfully managed preparations, including building alterations, for the Electoral Commission's tenancy in the office. Nigel Karney commented that this had been a collaborative effort with other member of the Facilities Team from other offices.

The Commission **AGREED:**

- i to note the control reports.
- ii that comments from the Deputies should be included in future control reports, even where these may repeat previous comments. **DEPs**
- iii to record the Commission's appreciation of the work of the new Facilities Team on the Electoral Commission Accommodation project.

4. IT Strategy 2007-10

CLA 1570 had been circulated

Introducing the draft Strategy, Ricky Duveen asked the Commission to note the following points:

- A key part of the Strategy was the plan of action to keep the Commission's software up-to-date, set out in the "software roadmap". He pointed out that references to Sun Accounts 5 were incorrect: these had been omitted from the implementation plans.
- There was relatively little hardware/software development planned for 2007/08, since Project Hydra (the replacement for Comtrac) had been put on hold pending implementation of the Access and Advice Service (AAS). Apart from the systems for the AAS, the main project activity would be procuring/installing a new search tool to work with the planned new Internet and Intranet web sites.

Nigel Karney added that a review of the recent IT problems in Coventry was currently underway, and any lessons learned would be incorporated in the draft Strategy.

In the discussion, the Commission explored the following points:

- The procedure for drawing down and allocating funding for the "Pathfinder" projects. Ricky Duveen explained that suggestions are considered by the IT Reference Group.
- The importance of maximising the effective use of IT amongst staff by identifying training needs and requirements. It was considered that a further Commission-wide IT skills audit would be timely (the last audit was conducted 18 months ago). Also that, in addition to formal training of staff, other ways of increasing the spread of in-house knowledge should continue to be explored eg more lunchtime seminars; AOs identifying and supporting staff with IT skills who are willing to share their

knowledge. Training needed to take into account developments within councils (eg viewing planning diagrams on screen).

- The draft Strategy should make reference to the contacts/information sharing on IT developments that takes place with other ombudsmen organisations, and especially with PHSO to ensure that developments do not create unnecessary barriers to joint development of IT systems.
- The draft Strategy referred to IT developments within some other organisations which were enabling members of the public to track their cases on-line; there was no comment in the Strategy as to whether this might also be implemented by the Commission. Nigel Karney responded that this capability was included in the specification for Project Hydra, but the Commission had yet to consider whether to offer this facility. It was **AGREED** that the Strategy should be revised to make explicit reference to this option, and that the issue of on-line complaint tracking should be considered by the Commission in due course.

The Commission **AGREED** to approve the draft IT Strategy, subject to amendments to reflect the discussion (which Tony Redmond would approve on the Commission's behalf).

NJK; RKD

5. Annual Review and Report 2006/07

CLA 1571 had been circulated. The Commission considered the format, theme and timing of the Annual Review and Annual Report for 2006/07. Tony Redmond endorsed the comment in the paper that the new style Annual Review had generated good/positive media coverage in 2006.

The Commission then discussed the theme for the Annual Report and Review, and noted that the timing of the Regulatory Reform Order (RRO) might mean that this could be used to reinforce the joint working element of the public value theme. Ann Abraham referred to her plans to celebrate, together with the other UK public sector ombudsmen, the 40th anniversary of the Parliamentary Commissioner Act. She wondered whether it might be possible to tie these events to the publication of the RRO; this was noted by the Commission.

The Commission **AGREED**:

- i to continue with the same format for the 2006/07 Annual Review; and to publish it at the same time as the Annual Letters, on an agreed date in July.
- ii to continue with the public value theme, with particular reference to the development of the AAS, and incorporating external issues such as the Local Government and Public Involvement in Health Bill and joint working (including if possible the RRO).
- iii to email the draft text to the Commissioners for their approval.
- iv to use the same set of Ombudsmen photographs as were featured in the 2005/06 Review and Report.
- v not to design and print the full Annual Report version, but to produce instead a set of appendices (in September) in Word format, to accompany the printed Annual Review for a more limited circulation.

- vi to circulate a mock up of the appendices to the Commissioners for consideration/approval outside the meeting.

JF; HJP

6. Changes to LGO areas

CLA 1572 had been circulated. The Commission noted that it is usual practice for the 'departing' Local Government Ombudsman to write to the Local Authority Chief Executive to tell them about the change.

The Commission **AGREED** to approve the following changes to the Local Government Ombudsmen's areas, in accordance with section 23 (8) of LGA 1974, to take effect from 1 April 2007:

- i to transfer complaints about Trafford MBC from Anne Seex to Jerry White (because of a past connection between a relative and the Council).
- ii to transfer complaints about Lancaster CC from Jerry White to Anne Seex (Jerry White had considered complaints about Lancaster because of Patricia Thomas's personal connections).
- iii to transfer complaints about LB Tower Hamlets from Anne Seex to Tony Redmond (Anne Seex had considered complaints about Tower Hamlets because of Tony Redmond's personal friendship with the Chief Executive, who had subsequently left Tower Hamlets).

The Commission also **AGREED** that, in the interest of good governance, future reports to the Commission should specify the reasons for the transfer.

NJK; ALC

7. FOIA report: December 2006

CLA 1573 had been circulated. The Commission **AGREED** to:

- i note the report.
- ii request that the accuracy of the number of referrals to the Information Commissioner should be checked, because they appear to be understated.

NJK; HJP

The Commission then discussed progress on the protocol with the Ombudsmen, which the Information Commissioner (IC) Richard Thomas had agreed to draft.

The following points were made:

- The IC protocol was urgently needed, in view of the substantial amounts of staff time currently being taken up by IC staff requests for case file information.
- Nigel Karney reported that he had recently revised the Commission's guidance on FOIA/DPA and he had sent this to the IC as agreed.
- At the January meeting of the public sector ombudsmen (PSOs), Tony Redmond and Ann Abraham had undertaken to bring all of the UK PSOs into the IC protocol,

to ensure consistency of application and treatment. But that it would be more practicable, as a first step, for the Commission/PHSO to formulate the core of the protocol in discussion with Richard Thomas.

Next steps

Ann Abraham and Rebecca Milner will liaise with Tony Redmond and Neville Jones on providing Richard Thomas with a statement of the key principles underpinning their approach to FOIA requests.

Ann Abraham and Tony Redmond will keep the other Commissioners informed of progress.

AA; TR

8. Audit Committee: 12 December 2006

CLA 1574 had been circulated. The Commission noted the minutes.

There were two matters arising:

Minute 5 b: Risk Management Audit

Nigel Karney reported that arrangements for the risk management workshop had not yet been finalised. He would arrange this as soon as possible.

NJK

Minute 5 c: Internal audit plan update

Tony Redmond and Chris Swinson reported on their meeting with Richard Weighell and Chris Wicks on the use of the additional audit days. This would include completion of the work on governance and the business plan, but the audit on Project Hydra would not take place because this had been overtaken by events.

9. Fees and Charges

CLA 1575 had been circulated.

The Commission **AGREED** to approve the proposed increases in fees and charges, to take effect from 1 April 2007.

JF; SDJ

10. Waiving of Financial Regulations

CLA 1576 had been circulated.

The Commission **AGREED** to note with approval the action taken by the Chairman on its behalf.

11. Regulatory Reform Order

Tony Redmond and Ann Abraham reported on their recent appearance before the Regulatory Reform Select Committee, in support of the Cabinet Office official (Sue Gray) who had given a presentation to the Select Committee.

The proceedings had gone well, with more of the questions directed towards Tony Redmond - perhaps a reflection of the fact that the majority of the MPs were ex-councillors. The Select Committee had asked questions about the extent to which

cases might be held back by the Ombudsman, rather than be dealt with by the council; and about progress with the LGO/PHSO joint working protocol.

The Commission noted their report.

Confidential business

12. Audit Committee: 12 December 2006 (exempt from FOIA under S43)

CLA 1577 had been circulated to Commissioners and Deputies.

The Commission considered the minutes of the meeting of the Audit Committee held on 12 December.

The Commission also noted Tony Redmond's report on progress with formalising the Independent Audit Committee Chair's attendance at Commission meetings.

13. Courts, Tribunals and Enforcement Bill (exempt from FOIA under S22, 36)

The Commission considered a confidential report from Tony Redmond and Ann Abraham on progress with amendments to the Bill.

14. Access and Advice Service (AAS) (exempt from FOIA under S22, 36)

The Commission considered a confidential matter arising from the 9 February meeting of the AAS Project Board, concerning the processes that might be followed within the new AAS. This would be subject to staff consultation in due course.

15. Date of next meeting

12.00pm, Tuesday 27 March 2007.