

COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND

Minutes of the meeting of the Commission held at Millbank Tower, Millbank,
London SW1P 4QP in the Dali room on Tuesday 19 June 2007 at 11.00am

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

In attendance: Mr N Hobbs
Mr N H Jones
Mr N J Karney
Mr P MacMahon
Ms J Feeney
Ms S Ruckwood
Mr A L Creech

1. Apologies

Apologies were received from Michael King.

2. Matters arising from the minutes of 27 March Commission meeting

The minutes of the 27 March meeting were confirmed as an accurate record, and signed by Tony Redmond.

There was one matter arising from the minutes.

Minute 1: Customer satisfaction study 2007

Nigel Karney said that he wished to record his appreciation of the work carried out by investigative/support staff, within a short time frame and at a very busy time of the year, to check the sample of complainants who would be invited to take part in the study. This was noted by the Commission.

3. Commission PIs: May 2007

CLA 1590 had been circulated. It was noted that this was the first set of PIs to be presented in the revised format discussed at the March Commission meeting. It was agreed that the revised PIs were an improvement over the previous format; they were more informative and accessible.

The following points about the PIs were noted/agreed:

Table 1: Advice service

- Neil Hobbs drew attention to the substantial increase in the number of calls received by the service (20,916 compared with 17,978 in the previous 12 months). The pressure this put on the service was exacerbated by the fact that the service was under complement and, following the introduction of the centralised switchboard, it was no longer able to refer advice calls to the London/Coventry switchboards. And a proportion of call backs had to be made by York investigative staff. The Commission **AGREED** to request that the Deputies consider the possibility of arranging for the other offices to provide support. **DEPs**

Table 2: Complaints received

- The number of complaints received over the past 12 months remained stable at around the 18,300 mark, in line with the planning assumption.

Table 3: Complaints by category

- There were large increases in the numbers of complaints about *adult care services* received by London (24.7%) and Coventry (44%). This had so far not created any particular problems for the offices, although there was a general perception amongst investigative staff that complaints were becoming more complex.
- The new complaint category *antisocial behaviour* represented a substantial proportion of total complaints (11.2%). It was noted that there were generally housing issues associated with these complaints, although they were shown separately from the *Housing* category. Tony Redmond commented that the LGO's ability to look at wider housing-related issues as part of their consideration of complaints was an important feature of their service. This point would be made when the Commission responded to the Government's recently published consultation paper *Every Tenant Matters: A Review of Social Housing Regulation* (following on from the Cave Review), which seeks views on the possibility of a single Housing Ombudsman for all social housing matters.
- It was not immediately clear what was included in the new *Public finance* category, and this needed to be explained to councils in the Annual Letters.

Table 4: Complaints in hand

- The Commission **AGREED** that it would be helpful if the table could show the age profile of in hand/unallocated/stockpiled complaints. Nigel Karney undertook to consider this further.

NJK

The Commission then considered a further progress report on the York office stockpile, circulated by Anne Seex and Neil Hobbs, who apologised for not providing a summary table on key statistics, as requested by the Commission at its March meeting. They undertook to include this in their next progress report. Ann Abraham commented that she had not received a copy of this report before the meeting.

AS; NH

Anne Seex highlighted the following key points:

- At 15 June, the York stockpile had reduced to 272 complaints, compared with the highest figure in February of 970 complaints.
- The number of complaints more than 52 weeks old had also fallen, from 102 complaints in February to 88 at 31 May.
- It was too early to assess the impact of some of the initiatives the York Management Team (YMT) was taking to increase efficiency and effectiveness.
- The YMT had considered the geographical allocation of complaints, and had decided not to pursue this at present. York AOs had felt that a new system of allocation would divert them from their focus on managing individual performance. But this would be reviewed once the position in the office had stabilised.

- But underlying performance issues in the York office remained, with the average output of the 10 most productive investigators in York still lower than those in London and Coventry.

In reply to question from Jerry White, Neil Hobbs confirmed that the increase in productivity had not been achieved at the expense of conformance with the Investigation Handbook eg in terms of contact with complainants and issuing provisional views.

The Commission began by recognising the significant progress that was being made by the York office to reduce the stockpile.

There then followed a detailed discussion about the format/contents of the progress report, and the following key points were made:

- Ann Abraham commented that the York progress report in its current format did not provide sufficient information to enable her to judge the pattern of progress against a specific plan: the report should include regular projections of the position as it is forecast to be over the next few months. She also suggested that it would be helpful for the progress report to present the position at the same date as the Commission PIs. Neil Hobbs explained that the progress report gave later information than the PIs in order to give Commissioners an up-to-date position as possible.
- Tony Redmond and Jerry White endorsed Ann Abraham's views.
- Tony Redmond explained that the information could be presented to the Commission in a more helpful way. He suggested that the Commission receives a tabular presentation of progress, month by month, which would show progress against a defined recovery plan. The management information presented to the Commission should enable it to track how new complaints will be dealt with once the backlog had been eliminated, to give the Commission assurance that there will be no recurrence of the problems which gave rise to the stockpile. In response to a request from Anne Seex and Neil Hobbs seeking further clarification about the format of future stockpile reports, Tony Redmond confirmed that he would be happy to assist them outside the meeting.
- Jerry White said that it was important that the progress report included a clear forecast of when the backlog will be eliminated, and with future reports including data that will enable the Commission to monitor delivery of the business goal targets, and in particular times.
- Anne Seex and Neil Hobbs confirmed that eliminating the backlog was the YMT's absolute priority, and that this would adversely affect the times taken to decide complaints. But that, once this had been achieved (and the date for the closing the special stockpile team had been tentatively set at September 2007), the York office would track progress against the same business goal performance targets as London and Coventry. Although they asked the Commission to note that the management information available was not detailed enough to enable them to track/project decision dates of individual complaints in the stockpile.

The Commission:

- i noted the 3rd progress report on the York office stockpile.

- ii **AGREED** that Anne Seex and Neil Hobbs, with the advice/assistance of Tony Redmond, would revise their monthly progress reports to the Commission along the lines discussed.

AS;NH

4. Budgetary control report: April 2007

CLA 1591 had been circulated.

Tony Redmond commented that it was too soon to assess trends on the basis of only one month's set of figures. But he highlighted the importance of maintaining tight control on staffing and recruitment budgets if the savings assumed in the 2007/08 budgets are to be realised.

The Commission:

- i noted the control report, including the Deputies' comments.
- ii **AGREED** that future control reports should show both gross and "adjusted" cost per complaint figures.

DEPs; SDJ

5. Financial out-turn report 2006/07

CLA 1592 had been circulated. Tony Redmond reported that the Commission's overall spending had been broadly in line with the budgets set for 2006/7. He wished to place on record his appreciation to the budget holders for their management of the budgets. However, as he had explained at recent budgetary control meetings, it was apparent that some excess spending in 2006/07 had not been accommodated in the 2007/08 budgets, and he had therefore emphasised the importance of precise budgeting arrangements and the need to use virement as necessary.

In reply to question from Peter MacMahon, Tony Redmond explained that he would consider further with Stephen Jones the reallocation of the *training* and *computer purchases* budgets to the teams to match actual expenditure.

The Commission noted the outturn report for 2006/7, including the individual team reports and the detailed results for the year.

6. Supplementary estimates

CLA 1593 had been circulated. Nigel Karney pointed out that tenders for Coin Phase 1 indicated that the supplementary estimate included in the paper for this project was realistic/accurate.

The Commission explored the following points in its discussion:

- Whether to earmark funds of £100k for the complete replacement of the Coventry air conditioning unit. Neville Jones requested that these funds continue to be retained.
- Whether to include provision for Coin Phase 2. Tony Redmond explained that a capital bid for this part of the project would be made once the outcome of the tender

exercise was known, and that the different financial arrangements set out in the Local Government Bill could have implications for this.

The Commission **AGREED** to:

- i approve the transfer of funds from the reserves to the 2007/08 revenue budgets to accommodate expenditure on the following projects in 2007/08 (the first three of which, it was noted, formed part of the Access and Advice Programme):

1	Coin Phase 1	£344,000
2	Coventry fit out (including Air Conditioning Phase 1)	£96,000
3	Other Access and Advice (set-up costs)	£129,000
4	Web site/Intranet	£65,000

- ii continue to earmark £100k for Phase 2 of the Coventry Air Conditioning project, to be utilised should the system start to fail again.

SDJ

7. HR Policies

The proposed amendments to these policies had been circulated separately to the Commissioners. Anne Seex suggested that in redundancy situations there should be arrangements for placing staff with, as well as receiving staff from, other BOIA schemes. Nigel Karney would arrange to raise this point with the BOIA staffing group.

NJK

The Commission **AGREED** to confirm the Chairman's action in approving revisions to the following HR Policies:

- Redundancy
- Statutory dismissal procedure
- Secondments

SR

8. Access and Advice Centre – implications for existing posts

CLA 1594 had been circulated.

Introducing the Deputies' paper, Nigel Karney explained that this set out how the establishment of the new Access and Advice Centre (AAC) would impact on existing posts, both in terms of the number of posts and revised Job Descriptions. In the case of the PA/Team Leader post, this was the result of the transfer of handling premature complaints from within the teams to the new AAC. In the case of the Team Administrators, this was due to a number of elements including

- The transfer of work into the new AAC
- The result of the investigator self-servicing initiative
- The need to make financial savings to fund the revenue costs of the new AAC.

Summarising the various annexes to the paper, Nigel Karney drew the Commission's particular attention to Annexes 4 and 5, which set out the Staff-side/Unison's comments on the proposals; and to Annexes 6, which gave the Deputies' response to the Staff-side/Unison's comments.

The Commission began by considering the Staff-side/Unison's comments on the AAC proposals, and endorsed the Deputies' response to them.

The following key points were then made by the Commission in its discussion:

- While acknowledging that a lot of work had already been done to explain the benefits of the new AAC, the Commission was agreed upon the importance of conveying this message clearly to staff.
- To request that the AAC Programme Board develops benchmarks for measuring how the new service will perform, together with a planned set of activities to generate awareness of the service amongst hard to reach groups. Ann Abraham suggested that the Project Initiation Document (PID) should be used as the starting point for this work.

TR; MK

The Commission **AGREED** to accept the Deputies' recommendations that:

- i The following posts are declared redundant from 1 April 2008:
 - The two (fte) adviser posts and the supervisor post at the York Advice Centre
 - Six (fte) PA/Support Team Leaders (two in each office)
 - Three (fte) Team Secretaries (two in York and one in Coventry)
- ii The new six posts replacing PA/STL support roles (two in each office) are designated PA/Team Leader. These posts will be open on a "ring fenced basis" for application by the existing PA/STLs at risk of redundancy.
- iii The new 21 posts replacing Team Secretaries support roles are designated Team Administrator. These posts will be open on a "ring fenced basis" for applications by existing Team Secretaries who are at risk of redundancy. In London, as there are no posts being reduced, the move to Team Administrators will be achieved by variation of contracts.
- iv The redundancies and redeployments will be carried out in accordance with the new Redundancy Policy agreed by the Chairman.

DEPs

9. Comebacks review

CLA 1595 had been circulated.

The Commission considered the outcome of the various comeback pilots which they had set in place in the offices, and the resulting proposals (in the form of three options) for a common approach to handling comebacks which had been formulated by the Deputies and the three AOs who had led the pilots. The Commission noted that they had also been requested by the Deputies to discuss the specific issue of when and how to notify complainants about the possibility of a review.

Before doing so, however, Ann Abraham explained to the other Commissioners how PHSO had devised their own complaint review arrangements. Their starting point had been to debate/agree the key features of what would comprise an "exemplary" complaints system, in terms of what PHSO themselves would expect bodies within jurisdiction to operate, and to test their own review arrangements against the 'exemplary' procedure. This had proved to be a very useful exercise, and she suggested that, before considering the proposed comebacks procedure, the Commission may wish to adopt a similar approach.

In discussion, the other Commissioners confirmed that they saw attractions in Ann Abraham's suggested approach.

Anne Seex pointed out that, as well as reviewing the investigator's delegated decision, from her own experience she had also found there to be a valuable quality control dimension in the comebacks procedure.

Tony Redmond considered that a further issue to address would be to establish whether the comebacks procedure constituted the most effective means of addressing complainant dissatisfaction, including whether the most appropriate use had been made of all the stages of the investigation process, in particular provisional decisions.

The Commission therefore **AGREED** to request that the Deputies gave further thought to the key principles of a complaints procedure, in particular addressing the issue of how best to deal with complainant dissatisfaction throughout the investigation process, and to present a further report to a future meeting of the Commission.

DEPs

10. Sickness absence: March 2007 quarter

CLA 1596 had been circulated. The Commission noted the analysis, and in particular that the average number of days' sickness absence for 2006/7 was 6.6, compared with the 2003 target for NDPBs set in 1999 by Government of 5.95. It was also noted that the sickness absence percentage of 2.9% for 2006/07 compared favourably with the local government lower quartile of 3.3%.

11. Audit Committee

CLA 1596 had been circulated. The Commission noted the minutes of the 27 March meeting of the Audit Committee, and agreed that the minutes would be corrected to record Ann Abraham's apologies for not attending the meeting.

TR

12. Superannuation benefits: retired Local Commissioners (exempt from FOIA under S40)

CLA 1597 had been circulated. The annual report for 2006/07 was noted/received by the Commission.

13. Making Experiences Count: A new approach to responding to complaints

Ann Abraham reported that the DoH had published the previous day a consultation paper setting out future complaints arrangements for health and social care matters. She was pleased to see that PHSO's principles of good administration had been annexed to the paper. She hoped that it would be possible for PHSO and the LGOs to respond jointly to the paper.

The Commission **AGREED** that, as a first step, Peter MacMahon (who would take the lead on co-ordinating the response on behalf on the Commission's side) would arrange for circulation of the consultation paper.

PM

14. Date of next meeting

12.00 pm, Tuesday 19 July in MBT.