

COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND

Minutes of the meeting of the Commission held at Millbank Tower,
Millbank, London SW1P 4QP in Room 1, 20th floor on
Tuesday 11 September 2007 at 12.00pm

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

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

1. Apologies

Apologies were received from Ann Abraham.

2. Matters arising from the minutes of 19 July and 7 August Commission meetings

The minutes of the 19 July and 7 August meetings were confirmed as an accurate record, and signed by Tony Redmond.

There were no matters arising from the minutes.

3. Commission PIs: August 2007

CLA 1606 had been circulated.

The Commission began its consideration of the PIs by noting the elimination of the York stockpile, and **AGREED** to express its appreciation to staff in York for this. However, the Commission also recognised that there remained uncertainty over whether the Commission would achieve its time targets for 2007/08.

In the discussion:

- Anne Seex pointed out that the York office's outturn remained below that of the other offices, and she assured the Commission that this issue would continue to be addressed by the YMT. They would be keen to learn lessons from the experience of the other offices in improving their outturn figures.
- Neil Hobbs referred to the improved direction of travel, in that the number of cases decided by York for the April to August period (not shown in the PIs) exceeded the business plan target.

These points were noted by the Commission.

The following points about the PIs were also noted/agreed:

Table 1: Advice service: Calls received by the advice calls service continue to rise, with 21,543 calls received over the past 12 months (3,400 more calls than over the previous 12 months). The Commission **AGREED** to place on record its appreciation of the work of the advice calls staff for dealing with these record levels of calls, especially with the service's recent staff turnover.

Mick King reported on the results of his further researches into the increasing trend in advice calls. Projections based on past experience suggest that the number of calls is likely to continue to rise, to perhaps as many as 25,000 per annum. Substantial increases had also been seen in the number of emailed complaints over the past three years (from 500 to 2,500). These indicated a growing demand for communicating with the LGO service in these ways, which would be addressed by the new A & A Centre.

Table 4: Complaints workload: The Commission **AGREED** to request that the Deputies review the format of the table, given that the York stockpile had been eliminated.

DEPs

Table 5: Decisions: Neville Jones said that he had continued to monitor the situation in Coventry in the light of the below target outturn achieved in the month and three months ended 30 June. He was pleased to report that record levels of cases had been decided by the office in the months of July and August, and that this had been achieved despite the current AO vacancies.

Table 7: Times 26(5)s: Peter MacMahon reported on recent improvements in the average times to decide S26(5)s achieved by the London office (from 18.8 days in June to 11 days in August), brought about by changes in how these cases are handled/allocated.

Table 8: Post decision correspondence: Anne Seex observed that the difference between the offices in the percentage of decisions that are comebacks was narrowing. She also suggested that the table should show the number of comebacks received in the period as well as those terminated. This was **AGREED** by the Commission.

NJK; DP

4. Budgetary control report: July 2007

CLA 1607 had been circulated. Stephen Jones began by explaining the monthly timetable for producing the budgetary control report, and emphasised the importance of the finance team receiving comments on the report from budget holders as early as possible in the cycle. Anne Seex commented that too much detailed information was currently being circulated to Commissioners, and that the one page summary sheet with Deputies' comments would be sufficient. Tony Redmond also pointed out that the detail had been included in response to

previous requests within the Commission. Nigel Karney responded that the Deputies would adjust their comments if this was to be the arrangement.

Stephen Jones also reported that, at Tony Redmond's suggestion, the *income* line in the report would, in future, show under/overspends. This was noted by the Commission.

The Commission **AGREED**:

- i To note the July control report, including the Deputies' comments.
- ii That in future the summary sheets only would be circulated to Commissioners.

SDJ; ALC

5. Mid-year estimates 2007/08

CLA 1608 had been circulated. The Commission considered the results of the exercise to review the mid-year estimates for 2007/08. Stephen Jones pointed out that this had been a major task, run in tandem with the 'Star Chamber 2' review of budgets. He was grateful to all the staff who had contributed, in particular the facilities management team. He drew the Commission's attention to the summary table on page two of the covering paper, which showed a net overspend against the 2007/08 base budget of around £67,000. However, he pointed out that experience over the last few years suggested that the budgets would be broadly in balance by the end of the financial year. This was noted by the Commission.

Tony Redmond considered that the transfer from reserves currently shown at the top of the summary budgets should be moved to the bottom, to highlight the fact that a significant proportion of the Commission's reserves (£630k approx) would be drawn down in 2007/08. This was **AGREED** by the Commission.

SDJ

The Commission **AGREED** to approve the mid-year estimates for 2007/08, as amended, for inclusion in the September budgetary control report.

TR; SDJ

Tony Redmond and Nigel Karney then reported to the Commission on the timetable for submitting to Government estimates for the following three years 2009-11:

- The DCLG had indicated that the three year estimates were required this year end, and these could be submitted one month later than usual (15 November rather than 15 October). A first draft of the estimates, together with supporting commentary, would be circulated to the Commissioners by Friday 14 September, for finalising by the end of September.

TR; NJK

- The new funding arrangements which form part of the Local Government and Public Involvement in Health Bill would mean that the Commission and Government would not be formally required to take the comments of

the Local Government Association (LGA) into account. Although the legislation was unlikely to be enacted before the next financial year, Tony Redmond had agreed with the LGA that he would still informally discuss the draft estimates with them. The final estimates, together with the results of these discussions, would be put to the Commission for approval at its meeting on 23 October.

TR; NJK

- If the legislation is enacted, it would be possible for the first time for the Commission to make bids for capital expenditure. The York office relocation would be a suitable candidate for capital expenditure, and there could be others. A separate business case had already been prepared and submitted to the DCLG for the York relocation; but, to date, the DCLG had not given an indication of their view on its merits.
- It was emphasised that, if a snap election was called, the Bill would fall and the Commission would retain its current funding regime for the time being. This was noted by the Commission.
- Tony Redmond and Nigel Karney would keep the other Commissioners informed of developments.

TR; NJK

6. Equality and Diversity in Service Delivery

CLA 1609 had been circulated. The Commission received the second part of an annual report on diversity issues. This part covered service delivery.

Introducing his report, Neil Hobbs pointed out that the analysis of the 2006/07 Equal Opportunities monitoring form data showed that:

- Overall, people from ethnic minority groups comprised a greater proportion of those who complained compared with the general population. But this did not take into account the ethnic composition of LA service users, which was likely to be proportionately higher than the general population. Without further research, however, it would not be possible for the Commission to be certain that they received complaints from ethnic minority groups in proportion to demand for LA services.
- The pattern of complaint outcome was similar between the different ethnic groups.

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

- The Commission was reassured that the data indicated that complainants from ethnic minority (and other) groups are treated equally and fairly by LGO staff once they make the complaint.
- The Commission considered that it was reasonable to assume that it was likely that it was not reaching "hard to reach" groups within communities who should have access to its services.

- However, while the Commission recognised the value of the various outreach initiatives and pilot exercises that had already been undertaken to try to engage with these 'hard to reach' groups, it was agreed that these were very resource intensive activities and the Commission was not in a position to affect the situation nationally.
- It was therefore considered that the Commission's focus needed to be on advice agencies and on voluntary and community groups who provide advice; and also on local authorities building links with hard to reach groups within their own communities, and which are therefore best placed to pass on information about the LGO service when dealing with complaints about their services.
- There was recognition that the Commission was not alone in trying to address this issue, and that there would be merit in exploring partnership arrangements with other Ombudsman schemes, and with both local and central Government departments and agencies.

The Commission was agreed upon the importance of raising awareness of the LGO service amongst "hard to reach" groups, but that it was also important that the Commission's aspirations in this area should be balanced against available resources.

On this basis, the Commission **AGREED** to request that the Deputies draw up a series of realistic, specific action points which can be taken to address this issue, for consideration by the Commission at a future meeting.

DEPs

7. Comebacks review

CLA 1610 had been circulated.

The Commission considered the further report they had requested from the Deputies at their June meeting (when they had considered the results of the pilots conducted in each of the offices), giving more thought to the key principles of a complaints procedure and in particular how to deal with complainant dissatisfaction throughout the investigative process.

The Commission's discussion focused on the following points:

- Whether there should be a common comebacks and 'quality of service' complaints arrangement in all three offices.
- Whether the review of issues concerning work in progress, and in particular the process of taking into account complainants' comments on provisional view letters, should be carried out by the investigator/line manager AO or by some other person.
- The role of the Ombudsman in the one stage review process proposed in the paper.

- Whether there should be notification of the procedure to complainants later in the process.

The Commission **AGREED** that, before coming to a final view on the issues raised in the Deputies' report, a special session should be held on this topic at the November management conference based on the paper presented to the Commission.

NJK

8. Audit Committee

CLA 1611 had been circulated. The Commission noted the minutes of the 17 July meeting of the Audit Committee.

9. Governance of the Audit Committee

CLA 1612 had been circulated.

The Commission considered a report by Tony Redmond, which set out a number of options for the future operation and composition of the Audit Committee, following the Committee's review of its governance arrangements at its March meeting. The report addressed the issues raised at the meeting, and in particular took forward the view that independent members should form the majority on the Committee.

In the discussion, the Commission paid particular attention to the following issues:

- Government guidance that Accounting Officers should not be a member of an organisation's Audit Committee. But the Commission is an independent statutory body, not a Non-Departmental Public Body (NDPB), and needs to reach its own view on what is appropriate.
- The Commission's governance, and the Ombudsman's role in this, is complex. The Committee needs a member who understands and can explain that complexity, so as to avoid misunderstandings and abortive activity being initiated by the Committee.
- The PHSO Audit Committee independent Chairman accepted that the Accounting officer (Ann Abraham) should remain a member of the PHSO Committee.
- When BOIA schemes discussed this issue recently, the consensus had been that this is not an area where schemes need to conform to Government guidance.

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

- i that the Audit Committee would in future comprise an independent chair and an (additional) independent member; the Parliamentary/Health Service Ombudsman; and the Chairman/Accounting Officer.
- ii to approve the following amendment to the Committee's terms of reference (end of Section 3), in order to give greater emphasis to its role in relation to risk management.

The Committee shall

1. hold overall responsibility for monitoring and reviewing risk management practice in the Commission
 2. It will receive at every meeting:
 - a summary of strategic risks;
 - a statement of any incidents of significant operational risk management failure and the response, and
 - reports on progress with any previously agreed action.
 3. be notified when any major project warranting a supplementary register has been completed and any lessons learnt from the project to reduce future risk.
 4. receive annually from the Deputy Chief Executive a review of the risk management process and, as appropriate, recommend action to the Commission.
 5. ensure that the programme of internal audit, as approved by the Committee on the advice of the Accounting Officer, reflects the assessment of strategic and operational risks.
- iii that the Commissioners who are not members of the newly constituted Audit Committee should receive copies of the Committee's agendas and papers, so that they are kept fully informed about matters considered by the Committee.
 - iv that arrangements should be put in place to ensure the Commissioners properly address matters concerning risk management.

NJK; SDJ

10. Date of next meeting

Tuesday 23 October, 12 pm approx in MBT (at the rising of the Access and Advice Programme Board).