

## COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND

Minutes of the meeting of the Commission held at Millbank Tower,  
Millbank, London SW1P 4QP in Room 20.1 on the 20<sup>th</sup> floor on  
Tuesday 1 December at 11.15am

**Present:** Mr T Redmond (Chairman)  
Ms A Seex  
Ms A Abraham

**In attendance:** Mr N H Jones  
Mr N J Karney  
Mr M King  
Mr P J MacMahon  
Ms J Feeney  
Ms M Kelly  
Ms P Rao  
Mr A L Creech

### 1. Preth Rao

Tony Redmond welcomed Preth Rao, Head of Policy and Research, to her first meeting of the Commission as a member of staff.

### 2. Matters arising from the minutes of 15 October Commission meeting

The minutes of the 15 October meeting were confirmed as an accurate record and signed by Tony Redmond. There were two matters arising from the minutes:

#### ***Minute 7: Equality Bill***

Ann Abraham reported that, following the Public Sector Ombudsmen's meeting in November, which the Director-General of the Government Equalities Office (GEO) had attended (as well as Nigel Karney), she had been asked by the GEO to consider how an exemption for Ombudsman casework can be given when drafting the Equalities Act and Regulations. Nigel Karney confirmed that the Commission had received a similar request.

**Agreed:** PHSO and the Commission to co-ordinate their respective responses to the GEO.

#### ***Minute 8: Local Commissioners' areas***

**Agreed:** to transfer complaints about Lancaster City Council from Coventry to York with effect from 1 April 2010.

### 3. Commission PIs: October 2009

CLA 1743 had been circulated.

The Commission considered the commentary on the data and the Performance Indicators.

The Deputies reported to the Commission that office output continued to hold up well with the investigative staff in place, but they continued to regard the situation as 'fragile'. As indicated to the New Initiatives Programme Board the previous week, they had concerns about how the offices would cope if there should be a big increase in workload or a need for core investigators to support the new Initiatives work. The Deputies reported that they were in the process of finalising a contingency plan.

In the discussion, Anne Seex drew attention to table 4, and commented that caseloads were high for some individual staff.

It was noted that the three-month target for decisions shown in table 5 needed to be corrected.

**NJK (PR)**

#### **4. Budgetary control report: October 2009**

CLA 1744 had been circulated. Tony Redmond pointed out that the control report:

- included a substantial amount of additional resources released following Royal Assent for the New Initiatives legislation in November (the funding Departments had not allowed draw down from these resources in advance of this being given).
- showed the impact of the supplementary projects which he had been authorised to approve on the Commission's behalf, aimed to utilise the significant projected underspend against the core 2009/10 budgets.

In reply to a question from Anne Seex, Nigel Karney explained that the supplementary projects included a number of IT projects to improve operational efficiency, including COIN2, IPOS, payroll and HR systems. However, the ability to undertake such projects was limited by staff resources available within corporate services to manage them, given the amount of activity already underway in connection with the new jurisdictions. He would use outside consultants wherever possible.

Tony Redmond reported that that CLG had agreed in principle that any underspend in the core budgets remaining at the end of 2009/10 could be put towards the pension fund deficit.

**Agreed:** Nigel Karney would circulate to Commissioners a summary statement setting out details of the supplementary project expenditure planned for the remainder of the financial year, and the projected level of underspend to be paid towards the pension fund deficit.

**NJK**

#### **5. Strategic Risk Register**

CLA 1745 had been circulated. It was noted that this had been reported to the November Audit Committee.

Nigel Karney highlighted the following points:

- The high risk rating of advice publications 'not being seen as relevant' had increased, because no Special Reports had so far been issued in 2009/10.
- There were no changes in the assessment of high risk in the area of "accessibility/customer focus"; but plans were well advanced for a follow-up qualitative survey of complainant satisfaction in January/February 2010.

- The high level of risk in the area of “managing change and addressing external threats/opportunities” had further increased, and would remain high until the New Initiatives programme of work was operational. This corresponded with the detail in the project risk registers.

The following points were made in the discussion:

- The Commission agreed that the Deputies’ assessments of risk in the register appeared reasonable/set at the right level.
- Anne Seex suggested that the term "Performance Indicator" should be reviewed, also the Indicators for the risk area "maximum value and impact on services" relating to councils.

**NJK**

- Tony Redmond stated that a Special Report on bankruptcy and council tax was in the pipeline, with a consultation draft due to be issued shortly with publication by March 2010. A second Special Report was planned in 2010, subject to available staff resources.

## **6. Council First**

CLA 1746 had been circulated. Neville Jones introduced his report on the first six months' operation (April to September 2009) of the "Council First" procedure. This had already been presented to the New Initiatives Programme Board the previous week. Since then, Neville Jones explained that he wished to suggest to the Commission two “next steps” in addition to those set out in his report.

It was noted that:

- The proportion of complainants being treated as exceptions was close to that envisaged.
- About half as many premature complaints were re-submitted to the LGO compared with the same period in 2008.
- Feedback did not suggest widespread concerns (the planned 2010 complaint satisfaction survey would obtain more information on this).

**Agreed:** the following next steps:

- i. The group of AOs, investigators and advisers who agreed the original list of examples to be reconvened to share their experience of how the exceptions are working, with a view to improving the guidance where appropriate. **NHJ**
- ii. To include a request for more feedback on "Council First" from councils in the next issue of LGOLink. **JF**
- iii. The Advice Team to undertake a sample survey of complainants who did not re-submit their premature complaint to the LGO, to gain insight into reasons for this. **NHJ (PR)**

## 7. Protocol with Housing Ombudsman

CLA 1747 had been circulated. Tony Redmond outlined the background to the draft protocol (termed a 'Memorandum of Understanding') with the Housing Ombudsman Service (HOS). He made reference to:

- The Cave Review in 2007, which proposed a new system for the regulation of social housing, and commended a single housing ombudsman for the whole domain.
- The Government's consultation paper on the future of social housing regulation, inviting views on the Cave Review's recommendations.
- The Commission's response that the current arrangements, enhanced by greater joint working between the ombudsman schemes, offered a very good service for complaints and should not be affected by a new social housing regulator.
- The creation of the new social housing regulator, the Tenants Services Authority, regulating registered social landlords, and local authority housing later probably from April 2010.
- The draft protocol, by providing for greater joint working between the two Ombudsman schemes, was therefore consistent with the Government's aim of providing effective systems of address for tenants across the social housing domain.

The following points were explored by the Commission in its discussion:

- Whether there should be specific reference in the protocol to the key staff in both schemes who would take the lead on operating the protocol, and in the regular liaison meetings to agree/develop the programme of joint working. It was noted that the LGO offices are currently in the process of agreeing who would fulfil this role.
- The protocol will need to be reviewed in the near future in the light of the New Jurisdictions. It was for example possible that both Ombudsman schemes would need to investigate a complaint against the same service provider.
- However, the Commission did not consider it appropriate to delay further the protocol for these reasons.

### **Agreed:**

- i. To approve the protocol.
- ii. To make it clear to the HOS that the protocol will need to be updated in the light of the New Jurisdictions.

## 8. FOIA, DPA, and EIR – public access to our records

CLA 1748 had been circulated to Commissioners and Deputies. Nigel Karney presented the Commission with final advice from Tony Child (Beachcroft LLP), one of the Commission's external legal advisers, on the interpretation of the legislation provided for access to public records. It was noted that Nigel Karney and Anne Whitehorn were due to meet a number of ombudsman scheme legal advisers the following week.

**Agreed:** Nigel Karney to prepare a draft position statement in the light of the legal advisers' meeting and the Commission's discussion, for consideration/approval on 26 January, and with a view to presenting this to the ICO for discussion.

**NJK**

## 9. LGO Advice Team

CLA 1749 had been circulated to Commissioners and Deputies. The Commission discussed the results of the KPMG review, and an update from Neville Jones of the actions planned and already in train in response to the review.

**Agreed:**

- i. To endorse the management response to the KPMG recommendations, and the actions planned and already set in train, provided these do not conflict with any measures that may be necessary to deal with New Jurisdictions workloads. This includes approval of a management structure of Head of Service and two supervisors.
- ii. Neville Jones, in consultation with Tony Redmond, to prepare a further report if possible to the 26 January Commission, to enable it to take a strategic overview of the extent to which the original objectives set for the Advice Team have been successfully achieved.

**NHJ**

## 10. Office Accommodation Strategy

CLA 1750 had been circulated to Commissioners and Deputies. The Commission agreed that it needs to take a view on its longer term accommodation plans and requirements, in view of factors such as:

- The termination of current leases in the three LGO offices in 2015 and 2018, and a break clause from the London lease in 2013.
- Office moves taking two years to plan.

**Agreed:**

- i. This is an important issue which merits detailed consideration of all the options.
- ii. To discuss office accommodation strategy at a special session following a scheduled Commission meeting in 2010.

**NJK**

## 11. Date of next meeting

Tuesday 26 January, 11.15 am in MBT.