

COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND

**Minutes of the meeting of the Commission held at Millbank Tower,
Millbank, London SW1P 4QP in Room 1 on the 20th floor on
Tuesday 24 March 2009 at 11.15am**

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

In attendance: Mr N H Jones
Mr N J Karney
Mr M King
Mr P MacMahon
Mr R Duveen (item 14)
Ms J Feeney
Mr S D Jones
Ms M Kelly
Mr A L Creech

1. Welcome

Maureen Kelly, the recently appointed Head of Human Resources, was welcomed to her first meeting of the Commission.

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

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

There was one matter arising from the minutes.

Minute 1: Data Protection Act: personal data

Nigel Karney reported that Graham Smith, the Deputy Information Commissioner, had assured him that he would shortly receive written confirmation that the same principle the IC had accepted for PHSO would be extended to the LGO. A number of enquiries had recently been received from the ICO, and a holding response had been sent in reply pending receipt of the confirmation.

Nigel Karney would keep the Commission informed of progress.

NJK

3. Commission Pls: February 2009

CLA 1695 had been circulated.

The following points were noted in the Commission's discussion of the data:

- *Table 3: complaints by category:* in view of the new Adult Self Funders jurisdiction, it would be helpful if the Pls could include more details about Adult Care Services complaints eg comparison with previous 12 months, times taken to decide them.

NJK: DP

- *Table 5: decisions:* The average number of decisions per investigator (dpi) had decreased significantly in recent months (24 dpi in the last three months). The Commission explored factors that might be contributing to this adverse trend, and requested that the Deputies review the measures that are currently being taken, and what additional measures might be taken, in order to deliver the targets set out in the 2009/10 business plan. The Deputies were asked to report back to the next meeting of the Commission.

DEPs

4. Budgetary control report: February 2009

CLA 1696 had been circulated.

Tony Redmond stated that the level of underspending at the year end was likely to be in the region of £200,000, taking into account the payment in March of the balance of the pay award arrears of £45,000. This would mean that a sum of £200,000 would be added to the Commission's reserves compared to the position planned in the original budget for a contribution from reserves of £550,000, an overall change of £750,000. This outcome was largely the result of sound budgetary control.

Stephen Jones pointed out that there had been some rolling forward of expenditure from 2008/09 programmes into the 2009/10 budgets. He emphasised the importance of keeping to spending programmes because, under the new Grant-In-Aid (GIA) regime due to operate from 1 April 2009, any slippages would have to be notified/explained to CLG through the monthly GIA returns.

On the individual budget reports, Neville Jones commented that the LGOAT outturn was projected to be within £75,000 of the £700,000 budget, which was a satisfactory position given the absence of any previous spending experience in this area.

The budgetary control reports and budget holders' comments were noted by the Commission.

5. Budgets 2009/10

CLA 1697 had been circulated.

Introducing the paper, Nigel Karney pointed out that:

- The 2009/10 budgets were split into a number of parts – the main budget funded by the Department for Communities and Local Government (CLG) for the LGO's current jurisdiction, and ring fenced budgets for the new jurisdictions funded by the Department of Health and the Department for Children, Schools and Families.
- These ring fenced budgets included a recharge from the main budget of some existing organisational costs (eg accommodation and corporate services) insofar as these were supporting the new jurisdiction activity.
- Under the new GIA regime, the Commission would receive its grant monthly, based on a monthly bid. The CLG had already been given a monthly profile of anticipated expenditure based on the draft 2009/10 budgets. As previously noted, the Commission would be expected to explain any significant variations between the monthly bid, the profile and actual monthly expenditure. This funding could only be drawn against actual expenditure, and any of the allocation that was not drawn down could not be added to the Commission's resources.

The Commission noted that:

- Strong representations were being made to CLG about the change in their treatment of non-cash items (ie depreciation). The net result of this new approach would be a reduction in the 2009/10 budgets in the order of £187,000.
- Funding for the new jurisdiction responsibilities could not be drawn down until Royal Assent was granted, expected in July 2009 (Health Bill) and November/December 2009 (Apprenticeship, Schools, Children and Learning Bill). This represented a significant risk for the Commission, because the necessary preparatory work for the new jurisdictions could not await Royal Assent, and so would have to be temporarily funded from the Commission's reserves; if the legislation was not passed it may not be possible to recover the expenditure.
- The references to investigative 'teams' shown in the new jurisdictions planning assumptions were for budget submission purposes only: no decisions had been taken on the staffing of these areas.

The Commission **AGREED** to approve the revised draft 2009/10 budgets.

6. Grant Memorandum

CLA 1698 had been circulated. The Commission considered a draft Grant Memorandum, which set out the revised arrangements between the Commission and the CLG for the use of its grant from 1 April 2009, to reflect the new GIA regime.

Nigel Karney explained that a number of points remained to be agreed with CLG, in particular:

- Amending the Grant Memorandum to clarify the CLG treatment of non-cash items.
- Access by CLG officials to the Commission's books and records.
- A revised framework for deciding staffing issues such as pay, allowances and grading.

Comments had been requested from CLG by the date of the Commission meeting, but these had not yet been received.

The Commission **AGREED** to approve the Grant Memorandum, subject to agreement being reached with CLG on the outstanding points which Tony Redmond was authorised to agree on the Commission's behalf.

TR; NJK

7. Corporate plan 2009-12 and Business Plan 2009/10

CLA 1699 had been circulated. Nigel Karney explained that:

- The three-year Corporate Plan for 2009-12 followed the more concise format adopted for previous years' plans, and incorporated the 2009/10 business plan with evidenced business plan targets.
- Chapter 3 'The Challenges facing our organisation' again drew on the 'horizon scanning' document, which had been regularly reviewed and updated.

- In contrast to previous plans, which had chapters for each of the Commission's business goals, the 2009-12 Corporate plan was structured by themes – Dealing with complaints about local government; Adding public value; Improving our organisation – and the final two chapters covered deliverables for the new jurisdictions work (Adult Self Funders; Internal Management of Schools).
- Amendments were suggested to the Commission's Vision statement, to reflect previous discussions; and to the wording of business goal 4 to reflect the new jurisdictions.

The Commission made the following points in its discussion of the draft Plan:

Chapter 2 – Our purpose, values and vision:

- Amend the references to the PHSO, and to the 'second' independent member of the Audit Committee.
- Review the Vision statement in the light of the Investigation Handbook values/vision wording.

Chapter 3 – Challenges facing our organisation:

- Change the sub-heading to 'The level *and complexity* of incoming complaints'.
- Include a reference to joint investigations of health/social services complaints.
- The "single Social Housing Ombudsman" reference should make the Commission's position clear ie that if the Government is minded to create a single body to deal with social housing, the LGO's jurisdiction should be extended to cover all sectors.

Chapter 8 – Internal Management of Schools: align the 'trained investigators' deliverable with that of Adult Self Funders.

Chapters 4-8: Three year corporate objectives: Review the presentation of these objectives to ensure that they reflect the important and exciting nature of the challenges facing the Commission over the next three years.

NJK;JF

Next steps

The Commission **AGREED** that Nigel Karney would revise the draft Corporate plan and Business Plan in the light of the discussion, and re-submit them to the next meeting for approval. He would circulate the revisions to the Commissioners for comment in advance of the meeting.

NJK

8. Customer satisfaction study 2007

CLA 1700 had been circulated. The Commission considered the Deputies' report on progress with the action plan, drawn up to address the issues raised by the Ipsos-MORI customer satisfaction study which had been published in February 2008.

The following key points were made in the discussion:

- The Commission recognised that good progress was being made with the action plan, although the actions to date had focused on the pre-complaint/initial contact and provisional letter stage.
- More issues remained to be addressed, as identified by the Deputies in the action plan.
- In particular, the Commission considered the issue of communication between the investigator and the complainant to be a key area for improvement, while acknowledging that there was also evidence of good practice.
- Future studies should enable the Commission to test whether the actions taken so far have been successful in improving customer satisfaction with the LGO service (in this connection see minute 10).

The Commission **AGREED** to:

- i note progress with the action plan
- ii approve the recommended further action set out in the action plan.

DEPs

9. Provisional view project group

CLA 1701 had been circulated. Jerry White, the project sponsor, commended the project group's interim report to the Commission. He:

- reminded the Commission that the project arose from messages arising from previous customer satisfaction studies (BMG 2005, Ipsos-MORI 2007) about how provisional views and final decisions are perceived by complainants.
- pointed out that the interim report included the results of the pilot undertaken in each of the offices to test the approaches the project group had developed in order to provide a more structured approach to provisional letters. These could be adapted to the needs of the complainant and the level of complexity of the case (the models tested were annexed to the report).
- recommended that the approach should be adopted across the Commission, with the revisions to the Investigation Handbook set out in the report.

In the discussion, the Commission:

- endorsed the conclusions reached by the project group.
- noted that further work remained to be done on eg obtaining customer feedback from complainants whose complaints had been included in the provisional view pilot.
- considered that the project group should explore the provision of training for all investigative staff on effective communications skills.
- felt that there would be merit (if this proved possible) in introducing the new approach to provisional views at the same time as statements of reasons.

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

- i. The project group's recommended approach should be adopted across the Commission from 1 October 2009, with the possibility of introducing statements of reasons at the same time (this would be reflected upon further).
- ii. Meantime, the project group would continue with its work on customer feedback, and also consider what training might be provided for all investigative staff on effective communications skills.

PV project group

10. Communications Strategy 2009-12

CLA 1702 had been circulated. Jackie Feeney explained that the draft Strategy:

- continued to be based on the three key themes agreed in 2007 (Corporate reputation/credibility; Managing customer expectations; Internal communications/cultural change), with sub strategies beneath them.
- did not include plans for the new jurisdictions, but it was recognised that these would require strong communications input.

In the discussion, the Commission noted that the name 'Local Government Ombudsman' may need to be reviewed to reflect the new jurisdictions.

The Commission also considered the timing of future stakeholder research studies, and **AGREED** that this should form part of a Commission Research Strategy for development by the new Head of Policy and Research when in post. The Strategy should explore issues such as whether to have a continuing relationship with a research company, rather than one-off/ad-hoc surveys.

HoPR

The Commission **AGREED** to approve the draft Strategy.

JF

11. Local Authorities Training Business Plan 2009-12

CLA 1638 had been circulated. The Commission noted that:

- The 2008/09 target of 120 courses per year had been exceeded (129 courses); the same target was set for 2009/10.
- A new course had been made available for councils on effective complaint handling in adult social care, and research would be undertaken into developing training for the new jurisdictions.
- More 'open' courses had been offered in 2008/09 in an attempt to encourage more of the smaller councils, in particular district councils, to take part in the training.
- The Plan incorporated a 5% increase in charges for 2009/10.
- Very good feedback had been received from course participants.

Nigel Karney highlighted the importance of delivering the 2009/10 target in order to generate the income from training incorporated in the Commission's budgets.

The Commission **AGREED** to:

- i Place on record its appreciation to all the staff involved in the training initiative, and especially the training co-ordinators Theresa Kimble and David Richardson, and training administrator Jackie David.
- ii Approve the three-year Business Plan.

JF

12. Annual Report 2008/09

CLA 1704 had been circulated. Jackie Feeny explained that:

- The intention was for the format and timing for the Annual Report for 2008/09 to follow the same approach as last year's Report, which had received good feedback. A separate Annual Review would again not be produced.
- It would be laid before Parliament, as required by the Local Government and Public Involvement in Health Act 2007.
- Annual letters would be published on the LGO website at the same time.
- End year complaints statistics would need to be reviewed because of differences arising from LGOAT and data held by COIN/Comtrac.

The Commission **AGREED** that the following additional points should be covered in the Report:

- Information on the work done to explore the issue of mediation following the RRO.
- The 2008/09 triennial review of the Local Government Act 1974 (Nigel Karney reported that a draft submission had been prepared, and would be circulated to Commissioners after the meeting).
- The issue of complainant dissatisfaction and the measures the Commission takes to address this (within the limits of the LGO's remit), and the new 'complaints about us' procedure.

NJK

The Commission **AGREED** with the points raised in the paper, subject to discussion, and that the Report should be laid before Parliament before the summer recess on 22 July.

JF

13. HR Strategy 2009-12

CLA 1705 had been circulated.

The Commission **AGREED** to defer adoption of a draft Strategy for 2009-12, until Maureen Kelly had had an opportunity to review the Strategy and propose any amendments.

MK

14. IT Strategy 2009-12

CLA 1706 had been circulated. Introducing the draft Strategy, Ricky Duveen pointed out that:

- The Strategy was structured around upgrading the Commission's current systems to make them compatible with COIN2, when it comes on stream in April 2010.
- A major part of this was upgrading the Commission's software (as shown on the 'software roadmap'), including upgrading desktop software to Microsoft Office 2007 in September 2009 (and not June 2009, as shown in the Strategy).
- This was reflected in the Implementation Plans attached to the Strategy, which showed higher levels of expenditure in 2009/10 and 2010/11 arising from COIN2, and lower expenditure in 2011/12.
- The references to relocation of the York office (which were out of date) would be omitted.

The following points were explored in the Commission's discussion:

- The Information Security policy, which did not form part of the Strategy, was being reviewed separately. The revised policy would shortly be considered by the Deputies, and then submitted for approval. **RKD**
- Whether the limited number of staff who would be trained to extract data from COIN2 represented a risk for the Commission that needed to be addressed. Ricky Duveen explained that all users would be able, as now, to run off standard sets of reports which they would have the facility to amend, and that creating reports from scratch required specialist training/expertise.
- Given the size and critical nature of the Commission's investment in new technology, the importance of ensuring that the 'human' factor is taken into account at the design and development stage, so that staff make the most efficient and effective use of the new technology. Ricky Duveen commented that feedback from the IT User Reference Group would form an important part of the project implementation.

The Commission **AGREED** to approve the draft Strategy (with minor amendments to be approved by the Chairman). **RKD**

15. Commission business forward programme

CLA 1707 had been circulated. The following points were agreed by the Commission in its consideration of the programme:

- Include a 12 months review of the 'complaints about us' procedure, for consideration in December 2009. **DEPs**

- Ensure that the programme takes into account the timing of/business for the New Initiatives Programme Board.

ALC

16. Date of next meeting

Tuesday 26 May, 11.15 am in MBT.

Confidential

17. New Initiatives Programme Board

CLA 1708 had been circulated to Commissioners and Deputies. The Commission had a confidential discussion about an issue raised at a recent meeting of the New Initiatives Programme Board.