

COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND

**Minutes of the meeting of the Commission held at Millbank Tower,
Millbank, London SW1P 4QP in Rooms 3 & 4 on the 20th floor on
Tuesday 26 May 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
Ms J Feeney
Mr S D Jones
Ms M Kelly
Mr A L Creech

1. Matters arising from the minutes of 24 March Commission meeting

The minutes of the 24 March meeting were confirmed as an accurate record, and signed by Tony Redmond.

There were three matters arising from the minutes.

Minute 1: Data Protection Act: personal data

Nigel Karney made the following progress report:

- He referred to his recent correspondence with Graham Smith, the Deputy Information Commissioner, which he had circulated to Commissioners.
- Graham Smith had advised that he did not deal with DPA matters, and had referred him to his fellow Deputy information Commissioner, David Smith. Also that the internal guidance note for ICO staff on FOIA matters for the ombudsmen was still being drafted.
- Nigel Karney explained that that he was in the process of consulting the Commission's external lawyers to obtain further advice on the Commission's position before taking the matter further with the ICO. He would arrange for the draft Instructions to be circulated to the Commissioners for comment.

NJK

In the discussion, the Commission expressed concern about the ICO's lack of a co-ordinated approach to this issue.

The Commission noted Nigel Karney's progress report.

Minute 3: Commission Pis: February 2009

CLA 1709 had been circulated. The Commission considered the Deputies' report back on the actions being taken in each office, as well as Commission-wide initiatives, in relation to investigative productivity. The Deputies drew attention to the following key points:

Commission-wide (Nigel Karney):

- Initiatives arose in part from the Deputies/TMS' 2007/08 productivity review.
- Recruitment in progress of a senior investigator in each team.
- Pilot underway of different ways in which support staff can support the investigative process.
- Review of investigator appraisal/PRP scheme, results to be presented to the July Commission meeting.
- New Intranet development and Knowledge Management Strategy in progress.

London (Peter MacMahon):

- April month results below the target of 11 cases decided by investigator per month.
- But this is in the context of a strong position of improved productivity in the office, and a low level of work in hand.
- Regular feedback to staff on performance issues through monthly team briefing.
- Clear message/productivity expectations given to staff.

Coventry (Neville Jones):

- Office in a reasonable position/set up to achieve the 2010/11 performance targets.
- Management expectations made very clear.

York (Mick King):

- Series of actions being taken by YMT to address the decline in decisions/times evident since early 2009.
- Achieving/maintaining consistently high productivity is YMT's highest priority; everything else is tested against that.
- Clear understanding given to staff on management priorities/expectations.
- All staff sent a copy of the York Commission report, together with a personal letter.
- Positive response from staff to the challenge.

The Commission thanked the Deputies for their reports. In the discussion:

- The Deputies advised the Commission that the 2009/10 business plan targets/assumptions took into account the impact of the anticipated change in staffing levels in October, arising from the second phase of the voluntary redundancy programme.

- The Commission was encouraged to note the measures being taken/planned to achieve the business plan performance targets, and that the right framework appeared to be in place to deliver them.

Minute 5: Grant Memorandum

Stephen Jones reported that agreement had not yet been reached with DCLG on the revised Grant Memorandum; DCLG had yet to respond on a number of important points of principle. It was notable that a number of these points had been accepted in the Self Funders Memorandum of Understanding that had recently been agreed between the Commission and the DoH.

This was noted by the Commission.

2. Commission Pls: April 2009

CLA 1710 had been circulated.

The following points were noted/agreed by the Commission in its discussion of the data:

- *Table 1: Initial contact:* Neville Jones would look into the reasons for the nil entry in the month of April against the “Forwarded to investigation team as S26(5) exception” LGOAT decision category.

NHJ

The table should in future give details of number of complaints received by e-mail, letter and telephone, by LGOAT and investigation teams.

NHJ

- *Table 4: Complaints workload:* omit the line/entry “stockpiled” from the table.

DJP

- *Table 5: decisions:* The Commission was encouraged to note the improvement in productivity in the month of April (particularly in the York office), with 970 non-premature complaints decided, compared with the planning target of 852. It was acknowledged that a large multiple complaint (over 100) had been decided by York, but this did not account for all of the productivity improvement.

- *Table 6: Times (excl S26(5)s):* Time targets were not always being met, despite the reduction in workload and improved productivity (although York’s recent improvement in times achieved was also noted) . Also that there continued to be a number of cases unallocated more than four weeks in each of the offices. This could in part be due to the continuing effect of recording problems, as discussed in January 2009, with incorrect dates input for a period to record first contact with LGOAT, and when the complaint was forwarded to the investigation team. The Deputies would consider this further.

DEPs

3. Budgetary control report: April 2009

CLA 1711 had been circulated. The control report for April was considered, together with a profile of monthly grant payments for 2009/10. The Commission noted that the report contained summary information only, and no budget holder comments, because

of the effect of end-year accruals on the accounts (relating to the voluntary redundancy programme).

Introducing the report, Stephen Jones pointed out that:

- A key issue for the Commission's budgets and grant profile for 2009/10 would be addressing the uncertainties associated with the timing of the New Initiatives programme.
- It was possible that there could be a significant underspend in relation to the MEC initiative, given the uncertainties surrounding the number of MEC complaints that would be received (six additional MEC investigators were being recruited). This issue would be flagged up for CLG as part of the planned mid-year review of the 2009/10 budgets.

Tony Redmond highlighted the importance of careful management of the Commission's budgets over the next three or four years, given the uncertainties involved with the New Initiatives projects. Stephen Jones added that the impact of the transitional/start-up costs when the new services come on stream would also need to be taken into account.

The summary budgetary control report and comments were noted by the Commission.

4. Financial out-turn report 2008/09

CLA 1712 had been circulated, which comprised the outturn report and Deputies' comments on significant variances from their budgets.

Stephen Jones asked the Commission to note that:

- The out-turn report (which was provisional) showed a net surplus in the income and expenditure account of around £300,000.
- The Commission had reduced its cost base by around 2.3% compared with the 2007/08 financial outturn, excluding the exceptional effects of the voluntary redundancy programme.
- A substantial contingency reserve had been set aside to deal with unforeseen circumstances, in particular the significant deterioration in the pension fund deficit. Unless the financial markets recover, this would be likely to lead to a significant increase in employer's pension contributions at the next actuarial valuation of the LGPS in March 2010. This would be reported in greater detail in the 2008/09 Annual Accounts, due to be put to the Commission in July 2009.

The Commission discussed the cost per complaint figure, which represented a decrease compared with the previous period. It was noted that a number of factors needed to be understood which contributed to this decrease, such as the setting up costs of LGOAT and the high throughput of S26(5) decisions by LGOAT.

The Commission **AGREED** to:

- i. note the provisional 2009/10 financial out-turn report.
- ii. authorise Tony Redmond to approve the final out-turn report, for submission to DCLG by 1 July 2009.

5. Commission Business Goals performance reports

CLA 1713 had been circulated. The Commission considered the four monthly performance reports from Corporate Services for the period 1 December 2008 – 31 March 2009, together with the latest listing of key projects.

Human resources

Maureen Kelly explained that the report was ‘work in progress’; she was in the process of reviewing a number of the tables. She drew attention to a typing error in table 2b: *headcount* (the ‘average no. of FTE staff’ for LGOAT and corporate services had been transposed), and highlighted the following points:

- The first phase of the voluntary redundancy programme had been completed in March 2009; the second phase was on schedule for September 2009. Retirement workshops will be offered.
- The main current areas of HR work were: reviewing the investigator appraisal scheme/competency framework, and recruitment.
- *Table 1b: days spent on training activities:* It was possible that there was under-recording in the number of days spent on training on 2008/09 (1.3 days per employee), which appeared to be very low compared with the public sector average (4.9 days per employee). This would be investigated.
- *Table 2b: headcount:* Anne Seex pointed out that the York cleaners had been included in the York office support staff complement; they should be moved to corporate services (facilities).
- *Table 3: sickness absence:* Sickness absence levels were likely to be underreported/unreliable because of recording problems. It was noted that this should be resolved by a software upgrade planned for later in the year, which would facilitate automatic recording of sickness data (the current system was largely manual). Consideration would be given to including a review of the sickness absence recording system in a future Commission Audit Programme.

MEK

MEK

NJK

Communications

Jackie Feeney reported that:

- 126 local authority training courses had been delivered (120 target), plus two ‘open’ courses. Details had been given in the local authorities training business plan considered by the Commission in March 2009.
- No special reports had been published in 2008/09, but a number were in the pipeline.
- The new intranet site was scheduled to be ready by September 2009.
- The report included more reliable website statistics, shown from January 2009 when the new site was launched. Pre-January 2009 statistics were not included, because these had been too unreliable to enable valid comparisons to be made.

The Commission noted with approval that good progress had been made at the year-end against the majority of the 2008/09 performance targets in this area of activity.

Other corporate activities

The typing error in the *complaints about us* progress report was noted: the proportion of *complaints about us* upheld out of total decisions was incorrectly shown as 1.3% not upheld.

Nigel Karney drew attention to the following points in his report:

- The COIN2 business process review was completed in April 09.
- The new IT ServiceDesk system went live from January 09.
- The 2012 break clause on the sub-tenancy in the Coventry office would be considered in 2010/11, once the position in relation to the New Initiatives was clearer.
- The substantial increase in the number of FOIA requests received by corporate services – from 44 (2007) to 124 (2008). Dealing with these requests, mainly from a small number of people, proved to be very time-consuming. He had treated a number of these requests as vexatious.

Mick King then reported briefly to the Commission on lesson learned in the York office (he had been unable to include a written report because of illness). It was noted that the YMT had not yet had the opportunity of discussing this report.

- York AOs had advised that an increasing number of *complaints about us* had not given reasons, and were without merit.
- The greater use of electronic communications with councils was increasingly an issue, because this made reviewing the case file more difficult when it contained a mix of paper and electronic records.

In the discussion, the Commission **AGREED** that the very detailed London report on lessons learned from *complaints about us*/quality monitoring was especially helpful and interesting.

Key projects summary

Nigel Karney commented that the majority of 2008/09 projects were complete, and that all of the outstanding projects were rated as medium/low risk.

Peter MacMahon referred to the LGPIH/RRO project (page 3), and reported that:

- Procurement guidance had recently been issued to staff.
- The only outstanding item of work related to statements of reasons, which had been the subject of consultation with councils; this part of the project was on track to be completed in the near future.

Jerry White pointed out that that he had worked up a draft model statement of reasons for local settlements, which he would arrange to have circulated to the other Commissioners and Deputies for comment.

JRW

The summary was noted by the Commission.

Future performance reports

The Commission discussed the format/content of the business goals performance reports. It was agreed that, while it was valuable to receive detailed performance information, this should be supported by a summary paper which picked out the “headlines”/key points. The summary paper should also suggest priorities for management action over the next four months. This would serve to give the Commission assurance that it was on track to achieve its business goal targets

The Commission **AGREED** that Nigel Karney would prepare a summary paper, along the lines discussed, for consideration together with 31 March - 1 July 2009 performance reports in July 2009.

NJK

6. Corporate plan 2009-12 and Business plan 2009/10

CLA 1714 had been circulated. Nigel Karney explained that he planned to carry out a mid-year review of the Business plan later in 2009/10, in the light of intervening developments in the New Initiatives programme.

The Commission **AGREED** to approve:

- i. the Corporate plan 2009-12/Business plan 2009-10, subject to one revision to bring the purpose statement set out in the plan into line with the Investigation Manual wording.
- ii. a planning assumption of 84 LGO reports (28 per office) in 2009/10.

NJK

LGOs; DEPs

7. Health and Safety Annual Report

CLA 1716 had been circulated. The Commission noted the 2008/09 annual report on health and safety matters, including progress on the achievement of the 2008/09 objectives.

Nigel Karney drew the Commission’s attention to the following points in the report:

- The impact of not having a full team of permanent facilities staff on the rolling review of risk assessments; this would be given priority once the facilities teams are brought up to full strength.
- The positive feedback from staff on the Comply Wise on-line safety training.
- Work was under way to address known problems with the IDENTISAFE system.

The Commission **AGREED** to approve the following objectives proposed for 2009/10:

- To complete significant health and safety processes for the year as laid down in the Health and Safety policy.
- Complete Risk Assessment training for Managers.
- Address concerns about the operation of the IDENTISAFE system.
- Bring the rolling review of risk assessments in the offices up-to-date.

DEPs; DS

8. Audit Committee

CLA 1717 had been circulated. The Commission noted the minutes of the meeting of the Audit Committee on 24 March, together with the confidential minute that had been circulated separately to Commissioners and Deputies.

9. Date of next meeting

Tuesday 28 July, 11.15 am in MBT.

Confidential

10. Triennial Review of LGA 1974 2008/09

CLA 1715 had been circulated. It was noted that the draft submission to the DCLG had already been circulated for comment to Commissioners and Deputies on 24 March.

The Commission **AGREED** to:

- i. approve the 2008/09 Triennial Review, subject to amendments to take account of the discussion.
- ii. authorise Tony Redmond to make any final amendments on behalf of the Commission before the review is submitted to DCLG.

AW; ALC

TR

11. Superannuation benefits: retired Local Commissioners

CLA 1718 had been circulated to Commissioners and Deputies.

The Commission noted the confidential annual report on pensions paid to retired Local Commissioners and dependents who were unable to join the LGPS.

12. Confidential item from the Deputies

A confidential paper was tabled by the Deputies.

The Commission **AGREED**, in accordance with the KPMG audit recommendation (Corporate Governance Review recommendation 11) and draft Grant Memorandum, to establish a Pay Committee; the membership to comprise the Chairman, the Parliamentary Commissioner and the chair of the Audit Committee.