

## COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND

Minutes of the meeting of the Commission held at Scarman House,  
Warwick Conferences, University of Warwick, Coventry CV4 7AL  
on Thursday 15 October 2009 at 11.00am

**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 MacMahon  
Ms J Feeney  
Mr S D Jones  
Ms M Kelly

**Also present:** Ms P Rao

### 1. Preth Rao

Tony Redmond welcomed Preth Rao who would be taking up her appointment as Head of Policy and Research on 23 November.

### 2. Minutes

#### 2.1. Accuracy

The minutes of the meeting held on 15 September 2009 were confirmed as an accurate record and signed by Tony Redmond.

#### 2.2. Matters arising

**Initial contact (minute 4):** Neville Jones reported that the final draft of the KPMG review had been received in early September; this had, unexpectedly, been presented in the form of an audit report. Following discussion with KPMG he had agreed that it would be issued with a covering note from management which was currently under preparation. He expected it to be available for members of the Commission within three weeks.

**2009/10 estimates review (minute 6):** Nigel Karney reported that he had been awaiting estimates for the proposed building works at each of the offices before he could submit the list of supplementary projects to the Chairman for approval. He would provide a copy of the list to the other members of the Commission as soon as this was finalised.

### 3. Commission performance indicators: September 2009

CLA 1737 had been circulated.

Each Deputy was invited to comment on the position in his office.

Mick King (York) reported that 8.5 investigative staff had been lost during the course of the year; the full effect on the capacity had yet to be felt. It was still possible to allocate new complaints to investigators at the current level of new work (55 per week) and throughput of work was quite good. But the situation was fragile and it would be difficult to cope with any significant increase in levels of new work. He commented that the volume of cases in the different categories of work is different between offices; York has a higher proportion of social care cases which tend to be more difficult and complex.

Neville Jones (Coventry) commented that the office had recently experienced the impact of the departure of Jerry White. A significant number of reports had been finalised and issued immediately before his departure. The position on workload was similar to York, with the office coping at current volumes but little capacity to deal with a significant increase.

Peter MacMahon (London) said that the effect of the introduction of Council First was being felt with less filtering out of premature complaints and a slow increase in new complaints. The office had experienced high levels of school admissions complaints, team restructuring and some work reallocation. Averages do not give a complete picture and some individuals are carrying high workloads. Like York, the situation was fragile.

Nigel Karney said that the recruitment of new staff that was currently underway would have an impact on capacity as investigative resources are taken up to train and induct new starters. HR was currently giving consideration to how to most effectively induct the significant intake of new staff for current and new jurisdictions; this will provide a unique opportunity for a higher proportion of group activity.

Anne Seex commented that following the introduction of Council First it may be necessary to relax the restriction on the teams utilising 26(5). Ann Abraham commented that when an Ombudsman is succeeded there is a likelihood that the office will receive requests for the new Ombudsman to reconsider their predecessor's decisions; the office may need to gear up for this.

**Agreed:** to commend the investigative offices for continuing to perform well during a period of considerable change.

#### **4. Budgetary control report**

CLA 1738 had been circulated.

Stephen Jones reported a forecast underspend of £1.7 million of which £1 million related to the new jurisdictions. A list of supplementary projects was awaiting approval aimed at utilising the underspend on the core grant.

#### **5. Budget 2010/11**

CLA 1739 had been circulated.

Nigel Karney introduced this item. He outlined the main changes to the previous approved draft. These mostly related to the section on the DoH and DCSF funded budgets, and the new section on office accommodation. He emphasised that the DCSF budget figures were still being finalised and the final figures would need to be agreed by the Chairman.

Ann Abraham commented that it was important that the CLG fully appreciated the considerable uncertainty that the Commission was facing in planning for its future workload, especially following Government changes in the plans for the schools service. Tony Redmond responded that the communication between the various government departments could be improved. DoH has some understanding of the market and awareness of the issues, DCSF appreciate their estimate of 2,200 complaints will need to be revisited in the light of the PPG Bill and will take seriously a bid for further supplementary funding. He may need to write again to the Secretary of State (Ed Balls) to emphasise the Commission's concerns over the adequacy of funding. Ann Abraham suggested that the covering letter to the sponsor department (CLG) should emphasise their overall responsibility for ensuring the Commission was adequately funded to carry out its role; the bids provided the Commission's best estimate of its requirements for 2010/11, but there was uncertainty and we need to be confident that a supplementary bid, if needed, will be seriously considered.

Anne Seex commented that we are likely to require specialist advisers to assist investigators to process the new SEN complaints that we are likely to receive shortly after the ASCL Bill becomes legislation.

**AGREED** to approve the 2010/11 budget submissions subject to the above comments and to the Chairman's approval of the amendments.

**DCE**

## **6. Statements of Reasons (SoRs)**

CLA 1740 had been circulated.

Ann Abraham commented that it was important to keep in mind what the Commission is seeking to achieve by publishing SoRs. Peter MacMahon responded that he thought the objectives were:

- to improve public understanding of the LGO's work;
- to provide a source of information on decisions from which lessons/similar case examples could be drawn.

Similar provisions are included in the draft legislation for the new jurisdictions (schools and self funded adult social care) and so the approach adopted for local government would set a pattern for the publication of SoRs in these areas.

In this connection, Mick King highlighted the likely high sensitivity of organisations in the new jurisdictions to what they might perceive as negative publicity, also the difficulties in maintaining confidentiality of the parties to the complaint, especially where a small institution was involved. Local authorities were generally very supportive in their response to the consultation and have said how much they value the *Digest of Cases*.

Preth Rao commented that citizens are probably more interested in what their councils are doing, rather than an overview of what the LGO is doing.

Anne Seex said that she had held the view that summaries of all SoRs should be published to provide a comprehensive and balanced impression. This would involve around 10,000 decisions a year. She recognised the importance that these were well and consistently produced – probably as a central activity. Tony Redmond said that he

and Jerry White had felt that normally a summary should be published only for decisions where there had been fault; this would involve around 2,500 decisions a year.

Ann Abraham suggested that the amount of published information may be too large to meet the objectives as defined. She suggested that the Commission might usefully consider the experience and approach of other organisations including the Scottish PSO and her own organisation (PHSO) before deciding how best to proceed.

**AGREED:**

- 1) To defer a decision on the approach to be taken to publish SoRs. This is to provide an opportunity for the Deputies and the Head of Communications to consider the approach adopted by other schemes; the preference of target audiences and how alternative approaches might best meet the Commission's objectives.
- 2) This exercise would include considering the approach that might be adopted in the new jurisdictions as well as local government.
- 3) When the information is available it may be appropriate to organise a special Commission meeting or workshop to focus on this very important issue.
- 4) The LGOs would send a similarly worded response to local authorities to thank the respondees to the consultation exercise for their very supportive and constructive responses.

**Deps/HoC**

**LGOS**

## **7. Equality Bill**

CLA 1741 had been circulated.

Ann Abraham reported on her meeting with the Director General (DG) of the Government Equalities Office (GEO). It had been a very constructive discussion and the emerging conclusion was a proposal that PHSO would be a listed body under the Equalities Act, but that there would be an exception for its casework. The Act would cover the whole of Britain and the GEO was keen to adopt a consistent approach to all the public sector ombudsmen (PSO). The DG of the GEO would be attending the PSO meeting in November, so this could be discussed further when other Ombudsmen would be present.

**AGREED** to notify the GEO that the Commission (and Local Commissioners) supports the proposal that emerged from Ann Abraham's meeting and would also seek to have an exception for casework, but not other activities.

**DCE**

## **8. Local Commissioners' areas**

CLA 1742 had been circulated.

**AGREED:**

- 1) That High Peaks BC transfer from the York to the Coventry Local Commissioner's area with effect from 1 November 2009.

**DO**

- 2) That Hambleton DC transfer from the London to the York Local Commissioner's area with effect from 1 November 2009.

**DO**

- 3) To defer a decision on the transfer of Lancaster City Council in order to establish the current guidance in relation to the number of years that needed to elapse before a previous employment of an LGO could be reasonably be disregarded.

**DCE**

#### **9. Date of next meeting**

Noted that the next scheduled meeting would be held on 1 December 2009.