

## 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 26 January 2010 at 11.15am

- Present:** Mr T Redmond (Chair)  
Dr J Martin (Vice-Chair)  
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  
Mr S D Jones  
Ms M Kelly  
Ms P Rao  
Miss A Whitehorn (items 10 & 11)  
Mr A L Creech

### 1. Jane Martin

Tony Redmond welcomed Jane Martin to her first meeting since taking up her appointment as Coventry LGO and Vice-Chair of the Commission.

### 2. Matters arising from the minutes of 1 December Commission meeting

The minutes of the 1 December meeting were confirmed as an accurate record and signed by Tony Redmond. There was one matter arising from the minutes:

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

Nigel Karney reported that work was proceeding with the PHSO legal adviser, Anne Harding, on a co-ordinated response to the Government Equalities Office on the application of an exemption for ombudsman casework in the Equalities Act and Regulations. He would keep the Commission informed of progress.

**NJK**

### 3. Commission Pls: December 2009

CLA 1751 had been circulated.

The Commission considered the Performance Indicators (PIs) and the Deputies' commentary on them.

The following points arose from the Commission's discussion:

- *Table 1:* The performance of the Advice Team is in line with its workforce plan targets. The 12 month rolling number of calls received by the Advice Team (39,358) is very close to the business/workforce planning assumption of 40,000 calls.

- *Table 2:* Over the previous 12 months, there were 10,336 registered complaints and the teams dealt with 10,280 cases (above the business plan assumption of 10,000 decisions). Teams continue to cope well with workloads (although the position is finely balanced).
- *Table 4:* The Commission shared the Deputies' concerns about the rising number of unallocated cases, both in total and more than four weeks, which were regarded as key indicators. It was noted that the Deputies would discuss later that day what actions can be taken to reduce these numbers. There could also be recording issues which would need to be addressed. This was a "snapshot" figure, with fluctuations occurring over and within the months.
- *Table 8:* The number of compliments had reduced in 2009. The Commission noted the Deputies' comments that this could be due to a low incidence of recording compliments by staff, which would be taken up with management teams. This figure should in future be shown as a proportion of total decisions.

The Commission then noted the Deputies' review of business planning assumptions, observing that these comprised a mix of targets and service standards. The assumptions would be included in the draft corporate plan for 2010-2014, for consideration at the next Commission meeting in March.

**DEPs**

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

CLA 1752 had been circulated. Stephen Jones explained that:

- So far in 2009/10, grant-in-aid broadly matched expenditure, after taking account of two non-cash items.
- £6m approx of grant-in-aid remained to be drawn down by end March 2010.
- As a result of a review by budget holders, the position on outstanding commitments, shown in the report at £490k, had improved and now stood at £370k. It was important that budget holders ensured that as far as possible commitments are fulfilled before the end of 2009/10. Cash flows will need to be carefully managed.

Nigel Karney added that that he had recently circulated to Commissioners a summary statement setting out details of the supplementary project expenditure planned for the rest of the financial year.

Anne Seex raised a number of queries about individual lines of expenditure in the budgetary control statement; Stephen Jones would go through these in detail with her outside the Commission meeting.

**SDJ**

In the discussion, the Commission made the following points:

- It would prove difficult to draw down all of the remaining grant-in-aid before the end of the financial year, even with the planned supplementary projects (amounting to some £1m).
- This highlighted the importance of securing Government agreement for any remaining underspend in the core budgets to be paid towards the pension fund deficit. Tony Redmond reported that CLG officials were currently seeking Treasury approval for this.

- As soon as the outcome of the Commission's grant bid for 2010/11 was known, the Deputies would work up draft budgets for 2010/11. These would be circulated to Commissioners as soon as possible outside the meeting, and for final approval at the Commission meeting in March.

DEPs

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

## 5. Commission business goals performance reports

CLA 1753 had been circulated. The Commission considered the four-monthly corporate performance reports for 1 August-30 November 2009, together with the latest listing of key projects.

### **Communications**

Jackie Feeney reported:

- The latest position on bookings for training courses, which was that 118 had been taken so far in 2009/10, close to the business plan target of 120 bookings.
- The next Special Report on council tax and bankruptcy would be issued as a consultation draft to external stakeholders, with a target publication date of end March 2010. A copy of the draft would be sent to Ann Abraham.

JF

The Commission discussed the following points:

- Ann Abraham commented that it would be useful for PHSO/LGO to share information when developing their 2010 calendars of conferences. Jackie Feeney would raise this at her forthcoming meeting with PHSO's new Head of Communications, Claire Forbes.
- It would be interesting to see comparative statistics on website usage amongst other ombudsman schemes. Jackie Feeney would raise this with the BIOA Communications group.
- The further work on developing statements of reasons, including a possible special Commission meeting/workshop, should be progressed as soon as possible.

JF

JF

TR;JF

### **Human resources and other corporate activities**

The Commission noted that good progress was being made with implementing the HR Strategy.

In discussion, the Commission **AGREED** to request that the Deputies review the "general lessons learned from Complaints About Us" section of the performance report, to align this more closely with the business plan target, and to make it more informative and relevant for the Commission.

DEPs

### **Key projects summary**

Nigel Karney explained that progress had been achieved in most of the key projects in the corporate plan; he drew attention to the following projects:

- *Establish a panel of external advisers for dialogue about the Commission's development:* Although there had been no progress in 2009/10, the aim was to make progress over the next six months, and to include the new jurisdictions.
- *Review the Accommodation Strategy:* A special accommodation workshop would be arranged for the Commission early in 2010.

Peter McMahon added that, concerning the project “*To develop a common and proactive approach to the identification of maladministration arising from council failures under Human Rights and Equality legislation*”, he was working with Preth Rao on developing the best way forward in the context of the new Self Funders jurisdiction.

**PM; PR**

## **6. Complaints About Us**

CLA 1754 had been circulated.

The Commission considered the results of the Deputies’ review of the new Complaints About Us (CAU) procedure, which had been operating since 1 September 2008.

Summarising the review’s conclusions, Nigel Karney explained that:

- The new CAU procedure represented an improvement over the previous arrangements.
- The Deputies have concerns about retaining the AO’s current increased role in the new procedure because of the impact this has on their capacity to undertake corporate/public value agenda work.
- The new jurisdictions work would be likely to increase AOs’ workload in handling CAU.
- The Deputies therefore suggest that they explore alternative options for dealing with CAU, such as a central review team in each office, staffed by seconded investigators on a rota basis.

In response to a query from Ann Abraham, Nigel Karney confirmed that the 2009/10 business plan target is for less than 1% of CAU upheld out of total non-S26(5) decisions (the CAU statistics appended to the review should have made this clear).

Jane Martin commented that she appreciated the important role that AOs played in the CAU procedure, and that she would need to reflect further before taking a final view on the precise arrangements that would apply locally in her office.

In the discussion that followed, the Commission focused on the arrangements that operate in the offices where the complainant remains dissatisfied with the CAU response by the ‘reviewer’ AO, bearing in mind the agreed key principles.

The Commission **AGREED:**

- i to re-affirm the key CAU principles agreed in December 2007.
- ii to request a further paper from the Deputies, for consideration at a future meeting, which would:

- explore in more detail the alternative options for handling CAU the Deputies had outlined in their paper;
  - examine the local CAU procedures in the light of the key principles agreed by the Commission, and where appropriate to make recommendations on changes.
- DEPs**
- iii not to take decisions on the detailed recommendations arising from the CAU review, in advance of the further paper from the Deputies.

## 7. Knowledge Management and Information Strategy 2010/11-2012/13

CLA 1755 had been circulated. Jackie Feeney explained that:

- This was a new Strategy, covering both core and new jurisdictions work.
- Its key purpose was to develop good knowledge and information management within the LGO, to ensure staff have access to appropriate information, experience and expertise to enable them to fulfil their roles more effectively.
- The Strategy would also facilitate the access of information for internal and external facing research purposes.
- The flowchart appended to the Strategy set out an assessment of internal and external knowledge management information flows.

The Commission began by commending Jackie Feeney and the Knowledge and Information Co-ordinator, Martin Fowkes, on their work to produce the draft Strategy, which was agreed to be a welcome development.

The Commission observed that the Strategy has implications for many different aspects of the LGO's operations and activities, and especially Learning and Development, IT, Information Security and Policy and Research, and that the Strategy should make these more explicit.

The Commission **AGREED** to approve the draft Strategy, with amendments to take account of the point made in the discussion.

**JF;MF**

## 8. Equality and Diversity: Service Delivery 2008/09

CLA 1756 had been circulated.

Introducing her paper, Preth Rao highlighted the following points:

- Comparative data available from other sources eg on ethnic profiles of people in social housing and care were included, where these were more informative than the 2001 census data.
- The datasets were broadly similar to previous years' returns.
- The following points were of particular interest from her analysis of the datasets:

- Differences in referral methods - CABs/advisers/media represented an important route for black/minority ethnic groups.
  - Although the number involved was small, Black complainants were more likely to submit premature complaints.
  - It was encouraging to note that more complaints declared themselves with a disability compared with previous years. The highest rate of return was gender.
  - Proportionally fewer BME complaints were made about social care.
  - The number of complaints from children/young people had not increased, despite the Commission's efforts in this area. However, a recording issue could be involved because data on the complainant rather than the service user was currently captured on COIN/Comtrac.
- Preth Rao said that her analysis concluded with a number of suggested areas for further investigation and research.
  - But that this was predicated on obtaining more robust equality and diversity data. Jane Martin supported the need for this.
  - This was the reason for the suggestion that the Commission moves to 100% equality monitoring of complaints, and where possible building the data into COIN2 data fields. There was also a case to be made for investigators to view this information.

The Commission **AGREED** that a number of important issues were raised in the analysis, which merited further exploration. But that the priority should first be to ensure that robust and comprehensive equality and diversity data is collected. The Deputies were therefore asked to consider the options for improved collection of equal and diversity data, and to report back to the Commission with proposals on how to do this.

**DEPs**

## **9. Audit Committee**

CLA 1757 had been circulated to Commissioners and Deputies. The minutes (and confidential minutes) were noted by the Commission

## **Confidential**

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

CLA 1758 had been circulated to Commissioners and Deputies.

The Commission **AGREED** to adopt the draft position statement requested at its December meeting, which set out various matters relating to the disclosure of case file material. Nigel Karney would brief office management teams on the position statement.

**NJK**

The Commission's guidance for staff would not be revised until the outcome of PHSO's ongoing discussions with the ICO's office (which will have implications for all public sector ombudsman schemes) is known. In the meantime, the Deputies continue to co-ordinate responses to ICO enquiries so that a consistent line is taken.

**NJK**

**11. Legal work for the Commission**

CLA 1759 had been circulated to Commissioners and Deputies. The Commission considered the Commission Legal Adviser Anne Whitehorn's confidential report on her work for the January 2007-December 2008 period. The only action point/decision taken by the Commission in the light of her report was to ask the Deputies to include consideration of her suggestion that face-to-face meetings/mediation with some potential litigants may be appropriate in selected cases.

**DEPs**

**12. Staffing the new investigative teams**

CLA 1760 had been circulated to Commissioners and Deputies. A confidential minute was taken of this item.

**13. Remuneration Committee**

CLA 1761 had been circulated to Commissioners. A confidential minute was taken of this item.

**14. Date of next meeting**

Tuesday 30 March, 11.15 am in MBT.