

COMMISSION FOR LOCAL ADMINISTRATION IN ENGLAND

**Minutes of the meeting of the Commission held at Millbank Tower,
Millbank, London SW1P 4QP in the Board Room on the 15th floor on
Tuesday 30 March 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 (items 1-11)
Mr S D Jones (items 1-11)
Ms M Kelly (items 1-11)
Ms P Rao (items 1-11)
Mr A L Creech

1. **Peter MacMahon**

Tony Redmond pointed out that this would be Peter MacMahon's last Commission meeting before his retirement in April. On behalf of the Commission, Tony Redmond expressed his appreciation for Peter MacMahon's long and valuable contribution to the work of the Commission and the London office.

2. **Matters arising from the minutes of 26 January Commission meeting**

The minutes of the 26 January meeting were confirmed as an accurate record and signed by Tony Redmond. There was one matter arising from the minutes:

Minute 1: Equality Bill: Ann Abraham reported that work continued on providing a co-ordinated response to the Government Equalities Office on an exemption for Ombudsman casework as part of the drafting of the Equalities Act and Regulations. This was noted by the Commission.

3. **Commission Pls: February 2010**

CLA 1762 had been circulated.

The Commission considered the Performance Indicators (PIs) and the Deputies' commentary on them, and the following points arose from the Commission's discussion:

- *Table 2:* Neville Jones referred to the downturn in complaints received by the York office. The Deputies would discuss whether to recommend to the Commission any transfers in areas between the offices/re-allocation of complaints.

DEPs

- *Table 4:* The Deputies (rather than Preth Rao) would take the lead in examining the options for a better performance diagnostic for measuring workloads and delays from the complainant's perspective.

DEPs

- *Table 5:* Nigel Karney pointed out that although the total number of decisions taken was lower than the other offices, the average number of decisions taken by investigators in York remained in line with the other offices. This was partly due to the fewer number of investigators in post, and the fall in new complaints noted earlier. Mick King commented that he would review the 'headcount' figures shown in table 5(a).

MK

- *Table 6:* Neville Jones reported that a Coventry office meeting had been arranged to discuss possible reasons for the below target decision times (especially 13 weeks). He did however commend staff in Coventry for coping with the substantial disruption caused by major building works in the office.

- *Table 7:* The Commission noted the Deputies' concerns about the low number of reports issued so far in 2009/10; this would be considered a part of the Commission's discussions about publication of statements of reasons.

TR; JF

4. Budgetary control report: February 2010

CLA 1763 had been circulated. Stephen Jones explained that:

- The format of the report had been changed in consultation with Tony Redmond and Nigel Karney to enable the Commission to identify more easily spending on core local government work and on the New Jurisdictions.
- The latest projected out-turn as at end March 2010 was for an underspend of approx. £520k (subject to any final end-year adjustments).
- This would mean that a high proportion of the Government funding allocated for 2009/10 had been spent.
- Any balance of underspend could then be used towards the Commission's pension fund deficit. CLG officials had conveyed Treasury points of concern about the use of grant money for this purpose
- The pension fund payment would need to be made by 3pm 31 March 2010 if it was to be taken into account in the forthcoming actuarial valuation (although if the payment was made after 31 March it would still be of ultimate benefit to the Commission's funding position).

The Commission then discussed the pension fund payment. Tony Redmond explained that:

- He had addressed the Treasury position in subsequent correspondence with CLG, but there had been no further exchange on the subject.
- He was very mindful of his responsibilities as the Commission's Accounting Officer to ensure the proper discharge of the Commission's funds in line with Government accounting rules.

- He therefore proposed writing to CLG urgently, immediately after the meeting, seeking CLG's formal written agreement to the Commission making an additional payment into the pension fund by 3 pm 31 March.

In discussion, the Commission **AGREED** to endorse the action proposed by Tony Redmond. He would keep the Commission informed of developments.

TR

The Commission also observed that it would be helpful to receive advice/information about the respective roles and responsibilities of the Commissioners and Accounting Officer.

NJK; SDJ

5. Budgets 2010/11

CLA 1764 had been circulated. Introducing the budgets, Nigel Karney pointed out that:

- The budgets were funded from a number of grant sources, and some income from training activity and subletting.
- The core CLG budget for 2010/11 reflected the final year of the three year grant cycle, based on £300k annual reductions and nil inflation (equating to around 5% reduction per annum). Supplementary CLG funding of £650k had continued for a second year, but was uncertain beyond that.
- Funding in respect of Making Experience Count (MEC) and Adult Self Funders (ASF) was in line with the amounts requested. Internal Management of Schools (IMS) funding was below the bid, because of a reduction in the number of complaints assumed to be processed in the phases leading up to full roll-out in September 2011.
- The 2010/11 final budgets followed the pattern of the draft budgets approved by the Commission in October 2009; where there were significant changes Nigel Karney had provided an explanation. It was likely that there would be some adjustments as 2010/11 progressed, in line with normal practice.

The Commission commended Nigel Karney and Stephen Jones on the presentation of the budgets, and raised the following points:

- Nigel Karney would circulate the funded staffing establishment figures for 2010/11 (which had just been prepared) to Commissioners/Deputies after the meeting.
- It was noted that the IMS grant did not include funding for communications. DCSF had undertaken to fund this separately based on an agreed programme which would run in conjunction with DCSF publicity. It was important that this closer control should not be viewed by stakeholders as detracting from the LGO's independence. The concern about funding departments prescribing the use of their grant aid should be added to the Commission's Strategic Risk Register.

NJK

NJK

The Commission **AGREED** to approve the draft 2010/11 budgets.

NJK: SDJ

6. Strategic Risk Register

CLA 1765 had been circulated.

Nigel Karney explained that:

- The Register had already been presented to the Audit Committee.
- The main area of increased risk was in 'Managing Change and Addressing external threats/opportunities'. The level of uncertainty/organisational challenges presented by the New Jurisdictions initiative was particularly high.

The following points were made in the discussion that followed:

- Risk Area 4 under 'Maximising Value and Impact on Services' was assessed as 'high' because a Special Report had not been published in 2009/10. A number of Guidance Notes also required updating. There was agreement that the provision of advice was an important part of the Commission's Public Value Agenda.
- The current format/content of the Strategic Risk Register was in need of review, and that it would be timely for this to be done now. The Commission **AGREED** to participate in a special workshop, involving the Commissioners and Audit Committee Chair and with the assistance of an external facilitator, to discuss issues of risk.

NJK

7. Draft Corporate Plan 2010-13 (including the 2010/11 Business Plan)

CLA 1766 had been circulated. Nigel Karney explained that:

- The draft plan was a 'light refresh' based closely on the 2009-12 Plan, since this would be the final year of the Commission's current three year funding cycle.
- A comprehensive redraft of the next Corporate Plan covering the 2011-14 period was planned, to reflect the next three year funding cycle and the very difficult climate of public spending that is likely to prevail. The process would include consultations with Commission staff.

The Commission made/agreed the following points:

- In view of the comprehensive redraft planned for the 2011-14 Corporate Plan, the current document should comprise the 2010/11 Business Plan only.
- To refer in the Introduction to the Commission's commitment to maximise value for money and make efficient use of resources (Business Goal 5).

TR

- The March 2010 four monthly performance review of business goals, scheduled for the May 2010 Commission meeting, should include an end-year assessment of the achievement of the 2009/10 Business Plan goals/targets.

- The Corporate Plan should be regarded as a key control document for the organisation, and it was therefore important that the Commission had a 'strategic conversation' about the Plan at an early stage in the drafting process.
- Consultations on the next Plan could include key external stakeholders/regulators such as the Audit Committee, OFSTED and Care Quality Commission. More extensive external consultations might be considered in future planning cycles.

The Commission **AGREED** to:

- Approve the draft Business Plan 2010/11, with the inclusion of the Chair's Introduction.
TR; NJK
- Arrange a special workshop session in late April to enable the Commission to discuss corporate strategy/planning issues for the 2011-14 planning period.
TR; NJK

8. Annual Report 2009/10

CLA 1767 had been circulated. Jackie Feeney explained that:

- The intention was for the format and timing of the 2009/10 Annual Report to follow a similar approach to the 2008/09 Report, which had received good feedback (this was endorsed by the Commission).
- Two years' worth of complaint statistics would be available in 2009/10 for comparison purposes (not possible in 2008/09 because of the impact of the LGO Advice Team on the statistics).
- A stakeholder event might be timely to launch the Report, given the New Jurisdictions.

The Commission **AGREED** to:

- Approve the format and broad content of the 2009/10 Annual Report.
- Approve the date for launching the Annual Report before Parliament (week beginning 12 July), subject to confirmation of the date of the recess. Annual Reviews would be published at the same time as the Report, and after it had been laid.
- Plan a stakeholder event, to include local government bodies and advice agencies, around the launch of the Annual Report.

JF

9. Local Authorities Training Business Plan 2010-13

CLA 1768 had been circulated. Jackie Feeney drew attention to the following points:

- 118 courses had been delivered in 2009/10, compared with the target of 120 courses. The same target was set for 2010/11. Repeat business had been strong, and feedback positive.

- The new Effective Handling Social Care (Adults) course had proved popular (just over a third of all bookings).
- The number of courses booked by district councils had increased slightly.
- The number of courses taken up by LAs in Coventry's area had decreased in 2009/10, but Coventry investigators had delivered courses for the other offices.
- Bookings in early 2010 indicate that larger courses may be becoming popular again.
- More open courses were planned to attract district councils.
- The aim was to recruit more trainers.
- Evaluation of the training programme would be a key area of activity, with plans to undertake a full review including evaluation against best practice.

The Commission commended all the staff involved in the training initiative. Nigel Karney highlighted the importance of maintaining the planned level of activity in order to generate the anticipated level of income which had been incorporated into the training for the Commission's budgets, and which contributed to the funding of the investigator staffing levels.

The following key points were made in the Commission's discussion:

- The urgent need to develop training materials for IMS Bodies in Jurisdiction (BiJ).
- There was support for the alternative approaches to providing training for new BiJ outlined in the plan, such as the 'good complaint handling' self-assessment tool and e-learning modules. It might be appropriate to apply these approaches to local authorities.
- Peter MacMahon referred to the joint initiative with the CQC to develop a training model for the independent care sector employers "Skills for Care". This led Ann Abraham to emphasise the importance of PHSO and LGO taking a co-ordinated approach to the provision of training for the health/social care sector; the PHSO contacts are Clare Forbes (Director of Communications) and Kathryn Hudson (Deputy Ombudsman).
- Mick King explained the status of Appendix 3 "Development of Learning Strategy for Adult Social Care Providers 2010/11". This was a discussion paper prepared for the ASF Project Team by the Communications Project Officer, David Richardson. The purpose of the paper was to identify the further research that might be done to identify learning needs for Adult Social Care providers. This was noted by the Commission.

After further discussion, the Commission **AGREED** to approve the Business Plan 2011-13 and the proposals for 2010/11, and in particular endorsed the need for the review of the LA Training Programme which would be undertaken during 2010/11.

JF

10. Commission 2010/11 Forward Programme

CLA 1769 had been circulated. The following points were noted by the Commission in its discussion of the programme:

- As already noted, a key item of business for the Commission in 2010/11 would be preparation of the Corporate Plan for 2011-14 and Business Plan for 2011/12, informing the Commission's bid for funding.
- Special sessions of the LGOs had been scheduled at regular intervals during 2010 (not shown in the Programme). These would be a valuable means of enabling the Commission to hold more discursive/informal workshop sessions on strategic issues (as had already been arranged on corporate planning for the end April session). This would require diary planning to ensure all Commissioners are available to attend.

ALC

Confidential

11. LGO Advice Team: Strategic Overview of Objectives

CLA 1770 had been circulated to Commissioners and Deputies.

Neville Jones presented the Commission with his strategic overview of the Advice Team's achievement of the objectives it had been set and key areas for future action. This further paper had been requested by the Commission at its meeting in December 2009.

In discussion, the Commission **AGREED** to:

- i. note the overview;
- ii endorse the key areas for further action

NHJ

12. The Commission's Financial Outlook 2011-14

CLA 1771 had been circulated to Commissioners and Deputies.

The Commission had a confidential discussion about a paper prepared by Nigel Karney.

13. Date of next meeting

Tuesday 25 May, 11.15 am in MBT.