

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 16 October 2008 at 11.00am

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

In attendance: Mr N H Jones
Mr N J Karney
Mr M King
Mr P MacMahon
Ms J Feeney
Ms S Ruckwood
Mr C Bottomley
Mr S D Jones
Mr A L Creech

1. Apologies

Apologies for absence were received from Ann Abraham.

2. Sharon Ruckwood and Chris Bottomley

Tony Redmond reported that this was the last meeting Sharon Ruckwood would attend before taking up her position at the London Metropolitan Authority. He thanked her for her contribution and wished her every success in her new job. He welcomed the interim Head of HR, Chris Bottomley, to the meeting.

3. Matters arising from the minutes of 9 September Commission meeting

The minutes of the 9 September meeting were confirmed as an accurate record, and signed by Tony Redmond.

There was one matter arising from the confidential minutes.

Minute 1: Budgets 2009/10-2010/11

Anne Seex referred to the decision to include in draft Budgets A and B provision for the recruitment of the vacant Head of Policy and Research post. She said that she had understood the Commission to have agreed that the post should not be filled until the Deputies had reviewed the Commission's needs for policy and research support and the capacity that could be created by harnessing contributions from other posts, including those of the Deputies.

In discussion, the Commission **AGREED** to include budget provision for filling the vacant Head of Policy and Research post, but that the Deputies examine alternative means of meeting the Commission's policy and research needs, taking into account available management resources, before the Commission takes a decision on whether or not to proceed with filling the vacancy.

DEPs

4. Commission Pls: August 2008

CLA 1673 had been circulated.

Neville Jones reported that research was continuing into how to improve the presentation of LGOAT performance/workload data. Meantime, he drew attention to substantial decreases in the numbers of:

- School admissions complaints received.
- Outside jurisdiction decisions (these had fallen since April 2008, in line with LGOAT planning assumptions).

The following points were noted by the Commission:

- The decreasing trend in the total number of complaints received by the investigative teams. Anne Seex pointed out that a simple projection forward of the number of complaints received over the three months ended September 2008 (2,564) gave a total figure for the year of 10,256 complaints. It was likely that LGOAT had already had an impact similar to that of Ultimate Rung, because the process of taking callers through their complaint would in some cases have prompted them to take their complaint to the council. While the future workload position was uncertain, this experience supported the Deputies' projection in the draft 2009/10 budget statement that between 9,000 and 11,000 investigable complaints would be received taking into account the effect of Ultimate Rung.
- A preliminary version of the six-month review of LGOAT was due to be discussed by the management conference following the Commission meeting. Neville Jones explained that he planned to put the final version to the Commission's auditors KMPG for their views before releasing it to staff. In discussion, the Commission **AGREED** that it was important that all the Deputies participate in the LGOAT review process.

DEPs

5. Budgetary control report: August 2008

CLA 1674 had been circulated.

Stephen Jones pointed out that there had been across the board savings in a number of budget headings in August. An early run of the September budgetary control report indicated a similar picture. If this spending pattern continued for the rest of the year, there would be a projected underspend at year-end in the order of £100k, with no draw down from reserves.

Stephen Jones stressed the importance of budget holders continuing to give him early indication of any further significant items of expenditure in the pipeline: the only items he knew about not reflected in the figures were the pay award (£55k approx) and the balance of payment for COIN (£60k approx).

Tony Redmond commented that this was a good financial position for the Commission to be in, given the very difficult budgetary years ahead of it. This was greatly to the credit of budget holders, who were clearly exercising close control over their budgets.

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

6. KPMG reports on Accommodation and Corporate Services

CLA 1675 had been circulated.

Nigel Karney explained that these audit reports had been brought before the Commissioners because they related to the 2009/10 budget review, and in some cases the management response was not entirely aligned with auditors' recommendations. The reports had been made available to staff as part of the consultation materials.

The following points were noted in the reports:

Accommodation

Page 6: Planning

The Commission endorsed the management response to the recommendation that a planning/decision timeline covering the period up to the lease break/expiry in 2013/2015 should not be a standing item on the Commission agenda, which was that this should form part of the "other corporate activities" four-monthly business goals reports rather than appearing on every agenda.

Corporate Services

Page 20: Policy and research unit

The management response to the recommendation concerning the need to recruit a new Head of Policy and Research should be amended to reflect the Commission's earlier discussion/decision arising from its consideration of the 9 September Commission minute.

NJK

The Commission **AGREED** to note the KPMG Accommodation and Corporate Services reports, and to endorse the management response to their recommendations.

7. Budgets 2009/10-10/11

CLA 1676 had been circulated, together with a draft response which had been circulated on a confidential basis.

The Commission gave careful consideration to the results of the consultation exercise, and **AGREED** not to make any changes to the grant bid or the draft Budgets which formed the basis of the bid.

The Commission made the following key points in response to the Staff side's comments:

Page 1: Background/Ultimate Rung

The Commission fully recognised concerns about the detrimental effect Ultimate Rung might have on accessibility to the LGO service, particularly on vulnerable/disadvantaged complainants. The Commission had been conscious of this when it took the decision to implement Ultimate Rung. Staff and the Staff side could be assured that the Commission would do all it could to minimise the impact of Ultimate Rung and maintain the quality of service offered to complainants. Further detailed consideration/guidance would be needed before April 2009 on the exceptions to Ultimate Rung.

Page 2: National developments that could affect workload

Anne Seex referred to the relaxed permitted developments regime, which could be expected to give rise to fewer LGO complaints about planning in future because the new regime would reduce the scope for complainants to object to developments. This was noted by the Commission.

Page 3: Senior investigators and number of teams

The Commission remained of the view that the permanent appointment of senior investigators would be an important element of building the Commission's capacity to enable it to influence and participate in the development of public services, by helping to counterbalance the reduction in AOs and their capacity to participate in these activities. Senior investigators would also provide a development opportunity for investigators. Anne Seex pointed out that the Deputies' review of policy and research activities should include the role of AOs and senior investigators; this was noted by the Commission.

The Commission did not accept the Staff side's argument that, under Budget B, the number of investigative teams should be reduced to 9. The Commission remained of the view that this would increase an AO's span of control to an unmanageable level, particularly when the number of part time, HBW, new starters and people needing additional support, is taken into account.

Page 5: Corporate services

Nigel Karney drew attention to the Staff side's point that the cost/savings of reducing posts had not been calculated on a consistent basis between the corporate services and investigative reviews. He explained that the costs of re-recruitment was a valid consideration, given that the smaller total numbers of staff within corporate services units meant that it was difficult to reduce by whole posts. In any event, this had no bearing on how the budget estimates had been calculated. This was noted by the Commission.

Pages 7/8: Policy and research/Top Management

The Commission restated that the budgetary provision for the vacant Head of Policy and Research post should be retained. But, as previously agreed, the Commission would not take a decision to proceed with filling the vacancy until it had had the opportunity of considering the results of the Deputies' examination of alternative ways of meeting the need in this area, including the contributions of the Deputies themselves.

Page 9: Ombudsmen

The Commission noted that:

- It was due to discuss corporate governance matters at an Awayday that was due to be arranged for later in 2008, and that this would no doubt include consideration of relevant points.
- In response to the Staff Side's point concerning Jerry White's departure from the Commission in September 2009, the appointment of an LGO rests with the CLG Secretary of State. The Commission **AGREED** that that it would be inappropriate to make representations as to whether Jerry White's position should or should not be filled. The Commission would however ask the DCLG to

be mindful of the Commission's very difficult budgetary position when it comes to consider the matter.

The Commission **AGREED** the draft response, subject to amendments to reflect the discussion which Tony Redmond was authorised to agree on its behalf.

TR; NJK

Draft covering submission to DCLG

The Commission **AGREED** to approve the submission, subject to minor amendments, in particular that it is made clear that the Commission gave full consideration to potential savings in accommodation and corporate services before considering the resource needs of the investigative business.

TR; NJK

HR restructuring and redundancy timeline

This had been circulated by Nigel Karney. The Commission noted/explored the following points:

- All staff (including those not "at risk") would be invited in the week following the Commission meeting for expressions of interest in voluntary redundancy. These would be considered by the Commission at its next meeting on 13 November, together with the selection criteria for redundancy.
- Final decisions on redundancies could only be taken after the outcome of the budget bid was known (probably by the end of January 2009). The Commission recognised that this would inevitably mean a period of uncertainty for staff who have been placed in the 'redundancy pool', and was mindful of the impact this may have on staff morale. But the Commission could see no alternative, given the uncertainty of the funding situation. It was essential that, until January 2009, the Commission retained as much flexibility as possible in its staffing/financing.
- It was possible that additional, ring fenced funding would be allocated to the Commission by the DoH to resource the proposed extension of the LGO's jurisdiction to include direct social care funders, and if so this could form part of the final grant allocation. But this had still to be confirmed.
- Recruitment for the new senior investigators/facilities officer posts would take place in November: it was considered appropriate to do this, as they feature in both Budgets A and B, and have a bearing on the redundancy selection process.
- The results of the consultation on the draft flexible retirement policy would be put the Commission on 13 November, for final approval of the policy.

The Commission **AGREED** to note the HR/restructuring timeline. Nigel Karney explained this would be made available to staff and the Staff side.

NJK

8. Date of next scheduled meeting

Tuesday 2 December, 11.15 am in MBT. There will be a special meeting in MBT on 13 November at 11.15am.