

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 20 May 2008 at 11.15am**

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

In attendance: Mr N H Jones
Mr N J Karney
Mr M King
Ms J Feeney
Ms S Ruckwood
Mr A L Creech

1. Apologies

Apologies were received from Anne Seex and Peter MacMahon.

2. Matters arising from the minutes of 11 March Commission meeting

The minutes of the 11 March meeting were confirmed as an accurate record, and signed by Tony Redmond.

There were two matters arising from the minutes.

Minute 1: Freedom of Information: Information Tribunal

Nigel Karney reported that he had updated the Commission's guidance for staff in the light of the Information Tribunal decision. He also referred to correspondence from the Information Commissioner (IC) concerning cases relating to all three offices. The IC had indicated that his position had changed, and he took the view that all the information on the case file relating to the complaint should be categorised as "personal data". This was in line with new IC published guidance, which was based on a European Committee view and had not yet been tested in the courts. Nigel Karney said that he was currently formulating a response to the IC on this principle in consultation with the Legal Adviser. Holding replies had been sent on the pending cases. He would keep the Commission informed of developments.

NJK

Minute 5: Business Plan 2008/09

Nigel Karney reported that he had circulated the revised draft Business Plan to Commissioners for agreement outside the meeting; this would now be published on the LGO intranet/internet. This was noted by the Commission.

NJK; JF

3. Commission Pis: April 2008

CLA 1641 had been circulated.

The Commission noted the following points on the Pis (which did not yet include LGOAT data):

Table 2: Complaints received: The total number of complaints received over the 12 months ended April 2008 (17,378) was about 1,000 less than the number received over the previous 12 months (18,335), although the figures were not completely comparable because they did not include complaints received by LGOAT in April 2008.

Table 4: Complaints workload: The number of unallocated cases at 30 April had increased (422 compared with 357 at 30 April 2007), but that this in part attributable to LGOAT and was expected to improve in May.

Table 5: Decisions: The number of decisions taken by each of the offices over the last 12 months was at a broadly similar level (around 6,100).

Table 9: Post-decision correspondence: Neville Jones explained that his researches into the “compliments” return suggested that the differences between the offices and individual teams were largely a recording issue.

4. Commission Business Goals performance reports: March 2008

CLA 1642 had been circulated. The Commission agreed that the performance reports were proving a useful way of presenting information; they noted the following points:

Human resources

- Sharon Ruckwood explained that the report had been revamped, with summary pages followed by detailed performance data given in the appendices.
- The report included Headcounts and Full-time equivalents, but it had not yet proved possible to include Establishment figures (as requested by the Commission). This was currently being pursued with Finance. **SR**
- Staff turnover in 2007/08 was higher than in the previous year (14.3% compared with 9.3%).
- Sickness absence rates in 2007/8 were down on the previous year. Comparative figures for local government were not yet available from the CIPD. These were due to be published in the summer, and so would be included in a 2008/09 performance report. **SR**
- The report included the annual special leave return for 2007. This showed an increase over the 2006 return (a total of 167 days compared with 76.5 in 2006), but there had been an element of under reporting in 2006.
- Neville Jones had identified a mismatch between the training and development cost figures quoted in the report with budget control figures for this heading produced by Finance. The reasons for this were being investigated. **SR**

Communications

- Jackie Feeney reported that 129 courses had been delivered against the 2007/08 target of 120 courses, generating income of £114k. 47 bookings had been taken so far in 2008/09, up on the same time last year.

- “Effective complaint handling” was proving to be the most popular course, and more bookings would probably be generated by the issue of the new training leaflet which would accompany the 2008 Annual Letters.
- The updated corporate identity and logo had been applied to the new complaints leaflet and stationery, and to new items as they were produced. This had been well received by staff.
- Over the year, a total of 83 press releases had been issued; in one case the complainant had agreed in advance to talk to the press, and this had generated more coverage.
- The report now included details of press rebuttals/responses to inaccuracies.
- A new complaints leaflet had been produced and a batch was currently being sent out.
- A total of 50 fact sheets had been produced, and more were being drafted following talks with LGOAT advisers, mainly on issues that we cannot help with.
- New information was included in the report on the use of external communications hours during 2007/08.
- There had been a 0.5m increase in website hits between the March 08 and December 07 quarters. However this figure needed to be treated with caution, as it reflected an increase in visitor movements within the website rather than new visitors.
- It was noted that the draft *Planning* special report had been put on hold pending the new Planning Act currently progressing through Parliament.
- A possible topic for a future Special Report would be bankruptcy/enforcement action by councils in respect of council tax arrears.

Other corporate activities

- Nigel Karney pointed out that, as this was the final quarter report, this included a fuller summary of facilities matters. He pointed out that the Commission was beginning to see the benefits from increased focus on environmental activities such as ensuring that equipment is shut off at night.
- The report included a new table showing role and influence activities carried out by the Chair during the quarter.
- Jerry White raised the issue of LGO file monitoring, prompted by the reference in the ‘progress against business goals’ summary page to the 2007/08 business plan performance target of LGO/AO sampling of 5% of cases. He explained that he gave substantial feedback on both in-progress and closed cases, which was used in a variety of ways eg staff appraisals. But he considered that it was not possible/practicable for him to measure this activity against a specific target or to carry this out within a formal monitoring framework. Tony Redmond commented that he did monitor against a framework but that it was proving difficult to achieve a 5% sample.

- The Commission **AGREED** to review the 2008/09 file monitoring target (which had been changed in the 2008/09 business plan to specify that less than 1% of files monitored by the LGOs and AOs indicate unsatisfactory work) to reflect the points made in the discussion.

NJK

Key projects summary

- Nigel Karney said that none of the projects was in the “High” risk category, and that a number of projects had linkages to workstreams 1 and 2 of the budget review.
- The next update of the key projects summary would omit projects which had been reported as completed.

NJK

5. Budgetary control report: April 2008

CLA 1643 had been circulated. Stephen Jones explained that the report was subject to a number of end-year adjustments. Subject to this, however, expenditure was broadly in line with the budget profile. He emphasised that the financial position and, in particular, cash flow would need to be monitored carefully throughout 2008/09. He drew attention to two additional areas of expenditure that had not been included in the 2008/09 budgets:

- The LJC 2008 pay award; there were indications that this would be a 2.5% increase (the budget assumed a 2% increase).
- The recruitment of two more LGOAT advisers.

The budgetary control report and Stephen Jones’s comments were noted by the Commission.

6. Financial Report 2007-08

CLA 1644 had been circulated. Introducing the report, Stephen Jones stated that the income and expenditure account showed an end year net surplus of £134k, taking account of substantial capitalisation of LGOAT-related expenditure. The Commission’s cash balances would be higher than projected, because the forecast call on reserves had not taken place (there had been an underspend of £0.5m). Tony Redmond commented that this was the result of good financial control on the part of budget holders in restricting expenditure in the latter part of 2007/08, and they were to be commended on this.

The Commission noted the Deputies’ detailed comments, and **AGREED** to approve the pre-audit 2007/08 financial out-turn report, for submission to the CLG.

SDJ

7. Grant in aid

CLA 1645 had been circulated. The Commission considered a briefing paper on the new grant in aid arrangements introduced by LGPIH 2007 that would operate from the 2009/10 financial year.

In the discussion, it was noted/agreed that:

- A substantial amount of detailed preparatory work would be required to agree with CLG the financial and planning arrangements that would operate under the new regime. The Commission would need to maintain close involvement in this work.
- CLG had indicated in discussions that they would like the Commission's arrangements to be modelled on those of the Standards Board for England (SBE). Initial contact had been made with the SBE to obtain details of how their arrangements operate in practice and this was being followed up. The Commission was agreed, however, that its own arrangements should be appropriate for its own particular circumstances rather than simply modelled on those of another organisation.
- Careful attention would need to be given by the Commission to the revised Grant Memorandum, which was due to be agreed in the Autumn. This would be a strategically important policy document which would underpin the detailed financial and planning arrangements. Ann Abraham commented that there were similarities with the process that was followed to agree PHSO's own Statement of Responsibilities.

The Commission **AGREED** to request a progress report on this topic for discussion at its next meeting on 15 July.

SDJ

8. Local Commissioner areas

CLA 1646 had been circulated.

The Commission **AGREED**:

- To note formally the revised arrangements for dividing matters which may be investigated by each local Commissioner which had been agreed by the Commission outside the meeting in March 2008.
- To approve the transfer of Hambleton DC from York to London, to take effect from the date of the meeting.

MK; PM

9. Health and safety report 2007/08

CLA 1647 had been circulated.

The Commission noted the 2007 annual report on Health and Safety matters, including progress on the achievement of the 2007/08 objectives.

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

- The 'IDENTISAFE' system of safe working was now in widespread use, and although there were some problems with network coverage in some remote areas, this was a considerable improvement over the previous arrangements.
- On-line training was being introduced to update all staff on key Health and safety issues.

In the discussion, it was agreed that the next report should include an explanation of the term 'dangerous occurrences'.

The Commission then **AGREED** to approve the following objectives proposed for 2008/09.

- To complete significant health and safety processes for the year as laid down in the Health and Safety policy.
- Risk Assessment training for Managers.
- Monitoring of Effectiveness of Comply Wise on line safety training.
- Continued Monitoring of Effectiveness of IDENTIDAFE system.

DEPs; DS

10. Review of retention periods for complaint casework records

CLA 1648 had been circulated. Nigel Karney explained that the retention periods were last reviewed as part of the records management review in 2004/05 in preparation for the implementation of the FOIA. The review had been prompted by a recent request by a complainant for the LGO office to destroy all record of his complaint following the decision.

In the discussion:

- The Commission focussed on the reasons for retaining material on case files etc for 14 as opposed to 12 months.
- Ann Abraham explained that PHSO's policies on this were not yet as well developed, and referred to ongoing dialogue with The National Archives (TNA) about the transfer of PHSO legacy records. Nigel Karney responded that, although TNA was taking the Commission's corporate records, the 'landmark' case files would be retained in-house.

The Commission **AGREED** to:

- i. Reduce the retention period for the electronic copy of the decision letter and for "un-anonymised" Comtrac/COIN record from seven years to five years.
- ii. Reduce the retention period since the last action on the paper complaint file, and any working papers emails etc held on the computer, from 14 to 12 months.
- iii. Retain FOIA/DPA requests, responses and relating material for a period of four months after the normal retention period for investigation purposes.

NJK; DOs

11. Commission business 2008/09

CLA 1649 had been circulated. The forward programme of business for 2008/09 was noted by the Commission.

Confidential business

12. Superannuation benefits: retired Local Commissioners (exempt from FOIA under S40)

CLA 1650 had been circulated. The Commission agreed to note the report for 2007/08.

13. Date of next meeting

Tuesday 15 July, 11.15 am in MBT (the Commission may convene a meeting in Coventry later in 2008).