

**Minutes of the fiftieth meeting of the**

**Office for Legal complaints (OLC)**

**Monday 16 December 2013**

**11.30am – 13.30pm**

**Baskerville House, Birmingham**

**Present:**

Elizabeth France, Chair  
Tony Foster, member  
David Thomas, member  
Professor Mary Seneviratne, member  
Margaret Doyle, member  
Rosemary Carter, member  
Karen Silcock, member  
Maureen Vevers, member

**In attendance:**

Adam Sampson, Chief Ombudsman  
Rob Hezel, Chief Operating Officer  
Alison Robinson, Head of Policy and Communications  
Freda Sharkey, General Counsel  
David Edmonds, Chairman, Legal Services Board  
Chris Kenny, Chief Executive, Legal Services Board

**Apologies:**

None

**Acting Board Secretary:**

Narinder Ubhi

**Preliminary issues:**

The quorum requirements for the Board meeting were met

**1. Welcome**

The Chair welcomed members and the Chair and Chief Executive of the Legal Services Board (LSB) who were attending the meeting.

The Chair reported that Stephen Green's appointment as the next OLC Chair had been approved and he would therefore take up post on 1 April. In preparation he had accepted an invitation to the January board meeting and open session and hoped to use that occasion for a brief initial meeting with

members. An induction programme would be put in place by the Policy and Communications team.

**ACTION:**

Head of Policy and Communications to agree an induction programme with the incoming Chair.

**2. Minutes of the previous meeting**

The Minutes of the meeting held on 18 November were approved subject to minor amendments.

**3. Matters arising and outstanding action points**

The OLC members leading on Quality reported that they had a productive meeting with the team and were confident that progress was being made.

**Delegation Scheme**

General Counsel would ensure that a paper setting out the scheme of delegation within the Ombudsman team was provided to the secretary for circulation to members.

**ACTION:**

OLC Secretary to circulate the document as soon as possible

**OLC Expenses – publication**

Some errors in the table would be corrected before publication.

**ACTION:**

OLC Secretary to ensure correction and publication

**4. Comments received regarding items presented for information**

**Chief Ombudsman's Report**

In discussion of his report the Chief Ombudsman explained that at the roundtable organised by Which? and attended by the BIS Minister, Jo Swinson, there had been an agreement that he should draft a high level paper setting out the key criteria of Ombudsman schemes and their place in the ADR landscape.

**ACTION:**

Chief Ombudsman to draft and circulate a paper

A seminar held on 4 December by the Legal Services Consumer Panel and UCL, following publication of their benchmarking report, had led to a valuable

and wide ranging discussion of issues and challenges for Ombudsman schemes.

With the Financial Ombudsman and the Local Government Ombudsman, the Chief Ombudsman had given evidence given to the Public Administration Select Committee on 10 December. The interest of the committee in the harmonisation of schemes to achieve greater clarity and simplicity for complainants was welcome.

The Chief Ombudsman congratulated the Head of Policy and Communications and her team for the good work done engaging with professional bodies including accountants and architects.

The biannual meeting for the OLC Chair and Chief Ombudsman with the Parliamentary Under Secretary of State at the MoJ was scheduled for January. It would be the first meeting with Shailesh Vara MP and the agenda was to include:

- Progress on the commencement of redress for Claims Management
- Strategy and budget
- European Union Directive on Alternative Dispute Resolution

The Chief Ombudsman reported that he had set out our proposals for seeking a broadening of our statutory remit with MoJ officials in advance of the meeting.

### **Quality**

The Chief Ombudsman reported that the Quality team was working on a post implementation review of a pilot project run in the resolution centre. In future the team will adopt a risk based and thematic approach to their reviews. They will focus on areas within the resolution centre that give cause for concern in quality and performance. This approach will allow them to focus on informal resolutions and case closures, including withdrawn cases and requests for dismissal under rule 5.7 of the Scheme Rules, which were absent from past reviews.

### **ACTION:**

Carol Brady to present a progress report to the OLC in January.

### **Chief Operating Officer's report**

In response to questions the Chief Operating Officer confirmed that his team was continuing to look at alternative accommodation to ensure cost effective provision for the medium term. It would now be important to factor in the space needed for complaints about Claims Management Companies.

It was agreed that Tony Foster would be the OLC representative in looking with the team at possible alternative provision.

### **OLC Members and Ombudsman registers of interest and hospitality**

Members noted the registers and with some factual amendments approved them for publication on the main website.

### **Finance report**

The Chief Operating Officer reported that there had been a slight overspend against budget for the last month due to an increase in the provision for bad debt.

### **KPI Dashboard**

Discussion focussed on Ombudsman case numbers. Using the RAG rating it was noted that the cases awaiting decision had moved from 'red' to 'amber' and the newly shaped Ombudsman team was now beginning to perform as had been anticipated.

## **5. Claims Management**

The Chief Ombudsman congratulated the Head of Policy and Communications and Communications and her team on their hard work in raising awareness of the changes needed to allow the Ombudsman to deal with complaints about Claims Management companies.

Amendments which had been tabled to the Banking Reform Act were making good progress through Parliament. Once Royal Assent had been received work could begin with the Ministry of Justice on the necessary secondary legislation. The current working assumption was that the Ombudsman would be in a position to take on cases from the summer of 2014.

[Secretary's note: Royal Assent was received on 18 December]

## **6. Brand Strategy**

Andrew Walton and Dan McCarthy from Policy and Communications attended to make a presentation to the members on brand strategy.

A simple approach to communications was proposed that went back to basics, championed what we were good at and resonated with all stakeholders. It was noted that this was an interim strategy, pending a clearer idea of whether the Ombudsman's scope was to be extended, for example, to cover claims management complaints.

In parallel to consideration of the strategy work had begun with Operations to improve written communications and to make the website more accessible, easier to navigate and consistent with corporate literature.

It was agreed that the logo should be kept simple with a new style of presentation of text which allowed more space on the page. A new graphic element of speech marks as a replacement for the old framing element was also accepted.

In discussion members emphasised the importance of recognising that the key point of difference with other forms of ADR and not other ombudsman schemes. It was considered that we should highlight our expertise in managing difficult areas. Our key messages should be trading on our expertise and knowledge. Members also noted that retaining a high profile for the Chief Ombudsman was advantageous.

**ACTION:**

Head of Policy and Communications to reflect on the discussion, proceed with the revised presentation of material and further develop the brand strategy proposal.

## **7. IT Procurement**

Allan Jones, the IT Manager made a presentation on IT systems. He reminded members that it had been agreed that a replacement should be found for the current system, as it was inflexible, expensive to modify and slow to adapt changes. Six potential suppliers had now been shortlisted via the GCloud framework.

Reassurance was given on the security issues associated with cloud based solutions.

Evaluation of proposals would take place in early January and presentation of the selection panel's recommendations would be made to the LeO Management Team and to Maureen Vevers on behalf of the OLC. Once the preferred supplier had been identified a proposal would be submitted to the Board and the MoJ for the award of the contract.

## **8. Business Case for Good Complaints**

The Head of Policy and Communications introduced visitors from Economic Insight which had undertaken research to see if there was a business case for good complaints handling. Her team member Nicola Sinclair who project managed the work also attended for this item. It was agreed that this was a robust piece of work, where Economic Insight had developed an interesting financial model in looking at cost benefits of a good complaints process at first

tier, which justified further work to underpin some of the assumptions and expand the evidence.

The presentation gave members a chance to ask questions about points raised in the report, the methodology, conclusions, and the type of message we wanted to feedback to the profession as well as to key stakeholders. It was agreed that the report provided us with a good basis for discussion and an opportunity to consider further research by other stakeholders. It was noted that the proposal was to publish the report at the end of February. Policy and Communications would plan how we communicate the report to the profession and wider audience, making clear the limitations of the current work and the opportunities for further consideration it provides.

## **9. Any other business**

### **RemCo**

The RemCo Chair requested that the RemCo meeting dates were added to the OLC meetings calendar.

The meeting noted that the Chair of the Public Administration Select Committee had agreed to host an event in March on behalf of the Ombudsman to assist raise awareness of the scheme and the broader issues of EU ADR Directive. The Policy and Communications team would email details and seek availability of members in late March 2014.

#### **ACTION:**

Secretary to add the dates

#### **ACTION:**

Head of Policy and Communications to email details of event and seek availability of OLC members.