

**Minutes of the twenty first meeting of the**

**Office for Legal Complaints (OLC)**

**Monday 21 March 2011**

**11.30am – 3.30pm**

**Baskerville House, Centenary Square, Broad St, Birmingham B1 2ND**

**Present:**

Elizabeth France, Chair  
Margaret Doyle, member  
Tony Foster, member  
Brian Woods-Scawen, member  
David Thomas, member  
Rosemary Carter, member

**In attendance:**

Adam Sampson, Chief Ombudsman  
Liz Shepherd, Operations Director  
Rob Hezel, Director of Finance and Business Services  
Gary Garland, Deputy Chief Ombudsman  
Alison Robinson, Head of Policy and Communications

**Apologies:**

Professor Mary Seneviratne, member

**Board Secretary:**

Andy Taylor

**Preliminary issues:**

The quorum requirements for the Board meeting were met.  
There were no declarations of interest.

### **Item 1 – Welcome and apologies**

1. The Chair welcomed those in attendance.
2. Apologies were received from Professor Mary Seneviratne.

### **Item 2 – Minutes of previous meeting**

3. The minutes of the meeting of 21 February 2011 were approved for publication.

### **Item 3 – Matters arising & action points**

4. Members noted those items where action had been completed and that others were included as agenda items.
5. Members were advised that a revised MoJ framework agreement had been received and was awaiting signature by the Chief Ombudsman.
6. Members were advised that equality and diversity data was now being collected by staff at the point of a call being accepted for investigation. Early indications identified that staff were confident with the process and there was a willingness from customers to provide the information, however it was presently too early to undertake an analysis of the data obtained.

### **Item 4 – Comments received regarding items presented for information.**

7. Members noted the items presented for information. No comments were received in advance of the meeting for circulation.
8. The Director of Operations advised members that the Assessment Centre had recently experienced a sudden rise in calls received towards the end of the business day. This, in conjunction with staff undertaking equality and diversity training, had temporarily affected the inbound call KPI data. The staff resourcing rota had been amended in response to this unexpected change.
9. Members noted the finance report and were advised by the Director of Finance and Business Services that a copy of the budget report had been issued to the LSB for approval at their next meeting, scheduled for 28 March 2011. A copy of the updated document will also be issued to members electronically.
10. Members noted the document outlining the proposed approach to responding to external consultations and subject to minor amendments being incorporated, the process was approved.

11. Members noted that the Scheme Rules had been tabled for reaffirmation for quality and version control purposes. Members confirmed that the tabled version was that approved by the LSB and MOJ and requested confirmation that the tabled paper was presented to the Lord Chancellor. Members requested clarification of point 2.1 (f) from the General Counsel.
12. The Chief Ombudsman advised Members that both the OLC and LSB had been removed from Schedule 7 of the Public Bodies Bill and not included elsewhere.
13. The Chief Ombudsman advised members of an ongoing period of IT downtime resulting from a hardware issue identified at the organisation's IT supplier. It was understood that issue had been rectified over the weekend; however the IT system had failed once more upon commencement of work this morning. The Director of Finance and Business Services had been informed by our IT provider that the issue was also affecting a number of other organisations. A decision was awaited from the IT provider in respect of transferring LeO systems to the back up facility.
14. Questions were invited on the papers presented for information and Members were advised that;
  - Staff morale and confidence in working practices continued to evidence an upward trend and the initial results of the first staff satisfaction survey will be received in April.
  - A pilot test of home working had commenced with a view to extending this to staff once they had successfully completed their probation period. Members asked for assurance that the required information assurance and governance requirements will not be compromised.
  - The remit of the external advisory panel was to provide an external feedback mechanism into the operational review and members had been selected based on their strong relationship with LeO. Members asked for a list of the external advisory panel members and a copy of the terms of reference.

## **ACTIONS**

- The Head of Compliance to provide Members with an update with the information assurance and governance arrangements being implemented in conjunction with home working practices.
- The Head of Policy and Communications to provide Members with a list of the external advisory panel members and a copy of the terms of reference.
- The Director of Finance and Business Services to issue members with an electronic copy of the updated 2011/12 budget document.
- The Head of Policy and Communications to confirm that the tabled version of the Scheme Rules was issued to the Lord Chancellor.

- The General Counsel to clarify the issue raised by members in respect of point 2.1 (f) of the Scheme Rules.

#### **Item 5 – LeO website.**

##### Summary of the tabled papers

The tabled papers provided members with details of the recent correspondence exchanges between the MoJ and LeO regarding the LeO website.

15. The Chair provided members with details of comments received from Professor Mary Seneviratne in respect of this item. Members unanimously agreed this was a matter for the OLC to consider and that further information was required from the Ministry of Justice before a decision would be made about how to progress matters. Members requested that the Chief ombudsman contacts the Ministry and requests the following;
- A substantive response to all outstanding matters from previous correspondence issued by the Chief Ombudsman.
  - A clear reasoning why the department believes it has the appropriate authority to request the closure of the LeO website and transfer information onto a central web platform.
16. Members requested that the Chief Ombudsman provides an update with all developments as they occur and until such time that the OLC is satisfied with the response received from the Ministry, the current website arrangements should remain in force.

#### **ACTIONS**

- The Chief Ombudsman to contact the Ministry of Justice to advise of the OLC's position in respect of the LeO website.

#### **Item 6 – KPI dashboard**

##### Summary of the tabled paper

The tabled paper outlined details of key measures and performance indicators for the month ending 28 February 2011. Members also received a set of minutes following a meeting on 2 March between the LSB and OLC regarding KPI reporting.

17. Tony Foster advised members that the meeting had been constructive and a set of reporting principles along with a timetable to pilot the KPI process had been provisionally agreed. Members confirmed that the principles included in the minutes and the future timetable were a perfectly acceptable way forward.

18. Members advised that cost challenges may be received in relation to the unit cost per case outlined in the KPI report and recommended that the Executive prepare in advance for such a circumstance.

19. Questions were invited and Members were advised that;

- The data relating to cases remaining open for between 3 and 6 months included a proportion of cases that been opened subsequent to a premature enquiry being made. This had resulted in some erroneous data being included. In addition to this, a number of issues at the end of the business process had been identified and this also had an adverse impact upon the data. Members were advised that some data cleansing was being undertaken and would have an impact upon subsequent KPI reports.

#### **Item 7 – Update on LSO activity.**

20. Members received an oral update from the new Legal Services Ombudsman (LSO) and were advised that;

- A review of the existing LSO caseload had identified 581 open cases. Of these, 247 had been transferred to Birmingham, with the remainder being managed by the existing staff in Manchester.
- No Judicial Review claims were outstanding, however a small number of future claims were anticipated based upon previous experience.
- The Scottish Legal Complaints Commission (SLCC) had written to the LSO advising that the arrangement to exchange cases where a conflict of interest had been identified would no longer continue.
- The LSO was confident that adequate resource was currently in place to manage the inherited caseload by June 2011, with the function scheduled to close in December 2011.

#### **Item 8 – 2010/11 Annual report framework.**

21. Members were advised that the 2010/11 annual report will include a substantive Chief Ombudsman's report for the first time. Members asked for a copy of the proposed framework to be circulated as soon as possible along with any proposals for a stakeholder event linked to the annual report.

#### **ACTIONS**

- The Head of Policy and Communications to issue a copy of the proposed annual report framework to members as soon as possible along with details of any proposed stakeholder event.

## **Item 9 – Claims management and alternative business structures.**

### Summary of the tabled paper

The tabled paper outlined details of potential changes to jurisdiction, the likely timescales and an assessment of the possible impact, specifically detailing alternative business structures; claims management companies; insolvency practitioners and lettings agents.

22. Members noted the paper and provided the Executive with initial views regarding the OLC's appetite for pursuing the potential changes to jurisdiction. Members agreed that the paper would form a useful platform for further discussion at the next OLC awayday.

## **Item 10 – Autumn awayday; date themes and content.**

23. The Chair agreed to discuss the arrangements for the next awayday with the Board Secretary and members were asked to submit views on content and themes to the Chair as soon as possible.

### **ACTIONS**

- The Chair to discuss the arrangements for the next awayday with the Board Secretary and members to submit views on awayday content and themes to the Chair as soon as possible.

## **Item 11 – Publishing decisions consultation.**

### Summary of the tabled paper

The tabled paper provided members with updated documentation following the previous OLC meeting. The revised paper incorporated comment received from members and legal advice provided by the LeO General Counsel.

24. Members noted the paper and agreed that a formal consultation may now take place subject to minor amendments being incorporated into the document, for example amendments to terminology and including the supplementary information as an annex to the proposed consultation paper.

## **Item 12 – Any other business.**

25. It was agreed that two places should be reserved in order for members to attend the forthcoming BIOA conference in May 2011.

- 26.** Members and those in attendance were advised of the appointment of Walter Merricks as the new Legal Ombudsman Service Complaint Adjudicator; the appointment takes effect from 1 April 2011.
- 27.** The next OLC meeting will be held on 18 April 2011 at Baskerville House in Birmingham.

**ACTIONS**

- The Board Secretary to reserve 2 places for members to attend the BIOA conference in May 2011.

Andy Taylor  
Board Secretary  
22 March 2011