

**Minutes of the thirty third meeting of the**

**Office for Legal Complaints (OLC)**

**Monday 19 March 2012**

**11.30am – 15.30pm**

**Baskerville House, Birmingham**

**Present:**

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

**In attendance:**

Adam Sampson, Chief Ombudsman  
Rob Hezel, Director of Finance and Business Services  
Gary Garland, Deputy Chief Ombudsman  
Liz Shepherd, Director of Operations  
Alison Robinson, Head of Policy and Communications  
Abigail Plenty and Margaret Haig; Ministry of Justice (item 7)  
Matthew Rutter, Senior Writer (item 9)

**Apologies:**

Maureen Vevers, 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, and members noted apologies for absence from Maureen Vevers.

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

2. The minutes of the meeting of 20 February 2012 were approved for publication.

### **ACTIONS**

- The Secretary to publish the approved minutes of the meeting held on 20 February 2012.

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

3. Members noted those items where action had been completed and that others were included as agenda items. No further comments were received.
4. The Chair updated members following her annual meeting with the BSB; this took place in the absence of Baroness Ruth Deech and Sir Geoffrey Nice QC.

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

5. The items presented for information were noted. No comments were received in advance of the meeting for circulation.
6. The Chief Ombudsman provided an update on the EU directive following a meeting with the department of Business Innovation and Skills (BIS), which was also attended by the Chief Ombudsman of FOS. BIS had welcomed the proposal that a small working party to provide some input to their policy response. It was agreed that David Thomas and the Executive would take this further with FOS and other stakeholders, including other ombudsmen, and provide a proposal for consideration at the next meeting.
7. The Head of Policy and Communications reported that the publication of the costs guidance package had led to an increase in website hits. Response to the package had been largely positive. Members were asked to provide the Head of Policy and Communications with any further feedback after the meeting.
8. Members were advised that internal auditors KPMG were to undertake an audit of the organisation's Health and Safety practices in early April. This was part of their agreed schedule of work.
9. The monthly finance report was noted.
10. Members noted the KPI report and asked for a minor amendment to be made to ensure the commentary matched the chart. In response to questions, members were advised:

- where Assessment Centre calls were outside of the 20 second target, these had been answered within a minute.
- independent quality monitoring was now being undertaken by a team within the Finance and Business Services function.

11. The high number of cases which awaited completion by the Ombudsman team was a focus for discussion. There was a higher than expected proportion of complainants who were not prepared to accept informal resolution; pursuing their complaint to an ombudsman. A review would be undertaken to determine whether: more cases could be resolved informally, ombudsman's assistants could help the throughput of work or the process itself needed any change. The Ombudsman team was working hard to deal with the cases in hand, and their efforts were noted. Members were clear that the role of Ombudsman needed to allow time for leadership, setting standards and ensuring the quality of informal as well as formal resolutions. However, the first priority had to be to clear the cases which had built up. There would be close monitoring of the progress being made with an update at the next meeting.

#### **ACTIONS**

- The Executive to provide members with an update regarding the FOS/LeO proposal in respect of the BIS EU directive at the April meeting.
- The Director of Finance and Business Services to amend the KPI report as requested by members.
- The Deputy Chief Ombudsman to update members in respect of the ombudsman team work load at the next meeting.

#### **Item 5 – 2012 – 15 strategy and 2012 – 13 business plan**

12. Members noted the revised document and were advised of one further substantive amendment; the reference to the levy consultation with the LSB was to be removed at the request of the LSB. Members approved the final version and noted the Chair would introduce the document at the LSB meeting to be held on 28 March. Following this, the final version including the approved 2012 – 13 budget would be published.

#### **ACTIONS**

- Policy and Communications to publish the final agreed version of the 2012 – 15 strategy and 2012 – 13 business plan following presentation of the document at the LSB meeting to be held on 28 March.

#### **Item 6 – Scheme rules and case fee consultation paper**

13. Members were advised that feedback from the Ministry of Justice was expected shortly and would be taken into consideration. The Head of Policy and Communications also reported on pre-consultation meetings which had been attended

by representatives from the Bar Standards Board, Legal Services Board, LSB Consumer Panel and Solicitors Regulation Authority who expressed broad support for the approach of the paper.

14. In response to questions, members were advised;
  - The section relating to third parties will be reviewed to ensure that the practices of the SLCC are properly cited.
  - No further comments were received in respect of successor firms
15. It was agreed that a further revision would be issued for final approval prior to publication.

### **ACTIONS**

- The Head of Policy and Communications to issue a final version to members electronically for approval prior to publication.

### **Item 7 – Triennial review update**

16. The Chair welcomed Abigail Plenty of the Ministry of Justice (MoJ) who, with Margaret Haig provided members with some background to the allocation of responsibilities within the MoJ and went on to explain the two stages of the triennial review process. Where stage one identifies the body is still required; then stage two will examine the governance arrangements before a final report is completed. The OLC triennial report will be produced before this summer recess. Members were also advised although the three main pillars of the Legal Services Act were now in force, it was considered too early for radical changes to the OLC; the next review is likely to be more substantive.
17. Questions on this topic and other matters were invited:
  - the complexities of the Legal Services Act and wider jurisdictional issues were noted. The triangular relationship between the Ministry, LSB and OLC was discussed, where complexity can lead to risk of overlapping responsibilities.
  - there was ministerial interest in implementing section 161 of the Act. The Claims Management regulator was involved in developments, LeO staff were working with MoJ economists on a business case and the parliamentary timetable was being considered.

### **Item 8 – OLC 2011 – 12 annual report; framework and timetable**

18. The annual report timetable had been reviewed and approved by the Audit and Risk Committee at a previous meeting and the annual report framework had taken into account amendments to meet the requirements of the National Audit office (NAO).
19. Members were invited to submit comments to the Head of Policy and Communications in respect of the framework and potential themes for the planned stakeholder event to be held on 11 July.

20. Members noted the triennial review report was due to be published before the summer recess and may coincide with the stakeholder event; the Head of Policy and Communications was asked to discuss publication timings with the MoJ.

### **ACTIONS**

- Members to provide the Head of Policy and Communications with comments in respect of the annual report framework and themes for the stakeholder event on 11 July.
- The Head of Policy and Communications to discuss the publication date of the triennial review with the Ministry

### **Item 9 – Costs package**

21. Matthew Rutter provided members with an anonymised example of a case relating to cost issues and talked about the report and two guides which had been developed and published with additional media coverage to promote awareness of good practice in this area. There was discussion on ways in which this information could be made still more accessible, though it was recognised that the target audience for consumer information included the advice sector as well as individuals.

### **Item 10 – Any other business**

22. Members were reminded of the joint meeting with the LSB on Wednesday 25 April in London. The April OLC meeting was to take place immediately prior to the joint meeting with lunch with LSB members in between. The OLC secretary would liaise with the LSB secretary and an agenda would follow in due course.
23. It was agreed that Margaret Doyle would attend the Ombudsman Association conference in May (Mary Seneviratne will also attend but not as an OLC representative).
24. Attention was drawn to a forthcoming Legal Services Research Conference, sponsored by the Legal Services Board. Margaret Doyle confirmed she would be attending on one day and the Head of Policy and Communications was asked to forward details of the conference to members and the Executive as soon as possible in order to consider if it would be valuable for others to attend.
25. The next OLC meeting will be held on 25 April 2012 at Victoria House, Southampton Row, London.

### **ACTIONS**

- The Head of Policy and Communications to forward details of the Legal Services Research Conference to OLC members and the executive.

Andy Taylor  
Board Secretary  
27 March 2012