

**Minutes of the sixteenth meeting of the**

**Office for Legal Complaints (OLC)**

**Monday 18<sup>th</sup> October 2010**

**11.30am – 3.00pm**

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

**Present:**

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

**In attendance:**

Adam Sampson, Chief Ombudsman  
Gary Garland, Deputy Chief Ombudsman  
Liz Shepherd, Operations Director  
Alison Robinson, Head of External Affairs

**Board Secretary:**

Andy Taylor

**Preliminary issues:**

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

**Item 1 – Welcome and apologies**

1. The Chair welcomed those in attendance to the first meeting of the OLC since the Ombudsman service had begun operating. Members joined her in congratulating the Executive team on the excellent work which had been done to ensure the launch went to plan.
2. Apologies were received from Robert Hezel, Director of Finance and Business Services.

**Item 2 – Minutes of previous meeting**

3. The minutes of the meeting of 27 September 2010 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.

### **Item 4 - Chair's update**

5. The Chair reported that since the last OLC meeting she had attended a series of Legal Ombudsman launch events including:
  - 30 September with local business people
  - 6 October following the commencement of formal business operations and
  - 14 October with the Law Society
6. The Chair referred to a letter from the Ministry of Justice regarding the proposed migration of the Legal Ombudsman website into a centralised Government framework. Members reiterated the comments made at the last meeting and felt the proposed approach was wholly inappropriate for an Ombudsman service, particularly one funded through a levy.

### **ACTIONS**

- The Head of External Affairs to seek the views of other Ombudsman services; the Chair would then respond to the Ministry of Justice, copying the reply to Members.

### **Item 5 - Chief Ombudsman's report**

#### Summary of the tabled report:

- Operations: the paper reported on some elements of operational performance following go-live on 6 October, advising that 1323 contacts had been made, of which 1129 came via the telephone with the average time taken to answer calls 39 seconds. The remaining contacts were via e-mail (142) and letter (52). The content of the complaints received were substantially as expected, for example relating to cost, delay and quality.
- IT: the paper reported that the complaints handling operation is working well and the IT proving to be reasonably resilient, evidenced by a city centre wide power cut on the second day of operations, and this having little real impact upon performance.
- External Affairs: the paper advises that LeO had attracted a significant level of media attention; coverage included appearances on BBC Breakfast, the One Show, Radio 4 (Today) and Radio 5 (and numerous local radio stations), and articles in local and national newspapers, including the Observer, Guardian, and Mirror. The launch was also accompanied by a continuing stream of work to reach the profession and encourage them both to refer complainants to the service and overhaul their own complaints handling mechanisms. Staff and non-executives continued to speak at a variety of meetings of lawyers and two stakeholder events were held at the office, including the launch coinciding with a Ministerial visit.

- Staff and training: the paper reports that having finished the first iteration of training during the week of go-live, the next iteration commenced almost immediately and included a tranche of approximately 50 new staff who joined the organisation on 11 October. This brought the total headcount within the organisation up to just under 200 staff.

7. Questions were invited in response to the paper and the Chief Ombudsman explained that:

- The volume of contacts received by the Assessment Centre was close to the assumptions made during the planning process and included nine closed cases via informal resolution;
- The Assessment Centre was initially supplemented by a number of staff from the Resolution Centre to help manage the anticipated call volumes following the formal opening of the telephone lines;
- The wide range of media events had been exceptionally well organised and managed by External Affairs, establishing an appropriately authoritative level and reaching a total audience estimated at 12 million;
- Some calls had been received where work with Approved Regulators was required, and staff were signposting callers appropriately in these circumstances;
- There were some examples where concerns had been put on hold by the LCS; however, these were being appropriately managed to avoid disadvantaging complainants.

8. The Director of Operations tabled a paper outlining some initial performance statistics for each of the first eight working days. The data included the total number of enquiries and telephone calls received, details of enquiries that remained open at the end of each day and case work in progress. Members acknowledged that the information provided was a very early indication of operational performance.

### **Item 6 – Governance Framework; Scheme of Delegations**

9. Members received the final paper relating to the OLC Governance Framework. This detailed delegations made by the OLC to the Chief Executive Officer (CEO), and those delegations made by the CEO to other staff within the Legal Ombudsman. Future amendments to the scheme made by the CEO will be confirmed with the OLC Chair beforehand.

10. The paper was approved and it was agreed that it should be published on the Legal Ombudsman website.

### **ACTIONS**

- The OLC Secretary to arrange for the Governance Framework to be published on the Legal Ombudsman website.

### **Item 7 – Finance report**

### Summary of the tabled report:

- The paper gave details of the regular month end financial information as at 30 September 2010. The cumulative project costs were £14.68m, this producing a £0.13m under spend when compared with the overall project budget of £14.81m. Members noted that the under spend also takes into consideration future capital spend of £1.5m for ongoing systems development which relate to the implementation phase of the project.
- Staff costs in the month included up front training costs of £0.63m and additional recruitment costs of £0.169m. Monthly premises costs were £0.068m, IT £0.21m and external support costs £0.18m.

11. Questions were invited in response to the paper and the Chief Ombudsman explained that:

- The Audit and Risk Committee had asked the NAO to structure the 2010/11 OLC accounts to take into consideration the complexities of the organisation moving from set-up into steady state, for example to include confirmation and segregation of the project and set up costs.

12. Members noted the report and congratulated the Director of Finance and Business Operations for bringing the project to a successful conclusion within the approved budget.

### **Item 8 – IT development update**

13. Members were advised that the IT systems were proving to be adequate and resilient following go-live and the previously reported workarounds were now being resolved one by one. Further development work was still required, for example linking the voice recording and case management systems. Additionally it had become apparent that some of the IT system capabilities were not being fully used by staff and as a consequence additional IT training will take place. Members also noted that scanning had been a success, with work arriving as planned even with the temporary workarounds in place.

14. Questions were invited and the Chief Ombudsman explained that:

- The internal change control process had been amended to ensure that future amendments to the IT systems made by our IT support partner were completed to LeO's satisfaction.
- Three members of staff from our IT implementation partner CapGemini had recently received an environmental award from their organisation for work undertaken on our IT system. In addition to this, a number of reference requests had been received from other partners and it was felt these may be used for future public relations purposes.

## **Item 9 – Draft Service Complaint Procedure**

15. Members received the draft service complaint procedure and questions were invited. It was explained that:

- The proposed Service Complaint Adjudicator would work on behalf of the OLC and ombudsman experience would be preferred. It was proposed that the vacancy would be advertised on both the LeO and BIOA website.

16. Members asked for a number of amendments to be made to the document before it was resubmitted electronically for approval.

### **ACTIONS**

- The OLC Secretary to obtain remuneration information from other schemes using an external adjudicator for service complaints.
- The OLC Secretary to amend the document as requested and electronically resubmit to Members for approval.

## **Item 10 – 2011 – 2014 Business Plan and Strategy**

### Summary of the tabled report:

- The tabled paper provided Members with an updated version of the proposed 2011 – 2014 strategic plan, it was noted that appropriate financial information remained outstanding.

17. Members acknowledged the further draft of the report and in addition to a number of minor drafting recommendations, asked for the document to be proof read by External Affairs prior to the planned consultation taking place.

### **ACTIONS**

- The Director of Finance and Business Service to provide the outstanding financial information and the Head of Change Management to amend the document as requested before submitting to External Affairs for proof reading.

## **Item 11 – Draft Business Continuity Plan**

### Summary of the tabled report:

18. The tabled paper provided Members with details of the proposed Business Continuity Plan and questions were invited. It was explained that:

- The plan had been tabled at a recent Audit and Risk Committee meeting and the paper describes the current position of the proposed business continuity framework.
- It was acknowledged that the risks to the organisation were now greater following go-live; however, the organisation was confident in managing low level incidents. For example; the city centre had experienced a power loss on 7 October for approximately 10 minutes and access to the case management system was lost for a period of approximately one hour on 11 October. In both

circumstances, the organisation responded appropriately and there was no evidence of disruption to operational services or data loss.

- At this point in time, it was acknowledged that a substantial risk remained should the organisation be subject to an incident over a prolonged period of time. However, the paper details the plans in place to mitigate the impact of such an event and work was continuing to finalise the use of an alternative site. It was anticipated this would be confirmed by the end of the year.

19. The Chair of Audit and Risk advised that the document was considered to be of good quality and noted that it included plans to address a range of business continuity risks other than IT and also included testing arrangements.

20. Members asked for a number of minor amendments to be made to the document before resubmitting to the next meeting of the Audit and Risk Committee for detailed consideration before final submission to the OLC.

#### **ACTIONS**

- The OLC Secretary to amend the document as requested and resubmit to the Audit and Risk Committee.

#### **Item 12 – Revised Audit and Risk Committee Terms of Reference**

##### Summary of the tabled report:

- The tabled paper provided Members with an updated version of the proposed terms of reference for the Audit and Risk Committee.

21. Members acknowledged the paper and subject to a minor amendment the document was approved.

#### **ACTIONS**

- The OLC Secretary to amend the document as requested and to make arrangements to publish the revised terms of reference on the Legal Ombudsman website.

#### **Item 13 – Oral report and minutes from committees**

22. Audit and Risk Committee: it was noted that there had been a formal meeting of the committee on 4<sup>th</sup> October. The committee had approved the two year internal audit plan submitted by KPMG. This had focused upon transactional matters, for example; payroll and bank reconciliations. The committee had also approved the organisation's Whistleblowing Policy and sought assurance from the Executive that the committee would receive an annual report on such matters. In addition to this, the committee was presently undertaking a self-review exercise and this would be an agenda item at the next meeting in January 2011.

23. Remuneration and Nominations Committee: it was noted that there had been a formal meeting of the committee on 14<sup>th</sup> October and the main focus had been on equality and diversity matters and reviewing of a number of key Human Resource policies. The committee chair advised the terms of reference were presently being reviewed by the secretariat and the Director of Operations and the committee secretariat were also

developing a committee agenda plan. The next meeting of the committee will take place after the OLC meeting on 15 November.

#### **Item 14 – Future agendas and any other business**

24. Joint meeting with the LSB on 13 December: the Chair confirmed that the LSB had requested a joint session of approximately two hours and to accommodate this, the OLC and LSB will hold separate meetings in the morning and come together over lunch. The joint session to be held in the afternoon should focus on quality matters and include presentations from the Executive.
25. January 2011 strategy day: the Chair advised this event will include the OLC meeting in the morning and strategic matters during the afternoon, with risk and control issues to be discussed during the proposed evening session. A draft proposal for the day would be prepared by the Secretary
26. Following reference to earlier discussions the Chair requested that a schedule of future agenda items and a new focus for meetings now that the Ombudsman service is operating be prepared for consideration at the November meeting.
27. The Chair advised Members that BIOA's validation committee would be considering LeO's application to become a full voting member on 26<sup>th</sup> October and, if membership were recommended this would be put to the their Executive Committee at its meeting on 2<sup>nd</sup> December.
28. Members were asked to submit any outstanding expenses claims up to and including 31<sup>st</sup> October to the OLC Secretary by 5<sup>th</sup> November.
29. Members were advised that following the recent review of arms length bodies the Government was minded to consider consolidating some consumer panels, including the LSB consumer panel, and transferring them to Citizens Advice. In discussion Members made clear their view that there had to be a clear route for inputting any data collected by the Ombudsman for relevant consumer research, the ability to influence the commissioning of relevant research, and to access research relating to consumer interests. This was not work appropriate to the OLC, neither was it funded to undertake it. Members agreed that it would be important to ensure that any new structure protected this capacity.
30. The next meeting will be held on 15 November 2010 commencing at 11.30am at Baskerville House in Birmingham.

#### **ACTIONS**

- The OLC Secretary to provide a paper outlining a proposed timetable of agenda items for the November OLC meeting and proposals for the strategy meeting.

Andy Taylor  
Board Secretary  
22 October 2010