

Minutes of the thirty fifth meeting of the

Office for Legal Complaints (OLC)

Monday 21 May 2012

10.30am – 13.00pm

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
Maureen Vevers, member

In attendance:

Adam Sampson, Chief Ombudsman
Gary Garland, Deputy Chief Ombudsman
Rob Hezel, Director of Finance and Business Services
Liz Shepherd, Director of Operations
Katie Lesley; Senior Projects Officer, Policy and Communications (item 8)
Sam Berrisford, Interim Head of Policy and Communications (item 9)
Dan McCarthy, Senior Online Designer (item 9)
Sian Lewis, Policy and Research Officer (item 9)

Apologies:

None

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.

Item 2 – Minutes of previous meeting

2. The minutes of the meeting of 25 April 2012 were approved for publication.

ACTIONS

- The Secretary to publish the approved minutes of the meeting held on 25 April 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 advised members that British Transport Police Authority (BTPA) have recently introduced an electronic system for issuing and viewing their board papers via an iPad 'app'. The OLC Board Secretary had visited the BTPA and reviewed the system, which may prove to be more cost effective than the present process for distribution OLC papers. It was agreed the Chair would use the BTPA system for a pilot period and report back on its potential value.
5. Members were advised that access to the LeO intranet has been re-established; this included access via Macs. However access to weekly performance data remained an issue and was being investigated by 2e2.

ACTIONS

- Chair to update the OLC Secretary in respect of the BTPA iPad 'app' for distribution and management of board papers.

Item 4 – Comments received regarding items presented for information.

6. The items presented for information were noted. No comments were received in advance of the meeting for circulation.
7. The Chief Ombudsman's report was tabled. In addition, David Thomas reported on a meeting hosted by Which? in respect of the EU ADR directive. The meeting also included representatives from BIS and the MoJ. A further meeting is to take place in the autumn and in the meantime it was suggested that a small group might work with BIS to produce a discussion paper. It was also understood the Council of Ministers were to consider matters on 30 May before progressing the Directive through the European Parliament.
8. Members were told that signposting between Ombudsman schemes had been discussed at a meeting held by the LSB and attended by a range of Ombudsmen and

regulators. A protocol will be published in due course. The Chair informed members she would write to the Chief Executive of the LSB as a follow-up to the meeting.

9. The Chair updated members with details of recent meetings including those with the Consumer Panel, the Justice Minister and with Catherine Lee of MoJ.
10. Members noted the finance report. No questions were raised.
11. The quarterly registers of interests were noted and approved for publication on the LeO website.

ACTIONS

- The Secretary to publish the quarterly register of interests reports on the LeO website.

Item 5 – KPI report and update on ombudsman casework

12. Members discussed the KPI report and noted the continuing pressure on achieving the unit cost target in view of the continued downturn in the number of new cases. However, it was acknowledged that: it was too soon to know what level of work could be seen a normal; changes to reduce the cost base do not have immediate effect; and the prospect of additional work towards the end of the financial year now looked likely. The Director of Finance and Business Services advised members that the cost base was regularly reviewed by the Executive, in particular in the context of case volume trends. Members agreed that it would be useful to receive an update on the cost base at the July meeting and to include this within discussions at the strategy meeting scheduled for September.

The Director of Operations advised members that a review of the conversion data had been undertaken. Early indications were that although contact numbers were stable, there was a small upturn in the proportion of cases where staff were judging that complaints were either premature or out of jurisdiction. To ensure that consistency and fairness was been applied across the Assessment Centre, case sampling has been undertaken and no issues were identified. In addition to this, a quiz has recently been rolled out to all Assessment Centre staff. The results will be reviewed for consistency of approach and the correct application of premature and out of jurisdiction complaint parameters. Where issues are identified, a staff development plan will also be implemented across the team.

The Deputy Chief Ombudsman informed members the number of cases awaiting an ombudsman's decision was now lower than reported in the papers received. The reduction was attributed to the increased resource and productivity enhancements within the ombudsman team. The ombudsman casework statistics will continue to be closely monitored on a weekly basis by the Executive and an update will be provided at the next meeting. Waiting times for ombudsman's decisions had not yet reached the

timeliness target they wished to achieve. The Chief Ombudsman advised members a meeting with the ombudsman team had taken place to discuss workloads and performance. Feedback was also issued to ombudsmen following his case sampling and quality scoring of their work. Terms of reference for a review of the process were in preparation and would be circulated to members.

The Chair advised members she had met with the ombudsmen and had assured them that they would have full input into the review. She had made it clear that the purpose of the exercise was to look to see whether the percentage of cases going to the ombudsman could be reduced; to look at the resources needed for the expected caseload; and to ensure that the resulting process allowed ombudsmen the space to share knowledge, improve quality and take a proper part in leadership of the organisation.

ACTIONS

- The Director of Finance and Business Services to present details of the cost base at the July meeting.
- The Deputy Chief Ombudsman to update members with ombudsman casework data at the next meeting.
- The Chief Ombudsman to provide the draft terms of reference for the review of the ombudsman process.
- The Secretary to include time in the strategy day agenda for a discussion on the cost base.

Item 6 – HR quarterly report

13. Members noted the paper which provided details of current matters related to the human resource and learning and development team. The Director of Finance and Business Services updated members with details of a planned meeting with the MoJ regarding the 2012/13 and 2013/14 pay remit. Members agreed that RemCo should consider this further at their next meeting and agree a suitable communication to staff.

The Director of Finance and Business Services also informed members that he was due to meet the MoJ about shared services and further details would be provided at the next meeting.

ACTIONS

- The Director of Finance and Business Services to update members with details of the meeting with the MoJ regarding shared services at the July meeting.

- RemCo to consider details of the 2012/13 and 2013/14 pay remit at the next meeting and agree a suitable communication to staff.

Item 7 – Judicial review case update

14. Members noted the paper which gave details of a recent judicial review case. They were keen to ensure that the Executive had fully reviewed the circumstances of the case in order to learn from any identified issues. Particular concern was expressed in relation to the identification and reporting of risk and the associated cost implication.

Item 8 – CMC business case

15. Members noted the paper and were advised that following recent developments, the initial plan to hold an open consultation was no longer appropriate and that a process of engagement was now proposed. However, a separate consultation in respect of case fees may still feature. Members agreed that further clarity in respect of CMC complaint data should also be obtained from the MoJ.
16. The Chair informed members that she and the Chief Ombudsman had met the Justice Minister and discussed CMC developments. The Minister confirmed that he was committed to the process to commence section 161 of the Act as quickly as possible, subject to the business case. Members agreed that LeO should support any Ministerial announcement in respect of CMC's.

ACTIONS

- The Senior Projects Officer to provide an update in respect of CMC's to members at the next meeting.

Item 9 – Publishing decisions update

17. Members noted the paper and were presented with a mock up of the proposed information to be published on the LeO website from July.

As members will consider the details of specific cases to be published in the public interest the way this is done can be considered once a case has been recommended for publication. It was suggested, however, that a case which would have been recommended had the policy been in place should be identified to allow the board to consider the way it would propose to set out its decision to publish. Cases would be presented to future meetings by Policy and Communications and the OLC decision noted in the minutes by the Secretary.

Following consideration of the mock up, members agreed there were elements of reputational risk linked with the publishing decisions process and enquired about the

data verification (sampling) and auditing processes along with the communication strategy to inform individual lawyers/ firms their data was to be published.

Members were informed that process had been considered; however members recommended that LeO's internal auditor's KPMG should be invited to review the processes in place and where relevant provide recommendations for the Executive to consider. The Executive agreed to produce a paper for presentation to the OLC in respect of the audit and quality control measures relating to publishing decisions and invite KPMG to have input into this process.

ACTIONS

- The Secretary to add a standing agenda item to future meetings to allow members to consider exceptional cases provided by Policy and Communications that are to be published on the LeO website.
- The Executive to produce a paper for presentation to the OLC in respect of the audit and quality control measures relating to publishing decisions and invite KPMG to have input into this process.

Item 10 - OLC 2011-12 annual report update

18. Members noted the paper and were advised that further drafts would be issued for comment and feedback prior to the final document being tabled at the next meeting for formal approval and laying before Parliament.

In accordance with previous years, the Audit and Risk Committee would meet to approve the annual accounts for presentation to the OLC; this would take place immediately before the next OLC meeting.

The LSB were to receive a draft copy of the Annual Report at their meeting scheduled for 30 May and a copy would also be provided to the Ministry of Justice at the same time.

19. Members were provided with an update in respect of the Annual Report event planned for 11 July; it was requested that details of the venue be clarified as soon as possible.

ACTIONS

- The Policy and Communication team to confirm the Annual Report event venue as soon as possible.
- The Secretary to forward a copy of the draft Annual Report to the LSB in time for their meeting on 30 May, with a copy to be sent to the Ministry at the same time.

Item 11 - Any other business

20. Members were reminded that a private NED meeting was scheduled to take place immediately following the next meeting.
21. The next OLC meeting will be held on 18 June 2012 at Baskerville House, Birmingham.

Andy Taylor
Board Secretary
23 May 2012