

Minutes of the twenty second meeting of the

Office for Legal Complaints (OLC)

Monday 18 April 2011

11.30am – 3.45pm

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
Professor Mary Seneviratne, member

In attendance:

Adam Sampson, Chief Ombudsman
Rob Hezel, Director of Finance and Business Services
Alison Robinson, Head of Policy and Communications

Apologies:

Liz Shepherd, Director of Operations
Gary Garland, Deputy Chief Ombudsman

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 Liz Shepherd and Gary Garland.

Item 2 – Minutes of previous meeting

3. The minutes of the meeting of 21 March 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 the first stakeholder meeting had taken place on 14 April. Members asked for a copy of the terms of reference to be circulated as soon as possible.
6. Members were advised that a discussion had taken place between the Head of Policy and Communications and MoJ in respect of the scheme rules and clarification of point 2.1 (f) was received.

ACTIONS

- The Head of Policy and Communications to provide Members with a copy of the stakeholder group terms of reference.

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. Members noted the monthly review paper and acknowledged the contents.
9. The Chief Ombudsman advised members that the NAO had recently suggested that a merger accounting methodology might be used in respect of the 2011/12 accounts relating to the OLC and OLSO. Members supported the Audit Committee's view that this would be inappropriate and would fail to reflect the nature of the relationship, and were content that the case for the maintenance of separate accounting protocols should be pursued.
10. Members asked for an explanation of problems which had arisen in our dealings with the SRA. These related to the SRA's reluctance to provide information in instances where lawyers' firms had either closed or been subject to intervention. The absence

of data has, in some circumstances, resulted in delays in obtaining case files and delayed matters where enforcement steps were being taken. In some cases there may be a lack of information but this was not clear and the SRA had cited Data Protection Act restrictions even though there is a statutory basis for sharing and a data sharing agreement in place. This would be taken up at forthcoming meetings with the SRA and might be picked up at the next Chair's meeting with the SRA if the matter had not been resolved.

11. Members were advised by the Director of Finance and Business Services that the framework agreement remained outstanding and discussions are ongoing with the MoJ.
12. Members noted the KPI dashboard and six monthly performance review papers. Members suggested a number of amendments to be incorporated into the document before publication. A copy of the current version would be issued in advance to the LSB for information purposes but it should be clearly explained that this was not the version for publication or onward communication. It was suggested that the document should also be used as part of the next joint KPI meeting with the LSB which is due to take place in May.
13. Members noted the expenses and hospitality reports. Subject to minor amendments the documents are to be published on the website.

ACTIONS

- The Director of Finance and Business Services to amend the six monthly performance review document as suggested by members before formal publication takes place.
- The OLC Secretary to amend the expenses and hospitality reports before publishing on the website.

Item 5 – Finance report.

Summary of the tabled paper

The tabled paper provided members with details of the financial position of the organisation both post go-live to the 31st March and also for the set up project which concluded on the 6th October. It included a commentary on the material movements in the month and a request for authorisation of expenditure to deliver the flexible benefits solution required by the business.

14. Questions were invited and Members were advised that;
 - The NAO have been asked to undertake an early technical sign off of the 2010 – 2011 OLC accounts. There was a suggestion from the NAO, supported by the MOJ, that Grant in Aid (GiA) should be shown in the 2010/11 accounts as a loan. After discussion, this approach was strongly supported by Members. It was seen properly to reflect the nature of the funding. It was agreed that the Director of Finance and

Business Services should work to achieve this approach. While it was recognised that the NAO would prefer to see OLC and LSB adopt the same approach there seemed no technical reason why the OLC could not go ahead, reporting GiA on the basis of a loan and make any necessary prior year adjustments.

- The process for reviewing and completing the annual statement of internal control has been agreed with the Audit and Risk Committee.
- The pay remit has been developed in accordance with Treasury requirements and is awaiting confirmation by the MoJ. If there is an impact on the LeO pay policy, a revised version will be submitted to RemCo.

Item 6 – Knowledge update

15. Members and those in attendance received from Cerys Jones (Ombudsman) and Sara Mayer (Knowledge Manager), a presentation outlining knowledge transfer developments within the organisation. The presentation included details of the knowledge framework, steering group, editorial board and details of the special interest groups.

Item 7 – Welsh language scheme consultation feedback and response.

Summary of the tabled paper

The tabled paper provided members with a summary and response to the information received following the joint consultation between LeO and the Welsh Language Board. In addition to the summary paper, a revised version of the scheme was presented for approval prior to submission to the Welsh Language Board for formal ratification and implementation.

16. Members noted the paper and approved the revised version of the scheme for submission to the Welsh Language Board in time for implementation by 12 May 2011.

ACTIONS

- The OLC Secretary to issue a revised bilingual version of the approved scheme to the Welsh language Board for formal ratification and implementation by 12 May 2011.
- The OLC Secretary to liaise with the Head of Policy and Communications to publish a bilingual version of the consultation response document and revised scheme on the web site.

Item 8 – Initial complainant equality and diversity data.

Summary of the tabled paper

The tabled paper outlined details of the pilot exercise conducted by the Assessment Centre to collate complainant equality and diversity data during the period from 14 March to 1 April inclusive.

17. Members noted the report and the data analysis and were advised that data will continue to be collected and reported in the future. Members suggested that it may be useful to benchmark the data against other Ombudsman schemes and include this in later reports.

ACTIONS

- The Director of Operations to obtain benchmarking data from other Ombudsman schemes and include this in subsequent reports.

Item 9 – Equality priorities and objectives consultation feedback and response

Summary of the tabled paper

The tabled paper provided members with a draft summary of the responses received following the consultation exercise relating to the organisation's proposed equality priorities and objectives. The paper was presented to members by Susie Uppal (Ombudsman).

18. Members noted the paper and were advised that a subsequent version will be presented once the Executive had fully considered the responses received. Members suggested amendments to the document in respect of the organisation's proposed approach to human rights and accessibility. In addition to this, members suggested that further work should be undertaken to establish what equality and diversity data other ombudsman schemes publish, in particular data that relates to geographical spread.
19. Members were advised that the new stakeholder advisory group may also be given an opportunity to input into the consultation response before resubmission to the OLC.

ACTIONS

- The Ombudsman with responsibility for equality and diversity to amend the draft paper in the light of executive and stakeholder advisory group comment, with a revised paper coming from the executive to the OLC as soon as possible.

Item 10 – Staff satisfaction survey; interim report

Summary of the tabled paper

Members received a presentation by Julia Benbow of the results and interim findings of the recent staff satisfaction survey.

20. Questions were invited and Members were advised that;

- The survey results have been considered in conjunction with the recent internal operational review, which identified a similar trend in outcomes.
- The new change management process will consider the survey results and an appropriate delivery programme will be developed and implemented as soon as possible and this will be coupled with a transparent communication process.
- Although the survey data can be further interrogated, it has been provided in such a manner that it will only report sub groups where there are 5 or more staff members. This is to ensure, as far as possible, that respondents remain anonymous.

ACTIONS

- The OLC Secretary to issue an electronic version of the presentation to members as soon as possible.

Item 11 – Draft annual report framework and timetable.

Summary of the tabled paper

The tabled paper provided members with updated details of the proposed annual report model and timetable planner leading to the laying of the annual report before Parliament on 18 July 2011.

- 21.** Members noted the paper and were invited to submit any comments in respect of the proposed framework and timetable to the OLC Secretary as soon as possible.
- 22.** Members were advised that arrangements were presently being made by the Policy and Communications team for a formal event to take place regarding the annual report. Details of the event will follow in due course.

ACTIONS

- The Head of Policy and Communications to confirm details of the annual report event to members as soon as this has been arranged.

Item 12 – Any other business.

- 23.** The chair of the audit and risk committee gave members an oral update of recent committee work.

24. The next OLC meeting will be held on 16 May 2011 at Baskerville House in Birmingham.

Andy Taylor
Board Secretary
20 April 2011