

**Minutes of the thirty seventh meeting of the**

**Office for Legal Complaints (OLC)**

**Monday 16 July 2012**

**11.30am – 16.00pm**

**Baskerville House, Birmingham**

**Present:**

Elizabeth France, Chair  
Tony Foster, member  
Professor Mary Seneviratne, member  
David Thomas, member  
Margaret Doyle, member  
Karen Silcock, member  
Maureen Vevers, member  
Rosemary Carter, member (via conference call)

**In attendance:**

Adam Sampson, Chief Ombudsman  
Gary Garland, Deputy Chief Ombudsman  
Rob Hezel, Director of Finance and Business Services  
Liz Shepherd, Director of Operations  
Sam Berrisford, Interim Head of Policy and Communications  
Kathrine Sherrington, Deputy Director Operations (item 9)  
Alex Moore, Policy and Research Officer (item 12)

**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 18 June 2012 were approved for publication.

### **ACTIONS**

- The Secretary to publish the approved minutes of the meeting held on 18 June 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 Director of Finance and Business Services reported that discussions with the Prisons and Probation Ombudsman (PPO) officials about shared IT services revealed that they appeared committed to a Government platform. However, contacts on the subject were ongoing with other ombudsman IT services as part of LeO's chairing of the Ombudsman Association IT special interest group. Members suggested that it would be prudent to explore any synergies identified from this work.
5. The Chair explained that some testing had been on the possible use of iPads for OLC papers. Discussions had taken place with the 'app' developers, who are in the process of updating their systems to allow secure access for a multiple logon facility. Once this has been introduced, testing will continue and a further update to members will follow.
6. The Interim Head of Policy and Communications informed members that draft letters have been developed for sending to lawyers in preparation for the publication of decision statistics. Members suggested that it should be made clear that this was a one-off measure, not something which would be repeated in the future. There was a discussion of the timetable for publication and members agreed that, while the publication of the initial data should not be hurried, publication of the second quarter's information would follow in relatively quick succession.

### **ACTIONS**

- The Director of Finance and Business Services to explore possible synergies with the Ombudsman Association IT special interest group.
- The Secretary to update members with testing developments in respect of iPad use for OLC matters once the 'app' developer has upgraded their systems.
- The Interim Head of Policy and Communications to provide members with confirmation of the timing of publication of the second quarter's data on the LeO website.

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

7. The items presented for information were noted. No comments had been received in advance of the meeting for circulation.
8. The Chief Ombudsman's report was tabled. In discussion, it was noted staff from LeO and the SRA had recently exchanged visits with a view to further developing the mutual understanding of each business and following the visits, positive feedback had been received.
9. The recent achievement of the ISO27001 accreditation was noted and members asked that congratulations be passed to all staff involved in the process.
10. The Director of Finance and Business Services advised members that meetings with two key IT suppliers was scheduled for next week. The outcome of those meetings would feed in to the current revision of the IT Strategy. The complexities involved were acknowledged and the Director of Finance and Business Services was asked to liaise with Maureen Vevers and to provide an update at the September meeting.
11. The positive outcome and recommendations made by the Ministry of Justice following the recent Triennial Review of the OLC was noted. The Chair advised members that copies of the individual responses received from the Ministry of Justice would be reviewed to see if there were additional points to follow up, in due course. Members agreed to discuss the recommendation to consider holding open board meetings at the September strategy day.
12. The recent Annual Report event was discussed and Members congratulated the executive on its success. Giving those in attendance an opportunity to hold general discussions with, and put questions directly to, OLC members and the Executive had worked particularly well.
13. The quarterly report from the General Counsel was noted and Members were assured that the case before an employment tribunal was not one involving an employee of the service, but a case which we had been joined by a third party. David Thomas offered to forward information about interest accruing on ombudsman financial remedies to the Deputy Chief Ombudsman.
14. Members noted the quarterly register of hospitality and OLC member expenses report. Subject to one minor amendment, both were approved for publication on the LeO website.

## **ACTIONS**

- The Director of Finance and Business Services to provide members at the September meeting with an update on the IT strategy.
- The Secretary to include time on the strategy day agenda to discuss the Triennial review comments on open board meetings.

- General Counsel to provide members with advice on the position of possible costs relating to a charging order.
- David Thomas to forward information about interest accruing on ombudsman financial remedies to the Deputy Chief Ombudsman.
- The Secretary to publish the quarterly register of hospitality and OLC member expenses report on the LeO website

### **Item 5 – KPI report and update on ombudsman casework**

15. Members discussed the KPI report. Looking at peaks in demand in the Assessment centre they were advised by the Director of Operations that following consideration of the profile of inbound call volumes in previous KPI reports, changes had been made to staffing schedules. However, subsequent to this, further changes to inbound call trends had been identified. While the number of abandoned call was helpful in understanding whether this was a matter of concern members needed to know more about those calls falling outside the 20 second answering timeframe. The Director of Operations was asked to provide some further information in September.
16. Members noted the publishing KPI paper and were told by the Interim Head of Policy and Communications that further changes to the commentary had since been made. Members asked for an updated copy to be circulated as soon as possible by e-mail and for an amendment to be made to the title in the KPI performance chart. Once a revised version has been issued, Tony Foster was asked to update Steve Green of the LSB with developments. The Executive agreed to consider other information for future publication and to make recommendations the OLC at the October meeting.
17. Members congratulated those involved for the continued good progress in reducing the volume of cases awaiting an ombudsman's decision.

### **ACTIONS**

- The Director of Operations to provide members further information about those calls falling outside the 20 second answering timeframe.
- The Interim Head of Policy and Communications to provide members with an updated copy of the 'Publishing KPI's' paper by e-mail as soon as possible.
- Tony Foster to update Steve Green of the LSB with developments in respect of publishing KPI's.
- The Executive to consider further KPI information for publication and make recommendations to the OLC at the October meeting.

### **Item 6 – Finance and cost base report**

18. Members noted the monthly finance report, and quarterly reforecast; no questions were raised.
19. Members noted the tabled paper in respect of the cost base and thanked the Director of Finance and Business Services for providing the information which was clear and helpful.

### **Item 7 – Equality and diversity quarterly report**

20. The paper which set out the actions undertaken during the first quarter of 2012/13 against the agreed equality and diversity plan was noted. Members agreed there was evidence of good engagement across the organisation, in particular within Human Resources. They also noted the work to make LeO more accessible to under-represented groups, for example through the collaboration with Community Innovations Enterprise (CIE) and the proposed pilot of face to face meetings with prisoners.
21. Members asked for a presentation to be made at a later meeting once the CIE community engagement work had been completed. This should show the results of the research and recommendations for implementation.
22. Members discussed possible workforce changes resulting from widening jurisdiction and recommended that the Executive look at the impact of this on equality and diversity, revisiting, if appropriate, the recruitment strategy and liaising with RemCo.

### **ACTIONS**

- The Secretary to liaise with the Equality and Diversity Manager and Executive to schedule a presentation at a later OLC meeting outlining the research findings and recommendations following the collaborative work with CIE.

### **Item 8 – Quality quarterly report**

23. Members noted the paper and no questions were raised. It was confirmed by the Chair that two members would take the lead for the board on quality issues, allowing different perspectives on the issue: Tony Foster and Mary Seneviratne.

### **Item 9 – Ombudsman review**

24. Members noted the tabled paper. While generally agreeing the approach, they requested further information to substantiate the assumptions about the anticipated level of demand for ombudsman decisions and suggested that further work on the way that the process was described to complainants and the authoritativeness of investigators could assist in reducing the number of cases referred to an ombudsman.

25. Members agreed that good performance management of the ombudsman team was essential and a matter for the Executive. This would not interfere or conflict with the independence attached to the ombudsman role.
26. Members agreed that it was a matter for the Executive to decide on an appropriate model and structure for the ombudsman team. However, they emphasised the need to give due consideration to S 122 of the Legal Services Act.

### **ACTIONS**

- The Deputy Director of Operations and Deputy Chief Ombudsman to incorporate the feedback received from members into a subsequent draft to be tabled at the September meeting.

### **Item 10 – CMC programme plan**

27. The paper and timetable were noted and members were told that the business case for switching on S 161 of the Act was now with the Lord Chancellor for a decision.
28. Members made clear that the Executive would need to be able to provide data on costs and other information separately from that provided for its current jurisdiction.
29. The Chair of RemCo confirmed that, should recruitment and other human resource matters require consideration, an additional meeting of the RemCo committee would be arranged.

### **ACTIONS**

- The Executive to liaise with the Chair of RemCo should an additional meeting of RemCo be required to consider recruitment and human resource matters in respect of CMC developments.

### **Item 11 – Voluntary jurisdiction**

30. Members noted the paper and the intention of the Executive to present further information to the OLC in respect of voluntary jurisdiction developments at the September meeting.

### **ACTIONS**

- The Interim Head of Policy and Communications to prepare a paper in respect of voluntary jurisdiction developments at the September meeting.

## Item 12 – Scheme rules

31. Members considered the tabled report and noted the summary of responses received following the recent public consultation on the revised scheme rules. Members agreed in principle to the following recommendations:

The LSB should be asked to approve:

- the changes to rules 1.1, 1.7, 1.8, 2.1, 4.4, 4.6, 4.8, 5.19, 5.20 proposed by the consultation paper;
- an extension to the scheme rule normal time limits to six years from the act/omission, or three years from when the complainant should reasonably have known there was cause for complaint, subject to a cut-off for acts/omissions before 6 October 2010;
- an addition made to section 2.10 clarifying LeO's stance on successor firms; specifically allowing an Ombudsman to dismiss a complaint against a successor firm(s) if the Ombudsman thinks it is fair or reasonable to do so;
- inclusion as 5.7(m) of a specific dismissal ground to protect authorised persons from undergoing an investigation where the complainant has produced no evidence that the refusal was for other than legitimate/reasonable reasons;

The Lord Chancellor and the LSB should be asked to approve the removal of the two 'free' cases.

The Lord Chancellor should be asked to make an order to:

- amend section 2.8 of the scheme rules so that complaints relating to services which the authorised person "offered, or refused to provide, to the complainant" are included.
- increase the compensation award to a maximum limit of £50,000.

In addition to the above, members agreed not ask the Lord Chancellor to make any change to the scheme rules in respect of considering complaints about 'third parties' at this stage but to undertake work to see if it was practicable to draft a possible list of such complaint categories for the next revision of the Rules.

32. Members asked the Executive to give consideration to any transitional arrangements and to undertake an appropriate equality impact assessment on the proposed changes. The transitional arrangements should also give consideration to internal and external guidance and advance publication of the changes to the scheme rules to the public and to lawyers.

## **ACTIONS**

- The Executive to develop an implementation plan and timetable incorporating equality impact assessments, guidance and publicity information for presentation to members before the September meeting and prior to submitting the recommended changes to the LSB and Lord Chancellor.

### **Item 13 – OLC governance framework**

- 33.** Members noted and approved the revised OLC governance framework and OLC committee terms of reference for publication on the LeO website.

## **ACTIONS**

- The Secretary to publish the revised OLC governance framework and OLC committee terms of reference on the LeO website.

### **Item 14 - Any other business**

- 34.** The next OLC meeting will be held on 10 September 2012.

Andy Taylor  
Board Secretary  
18 July 2012