

**Minutes of the Eighty-Fourth Meeting of the Office for Legal Complaints
(OLC)**

Wednesday 6 December 2017

10:00 – 15:30

Legal Ombudsman, Birmingham

Present:

Wanda Goldwag, OLC Chair

Bernard Herdan

Rebecca Hilsenrath

Michael Kaltz

Jane McCall

Caroline Coates

Apologies:

Tony King, Member

Board Secretary:

Kay Kershaw

In attendance:

Rob Powell, Chief Executive

Kathryn Stone, OBE, Chief Legal Ombudsman

Simon Tunnicliffe, Director of Operations

Sophie Loor, IT Business Analyst (item 9 only)

Nikki Greenway, Head of IT (item 10 only)

Sarah Ritzenthaler, Parliamentary and Policy Associate (item 11 only)

Sian Lewis, Data and Insight Officer (item 12 only)

Amber Robinson, Investigator (staff observer)

Taran Hayer, Legal Manager (staff observer)

Preliminary issues:

The Board meeting was quorate.

Jane McCall reported that in January 2018 she would take up a new post as Chair of an NHS Trust and would be stepping down from the OLC Board as a result.

Wanda Goldwag reported that she was appointed as a Non-Executive Director at the Royal Free Hospital on 1 December 2017 for a three year term and would be stepping down from her role at Senet Group with effect from 31 December 2017.

Rebecca Hillsenrath declared that her sister was a consultant at P.A. Consulting, the organisation appointed to develop the operational forecasting model. Rebecca reported that she had no involvement in the appointment process. Board members agreed that she could be present for discussions about the forecasting model.

Item 1 – Welcome and apologies

1. The Chair welcomed attendees to the meeting.
2. Staff observers were reminded to observe the confidentiality of discussions held during the meeting where appropriate.

Item 2 – Minutes of the previous meeting

3. The minutes of the meeting held on 11 October were confirmed as an accurate record and were approved for publication.

ACTION: Board Secretary to publish minutes of the meeting held on 11 October 2017.

Item 3 - Matters arising, outstanding action points and ratification of decisions made outside of committee:

4. The Board noted the update on action from previous meetings.
5. The Board formally ratified decisions made outside of committee to:
 - appoint an additional eight level one ombudsmen;
 - delegate approval for the final 2018/19 budget principles paper for the LSB to the Chair, Chief Executive and Chief Legal Ombudsman;
 - delegate the review and approval of the draft Memorandum of Terms of Occupation between the Office for Legal Complaints and Her Majesty's Prison and Probation Service to the three Chairs of OLC, ARAC and RemCo; and
 - appoint Rebecca Marsh as Chief Legal Ombudsman.

Item 4 – Standing reports

Chief Executive's Report

6. The Board noted the Chief Executive's update on the progress made implementing the estates strategy; the developing approach towards flexible working; the progress made on developing the people and well-being agenda and the steps taken to increase flexibility in the delivery model.
7. It was noted that the date for the full implementation of the new case management system would be 3 April 2018 with the system due to be production ready in February to allow transition to take place in March. The Board noted the issues and risks associated with the development and transition process.
8. The Board noted the briefing on legal activity.
9. The Board was advised that the Chief Executive and Head of HR were considering the scope to refresh the Staff Council.

Chief Legal Ombudsman's Report

10. The Chief Legal Ombudsman reported on the positive feedback received from external stakeholders following the launch of the Language of Complaints

research and advised the Board of how this research was informing operational improvements being implemented as part of the modernisation programme.

11. The Board noted the approach being taken in regard to enforcement issues in respect of two service providers.
12. Following discussion, the Board approved the response to the SRA's consultation 'Looking to the Future; phase two of Handbook reforms', subject to further clarification of one specific issue with the Chair of ARAC.
13. The Board noted the update on stakeholder engagement and media activity. Following discussion, the Chief Legal Ombudsman agreed to provide a more strategic weekly media update to Board members.

ACTION: The Chief Legal Ombudsman to provide Board members with a more strategic weekly media update.

Finance Report

14. The Chief Executive reported on the headlines of the finance report that set out the financial position at the end of month 7 and the reforecast exercise undertaken at the end of quarter 2.
15. Discussions are ongoing with the MoJ and LSB about the 2018-19 budget.
16. The Board noted the financial position in the legal jurisdiction and capital budgets, and asked for further information in the next finance report about the trend in legal case fee revenue.

ACTION: Head of Finance to include information about the trend in legal case fee revenue in the next finance report to the Board.

Performance report

17. The Director of Operations reported on the actions taken to reduce case holdings.
18. The Board noted the forecast position for the resolution unallocated queue and its impact on performance over the next nine to twelve months.
19. The performance improvement pilots were showing initial signs of positive impact and if successful over the lifetime of the pilot, they would be adopted into the business process.
20. A discussion took place about how the forecasting model would be used in conjunction with the horizon scanning work undertaken by the Office of the Chief Legal Ombudsman and Data and Insight Teams. The Board discussed how this activity could inform predicted future operational demand levels in the forecasting model.

21. It was agreed that the next performance paper would set out projected demand.

ACTION: Director of Operations to include information on projected demand in the next performance paper.

22. It was agreed that the next quarterly performance report would include an analysis of the different areas of law complained about.

ACTION: The Director of Operations to include statistics about the different areas of law complained about in the next quarterly performance report.

23. The Board sought assurance that the rate of cases being sent back to Investigators by Ombudsmen would reduce. The Director of Operations reported on the initiatives that had been introduced to improve the quality of cases and the likely timescales by which their impact would become evident.

Item 5 – ARAC update

24. The Chair of ARAC reported on the meeting held on 22 November, which had included a cyber security workshop that highlighted the importance of culture and behaviours in cyber security.

25. As the meeting held on 22 November had been inquorate, the Board formally ratified decisions made at this meeting to:

- approve the minutes of the ARAC meeting held on 18 September 2017 and agree to their publication;
- approve the updated Anti-Fraud, Bribery and Corruption Policy for publication; and
- remove the IT Systems Operating Policy and the key issues had been incorporated into the new Security Policy and Acceptable Use of IT policy.

ACTION: The Board Secretary to publish the approved minutes of the ARAC meeting held on 18 September 2017.

ACTION: The Chief Executive to arrange to publish the Anti-Fraud, Bribery and Corruption Policy and delete the IT Systems Operating Policy.

26. The Board formally approved the Chair's decision to nominate Bernard Herdan as a reserve member of the ARAC.

Item 6 – RemCo update

27. The staff observers were asked to leave the meeting whilst a discussion took place about ongoing work to review the employee value proposition. The Board agreed the recommended approach and requested that an update be included on the agenda of future meetings.

ACTION: The Board Secretary to add the employee value proposition to the agenda for future meetings.

28. The Chair of RemCo reported on the meeting held on 29 November where discussions took place on workloads and turnover, well-being, the employee value proposition and the results of the Civil Service Survey.
29. Following discussion, the Board agreed to progress discussions about implementation of the MoJ's employee reward platform, subject to approval by the MoJ.

Item 7 – KPI's and balanced scorecard

30. The Chief Executive presented proposals for a new KPI framework which included timeliness KPIs by case complexity, a better balance between timeliness and quality of service and proposals for measures of workloads and well-being. The Board agreed with the broad approach proposed, subject to removing proposed ranges for timeliness performance and unit cost, and work to enhance the 'raising professional standards' quadrant of the framework.
31. A discussion took place about the how case complexity was defined. The Director of Operations agreed to forward a summary of the process of assessing case complexities to the Board.

ACTION: The Director of Operations to forward a summary of the process of assessing case complexities to the Board.

32. Following discussion, it was agreed that the KPI and balanced scorecard would be amended in line with the Board's comments and presented for further review at the January Board meeting.

ACTION: The Board Secretary to add the KPI and balanced scorecard to the agenda for further review at the January Board meeting.

Item 8 – Strategy and business plan

33. The Chief Executive presented the draft 2018/19 business plan and budget consultation.
34. Following discussion, the Board delegated approval of the 2018-19 business plan and budget consultation to the OLC Chair, Director of Operations and Chief Executive. Individual Board members would provide specific comments by email.

Item 9 – CMS demo

35. Sophie Loor provided a demonstration of the new case management system to the Board.

Item 10 – IT strategy

36. The Head of IT presented a paper setting out the three year draft IT strategy and reported that the strategy was fully aligned to the Modernising LeO programme and had taken into account the anticipated budget position for 2018/19.
37. Following discussion, the Board commended the quality of the IT strategy and approved it subject to some minor amendments.

Item 11– CMA policy positions

38. The Board reviewed two papers; the first setting out policy positions on the CMA report and the other, a consultation response on Regulator Transparency Measures, which was issued following recommendations made within the CMA report.
39. Following discussion, the Board approved the response to the CMA report subject to some amendment and approved the response to the consultation on Regulator Transparency Measures.
40. Board agreed that the Chief Executive would consider whether there was any scope to generate commercial revenue streams through data and report to Board on this in June 2018.

ACTION: The Chief Executive to consider whether there was any scope to generate commercial revenue streams through data and report to Board on this in June 2018.

ACTION: Board Secretary to add to the Board forward plan.

Item 12 – Tier one complaints

41. Sian Lewis joined the meeting to present the findings of joint research undertaken with the SRA on tier one complaints. The final report would be issued shortly and would be accompanied by a press release.
42. A copy of the presentation would be forwarded to the Board for any specific comments.

ACTION: The Board Secretary to forward the presentation on tier one complaints to Board members.

Item 13 – Any other business

43. The Executive was asked to consider undertaking longitudinal random sampling of individual cases to help the Board understand the end to end process.
44. Rebecca Hilsenrath indicated that the current timing of the April Board meeting meant she was unlikely to be able to attend.

- 45.** The Chair reported that Board and Committee meeting dates would be reviewed once new Board members had been recruited.