

Minutes of the thirty eighth meeting of the

Office for Legal Complaints (OLC)

Monday 10 September 2012

11.00am – 13.00pm

The Studio, 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

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

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 16 July 2012 were approved for publication.

ACTIONS

- The Secretary to publish the approved minutes of the meeting held on 16 July 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 an interim Head of IT and Telecoms had been appointed for a period of six months and an IT strategy update would be provided at the October meeting.
5. Members requested that the Board Secretary liaises with the Director of Finance and Business Services to explore possible solutions for members to share electronic versions of meeting papers including but not confined to the route previously suggested.
6. The Interim Head of Policy and Communications informed members that publication of complaint data would take place on Monday 17 September. The next tranche of data was scheduled for publication in mid November. Members were also informed of a small number of challenges to the publication of data in individual cases; where appropriate, legal advice had been sought.
7. The Deputy Chief Ombudsman advised members that the issue relating to a charging order had been resolved satisfactorily and no further action was required.
8. The Director of Operations updated members in respect of calls answered outside of the 20 second aspiration. These were mainly confined to the beginning or end of day where staff numbers are lower than at peak times. Members were satisfied that there was no substantive problem to be addressed but suggested that when telephone lines were busy and unanswered for example after 60 to 90 seconds; a recorded message might be used to manage the expectations of the caller.

ACTIONS

- The Director of Finance and Business Services to provide an update on the IT strategy at the October meeting.
- Board Secretary to liaise with the Director of Finance and Business Services to explore possible solutions for members to share electronic versions of meeting papers.
- The Director of Operations to consider the introduction of a recorded message where calls are unanswered after 60 – 90 seconds to manage caller expectations.

Item 4 – Comments received regarding items presented for information.

9. The items presented for information were noted. No comments had been received in advance of the meeting for circulation.
10. The Chief Ombudsman's report was tabled. In discussion, it was noted the recent advertisement had been placed for a General Counsel and applications were being reviewed. A board including one of the legally qualified OLC members would be convened once a shortlist had been agreed. The Chief Ombudsman advised members that existing team members were able to managing the workload pending a future appointment.
11. The Chief Ombudsman updated members following the recent Cabinet reshuffle; however, confirmation of specific portfolio allocations was still awaited

[secretary's note: it has now been confirmed that Helen Grant MP is to take the relevant portfolio].

12. Members noted the corporate risk report and that a session on this topic was included within the later annual strategy session. Members suggested the Audit and Risk Committee should review the current risk management reporting process pending the outcome of the strategy discussion.
13. Members noted the tabled finance report and no questions were raised.
14. Members noted the OLC member and Ombudsman register of interests and both were approved for publication on the LeO website.

ACTIONS

- The Audit and Risk Committee to review the current risk management reporting process at the next scheduled meeting.
- The Secretary to publish the OLC member and Ombudsman registers of interest on the LeO website.

Item 5 – KPI report and update on ombudsman casework

15. Members discussed the KPI report and following questions were advised that ombudsman casework was now at an appropriate level; members congratulated the Executive on managing the casework effectively. The Chief Ombudsman advised members that although the casework was under control, support will continue to be provided by two members of staff from Operations on a six monthly rotational basis while the long term structure is considered.

16. The Executive confirmed that KPI information was now published on the main website; no feedback had been received to date following publication.
17. Tony Foster advised members he had spent some time with the Quality team and discussed the quality framework for ombudsmen in particular. Members agreed that Tony Foster and Mary Seneviratne should continue discussions with the Quality team and following this, a paper would be tabled by the Director of Finance and Business Services for wider discussion.

ACTIONS

- Tony Foster and Mary Seneviratne to continue discussions with the Quality team and following this, a paper would be tabled by the Director of Finance and Business Services for wider discussion.

Item 6 – Triennial review; open board meeting

18. Members discussed the suggestion from the recent Triennial Review that the OLC should consider holding open board meetings. It was noted that opportunities were made available to the public to attend events, for example, public consultation events. However, attendance had not been broadly based. There was little benefit seen in routinely holding open board meetings; however, a more widely advertised event where the public could raise questions might be of benefit. It was agreed that thought should be given to arranging open an event around the forthcoming business plan consultation where members of the public and interested media might be asked to attend and be provided with an opportunity to question members of the Board and Executive. The interim Head of Policy and Communications was asked to prepare a paper with a range of options for consideration at the next meeting.
19. Members also discussed publishing OLC papers as part of the Freedom of Information Act publication scheme. The Board Secretary informed members that very few requests had been received to disclose OLC papers. Members agreed that the current publication process in respect of board minutes should continue. If OLC papers were required; a request for disclosure may be made under the Freedom of Information process.

ACTIONS

- The interim Head of Policy and Communications to submit a paper at the next meeting detailing a range of options for members of the public to invite themselves to an event and ask questions of the OLC and Executive.

Item 7 – Ombudsman review update

20. Members discussed the tabled paper and gave agreement in principle for the proposal to proceed subject to the Executive providing further information and clarity to the

proposed structure and job descriptions, which are to be submitted to RemCo for review. Members also agreed that where any proposed roles involve formal decision making; these will be subject to OLC appointment in accordance with the requirements of the Legal Services Act 2007

ACTIONS

- The Executive to provide members with further information in respect of the proposed structure outlined in the ombudsman review paper and to provide RemCo with the proposed job descriptions.

Item 8 – Scheme rules update

21. Members discussed the tabled paper and the interim Head of Policy and Communications provided members with an oral update regarding the proposed implementation plan for the revised scheme rules.
22. Subject to one minor amendment to clarify time limits to bring complaints to the Legal Ombudsman; members approved the proposals for changes to the scheme rules. Following this; the LSB and Lord Chancellor would be asked to approve the amendments as required by the Legal Services Act 2007.
23. It was agreed that Ministry of Justice views would be sought on the timing of publication. This could be at the point of submission or after consideration. It was agreed that as the profession should be given reasonable notice of the changes, the paper would need to be published by 1 October if implementation was to be in January 2013.

ACTIONS

- Subject to agreement by the Ministry of Justice; the OLC Chair to write to the Minister offering an opportunity to discuss the proposed changes to the scheme rules before publication in October.

Item 9 – Publishing ombudsman decisions and website demonstration

24. The interim Head of Policy and Communications provided members with a demonstration of the current version of information that will be made available to the public with effect from 17 September. Members were advised that the publication process and data had been scrutinised by the organisation's internal auditors, KPMG, and no data issues had been identified. Members provided further feedback to be considered in later versions.
25. Members agreed that the OLC Chair would have delegated authority on behalf of the OLC to consider and approve publishing ombudsman decision information. To ensure consistency, it was recommended that General Counsel develop a table of delegations for submission at the next meeting.

ACTIONS

- The interim Head of Policy and Communications to include feedback provided by members in respect of publishing ombudsman decisions and to incorporate this into later versions.
- General Counsel to develop a table of delegations in respect of publishing ombudsman decisions for submission at the next meeting.

Item 10 – Any other business

- 26.** The Executive confirmed that a paper providing an update in respect of CMC progress will be tabled at the October meeting.
- 27.** The meeting closed and members and the executive continued with the annual strategy discussion.
- 28.** Members were scheduled to undertake a self evaluation questionnaire in the scheduled private session following the annual strategy discussion.

ACTIONS

- The Executive to table a paper providing an update in respect of CMC progress at the October meeting.
- 29.** The next OLC meeting will be held on 22 October 2012 at Baskerville House.

Andy Taylor
Board Secretary
17 September 2012