

Minutes of the fifteenth meeting of the

Office for Legal Complaints (OLC)

Monday 27th September 2010

11.30am – 3.00pm

Baskerville House, Centenary Square, Broad St, Birmingham B1 2ND

Present:

Elizabeth France, Chair
Margaret Doyle, member
Professor Mary Seneviratne, member
Rosemary Carter, member
Tony Foster, member

In attendance:

Adam Sampson, Chief Ombudsman
Gary Garland, Deputy Chief Ombudsman
Liz Shepherd, Operations Director
Alison Robinson, Head of External Affairs
Rob Hezel, Director of Finance and Business Services
Susie Uppal, Ombudsman (item 11)

Board Secretary:

Andy Taylor

Apologies

Brian Woods-Scawen, member
David Thomas, member

Preliminary issues:

The quorum requirements for the Board meeting were met.
There were no declarations of interest made.

Item 1 – Welcome and apologies

1. The Chair welcomed those in attendance.
2. There were no further apologies received.

Item 2 – Minutes of previous meeting

3. The minutes of the meeting of 6 September 2010 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.

Item 4 - Chair's update

5. The Chair reported that since the last OLC meeting she had spoken to the North West Law Society and both she and the Chief Executive had met with the Chair of the Bar Standards Board for a quarterly update.

Item 5 - Chief Ombudsman's report

Summary of the tabled report:

- Staffing: the paper outlined that the first wave of staff training was now just over two thirds completed. A mid way review had been undertaken with positive feedback received from staff. The second recruitment wave was now in progress, with estimates showing that some 60 further staff will commence work with LeO shortly after the “go-live” date.
- IT: the paper reported that successive versions of the case management system, WorkPro, had shown a steady improvement. The information management system, SharePoint, is also working well, with full searchability. LeO's existing work files and documents have now been transferred to this new system.

The full integration of the telephony and the IT system may be delayed until after “go-live”. For example, a temporary measure has been found to ensure that voice files connected with individual cases can be retrieved as necessary; however, this issue will be readdressed following go-live. Similarly, work continued in relation to aspects of the website.

- External Affairs: the report advises that LeO had now achieved coverage in most of the key sector publications, for example with articles in the Law Society Gazette and Counsel. Interviews had also been given to the Times and Financial Times, with positive contacts also with the Guardian and other broadcast media. These efforts had increased as the go-live date neared.

In addition, the organisation had published leaflets aimed at complainants and lawyers, which had been accepted by the Law Society for distribution. Copies had also been issued to consumer groups and other stakeholders and, following discussions with the Approved Regulators, the Executive had developed and promulgated a guide to first tier complaints handling, which aimed to give lawyers pointers about how the ombudsman service will expect them to deal with complaints made to them. This has been well received by the profession.

Key meetings included those with the MoJ and LSB to discuss KPIs. A review of the current financial and management statement with the MoJ is underway and a copy will be presented to the OLC for agreement at a later date. Along with a visit to the BSB with the Chair, the Chief Ombudsman attended the launch of the Guardian Law website and acted as judge for a Law Society Award for Client

Care. Finally, the Head of External Affairs and the Chief Ombudsman met John Mann MP to discuss his Early Day Motion (EDM) about the changes to legal complaints handling.

6. Questions were invited in response to the paper and the Chief Ombudsman explained that:
 - Additional personnel were arriving shortly; the Assessment Centre was appropriately staffed in preparation for “go-live”;
 - There had been evidence of good collaboration between those staff recruited from the LCS and from other areas, with knowledge and best practices being widely shared;
 - At the time of the meeting, no further signatures had been added to the EDM.
7. The Chief Ombudsman also reported he had been informed that LeO may be required to migrate its website onto a standardised MoJ platform in the future. Although it was understood this message had also been communicated to other NDPBs, members felt this would jeopardise the key principle of Ombudsman schemes being clearly seen by potential complainants as independent. It was indicated that such a move might also affect LeO’s application to become a full member of BIOA.

ACTIONS

- The Head of External Affairs to research whether there were examples of NDPB’s retaining independent website management.

Item 6 – Transition planning

8. The Chief Ombudsman reported that the telephone lines were already open to deal with callers in advance of go-live. These begun by receiving approximately 10 calls per day but this had recently escalated to almost 50 per day. The majority of calls were found to be premature as callers had not approached their lawyer in the first instance. The Chief Ombudsman confirmed that 43 telephone lines will be open and staffed on 6th October.
9. Questions were invited and the Chief Ombudsman explained that:
 - A knowledge management framework would be available from go-live; however, further development was required in order to ensure that information was proactively provided. To assist both consumers and lawyers, a “frequently asked questions” section would feature on the website along with a section containing practical information aimed at lawyers.
 - Clarification in respect of Rule 4.5 was required.

ACTIONS

- The Chief Ombudsman to discuss the approach to Rule 4.5 with OLC members and any necessary subsequent action to clarify the matter.

Item 7 – Draft OLC Governance Framework

10. Members received the proposed governance framework and approved the documentation subject to amendments being made to sections 23 and 35 of the “OLC Rules of Procedure”. Members were advised that the tabled “Scheme of Delegations” required a degree of further consultation with the Chief Executive Officer and would be re-presented at the next OLC meeting for approval.

ACTIONS

- The Board Secretary to amend the “OLC Rules of Procedure” document and confirm with the Chief Ombudsman the “Scheme of Delegations” before re-presenting this document to members at the next OLC meeting.

Item 8 – Finance report

Summary of the tabled report:

- The paper gave details of the regular month end financial information as at 31 August 2010. The cumulative project costs to date were £10.5m with project spend in August £3.0m, this included staff costs of £0.410m, premises costs of £0.112m, IT costs of £0.171m and external support costs of £0.189m. Capital expenditure of £2.1m was incurred on Facilities and IT.
- Members noted the report and were advised by the Director of Finance and Business Services that the current financial and management memoranda were presently being reviewed and updated in conjunction with the MoJ. Concerns about Targetfollow, which had been reported in the media, were being followed but there was no financial risk.

Item 9 – IT development update

11. Members were advised that some recent challenges had emerged in the relationship with the IT provider. It was understood this had been due to a corporate merger involving the IT supplier. The Head of Finance and Business Services reported that issue had been effectively managed and additional resources had subsequently been provided by the supplier. Members were advised that they will be informed in good time of any concerns relating to the possible loss of key staff from the IT supplier due to the merger.

12. Live testing on the key IT systems will be undertaken this week, including performance, volume and penetration testing. It was anticipated that the IT systems will be available and functional for “go-live”.

13. Questions were invited and the Head of Finance and Business Services explained that:

- Both scanning and printing facilities would also be tested as part of the performance testing programme. A degree of testing had already taken place in respect of written communications being scanned, with good image transfer being provided by the scanning partner.

- Staff telephony training had also continued and the operations team remained confident that a full service will be available for go-live.

Item 10 – Programme and Corporate risk register

Summary of the tabled report;

- The report provided Members with an updated version of the programme risk register, incorporating amendments since the last OLC meeting. The register identified a number of stable or reducing risks, with no areas reported as increasing since the last meeting. Members asked for a review of the existing programme risks and where appropriate transfer items into the new Corporate Risk Register in time for the next OLC meeting.

14. Members requested that details of mitigation plans should be annotated against each corporate risk. The document should also include an additional risk relating to the closure of OLSO. Members requested the Corporate Risk Register to be submitted to the Audit and Risk Committee for formal review on a regular basis.

Item 11 – Equality, Diversity and Accessibility

Summary of the tabled report;

- The tabled paper provided Members with more detail regarding the proposed methodology for managing and the review of equality, diversity and accessibility data and information within the organisation.

15. Members acknowledged the extensive content of the report and questions were invited. The Ombudsman with responsibility for equality and diversity matters explained that:

- A 12 week consultation period was required prior to formal publication, which at this stage is planned for January 2011.
- Recruitment statistics had been provided by LeO's recruitment partner Tribal, and had been initially reviewed by the Remuneration and Nomination Committee. However it was acknowledged that further information was required, for example, data obtained from future recruitment campaigns and also demographic data for comparison purposes. Members suggested that such demographic information should be obtained on a similar basis to other bodies within the central Birmingham area in order to obtain a consistent baseline.
- A number of options for collecting complainant equality and diversity data were detailed in the report, for example; collating data early in the contact process (e.g. including enquiries from customers), at the end of the complaint process, or at a defined point in between. Given the likely cost implications of the first option and the likelihood of reduced data from the second option, it was agreed that equality and diversity data shall be obtained at the point where a complaint is allocated a case reference number. It was clarified that equality and diversity data will be obtained by staff located in the Assessment Centre and retained

separately from case files. However, full data collection would not be in place for go-live but would have to be implemented as soon as possible afterwards.

ACTIONS

- The equality and diversity Ombudsman and Human Resources to obtain and jointly assess the catchment areas used by other bodies within central Birmingham to ensure that LeO obtains equality and diversity data on a comparable basis.
- The Director of Operations to commence capturing complainant equality and diversity data as soon as possible following the implementation of appropriate IT systems.
- A revised version of the Equality, Diversity and Accessibility paper is to be presented at the November OLC meeting.

Item 12 – Draft 2011 – 2014 Strategy

Summary of the tabled report:

- The tabled paper provided Members with an updated version of the proposed 2011 – 2014 strategic plan. Further work was required, for example the inclusion of financial information and details of KPI engagement with the LSB.

16. Members acknowledged the further draft of the report and in addition to a number of minor drafting recommendations, asked for a section to be included relating to corporate risk management.

ACTIONS

- Members were asked to provide any further comments to the Chief Executive Officer as soon as possible in order for a final draft to be presented to Members at the October meeting of the OLC.

Item 13 – Oral report and minutes from committees

17. It was noted that there had been no formal meetings of either committee since the last OLC meeting; however the Audit and Risk Committee and Remuneration and Nomination Committee were due to meet on 4th October and 14th October respectively.

Item 14 – Future agendas and any other business

18. Members were advised that the General Counsel would make an informal presentation during lunch at the October OLC meeting.

19. It was confirmed that the LSB would hold their December Board meeting at Baskerville House on the same day as the OLC. A joint session with OLC members would be accommodated within the respective agendas. It was agreed that the Chief Executive Officer would contact the Chief Executive of the LSB regarding a topic of discussion. Members acknowledged the continuing hard work being undertaken in the lead up to the go-live date and wished all staff success on 6th October and beyond.

ACTIONS

- Members requested that an oral update on go-live be included in the Chief Ombudsman's report at the October meeting.

20. The next meeting will be held on 18 October 2010 commencing at 11.30am at Baskerville House in Birmingham.

Andy Taylor
Board Secretary
7 October 2010