

Meeting	OLC Board	Agenda Item No. Paper No.	11 114.8
Date of meeting	17 May 2021	Time required	10 Minutes

Title	Independent Reviews
Sponsor	Head of OD and People

<p>Summary</p> <p>Following a report to Board of progress on recommendations from the Independent Reviews (IR) in March 2021, the Board sought further assurance on the position regarding progress against each of the recommendations.</p> <p>The Board are responsible for IR recommendations 4-5-12-16-19-21-31 and it should consider if these are now closed.</p> <p>The Executive are responsible for all other IR recommendations and we recommend that these are now closed.</p> <p>The methodology in providing Board with assurance in addressing the recommendations is evidenced in Appendix 1 and has tracked the development of the activities which is detailed in the attached paper and summarised below.</p> <ul style="list-style-type: none"> a) Report to Board in July 2020 and in March 2021 b) In May 2021 identification of how and where the recommendation is addressed which is in BAU or the People Plan c) The Board is asked to consider confirming those items marked as closed to be “closed”. In addition to confirming that the following can also be closed: <ul style="list-style-type: none"> IR 31 Issue: Reporting to the Board on performance. Recommendation: Reinstate the Board quarterly reports that include a more formal summary of achievements, outcomes and contribution against the organisation's wider strategic objectives from each of the supporting committees. d) Clarification on how the Board would like to close the 3 remaining recommendations which are ongoing (Recommendations 4 -12- 21) <ul style="list-style-type: none"> IR 4 Issue: The target-driven issue is caused by senior management's unrealistic promises to the Board. Recommendation: It may be helpful for Board members to spend time shadowing investigators on a regular (annual?) basis to better understand the business of LeO and its dynamics.
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IR 12: Issue: Harassment of staff to complete or close overdue cases.

Recommendation: The Board may wish to consider the introduction of a CONDOR system to allow reporting of harassment incidents to the Board. CONDOR = Confidential Direct Occurrence Reporting System

IR 21: Issue: Whether effective sick absence and wellbeing policies are embedded and whether these operate in a fair, reasonable and consistent manner.

Recommendation: The Board may wish to consider the appointment of a non-executive Board member as LeO's 'Whistleblowing Champion'.

It should be noted that many of the items are being taken forward in the People Plan such as IR 10-14-17-20-22.

Additionally, to highlight are the positive communications to staff including wellbeing IR 7-8-9-25-30-32-39.

Next Steps

Recommendation that the OLC Chair and Chief Ombudsman jointly write to Leo Staff to show the IR has been concluded.

Title

Background

As a result of an anonymous email received by Lord Keene of Elie QC, the MoJ Permanent Secretary requested in a letter of 20th August 2019 to the OLC Board Chair, an Independent Review of the issues identified. The issues covered working practices and systems within LeO.

A second Independent Review was commissioned at the beginning of 2020 by the OLC Board to gain further insight into the first independent review with a focus on how LeO manages its people practices and culture. This was completed by Melanie Whitfield in March 2021.

The full results of the Independent Review conducted by Melanie Whitfield were published in August 2020 with a response by Mariette Hughes, then Acting Chief Ombudsman in September 2020. This identified that actions responding to the Independent Review would be addressed through ongoing work in Operations Delivery and in the People Plan. Both Independent Reviews consisted of 39 recommendations in total to be addressed.

Methodology

Appendix 1 details the progress against the 39 recommendations from both Independent Reviews between July 2020 – May 2021. The table provides the evidence of how the recommendations from both Independent Reviews have been developed and addressed.

A summary of the position in July 2020 against the recommendations was provided to Board in August 2020.

A further summary of the position in March 2021 against the recommendations was provided to Board in March 2021.

The Board are responsible for IR recommendations 4-5-12-16-19-21-31 and it should consider if these are now closed.

The Executive are responsible for all other IR recommendations and we recommend that these are now closed.

In May 2021 the position regarding progress against the recommendations is categorised in the following way:

Closed:

- a) They now form part of Business as Usual (BAU) agreed policies systems and governance;
- b) They form one of the projects and workstreams within the People Plan.

In many cases the activities to address the recommendations fall into both (a) and (b) and total 36 recommendations.

Specific clarification is sought from Board to close IR 31:

Issue: Reporting to the Board on performance.

Recommendation: Reinstate the Board quarterly reports that include a more formal summary of achievements, outcomes and contribution against the organisation's wider strategic objectives from each of the supporting committees.

Ongoing

a) Clarification from Board is also sought to consider how the 3 ongoing recommendations can be closed. These are:

IR 4 Issue: The target-driven issue is caused by senior management's unrealistic promises to the Board.

Recommendation: It may be helpful for Board members to spend time shadowing investigators on a regular (annual?) basis to better understand the business of LeO and its dynamics.

IR 12: Issue: Harassment of staff to complete or close overdue cases.

Recommendation: The Board may wish to consider the introduction of a CONDOR system to allow reporting of harassment incidents to the Board. CONDOR = Confidential Direct Occurrence Reporting System

IR 21: Issue: Whether effective sick absence and wellbeing policies are embedded and whether these operate in a fair, reasonable and consistent manner.

Recommendation: The Board may wish to consider the appointment of a non-executive Board member as LeO's 'Whistleblowing Champion'.

Next Steps

Following Board assurance that all recommendations are now fully addressed it is recommended that monitoring of the recommendations in this format ceases. The recommendations will continue to be progressed as identified in Appendix 1 under the management of the Executive and Management Team.

The Board may further recommend that progress against the Recommendations is published to colleagues on the LeO intranet in the form of Appendix 1 together with a communication which identifies how the recommendations have been addressed.

Table Ref	Report	Issue	Recommendation	Position in July 2020	Staff Survey Theme	Board Action	Position in Q4 2020/21 – March 21	Position in Q1 2021/22 - May 2021				
								Is the IR recommendation addressed in BAU?	How is this addressed in BAU?	Is the IR recommendation addressed in the PP?	How is this addressed in the People Plan	Recommendation closed (as addressed by BAU or PP) or ongoing (as the recommendation is not fully addressed)?
1	IR1	Issue: Focus on performance and hitting targets rather than complaint resolution.	The Board should take steps to satisfy itself that policies are being applied consistently and effectively on the ground.	Q and F framework and workload management tool has shifted focus to complaint progression, timeliness and customer experience	My Organisation	No	At the start of the 2020 pandemic targets were superseded by a new way of managing people, managing by behaviours. The organisation asked all staff to work from home and the target culture ended at that point	✓	Role modelling our values and service principles in 'Managing by Behaviours' This has been widely adopted since July 21 as discussed with Ops managers and Team Leaders. Discussions with colleagues focus on case resolution through planned case progression as outlined in Workload Management for Investigators and Time Line for Investigations	✓	The following workstreams further develop the BAU approach in Job Design by defining the accountabilities of each job - so people are clear on what their role is. This is under way. The Competency Framework provides clear behaviours in how the job should be done. This is underway. The Appraisal process reviews the performance against both the above and sets targets for the forthcoming year - this workstream will be implemented at the end of 21/22	Closed
2	IR1	Issue: Performance Plans for staff who fail to meet 'unrealistic' targets.	The Board will need to satisfy itself that on-paper policies are being applied consistently on the ground.	Temporary suspension of targets during period of Covid pandemic, move towards management by behaviours as opposed to outputs, focus on supporting staff wellbeing during Covid and home working.	Performance Management	No	During the Covid pandemic performance support plans and probation progression was suspended as the focus was on supporting wellbeing and balancing work out put. Managing staff through probation and introducing performance support plans have been restarted. This falls under operational and HR BAU however it is within the scope of the People Plan Project 3 Employee Relations which provides for proactive guidance to managers to be developed in relation to managing Performance/Probation/Absence and Grievance and Discipline. The first priority which will start in March which is providing proactive guidance to managers and team leaders in managing absence this will then enable the focus to then turn to managing attendance promoting wellbeing as a method to do this.	✓	Managers are applying the following policies: Discipline, performance support and Absence Management for Covid related absence and pay remains at an enhanced level until such time as the standard policy can be reintroduced this is linked to the Future Ways of Working Project post Covid	✓	The Employee Relations Project workstreams - Effective Management of a Caseworkbook which is underway and the Case management System planned for Q2 21 will enable managers to more easily manage sick absence cases including referrals to Occupational Health. Proactive guidance to Line managers has been rescheduled to take place in June 21 this will cover managing sick absence and also move into managing attendance	Closed
3	IR1	Issue: Case timescales are extremely short and failure to achieve timescales results in 'punishment' of staff.	(a) Better communication of the processes involved needs to be made to staff; (b) LeO should benchmark its processes and methodologies against those used by other ombudsman services or bulk complaints handling organisations outside the public sector.	Introduction of weekly all staff briefings and improved comms strategy. Change management policy introduced.	Performance Management	No	- Reporting on investigators demonstrate timing of case progression and allow Team leaders to manage outliers; - A tender was offered to have a consultant undertake 'should take' times for investigatory work; - No company took this up; - We are considering how we now achieve this – if indeed we wish to prescribe what work is done and when; - Part 2 case progression audit by GIAA may also expose any timings; - Should take times for Ombudsman has already been undertaken and is in use; - Move to manage by behaviours means 'punishment' isn't how we manage, we coach, guide and support for the been of the customer	✓	Managers both consult with staff regarding changes and use the published change management policy Managers discuss time frames with colleagues as part of their Side by Side Review Process. Managers focus on how the work is progressing and timescales are part of the discussions. Where timescales are not met managers identify why with colleagues and put in place support to assist in increased performance. Formal performance support plans are put in place where there is clear evidence of underperformance despite both time and opportunity to improve. Formal Support plans are developed with advice from HR	✗	N/A	Closed

									This needs to be progressed as part of BI how look a piece of work took			
4	IR1	Issue: The target-driven issue is caused by senior management's unrealistic promises to the Board.	It may be helpful for Board members to spend time shadowing investigators on a regular (annual?) basis to better understand the business of LeO and its dynamics.	Cannot be progressed in current COVID situation due to staff availability. Will be picked up and reviewed for deliverability in the autumn	NA	Yes	The position was addressed by OLC Chair in Board Effectiveness paper Annex X in March 21 and detailed below. The Board meeting agenda has now been restructured. This will ensure the Board hears from those who experience LeO, including staff groups. RemCo also had its annual meeting with the Staff Council in March 2021. The new COO has briefed the Board about the wider cultural issues facing LeO in relation to people and performance and how performance management needs to be re-established. This will become part of the standard reporting of the Performance and People Report at every Board meeting. Post Covid the Board will consider specific opportunities to schedule in sessions with staff.	✓	People and Performance report by COO at each Board Meeting. Board will consider opportunities to schedule session with staff post Covid	✗	N/A	Ongoing
5	IR1	Issue: Flaws in setting the 8,000 case target.	As a principle of good governance, I strongly suggest that the Board satisfies itself that ARAC is maintaining active oversight of the rolling list of GIAA management recommendations so that management can be held to account for variances and that the Board, ultimately, is assured that the appropriate actions are being taken by management.	Performance and Quality Group addresses this - Action to communicate that more widely	NA	Yes	The position was addressed by OLC Chair in Board Effectiveness paper Annex X in March 21 and detailed below. The OLC Board has comprehensively reviewed targets and demand forecasting as part of the approval process for the Business Plan and Budget for 21/22. The new ARAC Chair has reset the relationship with the internal and external auditors. ARAC continues to oversee at every meeting a summary of progress being made with implementing outstanding GIAA recommendation.	✓	Board Business Plan Approval process and ARAC is maintaining oversight of GIAA Management recommendations	✗	N/A	Closed
6	IR1	Issue: Staff retention and departures.	Recommendation: It might be useful for the Board to compare LeO figures with those of another ombudsman organisation such as RICS which is also based in Birmingham.	Discussion circles introduced. Revised induction providing enhanced support to new starters in the early stages of career with LeO.	Plans for the future	No	Staff retention is monitored and reported monthly to Board in the Agreed Data Set. Exit questionnaires are completed by staff and HR conduct exit interviews to gather greater insight - data coming out of Covid has indicated a slight increase on leavers. Data is reviewed monthly by HR and attrition data is considered against annually and locally where available.	✓	HR provide and review attrition data in the Agreed data set which is reviewed at each Board meeting Annual Exit Report provided annually for RemCo attrition is tracked against Xpert HR public sector (annual turnover rates published in 2020 for 2019 averages 19.6% total turnover and 12.4% voluntary turnover)	✓	Review of Recruitment and Induction in Q1 & Q2 21 provides increased opportunity to ensure good candidate fit and support at early state of employee experience increasing retention rates.	Closed
7	IR1	Issue: Staff breakdowns due to workload.	Recommendation: Staff surveys should be used to identify and test stress points.	Support provided to staff during Covid will become part of BAU post Covid	Proxy Stress Index	No	Communication of Staff Survey Results - communicated in January and further analysis will be shared with management teams in March to develop action plans that connect with engagement activity which is underway	✓	Further wellbeing Champions have been Trained which total 19. Their purpose is to support the wellbeing of colleagues. The COO is the Wellbeing sponsor and regular dialogue with the Wellbeing Champion Lead provides the opportunity for recurring themes to be raised and addressed. Wellbeing Champion lead provided daily blogs during April "Stress Awareness Month" to raise awareness and signpost. Management Team Colleagues are encouraged to identify workload issues with the leadership team.	✓	Comms and Engagement - Staff Survey Workstream - Staff Survey Results with Managers. HR supporting development of Action Plans in May and June	Closed

									Budget for additional recourse has been provided in critical areas such as Business Support, HR and vacancies are being resources as quickly as possible and attrition has been factored into the recruitment for investigators			
8	IR1	Issue: Staff concerns not being addressed by senior management.	Recommendation: It may be worthwhile for management to consult with the Staff Council over the best method to obtain details of staff concerns and that a rolling action plan to address those concerns is presented quarterly to the Remuneration Committee.	Discussion circles launched Pulse survey undertaken. Enhanced engagement with Staff Council	Leadership and Managing Change	No	This has been raised at Staff Council and views sought and included in Discussion Groups held of over Q3 2020. There is regular dialogue with Staff Council in formal meetings in addition to the planned quarterly meetings	✓	Regular consultation with Staff Council regarding People and Organisational issues Colleague Concerns raised by Staff Council are addressed in quarterly meeting by COO or regular meetings outside those scheduled	✓	Comms and Engagement - Vibrant Network Groups which includes developing the relationship with Staff Council Q2 21	Closed
9	IR1	Issue: Concern for the health and wellbeing of staff members.	(a) The Staff Council be asked to canvass staff on this topic; (b) The Board takes steps to assure itself that the policies are being implemented consistently on the ground.	Focus on wellbeing during Covid period to be replicated as part of BAU going forwards. Enhanced engagement with Staff Council. Introduction of discussion circles.	My Organisation	No	Pulse Survey conducted in 2020 provided insight into staff wellbeing during COVID and the 2020 Staff Survey provided additional information. LeO will train a further 11 Wellbeing Champions in March recognising that 43% of absence is attributed to mental health. Both Staff Council and Wellbeing Champions have regular dialogue with the Leadership Team. Upskilling Managers to manage absence and move to managing attendance which (focuses on colleague wellbeing) will start in March. It is included in the People Plan Project 3 Employee Relations which is in progress to be completed in Q1 and Q2 21/22. This will become to BAU within the Operations and HR teams.	✓	Further wellbeing Champions have been Trained which total 19. Their purpose is to support the wellbeing of colleagues. The COO is the Wellbeing sponsor and regular dialogue with the Wellbeing Champion Lead provides the opportunity for recurring themes to be raised and addressed. Wellbeing Champion lead provided daily blogs during April "Stress Awareness Month" to raise awareness and signpost. Regular dialogue between Staff Council and the Leadership team outside the quarterly meetings enables areas of concern to be raised.	✓	In the Employee Relations Project workstreams - Effective Management of an Case workbook and the Ciph upgrade will include case management and will enable managers to more easily manage sick absence cases including referrals to Occupational Health Proactive guidance to Line managers has been rescheduled to take place in June this will cover managing sick absence and also move into managing attendance	Closed
10	IR1	Issue: Target achievement on return to work from sick leave.	The Board should take steps to assure itself that policies and criteria are being applied fairly, openly and consistently.	Redesigned induction not only supports new starters but those returning to work after prolonged absence.	Inclusion and Fair Treatment	No	This is currently addressed by the HR team in the management of absence and proactive guidance being provided to managers starting in March. It is included in the People Plan Project 3 Employee Relations which is in progress to be completed in Q1 and Q2 21/22. This is then form BAU within the Operations and HR teams.	✓	Managers working with HR to manage absence and increase attendance	✓	Additionally in the Employee Relations Project workstreams - Effective Management of a Case workbook and the Ciph upgrade will include case management and will enable managers to more easily manage sick absence cases including referrals to Occupational Health Proactive guidance to Line managers has been rescheduled to take place in June this will cover managing sick absence and also move into managing attendance	Closed
11	IR1	Issue: Increase in staff departures and long-term sickness absence	This issue should be further investigated by the Board	Levels of departures and absence impacted by Covid, considerable work done to improve staff engagement and well-being support during Covid crisis	Inclusion and Fair treatment	No	Staff attrition and absence is reported monthly to Board in the Agreed Data Set. During Covid there was a reduction in attrition and as we come out of Covid we anticipated the slight increase that we are experiencing. The People Plan Project 3 Employee Relations Project will proactively address long term sick absence. It is included in the People Plan Project 3 Employee Relations which is in progress to be completed in Q1 and Q2 21/22. This will then form BAU within the Operations and HR teams. Staff Engagement continues to be a high priority and is addressed in a number of different ways: monthly All Staff Briefings continue from Leadership Team	✓	Staff attrition and absence is reported monthly to Board in the Agreed Data Set.	✓	The People Plan Project 3 Employee Relations Project will proactively address long term sick absence. It is included in the People Plan Project 3 Employee Relations which is in progress to be completed in Q1 and Q2 21/22. This will then form BAU within the Operations and HR teams.	Closed.

12	IR1	Issue: Harassment of staff to complete or close overdue cases.	The Board may wish to consider the introduction of a CONDOR system to allow reporting of harassment incidents to the Board. CONDOR = Confidential Direct Occurrence Reporting System	Consideration to be given to the CONDOR system	Inclusion and Fair Treatment	Yes	Addressed in Board Effectiveness Paper Annex X in March 2021. Staff attrition and absence is reported monthly to Board in the Agreed Data Set. During Covid there was a reduction in attrition and as we come out of Covid we anticipated the slight increase that we are experiencing. The People Plan Project 3 Employee Relations Project will proactively address long term sick absence. It is included in the People Plan Project 3 Employee Relations which is in progress to be completed in Q1 and Q2 21/22. This will then form BAU within the Operations and HR teams. Staff Engagement continues to be a high priority and is addressed in a number of different ways: monthly All Staff Briefings continue from Leadership Team complainants to their manager or manager's manager. Confidential reporting would make it difficult to investigate and take appropriate action about inappropriate behaviour. This is because the name of the complainant and the name of the individual/s to whom the complaint refers is required although the overall matter is confidential. LeO's Dignity at Work and Grievance policy requires colleagues to raise issues with their manager, or manager's manager or HR. The Whistleblowing Policy enables colleagues to contact OLC Board Chair, ARAC Chair or CO (complaints raised here are about organisational wrongdoing rather than individuals and where there is a public interest to do so). Grievance and harassment claims can appear via this route, however they would be redirected through Dignity at work and Grievance wherever possible. Building management skills in dealing with complaints including grievances, harassment and conduct is planned this year in the People Plan. A Zero Tolerance Policy on Bullying and Harassment will be issued during March and directs colleagues to seek guidance in how to raise the matter and support from Network Leads, HR and the Staff Council. In addition, open dialogue is encouraged by the CO and COO and regular dialogue with between Staff Council and Network Groups provides the opportunity to raise themes affecting colleagues across the organisation.	✓	Whistleblowing procedure provides a confidential way in which to raise concerns. Zero tolerance policy in relation to Harassment, discrimination and Bullying was issued in April 21. Regular dialogue between staff Council and the leadership team enables known concerns to be raised. In the future the Board could consider an anonymous Whistleblowing system as this encourages colleagues to raise issues without being identified although this would typically relate to "organisational wrongdoing"	✗	N/A	Ongoing
13	IR1	Issue: Senior management introduce new ways of working all the time.	(a) All proposed change is discussed in staff fora; (b) Change is introduced on an incremental basis and is subject to strict management protocols such as a modified PRINCE2 methodology underpinned by an effective communications plan.	Change management approach introduced. Recruitment of new Senior Leadership in progress.	Leadership and managing Change	No	Ops Transformation consulted on and published an approach to managing change in Q3 2020. This will be reviewed and impact is evaluated. The change management approach can be found at https://legalombi.sharepoint.com/SitePages/Change-management-guidance.aspx	✓	Business Plan and other programmes will require a change board to sign off significant project changes that are not already within the Business Plan or other projects. All Projects will have a comms plan. Projects and Programmes are run using project Management Methodology People and Organisational Changes are discussed in a consultation forum with Staff Council and or with colleagues	✗	N/A	Closed
14	IR1	Issue: Staff retention.	Recommendation: Given that staff retention appears to be an issue for LeO, the Board should ask management to	Redesigned induction providing support during early stages of Leo Career.	Plans for the future	No	Interdependency – with the People Plan Project 2- Recruitment and Induction which is in progress and project charters are completed to be signed off at the monthly Programme Control Board. Exit questionnaires are completed by staff and HR conduct exit	✓	Annual Exit Report provided for June RemCo Public Sector attrition data is reviewed by HR from against Xpert HR Surveys and locally where available	✓	The benefits of the review and refresh of Recruitment and Induction in Q1 & Q2 is increased retention.	Closed

			identify the key issues and develop an action plan in response which seeks to eliminate or ameliorate where possible the issues affecting retention.	Discussion circles launched, pulse survey undertaken. Support provided to staff during Covid to be replicated in BAU.			interviews to gather greater insight – and identify interventions required. The Staff Survey Results of 2020 provide the following insight into retention: 2020 2019 Timescale 8% 32% I want to leave as soon as possible 16% 21% I want to leave within next 12 months 41% 33% I want to stay for at least a year 34% 14% I want to stay for at least three years					
15	IR1	Issue: Almost 70% departure rate within the first few months.	Keep under review.	Redesigned induction providing increased support to new starters.	Learning and Development	No	Interdependency with People Plan Project 2 Recruitment and Induction and Project 5 Reward and Recognition. Monthly attrition is reported to Board in the Agreed Data set and quarterly review at RemCo. A year after working in a pandemic a small increase in leaver rates emerging - theme of personal betterment.	✓	Monthly attrition is reported to Board in the Agreed Data set and quarterly review at RemCo. A year after working in a pandemic a small increase in leaver rates emerging - theme of personal betterment.	✓	The review and refresh of Recruitment and Induction in Q1 & Q2 aims to ensure this supports increased retention. One of the benefits of the Pay and Reward Project in Q4 21 is to provide salary progression together with competitive market rates	Closed
16	IR1	Issue: Falsification of information presented to the Board by senior management.	If the Board believes that a risk of information falsification remains, the best way to achieve assurance would be to ask the GIAA to conduct a further review of Board reporting.	To be considered by Board Chair	NA	Yes	The position was addressed by OLC Chair in Board Effectiveness paper Annex X in March 21 and is identified below. The quality of information presented to the Board continues to improve. Following the work of the Task and Finish Group the Board has not had any reason to question the integrity of the information being brought to it. The format and content of Board Papers is being reviewed by the new CO. GIAA carried out a Governance review in September 2020 and this was reviewed by ARAC at its March 2021 meeting. Some aspects of this review relate to Board level governance and ARAC has received some reassurance about the progress that has been made since September 2020. Further improvements are needed and ARAC will continue to monitor these.	✓	CO is reviewing format and content of Board papers and this will be monitored by ARAC	✗	N/A	Closed
17	IR1	Issue: Efficacy of HR policies.	It is important that these processes remain up to date and that management is suitably challenged as to the status and currency of LeO's HR policies.	To be considered	Inclusion and Fair Treatment/My Organisation	No	People Plan Project 3 Employee Relations Project will address relevant policies in Q4	✓	HR check policies against legal requirements and best practice on an ongoing basis.	✓	People Plan Project 3 Employee Relations Project will address relevant policies in Q4 HR Policy Owners have been appointed to have the policies ready for review in Q4	Closed
18	IR1	Issue: Organisational difficulties, unrealistic targets and staff stress.	It is incumbent on the Board to keep these matters under review to ensure that accurate and relevant information is provided, and that management is properly and effectively held to account.	Discussion circles launched for staff engagement. Approach to work and wellbeing during Covid to be replicated into BAU where possible.	Proxy Stress Index	No	This arose in Discussion Groups and the output of these will be communicated in March. In recognition of the increase in mental health in February LeO is training a further 11 Wellbeing Champions making a total of 19 to support staff.	✓	Colleague Wellbeing is also being considered as part of Future Ways of Working Project. CO and COO have regular dialogue with Board and provide assurance at every Board meeting on People and Organisational issues. In Q2 21 reporting to Exec will and Board will include long and short term absence	✗	N/A	Closed
19	IR1	Issue: Management appointments and promotion. Lack of diversity at management level.	The Board should regularly review the relevant data, for example, applicants' ethnicity data should be reviewed against the same data for those who are successful in their applications.	Recruitment for new senior leadership team in progress.	Inclusion and Fair Treatment	Yes	The position was addressed by OLC Chair in Board Effectiveness paper Annex X in March 2019 and detailed below. An EDI Board Sponsor role has been created. The role description sets out clear responsibilities including overseeing and ensuring the Board receives an annual report on LeO's commitment to, and progress that has been made on delivering its EDI agenda. This will include an annual progress report on LeO's RACE Action Plan. The interim budget application for 20/21, approved by the OLC Board and by the LSB, includes the role of a new EDI Specialist. Recruitment is live and an appointment will be made shortly. The EDI Specialist will be asked to review and consider what EDI information should be reported to the Board on a regular basis.	✓	EDI Specialist appointed in April 21 and will report on EDI demographics to the Board and will work collaboratively with the EDI Board Sponsor	✗	N/A	Closed

20	IR1	Issue: Concerns relating to the recruitment process.	<p>A more robust recruitment process should be introduced, including:</p> <p>(a) Dependence on CVs in applications be discontinued;</p> <p>(b) Empirical data such as personal details and educational qualifications should be screened by HR and detached from the applications seen by the sifting and interview panels to anonymise them;</p> <p>(c) Responses to the essential elements of the person specification to be word limited (250 - 500 words) and this is the only element of the application which is seen by the sifting panel;</p> <p>(d) Role specifications to be refined following data as to why staff fail to achieve required standard in their first year.</p>	Significant external recruitment within operations suspended during period of Covid.	Inclusion and Fair Treatment	No	People Plan Project 2 - Recruitment and Induction - Items noted and to be included in scope of the project.	✓	These recommendations have been adopted	✓	Included in the following Workstreams: Review of Recruitment Process, and Job Design and Organisation Structure	Closed
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21	IR1	Issue: Whether effective sick absence and wellbeing policies are embedded and whether these operate in a fair, reasonable and consistent manner.	The Board may wish to consider the appointment of a non-executive Board member as LeO's 'Whistleblowing Champion'.	To be considered by Board	Inclusion and Fair Treatment	Yes	<p>This point was addressed by OLC Board Chair in the Board Effectiveness paper Annex X in March 21 and detailed below. Board sponsor roles have been established for EDI. Further consideration still needs to be given to other Board sponsor roles. A wider review will take place following the appointment of new NEMs in May 2021.</p> <p>The Board received extensive feedback on the staff survey results in January 2021 and noted that these included increases in fair treatment scores, acknowledging LeO falls below the benchmark for ALBs and the Civil Service, however LeO's improvement vs 2019 is significantly higher (LeO +20, ALB's +4, Civil Service +3). Of particular note is the positive reduction in the number of staff feeling bullied and harassed from 18% last year to 11 % this year compared to 10 % for the Civil Service.</p> <p>The Interim Head of OD has started the process of reviewing LeO's approach to absence management. At the start of the pandemic LeO suspended the absence management policy to ensure staff were not adversely impacted with regard to action and reduction in pay.</p> <p>On 18th March LeO consulted with staff Council regarding the reintroduction of the standard Absence Management Policy. Ahead of the policy being reintroduced the HR Team are providing skills training to managers and Team Leaders and will be supported by HR through the introduction of monthly case conferences. The desire is that management of absence is moved into management of attendance and that HR enable managers in the provision of data and skills. The data will report on long term absence > 28 days continuous absence and short term intermittent absence as the management of both is different. Both data and skills are part of the Employee Relations Project in the People Plan which is underway.</p> <p>In addition LeO will have trained a further 11 Wellbeing Champions in March 2021 making a total of 19. This is in recognition of the increase in mental health needs across LeO which in February accounted for 43% of absence (the number of days absence during the pandemic i.e. in the last 12 months has been reasonably static with c11 days absence per colleague per year).</p>	✓	HR Recommended to the Executive Team that the Sick Absence Management policy and Pay reverts to the pre Covid standard Policy. Feedback from Staff Council was this was too soon to revert to standard policy as we were still in a pandemic and not all staff had received a vaccination and some that had were being ill as a result. It was agreed by Command Team that this would be reviewed against our Future Ways of working project and against anticipated levels of colleagues vaccinated according to LeO demographics to provide the rationale to reintroduce in 21	✓	Additionally in the Employee Relations Project workstreams - Effective Management of a Case workbook and the Ciph upgrade will include case management and will enable managers to more easily manage sick absence cases including referrals to Occupational Health. Proactive guidance to Line managers has been rescheduled to take place in June this will cover managing sick absence and also move into managing attendance	Ongoing
22	IR1	Concluding comment (not addressed above): There should be careful management of any underperformance which results in WfH privileges being withdrawn and clear procedures put in place to make clear to management and staff that cessation of WfH should be seen as temporary and that the intention is always to restore WfH as soon as performance improves sustainably.		Assumption around the viability of homeworking and flexible working being tested during Covid enforced WfH. Plans around the future post Covid are already being worked on.	Smarter working/ Inclusion and Fair Treatment	No	The Flexible working policy has been identified as a priority policy and is included in People Plan Project 3 Employee Relations. As such, policy development has been brought forward and a Project Chartered has been completed to be presented to the Programme Control Board	✓	Future Ways of Working project will be supported by a reviewed flexible working policy. WfH will not be based on performance but on the principles of post Covid Working designed by the project	✓	Employee Relations Flexible Working Policy	Closed

23	IR1	Concluding comment (not addressed above): Work should be undertaken to better understand why staff leave the organisation; where findings suggest that competencies are not being met there should be a feedback loop into recruitment and employment processes. The exit process should be tightened up in order to provide a better set of data regarding reasons for leaving - the provision of a checklist to those leaving may be helpful in this regard.		Discussion circles and pulse survey responses being actively reviewed to identify and understand challenges around retention.	Plans for the future	No	Exit interview questionnaires are completed by staff and an exit interview is conducted by a member of HR. This information is feedback to Recruitment and Reward and Recognition. This is part of HR BAU and noted to be included in the scope of work for People Plan Project 2 Recruitment and Induction.	✓	HR Manage the Exit Interview Process and provide the relevant information to be considered by the Executive team monthly and by RemCo Annually	✓	This information will inform the following workstreams; Review of Recruitment and Induction, Job Design and Pay and Reward	Closed
24	IR2	Issue: Communication with staff and visibility of senior management;	Continue to remind staff about the wider vision and strategy for LeO through improved internal communications and increased visibility and engagement of the senior leadership team with staff.	All staff briefings, discussion circles, senior leadership blogs all in place. Improved information cascade from MT meetings. Feedback on FAQs and handling of Covid shows improvement in levels of communication and engagement.	Leadership and Managing Change	No	The New Leadership team will continue to build on the communication approach already established and as significant issues arise in relation to the business and/ or colleagues we will continue to consult and communicate with colleagues. e.g. consultation with colleagues in preparing the Business Plan, continued regular All Staff Briefings refreshed engagement with Staff Council on key issues before they are communicated. The New Leadership Team have met with Staff Council and Network groups. Network Groups are also invited to monthly Management Team Meetings to share their work and identify forthcoming area of interest and events	✓	The Leadership team take every opportunity to speak to colleagues at all levels - through Management Team and Staff Council	✓	People Plan Comms and Engagement Project - vibrant network groups including Staff Council	Closed
25	IR2	Issue: Approach to reviewing performance ensuring that wellbeing and staff views are taken into account.	Recommendation: Review performance in a more holistic way including the results of the Workload Management Tool and QAF alongside staff wellbeing and engagement results	Discussion circles and pulse survey results, combined with enhanced engagement of staff council provide greater insight into wellbeing and operational concerns.	My Manager	No	Information is provided in the Agreed Data Set to aid in reviewing operational performance. This arose in discussions groups and the output will be communicated in March. Monthly Operational Performance is reviewed alongside People Strategy which is included in the monthly Performance Report to the Board. Increased dialogue with Staff Council, Network Groups and Wellbeing Champions enables us to identify and resolve issues as they arise.	✓	Operational and People Performance is reported at each Board Meeting. This is informed by the agreed data Set. Continuous conversations provides the vehicle for Managers to have regular dialogue with colleagues about performance, wellbeing training and plans for the future.	✓	Comms and Engagement Project - Workstream Vibrant Network groups including Staff Council and in the Appraisal Workstream. This approach will be reviewed in 21 as part of the Appraisals workstream	Closed

26	IR2	Issue: Setting targets and measuring performance. Concerns about quality being compromised to hit targets.	Recommendation: Recognise the complexity and multidimensional aspects of performance and collate and share a more balanced review of case closures, timeliness and customer feedback.	Performance and Quality group will contribute to the future targets and KPIs. Work done developing IQR and other enhanced MI has already helped improve the granularity of performance data	My Team	No	Performance & Quality Sub Group assured itself of all data in 21/22 Business Plan. Agreed Data Set also tracks all performance in the round. No case closure target sits with any individual.	✓	Performance & Quality Sub Group assured itself of all data in 21/22 Business Plan. Agreed Data Set also tracks all performance in the round. No case closure target sits with any individual.		N/A	Closed
27	IR2	Issue: Measuring performance.	Recommendation: Agree the same performance metrics of days per complexity of case for both internal and external reports.	Work ongoing to management by behaviours as opposed to outputs alone	Organisational Culture	No	The Agreed Data Set are the metrics used for internal and external reports Data - Performance is measured in a number of different ways. Reporting on closures mirrors the external timeliness targets, while the workload management tool has expectations that are within these. These are expectations based on an average case, and where investigators are unable to meet these expectations they are helped to progress the cases, rather than these being used as a target in terms of a percentage being resolved within a set number of days. How we measure performance internally is an entirely operational decision, however it is not uncommon for internal and external expectations to be different. An external expectation should correctly account for things that are outside an investigator's direct control. This issue was raised as part of the Discussion Groups and discussed by Ops Managers afterwards where it was agreed that there is a difference between external and internal expectations but that this was valid and wouldn't be changed. This will be published at the end of March when the output of the Discussion Groups will be communicated.	✓	The Agreed Data Set are the metrics used for internal and external reports	x	N/A	Closed
28	IR2	Issue: Need for continuous improvement.	Recommendation: Be explicit about the purpose, value and success of the WLM tool and work with the staff who use the processes to make improvements, adopt a recognised continuous improvement methodology in order to involve and engage the workforce.	New approach to change management adopted.	Leadership and Change	No	Ops Transformation developed and published an approach to Change Management to address this recommendation. Managers have worked with colleagues to provide an alternative to the Workload Management Tool - usage is optional provided colleagues can assure managers that they are planning case progression as required under the service principles	✓	Managers and Team Leaders have adopted Managing by behaviours which focuses on how to increase case progression and WLM tool is optional provided managers are assured of planning for case progression is in place. Managers seek to involve colleagues in change which affects them to seek their input	✓	Whilst not specifically addressed in the projects within the people plan - the OD intervention that the People Plan provides role models the behaviour of continuous improvement and involvement	Closed
29	IR2	Issue: Change management	Recommendation: When seeking to make changes, communicate clearly why, recognise the human element of the change, allow enough time to design, implement and feedback the outcomes to staff so they understand can relate to what is being asked of them.	New approach to change management adopted. Staff feedback and input encouraged through discussion circles, staff council and pulse surveys.	Leadership and Managing Change	No	Ops Transformation developed and published an approach to Change Management to address this recommendation. Going forward this will be reviewed to meet organisational requirements https://legalombi.sharepoint.com/Site/Pages/Change-management-guidance.aspx	✓	Managers are applying Managing by behaviours principles which require that colleagues are treated fairly. Any significant changes to way of working or job roles are consulted on with colleagues and Staff Council	x	N/A	Closed
30	IR2	Issue: Issue management and engagement	Recommendation: Establish a working rhythm, all staff expressed a wish for	Discussion circles, pulse survey, wellbeing champions and	Engagement	No	Covid has required all work and management communication to be on-line The new leadership team have continued with regular All Staff Briefings on-line.	✓	The new Leadership team have developed a rhythm of briefings and management meetings and opportunities for	✓	Comms and Engagement project - Workstream Vibrant Network groups including Staff Council	Closed

			greater opportunity to talk face to face, peer group teams, across the organisation, minimise the current sense of lurching from one issue to another and manage the messages.	staff council all contributing to better communication and two way interaction with staff.			In addition, the New Leadership Team hold regular on-line briefings for the Management Team as required. This enables the cascade of information to Managers and Team Leaders who also hold regular on-line meetings/ briefings with their teams		feedback on business issues and independently to talk to them across all levels of the organisation. Wellbeing is sponsored by the COO and has regular dialogue with the Wellbeing lead			
							Effectiveness is reviewed and fed back to the Leadership Team at regular intervals					
31	IR2	Issue: Reporting to the Board on performance.	Recommendation: Reinstate the Board quarterly reports that include a more formal summary of achievements, outcomes and contribution against the organisation's wider strategic objectives from each of the supporting committees.	To be addressed by Board Chair	Leadership and Managing Change	Yes	Addressed by OLC Chair Board Effectiveness paper Annex X March 21 and details below. The commonly agreed dataset is now well established and shared with the Board on a monthly basis. Further improvements have been identified as part of its three month review including reviewing the metric around closures by investigation and incorporating a narrative within each dataset. A new COO has been appointed and is carrying out a review of operational performance which is ongoing. The OLC Board received a detailed analysis in March 2021 out of committee.	✓	By COO reporting Quarterly to Board on outcomes and achievements of all the supporting committees.	✗	N/A	Closed
32	IR2	Issue: Overview of people issues and reviewing organisational performance.	Recommendation: Increase the regularity and visibility of individual and people management issues alongside those of operational performance. Adoption of a more balanced portfolio of organisational metrics and inclusion of subject matter experts would help increase the diversity of views considered.	Position to be considered	Taking Action	No	People Strategy included in Performance Report to Board. People issues also now considered at Monthly Executive with an overview of Employee Relations metrics which include trends and impact on organisational performance.	✓	Operational and people Performance report at each Board meeting	✗	N/A	Closed
33	IR2	Issue: Accountability and achieving a high performance culture.	Recommendation: Provide clear levels of accountability by role. Recognise the knowledge, skills and behaviours required to carry out these roles well and ensure training is made available appropriately. To achieve a high performance culture everyone needs to know what is expected of them, is trusted, and supported to achieve that with good work recognised.	Revised induction improves individual ability to be job ready as early as possible and provides ongoing support. Work ongoing to review all job descriptions and behaviour expectations. Team Leader development program has been scoped.	Learning and Development	No	Project 1 - Workstream 1: Role Design and Organisation Structure work is in progress in the People Plan Project 1 Workstream 3 Simplify the Competency and behavioural Frameworks Project Charter to be presented to Programme Control Board.	✗	N/A	✓	Role Design and Organisation Structure work is in progress. Simplify the Competency and behavioural Frameworks in progress and Leadership Development to complete in June	Closed
34	IR2	Issue: Improve consistency of HR processes.	Recommendation: Train People Managers in people practices and processes to encourage familiarity and comfort with content to be fairer and more consistent in their application.	Position and approach to be considered	Learning and Development	No	This is covered in several different projects in the People Plan Project 2 Recruitment skills for hiring managers, Project 3 Employee Relations. In March briefings and case conferences for operations managers and Team leaders will take place on management of absence. These are designed to increase confidence in absence management and reduce absence and increase attendance.	✓	AS Part of HR BAU managers and Team leaders are coached in people policies as needed on individual cases.	✓	Review and refresh of recruitment - skills for hiring managers, Employee Relations Case Management workbook. Briefing and case conferences to upskill managers have been rescheduled to June due to resource.	Closed

35	IR2	Issue: Staff retention and staff development. Lack of clarity on career progression.	Recommendation: Agree up to date job descriptions, and design career pathways and an approach to identifying and managing talent across the organisation. Providing career pathways that includes additional and different tasks for variety and promotion and manages risk by building capability and continuity of skills.	Increased levels of support and communication have improvement levels of staff retention (although Covid impact present) Work ongoing to review all job description and behavioural expectations.	Learning and Development	No	This is addresses in the People Plan Project 1 - Workstream 1: Role Design and Organisation Structure work is in progress. Workstream 2 Career Pathways scheduled for Q4	✓	The Leadership team take every opportunity to speak to colleagues at all levels - through Management Team and Staff Council. Managers have regular dialogue with their teams although on-line due to Covid.	✓	Role Design and Organisation Structure workstream is in progress. Career Pathways workstream scheduled for Q4 21	Closed
36	IR2	Issue: Improving performance and staff management.	Recommendation: Introduce a coaching culture across the organisation. Equip line managers to listen and support an intelligent, caring workforce who meet both organisational performance requirements as well as developing the confidence and skill to handle multiple complex customers' enquiries and complaints.	Leadership development program scoped. Transition to management by behaviours rather than outputs alone. Plans to recruit additional line management sourced impacted by Covid.	My Manager	No	Management Development Programme will be completed in April for Operational Leaders. People Plan Project 4 Performance and Training - identifies a Training Needs Analysis organisation wide. The Leadership discussion paper present at Executive and Remco (to be re-presented to Executive in April) identifies the need to build greater Coaching capability.	✓	Management by behaviours focuses attention on how colleagues complete work.	✓	Management Development Programme will be completed in April for Operational Leaders. People Plan Project 4 Performance and Training - identifies a Training Needs Analysis organisation wide which will consider Coaching for 22/23	Closed
37	IR2	Issue: Communicating with staff.	Recommendation: Follow up on the Staff Survey. Communicate the results again, acknowledge areas of concern, make it clear how staff can get involved to help overcome these issues and regularly update staff on the progress made. Keeping staff well informed through honest and clear communication will help build trust and visibility in the work of the senior leadership team.	Discussion Groups launched, pulse survey results communicated, all staff briefings in place.	Taking Action	No	Discussion Group information to be published during March 2020 staff survey results published in January 2021 and managers working on engagement and action plans for improvement.	✓	Discussion Group information was published in March to all colleagues identifying all points raised and how these will be taken forward. The Ideas station is one of these interventions.	✓	Comms and Engagement Workstream - during May and June 21 Managers and HR will work with colleagues to develop action plans. The communications approach is "You said we did" and will inform colleagues of how the staff survey is being used to inform organisational approaches and work.	Closed
38	IR2	Issue: Discussion forums and ensuring follow up.	Recommendation: Publish the dates for the Discussion Forums, what was discussed and agreed next steps. Follow through.	Discussion Groups launched	Engagement	No	Ops Transformation held Discussion Groups across operations and this was communicated to all colleagues in March 21. Results now form part of an online ideas portal to be launched by end March. This is designed to ensure clearer engagement and communications back to the business.	✓	Discussion Group information was published in March to all colleagues identifying all points raised and how these will be taken forward. The Ideas station is one of these interventions.	✗	Although not part of the People Plan the Discussion Groups information identified those areas which are covered by projects in e People Plan Programme	Closed

39	IR2	Issue: The role of Staff Council.	Recommendation: Agree the future and important role of Staff Council. Review the terms of reference and recognise the value of participation, with management and staff jointly involved in making decisions on matters of mutual interest with the aim of producing solutions to problems which will benefit all concerned. Enabling the workforce to be represented role models respectful and inclusive behaviours.	Increased engagement with Staff council already in place.	Engagement	No	People Plan Project 6 Comms and Engagement. Project Charter is deferred to Q1 current focus is on staff survey. Staff Council is meeting more regularly out of quarterly meetings to build relationships and increase communications	✓	The are in place quarterly meetings with staff council one which is attended by RemCo annually The purpose of the meetings is provide Staff Council with the opportunity to discuss business priorities with the Senior leadership team and to provide engagement regarding how we address business priorities. There are also many opportunities outside these meetings where management engage with Staff Council on consultation matters. There is an open door policy for Staff Council reps to raise concerns directly with management representatives on the Staff Council	✓	Comms and Engagement workstream will focus on Staff Council and Network groups in Q2	Closed
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Key

IR1 Ronald Barclay-Smith Independent Review, October 2019

IR2 Melanie Whitfield Independent Review, March 2020