

Meeting	OLC Board	Agenda Item No. Paper No.	6 105.5
Date of meeting	29 June 2020	Time required	50 minutes

Title	Performance and COVID-19 update
Sponsor	Steve Pearson & Mariette Hughes, Head Ombudsman
Status	OFFICIAL

Executive summary
<p>The ongoing public health crisis relating to Covid-19 was declared to be a Level 3 incident in line with the Legal Ombudsman's Business Continuity Planning on 17 March 2020. Following a previous paper dated 27 April 2020 which set out the Legal Ombudsman's continuity plans, this paper provides an update on performance. It includes the performance impacts of Covid-19 and how these are being mitigated, along with the issues under consideration for planning a return to the office environment and planning for operational delivery recovery.</p>
Recommendation/action required
Board is asked to NOTE the paper.

Performance and Covid-19 update

1. Performance overview

- 1.1. Performance in May was in line with what had been expected, with 300 closures in month. Closures for months 1 and 2 of Q1 total 667.
- 1.2. The Pre-Assessment Pool grew in May to 3,359.
- 1.3. At the end of May, the level of WIP within GET had increased to 1,700 contacts.
- 1.4. Appendix 1 sets out the detailed suite of data underpinning the levels of performance seen over the last couple of months.

2. Demand

- 2.1. The levels of contacts into GET have fluctuated over recent months and as such it is premature to be making any definitive observations as to whether there has been any long term change to demand. We will continue to review underlying levels of demand over the rest of Q1 with a view to providing Board with a more evidence based assessment at the end of the quarter. Board will note:
 - There were early signs of a channel shift from calls to email based contact –work is ongoing to identify whether this will impact underlying demand.
 - WIP in GET has increased to 1700 contacts, in part due to productivity issues (noted below) but also to the above potential channel shift. (As noted it is not yet possible to say whether this is a change in contacts or in demand.)
 - As the WIP in GET is processed over the rest of Q1 it will be possible to draw firmer conclusions as to whether the nature of the demand at the front end of the process has changed due to Covid-19.
- 2.2. The level of work in the PAP, which stood at 3359 files as at end of May, has grown in line with previous projections. Board will note:
 - The size of the PAP, as noted above, is closely in line with projections made pre-Covid, with over 1400 cases having been added since 1 April.
 - The complexity split remains consistent with that observed in previous months.
 - The age profile of cases in the PAP has increased primarily as a result of resource / productivity issues outlined below.
- 2.3. Nearly 700 files were passed through for assessment in May, which is consistent with levels seen in previous months. This is considered to be our measure for overall demand for our resolution service.

3. Productivity

Lots of work has gone on over the last year to improve our understanding and assumptions around baseline productivity levels across the business. Those assumptions are being reviewed and tested through the Performance and Quality Group. Over the last few months, we have been focusing on gaining an insight into how those levels of productivity have been impacted by Covid.

3.1. Within GET, productivity rates have been impacted by a number of factors:

- Call handling times have increased by around 15% during the lockdown.
- Levels of available resource within GET have been impacted to a limited degree due to Covid caring responsibilities.
- Morale, motivation and well being within GET is believed to have been impacted by the fact that they have been homeworking since before lockdown (to provide space for temp resource in 2019/20).
- GET are experiencing challenges in contacting customers as a result of Covid related restrictions.
- The planned integration of GET email inboxes into CMS has been delayed as a result of current circumstances.

3.2. Within the resolution centre, levels of output have reduced across all investigator cohorts which is also impacting on levels of new cases being taken for investigation and the way in which those investigations are progressed. The operational leadership have identified a number of key causes; listed below.

- Around one third of investigators have under six months service in role.
- Anticipated output from new starters impacted by increased on-boarding.
- 20-25 investigators per week report reduced availability due to Covid related caring responsibilities.
- Fragmented working patterns of both Leo staff and customers impacting case progression.
- Levels of new and returning suspensions, case extensions and reallocations due to absence and attrition are impacting caseholdings, hampering case flow, delaying progression and impacting timeliness.
- Levels of decision making capacity depleted and Ombudsman WIP and wait times increased due to loss of pool ombudsman capacity.
- Within the leadership cohort over 75% of Team Leaders have reported reduced capacity and are working fragmented patterns to provide cover to their teams.
- Attrition has reduced since April, with three people having left in the quarter to date, and levels of long term absence have remained stable.

3.3. Other factors

- Work is being undertaken to understand the implications of increased homeworking on the effectiveness of our Case Management System and other IT system to include telephony and other means of communication.

4. Mitigations

4.1. A number of mitigations are already in place across the business to optimise the available resource, smooth case flow and mitigate fluctuations in demand:

- The staffing structure in GET provides the flexibility to move staff from call handling to email work where demand levels require.
- Investigators with limited capacity are being deployed to handle elements of casework which optimise their availability and free up other colleagues to focus efforts on more time intensive aspects of casework.
- Flexible working patterns have been encouraged to enable staff to optimise the work they can do and the time they can dedicate to work.
- Caseholding levels have been adjusted for those who have been impacted by caring responsibilities.
- New and returning suspensions are being actively managed to reduce levels of wasted work and to mitigate the risk of overburdening investigators with returning cases.
- Pooling ombudsman resource to optimise levels of support, the speed with which tasks and checks are processed and to mitigate the impact of lost pool capacity on decision making.
- The depletion of Team Leader resource is being mitigated by increased support from Operations Managers and the adoption of a risk-based approach to quality and line management.
- Work is already ongoing around staff retention and well-being, with the aim of improving staff engagement and reducing absence levels.

5. Future considerations

5.1. There are a number of areas where we are focusing our attention:

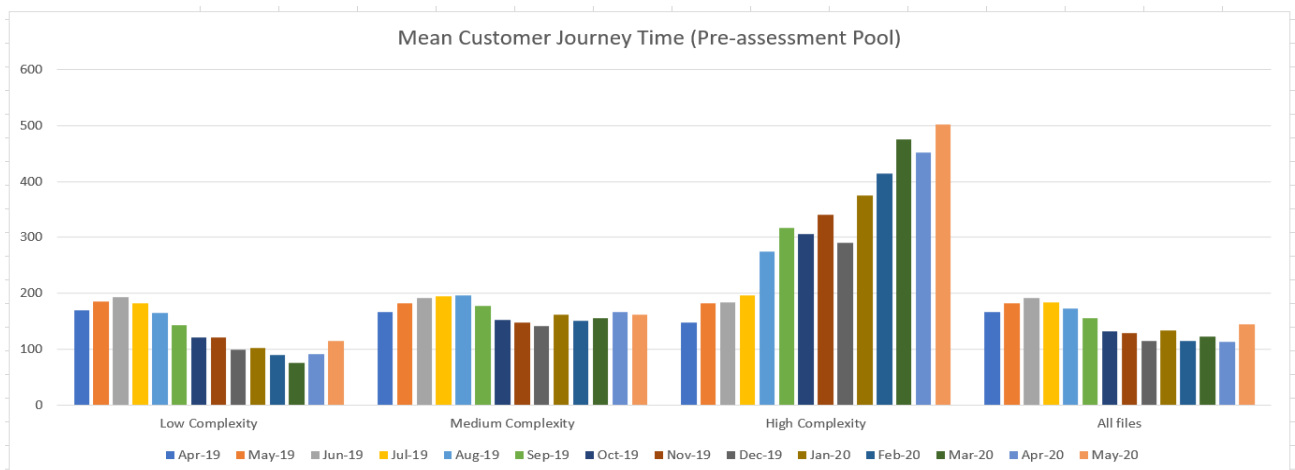
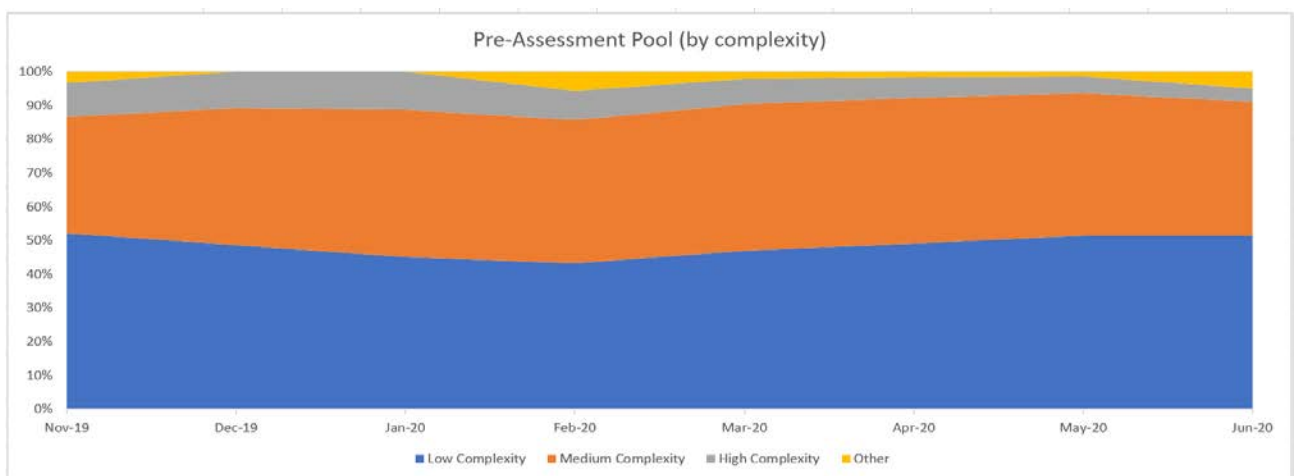
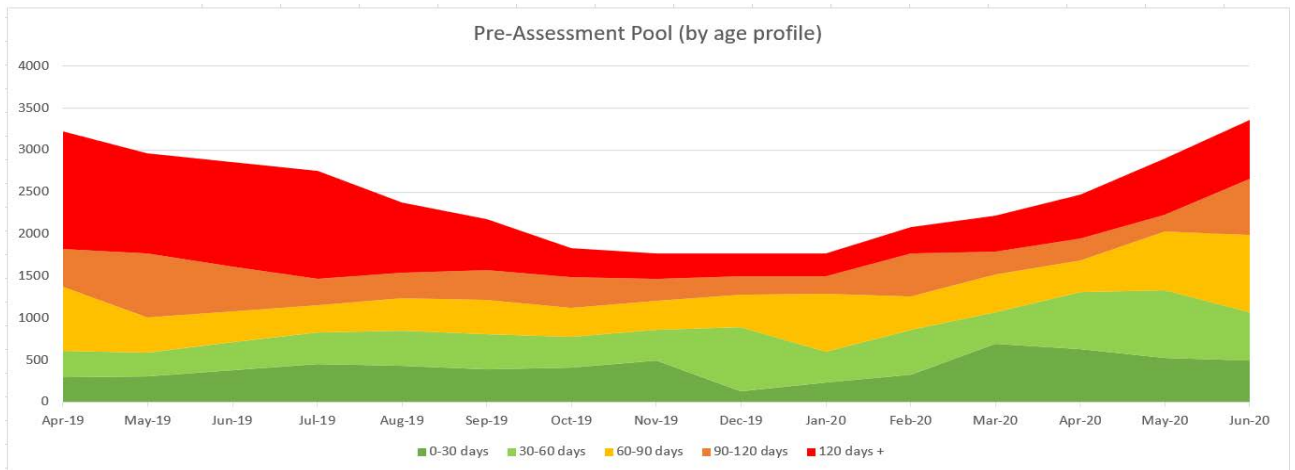
- Understanding the implications of Covid on customers. Ensuring that we are supporting service providers with guidance, intelligence and that our investigations are conducted with a common sense approach.
- Work is ongoing to understand and mitigate the expected impact on delivery of the likely lack of childcare provision over the summer holidays and the continuing caring responsibilities of staff.
- Management of the anticipated bulk return of suspended cases and the impact on investigator caseholdings, well-being and customer journey.
- Understanding the level of desire to return to office working and the long-term implications of enforced working from home.
- Working to ensure that failure demand, process inefficiency and rework are identified and where possible mitigated – see Appendix 2 for work already done in this area.

5.2. A number of initiatives that have been and will be considered in an effort to mitigate any further deterioration in operational performance will be the subject of discussion at Board.

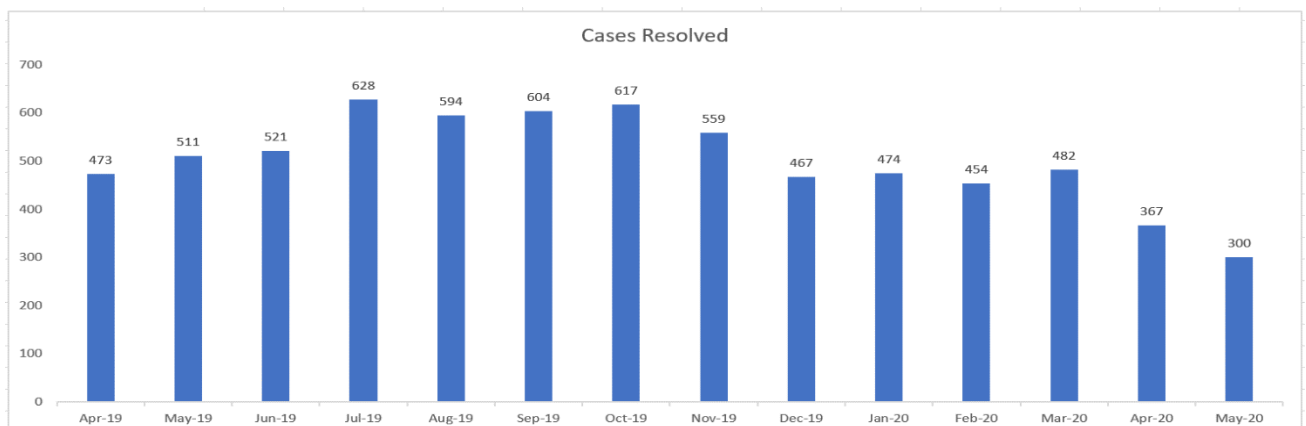
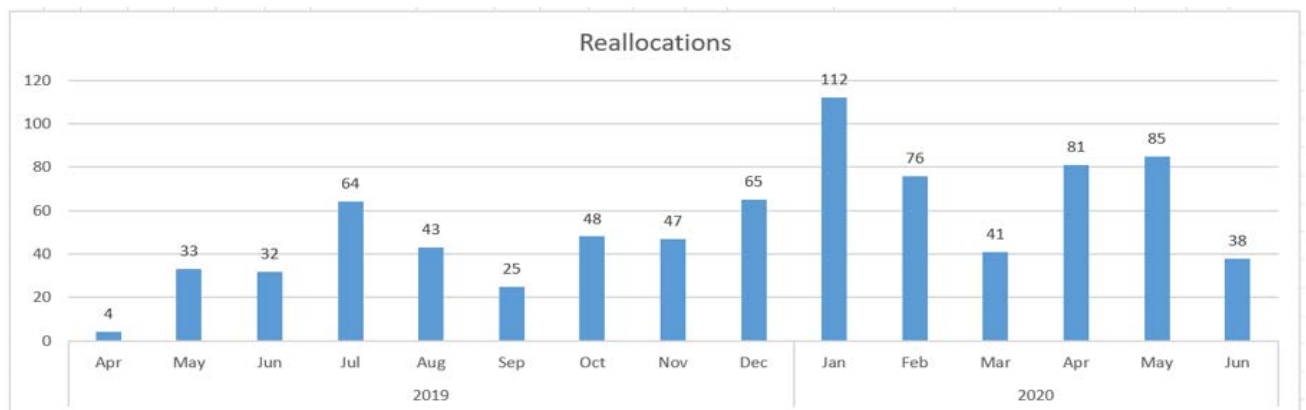
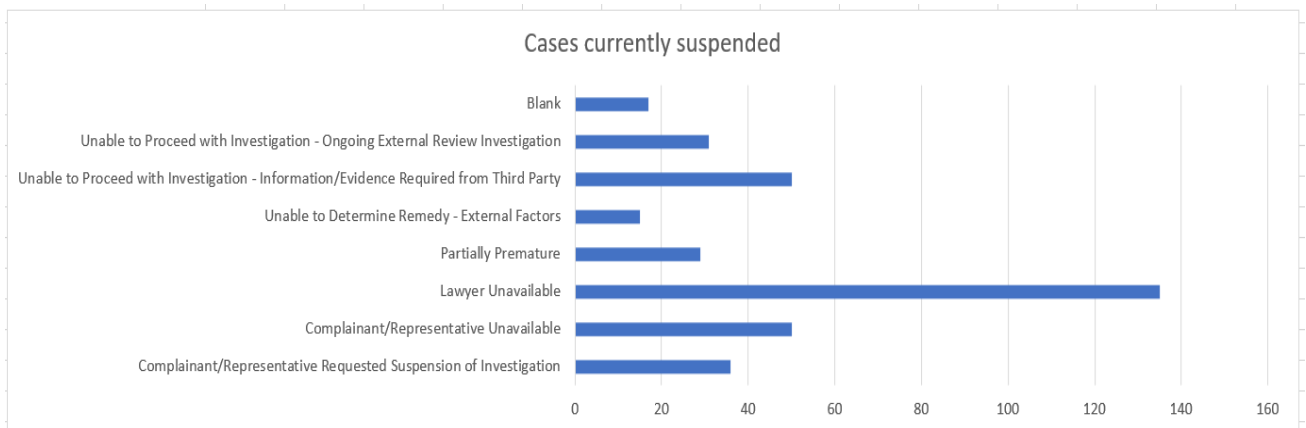
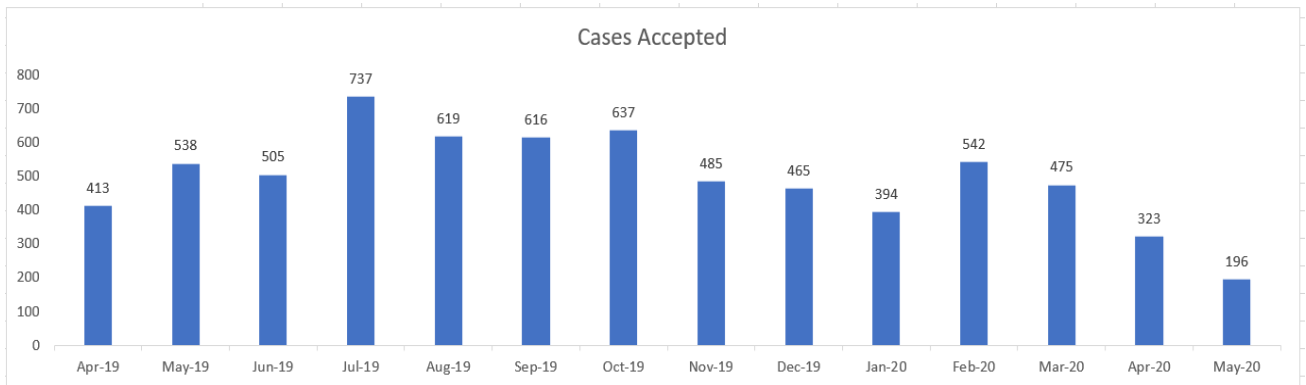
5.3. Appendix 3 updates on Business Continuity Planning in respect of Covid-19.

Performance Data

Pre Assessment Pool



Investigation



Lost administration time

Background

At the March 2020 RemCo meeting, a representative of Staff Council commented that investigators were losing 'up to two hours per day' in administrative tasks, that were unnecessary. Similar comments relating to duplicated work or unnecessary administration time can be seen in the verbatim comments from the recent Staff Survey.

As a result, Management Team have considered the issues quoted by staff as resulting in lost administration time, to establish whether there is a valid cause for concern and whether any changes can be made to reduce this burden and improve efficiency.

Findings

Further information was requested from all Ops Delivery staff via their Staff Council representatives, and further information was also sought directly from the Team Leaders.

A summary appears below, along with a description of the issue, the function fulfilled by the task, and a recommendation for any changes which could be made. The review identified the key areas of staff concern as being:

- the Quality and Feedback (Q&F) model and decision form,
- the Workload Management Tool (WLMT), and
- the challenges created by an out-of-the-box IT system.

The bulk of the concerns identified relate to work undertaken by investigators as opposed to any other staff group within Operational Delivery.

Some of the issues raised relate to the core elements of the job role, and as such cannot be considered simply as admin. Others were occasional events, which do not occur daily for investigators. Whilst there are some areas where improvements could be made, the review did not find any evidence to support a concern that all investigators were routinely losing two hours per day.

The recommendations set out in the table below will be progressed by OMT and Ops Transformation. Any resulting changes will be developed with and communicated to staff in line with the new change management guidance.

Theme	Issue	Background	Time	Comments	Recommendation
CRM	System checks and approvals	Various stages of the business process require an approval from a line manager – this will require the investigator to set a task to request the approval - for example, remedy approval, case fee waiver approval	Approx 5 minutes per check, not applicable daily or on all cases.	Most administrative checks are at the end of the process and therefore have a minimal impact on case progression. The assurance the checks provide is critical and should not be removed.	No further action
	CRM processes	Our previous case management system had become highly unstable, due to the number of modifications made to tailor it to our business process. CRM was an out of the box tool for case management, and as such provides a much more stable environment. However, investigators have commented that the system is not intuitive, and the process to be followed can feel clunky or step heavy.	Unknown without further work	It is acknowledged that an out of the box system will not be as streamlined as a bespoke system. This is balanced by the increased resilience of the system. Change Advisory Board currently considers and implements any suggestions for system changes which could improve operational efficiency and oversee any implementation. As part of a piece of work already scheduled in the business plan, Ops Transformation will work with staff to identify any particular issues which are inefficient, and consider proposals for change	Ops Transformation to work with staff to understand which parts of the process in particular do not work well in CRM and identify any potential solutions
	Untracked emails	If a party emails the investigator without responding to a thread or using the file reference number, the tracking token does not activate - this means the email must be manually uploaded to Sharepoint	Variable. Average around 3 mins per email.	Provided that an investigator has sent out the information in the correct format, we have little control over this element as it is dictated by customer behaviour. Customers are encouraged to quote the file reference and respond directly where appropriate. The requirement to upload the emails cannot be removed, as the evidence must be held on the file, not in personal accounts	No further action
	Tagging call recordings	Investigators must tag all call recordings with the case number. There is a delay between the call ending and the recording being available for tagging - investigators commented that they have to then come back to this later, which is inefficient	Daily on all calls. Approx 3 mins to tag, approx 10 mins delay before tagging is possible	LeO used to have the software to be able to tag calls as they were happening. If this could be reinstated, it would be of benefit. The other alternative is to remove the requirement for call tagging completely. This would mean it would be extremely difficult to locate all calls associated with a file. NB it would still be possible to locate specific calls, provided that the call ID had been recorded somewhere	OMT to discuss call tagging functionality with IT and investigate any potential solutions.

Theme	Issue	Background	Time	Comments	Recommendation
Business process	File chasers	Staff are asked to chase parties for responses to Case Decisions, and also to follow up on evidence requests and other elements of case progression. The guidance indicates that this should be done by way of a phone call where possible.	5-15 minutes per chaser. Frequency dependant on case stage and progression	Historically, the old case management system would automate chasers for responses based on the due date of an activity. However, this functionality was not continued in the new system, as it required staff to update the file when a response was received. Failure to do so led to customer being chased unnecessarily, which led to customer dissatisfaction. This process was reintroduced by OMT in order to aid progression and boost closures. It is currently unknown whether this has had the desired effect, or whether there are significant risks in removing this process.	OMT to review data to consider whether this process has made any impact on timeliness, in order to fully consider the risks around removing this process. OMT to consider the process for chasers and establish whether there are improvements that could be made.
	Work on closed or suspended cases	Investigators may need to respond to queries on closed cases, or on cases they have suspended. They may also need to liaise with parties on suspended cases to ascertain whether they are ready to reopen. This is time which is viewed as wasted, as it does not contribute towards active case progression.	Variable	Responding to customers is a vital part of the service we provide, even when it does not directly contribute to closures. It is a key part of the job role. RCT already deal with enquiries on cases closed post-decision. A centralised team to deal with other case queries could save investigator time but would affect customer satisfaction - and this team would need to liaise with investigator anyway so time saving negligible.	No further action

Theme	Issue	Background	Time	Comments	Recommendation
Quality & Feedback model	Completion of the Q&F form	Q&F form is loaded onto every case as a Word document. Concerns were raised that the form duplicates information that is already entered into CRM elsewhere, and that filling out the form in general is time consuming and not helpful	Daily, whenever a case is progressed. Time taken depends on section of form	<p>The information entered onto the form should be brief and concise - there is no need to enter large sections of text, and this is actively discouraged. It should be used as a starting point for a conversation with L1 - therefore some of the time spent in this would appear to relate to the way it is being used.</p> <p>However, it is correct that some elements (ie Assessment) are duplicated in CRM.</p>	Ops Transformation to consider changes that could be made to the form to ease admin burden, in consultation with staff.
	Q&F checks	Checks are completed by an ombudsman and must be approved before the case can progress. Comments received highlighted that feedback was duplicated on form and in CRM, and that it took up admin time for investigators to create tasks.	Dependant on stage of the model. SLA is a 2 working day turnaround from L1. The time taken to create a task requesting a check is not significant.	Careful monitoring of L1 adherence to SLA and having a full case holding reduces the impact of lost time while waiting for a check to be returned. This will be considered further as part of the scheduled review of the Q&F model as a whole. There are potential efficiencies to be gained as set out above by integrating the form into CRM	As above

Covid-19 – Business Continuity Planning

Background

The ongoing public health crisis was declared by the Legal Ombudsman to be a Level 3 incident in line with our Business Continuity Plan (BCP) on 17 March 2020, being an incident where there is a risk of widespread disruption to service delivery.

The ongoing pandemic and the restrictions in place continue to affect operational delivery in terms of decreased staff availability as a result of illness or caring responsibilities, along with reduced service provider availability and ability to provide documents and engage with us. As a result, whilst the required infrastructure is in place for the organisation to continue providing a full service, the widespread effects of the pandemic mean that the situation is still a Level 3 incident.

The next stage of planning for the Command Team is to consider if and when operations should return to Edward House, and the issues to be considered in returning to the office environment.

Easing lockdown

Guidance

The Legal Ombudsman will at all times follow and adhere to Government advice on the lockdown. The current advice from the government remains that everyone should stay at home as much as possible, and should work from home if they can. Recent communications from MoJ indicate that this advice is likely to remain in place until at least the end of September 2020.

Any phased return to the office will be based on the needs of the organisation and the personal position of each individual employee.

Objective

Command Team are conscious that any plans made may be subject to change at short notice.

The overriding objective is to ensure that an outline plan is put in place that can be adopted and implemented as specific government advice and decisions are published, whilst prioritising staff health and safety.

Assumptions

It can be assumed that the following principles would still apply, should lockdown restrictions be eased:

- Individuals who are high risk or in a household with someone at high risk will still be required to self isolate at home;
- Individuals displaying symptoms or notified by track and trace will be required to self isolate at home;
- Social distancing measures will be required within the office environment, and
- Lockdown may be reinstated at a point in the future.

Considerations

The following considerations must be built into any phased return to the office:

- No actions should be taken by returning to the office, which would prevent a return to full home working should lockdown be reinstated;
- The maximum capacity within the office, should current social distancing guidelines be adhered to, is likely to be limited to 25% of staff;
- Caring responsibilities will continue to affect staff, particularly those with school age children;
- Profile of staff who would most benefit from a return to the office (ie those struggling with IT issues, those whose mental well being is severely affected by home working);
- Potential benefits to the organisation of having certain staff members physically present in the office, and
- Ability of staff to access the office without using public transport;

Legal Ombudsman approach

The following principles have been agreed by Command Team, should lockdown restrictions be eased:

- The current approach to balancing caring responsibilities with workload will be maintained;
- Those at high risk, or in a household with high risk individuals will not be permitted to return to the office until guidance says it is safe, or lockdown is lifted fully;
- No member of staff will be required to work in the office if they do not wish to do so;
- Strict social distancing measures will be implemented and maintained within the office environment in line with government guidance;
- External visitors will not be admitted to the office;
- Limitations will be placed on access to shared kitchen spaces;
- If a member of staff or a member of their household reports symptoms who has attended the office, we will follow the current guidance, which is likely to include:
 - closing and deep cleaning the office for a short period;

- tracing and notifying colleagues who have had contact to ensure they also self isolate.
- Should lockdown be reinstated, the organisation will immediately revert to the current arrangements of full home working.

Plan

As an immediate priority, Command Team are in the process of surveying staff to understand the appetite for returning to the office, and the individual needs of staff.

When it is confirmed that restrictions will be eased and people can return to the office, the following actions will be taken:

- Determine a priority staff list for return to the office based on individual preference and business need;
- Implement a rota limiting the number of people who can attend the office at any time, including a minimum Management Team presence in the office;
- Reconfigure office to adhere to social distancing guidance, marking certain desks as out of commission to ensure staff can work at a safe distance;
- Implement one way system for entry/exit of office building;
- Issue guidance on use of shared kitchen facilities; and
- Complete risk assessment as required.

Long term planning

Separate to the lessons learned review which will be carried out in terms of the BCP and the organisation's handling of the pandemic, the Legal Ombudsman must consider the long term approach to home working, and whether some of the approaches adopted during the pandemic should become the business as usual approach.

These issues are the subject of Management Team discussion, but would need to be considered in greater depth and with input from the OLC Board, key stakeholders and staff. Further discussions on the subject are scheduled to take place in the coming months.

Key issues to take into consideration would be:

- Whether staff would prefer to work in the office or at home;
- Whether any roles would be required to work from an office environment;
- Whether full home working allows for full productivity;
- Current estates commitments (i.e. remaining lease term)