

Minutes of the eighth meeting

Office for Legal Complaints (OLC) Board

Monday 22nd February 2010

11.30am – 3.30pm

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

Present:

Elizabeth France, Chair
Margaret Doyle, member
Professor Mary Seneviratne, member
David Thomas, member
Tony Foster, member
Rosemary Carter, member
Brian Woods-Scawen, member

In attendance:

Adam Sampson, Chief Ombudsman
Nyall Farrell, Interim Chief Operating Officer
Liz Shepherd, Interim Programme Director
Alison Robinson, Head of External Affairs
Gary Garland, Deputy Chief Ombudsman

Observing:

Dianne Hayter (Consumer Panel) for agenda items 1 – 6 inclusive and 8
Steve Brooker (Consumer Panel) for agenda items 1 – 6 inclusive and 8
Silas Catling (Ombudsman) for agenda items 1 & 2
Carol Brady (Ombudsman) for agenda items 1 & 2

Board Secretary:

Andy Taylor

Preliminary issues:

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

Item 1 – Welcome and apologies

1. Dianne Hayter and Steve Brooker were welcomed by the Board and thanked for attending the meeting.

2. The Chair also welcomed the newly appointed ombudsmen who were in attendance for the presentation by the Consumer Panel.

Item 2 – Presentation by the Consumer Panel

3. Dianne Hayter and Steve Brooker provided the Board with an overview of the background and focus of the Consumer Panel. This included how:
 - a. activities had been prioritised to promote and embed consumer focus;
 - b. work had commenced on the subject of referral fees;
 - c. work in respect of alternative business structures and a consumer welfare index was to follow;
 - d. consumer research would also be a key area of focus.
4. Additional discussion covered consumer accessibility including links to other ombudsman services, use of “free phone” telephone numbers and information provided to the Consumer Panel by the Royal National Institute of Blind People (RNIB).
5. Questions were invited and the Board enquired further about research arrangements, in particular where it might be appropriate for the Consumer Panel to undertake this on behalf of the Legal Ombudsman. The Consumer Panel confirmed it was supportive of assisting the Legal Ombudsman in mutually beneficial research arrangements, for example sharing research relating to first tier complaints.
6. The Board thanked Dianne Hayter and Steve Brooker for the comprehensive update.

Item 3 – Minutes of previous meeting

7. The minutes of the meeting of 18th January 2010 were approved.

Item 4 – Matters arising & action points

8. The Board noted that a number of outstanding action points had been completed since the last Board meeting or were included within the agenda.
9. The Board identified that item 2 within Annex B (18th January 2010 Board meeting) differed to the approved minutes. It was confirmed that the “Case Fees” document had been amended as requested but had not yet been published as indicated in Annex B. The Board asked for the updated version of the document to be circulated as soon as possible after the Board meeting in order that any outstanding matters of substance might be clarified prior to publication.
10. The Board congratulated Professor Mary Seneviratne on her recent appointment to the Administrative Justice and Tribunals Council.

ACTIONS

- The Head of External Affairs to forward the updated Case Fees document to Board members electronically and any further approved amendments to be incorporated before publication (planned for early March).

Item 5 - Chair's update

11. The Chair thanked all staff for their work to date in respect of the ongoing court case, consultations and developments in the IT and premises workstreams.
12. The Chair reported that, with the Chief Ombudsman, she was due to meet the Legal Services Commission, Consumer Panel, Consumer Focus and opposition spokesmen before the March Board meeting.

Item 6 - Chief Ombudsman's report

13. In addition to the items contained within his written report, the Chief Ombudsman advised that the Ministry of Justice was making considerable effort to ensure that necessary documentation would be presented to Parliament before the forthcoming recess.
14. The Chief Ombudsman also reported that a consultation paper had recently been received from the Legal Services Board (LSB) asking for comment on the levy. There had been little time to have input to the draft and it was agreed that it might be appropriate for an open response to be made to the published consultation.

Item 7 – Transition planning

15. The Chief Ombudsman gave an oral update in respect of the transition planning arrangements.

Item 8 – Publishing ombudsman decisions

16. The Board was advised that the Legal Ombudsman did not need to consult on this particular matter, however, it was agreed that it would be appropriate to do so. A consultation would be undertaken before the pre-election period, allowing for a reasonable time frame for responses to be made.
17. The Board noted and commented on the tabled papers and were asked to give any further suggestions to the Head of External Affairs as soon as possible. These need to be made in good time to allow for amendments to be undertaken in order for the consultation process to commence in early March.
18. The Board discussed whether individuals and/or firms subject to complaint should be identified within published ombudsman decisions. The Consumer Panel made clear that it was likely to argue for full publication to take place as this was consistent with the intentions of the Legal Services Act. However there were strong concerns expressed by Board members about the risks of publishing without context and the possible behaviours which might result. It was agreed that the consultation questions should be completely open and make clear that this was an area where views were needed and more work needed to be done. It was suggested that further investigation into this matter should be undertaken, for example using focus groups and that the consultation should ask open questions.

ACTIONS

- The Head of External Affairs to amend the tabled documents and re-issue to Board members electronically for confirmation prior to publication for consultation purposes (planned for early March).

19. The Head of External Affairs to liaise with the Consumer Panel in respect of undertaking a number of focus groups relating to the naming of those subject to complaint in published ombudsman decisions.

Item 9 – SRA & insurance update

20. The Board received an oral update and was advised that a number of conversations had taken place with the SRA in respect of this matter. Additionally, the LSB held a seminar on insurance and alternative business structures where most of those in attendance were either from approved regulators or insurers. It was felt that further communication was required in order to establish what may or may not be covered by insurance and the Board would be provided with an update in the future when further information was available.

ACTIONS

- The Head of External Affairs to update the Board at a future date when further information is available.

Item 10 – Access to information

21. The Board Secretary presented a revised paper outlining the proposed approach to Freedom of Information and data accessibility. The Board asked for further minor amendments to be undertaken before resubmission to the Board at a later stage.

ACTIONS

- The Board Secretary to amend the document to accommodate feedback received from the Executive and Board Members before resubmitting the paper to a later Board meeting.

Item 11 – IT and property procurement

22. The Board was advised that ministerial approval had been given to the new premises and the formal lease had arrived for signature. For practical purposes, the Board agreed that it should authorise the Chief Ombudsman to sign the lease on behalf of the Office for Legal Complaints.

23. In addition to this, a tender process for the fit out of the premises had been undertaken and was due to close on 25th February 2010. To date, 72 expressions of interest had been received. The Board was informed that following closure of the tender, a short-listing exercise would be undertaken as quickly as possible. Following this exercise, 4 candidates would be invited to view the premises and make a presentation, leading to a final decision on the successful candidate by 17th March 2010. It was confirmed to the Board that staff involved in this process had the necessary skills and expertise to undertake the exercise, however, Board members remained available in case of need.

24. It was reported that the tabled paper was due to be presented to the Access to Justice Committee on 25th February 2010, this being the final business case for the preferred IT solution for the Legal Ombudsman.

RESOLVED

- The Chief Ombudsman was authorised by the Board to sign the premises lease on behalf of the organisation.

Item 12 – Finance report

25. The Board noted the report and was advised that expenditure would be made in the near future relating to the payment of legal fees, premises and recruitment exercises. In respect of the latter, the Board was advised that the council may be in a position to offer some accommodation to the organisation free of charge. This is being investigated further in respect of suitability for purpose and location.

26. In view of the forthcoming expenditure and the possibility of tight timescales, the Board was asked to grant authority to the Chief Ombudsman to sign any immediate financial and contractual commitments on behalf of the organisation, e.g. the letter of intent and other contracts in relation to the IT spend.

RESOLVED

- The Chief Ombudsman was authorised by the Board to sign immediate financial and contractual commitments, e.g. the letter of intent and other contracts in relation to the IT spend on behalf of the organisation.

Item 13 – Risk

27. The Board noted that the tabled paper had been updated since the last Board meeting and that a number of key risks had reduced. No further matters were reported.

Item 14 – Proposed framework for the Annual Report

28. The Board was given the opportunity to advise the Executive of their preferences for the format of the forthcoming Annual Report. It was felt that the framework should be as simple as possible, clear and factual. Accessibility should also be considered and a draft template should be developed and presented to the next Board meeting.

ACTIONS

- The Board Secretary and Head of External Affairs to develop a framework and a proposed timetable for presentation to the next Board meeting.

Item 15 – Report from Committees

29. The Board were advised that a schedule of work for the Audit and Risk Committee was to be developed. This was also to take into consideration the internal and external audits and the development of the Annual Report.

30. It was reported that the Remuneration and Nomination Committee (RemCo) had met on two occasions since the last Board meeting. A pension provider had been identified and the Committee also had a substantial amount of work in progress relating to human resource matters. A series of meetings has been arranged to accommodate this ongoing work.

ACTIONS

- The Board Secretary to confirm the schedule of work with the Chair of the Audit and Risk Committee, at the same time ensuring that the internal and external auditors are aware of any organisational responsibilities/deadlines in relation to the publication of the Annual Report.

Item 17 – Future agendas and any other business

31. The Board agreed to the proposed dates for future Board meetings, with the December 2010 and 2011 meetings being undertaken one week earlier than suggested.

32. The Board confirmed that an “away day” should be organised and was appreciative of the extensive amount of work due to be undertaken in the foreseeable future. In view of this, it was agreed that such an event would take place early in 2011. This would mean the Legal Ombudsman had commenced operations and allow for an early review of this to take place. Any suggestions for topics to be included at the “away day” should be sent to the Board Secretary as soon as possible.

33. Members noted that the next Board meeting would be held on 22nd March 2010 commencing at 11.30am at Baskerville House in Birmingham.

ACTIONS

- Board Members to forward any suggestions for topics to be included at the “away day” to the Board Secretary as soon as possible.

Andy Taylor
Board Secretary
25th February 2010