

Minutes of the thirty sixth meeting of the

Office for Legal Complaints (OLC)

Monday 18 June 2012

11.30am – 15.45pm

Baskerville House, Birmingham

Present:

Elizabeth France, Chair
Tony Foster, member
Professor Mary Seneviratne, member
Rosemary Carter, member
David Thomas, member
Margaret Doyle, member
Karen Silcock, member
Maureen Vevers, member

In attendance:

Adam Sampson, Chief Ombudsman
Gary Garland, Deputy Chief Ombudsman
Rob Hezel, Director of Finance and Business Services
Liz Shepherd, Director of Operations
Sam Berrisford, Interim Head of Policy and Communications
Katie Lesley; Senior Projects Officer, Policy and Communications (item 9)
Paul Partridge, Head of Finance (item 10)

Apologies:

None

Board Secretary:

Andy Taylor

Preliminary issues:

The quorum requirements for the Board meeting were met.

There were no declarations of interest.

Item 1 – Welcome and apologies

1. The Chair welcomed those in attendance.

Item 2 – Minutes of previous meeting

2. The minutes of the meeting of 21 May 2012 were approved for publication.

ACTIONS

- The Secretary to publish the approved minutes of the meeting held on 21 May 2012.

Item 3 – Matters arising & action points

3. Members noted those items where action had been completed and that others were included as agenda items. No further comments were received.
4. Members had seen the terms of reference for the ombudsman review and were content that these covered all the points previously raised. Any emerging findings were to be reported to the July meeting and time for discussion of any recommendation should be included in the strategy day agenda in September.
5. The Director of Finance and Business Services gave an update following a discussion with Ministry of Justice officials about shared services. Members suggested that it would be prudent to explore the feasibility of sharing an IT platform with other ombudsman schemes. It was agreed that consideration would be given to this possibility.
6. The Remuneration Committee had received an update on the pay remit and an approved paper would be submitted to the Ministry of Justice in due course.
7. The venue details for the annual report event taking place on 11 July were noted, and it was agreed that further information about the event would be provided as soon as possible.
8. The Chair confirmed that she had written to the Chief Executive of the LSB following the meeting between the LSB, FSA and ombudsman schemes about the importance of action on signposting; a copy would be sent to members.
9. David Thomas informed members that texts of the proposed EU ADR directive and ODR regulation had been approved by the Council of Ministers and published.

ACTIONS

- Chief Ombudsman to provide, emerging findings from the ombudsman review at the July meeting.
- The Secretary to include time on the strategy day agenda to discuss the ombudsman review.

- The Director of Finance and Business Services to consider the benefits of a shared IT platform across ombudsman schemes and provide an update to members at the next meeting.
- The Interim Head of Policy and Communications to provide members and the executive with details of the annual report event as soon as possible.
- Chair to arrange for copies of her letter to the LSB about 'signposting' to be sent to members.

Item 4 – Comments received regarding items presented for information.

10. The items presented for information were noted. No comments were received in advance of the meeting for circulation.
11. The Chief Ombudsman's report was tabled. In discussion, it was noted that following some press coverage of the recommendation that the Legal Ombudsman should look at third party complaints included in an independent review of complaints about the SRA, contact had been made with its author, Jodie Berg to see if any evidence useful to our consideration was available.
12. The scheme rules consultation had now closed and following a review of the responses, a summary and assessment would be provided to members at the next meeting.
13. Members noted the finance report. No questions were raised. Members were reminded that a reforecast will feature in the report to be tabled at the July meeting when an update on the cost base would also be provided.

ACTIONS

- The Interim Head of Policy and Communications to provide members at the July meeting with a summary and assessment of the responses received following the consultation exercise in respect of the scheme rules.
- The Interim Head of Policy and Communications to see if any evidence useful to the consideration of third party complaints was available.

Item 5 – KPI report and update on ombudsman casework

14. Members discussed the KPI report and were advised by the Director of Operations that the conversion rate between the Assessment and Resolution Centres had increased and changes had been made to staffing schedules in the Assessment Centre following consideration of the profile of inbound call volumes.

15. The Deputy Chief Ombudsman informed members the ombudsman casework statistics remained under close monitoring by the Executive and the number of cases awaiting an ombudsman's decision continued to fall. In response to questions, the Executive acknowledged the ombudsman casework data did not identify whether more complex cases remained or if there had been an impact on ombudsman quality. However, the separate data in respect of the overall time taken to resolve cases did not identify an issue in respect of timeliness and no issues had been raised to date by the Quality Team following their reviews of ombudsman work. It was confirmed that all the work currently undertaken by the Ombudsman Assistants was reviewed by the Deputy Chief Ombudsman.
16. The new Quality Team had issued guidance to the Operations Team about the quality process and quality scoring.
17. Tony Foster advised members he and the Director of Finance and Business Services had met representatives of the LSB to discuss KPI matters and members were reminded of the commitment to publish KPIs externally at the end of July. It was agreed that the format for publication would be tabled at the July meeting for review and approval.

ACTIONS

- The Director of Finance and Business Services to table the KPI data to be published with the format and any proposed commentary at the July meeting.
- The Deputy Chief Ombudsman to update members on ombudsman casework levels at the next meeting.

Item 6 – Audit and Risk Committee annual report

18. Members noted the paper which had been approved by the Audit and Risk Committee at their meeting held earlier on 18 June. The Chair of the Audit and Risk Committee also confirmed that the contract with internal auditors had now been extended for a 12 month period.

Item 7 – Remuneration and Nomination Committee annual report

19. Members noted the paper which had been approved by the Remuneration and Nomination Committee at their meeting held on 13 June 2012.

Item 8 – Welsh Language Scheme annual report

20. Subject to a minor amendment to the staff guidance note, members approved the paper for submission to the Welsh Language Commissioner.

ACTIONS

- The Secretary to forward a copy of the Welsh Language Scheme to the Welsh Language Commissioner in accordance with their requirements and to publish English and Welsh versions on the main LeO website.

Item 9 – Claims Management Companies (CMC) business case and voluntary jurisdictions update

21. Members noted the tabled papers. The business case for CMC's had already been provided to the Ministry of Justice and a meeting to discuss it had been held on 11 June. Officials wanted to establish a sound cost basis before progressing matters further. It was expected that a decision on when and how to progress this would be taken by the Minister before the next OLC meeting, in July.
22. Members asked to see clear plans for handling this work with a separate governance work stream and a detailed planning timetable.
23. The paper which had been provided on the development of a voluntary jurisdiction had been written for the executive and was in an early stage of development. It was agreed that work would continue on this, with input from Members, for re-presentation in July.

ACTIONS

- The Executive to develop clear plans for managing work on CMCs showing a governance work stream incorporating a planning timetable.
- The Executive to present a paper, taking account of members' input, in respect of proposals for voluntary jurisdictions at the July meeting.

Item 10 – Publishing decisions update

24. Members noted the paper and agreed that information in both categories should remain on the LeO website for a period of 12 months. Clear information on dates should be provided to lawyers and data archived in accordance with the published data retention policy.
25. Members agreed that on this occasion an advance copy of what will be published on the website should be provided to the lawyers. The Executive should consider the resource and timing requirements and update members at the next meeting.

ACTIONS

- The Executive to update members with the resourcing and timing requirements in order to provide lawyers with an advance copy of the information to be published on the LeO website at the July meeting.

Item 11 - OLC 2011-12 annual report

26. Chair of the Audit and Risk Committee confirmed that the financial accounts had been considered at the meeting held earlier on 18 June and were recommended for approval by the OLC. Members noted the final draft of the annual report and subject to minor amendments approved the 2011 – 12 annual report for laying before Parliament on 10 July 2012.

ACTIONS

- The Policy and Communications team to incorporate the minor amendments suggested by members and to provide a final copy of the document to the Board Secretary in sufficient time for laying before Parliament on 10 July 2012.

Item 12 – Service complaint

27. Members considered the report tabled by the Service Complaint Adjudicator and accepted his recommendation in respect of the service issues raised. There was some discussion about the boundaries of consideration for the OLC and for the Service Complaints Adjudicator. It was agreed that:

- any decision on the merits of a particular case is for the ombudsman dealing with the case;
- the general approach to earlier offers made by a lawyer to a complainant is for the chief ombudsman to consider, but should be clearly explained
- criticising individual members of staff should be avoided, though reference to drawing matters to the attention of the chief ombudsman might be appropriate..

ACTIONS

- The Board Secretary to forward a copy of the Service Complaint Adjudicator's report to the service complainant along with a covering letter from the Chair of the OLC on behalf of members.
- Chair to write to the Service Complaint Adjudicator

Item 11 - Any other business

28. Members noted the proposed schedule of OLC and committee meeting dates for 2013.

29. The next OLC meeting will be held on 16 July 2012 at Baskerville House, Birmingham.

Andy Taylor
Board Secretary
25 June 2012