

Minutes of the twenty eighth meeting of the

Office for Legal Complaints (OLC)

Monday 17 October 2011

11.30am – 15.30pm

Baskerville House, Birmingham

Present:

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

In attendance:

Adam Sampson, Chief Ombudsman
Rob Hezel, Director of Finance and Business Services
Alison Robinson, Head of Policy and Communications

Board Secretary:

Andy Taylor

Preliminary issues:

While there was not a lay majority of members present, papers had been sent to Brian Woods Scawen for his consideration, in accordance with OLC procedures.

There were no declarations of interest.

Item 1 – Welcome and apologies

1. The Chair welcomed those in attendance.
2. Apologies were received from Brian Woods-Scawen

Item 2 – Minutes of previous meeting

3. The minutes of the meeting of 26 September 2011 were approved for publication.

Item 3 – Matters arising & action points

4. Members noted those items where action had been completed and that others were included as agenda items.
5. The Chair reported on her attendance, with Alison Robinson, at the October LSB Board meeting. The draft LeO strategy and business plan was tabled. There was discussion on and a welcome for the draft, while there remains ample opportunity for comment during the consultation period, no substantive points to be taken into account before publication were made.
6. Members noted that the LSB Chairman and Chief Executive will attend the November OLC meeting.
7. Following set up of secure access to the LeO intranet, members were advised that work was continuing to develop a dedicated team area within the intranet to allow direct access to OLC information.
8. The Deputy Chief Ombudsman provided an interim oral report on the number of cases going to the Ombudsman team. There was a significant number of cases where complainants were seeking an ombudsman decision without further information being provided or factual challenge of the recommendation report. It was recognised that some streamlining of the process to identify and complete these cases might be possible. Although the Ombudsman team was currently meeting the demands of the work it was recognised that the proportion of cases going for formal decision would impact on KPIs. Further work was requested by Members for the December meeting.
9. Members were assured that service complaint data would be provided in advance of the next meeting, which will include an initial summary paper from the Service Complaint Adjudicator.

ACTIONS

- The Chair to write to the Chairman of the LSB and to include reference to the discussion at the LSB Board meeting.
- The Secretary to note the attendance of the Chairman and Chief Executive of the LSB at the November OLC meeting and to issue papers to both in advance of the meeting.
- The Secretary to liaise with IT and Telecoms regarding secure external access to the LeO intranet and team site from Mac computers.
- The Head of Compliance to issue service complaint data to members before the next meeting.
- The Deputy Chief Ombudsman to review the latter stage of the complaint handling process in order to identify and recommend any efficiency enhancements to the OLC at the December meeting.

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. Members received an update on performance measures and asked for minor presentational amendments to be made to the KPI pack. The positive quality performance in the Assessment Centre was noted and members were advised that quality reporting for the Resolution Centre will be included in the November KPI report, and for the ombudsman team from January 2012.
12. Members noted the Chief Ombudsman's report.
13. Members noted the finance report.
14. Members noted the register of hospitality.
15. Members noted the register of OLC members' expenses.

Item 5 – Update following joint KPI meeting with the LSB

16. Members were advised that the LSB had provided no further comment to the proposed suite of KPI measures however some feedback had been given in respect of specific operational performance targets. Members discussed the suite of KPI measures and requested that further information in respect of the quality measure, in particular how "accuracy" is judged. Members also suggested an amendment to the representation of the "timeliness" performance indicator.

ACTIONS

- The Executive in conjunction with Tony Foster to review the proposed KPI's for further discussion and agreement at the December meeting. This is to include additional information in respect of how "accuracy" is judged.

Item 6 – Update on judicial review cases.

17. Members noted the paper presented by the General Counsel and agreed that future quarterly updates will be useful.
18. Members acknowledged there might be circumstances where insurers would not provide adequate cover to customers, for example where awards have been determined and remain unpaid. Members recommended that where such concerns are evident, details should be provided to the LSB to consider matters further in the context of consumer protection. In circumstances where there is no valid insurer, members were advised of a compensatory fund operated by the SRA which may be applicable.

ACTIONS

- The General Counsel to provide OLC members with a quarterly report as part of the main OLC agenda cycle, with the next report due in January 2012.

Item 7 – Quarterly HR report.

19. Members noted the report and in response to questions were advised that further work was being undertaken by the Executive to ensure that the flexible working options can be accommodated across the organisation, including within the Assessment Centre. Proposals will be shared with RemCo at the November meeting, however data in respect of staff take up of flexible working will not be available until after this meeting.

ACTIONS

- The Executive to provide further details of the staff flexible working proposals to the RemCo meeting in November.

Item 8 – Draft strategy and business plan.

20. Members noted the revised version of the draft paper and suggested further minor amendments. Following inclusion of the amendments, members approved the strategy and business plan for consultation, which will commence on 20 October.

21. Members will be provided with details of consultation responses at the January meeting and the paper will be presented to members at the February meeting along with details of individual functional plans.

ACTIONS

- The Head of Policy and Communications to update the draft strategy and business plan prior to the commencement of the consultation process on 20 October.
- The Head of Compliance to provide members with details of individual functional plans in support of the main strategy and business plan at the February meeting.

Item 9 – Publishing decisions consultation response.

22. Members noted the updated version of the paper and asked for further amendments to be made before being re-circulated electronically.

ACTIONS

- The Head of Policy and Communications to update the paper and re-circulate electronically to members as soon as possible.

Item 9 – Any other business.

- 23.** Following a review of diary commitments, it was noted there will be insufficient OLC members available to attend a proposed joint meeting with the LSB on 25 January. However 25 April was agreed as a suitable alternative date to suggest to the LSB.
- 24.** Members were advised that David Thomas would be taking forward discussion on the proposed EU Directive on redress with officials at the Department for Business Innovation and Skills
- 25.** The Acting Chair of the Audit and Risk Committee advised members the committee had considered an updated data handling incident report. It was suggested that a root cause analysis is undertaken as soon as possible and a message issued to staff detailing the findings of the analysis and also of any recommendations.

ACTIONS

- The Secretary to advise the LSB Board Secretary of the proposed alternative date for a joint meeting in London (25 April 2012).
 - The Head of Compliance to undertake a root cause analysis in respect of the incidents reported in the data handling incident report submitted to the Audit and Risk Committee. Following this, an update is to be provided to members of the Audit and Risk Committee and a message issued to staff detailing the findings and any recommendations.
- 26.** The next OLC meeting will be held on 14 November 2011 at Baskerville House, Birmingham, commencing at 11.30am.

Andy Taylor
Board Secretary
19 October 2011