

Minutes of the 125th Meeting of the Office for Legal Complaints (OLC)

Thursday 25 January 2023

Present:

Elisabeth Davies, Chair
Lis Bellamy
Annette Lovell
Hari Punchihewa
Alison Sansome
Dale Simon
Martin Spencer
Jane Martin

Board Secretary

Kay Kershaw

Apologies

Michael Letters, Head of Finance

In Attendance:

Paul McFadden, Chief Ombudsman
Steve Pearson, Head of Complex Casework and Deputy Chief Ombudsman
Laura Stroppolo, Head of Head of Programme Management and Assurance
Debra Wright, Head of Head of People Strategy and Services
David Peckham, Head of Operations
Blessing Simango, Finance Manager
Deb McIntyre, Operations Manager (items 5-9)
Treena Moseley, Operations Manager (items 5-9)
Mark Persard, Operations Manager (items 5-9)
Leanne Brookes, Operations Manager (items 5-9)
Luke Hutcheson, Business Intelligence Manager (items 5-9)
Steph Godbold, Stakeholder and External Engagement Manager (items 10 and 11)
Sarah Gilbert, Policy Officer (item 11)

Item 1 – Welcome, apologies, matters arising and declarations of interest.

1. The Chair welcomed attendees to the meeting, commenting on the positive impact of early resolution on customer journey time and the customer experience alongside recognising the Board and Executive's disappointment around the year end forecast position and acknowledging the factors beyond LeOs control relating to the buoyancy of the local and national recruitment market and its impact on attrition.
2. Apologies were noted.
3. It was noted that Martin Spencer would be absent from the meeting between 10:45 and 12:15.
4. The Board meeting was quorate.
5. The OLC Chair declared that they had started a PhD on Dispute Resolution at Glasgow University.
6. No other declarations of interest were reported.

Item 2 – Previous minutes

7. The minutes of the OLC Board meeting held on 15 December 2022 were **approved** for accuracy and **approved** for publication.
8. The minutes of the OLC ARAC meeting held on 3 October 2022 were **approved** for publication.

ACTION: Board Secretary to publish the minutes of the OLC Board meeting held on 15 December 2022 the minutes of the OLC ARAC meeting held on 3 October 2022.

Item 3 – Previous actions

9. The Board **noted** the updates provided on previous actions.

Item 4 – Executive report

10. The Chief Ombudsman (CO) presented the Executive Report, updating the Board on a positive visit to LeO by the President of the Law Society.
11. The Board discussed the Executive's decision to increase the number of cases being processed into the Pre-Assessment Pool (PAP) and sought assurance on whether it would have the intended benefit. The Executive confirmed that this would have a positive impact on speeding up the customer journey time for new cases and transferring cases into the PAP more quickly in receipt for earlier consideration.
12. The Board was pleased to note the improvements that had made during the year to overall average customer journey times, with significant reductions across the year; resolution times, with cases now being closed on average in 87 days once picked up from the PAP; the PAP having reduced by 24%; and the customer focus that had been seen across the papers that had presented for discussion at this Board meeting.
13. It was suggested that there were challenges in reporting against average customer journey and resolution times in terms of customer expectations. It was suggested that an alternative way of reporting and communicating LeO's performance might be considered in the future. The Chief Ombudsman confirmed that both average and total times were currently already reported in the Business Plan, through the quarterly published reports and Commonly Agreed Dataset. This would continue to be the case. He also clarified that average times were an important and accepted benchmark in the resolution sector, driven by Alternative Dispute Resolution standards on case handling times.
14. The Board congratulated the Front-End Team (FET) on completing assessments and resolution of all applicable cases ahead of schedule and the contribution that had made on decreasing the end of year forecast position.
15. Reflecting on stakeholder feedback from Budget and Business Plan consultation, the Board and Executive were confident in their understanding of the reasons for attrition. The Board and Executive would continue to closely monitor and analyse attrition and take any mitigating action within their control.

16. Internal applications for an interim EDI Manager had been received and being assessed. Interviews would take place in early February and the successful applicant would commence in role as a priority. This interim appointment would allow time for a thorough assessment of internal and external EDI priorities ahead of permanent recruitment.
17. In discussion, the Executive reported that clear, consistent communications had been issued about the Scheme Rules changes. The publication of FAQs was planned.
18. The Board **noted** the Executive report.

Item 5 to 8 – Performance Dashboard: Quarter three reporting

Operational Performance.

19. The Head of Operations drew the Board's attention to the following key points:
 - With support from the Performance and Quality Task and Finish Group, performance trajectories for the remainder of 2022/23 had been re-forecast and were now more . realistic, taking into account seasonality and a number of other revised assumptions. The Performance and Quality Task and Finish Group had also scrutinised and provided assurance on the trajectories for 2023/24 with a follow up meeting to discuss the revised trajectories.
 - 567 cases were closed in December 2022 against a revised target of 527.
 - By the end of December 2022, more cases had been closed than in the entirety of 2021/ 22. Case closures had increased by 42% during the year and performance was currently a full quarter ahead of where it had been in December 2021/22.
 - In line with expectations, the PAP was 18% behind the Business Plan target; this was due to the Executive's decision to increase the number of new cases being transferred into the PAP and the impact of seasonal holidays.
 - There was some variation in productivity in FET due to workflow and seasonal holiday.
 - Performance out turn at year end was expected to be within 91-92% of the Business Plan forecast.
20. In discussion, the Board was advised that confidence in quarter four performance was high. Whilst fluctuations in performance were anticipated during January and February, performance in March was expected to be strong as a result of strong flowthrough of cases in January and February. This, coupled with the introduction of new performance management policies that were strengthening Business as Usual (BAU) performance; strong performance from the November cohort of new Investigators; a pragmatic approach being taken towards quality and feedback that was removing unnecessary administration and barriers to case progression, and ongoing training and support now being provided to investigators post-induction, gave the Executive confidence that the expected year end position would be achieved.
21. The Executive stressed that the recently announced school strikes had not been factored into performance trajectories. The strikes may have some impact on productivity and performance, but mitigating action would be taken to minimise the impact; this was likely to include offering staff the opportunity to work more flexibly on strike days so that they could fulfil their caring responsibilities and their responsibilities to LeO's customers. Line

Managers would be involved in discussions with those staff affected by the schools strikes and any issues dealt with on a case-by-case basis.

22. The Board sought to understand the rationale for reducing BAU productivity to four cases for the remainder of 2022/23. This decision had been made following scrutiny by the Performance and Quality Task and Finish Group to ensure more realistic forecast trajectories for the remainder of the year; forecast trajectories and targets would be reviewed again and increased for Q1 2023/24. Investigators were still being targeted to close five cases and encouraged to exceed this target where possible.
23. A discussion took place about the way operational performance was currently reported to the Board. Questions were raised about the extent to which the Board was happy for forecast trajectories to be varied throughout the year and the credibility of comparing operational performance against the previous year's performance. Some Board members felt that current reporting was too detailed and was focussed more on an external audience rather than the Board. Others felt that the current way of reporting reflected what the Board had previously asked for. It was suggested that, for the purpose of reporting to the Board, a more credible measure of operational performance could be to report against the Business Plan forecasts that had been set by the Board, with some comparison data included for context when necessary.
24. In response, the Executive clarified that reporting to both stakeholders and the Board did currently report against original Business Plan forecasts including overall year to date progress and year end expectations. Revisions to forecast trajectories were also included, and were necessary to reflect adjustments to underlying assumptions and provide a realistic ongoing picture to Board throughout the year. These adjustments to assumptions were considered and agreed with the Performance and Quality Task and Finish Group. With regard to year-on-year reporting, the Executive's view was that this was an important and well-established method of capturing and representing performance and progress, and one that was a particularly important measure when comparing successive years which had seen significant changes to process.
25. The Executive **agreed** to reflect on the Board's comments and consider how best to report to the Board on operational performance measured against Business Plan forecasts.
ACTION: The Executive to reflect on the Board's comments and consider how best to report to the Board on operational performance measured against Business Plan forecasts.
26. The Board thanked the Head of Operations for the operational performance report and the pleasing performance improvements that had been seen.

People

27. The Head of People Strategy and Services drew the Board's attention to the following key points:
 - Attrition in Q3 continued to reduce. Improved staff morale (as shown by the results of the Civil Service People Survey); the introduction of improved HR policies and procedures, and the improved training and ongoing support being provided to staff were all underlying factors for this improved position. However, there was no complacency and it was recognised that more could be done to further reduce attrition.

- Pay and benefits continued to be an area of concern for staff, as highlighted by the results of the Civil Service People Survey, and an area of organisational risk. Recognising that opportunities to improve pay and benefits were outside of LeO/ OLC's control, the Executive was doing all it could to manage staff expectations on this.
 - A Leadership and Development Programme commenced in December, with the first session focussing on Performance Development Reviews (PDRs) and objective setting.
- 28.** The Board had been pleased with the improvements introduced as part of LeO's People Strategy and the positive impact that was being seen on attrition and staff morale. The risks associated with pay and benefits and the buoyant recruitment market continued to be a concern for the Board.
- 29.** In response to comments made by Board members, the Head of People Strategy and Services advised that a review of LeO's Recruitment Strategy was underway; this would take into consideration ways of improving and capitalising on how LeO promoted itself within the recruitment market; what more could be done within LeO's control to attract and retain staff such as offering more flexible ways of working and an improved Employee Value Proposition (EVP).

Quality and Service

- 30.** The Deputy Chief Ombudsman (DCO) drew the Board's attention to the following key points:
- The Q3 quality reviews and customer satisfaction surveys have shown significant positive improvement in the scoring for outcomes, service and customer satisfaction in FET. Issues identified as part of the Q3 reviews were being addressed accordingly.
 - A drop in the quality of service and outcome achieved by BAU had been seen in Q3. Issues were identified with communications, delays and the scoping of complaints; these issues were broadly consistent with the findings of the Q2 reviews. A deep dive into BAU communications was undertaken in Q3; lessons learned were identified and fed back to operational staff.
 - With additional resource in place, the Service Complaints Team, was now resolving more service complaints. Lessons learned from service complaints reflected the findings of quality and customer satisfaction reviews.
- 31.** Board members welcomed the time dedicated to quality and service at Board meetings, noting that a deep dive of quality and customer service was planned to take place at the Board workshop in February.
- 32.** The Board had been pleased to note the improvements that had been made to reduce wait times and reduce customer dissatisfaction for customers whose cases had been re-allocated; since January 2022, the number of cases awaiting re-allocation had reduced from 250 to 13.
- 33.** The Board and Executive reflected on the Q3 Customer Satisfaction results which highlighted the value placed on speed, efficiency and early resolution by LeO's customers and indicated that early redress was acceptable if the quality of the investigation was not compromised. Consideration would be given to the best way of communicating these findings to wider stakeholders.

34. The Board was advised that interventions were in place to address all the issues identified through the Customer Satisfaction Survey. The interventions were being monitored and so far, they were having a positive impact.

Finance

35. Board members had been disappointed by the increase in the current forecast underspend and sought to understand the actions being taken to reduce the underspend and bring it back within MoJ tolerance, and what the year-end position was likely to be.
36. In response, the Board was advised that the key reason for this was below expected levels of recruitment as a result of the challenges in the labour market. The Board was assured that a robust process was in place to monitor the budget and underspend and significant efforts had been made throughout the year to manage this. The Finance Manager held monthly meetings with all budget holders to review and critically analyse actual and forecast spend and to consider the reasons for any budget variances. Financial forecasts were updated to reflect any budgetary changes advised by budget holders. The Executive received monthly financial reports drawing attention to any budgetary changes and agreed the mitigating actions to be taken to reduce the underspend. ARAC had been kept updated on this throughout the year.
37. Since the December Board meeting, there had been some unexpected staffing changes that had contributed to the increase in the underspend position, maternity leave, sick pay and higher than budgeted attrition,. In addition to this, other significant unforeseen contributory factors were the increase in interest base rate and changes to national insurance contributions; both of which were unexpected when LeO's budget was set and outside of LeO's control. As a result, LeO's budgetary underspend was currently 0.2% outside of the MoJ's 1% tolerance level.
38. The Executive was continuing to work to reduce this underspend; mitigating action included bringing forward some Health and Safety work which would reduce the underspend.
39. With regard to bank interest, a question was raised about whether it would be possible to recognise bank interest earned as 'other income' so that it did not offset expenditure and increase the underspend. As the levy is reduced by all other sources of income, this would not affect the bottom line but would at least remove the additional increase in the underspend. In response, the CO **agreed** to consider this and discuss with the Head of Finance.

ACTION: The Chief Ombudsman to consider and discuss with the Head of Finance the feasibility of recognising bank interest earned as 'other income' so that it did not off set expenditure and increase underspend.

40. A discussion took place about the future strategic approach towards income, noting that discussions with stakeholders on future case fee income structures and their impact on the levy would take place as part of the stage 2 Scheme Rules changes.
41. Following a detailed discussion on the Q3 performance dashboard, a suggestion was made for a summary page to be included at the start of future performance dashboard reports, where the headlines and key issues for all areas (Operational Performance, People, Quality and Service and Finance) were summarised and drawn to the Board's attention.

ACTION: The Executive to consider including a summary page at the start of future performance dashboard reports, where the headlines and key issues for all areas (Operational Performance, People, Quality and Service and Finance) were summarised and drawn to the Board's attention.

42. The Board **noted** the quarter three performance dashboard update.

Item 9 – Trajectories and assumptions

43. Recognising the hard work that underpinned performance improvement during 2022/23, and keen to ensure that the trajectories were robust and realistic whilst also demonstrating LeO/ OLC's ambition and commitment to best meeting customer needs, the Board undertook a detailed scrutiny of LeO's performance trajectories for the remainder of 2022/23 and for 2023/24.
44. Lengthy and detailed discussions took place in which the Board considered the trajectories in the context of attrition; sick leave; the application of contingency; how the numbers would be presented and reported; the risk tolerance range; the Scheme Rules and demand projection.
45. In the context of the Scheme Rules, the Board asked the Executive to give further consideration to two options: That demand was assumed to be static for a longer period than just Q1, and that demand was assumed to reduce at a lower than previously assumed rate in the remaining quarters of the year, for example by 10% rather than 15%, to allow for more generous application of discretion in the early stages.

ACTION: In the context of the Scheme Rules, the Executive to give further consideration to the following two options: That demand was assumed to be static for a longer period than just Q1, and that demand was assumed to reduce at a lower than previously assumed rate in the remaining quarters of the year, for example by 10% rather than 15%, to allow for a more generous application of discretion in the early stages.

46. The Board questioned whether the sickness 'actual' for 2022/23 should be categorised as being the worst-case scenario for 2023/24; questioned where contingency had been applied, and guarded against the risk of double counting, and questioned in detail the level of confidence in the 91-93% positioning for year-end 2022/23; this reaffirmed the need to look at forecasts across the quarter rather than individual monthly variations.
47. The Board emphasised the importance of a wider sense check of the trajectories to make sure that they made 'sense' when considered in the round and to ensure that any optimism bias was stripped out.
48. The Board asked the Executive to review and update the trajectories taking into consideration the feedback provided which included:
- To review the trajectories to make sure that they made 'sense' when considered in the round and to ensure that any optimism bias was stripped out.
 - To give further consideration to how the numbers were to be presented, recognising the sensitive balancing act between forecasting a trajectory that was sufficiently realistic and robust for the Board to support with one that was sufficiently ambitious.
 - To give further consideration to future reporting, ensuring a clear focus on Customer Journey time, including how this could add to what was currently shared around average time.
 - Consider including the new performance dashboard in the Board papers and bringing all the key indicators on to one page.

ACTION: The Executive to review and update the trajectories in line with the Board's feedback.

49. It was agreed that the updated trajectories would be circulated to the Board out of committee for final review and comment before being incorporated into the 2023/24 Business Plan and Budget and Budget Acceptance Criteria.

ACTION: To circulate the updated trajectories to the Board for review and comment before being incorporated into the 2023/24 Business Plan and Budget and Budget Acceptance Criteria.

Item 10 2023/24 Business Plan and Budget

50. Board members reviewed the 2023/24 Budget Acceptance Criteria (BAC) and Business Plan and Budget, commenting on the improved quality, structure, format and content of both documents. It was noted that the updated trajectories would form an important part of the narrative in the final versions of these documents.

51. Having reviewed the 2023/24 Budget Acceptance Criteria (BAC) and Business Plan and Budget, the following suggestions for improvement were made by the Board:

- To consider adding a section setting out the risks associated with the impact of changes to the assumptions and including a waterfall chart highlighting the impact of factors relating to the trajectories should be included in criteria two of the BAC.
- To consider presenting the headline performance data on a page in the Business Plan.
- To reflect on whether the Business Plan appendices A and B were necessary and if so, include a paragraph within the main document to add context and explain the rationale for including the information.
- To consider including reference to the reviews undertaken by the Performance and Quality Task and Finish Group in 2022/23 rather than 2021/22.

ACTION: The Executive to consider the Board's feedback and suggestions for further improvements to the 2023/24 Budget Acceptance Criteria (BAC) and Business Plan and Budget documents update the documents accordingly.

52. The CO reiterated his commitment to outsourcing as a potential future contingency and explained that the current legislative framework did not allow for this and that outsourcing would be dependent on a viable legal and risk-sharing solution. LeO would continue to explore options and consider with the MoJ options for the minor legislative amendments required.

53. Following discussion, the Board **agreed** to delegate approval of the final 2023/24 Budget Acceptance Criteria and 2023/24 Business Plan and Budget, which would include the revised trajectories, to the OLC Chair.

54. The Board would be sighted on the final 2023/24 Budget Acceptance Criteria and 2023/24 Business Plan and Budget submitted to the LSB.

Item 11 – Annual Report and Accounts 2022/23

55. The Board had been pleased to learn that aspects of the OLC's Annual Report and Accounts relating to the governance framework and the three lines of defence model had been used to highlight best practice at a public sector reporting webinar and that positive comments about this had been received from the LSB and MoJ.
56. The 2022/23 Annual Report and Accounts are to be laid in Parliament by the end of June: earlier than in previous years. LeO was therefore working to tighter deadlines to ensure that the report and accompanying accounts could be shared with auditors in May.
57. Considering this, the Board was asked to provide feedback on the proposed report and narrative; this feedback would inform planning for further discussions on the Annual Report and Accounts that would take place at the Board workshop in February.
58. The Board provided the following feedback on the proposed narrative:
- Ensure that the report had a strong forward look.
 - The emergence of an emphasis on the value that LeO added was welcomed.
 - Further consideration should be given to the way attrition was dealt with in the report; the challenges in the recruitment market should be acknowledged and there should be recognition that the progress made during the year had been made despite the resource challenges.
 - Add some context to explain that the percentage of the business plan target achieved for resolving complaints had been achieved despite the economic challenges and other challenges beyond LeO's control.
 - The narrative should be balanced.
 - The narrative and commitment to priority three should be strengthened.
59. An updated version of the 2022/23 Annual Report and Accounts, taking into account the Board's feedback, would be shared in advance of the Board's workshop in February.
60. The Board **noted** the update on the 2022/23 Annual report and Accounts.

Item 12 – Civil Service People Survey 2022

61. Reflecting on the headlines results of the 2022 Civil Service People Survey, the Board had been pleased to see the improvements that had been made across most key themes since 2021.
62. The Board felt that the low score for pay and benefits was unsurprising; that it reflected previous discussions that had taken place with the Executive and that it highlighted the need to consider the impact of this on LeO's ability to compete with other organisations and retain its staff.
63. The Executive would continue to engage with the LSB and MoJ on pay and benefits and their wider implications for LeO.
64. The Executive would respond to the feedback provided by staff in response to the survey and would continue to manage staff expectations on pay and benefits.
65. The response rate had improved. There had been a concerted effort by the Internal Communications Manager to encourage staff to complete the survey. Board members felt

that further work needed to be done to understand the barriers to completing the survey and to encourage more staff engagement in future surveys.

- 66. The Head of People Strategy and Services explained that a detailed analysis of the 2022 survey results would be undertaken; this would be shared and discussed with Staff Council and other Staff Networks.
- 67. A detailed report analysing the 2022 Civil Service People Survey results, including a breakdown by protected characteristics, would be discussed at the RemCo meeting in March.
- 68. The Board **noted** the headline results of the 2022 Civil Service People Survey.

Item 13 – Update on Scheme Rules changes

- 69. The Scheme Rules changes were on track to go live on 1 April 2023. This had been a complex piece of work that included changes to systems and processes, staff training and significant stakeholder communications.
- 70. To ensure that the Scheme Rules changes were communicated widely and effectively, representatives from LeO had attended sector events and conferences; training had been provided to the profession; correspondence had been issued to all key regulators providing a detailed explanation of the changes; the regulators had been asked to communicate the changes directly to their members, and articles had been published in the legal press. Engagement had also taken place with individuals to provide clarity on the changes being made where there has been misunderstanding and confusion.
- 71. Before the launch of the new Scheme Rules, a social media campaign would take place to draw attention to the changes; guidance for service providers and customers, including information on the application of ombudsman discretion, would be published on LeO's website along with FAQs. The FAQs would provide clear signposting to the new Scheme Rules and would also be shared with the regulators for wider dissemination and published in Legal Futures. Links to guidance would also be included in the Customer Application Tool, available on LeO's website.
- 72. In addition to this, some regulators were also drawing attention to the changes through social media and their websites.
- 73. The Board acknowledged the significant amount of work being undertaken to communicate the Scheme Rules changes to both the profession and members of the public. In discussion, it was suggested that to further mitigate the risk of confusion or misinterpretation, consideration should be given to producing an infographic to aid signposting and understanding of the Scheme Rules changes.

ACTION: The Deputy Chief Ombudsman to consider producing an infographic to aid signposting and understanding of the Scheme Rules changes.

- 74. The DCO reported that changes had been made to the case management system to ensure that the maximum amount of data would be captured to enable the Board to hold the Scheme Rules changes to account. Where available, baseline data was currently being captured so that direct comparisons could be made between the old and new Scheme Rules. With effect from the 1 April, the case management system would capture data on the new Scheme Rules, this data would be monitored and analysed to identify any

emerging trends or significant variances amongst groups of customers. Access to the Power BI suite of data would be available from the end of Q1 for reporting purposes.

75. The Board thanked the Executive for the hard work and diligence underpinning the Scheme Rules changes, recognising the risks associated with this work.
76. The Board **noted** the update on the Scheme Rules changes.

Item 14 – Tripartite Protocol

77. The OLC Chair reported on the changes that had been made to the Tripartite Protocol to reflect current working relationships between the OLC / MoJ and LSB. The Changes had been agreed by the OLC Chair along with the LSB's Chief Executive and the MoJ's ALB Centre of Expertise.
78. The Board **ratified** the decision made by the OLC Chair to agree the Tripartite Protocol.

Item 15 – OLC Governance Framework

79. The OLC Governance Framework had been updated in line with the Board's feedback at the December Board meeting.
80. A discussion, it was **agreed** that the quorum for meetings of the Performance Sub-Group would be two and membership of the Group would be three. The Chair of the Performance Sub Group was asked to reflect this in the Terms of Reference.

ACTION: The Chair of the Performance Sub Group to ensure that the Group's Terms of Reference state that the quorum is two and membership is three.

81. In discussion, the Board asked the Executive to:
- Clarify whether it was a requirement of the Legal Services Act for the Board to provide consent to appoint an Ombudsman.
 - Cross reference each of the OLC Committees' Terms of Reference to the OLC Governance Framework to ensure that the information within the documents aligned.
 - Clarify whether Committee membership was classed as members plus the Chair, or just the total number of members.

ACTION: The Executive to: clarify whether it was a requirement of the Legal Services Act for the Board to provide consent to appoint an Ombudsmen; cross reference each of the OLC Committees' Terms of Reference to the OLC Governance Framework to ensure that the information within the documents aligned, and to clarify whether Committee membership was classed the members plus the Chair or just the total number of members.

82. Following discussion, the Board **approved** the OLC Governance Framework subject to the acceptance of tracked changes, clarification of points raised and minor drafting changes.

Item 16 – Annual Review of Governance Documents

83. In line with a recommendation from the 2019/20 Corporate Governance Audit, key governance documents are reviewed and updated on an annual basis by the Executive and presented to the Board for approval.
84. The following governance documents were presented to the Board with updates highlighted in tracked changes: OLC Operating Framework; OLC Rules of Procedure; Schedule of Matters Reserved and Scheme of Delegation; Terms of Reference for RemCo, and Terms of Reference for the Public Interest Committee
85. The Board was advised that:
- The Terms of Reference for ARAC had been reviewed and approved by the Board in December 2022.
 - The Matters Reserved to Board and the Scheme of Delegation have been merged into one document and was now known as the Schedule of Matters Reserved and Scheme of Delegation.
 - The Category 1 Publications Committee had been renamed and was now known as the Public Interest Committee.
 - The financial delegations table, within the Schedule of Matters Reserved and Scheme of Delegation, had been updated to reflect changes to the delegated approval of purchase orders for two members of the Executive.
 - A decision regarding the quoracy and membership of RemCo was yet to be made.
 - The OLC Rules of Procedure had been updated to reflect current OLC Committee membership; that meetings may take place remotely, and the timescales for meeting papers to be shared with the Board Secretary.
 - The Terms of Reference for Performance Sub-Group (formerly known as the Performance and Quality Task and Finish Group) would be updated on conclusion of the 2023/24 Business Plan and Budget process.
 - That further work would be undertaken, with the approval of Committee Chairs, to ensure that key governance documents such as Committee Terms of Reference were aligned and formatted in the same way.
86. In response to a question, the Head of Programme and Assurance clarified that the Board was responsible for approving, dismissing and approving the remuneration of the Internal Auditor.
87. The Board **noted** and **approved** the updates to the governance documents.

Item 17 – Transparency Publications Reports

88. The board was advised that the Board member expenses report for Q2 had been updated to reflect late expenses claimed.
89. The Board **noted** and **approved** the following documents for publication:
- Board Member Register of Interests.
 - Ombudsman and Senior Manager Register of Interests.

- Gifts and Hospitality Report.

ACTION: The Board Governance Manager to arrange for the Board Member Register of Interests, the Ombudsman and Senior Manager Register of Interests and the Gifts and Hospitality Report to be published.

90. The Board was unable to approve the Board Member and Senior Manager Expenses Report because of a query relating to Board member Martin Spencer's expenses. The Board Secretary **agreed** to liaise with the Head of Finance to resolve the query and re-submit the Q3 expenses report for approval at the January Board meeting.

ACTION: The Board Secretary and Head of Finance to resolve the query relating to Board member Martin Spencer's expenses.

ACTION: The Board Secretary to re-submit the Q3 Board member expenses report or approval at the April Board meeting.

91. To ensure greater transparency, the Board requested that lines for all Board members and Senior Managers were included in future Board Member and Senior Manager Expenses Reports and, where an individual had not made a claim for expenses, the report should show 'zero' against their name.

ACTION: The Head of Finance to ensure that lines for all Board members and Senior Managers were included in future Board Member and Senior Manager Expenses Reports and, where an individual had not made a claim for expenses, the report should show 'zero' against their name.

Item 18 - Board Paper Redactions and Non-Disclosure Report

92. The Board reviewed a paper setting out the redactions and items for non-disclosure proposed in respect of the January Board papers and **approved** the items identified for redaction and non-disclosure.

93. In addition, the Board requested the redaction of specific HR related information on page 29 of the Performance Dashboard.

ACTION: The Board Secretary to publish the January Board papers in line with the Board's approval of the redactions and items for non-disclosure and request for specific HR related information on page 29 of the Performance Dashboard to be redacted.

Item 19 – Board Effectiveness

94. In line with the Board's commitment to improving Board effectiveness, Hari Punchihewa provided feedback on the Board meeting. *The following points were made:*

- Overall, the quality of Board papers had improved.
- The best paper was the Executive report; it provided a good summary of the status of the organisation, a focus on the customer and was the right length.
- The best discussion was about the 2023/24 Business Plan and Budget; this was a robust discussion in which all Board members had contributed.

- The changes made in response to the Board's feedback about the room set up had been appreciated.
- It was suggested that to further improve Board papers, consideration should be given to including a section on the Board paper cover sheet to highlight any EDI implications.

95. In discussion, the EDI Board sponsor stated that the inclusion of a section to highlight EDI implications on Board paper cover sheets could be useful but cautioned against this becoming tick box exercise. At the request of the OLC Chair, the CO and Board Secretary **agreed** to give further consideration to this.

ACTION: The Chief Ombudsman and Board Secretary to consider adding a section to highlight EDI implications to Board paper cover sheets.

Item 20 – Any other Business

96. The Chair reported that an external review of Board effectiveness would be commencing shortly.

97. Recognising that this was the last Board meeting to be attended by Elisabeth Bellamy and Annette Lovell before their term of office ended, the OLC Chair thanked them for their contribution to the OLC and wished them well in their future endeavours.