

**Minutes of the thirty second meeting of the**

**Office for Legal Complaints (OLC)**

**Monday 20 February 2012**

**11.30am – 15.45pm**

**Copthorne Hotel, 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  
Rob Hezel, Director of Finance and Business Services  
Gary Garland, Deputy Chief Ombudsman  
Liz Shepherd, Director of Operations  
Alison Robinson, Head of Policy and Communications  
Mike Forrest, Policy and Communications, (item 7)

**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, in particular new lay members; Karen Silcock and Maureen Vevers who were both attending their first OLC meeting. It was noted that Maureen would take the OLC lead on IT matters and Karen would join the Audit and Risk Committee.

2. Thanks were recorded to founder member Brian Woods-Scawen for his significant contribution to the Board and to Audit and Risk Committee over the past three years. It was hoped that Brian would be in a position to support the Legal Ombudsman again at some stage in the future.

#### **ACTIONS**

- The Director of Finance and Business Services to update Maureen Vevers in respect of IT background and future developments as soon as possible.
- Chair to write to Brian Woods-Scawen conveying the views expressed.

#### **Item 2 – Minutes of previous meeting**

3. The minutes of the meeting of 23 January 2012 were approved for publication.

#### **ACTIONS**

- The Secretary to publish the approved minutes of the meeting held on 23 January 2012.

#### **Item 3 – Matters arising & action points**

4. Members noted those items where action had been completed and that others were included as agenda items. No further comments were received.
5. The Chief Ombudsman updated members following the temporary internal appointment of three assistants to the ombudsman team. The Chief Ombudsman was pleased with the calibre and number of applicants for these positions and confirmed that where team leaders had been appointed into the role, investigators had been reallocated to other teams within the organisation.
6. The Chair advised members that hard copies of OLC papers will continue to be provided. Work to allow members access to the Legal Ombudsman intranet should continue and further thought should be given to implementing best practice adopted elsewhere regarding the sharing of electronic documents.

#### **ACTIONS**

- The Secretary and Director of Finance and Business Services to review best practice applied in other organisations for sharing electronic documents.

#### **Item 4 – Comments received regarding items presented for information.**

7. The items presented for information were noted. No comments were received in advance of the meeting for circulation.

8. The Chief Ombudsman provided an update on the triennial review of the OLC and the LSB. Stakeholder Workshops relating to LSB had concluded while one on the OLC was scheduled for the following day. Abigail Plenty from the Ministry of Justice had offered to attend the March meeting to provide members with a more in depth update; this was welcomed.
9. Members were advised by the Chief Ombudsman that as LeO is not considered by the MoJ to be a Non Departmental Public Body (NDPB) it should describe itself as an “Arms Length Body” (ALB). It was agreed this should be reflected within future communications and a review of the website undertaken to ensure the correct terminology was used.
10. Members were advised the meeting scheduled for 14 February to discuss the specific issues raised by the EU directive had been cancelled by BIS. A revised date was presently awaited.
11. Members noted the recent audit report on the HR function submitted by KPMG and congratulated the Director of Finance and Business Services, the Head of HR and RemCo in achieving the improved position which this documented.
12. Members noted the quarterly OLC member and Ombudsman registers of interest and approved both documents for publication on the LeO website.
13. Members noted the monthly finance report. The Director of Finance and Business Services advised there had been no changes since the issue of the report to members.
14. Members noted the quarterly HR report and requested that the take up of the new flexible working options should be closely monitored and reported to RemCo in due course. In response to questions, the Director of Finance and Business Services advised members the current recorded level of staff turnover is skewed by the recent end of a number of fixed term contracts; HR will provide RemCo with an update once the data have been further analysed.
15. Members noted the stakeholder survey report and were advised that the further change to the LeO PO Box address had caused some concern to lawyers as this involved updating their records once more. Members were aware this was due to circumstances beyond LeO’s control and a press release had been issued to this effect.

## **ACTIONS**

- The Secretary to invite Abigail Plenty to attend the March meeting to provide members with an update in respect of the triennial review.
- The Secretary to publish the revised OLC member and ombudsman registers of interest on the main LeO website.

- The Head of Policy and Communications to arrange a review of the website and intranet to ensure that the correct terminology is used (ALB rather than NDPB) and to issue a communication to all staff to ensure the correct terminology is used in future.
- The Director of Finance and Business Services to report on the take up of flexible working options to RemCo as soon as possible.

### **Item 5 – KPI report**

16. Members noted the report and that the volume of activity during January in both the Assessment Centre and Resolution centre had returned to normal levels following the Christmas period. In addition, the improvement in closure rates was noted, in particular those cases closed within 90 days.
17. Members noted the continuation of good quality performance in both the Assessment Centre and Resolution Centre. It was acknowledged the quality data within the Ombudsman team required further development and a more robust set of data would be available in May 2012 when the April information is reported.
18. Tony Foster updated members following the recent KPI meeting with the LSB. In the meeting, the LSB had acknowledged the work undertaken to date and were supportive of the proposed external KPI's.

### **Item 6 – New jurisdictions**

19. Members noted the paper which outlined the proposed principles for considering areas of new jurisdiction and agreed that regular meetings between OLC and LSB representatives, respective executive members and a representative from the Ministry should take place to ensure a coordinated approach between OLC activity and the LSB work on wider regulatory reform.
20. Members agreed it would be in the public interest if the jurisdiction of the Legal Ombudsman were eventually to cover all activities that the public identify as legal services. This was a key long term strategic objective.
21. It was agreed to invite the Lord Chancellor to activate the necessary powers within the Legal Services Act to bring claims management companies within the Legal Ombudsman's jurisdiction, and to keep the Legal Services Board closely informed. The executive should progress business and scenario planning to establish when the scheme would be ready to take on the additional workload..
22. More work was needed in respect of the proposed voluntary jurisdiction. The executive was asked to focus initially on:
  - agreeing a definition of 'legal services'.
  - any risk of prejudicing future developments in the scope of regulation.

- financial arrangements for both set-up and running costs.

#### **ACTIONS**

- The Executive to provide further information to the OLC in respect of extending jurisdiction into claims management complaints and the creation of a voluntary jurisdiction.

#### **Item 7 – Scheme rules and case fee consultation; update**

23. The revised paper, updated following consultation with OLC members following the January meeting, was noted.
24. Members agreed on the nature of questions to be included as part of the consultation exercise though further redrafting was required. In a number of areas, for example in respect of third parties the pre-consultation exercise should seek evidence to justify any change.

#### **ACTIONS**

- The Head of Policy and Communications to revise the scheme rules and case fee consultation paper, in consultation with Mary Seneviratne and David Thomas, and re-circulate to members as soon as possible and provide examples of third party issues at the next meeting.

#### **Item 8 – Post consultation draft 2012-15 strategy & 2012-13 business plan and updated 2012-13 annual budget**

25. The revised version of the draft 2012 – 15 strategy and 2012 – 13 business plan which had been updated following the recent internal and external consultation exercise was noted. Members provided further minor amendments to be included in the document before publication.
26. The updated 2012 – 13 budget was agreed, subject to minor amendments, and could now be submitted to the LSB for their approval.

#### **ACTIONS**

- The Executive to update the draft version of the 2012 – 15 strategy and 2012 – 13 business plan and re-circulate to members before submission to the LSB for final approval of the 2012 – 13 annual budget . Following LSB approval of the annual budget, formal publication of the 2012 – 15 strategy and 2012 – 13 business plan is to take place before the end of March.

#### **Item 9 – Functional plans to support the 2012-13 business plan; update**

27. The Chief Ombudsman updated members in respect of the process to ensure that functional plans were suitably aligned to the 2012 – 13 business plan. Members agreed they did not require sight of individual functional plans but an overview of progress should be provided for the March meeting.

#### **Item 10 – Any other business**

28. Members requested a monthly briefing on a particular casework topic to help develop members' understanding of current issues, perhaps in the form of a "case of the month and its lessons". -This should be at the beginning of the agenda to ensure it was not squeezed by other business. -Consideration should be given to involving team managers (as a development opportunity) as well as ombudsmen.
29. Members noted the laying date for the 2011 – 12 Annual Report had been arranged for Tuesday 10 July 2012 and a suitable stakeholder event would be arranged to take place on the same date in London. Members agreed to keep the date available in their diaries.
30. The next OLC meeting will be held on 19 March 2012 in the Spaghetti Junction room of Baskerville House Birmingham, commencing at 11.30am.

#### **ACTIONS**

- The Head of Policy and Communications to finalise arrangements for the stakeholder event to launch the 2011 – 12 Annual Report in London and members to keep this date available in their diaries
- The Secretary to update the OLC agenda planner to include a regular casework presentation, perhaps a "case of the month and lessons"

Andy Taylor  
Board Secretary  
23 February 2012