

Minutes of the Sixty-First Meeting of the

Office for Legal Complaints (OLC)

Monday 19 January 2015

11.00 am – 13.45 pm

One Great George Street, London

Present:

Steve Green, Chair
Rosemary Carter, member
Professor Philip Plowden, member
Karen Silcock, member
David Thomas, member
Maureen Vevers, member
Tony Foster, member
Stella Manzie, member

In attendance:

Ian Brack, Interim Chief Executive
Rob Hezel, Chief Operating Officer
Freda Sharkey, General Counsel
Ken Young, Interim Head of Policy and Communications

Apologies:

None

Board Secretary:

Helen White

Preliminary issues:

The Board meeting was quorate.
There were no declarations of interest.

Item 1 - Welcome and apologies

1. The Chair welcomed and thanked those in attendance.

Item 2 - Minutes of the previous meeting

2. The minutes of the meeting held on 15 December 2014 were approved.

ACTION:

- The Board Secretary to publish the approved minutes of the meeting held on 15 December 2014.

Item 3 - Matters arising and outstanding action points

3. Members noted those items where actions had been completed and those that were included as agenda items.
4. The General Counsel updated members on the current status of the category one case which had been published in December. The Bar Standards Board had advised that an Interim Suspension Panel had directed that the named individual should not accept any new public access instructions for four months, or until the date of a disciplinary hearing, if earlier. The individual was, however, allowed to complete work in connection with his current accepted public access instructions.

Item 4 - Comments received regarding items presented for information

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

Interim Chief Executive's Report

6. The Interim Chief Executive presented his Action Plan and recommended that the Board endorsed it. He acknowledged that, with its impending change of membership, the Board faced a transition period. He remarked that part of his challenge would be to bridge this.
7. Discussion was held on the values and how these are articulated in the strategy and translated into behaviours. The Interim Chief Executive confirmed that a further workshop on the values had been scheduled with the management team and that the OLC Chair and RemCo Chair would be attending. Board members remarked that the key task was the delivery of the strategy – this was more critical than reflecting the values.
8. The Board touched on the existence of “public sector” and “not for profit” mindsets within the organisation. It was noted the legal position was clearly that the OLC was a public sector body with statutory responsibilities. The challenge was to acknowledge this without losing dynamism and energy.

9. The review of governance referred to in the plan was discussed. The ARAC Chair confirmed that this piece of work would automatically lead into the policy and governance review. She reported that the intention was to expand this into a thorough review of process and governance. This would provide staff, the OLC Board, LSB and stakeholders the necessary assurance. The views of the MoJ and the NAO would be sought as to scope, but this was work that needed to be completed by the OLC, with a recommendation from the ARAC Chair that our new internal auditors are enlisted to provide challenge and assurance.
10. Members approved the Plan and agreed that the Interim Chief Executive progress as outlined. Detailed reporting against this Plan would then form an integral part of the Interim Chief Executive's regular update to the OLC Board.

ACTION:

- The Interim Chief Executive to include detailed updates on the Action Plan in his regular Board reports.

Chief Operating Officer's report

11. The Chief Operating Officer updated members on the office move programme, which had been discussed in detail at that morning's ARAC meeting. He reported the move had gone relatively smoothly although there remained issues with the telephony supplier which had required workarounds, including the invocation of the business continuity plan for certain front line teams. These teams would be temporarily housed at the business continuity site which would provide the necessary network access to ensure continuity of service. The Chief Operating Officer reported that pressure continued to be applied to the telephony supplier to urgently install the required lines at the new office.
12. The Chair reported that, having visited the new offices, he had been impressed with the refit of the new accommodation and that this reflected the hard work undertaken by the Executive over the past months.
13. Professor Plowden reiterated the point made at that morning's ARAC. Whilst he had been supportive of the work done by the Executive, he would value early sight of the 'lessons learnt' report. He confirmed that the ARAC Chair had requested that a full report be presented at the next Audit and Risk Assurance Committee meeting. Maureen Vevers confirmed that at the recent Business Transformation Board she had also requested a 'lessons learnt' report.

ACTION:

- The Board Secretary to ensure this document is circulated to the OLC Board.
14. The Chief Operating Officer reported that initial contact with the Legal Ombudsman would not be affected by the telephony issues. Contact with

investigators in some cases may be affected, but measures had been taken to minimise any impact. The Executive were asked to keep the situation under review and keep the OLC Chair, ARAC and RemCo Chairs fully appraised.

Finance Report

15. The paper was noted and no comments were received.

Register of Interests

16. The paper was approved for publication and no comments were received from members.

ACTION:

- The Board Secretary to publish the OLC Member and Ombudsman Register of Interests.

Gifts and Hospitality Register

17. The paper was approved for publication and no comments were received from members.

ACTION:

- The Board Secretary to publish the Gifts and Hospitality Register for the third quarter of the 2014/15 financial year.

Board Member Expenses

18. The paper was approved for publication and no comments were received from members.

ACTION:

- The Board Secretary to publish the Board Member Expenses for the third quarter of the 2014/15 financial year.

Item 5 – Audit and Risk Assurance Committee Update

19. The ARAC Chair updated members on the ARAC meeting held earlier that morning. She reported that the Corporate Risk Register was discussed and in particular the telephony issues raised earlier in the meeting under Chief Operating Officer's report.

20. Turning to the Annual Report and Accounts, the ARAC Chair reported that a recification and assurance plan to address the issues identified by the plan would be put in place and the terms of reference for this would be discussed with the MoJ. This plan would build on the work already undertaken in terms of reviewing and enhancing the internal controls and assurance. This would

provide assurance for the OLC Board, the MoJ sponsor department, the LSB and NAO. The ARAC Chair reported that this would be discussed further at the next OLC Board.

21. The OLC Chair reported that the Chair's Foreward to the Annual Report had been amended and he would circulate this to members.
22. The ARAC Chair reported that the ARAC had agreed to delegate the approval of the wording of the three outstanding items in the Annual Report and Accounts to the Chairs of Committee and the Interim CEO. Subject to satisfactory completion of the outstanding items, ARAC recommended the draft Annual Report and Accounts for presentation to the OLC for approval.
23. The ARAC Chair reported that the aim was to file the Annual Report and Accounts by 31 January, with the laying date currently scheduled for 29 January. The OLC Chair noted that the wording of the comments by the Interim Accounting Officer were matters for her and not the OLC.
24. Members approved the Annual Report and Accounts, subject to the satisfactory resolution of the three outstanding issues. Authority was delegated to the Chair and Committee Chairs to give final approval.
25. The Interim Chief Executive Officer was asked to confirm the revised timetable for the publication of the Annual Report and Accounts in order to keep members updated.
26. The ARAC Chair reported that during the move, data handling issues had arisen. As a result the Evidence Handling Policy would be reviewed to ensure it complied with the ICO data sharing code of practice. A full report would come back to the ARAC meeting and the ARAC Chair undertook to keep the OLC Board apprised. The RemCo Chair requested that this paper also be presented to the Remuneration Committee.

ACTION:

- The General Counsel to present to the next RemCo meeting on the updated Evidence Handling Policy.

27. The ARAC Chair reported that the internal audit provider would be changing from KPMG to the new Government-wide internal audit service. The new provider had presented to the ARAC meeting and their presentation would be circulated to members for information.

ACTION:

- The Board Secretary to circulate the presentation given to the ARAC meeting by the MoJ internal audit service.

Item 6 – Quarterly Performance Review

- 28.** The Chief Operating Officer and Head of Customer Experience jointly presented the paper. It was reported that this quarter's report reflected the desire to begin properly integrating quality within the performance reporting framework which had previously been identified as being crucial in ensuring a more balanced view of performance was achieved across LeO. The two key issues on which the Board had been focusing recently (although not exclusively) were the number of unallocated cases in the stage between Assessment and Resolution and the hold-ups in the Ombudsman decision stage at the point of Resolution.
- 29.** The Chief Operating Officer reported that significant efforts and some changes in process had resulted in major reductions in the numbers of unallocated cases which he believed could now be sustained over time , particularly with the help of the new case management system when fully operable. At 16th January only 22 cases remained unallocated. If this position could be maintained then this would of course have a positive impact on the overall timeliness figures.
- 30.** The Ombudsman WIP figures remained a concern, but with recent actions being taken to fill the vacant chief ombudsman post allied to further management focus and action, this was predicted to have an impact on the speed of decision – making and the processes around it very shortly. An update would be presented to the next meeting with full report at the next quarter.
- 31.** The Chief Operating Officer reported performance against targets in the Assessment Centre had been strong in October and November but unfortunately fell below target in December. Discussion took place on the issues affecting December's performance and the remedial actions taken. The Resolution Centre fell short of its timeliness target of resolving 70% of targets within 90 days. The figures for October, November and December were 62%, 65% and 64% respectively. However as indicated above the steps being taken to speed up the end stage of the process with the Ombudsmen were intended to rectify this as quickly as possible.
- 32.** Members expressed their satisfaction that the number of unallocated cases had gone down due to the concerted effort in December but expressed a desire for the Ombudsman WIP to be reduced and for timeliness targets to be achieved as soon as possible and certainly by the year end.
- 33.** The OLC were also presented with the initial work undertaken to create a revised performance framework to be used internally and for reporting performance to the OLC. The need to refine indicators around the quality of service provided to customers and the need to ensure insertion of support service departments' performance indicators were highlighted to the Board. Board members expressed warm support for the more integrated approach proposed, the framework created and the indicators identified to date. It was explained that there would be discussions with the LSB testing out their

views, as the framework was firmed up, and it would be brought back to the Board for final approval.

- 34.** The Head of Customer Experience reported that work was taking place to embed quality into all conversations about performance. She reported that quality systems were being focussed on the customer experience as reported by customers themselves and internal assessments of the decisions and service set against a range of measures. Data presented in her report was necessarily limited by the quality monitoring that was undertaken during the previous quarter, which was based on existing objectives and principles. Work was underway to explore which additional areas should routinely be checked as part of the quality systems. Quality systems were also being enhanced and refined to ensure the right areas were being measured and tracked in a way that provided accurate information about quality performance and which drove positive behaviours and outcomes.
- 35.** Twelve months' data was now available from the new research provider who conducts the customer satisfaction survey. The reported decline in complainant satisfaction coincided with the introduction of the new methodology and this had adversely affected the team's ability to identify trends between data collected before and after the methodology changed. The Head of Customer Experience reported that she had met with the provider of the customer satisfaction survey and they had agreed to investigate the ways and extent to which the new methodology had impacted on findings. She had also agreed with them that they contextualise their findings against the wider landscape, for example, comparing our data with customer satisfaction trends nationally and across other relevant sectors. She reported that a national decline in customer satisfaction had been reported by some research providers. Plans for the next quarter include devising a more dynamic method of customer feedback, which was both richer and broader, including a qualitative study of user expectations and experience, and light-touch, automated surveys linked to our Assessment Centre telephone system.
- 36.** Service Complaints for the quarter to December were presented. The Head of Customer Experience reported that Phase 2 of the Case Management System would provide more automated ways of collecting and extracting data which would enable the team to provide more meaningful data on the quality service, and better facilitate the identification of any themes.
- 37.** The OLC were extremely supportive of the approach being taken towards an integrated approach to quality with it being seen as a fundamental part of performance. Some of this data had already existed but needed to be presented in the right context. Members felt this would significantly improve the view they were able to have of overall performance. They would look again look at the processing of Ombudsman WIP and hoped that the reduction in unallocated cases was sustained.

Item 7 – CMC Update

38. Simon Tunncliffe, Head of CMCs, joined the meeting to update members on CMCs. He reported that the main areas of activity were around the Parliamentary process and finalisation of the government framework. The S.161 commencement order would come into force on Tuesday 20th January, making provision for the commencement of the CMC jurisdiction from the 28th. The order had still not been considered by the JCSI. This has already been raised as a medium risk.
39. Finalisation of the CMC framework document was taking place with the MoJ.
40. The ARAC Chair raised concern about the absence of an agreed CMC framework with the MoJ and advised against proceeding to go-live without this given its implications for financial and other matters. The OLC Chair remained positive that this could be finalised before the go live date of 28 January.
41. The Head of CMCs confirmed that the new case management system will be used for CMCs. The new CMC staff have now joined the organisation and are undergoing their training. Due to the telephony issues at the new building, these staff would be temporarily located at the business continuity site where the telephony and network access had already been tested.
42. The Head of CMCs reported that the team were positive that they could handle the call volumes and reiterated that contingency arrangements were in place, should call volumes spike.

Item 8 – ‘Insight Capability’ Update

43. Under the OLC Rules of Procedure, executive and staff declared an interest in this item. The Chair noted this declaration and noted that these individuals were to take no part in the discussion of this matter. They were not asked to leave the meeting.
44. The Interim Chief Executive presented the update to the ‘Insight Capability’ work. Discussion took place on the naming convention used within the report and it was emphasised that this was a framework and not an operational design.
45. Board members emphasised the importance of avoiding fragmentation of function and ensuring clarity about where functions sat in the proposed divisions. In particular, they were concerned that there was clear responsibility and resourcing for policy work.
46. Professor Plowden reiterated the point raised at the Strategy Day in September about the need to ensure the link was in place to use data to create and inform the organisation’s strategic direction.

47. Members agreed that the Interim Chief Executive move forward with the detailed planning and review. A formal update would be presented to the RemCo meeting in February with a further update to the OLC Board in March.

ACTION:

- The Interim Chief Executive and Interim Head of Policy and Communications would present an update to the RemCo meeting on 19 February and the OLC Meeting on 9 March.
- The Interim Chief Executive was to confirm with the Chair of RemCo whether the meeting provisionally planned for 24 March would be needed.

Item 9 – Scheme Rules Review

48. The Interim Head of Policy and Communications presented members with a progress report on the changes which would be required by the implementation of the EU ADR Directive.

49. Discussion took place on the time limits and members approved that Rule 4.4a be amended from 6 months to 12 months of the date of the final written response and apply this as a single time limit for all cases from 9th July 2015.

ACTION:

- The Interim Head of Policy and Communications to proceed as agreed with the above option on the time limits.

Item 10 – Service Complaints Policy and Procedure Review

50. The General Counsel presented the review of the service complaints policy and procedure and noted comments received from members.

51. Members delegated authority to David Thomas to work with the General Counsel on finalising the Policy.

ACTION:

- The General Counsel to work with David Thomas on finalising the Service Complaints Policy.

52. Members agreed that the time limit should remain at three months.

ACTION:

- The General Counsel to ensure the time limit remains at three months in the policy.

Item 11 – Plan for New IT Environment

53. The Interim Head of IT and Telecoms presented an update on the IT infrastructure strategy for the next 12 months. He requested approval from members to move forward on Phase 1 with Phase 2 approval being sought in the next few months.
54. Maureen Vevers reported that she was in support of the proposal and reiterated that the public sector approach to IT systems had been to move to a cloud based system and that the pay per user basis worked better.
55. The ARAC Chair requested that the Interim Head of IT seek the formal confirmation of the MoJ in writing for the proposal, plus an internal audit review to provide assurance on whether two Microsoft locations were sufficient to provide robust disaster recovery. She also requested an internal audit assessment of access security (including a review of penetration test data) to assume the system meets government requirements for the security of sensitive and personal data.

Item 12 – Interim Chief Ombudsman

56. Following interview by members of the Board and consultation with the MoJ, the Board agreed to appoint Kathryn King as Interim Chief Ombudsman.

Item 13 – Any other business

57. No other business was raised. The Chair declared the meeting closed.

Next meeting

58. The next OLC meeting would be held on Mon 9 March in Birmingham.