

Minutes of the twenty ninth meeting of the

Office for Legal Complaints (OLC)

Monday 14 November 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:

David Edmonds, Chairman Legal Services Board (until item 6)
Chris Kenny, Chief Executive, Legal Services Board (until item 6)
Adam Sampson, Chief Ombudsman
Rob Hezel, Director of Finance and Business Services
Gary Garland, Deputy Chief Ombudsman
Liz Shepherd, Director of Operations
Walter Merricks, Service Complaint Adjudicator (item 8)
Professor Stephen Mayson (item 9)

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, including David Edmonds and Chris Kenny who were in attendance as part of the joint commitment to observe one another's Board meetings.
2. Apologies were received from Brian Woods-Scawen

Item 2 – Minutes of previous meeting

3. The minutes of the meeting of 16 October 2011 were approved for publication.

Item 3 – Matters arising and 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.

Item 4 – Comments received regarding items presented for information.

5. The items presented for information were noted. No comments were received in advance of the meeting for circulation.
6. Members noted the Chief Ombudsman's report and were advised that following the announcement of the decision to publish lawyer's names, a small amount of feedback had been received. It was expected that media interest might increase once naming begins. Members agreed that it had been wise to take time and consult before making the decision to name lawyers.
7. Members noted the corporate risk register. The Chief Ombudsman advised members the process was still being refined and that functional risk registers were in development. Members suggested that the Audit and Risk Committee should look at the risk management process and identify the high priority risks that should be reported to the OLC in future.
8. The joint meeting in London with the LSB was confirmed as 25 April 2012. It was suggested that the agenda should focus on a few key topics, for example voluntary jurisdictions, claims management companies and discussion on referral fees. LSB attendees agreed with the proposal.
9. The Chair reported on a meeting she attended with the Chief Ombudsman, to look at potential areas of common interest, with the Scottish Legal Complaints Commission (SLCC) Chair and Chief Executive. There is scope to share experience and to ensure that we are aware of developments in our respective jurisdictions. The SLCC Chief Executive and LeO Chief Ombudsman will continue to explore areas of common interest and members will be updated in due course.
10. It was noted that Policy and Communications had recently asked for some external research to be undertaken and the executive were reminded that Mary Seneviratne should be included in consideration prior to such research activity in future.
11. Members noted the finance report.

ACTIONS

- Adam Sampson to update members in due course with details of areas of common interest with the SLCC.

- The Head of Policy and Communications to advise Mary Seneviratne in advance of any future proposals to undertake external research on behalf of LeO.
- The Executive Management Team to review the corporate risk register and to recommend a discrete number of key risks for the OLC to the Audit and Risk Committee.

Item 5 – KPI report

12. The Chief Ombudsman presented the monthly KPI report and members noted the continued trend to close more cases each month than have been opened. The Director of Operations advised members of the target setting process and agreed to share the paper considered by the executive with members. David Edmonds noted the positive month on month improvement in the efficiency of investigators as detailed in the “number of cases resolved per investigator” data.
13. Members were advised that the current performance in the Resolution Centre had resulted in a larger than expected volume of work for the Ombudsman Team. Members noted that time has been allocated in the December agenda to discuss proposals from the Deputy Chief Ombudsman in order to improve this aspect of the business process.
14. Tony Foster advised members he had been involved in two sessions with Team Leaders reviewing the background to the quality measures. The process was felt to be very thorough and robust. Further quality discussions with Team Leaders were also planned and when the process had been further embedded a suitable presentation will be made to the OLC.

ACTIONS

- The Director of Operations to forward the paper relating to the target setting process to members as soon as possible.
- The Director of Finance and Business Services to arrange for a presentation to be made to members of the OLC once the quality process has been further embedded.
- The Deputy Chief Ombudsman to provide members with proposals to improve the operational efficiency of ombudsman decisions at the December meeting.

Item 6 – LSO report and update

15. The Legal Services Ombudsman presented his report to the OLC and advised members that the project had been completed on time and considerably under budget. A small number of cases were expected to continue beyond closure in December. This was due to investigations being suspended due to circumstances beyond the LSO’s control, for example illness of one of the key parties. The Chief

Legal Ombudsman had agreed that all LSO cases outstanding after December would be accepted into the Legal Ombudsman scheme.

16. Any inbound telephone calls received for the LSO following closure will be signposted appropriately and arrangements will be made to issue LeO staff with full signposting details in December.
17. David Edmonds, Chris Kenny and IOLC members offered their congratulations and thanks to the Legal Services Ombudsman in respect of the successful conclusion of the LSO function.

ACTIONS

- The Legal Services Ombudsman to present appropriate LeO staff with signposting information in December to assist staff with any LSO calls received after closure of the function.

Item 7 – General Counsel update

18. The General Counsel provided members with an updated report relating to judicial review matters since the last meeting.

Item 8 – Service Complaint Adjudicator report and update

19. The Head of Compliance gave members an oral report of service complaints received during the period December 2010 and October 2011. No questions were asked, and the Head of Compliance will formalise the information into a written report for distribution to members and the executive during week commencing 21 November.
20. The Service Complaint Adjudicator (SCA) presented his first report to members and summarised the complaints he had considered and where appropriate, those remedies offered.
21. The SCA felt it worthwhile discussing from time to time with appropriate staff issues of concern where there were general lessons to be drawn. It was acknowledged that some of the issues identified by the SCA were historic and had already been addressed. However, it was agreed that the Deputy Chief Ombudsman should meet with the SCA at the earliest opportunity.
22. It was agreed that the Service Complaint procedure should be made more accessible to users of the service by moving its location onto the front page of the LeO website.
23. Members thanked the SCA for presenting his initial report and agreed the SCA should:

- come into the office to review a selection of service complaint cases that had not escalated to the final stage of the process;
- come into the office to discuss service complaint cases in person rather than from afar; and to
- collaborate with other service complaint adjudicators or assessors in other ombudsman schemes in order to share best practices

ACTIONS

- The Head of Compliance to issue members and the Executive with a formal report on service complaint matters during week commencing 21 November.
- The Deputy Chief Ombudsman to arrange a meeting with the Service Complaint Adjudicator to discuss some of the findings of service issues relating to recommendation reports and ombudsman decision letters.
- The Head of Compliance to make the service complaint procedure more accessible to customers by moving its location onto the front page of the main LeO website.

Item 9 – Presentation

24. Members received an informal presentation from Professor Stephen Mayson, consultant in legal practice, as part of the OLC's commitment to self-development. This was followed by discussion.

Item 10 – Any other business

25. The Chair reminded members of the NDPB non executive director's conference on 16 November.
26. The Chair advised members she had met with Elisabeth Davies, Chair of the Legal Services Board Consumer Panel.
27. The Chair informed members that an advertisement inviting applications for the new OLC lay member will appear in the national press on Sunday 19 November.
28. Members agreed to close the December meeting by 2.30 in order to allow time for an informal gathering of the OLC and LeO Executive. The Secretary was asked to confirm details with members and the Executive as soon as possible.

ACTIONS

- The Secretary to confirm details of the December agenda with members and the executive as soon as possible.
29. The next OLC meeting will be held on 12 December 2011 at Baskerville House, Birmingham, commencing at 11.30am.

Andy Taylor

Board Secretary
16 November 2011