

## Minutes of the Thirty-Eighth Meeting

### Office for Legal Complaints (OLC) Remuneration and Nomination Committee

Tuesday 20 September 2017  
11.00 – 14.00 pm

#### Present:

Dr Bernard Herdan Chair  
Caroline Coates Member  
Jane McCall Member

#### In attendance:

Nick Hawkins Chief Executive  
Simon Tunnicliffe Director of Operations (representing Chief Legal Ombudsman)  
Rob Powell Director of Corporate Services  
Marcus Passant Head of Human Resources  
Ilyas Ahmed Apprentice (*Item 3 only*)

#### Board Secretary:

Helen White Board Secretary  
Kay Kershaw Interim Board Secretary

#### Item 1 – Welcome, apologies and conflict of interest

1. The Chair welcomed members to the meeting and noted here were no apologies. Staff members made a general declaration of interest related to Item 5.
2. The quorum requirements for the committee meeting were met.

#### Item 2 – HR Update

3. Balanced scorecard: The Head of HR presented the Balanced Scorecard, which had been circulated to members prior to the meeting.
4. It was noted that the format of the balanced scorecard had been amended to include more comparisons for external benchmarking. Members confirmed that they were content with the new format.
5. Members noted feedback from the Head of HR that some of the additional data provided in the balanced scorecard had been labour intensive to produce. It was agreed that the Head of HR would review the opportunities to rationalise the content to allow Members to take a view about future metrics.

**ACTION:** The Head of HR to propose areas of the balanced scorecard that could be rationalised so Members could take a view on whether to include the information going forward.

6. Discussion took place on the levels of sickness. It was noted that sickness absence had stabilised in July and August, although during the last quarter it had increased.
7. Members requested that where possible the data be presented graphically. They also requested that the Head of HR include trend data for the previous year and a key to show what period the data referred to.

**ACTION: The Head of HR to present all data in graphs where possible, to include data for the previous year and a key to show as period the data referred to.**

8. Members noted the analysis of leavers with less than one year's service. Discussion took place about the reasons given by staff leaving and the steps being taken by the organisation to address this.
9. Concerns were raised by Members about the number of leavers citing workload as a reason for leaving. The Head of HR advised that the implementation of the changes being introduced through the Modernising LeO programme would address some of the issues around workload.
10. The Director of Operations stated that new investigators had a low number of case holdings which comprised low and medium complexity cases. New investigators were expected to have a full case holding by months five and six and to also be able to deal with more complex cases.
11. Caroline Coates suggested that it might be worth considering increasing the period for new investigators to have a full case holding to nine months.
12. Discussion took place around the leavers and whether LeO's recruitment and assessment processes were sufficient to identify individuals who could work effectively under the sort of caseload pressure inherent in LeO's work. It was agreed that the Head of HR would review the test results of leavers to establish whether there were any links between assessment centre test results and workload-related reasons for leaving.

**ACTION: The Head of HR to review the test results of leavers to establish whether there was any correlation between assessment centre test results and workload-related reasons for leaving.**

13. Caroline Coates asked the Head of HR outline the levels of support available to new starters in their first twelve months.

**ACTION: The Head of HR to outline the levels of support available to new starters in their first twelve months.**

14. Discussion took place on the number of staff on long-term sickness absence. .

15. Temperature check results: The Head of HR presented the temperature check results, which had been circulated to members prior to the meeting.
16. Members noted the verbatim comments and the common emerging themes, all of which were underpinned by issues around communications.
17. Members noted the actions set out in the paper to address the issues raised and agreed that the introduction of a formal cascade communications process would be beneficial. The RemCo chair suggested that questions raised in monthly team briefing sessions should be circulated to all staff with the answers as part of the next month's team briefing sessions
18. A discussion took place around the role that Staff Council had to play in communicating with staff and whether the verbatim comments could be paraphrased and shared with them for their views and comments on how to address the issues identified in the survey while respecting the anonymity of the survey.

**ACTION: The Head of HR to consider whether verbatim comments could be paraphrased and shared with Staff Council for views on the actions to address issues raised in the survey.**

19. Flexible working: The Head of HR presented a paper outlining a number of policy propositions around LeO's principles and approach to flexible working to inform engagement with staff over the next two months. The paper had been circulated to members prior to the meeting. Members were asked to comment on the proposals outlined in the paper.
20. The DCS reported that the aim was to introduce modern, flexible ways of working.
21. The Director of Corporate Services reported that not all corporate roles were suitable for regular home working and stated that consideration would be given to rostering in order to ensure that there were sufficient staff in the office across the organisation on each day of the week.
22. The CEO advised that provided the flexible working policy was worked up properly and was clear and fair, the additional flexibility may result in the organisation benefiting from increased staff productivity.
23. He added that it would be important to ensure that staff understood what earned autonomy meant and that flexible working could be withdrawn if there were concerns about performance or productivity. He highlighted the importance of staff being able to perform effectively when working from home and reminded Members that telephone calls were already recorded and used by team leaders as part of quality assessment.
24. Caroline Coates questioned whether the timing was right to amend flexible working. The DCS responded that the proposed changes were critical to

delivering the estates strategy which was part of the Modernising LeO programme.

25. The Chair confirmed that Members were in agreement of the broad proposals set out in the paper in order to improve business performance.
26. Caroline Coates stated that she would be interested to find out how any changes to flexible working would impact on morale and motivation. Additionally, she would be interested on the impact flexible working would have on internal communications across the organisation.
27. The RemCo Chair suggested that in order to ensure good staff communications, all team briefings could be held face to face. The DCS advised that it would be difficult to make this compulsory as staff could attend via conference call. The RemCo Chair stated that this should be the exception and not the norm.

### **Item 3 – LeO Apprentices Scheme**

28. Ilyas Ahmed joined the meeting to provide Members with an update on his experience of the LeO apprenticeship scheme. It was noted there were four apprentices within the organisation.
29. It was noted that Ilyas joined the organisation in October 2016 as an apprentice working in the CMC area of the organisation and was currently working towards a diploma in business administration as a level 3 apprentice.
30. Ilyas stated that LeO was a good place to work as an apprentice and that he had benefitted from the experience, advice and guidance of senior staff which would help him when making future career decisions.
31. Members thanked Ilyas for his informative overview of the apprentice scheme.

### **Item 4 – Twilight Hours Pilot**

32. The Director of Operations presented an update on the twilight hours project. The paper was circulated prior to the meeting.
33. Members noted that due to the small sample size and number of investigators working on the project, measuring data would provide limited insight into any benefits twilight working may provide, both to the organisation and members of the public.
34. The Director of Operations stated that the organisation was not in a position to recruit staff specifically to work during twilight hours at this time, but he hoped that the wider proposals for flexible working might address this.
35. Caroline Coates asked whether there would be any value in extending the pilot and capturing customer feedback rather than gathering anecdotal evidence of

the benefits. The Director of Operations responded that the pilot had been extended once and in order to do so again, it would be necessary to significantly increase the pool of investigators. He explained that there was also currently no IT support after working hours, which would need to be in place were we to extend the pilot.

36. The Director of Operations advised that the organisation needed to embed the new case management system first and then, post April 2018, revisit this.

#### **Item 5 – Proposals for 2017/18 Bonus Scheme**

37. The DCS presented a paper providing options for consideration in regard to the 2017/18 staff bonus scheme. The paper was circulated prior to the meeting.
38. It was agreed that the executive would run a bonus scheme based on the previous year's scheme. It was also agreed that if it was decided that payment of a cash bonus was inappropriate, the option would be considered to offer an additional day's holiday for high performers.

#### **Item 6 – LeO Workforce Plan**

39. The DCS presented a paper providing information on the draft workforce plan. The paper was circulated prior to the meeting. He explained that the purpose of the paper was to discuss and obtain the views of Members on how the organisation plans and develops the workforce in line with the strategy.
40. A discussion took place around staffing levels and whether these were sufficient to meet the demands of an increased caseload. It was noted that there was insufficient data to confirm whether the increasing caseload was a permanent trend or a short-term spike.
41. The Head of HR advised that staffing was currently at full complement. Following the recent recruitment assessment centre, any new appointments made would take the organisation over establishment.
42. Members agreed that the organisation should consider, within budget constraints, over-recruitment to meet the demands of the increased caseload and anticipate future turnover.
43. Members were not in favour of further increasing investigators' case holdings as a way to reduce unallocated queues.
44. The CEO advised that a business case has been submitted to the MoJ seeking to enable the organisation to run a pilot of an outsourced delivery partner delivering investigations. This would help reduce the unallocated caseload, reduce pressure on staff and establish whether such a model had value to the organisation in the longer-term.

45. Members agreed that the organisation should proceed to outsource cases for investigation as a short term measure.
46. The Director of Operations advised that overtime was being offered to investigators with the caveat that they took an additional case. Overtime was paid at standard rate. Members questioned whether a premium should be paid to encourage overtime take-up.
47. Members noted the suggestions put forward on smarter working.
48. RemCo noted the Chief Executive's suggestion to suspend the 90 day target as a morale boosting measure but concluded this could only be decided by the Board. Members continued to be critical of the absence of adequate forecasting capability to enable sensible forecasting of required staff numbers. Members concluded that, as matters stand, and given current complaint volumes and complexity, the workload pressures were such that there are too few staff to achieve a satisfactory level of performance. Consideration should be given to seeking a supplement to the budget to enable more front line staff to be employed.

#### **Item 7 – L&D Strategy**

49. The DCS and Head of HR presented a paper on the learning and development strategy. The paper was circulated prior to the meeting.
50. Time constraints prevented a full discussion taking place on this paper.
51. It was noted that members would like to see more information on the impact of training in particular around the impact of leadership development.

**ACTION: The Head of HR to provide members with more information on the impact of training in particular around the impact of leadership development.**

52. It was agreed that members would provide any further comments to the DCS and Head of HR by email.

**ACTION: Members to provide the Director of Corporate Services and Head of HR with any further comments by email.**

#### **Item 8 – Health and Safety Report / Stress and Wellbeing**

53. The Head of HR provided a verbal update on the Health and Safety report / stress and wellbeing. He advised that a tick box had been included on the return to work form in order for staff to indicate whether their absence had been due to work related stress.
54. It was agreed that the form should be amended.

**ACTION: The Head of HR to amend the return to work form.**

55. It was noted that any absence due to work related stress should be identified during the return to work interview. An individual stress assessment form should then be completed and managers should act accordingly to address the issues raised.
56. Caroline Coates stated that it would be helpful if all stress assessment forms were returned to the Head of HR so that he could review them. This would be helpful in regards to assessing the number of workload issues.

**ACTION: The Head of HR to arrange for all stress assessment forms to be sent to him for review.**

57. It was noted that occupational health should be able to add value on how work related stress was dealt with at LeO.
58. Time constraints prevented a full discussion taking place on this agenda item and the Chair agreed that the committee would return to this matter again in the future.

**ACTION: Board Secretary / Chair to arrange for this item to be discussed further at a future meeting.**

#### **Item 9 – Modernising LeO**

59. The DCS presented a paper providing an update on Modernising LeO. The paper was circulated prior to the meeting.
60. Time constraints prevented a full discussion taking place on this paper.
61. The DCS advised that an announcement would be made to staff about the estates strategy on Tuesday 26 September.
62. Members noted the paper.

#### **Item 10 – Minutes of the previous meeting**

63. The Minutes of the previous meetings held on 16 February and 26 May 2017 were approved.

**ACTION: The Board Secretary to publish the approved minutes of the 16 February and 26 May 2017 meetings.**

#### **Item 11 – Matters arising and outstanding action points**

64. The Head of HR reported that he had held discussions with the Chair of the Cafcass ARAC Committee about potential networking opportunities with RemCo members. It was agreed the Head of HR would update members as discussions progressed.

**ACTION: The Head of HR to update members as discussions on potential networking opportunities progressed with the Chair of Cafcass ARAC Committee.**

**Item 12 – Any Other Business**

- 65. The Chair advised that the date of the next meeting needed to be changed. It was agreed the Board Secretary would confirm new date via email.
- 66. It was agreed the Board Secretary would circulate dates of future LeO Live events to all Board Members and Staff Council meetings to RemCo members to ensure Board attendance.

**ACTION: The Board Secretary to email the dates of future LeO Live and Staff Council meetings to Board and RemCo Members to ensure Board attendance.**

**Next meeting**

Wednesday 29 November 10:00 – 12:00