

**Minutes of the Ninety Seventh Meeting of the
Office for Legal Complaints (OLC)**

Wednesday July 17 2019

10:30 - 14:00

Present:

Wanda Goldwag, Chair
Lis Bellamy
Rod Bulmer
Rebecca Hilsenrath
Shrinivas Honap
Annette Lovell
Jane Martin

Board Secretary:

Michelle Hitchman
Teresa Mulrennan

In attendance:

Rebecca Marsh, Chief Ombudsman
Brendan Arnold, Director of Corporate Services
Steve Pearson, Head Ombudsman (item 5)
Emma Cartwright, Head of Finance (item 6)
Mariette Hughes, Head Ombudsman (item 7)
Alex Moore, External Affairs Team Leader
(items 10 & 11)
Patricia Houslin, Staff Observer

The Board meeting was quorate.

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

1. The Chair welcomed attendees to the meeting. Patricia Houslin was in attendance as a staff observer.
2. Apologies noted from Kay Kershaw, Board Secretary.
3. There were no conflicts of interest declared.

Item 2 – Approval of previous minutes

4. The minutes from the meeting on 24 June 2019 were **approved** for accuracy and **approved** for publication.

ACTION: Board Secretary to publish the minutes from the OLC meeting held on 24 June 2019.

Item 3 – Matters arising and outstanding actions from previous meeting

5. The DCS confirmed with one exception all actions from the previous meeting had been completed.
6. He apologised for the delay in Board receiving the off agenda paper (item 6 on action list) due to competing commitments this week, however assured Board it would be circulated shortly.

ACTION: DCS to circulate off agenda

7. The Board **noted** the update on actions from the previous meeting.

Item 4 – Executive Report

8. The CO presented the Executive Report setting out key issues arising since the June Board meeting.
9. The CO noted format changes made to the report based on recommendations made at the previous Board meeting and asked for feedback, specifically if Board were satisfied with the report or if they required further detail.
10. The Chair suggested it needed to be a bit more 'crisp' and provide more detail about the trajectory for performance and improvement.
11. The CO provided a brief update on the Business Assurance Meeting with MoJ last week chaired by Alison Wedge. Chris Nicholls, Director of Policy and Regulation at LSB was present.
12. The Business Assurance meeting was a positive meeting and there was a clear appetite for a better working relationship amongst involved parties (LSB, OLC and MoJ). MoJ officials were supportive and offered assistance with messaging of progress with our external stakeholders.
13. The CO reported that smaller regulators had remarked upon the matter of unit costs. In discussion it was noted that the perception around costs for smaller regulators is being exacerbated in part due to the current low number of complaints from them.
14. The CO outlined how the levy worked and agreed to share the detail with Board including what exactly is dictated by statute.

ACTION: DCS to circulate information above to Board Members.

15. The CO outlined the diagnostic work that had been started around the performance and people issues and detailed the multiple strands of work underway to address them.
16. The CO noted that the current issues regarding performance are being monitored and gave an overview of the honest and open conversations that are taking place with staff to ensure the issues are addressed collectively. This includes ensuring a more robust approach to flexibility and earned autonomy.

17. Scrutiny will be ongoing over the next 3 months to monitor the impact, learning and benefits achieved.
18. The Chair noted that this was positive and would like the number of files in the Pre-assessment pool to be reported over the next 3 months.
19. The Chair requested that Board be updated on a weekly basis.

ACTION: Board Secretary to provide updates to Chair/Board as above

20. The Board **noted** the Executive Report.

Item 5 – Quarterly Performance Report

21. Head Ombudsman Steve Pearson, presented the performance report the main emphasis being that the final legacy files were now either closed or with an Ombudsman for decision.
22. The Chair noted that this was an enormous achievement and congratulated staff on their efforts. The Board also requested their thanks be passed on to all staff.
23. June's performance was disappointing but delivery was within overall tolerance for the quarter.
24. The general consensus was that communication needs to be clearer on why performance was under target in June. Specifically that a clear narrative was needed to be confident in explaining matters to the LSB. It was noted that resources and skill set were issues that kept coming up time and time again and it was necessary to ensure they were now addressed.
25. The Chair required future reports be more concise and contain key figures.

ACTION: DCS/Head Ombudsman to action for future reports

26. The DCS highlighted areas of corporate performance, including the increase in bandwidth at Edward House and the current recruitment campaigns.
27. The Board sought clarification on the recruitment campaigns.

ACTION: DCS to circulate a more detailed update off agenda

28. The Board enquired when the various performance management efforts would conclude and made specific reference to staff turnover and the salary underspend.
29. The DCS commented that performance managing people which results in staff leaving was not a quick process but pointed out that 9 staff members had left as a result of action in quarter one.
30. A Board Member highlighted the recent positive press coverage from the SRA about improvements in complaint handling. All efforts were entirely attributed to the work of the SRA with no mention of LeO. The Board Member suggested the need for more proactive PR. The Board offered assistance to help with PR if needed.
31. The DCS noted that the communication budget is very constrained and this would be challenging.

32. The Board **noted** the Performance Report

Item 6 – Finance Report

33. Head of Finance (HoF), Emma Cartwright, presented a paper reporting on the financial position at the end of month 3 and invited questions or comments from the Board.
34. The Chair noted that the Annual Accounts were due to be laid in parliament today and extended thanks to the Head of Finance and the team.
35. HoF confirmed that updates are being made this month and reforecasting is currently indicating a flat budget. Assurance was made that any underspend will be absorbed throughout the year specifically the staffing and IT budgets which are undergoing re-detailed forecasts.
36. It was noted that any capital underspend would need to be returned to the MoJ sooner rather than later. This should also apply to capital expenditure.
37. HoF assured the Board that monthly People meetings are scheduled to facilitate detailed work around staffing requirements and budgets.
38. Again HoF assured Board that all capital would be utilised especially with the website project.
39. The Board **noted** the Finance report.

Item 7 – Mediated Solutions Feasibility Report

40. Head Ombudsman, Mariette Hughes, updated the Board on further details of the mediation pilot project specifically that a professional mediator will be contracted to lead the pilot.
41. The Chair confirmed that £25k from current underspend is being used to fund the pilot as it was felt that this would prevent additional depletion in current resource and a subsequent detrimental effect on performance.
42. MH noted that the success and take up rates will be critical to understanding whether this is an option we should pursue in the longer term. It was also noted that we are not anticipating the same level of take up as is seen at the SLCC, as we do not have the same level of case fee incentive but are open to see what the proof of concept shows.
43. In discussion it was suggested that the pilot should be progressed in a more agile way to minimise any risks, ensure a more robust route to clearer outcomes and establish if the pilot is a viable option before too much money and time is invested.
44. The Chair noted that Lord Keen had shown great interest in implementing a mediation pilot and the project plan would be presented to him.
45. The Chair noted that an early indication of the success of the pilot should be available and that Board will be in a position to discuss and decide on next steps at their September meeting.

ACTION: Board Secretary to schedule on forward plan allowing one hour.

46. The Board **noted** the Mediated Solutions Feasibility Report

Item 8 – ARAC Update

47. The Chair of ARAC updated the Board on the main topics of discussion from the previous meeting held on 1 July 2019.

48. Agenda items discussed included, approval of annual accounts, ICO Audit report and the Strategic Risk Register and the request for management to update their action plan in relation to this.

49. The Board **noted** the ARAC verbal update.

Item 9 – RemCo Update

50. The Chair of RemCo updated the Board on the teleconference held on 16 July 2019, to review the draft Terms of Reference (ToR).

51. Specific points highlighted included the need for clarity on delegated authority, the People Strategy Plan and the role RemCo plays in employer responsibility and senior pay.

52. The Executive were tasked with reviewing the People Strategy Plan and presenting an updated version of the ToR to RemCo Board by mid-August. This would then be added as an agenda item on the meeting scheduled on 4 September 2019.

ACTION: Board Secretary to update forward plan accordingly.

53. RemCo Board Members would be happy to dedicate additional time if required to support progress.

54. The Chair of RemCO asked whether consideration of Compromise Agreements would form part of the remit of RemCO. The DCS confirmed that this could be considered.

55. The Board **noted** the RemCo verbal update.

Item 10 – Welsh Language Report

56. The Welsh Language Report detailed the services provided in Welsh between June 2018 and May 2019 and set out how we have met our obligations under our Welsh Language scheme, which was prepared under the requirements of the Welsh Language Act 1993.

57. The Board **approved** the Welsh Language Report.

58. Following an enquiry from a Board Member it was confirmed that there is currently no Welsh speaker within the organisation.

Item 11 – Update on UCL Review of Legal Regulation

59. External Affairs Team Leader, Alex Moore provided an update on Professor Stephen Mayson's Review of Legal Regulation.
60. An interim report is expected in September, followed by a public event in October with the final report being published in January 2020. LeO will provide an open letter style response to the review by early September.
61. The Chair highlighted OLC's involvement in this review against the political environment and the likelihood of a change in ministerial appointment and therefore if time being invested in this project is beneficial.
62. The CO confirmed that due to the amount of interest this review is generating it is important to be fully engaged as it provides an invaluable opportunity to test ideas and suggestions and understand stakeholder priorities and concerns
63. The Board noted the verbal update on the UCL Review of Legal Regulation.

Item 12 - Transparency Reports

64. The Board **approved** the Transparency Reports for accuracy and publication

ACTION: Board Secretary to publish Transparency Reports

Item 13 – Board Paper Redactions

65. The Board **approved** the proposed redactions.
66. The Board **approved** the publication of the July Board papers subject to the proposed redactions

ACTION: Board Secretary to publish the July Board Papers as above

Item 14 – Any Other Business

67. The Board discussed the agenda and format for next week's LSB/OLC Board to Board meeting. Board Members were encouraged to actively participate.
68. The Board agreed that it would be beneficial to suggest to the LSB that these meetings should be scheduled every 6 months and alternate venue between London and Birmingham.

Item 15 – Vulnerability Workshop

- 69.** The Board received a presentation by a number of staff including a Vulnerability Champion and two Team Leaders, an overview of the existing measures in place to identify and support vulnerable customers.
- 70.** The Board were assured that LeO is assisting vulnerable customers and has an understanding and approach that takes account of individual's needs and wishes. .