

Minutes of the twenty seventh meeting of the

Office for Legal Complaints (OLC)

Monday 26 September 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

In attendance:

Adam Sampson, Chief Ombudsman
Rob Hezel, Director of Finance and Business Services
Alison Robinson, Head of Policy and Communications
Liz Shepherd, Director of Operations

Board Secretary:

Andy Taylor

Preliminary issues:

The quorum requirements for the Board meeting were met.

There were no declarations of interest.

Item 1 – Walk through of the LeO business process

1. Members received an update in respect of the LeO complaint handling process from the Operations team.

Item 2 – Welcome and apologies

2. The Chair welcomed those in attendance.
3. Apologies were received from Brian Woods-Scawen and David Thomas

Item 3 – Minutes of previous meeting

4. The minutes of the meeting of 5 September 2011 were approved for publication.

Item 4 – Matters arising & action points

5. Members noted those items where action had been completed and that others were included as agenda items.
6. The Chair advised members that in recognition of the current vulnerability, the LSB had agreed to appoint an additional lay member to the OLC. In addition, the Chair provided members with an update following the joint meeting with the LSB held on 8 September. A copy of the meeting notes are to be circulated to members.
7. Members were advised that secure external access to the LeO intranet had now been completed. Further development work was required in respect of access to a secure portal for confidential OLC documents and information. It was expected this should be completed in time for the next meeting.

ACTIONS

- The Secretary to confirm whether written confirmation of the LSB decision to increase the lay membership of the OLC has been received.
- The Secretary to issue a copy of the notes in respect of the joint meeting held on 8 September to members.

Item 5 – Comments received regarding items presented for information.

8. The items presented for information were noted. No comments were received in advance of the meeting for circulation.
9. Members received an update in respect of judicial review cases. It was agreed that regular updates will be useful at future meetings and should be included in the agenda timetable.
10. Members received an update on LSO activity noted that all remaining work was close to completion. Staff from the Ministry of Justice visited the LSO team on 23 September in recognition of the work undertaken by the team. Members also congratulated John Norton and his team for completing the project within budget and on time. A closing report would be prepared by the LSO for the Ministry of Justice in due course.
11. Members noted the finance report. The Director of Finance reported that the stated underspend related to planned contingencies.
12. Members noted the OLC and ombudsman register of interests
13. The Chief Ombudsman's monthly report was discussed and Members were told that operations data for the first three weeks of September showed further progress with case closures. Following comparison with the previous two months, the Executive

were confident that approximately 800 cases will have been closed by the month end. Further capacity will also be available as staff from the LSO team continue to migrate back to LeO.

14. Members discussed the future research objectives for LeO. The Executive advised that the LSB were currently unable to assist with proposed research into first tier complaints. However, it was understood that the Consumer Panel may be able to assist. Members agreed this was a vital area of research and should proceed as soon as possible. Members asked the Chief Ombudsman to advise the LSB Chief Executive of this decision.

In response to further questions it was confirmed that the employment tribunal case was progressing and a further update would be provided in due course.

ACTIONS

- The Secretary to include time in future agendas to receive regular updates in respect of Judicial Review matters.
- The Chief Ombudsman to discuss the OLC decision to proceed with research into first tier complaints with the LSB Chief Executive.

Item 6 – Operations update: “working more shrewdly”.

15. Members noted the paper and in response to questions were advised:

- Disparity in investigator performance largely relates to the three distinct staff recruitment programmes and this has resulted in different levels of staff experience across resolution centre teams. Staff targets will be based upon how long they have been with the organisation and will increase as staff move from “probation” into “developing” and finally “experienced” categories. Personal Development Reports (PDR) will reflect on this and will also ensure those staff consistently performing well are rewarded through the scheme.
- Where appropriate, capability plans were in place for those staff where expected performance levels were not being met.
- A report on staff exit data will be shared with RemCo once the full annual cycle had been completed.
- Staff training had been improved following the inclusion of “real” cases experienced by others within the induction programme.

16. Members were advised that a further meeting will take place on 5 October in respect of KPI’s. The meeting will include a member from the OLC, LSB and both executives. It was suggested that separate performance indicators should be available for informal resolutions and decisions made by ombudsmen.

ACTIONS

- The Executive to provide the Secretary with relevant papers for the KPI meeting for communication to the LSB in advance of the 5 October meeting.
- The Secretary to include an item on the October agenda for members to consider proposed KPI's.
- The Head of HR to provide a report to RemCo once 12 month's staff exit data has been analysed.

Item 7 – Publishing decisions.

17. Members noted the paper and the comments provided by one member in advance of the meeting.

18. Members discussed the options available and agreed that statistical information including the names of the lawyers of firms on all ombudsman decisions should be published. However, this would not be linked to details of the individual decisions save where the OLC decides that it is necessary to do so in a particular case.

19. Members discussed whether informally resolved cases should also be published alongside ombudsman decisions. It was agreed that the OLC will reserve the right to publish individual cases, subject to agreed criteria. A draft set of criteria governing the publication of particular cases where the lawyer is to be named is to be developed by the Executive and considered by the OLC at a future meeting.

20. Members also agreed that statistical information relating informally resolved cases should also be published.

ACTIONS

- The Executive to provide the OLC with a draft set of criteria to consider the publication of individual cases.

Item 8 – Draft strategy and business plan.

21. Members noted the revised version of the draft paper and suggested further amendments to the strategic headings. The Executive advised that further work was being undertaken in order to include budget data. A draft version of the document is to be issued to the LSB by 3 October for consideration at the LSB meeting on 12 October.

ACTIONS

- Further drafting comments in respect of the draft strategy and business plan to be provided to the Head of Policy and Communications as soon as possible, with an updated draft to be issued to the LSB by 3 October.

Item 9 – Any other business.

- 22.** Members were advised that Jonathan Djanogly, Parliamentary Under-Secretary of State for Justice, was to visit LeO on 7 October.
- 23.** The Chair advised members her reappointment to 31 March 2014 had been confirmed by the LSB. She also advised that OLC member's reappointment details had been submitted to the LSB for consideration.
- 24.** The Director of Finance and Business Services advised members of an opportunity "sell" a break clause from the building lease agreement. The opportunity to break will arise in August 2015. Following questions, it was confirmed that selling the break clause would not impact upon the future pricing. Members agreed to discuss with the MoJ the option of selling the break clause.

ACTIONS

- The Secretary to check progress of OLC member reappointments and to provide an update to members as soon as possible.
- 25.** The next OLC meeting will be held on 17 October 2011 at Baskerville House, Birmingham, commencing at 11.30am. A private session for OLC members will take place after the meeting.

Andy Taylor
Board Secretary
29 September 2011