

**Minutes of the twenty third meeting of the**

**Office for Legal Complaints (OLC)**

**Monday 16 May 2011**

**11.30am – 3.45pm**

**Baskerville House, Centenary Square, Broad St, Birmingham B1 2ND**

**Present:**

Elizabeth France, Chair  
Margaret Doyle, member  
Tony Foster, member  
Brian Woods-Scawen, member  
David Thomas, member  
Rosemary Carter, member  
Professor Mary Seneviratne, 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  
Gary Garland, Deputy Chief Ombudsman

**Board Secretary:**

Andy Taylor

**Preliminary issues:**

The quorum requirements for the Board meeting were met.  
There were no declarations of interest.

**Item 1 – Welcome and apologies**

1. The Chair welcomed those in attendance.
2. There were no apologies received.

**Item 2 – Minutes of previous meeting**

3. The minutes of the meeting of 18 April 2011 were approved for publication subject to minor amendments.

### **Item 3 – Matters arising & action points**

4. Members noted those items where action had been completed and that others were included as agenda items.
5. The launch event for the 2010/11 OLC Annual Report will take place at Portcullis House, Westminster on 18 July 2011 between 3pm and 5pm. Members noted that an OLC meeting is also scheduled to take place on this date. Details of the venue and agenda would follow in due course with further details of the event itself.
6. There was now a formal minute of the February meeting between the Cabinet Office and BIOA during which the question whether independent websites could remain was raised. It was clear that the Chief Secretary's view was that migration onto a consolidated platform had to be justified on financial grounds. Members agreed that since there was no financial benefit in respect of the Legal Ombudsman website being included, any further moves to suggest consolidation should be resisted.
7. The Director of Finance and Business Services explained that the MoJ Framework agreement remained in draft as there were some changes, relating to the role the MOJ was seeking in the appointment of the Chief Ombudsman and the OLC, which were being challenged. Members requested that an electronic version should be forwarded to them as soon as there was a final proposed draft and that every effort should be made to conclude outstanding matters before the next meeting.

#### **ACTIONS**

- The Director of Finance and Business Services to provide Members with an electronic copy of the MoJ framework agreement and to confirm the agreement as soon as possible.

### **Item 4 – Comments received regarding items presented for information.**

8. Members noted the items presented for information. No comments were received in advance of the meeting for circulation.
9. The Director of Finance and Business Services explained that while alternative telephony solutions had been identified, significant progress had been made with the existing provider. Testing of the new client software was yet to take place to ensure that all issues had been satisfactorily resolved. Members asked for an update to be provided by the Director of Finance and Business Services at the next OLC meeting.
10. Members requested that the corporate risk register should also set out the background to issues that result in changes to the risk evaluation. It was agreed that this would be considered at the next meeting of the risk management group, scheduled for 17 May 2011.
11. Members noted the register of interests. Subject to minor amendments the documents are to be published on the website.

12. Members noted the updated equality priorities and objectives paper and requested that an update be provided on a regular basis.

#### **ACTIONS**

- The Director of Finance and Business Services to provide an update at the next meeting in respect of progress with the telephony solution.
- The OLC Secretary to provide feedback to the risk management group in respect of amendments to the risk register. The Head of Change to incorporate the required changes as soon as possible.
- The OLC Secretary to update the register of interests before publishing the up to date document on the LeO website.
- The OLC Secretary to update the agenda planner to include a quarterly update in respect of equality and diversity matters.

#### **Item 5 – KPI dashboard report.**

##### Summary of the tabled paper

The tabled paper provided members with details of the operational performance of the organisation up to the 30 April 2011. Members also received a presentation from the executive in respect of operational performance.

13. In response to questions it was explained that;

- Following recent discussions with Tony Foster, who was taking the lead for members on the development of KPIs, the KPI dashboard template was being updated to ensure that definitions were consistent, for example: what constitutes a 'closed case'.
- Once there is agreement on data definitions, the Executive would assess the viability of 'backdating' data within previous KPI dashboards and provide an update as soon as possible.
- Members asked that in future, KPI presentations should be provided with meeting papers.

#### **ACTIONS**

- The Director of Operations to provide an update to members at the next meeting in respect of backdating operational data into previous KPI templates in order to report data on a consistent basis.

## **Item 6 – Legal Services Ombudsman update**

- 14.** Members received an oral update from the Legal Services Ombudsman (LSO) in respect of operational matters up to 30 April. The LSO reported that there were over 450 cases being processed by the scanning partner to convert paper files into an electronic format. In addition to this, a further 150 cases were expected from the Manchester Office, which closes at the end of May 2011.
- 15.** There had been a growth in service complaints to the LSO and this was impacting on efficiencies in managing and closing casework. The service complaints were mainly related to inherited cases where the expected timescales had not been adhered to prior to the current LSO taking responsibility for case administration. Despite the impact of service complaints on casework, 15 cases per month were being closed on average, and the new operational model was considered to be working well. In addition to this, three judicial review challenges had been received by the LSO, but none had been granted the necessary leave.
- 16.** Where the LSO recommends a compensation award against the LCS, the SRA has taken responsibility for making this payment to the complainant. In addition to this, where termination payments are to be made to LSO staff upon closure of the Manchester office, the MoJ has already allocated a suitable budget for this and will be 'cost neutral' for the Legal Ombudsman

## **Item 7 – HR quarterly report.**

- 17.** The Director of Finance and Business Services gave an oral update on HR matters. It was noted that the internal auditors were pleased with the progress being made, with 4 of the seven outstanding items now closed, and significant progress made in the remaining three. Internal auditors are confident that any residual risks relating to the outstanding items are being appropriately managed to the degree that they have approved the statement of internal control for inclusion within the 2010/11 annual report.
- 18.** The organisation's flexible benefits scheme was expected to be launched in September 2011 with staff receiving the previously agreed payment in lieu of flexible benefits in August 2011. Members asked for a careful communication to be issued to all staff in respect of this, making it clear that the payment represents the value of the flexible benefit package for the months leading up to implementation and will not be an alternative once the scheme is in place.
- 19.** Staff turnover and sickness levels were reported, and questioned. They are in line with expectations and broadly in line with other organisations. Benchmarking information for future reports was requested. The first employment tribunal claim had been received and external advice was being sought.

## **ACTIONS**

- The Director of Finance and Business Services to provide members with an update in respect of the launch of the flexible benefits scheme.
- The Director of Operations to obtain benchmarking data from other Ombudsman schemes and include this in subsequent reports.

### **Item 8 – Claims management and ABS update.**

#### Summary of the tabled paper

The tabled paper provided members with an update on potential changes to jurisdiction affecting the Legal Ombudsman, the likely timescales and an assessment of the possible impact on the organisation's operations.

20. It was agreed that in the planning for ABSs there were two major issues of potential concern to LeO: signposting arrangements; and the need for a common understanding the definition of what constitutes legal activity. Both were important in order to avoid confusion to consumers. There was a risk of consumer detriment if it was unclear where redress lay. Members were pleased to note that a meeting on this was to take place in June involving a number of ombudsman schemes, including LeO, to discuss the impact and possible overlap of jurisdiction.
21. Before any more work was done on the possibility of looking at complaints about lawyers qualified only in the Isle of Man, MoJ should be asked to confirm whether the Legal Services Act 2007 would allow such an extension.
22. There would be further opportunity for discussion on the way consumers might be affected by any changes at the next OLC meeting which would include a joint session with the LSB Consumer Panel. The September Strategy Day would also provide the opportunity to consider possible changes in scope and jurisdiction.

## **ACTIONS**

- The OLC Secretary to include discussion time regarding alternative business structures and claims management companies in the agenda for the September OLC Strategy day.
- The Executive clarify whether the Legal Ombudsman could legally have a voluntary jurisdiction in respect of lawyers in the Isle of Man and to update the OLC in due course.

### **Item 9 – Draft 2010/11 OLC annual report.**

#### Summary of the tabled paper

The tabled paper provided members with an initial draft of the 2010/11 OLC annual report for comment and feedback.

23. The financial matters in the draft report had been discussed at the Audit and Risk Committee meeting earlier in the day. Feedback had been provided to the Director of Finance and Business Services by members of the committee and also from both internal and external auditors.
24. Further feedback and guidance were provided to the Executive in respect of the structure and content on the draft and it was agreed that any further feedback should be provided to the Head of Policy and Communications as soon as possible.
25. Members asked for an updated version of the draft to be issued electronically as soon as the proposed amendments had been incorporated, noting that formal approval of the annual report was scheduled for the June meeting.

#### **ACTIONS**

- The Head of Policy and Communications to update the draft version of the 2010/11 OLC annual report and redistribute to members as soon as possible and to allow sufficient time for a final version to be tabled at the June meeting for formal approval.

#### **Item 10 – Any other business.**

26. The Chair informed members of meetings including those with the Chair of the Justice Select Committee and with the Justice Minister; Jonathan Djanogly.
27. It was agreed that the OLC meeting agenda for future meetings, with indicative timings, should be issued well in advance.
28. It was noted that the next meeting with the LSB in on management information would take place on 26 May 2011 in London.
29. Members requested that a proposed response on behalf of the OLC to the LSB consultation in respect of developing regulatory standards should be drafted for consideration at the OLC meeting in June.
30. The next OLC meeting will be held on 20 June 2011 at Baskerville House in Birmingham.

#### **ACTIONS**

- The Head of Policy and Communications provide a draft response to the LSB consultation in respect of developing regulatory standards to members for consideration at the June OLC meeting. The OLC Secretary to include this as an agenda item.

Andy Taylor  
Board Secretary  
23 May 2011