



THE WATERWAYS
OMBUDSMAN



Annual Reports of

The Waterways Ombudsman Committee

and

The Waterways Ombudsman

for 2015-16



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ANNUAL REPORT OF THE WATERWAYS OMBUDSMAN COMMITTEE COVERING THE PERIOD 2015-16

Chair's Report

This report covers the first full year of the newly constituted Waterways Ombudsman Committee. The Committee consists of three independent members plus two representatives of the Canal & River Trust.

The Committee members are:

Independent Members

Steve Harriott [Chair of the Committee]
Kevin Fitzgerald
Jenny Murley

Trust representatives

Jackie Lewis
Tom Franklin

Independence

The Waterways Ombudsman Scheme is a member of the Ombudsman Association and it is essential that the Committee is independent. The rules of the Committee require there to be a majority of independent members and for the Chair (who must be an independent member) to have a casting vote in the event of a deadlock.

The Committee's role

The Committee's key role is to appoint the Ombudsman and to make sure that there exists an effective scheme for complainants to use.

The Committee has no involvement in the day to day work of the Waterways Ombudsman and does not get involved in the decisions which the Ombudsman takes on individual complaints. The Committee does not act as an appeals body.

Accountability and transparency

The Committee met on five occasions during the year and the minutes are published on the Waterways Ombudsman website.

The Committee aims to ensure that the scheme is accountable and transparent to users of the Canal & River Trust and its subsidiaries. As such during the last 12 months the Chair and

Ombudsman met with representatives of the National Bargee Travellers Association and the National Association of Boat Owners. In addition the Chair met with the Chief Executive of the Canal & River Trust to discuss the operation of the scheme.

The Ombudsman and Kevin Fitzgerald also made a presentation to the Council of the Canal & River Trust in the autumn of 2015 on the work of the Scheme.

The revamped Waterways Ombudsman website went live in May 2016 and includes a library of case summaries which give more detail about the sorts of cases the Ombudsman deals with and the decisions he reaches.

The Committee worked with the Ombudsman during the year to introduce a system of feedback from users of the scheme. This is providing some valuable insights into how best we can improve the service going forward.

Assessing the effectiveness of the Scheme

The Committee has a responsibility to ensure that the Ombudsman scheme is effective, which it does by reviewing:

- The scheme website and its contents
- Compliance with the scheme service standards
- Satisfaction and feedback
- Quality of decision making
- Accountability
- Finances

A summary of the Committee’s review is set out below together with its own review of a sample of cases which were looked at by the independent members.

Assessing the effectiveness of the Waterways Ombudsman scheme

Element	Standard to be met	How assessed	Reviewed	Assessment
WEBSITE	Provides key information to complainant about the scheme and how to complain	Annual review by Committee of the website content	Reviewed by Committee April 2016	Standard met. The website does provide information to complainant (under the Complaining tab) about the scheme and what they need to do if they wish to raise a complaint.
	Enables complainant to email complaints and evidence to Ombudsman	Annual review by Committee of the website content	Reviewed by Committee April 2016	Standard met. The website makes it clear how complaints may be submitted: “Complaints can be submitted by email, post or telephone.”

	Enables complainants to raise complaints or submit evidence by post	Annual Review by Committee of website	Reviewed by Committee April 2016	Standard met. The website makes it clear how complaints may be submitted "Complaints can be submitted by email, post or telephone".
SERVICE STANDARDS	Clear service standards for dealing with complaints	Annual Review by Committee of the Standards document	Reviewed by Committee April 2016	Standard met. The service standards are published on the website.
	Acknowledgement of initial contact within a week (90% of cases)	KPI report to each Committee	Reviewed by Committee April 2016	Standard met. Achieved in 97% of cases.
	Investigations completed within 90 days of receiving complete complaint file (unless they are complex)	KPI report to each Committee	Reviewed by Committee April 2016	Standard met. Achieved in 100% of cases.
	CRT to report to Ombudsman within 20 working days of actions being taken in relation to recommendations made by Ombudsman	KPI report to each Committee	Reviewed by Committee April 2016	Achieved in four of the five cases where remedies were proposed and which were accepted by the complainants. The exception was case 823. Further details are in the Ombudsman's report.
SATISFACTION	High levels of satisfaction with process from complainants	Satisfaction reporting to each Committee	Reviewed by Committee April 2016.	Standard met. Satisfaction reporting commenced January 2016. First response reviewed February 2016.
DECISION MAKING	High quality decision making on cases	Sample Review of casework by Committee members and/or consultant on an annual basis	Sample Review conducted 9 February 2016 by the three independent members of the Committee.	Standard met. Review satisfied that decision making was of high quality in cases reviewed.
	Well written responses demonstrating a quality redress process	Sample Review of casework by Committee members and/or consultant on an annual basis	Sample Review conducted 9 February 2016 by the three independent members of the Committee.	Standard met. Review satisfied that responses were well written. A small number of suggested refinements were made.

ACCOUNTABILITY	Annual Report published on website	Annual Review by Committee of website	Website review shows that the 2014-15 report is available to review.	Standard met.
	Digest of cases on website	Annual Review by Committee of website	Website review shows that there is a digest of cases on the website.	Standard met.
	Meetings with key stakeholders to discuss approach	Reports to Committee	Meetings held with NABO, and NBTA December 2015/January 2016	Further meetings to be diarised.
	Annual meeting between Ombudsman Committee Chair and the Chief Executive of CRT to discuss the Scheme	Reports to Committee	Meeting held November 2015.	Standard met.
FINANCES	Annual budget agreed in the light of casework levels	Reports to Committee	Budget set for 2016-17.	Standard met.
	Management accounts produced at regular intervals and reported to Committee	Reports to Committee	Management accounts reviewed at each Committee in 2016.	Standard met.

Finances

The Committee appoints the Ombudsman and the Committee is funded by the Canal & River Trust to meet the costs of this service. The total cost of the Ombudsman service in 2015-16 was £40,910.29 (2014-15 £37,251.23).

The EU Alternative Dispute Resolution Directive

This came into force in July 2015 and required most Ombudsman schemes to obtain certification from a “competent authority”. For us, the competent authority is the Chartered Trading Standards Institute and certification will mean that we meet the requirement of the Directive and the related UK Regulations. The Scheme obtained certification on 20 August 2015.

Members of the Ombudsman Committee as at 31 March 2016

Chair

Steve Harriott is an independent member and works as the Chief Executive of The Dispute Service which operates tenancy deposit protection schemes across the UK. These schemes all operate under government contracts. In addition to protecting deposits it also provides free alternative dispute resolution services in relation to tenancy deposit disputes and deals with c. 15,000 disputes a year.

Steve’s professional background is in the area of social housing where he has worked as chief executive of a number of housing associations in England. He also serves as an independent member on the Boards of Chatham Maritime Trust (as Vice Chair) and of Boston Mayflower Housing Association in Lincolnshire (as Chair). He writes widely on

tenancy deposit issues and is keen to see the wider use of alternative dispute resolution to resolve consumer disputes.

Other Independent Members

Kevin Fitzgerald is currently a special advisor in the Cabinet du Directeur General at the United Nations World Intellectual Property Organisation, Geneva. Previously he was Chief Executive of the UK's copyright agency where he led the setting up of regulation for the copyright industry. Other roles have included being The Independent Member of the Public Diplomacy Committee at The Foreign and Commonwealth Office and Independent Non-Executive Director of the East of England Tourist Board. He was awarded a CMG in the Queen's Birthday Honours 2013 for services to British economic interests.

Jenny Murley has a BA in Law from Anglia Ruskin University and a Masters in Law from Queen Mary and Westfield College. She was called to the Bar in 1982. She is employed as the Compliance Officer to an FCA regulated fund management company which acts as advisor to two infrastructure funds. Jenny has previously worked for the Consumers' Association, the Investment Management Regulatory Organisation (IMRO), and the Insurance Ombudsman Bureau.

Members appointed by the Canal & River Trust

Tom Franklin is a Trustee of the Canal & River Trust and works as the chief executive of Think Global, a membership charity that works to educate and engage people about global issues such as climate change and sustainability. He is currently a member of the Independent Panel on the future direction of forestry and woodland policy in England. He was previously chief executive of the Ramblers, Britain's walking charity. He has been a local authority councillor for twelve years, including a period as council leader, and was an expert adviser on 'Better Public Spaces' to the Beacon Council Awards Scheme. He was also chief executive of Living Streets, a charity promoting better streets and public spaces for pedestrians.

Jackie Lewis graduated in chemistry in 1988 and subsequently worked with ICI for two years as a research chemist before returning to university to study law. Jackie was called to the Bar in 1992 and then practised as a barrister, primarily in the field of criminal defence before joining the City law firm Clifford Chance in 1995. After five years at Clifford Chance, she left to work within the in-house legal department of RMC and then joined British Waterways at the beginning of June 2001. At the beginning of 2014, Jackie became General Counsel for Canal & River Trust.

Looking forward

The Committee will remain focussed in 2016-17 on ensuring that an effective Ombudsman scheme is made available to those who use the services provided by the Canal & River Trust or any of its subsidiaries, or who may be affected by their activities. The Committee will continue to work with the Ombudsman to improve the service offered and to increase the transparency of the scheme and the way in which it operates. The Committee will continue to work with the Trust and other key stakeholders to ensure that an effective service is delivered.



ANNUAL REPORT OF THE WATERWAYS OMBUDSMAN COVERING THE PERIOD 2015-16

Introduction

This is my third annual report as Waterways Ombudsman, covering the period from 1 April 2015 to 31 March 2016. The complaint workload has not changed significantly from the previous year, but has again proved extremely varied.

The year has seen significant changes in the ADR (Alternative Dispute Resolution) landscape in the UK, with the implementation of a European Union Directive requiring all dispute resolution providers to be certified by a government approved Competent Authority to operate within the sectors they serve. The Waterways Ombudsman Scheme was granted unconditional approval on 20 August 2015 by its Competent Authority, the Chartered Trading Standards Institute.

During the year I have upgraded my website, which now includes a separate section for case summaries. I have added these to the website as I have completed the investigations, and they can be found on the Case summaries tab. I have also added case summaries for the years 2012-13 and 2013-14, which were previously published only in the Annual Reports. As in my previous report I no longer include the summaries in the report, but in the Annex there is a list of headings with links to the website.

Changes in ADR legislation

I referred above to the new ADR landscape. In his report last year the Chair referred to the EU Alternative Dispute Resolution Directive, which was transposed into UK law via the ADR Regulations¹. The Regulations came into force on 9 July 2015, and affected the Waterways Ombudsman scheme in a number of ways. Following the approval in August 2015, the scheme will need to go through an annual approval process to ensure that it continues to meet the relevant criteria.

There is now a clearer explanation in the scheme rules about the jurisdictional boundaries and the reasons why I can refuse to consider a complaint. Where I do accept a complaint I have an obligation to complete it within 90 days unless it is complex. That period starts with the date on which I receive what is known as the Complete Complaint File (CCF), comprising the relevant evidence, and ends when I have issued my final report. When I have received the CCF I notify the parties that this is the case, and inform them about the timescales.

If it is complex and will, or seems likely to, take more than 90 days then I must notify the parties. What constitutes a complex case is not defined in the Regulations. The Regulations are aimed at consumer disputes, but the majority of the complaints that I receive relate to matters which would generally be regarded as more complex, such as those which are about liveaboard boaters or may otherwise have a significant impact on lifestyles. I would therefore expect many of the complaints I receive to be more complex than the majority of consumer disputes.

By way of example, I would regard a complaint about a single issue, such as the licence fee, as not being complex, and an instance of this is [case 892](#). Where there are multiple issues (such as in [case 842](#)), where there are other parties involved ([case 888](#)), or where the

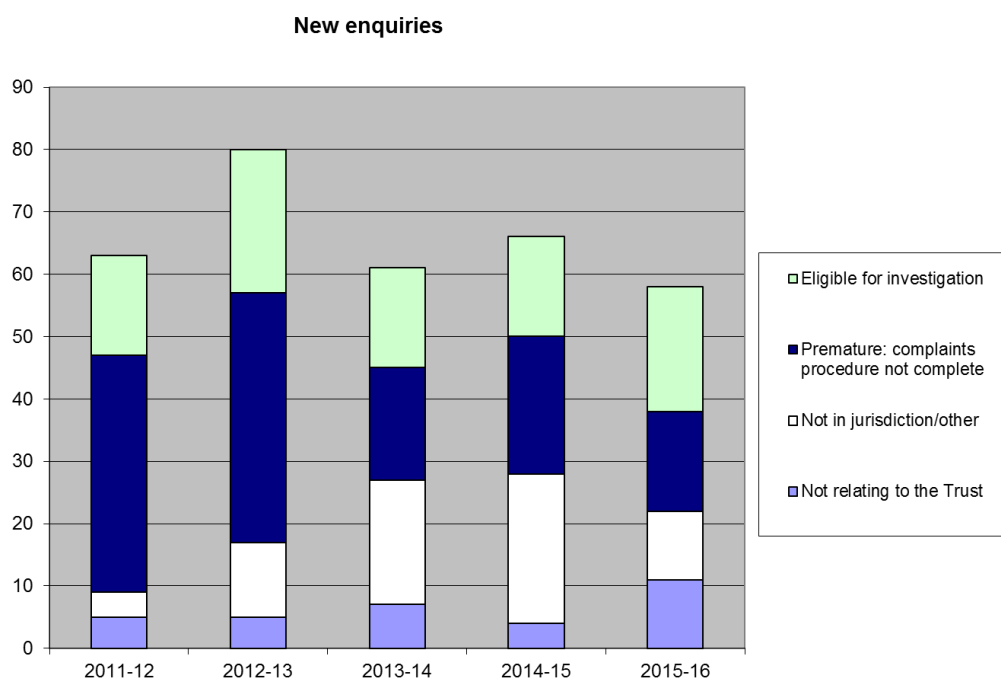
¹ The full title is "The Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015"

analysis is very detailed and/or I need to make a site visit ([case 881](#)), I would generally regard the case as complex. I have classified cases as complex or not complex regardless of how long they take, because it is important to be able to provide information on the types of cases I receive.

The Regulations did not come into force until 9 July 2015, and for cases which I started before that date I continued to use the previous criteria, such as for calculating durations. In particular, for those cases, I calculated the time it takes to complete an investigation from the date I accepted it, and not from the date I received the CCF, which can be the same day but is generally later. In the following sections I will make it clear which criteria I have used.

Casework – enquiries

The number of enquiries this year has decreased from 66 to 58. An enquiry is any kind of approach, regardless of whether it falls within my terms of reference, or whether I open an investigation. I always receive some which are not about the Canal & River Trust (“the Trust”), and the number fluctuates quite markedly. In 2013-14 there were seven enquiries which were not about the Trust, which fell to four in 2014-15. This year the number has increased to 11, which means that the number of enquiries relating to the Trust has decreased from 62 to 47. Note that the number of enquiries eligible for investigation is not necessarily the same as the number of investigations I have opened in the year, because where I receive an enquiry late in the year I may not open it until after the year has ended. The chart below breaks down the enquiries according to the main description.



Note: of the 20 complaints eligible for investigation in 2015-16, seven were about the same issue but only one investigation was opened.

The numbers are set out in the table below:

A	Eligible for investigation	20
B	Premature: internal complaints procedure not complete	16
C	Not in jurisdiction/other	11
D	Not relating to the Trust	11
	Total	58

There are two important points arising from the numbers this year. The first is that there has been a drop of around a quarter in the enquiries which are in some way about the Trust, but the second is that the number not about the Trust has almost trebled (although the number is still fairly low). For this reason I have decided to provide some more detail, below, about the 11 non-Trust enquiries.

Of the 47 enquiries that were about the Trust, 20 were eligible for investigation, but as seven were about the same issue I decided to open only one investigation and close the other six enquiries, subsuming the issues and evidence into the single investigation. This is a complex investigation and remained open at the end of the year. There were also two other investigations which I had opened during the year and which remained open at the end of the year, but I had accepted them for investigation only in the final month. Of the investigations I opened, I had initially closed three as enquiries because the complainant had not at that stage completed the Trust's internal complaints process (ICP), but later re-opened them.

There were 16 enquiries where the ICP had not been completed, and where by 31 March 2016 I had had no further contact from the person making the enquiry. This group includes all enquiries made relating to the Trust, which might potentially be in my jurisdiction but which had not yet completed the ICP. It does not include any complainants who, having first come to me prematurely, have subsequently returned to me and where I have opened an investigation. I have referred such complainants to the ICP, explaining that they can come back to me if they remain dissatisfied at the end of the process. A very small number of these complaints may not in practice have been eligible, because although the complainants reported a problem there was no clear evidence of them having suffered any injustice. One example was a person who complained that the Trust had not adhered to its own environmental code of practice when carrying out work on a canal.

I categorised 11 enquiries as "not in jurisdiction/other". In one case the complainant had completed the ICP but had not brought the matter to me until some four years later. My rules states that I can refuse to deal with an enquiry where the complainant has not come to me until over 12 month after the completion of the ICP. While I can exercise some discretion, for example in the event of illness, in this case the delay was exceptional and there were no extenuating circumstances.

Another was a complaint about a stile between Trust land and adjoining land having been removed, but the Trust explained to me that there was no public right of way and the adjoining landowner had asked the Trust to remove the stile. It had no choice in the matter and there was nothing I could do. A third enquiry was an urgent matter about dredging at a marina, where there was no time to complete the ICP. Whether as a result of my enquiries to the Trust or otherwise, I understand that the matter was resolved simply and to the satisfaction of the moorers. Of the other eight, seven were general enquiries or points and one was a letter which was clearly intended not for me but for a member of staff of the Trust.

Of the 11 enquiries which were not about the Trust, there were two where there was some connection with the Trust, because in both cases the enquirers had been using a boat on Trust waters. They were about:

- the Boat Safety Scheme
- problems with a hire boat used on Trust waters

The Boat Safety Scheme is a public safety initiative owned by the Trust and the Environment Agency, but it is not a subsidiary of the Trust and is therefore outside my remit. In the case of the hire boat I directed the complainant to the boat operator.

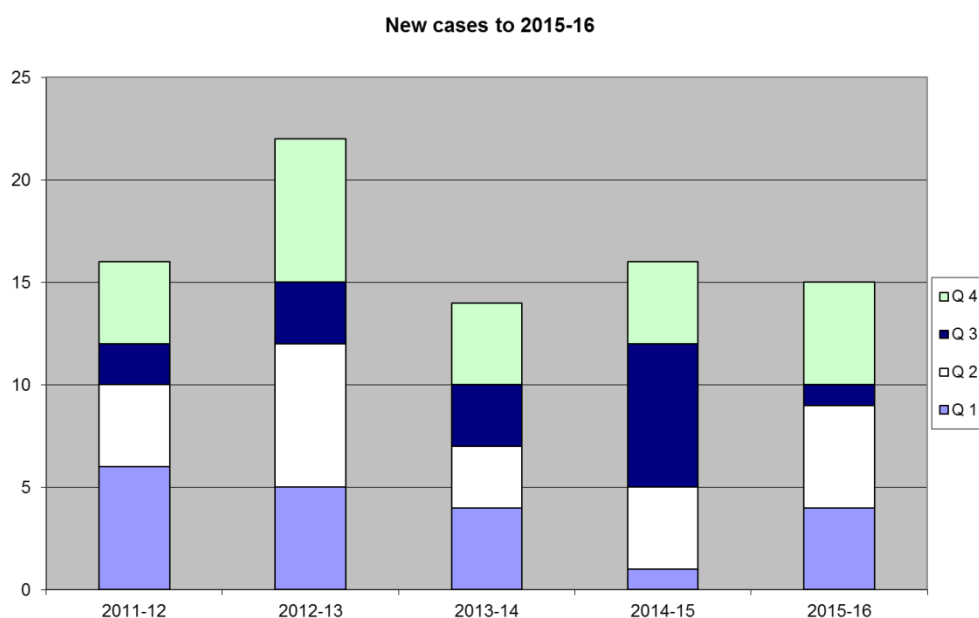
The other nine were about:

- Environment Agency waterways (3)
- Barnsley Canal Consortium waterways (1)
- Peel Holdings waterways (1)
- Norfolk Broads Authority (1)
- Royal Yachting Association training (1)
- Waterway owner unknown (2)

Because the numbers in each category are so small I cannot conclude that there is any lack of information about the contact details for those organisations. At the time of writing, if one uses the term “waterways” for an Internet search, the Waterways Ombudsman website is shown at the top of the results page, and anecdotal evidence from at least one enquirer suggests that they came to me having done such a search and without realising that I could not consider the complaints. To reduce the possibility of this occurring in future I have added an explanation to the home page of my website explaining that I cannot consider complaints about non-Trust waterways.

Casework – investigations

I opened 15 new investigations during the year, compared with 16 in the previous year, and completed or closed 18 (compared with 14). There were seven open at the start of the year, and four open at the end. The chart below shows the breakdown by quarter for the past five years for investigations opened.



The variation in the numbers of cases opened per quarter does not necessarily reflect the rate at which complainants first came to me. The period between receiving a complaint and accepting it for investigation has varied during the year from six days to nearly six months. In two cases, where there were delays of around 10 weeks and six months, the complainant had not completed the Trust’s ICP, and came back to me once that process had completed

its course. In another case, the complainant telephoned me and said he would be sending his evidence, but he did not do so for nearly five months.

The number of complaints entering the first level of the Trust's complaints process has seen a significant fall over the past ten years. In 2005-06 there were 1,001 such complaints, with 99 entering the second level and 29 Ombudsman investigations. This year, ten years later, the Trust handled 222 complaints at the first level of the ICP, up on the previous year's 185, and very slightly down from 232 the year before. It handled 40 at the second level compared with 42 the previous year. I opened 18 investigations, but because of time lags some of those will have completed the ICP in the previous year. I noted last year that over a roughly ten year period the number of first level complaints had dropped to about a fifth, while the numbers entering the second level and then going to be investigated by the Ombudsman had dropped to less than half, and this still holds true.

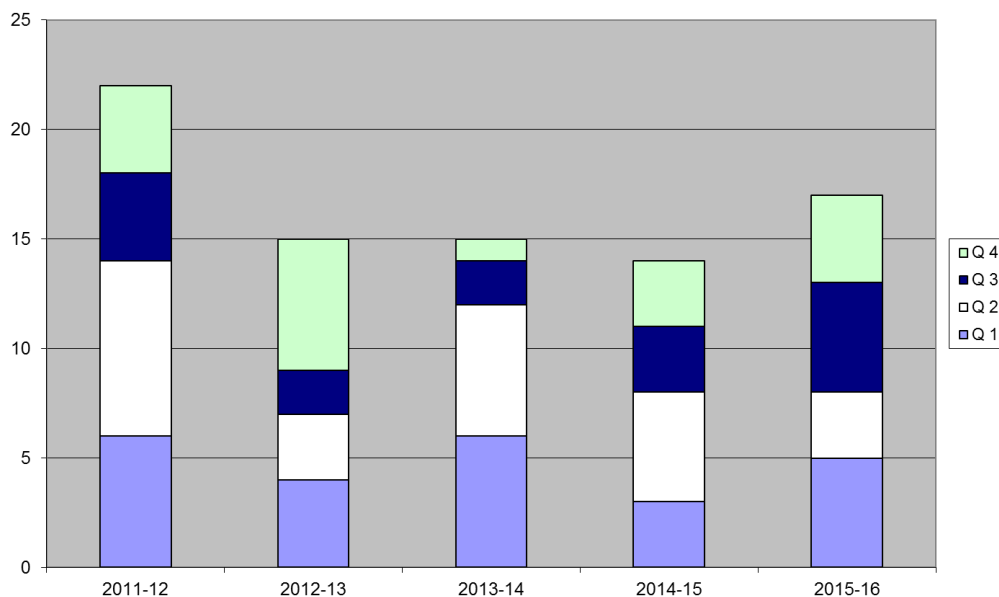
I completed 17 investigations in the year, and closed one because the complainant became ill and was unable to continue the process. Once the complainant is ready to recommence the process I shall re-open the case. The 17 investigations (listed in the Annex) covered 15 subjects. Two complaints were about the same situation, and two other complaints were about the 25% licence fee discount for disconnected waterways, although about different canals.

Of the investigations I completed, I upheld three, partly upheld six and did not uphold the remaining eight. In all of the three complaints I upheld, the recommendations were accepted by the complainant. One involved a significant monetary award ([case 860](#)). In another case I asked the Trust to take steps to mark shallows in a stretch of the River Severn ([case 823](#)), and in the third case I decided that the Trust should allow the complainant to assign a houseboat mooring and licence on the prospective sale of a boat ([case 856](#)).

Of the six I partly upheld, four involved monetary awards, of which two were accepted and two were not. In the other two (which were both about the same situation) I reported the Trust's own findings that there had been problems with its mooring applications process. It had implemented a number of changes, and I made no recommendations for further action. The Trust agreed to act upon all the recommendations I made in my reports where they were accepted by the complainants. In [case 823](#) some of the remedies were implemented shortly after I issued my report, but at the time of publication of this report the key remedy of marking the River Severn shallows had not yet been completed, partly because of the need to seek planning permission from two local authorities. The work was scheduled to be completed in August 2016.

The chart on the next page shows the number of investigations completed by quarter, for the last five years.

Investigations completed quarterly



Time taken to complete investigations

Of the 17 cases I completed, all but two took less than six months to reach a decision, and eight took less than three months. Of the six cases that took longer than three months, five were complex.

Under the new ADR landscape from 9 July 2015 I was required to complete cases within **90 days** except where they are complex. For complaints which I accepted for investigation before that date I have used the date on which I accepted the complaint for investigation as the start date, and the date on which I issue the final report (having already issued a draft report for comments by the parties) as the end date. For complaints accepted after that date I have used the date on which I received the CCF as the start date, in accordance with the ADR Regulations.

For all 17 cases, the average time to complete the investigation was **112 days** (compared with **97 days** for the previous year). The average was strongly influenced by two cases (cases [751](#) and [798](#)), which each took **363 days**, because I had to wait until the Trust had completed its internal investigation before I could complete mine. If I exclude those two cases, the average falls to **78 days**, and if I exclude the five cases which took between three and six months (all of which I categorised as complex), the average for the remaining nine falls again, to **47 days** (compared with **67 days** for the previous year). The following table shows time to completion for the previous five years.

Time to completion	2011-12	2012-13	2013-14	2014-15	2015-16
<3 months	15 (68%)	10 (67%)	10 (67%)	8 (57%)	10 (59%)
3-6 months	6 (27%)	2 (13%)	3 (20%)	5 (36%)	5 (29%)
6-9 months	0	2 (13%)	2 (13%)	1 (7%)	0
9-12 months	0	1 (7%)	0	0	2 (12%)
>1yr	1 (5%)	0	0	0	0

I have also separately calculated the case completion times for the seven investigations which I accepted after the coming into force of the Regulations. The average time to

complete the investigations after receiving the CCF was **54 days**. Only one took longer than 90 days, and this was a complex case, which took **107 days**. The shortest time any case took was **33 days**. I categorised two other cases as complex but completed them within 90 days. One took **56 days** and the other took **66 days**.

There were four open investigations as of 31 March 2016. One of these was an investigation I had opened in March 2015, which was about an exceptionally complex matter about moorings on a section of the Regent's Canal. There are several parties involved, including the local Council, but there have been recent signs that the situation might be reaching a conclusion. Many of the issues are ones of policy, which I cannot influence. Of the other three, one was a very similar complaint, about a different section of the Regent's Canal, which I opened in July 2015, and I opened the other two in March 2015.

Reasons for complaints which were investigated

Once again, the complaints were diverse. Only one ([case 875](#)) was not about boats or boating, and that concerned the operation of a swing bridge and barriers over a canal. Two (cases [836](#) and [892](#)) were about the disconnected canal licence fee discount. There was a complaint from a group of boaters about the continuous cruising rules for the Kennet & Avon Canal ([case 816](#)), while another ([case 888](#)) was from a boater who had been refused a licence because he had been unable to prove that he had a home mooring.

There was a complaint ([case 860](#)) from a boat-owner whose boat had been seized by (the then) British Waterways and stored in a private boatyard, and which suffered severe damage during an exceptionally cold spell because it had not been properly winterised. In another complaint ([case 856](#)) the boat-owner had not been permitted to assign his houseboat licence and mooring on the prospective sale of his boat. Finally, there was a complaint from a boater whose boat had been damaged on unmarked shallows on the River Severn ([case 823](#)). The Annex to this report includes a list of all investigated cases, together with links to the summaries on my website.

Issues arising from complaints

I have received a good service from the Trust in handling my questions and providing evidence for my investigations.

In a couple of cases, where I did not open investigations but where I could potentially have done had the Trust not taken action, the complainants had had difficulties in getting their enquiries to the Trust answered. They were in different areas of the country, but both were about the local waters teams. I do realise that the Trust has limited resources, but it seemed to me that in these two cases the complainants had had particular difficulties. I did not explore the reasons for the slow responses, but did note the points at one of my Ombudsman Committee meetings, as well as commenting that there were other, more minor, such incidents. I have not for some time seen any similar situations, and it is possible that these were rare and isolated events. The benefit to the parties in such situations is that if the matter can be dealt with effectively at the first level there will be no need for me to consider it.

I said in my last report that one of the main reasons why complainants came to me prematurely was because the issue was urgent. A minor intervention on my part can avoid a complaint escalating or a situation becoming serious.

Service standards

The service standards set by the Committee for the Ombudsman scheme are as follows:

- acknowledgement or response to initial letter, email or telephone call within a week of contact in **90%** of cases;
- **100%** of investigations completed within 90 days of receipt of the CCF, except where the case is complex.

Both targets have been exceeded or reached during 2015-16:

- the first standard has been achieved in 97% of cases (all but two);
- the second standard has been fully achieved.

Contacts with stakeholders

During the year I have:

- attended the National Users Forum in Birmingham on 9 September 2015 and given a presentation on the work of the Ombudsman;
- attended the Trust's Annual Report launch in London on 23 September and (jointly with Kevin Fitzgerald – one of the independent Committee members) given a presentation to the Council on the work of the Ombudsman;
- together with the Chair of my Committee, met representatives of the National Association of Boat Owners and the National Bargee Travellers Association; and
- attended the annual conference of the Ombudsman Association.

These were opportunities to meet people who represent waterways and Ombudsman interests. I shall continue to accept such opportunities.

I wrote an article for NABO News, about the work of the Ombudsman, which was published in the April 2016 edition.

Surveys

Together with the Committee I have developed a new customer survey to record complainants' experiences of using the scheme, where I have accepted the complaint for investigation. There was a potential problem with former surveys, where complainants were asked to complete the survey only after the investigation had been completed. There is a risk that the outcome of the investigation has a strong influence on the complainants' responses, regardless of the efficiency or effectiveness of the process. It was therefore decided that I should ask complainants to complete the survey before I issued the draft report. To avoid complainants completing the survey after I had issued the report, I set a cut-off date – not less than a week after sending the survey request – after which the survey would be closed.

The survey is short, with just eight questions. The first seven ask respondents to click on a radio button to rate their experience (for example, question 1 has a range from "very easy" to "very difficult"), and values from 1 to 10 are attributed, 10 being the most positive.

The survey was introduced part way through the year, so did not apply to all investigations. I issued a total of five (one was for an investigation I did not complete before 31 March but where I issued the survey request before that date), and received responses to three.

The questions were:

1. How easy was it for you to submit evidence to the Waterways Ombudsman in support of your complaint?
2. How helpful did you find the Waterways Ombudsman website in relation to your complaint? [This question is optional.]
3. How helpful was the Ombudsman?
4. Did the Ombudsman provide useful guidance about how the process works?
5. How quickly did the Ombudsman deal with your initial complaint and any subsequent points or questions?
6. How well informed were you kept about the progress of your complaint?
7. Overall, would you conclude that the Waterways Ombudsman has given you a good level of service?
8. Are there any other comments you would like to make based on your experience of using the Waterways Ombudsman service?

Respondents are required to answer Questions 1, and 3-7, but Questions 2 and 8 are optional.

Responses to answers

Survey	Q1	Q2	Q3	Q4	Q5	Q6	Q7
1	9	N/A	10	10	10	10	10
2	9	9	9	9	9	9	9
3	9	N/A	10	10	10	10	10

The respondents made a number of comments. One said “up to this stage very good but of course my real comments can only come when I see the draft report”. Another suggested the use of mediation, in a meeting chaired by the Ombudsman. The third commented on the “perceived slowness of the CRT’s response to (at least some) of [the Ombudsman’s] investigatory questions”.

Key events during the year

I completed the upgrade of my website in May 2015. The website has a completely new look, and is designed to be compatible with tablet and mobile devices. Information is more clearly presented on a series of tabs, accessible from any page, including ones for case summaries (which were previously available only as integral parts of the annual reports), as well as for FAQs, News, and Links to other relevant websites.

Conclusion

This has been my third full year as the Waterways Ombudsman. The casework has remained largely unchanged from the previous year, and complaint levels are stable. Once again, there has been a wide variety of complaints, with no common themes emerging.

The biggest single task during the year has been the initial approval process to meet the criteria for the ADR Regulations, and while there will continue to be an annual approval process I do not expect this to take as much time. The coming into force of the Regulations have led to some changes in the scheme, in particular the criteria I use for accepting or refusing complaints, and the way I handle complaints. However, in practice the impact has been modest and there has been no detriment to complainants: indeed the gateway to

complaints being accepted for investigation has been widened slightly. The changes have been enshrined in the scheme rules, which were amended in August 2015 and are available on the website.

Looking forward

In 2016-17 I aim to ensure that the scheme continues to meet the needs of complainants, both in terms of accessibility and responsiveness. I shall also work with the Trust to help ensure that its procedures for recognising and dealing with complaints are as effective as possible, and that the need for escalation is minimised.



Andrew Walker
[Waterways Ombudsman](#)



Eligible cases for investigations which were completed during the year 2015-16

From last year I decided not to include the summaries in the annual report but to publish them separately on the website. This means that summaries are generally available shortly after the investigation is completed rather than being published with the annual report.

The list below provides a headline description of the complaint. Please click on a case number to be redirected to the summary on the website.

List of investigated cases

[Case No 751](#) – problems related to the granting of a trade mooring (see also Case No 798)

[Case No 798](#) – problems related to the granting of a trade mooring (see also Case No 751)

[Case No 816](#) – the Trust's carrying out of the K&A Towpath Mooring Plan consultation in 2013

[Case No 819](#) – the removal from use of Bollington Wharf on the Macclesfield Canal as a winding location

[Case No 823](#) – the marking of shallows on the River Severn

[Case No 836](#) – whether the Trust should apply a 25% Disconnected Waterway discount for moorers on the Lancaster Canal

[Case No 838](#) – the Trust's actions in the section 8 removal and subsequent sale of a boat

[Case No 839](#) – advance booking of the Liverpool Link and a Liverpool mooring

[Case No 842](#) – BWML customer service and contract issues

[Case No 856](#) – the right to assign a houseboat certificate and mooring on sale of a boat

[Case No 860](#) – frost damage to a boat while in the care of British Waterways

[Case No 862](#) – increases in widebeam charges at a BWML marina

[Case No 875](#) – damage to a car from a barrier at a swing bridge over a canal

[Case No 881](#) – grounded boat on the Ribble Link

[Case No 888](#) – CRT refusal to issue licence without evidence of home mooring

[Case No 889](#) – disclosure of location of boat and consequences

[Case No 892](#) – no 25% discount for boats on the connected Montgomery Canal

