

WATERWAYS OMBUDSMAN COMMITTEE

Minutes of the meeting of the Committee held at
1 Sheldon Square, Paddington, London W2 6TT
on Thursday 5 May 2011

PRESENT:

Professor Jeffrey Jowell QC (Chairman)
Mr Geoffrey Ashton
Mr John Bridgeman
Mrs Anne Davies
Mr Nigel Johnson
Mr Peter Lea
Mr Michael Reddy

IN ATTENDANCE:

Ms Hilary Bainbridge (Waterways Ombudsman)

1. APOLOGIES

There were no apologies for absence with all members of the Committee present.

2. MINUTES OF THE PREVIOUS MEETING

The Committee approved the minutes of the meeting held on 7 December 2010.

3. MATTERS ARISING

Temporary Revision to the Rules of the Scheme and its succession

Mr Johnson confirmed that British Waterways Board had approved the Temporary Revision to the Rules as suggested by the Committee at its meeting in December. Accordingly the period of service of any Committee members due to expire before 30 June 2012 would continue to that date subject to earlier termination as a consequence of the establishment of a new Ombudsman Scheme for the proposed New Waterways Charity.

The Revision of the Rules also permitted the temporary extension of the period of service of Ms Bainbridge as Ombudsman, if the Committee saw fit to do so, and if Ms Bainbridge was willing to serve the extended term. After consideration of all the circumstances the Committee unanimously decided to invite Ms Bainbridge to extend her term of service to the earlier of an appointment of a new Ombudsman or 30 June 2012. Ms Bainbridge confirmed she would be prepared to extend her term of service, notwithstanding growing other commitments, to help with the transition to a new Ombudsman Scheme and a new Ombudsman upon the transfer of the BW undertaking in England & Wales to the proposed New Waterways Charity. The Committee thanked Ms Bainbridge.

Mr Johnson further reported that he anticipated that the appointment of the Transition Trustees for the proposed New Waterways Charity would be announced later in May and that they would first meet in late June or early July. He indicated that he would then seek two early decisions from the Transition Trustees: (a) whether they intended there to be an Ombudsman Scheme for the New Waterways Charity and (b) if the answer to the first question was affirmative, whether they would wish the present Committee to undertake the search and selection of an Ombudsman for that new Scheme. He confirmed that he would report back to the Committee once the Transition

Trustees had first met. If both decisions were affirmative the Committee noted that it would then be necessary to fill the present vacancy for an independent member and to plan the search and selection of a new Ombudsman, ideally with a view that commencement of the latter appointment coincide with the launch of the New Waterways Charity in England & Wales in April 2012.

Mr Johnson informed the Committee that no decision had yet been made about provision of Ombudsman service to the continuing business and undertaking of British Waterways in Scotland, but he anticipated it would be through an existing public sector Ombudsman in that country.

4. ANNUAL REPORT OF THE WATERWAYS OMBUDSMAN AND THE COMMITTEE.

Ms Bainbridge spoke to the drafts of her Annual Report and that of the Committee circulated earlier. In connection with the draft Report of the Committee Ms Bainbridge drew attention to the results of the customer satisfaction survey as set out in the draft. The relatively small population of responses raised doubts about statistical significance, but after discussion the Committee agreed that there was value in continuing with the survey. To improve the response rate it was suggested that the set up and use of an on-line survey response form be investigated and if feasible, be put in hand.

With regard to her own draft Report, Ms Bainbridge explained that the draft was an early one and that she anticipated further revisions. Her annual meeting with Robin Evans, CEO British Waterways was shortly to take place.

There were two issues to which she drew the Committee's attention. The first was her concern that there was not consistent practice on the part of BW in drawing attention to the complaints procedures. This would be something she would raise at her meeting with Robin Evans.

The second issue was the difficulties arising from the uncertainties in waterways law. The statute law is obscure and spread across many different instruments, some of quite historic origin. This caused difficulties to users and complainants and though it was something that could only be cured by parliamentary action (through revision or consolidation), of which the likelihood was presently remote, it was something which she thought she should draw to the attention of the Committee.

Ms Bainbridge invited corrections or suggested amendments to the draft Report of the Committee and any observations on her draft Report.

5. OMBUDSMAN REPORT TO THE COMMITTEE

Ms Bainbridge spoke to her Report to the Committee that addressed amongst other things her contacts with stakeholders and the funding of the Scheme by British Waterways (of which she had nothing adverse to report). She also gave her preliminary thoughts on hand-over and transition to a new Ombudsman and Scheme following the transfer of the BW undertaking in England & Wales to the proposed New Waterways Charity.

7. NEXT MEETING

Tuesday 27 September 2011 at BW Paddington office commencing at 14:30.