

WATERWAYS OMBUDSMAN COMMITTEE

Minutes of the meeting of the Committee held at
1 Sheldon Square, Paddington, London W2 6TT
on Tuesday 7 December 2010

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 6 July 2010.

3. MATTERS ARISING

There were no matters arising not otherwise to be addressed by the Agenda for the meeting but the Committee noted its concern that it had been necessary to minuted the problems there had been over late payments by BW to the Ombudsman and to some Committee members.

4. REPORT OF THE WATERWAYS OMBUDSMAN TO THE COMMITTEE.

Ms Bainbridge spoke to her written report circulated earlier, updating the Committee on progress for 2010-2011.

Ms Bainbridge noted that the workload had been slightly lower than for the same period in 2009-2010 but still up on that for 2008-2009 with 12 complaints accepted for investigation in the first six months of the year.

Of the 15 cases completed in that period, nine were not upheld, one was partly resolved / partly not upheld, and one was partly upheld. On two cases resolutions were obtained to the complainant's satisfaction, one was discontinued due to lack of response from the complainant (after significant progress towards a resolution) and on one no finding was made as it hinged on a disputed point of legal interpretation.

On service timescale standards Ms Bainbridge reported exceeding all the targets set by the Committee with 100% achievement on two standards (target 90% for each) and 92% on the third (target 70%).

On customer satisfaction only four responses had been received - each from disappointed complainants not agreeing with the decision.

Ms Bainbridge noted that her experience of late payment of some invoices might be a generic issue as she had received a complaint against BW from a contractor on the same issue.

5. GOVERNMENT PROPOSALS FOR THE FUTURE OF BRITISH WATERWAYS AND IMPLICATIONS FOR THE WATERWAYS OMBUDSMAN SCHEME

Mr Johnson updated the Committee on the likely direction of the Government proposals for the future of British Waterways but observed that greater clarity would not emerge until there was further progress in Parliament on the Public Bodies Bill and until Government published its planned consultation document on its proposals. Even then considerable uncertainty about the future of the Ombudsman scheme generally and the detail of its governance in particular would exist until the planned new waterways charity for England and Wales was established and its first Trustees appointed.

As British Waterways in Scotland would operate as a separate entity there was uncertainty for the present about its intentions as regards participation or otherwise in the Waterways Ombudsman Scheme.

Mr Johnson noted that under the Rules of the Scheme both appointment of a new Ombudsman and a new Chair of the Committee would arise during the anticipated period of uncertainty as existing terms of appointment came to their end. In addition the current vacancy on the Committee was due to be filled and the terms of some members were due to come up for renewal.

Resolution of this period of uncertainty would not be possible until the first Trustees of the new waterways charity had been appointed and they had been in post for sufficient time to take the necessary policy decision as to whether to continue with the Waterways Ombudsman Scheme in similar form. Mr Johnson advised the Committee that it was the view of the current BW executive and Board that the Scheme was valued and its continuation would be recommended to the new Trustees. Nevertheless neither the executive nor the BW Board had the power to commit the new waterways charity to that course of action prior to its creation and its governance structure being populated.

In debating the issues raised by Mr Johnson, the Committee recognised that the Waterways Ombudsman Scheme was entering a period of transition and that its continuation, although desired by all interested parties to date, would require formal confirmation by the governance bodies of the new charity (once created), as successor to the business of British Waterways in England & Wales.

Furthermore the Committee agreed it would be desirable to manage this period of transition in a manner that best facilitated the continuation of the Ombudsman Scheme as an independently governed complaints resolution scheme for the new charity. It was agreed that the independence of governance of the scheme was an important feature to seek to preserve and that some amendment to the 'constitution' of the Scheme may be necessary in due course to recognise the change of status of the 'client' body of the Scheme.

The Committee further agreed that to achieve a smooth transition it would be desirable to avoid significant changes to the persons currently involved in the governance and operation of the Scheme until its future was certain. To that end the Committee agreed that it would be desirable to seek a temporary amendment to the Rules of the Waterways Ombudsman Scheme that enabled extensions to the terms of appointment of both Ms Bainbridge as Ombudsman and of members of the Committee (including the Chairman). Mr Johnson agreed to seek approval from the Board of British Waterways to such temporary amendment to the Rules. It was agreed that once such approval of Rules change was obtained, the consent of appointing bodies e.g. BWAF should also be sought.

The Committee agreed that it would return to issues of succession and transition at its next meeting in anticipation of the above mentioned consents and agreements having been obtained. At the same meeting it would consider the recruitment of a successor

to the current vacant independent seat on the Committee.

7. NEXT MEETING

Thursday 5 May 2011 at BW Paddington office commencing at 11:30.