

WATERWAYS OMBUDSMAN COMMITTEE

Minutes of the meeting of the Committee held at
1 Sheldon Square, Paddington, London W2
on Monday 23 March 2008

PRESENT:

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

IN ATTENDANCE:

Ms Hilary Bainbridge (Waterways Ombudsman)

1. APOLOGIES

Apologies has been received from Mr John Bridgeman

2. COMMITTEE MEMBERSHIP

The Committee noted that Mr Nigel Stevens and Mr Sam Hollis had stood down as members of the Committee nominated by the British Waterways Advisory Forum (BWAf) and that Mr Geoffrey Ashton and Mr Peter Lea had been selected by that body to serve in their place. The Chairman welcomed Mr Ashton and Mr Lea.

The Chairman advised the Committee that on the expiry of the terms of appointment of Mr Michael Reddy and Mr Miles Smith as non-aligned members of the Committee he had decided to invite both to serve on the Committee for a second term of appointment in accordance with his power of appointment of such members contained in paragraph 2(c) of the Rules of the Waterway Ombudsman Scheme.

The Chairman further advised that, to enable some overlap in appointments, he had invited Mr Smith to serve for a term expiring on 30 March 2010 and Mr Reddy to serve for a term expiring on 30 March 2011.

3. MINUTES OF THE PREVIOUS MEETING

The Committee approved the minutes of the meeting held on 5 March 2008. There were no matters arising not otherwise appearing on the agenda of the meeting or addressed in the Report of the Ombudsman to the Committee.

4. FORWARD PLAN

The Committee discussed a Schedule of key events and tasks of the Committee looking forward to the end of 2011, together with a suggested timetable of meetings to address those events and tasks. They agreed that planning future meetings by reference to such events and tasks, rather than by reference to a standard defined interval, to be appropriate subject to there being at least one meeting in each reporting year and, as far as possible, a meeting be timed to enable discussion of the draft annual reports of the Committee and Ombudsman prior to publication. Where the latter objective was not possible, exchange of views on draft reports would be by e-mail.

The Committee therefore agreed to the following provisional timetable of meetings to the end of 2011:

2009	Key tasks in addition to standard business
25 November 2009	Mid year review
2010	
April 2010	Annual Reports
December	(a) Agree plan for search & selection of new Chairman (b) Agree plan for appointment of successor to HB as Ombudsman
2011	
February 2011	First round interviews for new WO
March 2011	(a) Final round interviews for new WO & selection (b) Agree appointment new Chairman w.e.f. 1 May 2011
November 2011	(a) First meeting for new Chair & new WO (b) Review and discuss issues from WO Report published July (c) Interim report from new Ombudsman

5 REPORT BY THE WATERWAYS OMBUDSMAN TO THE COMMITTEE.

Ms Hilary Bainbridge presented her extensive written report to the Committee. The key headings in the report were:

- Annual reports
- Complaint workload
- Appointment of assistants
- Customer satisfaction
- Contacts with stakeholders
- Publicity
- Progress on plans for 2008-09
- Future plans
- Funding of Scheme

In Ms Bainbridge's presentation the following issues were given particular attention by the Committee:

Annual Reports

The Committee agreed to the recommendation that henceforth the reports of the Ombudsman and the Committee be published electronically on the Ombudsman Website, with a facility for any person requesting a paper copy be provided one on demand.

Complaint Workload

The Committee noted the significant drop in the workload of the Ombudsman. The Ombudsman reported that, having considered information on complaints processed by BW, she attributed the fall in her workload to the reduction in the number of complaints entering the BW complaints system. The Committee asked the Ombudsman whether there was any evidence or concern that such reduction was attributable to any discouragement or inhibition on the making of complaints and she advised that she had no substantive evidence of that. She observed that it was not possible to tell whether the reduction was simply cyclical or evidenced greater satisfaction / less dissatisfaction.

Appointment of Assistants

The Ombudsman reported that suitably experienced assistants had been engaged on a zero hours contract basis but that to date there had been no need to use them.

Customer Satisfaction

The Ombudsman provided analysis on feedback data received in respect of all completed complaints since November 2007. The response rate was 72% and overall the highest scores for service given by complainants were for responsiveness, sympathy and thoroughness. Some 70% of respondents considered the service fair or very fair. The score for independence was less satisfactory with just under 50% considering the service very or fairly independent and nearly 20% considering it not at all independent. The Ombudsman concluded there therefore was some way to go to improve perceptions of independence of the Scheme notwithstanding it meeting the test for full membership of the British and Irish Ombudsman Association.

The Committee noted that overall satisfaction scores tended to reflected respondent's success or otherwise in having their complaints upheld, with 50% being very or fairly satisfied, the remaining 50% being neutral, fairly dissatisfied or very dissatisfied.

Complaints about the Ombudsman

The Chairman brought to the attention of the Committee at this point two complaints he had received from unsuccessful complainants about the investigation of the Ombudsman into their complaints. The Committee received and discussed details of the complaints. Whilst considering one of the complaints, Mr Johnson withdrew as he had been the British Waterways Director responding on behalf of British Waterways to the Ombudsman's investigations.

The Committee noted that, in common with other Ombudsman schemes, it had no appellate role and that the decision of the Ombudsman on the merits of a complaint was final (without prejudice to the ability of any complainant to seek remedies through the courts). Thus the Committee was only able to intervene in the event of a breach of the Rules of the Scheme by the Ombudsman.

Following its consideration, the Committee decided there were no grounds to intervene, there being no evidence of a failure by the Ombudsman to investigate the complaints thoroughly or a failure to act in accordance with the Rules of the Scheme. The Committee agreed that the Chairman should respond to the complainants accordingly.

Service Standards

The Committee approved the following service standards (targets) for the Ombudsman:

- acknowledgement or response to initial letter, email or telephone call within a week of contact in 90% of cases;
- decision on whether to investigate within three weeks of initial contact in 90% of cases;
- 80% of investigations complete within 6 months of acceptance.

Funding of the Scheme

The Ombudsman reported that no concerns had arisen in relation to funding of the Scheme by British Waterways which had paid all her requests for expenditure. Mr Johnson agreed to ask British Waterways to update the Committee on its total annual expenditure in funding the Scheme

Other matters

The Ombudsman addressed other matters in her report and the Chairman thanked her on behalf of the Committee for such a thorough and comprehensive report

6. OTHER BUSINESS

There was no other business.

6. NEXT MEETING

25 November 2009