

WATERWAYS OMBUDSMAN COMMITTEE
Minutes of the meeting held at Meeting Room 5, 19 Eastbourne Terrace
London Paddington, W2 6LG
on Monday 25 March 2019 at 10.00a.m.

Present:

| | |
|-----------------------|------------------------------------|
| Kevin Fitzgerald (KF) | Chair (Independent) |
| Steve Harriott (SH) | Independent Member |
| Karen McArthur (KM) | Independent Member |
| Janet Hogben (JH) | Canal & River Trust Representative |
| Tom Deards (TD) | Canal & River Trust Representative |

In attendance:

| | |
|---------------------|--|
| Andrew Walker (AW) | Ombudsman |
| Sarah Daniels (SD) | Ombudsman Designate |
| Yetunde Salami (YS) | Canal & River Trust, Assistant Company Secretary (minutes) |

Action

1. Welcome & Apologies

Apologies noted as above. It was noted that notice of the meeting had been given to all members entitled to receive it.

KF welcomed all and in particular KM to her first meeting. It was noted that Jenny Murley had resigned from the Committee and thanked her for her time on the Committee.

Appointment/retirement of Ombudsman and Independent Committee member

It was noted that the Committee had by email approved KM and SD's appointments as Committee member and Ombudsman Designate respectively.

2. Declarations of interest

The register of interests was noted, and no other interests were declared.

3. Minutes of the Meeting held on 29 October 2018

- 3.1 Members present noted and adopted the minutes of the meeting held on 29 October 2018 as an accurate record of the meeting.

4. Matters Arising

- 4.1 The actions report was noted and all matters arising were in hand or on the agenda.

5. Trust's Council Meeting - Feedback

As an introduction TD explained that the Council is a key part of the Trust's governance framework and its role includes appointing trustees and acting as a sounding board for Trustees.

KF stated that SD and himself attended and both gave a presentation at the Trust's Council meeting in Manchester on 20 March 2019. The presentation was preceded by Trust's Customer Service staff who took the Council through the Trust's Complaints process.

Highlights of presentation:

- SD introduced herself and explained her background
- The role of the Ombudsman
- The role of this Committee and its independence

KF stated that feedback received from Council members was positive.

KF stated further after the Council Meeting, SD and himself had a good meeting with the Richard Parry (RP), Trust's Chief Executive and TD. During that meeting RP informed them of the sale of one of the Trust's subsidiaries – BWML, noting that the Ombudsman used to deal with complaints related to that Company.

Members agreed that TD should look into the possibility of this Scheme providing services to the Company with the new owners.

TD

It was also agreed that TD will provide the Committee with a summary on the national inland waterway mooring market at the next meeting.

TD

6. **Redacted**

7. **Report of the Waterways Ombudsman to the Committee**

7.1 AW presented his report on general matters relating to the Scheme and its operation, for the five months since the last Committee meeting on 29 October 2018.

The case summary sheet which gave an update was taken as read. Highlights noted included that as at 15 March 2019, six investigations had been closed one of which was complex, there are five open investigations and two open enquiries. AW stated that a few enquires received were not within his jurisdiction, and he found out that people knew about his services via internet searches and one enquiry was referred by the Citizens Advice Bureau.

AW talked through the report and in response to a case on data breach, TD explained the steps taken by the Trust when the breach occurred e.g. report to the Information Commissioner and to the Charity Commission.

| | Action |
|---|------------------------|
| In discussion it was | |
| <ul style="list-style-type: none"> • TD agreed to provide a summary on the extent of the Trust's legal obligations to maintain navigation on its inland waterways. | TD |
| <ul style="list-style-type: none"> • agreed that TD would send a copy of his previous presentation to the Committee on continuous cruising to SD. | TD |
| <ul style="list-style-type: none"> • noted that it is important that the Trust gives the Ombudsman comprehensive responses to his requests | |
| <ul style="list-style-type: none"> • noted that the purpose of AW's report is to show the Committee that the Scheme works well, it is not for the Committee to direct him on what to do | |
| The Committee noted that SD's induction was ongoing, she now has access to the Ombudsman's emails and would start dealing with new cases as from April 2019. KM's induction would be progressed with a telephone conversation with KF. TD would arrange an opportunity for KM to interact with the Trust. | KF TD |
| Following a request by the Residential Boat Owners' Association (RBOA), AW will set up a meeting with RBOA, KF, SD and himself somewhere between London and Leicester or at any other convenient location. It was noted that the meeting is basically about stakeholder management. | AW |
| AW stated that the validation by the Ombudsman Association (OA) would soon be due for renewal, and there is a need to have other organisations in the Scheme to avoid the issue around one organisation Scheme raised by the OA. | |
| 7.2 The rest of the report was noted. | |
| 8. Update on Customer Service Tracking | |
| 8.1 The report was noted. | |
| 9. Update on other Waterways joining our scheme - verbal | |
| 9.1 Avon Navigation Trust (ANT) - TD informed members that although discussions reached an advance stage and an MOU was signed with ANT, there has been no progress in the steps for the latter to join the Scheme. It was noted that RP was willing to have discussions with ANT. | |
| Members agreed that | |
| <ul style="list-style-type: none"> • a deadline of 1 July 2019 should be given to ANT to respond. • AW to check OA revalidation date | TD AW |
| 9.2 Dudley Canal Trust – the organisation is no longer interested in joining our Scheme. | |

Action

- 9.3 **Scottish Parliament Request** – TD stated that the Parliament had requested for our Scheme to be the Ombudsman for their canals.
Following discussion, it was agreed that
- A collective approach should be adopted to get other navigational bodies to join the Scheme, for now focus should be on getting ANT to join the Scheme
 - AW and SD would progress talks with the Scottish Parliament in particular to explain the independence of the Scheme.

AW/SD

10. Constitutional Update - verbal

- 10.1 TD informed members that the agreement with SD had been amended to reflect that she was appointed by the Committee and not the Trust. This would reinforce the Committee's independent role as having a relationship with the Ombudsman and the Trust in the background.

TD has prepared a draft Service Level Agreement between the Committee and the Trust to show the latter's commitment to provide financial and secretarial support to the Committee. The SLA which is legally binding also has an indemnity clause. It was agreed that TD and KF would finalise the SLA.

TD/KF

TD stated that the amendment to the Scheme's Rules is ongoing, adding that the amendments would emphasise the independence of the Committee and would include a template for when other organisations join the Scheme. It was noted the Rules would also clarify TD's role in the Committee.

In an extensive discussion, members debated whether the Trust's representation on the Committee should only be as observers; and whether member organisations should have representatives on the Committee.

Following discussion, the Committee agreed that:

- In order not to lose the easy access and open dialogue with Exec, TD should have a legal adviser status and the Trustee member should be a non-voting member. This would allow for inclusion of other organisations representatives as non-voting members without unbalancing the number of independent members
- A user representative could also be nominated by the Trust's Council with a 2-year observer non-voting status

TD would progress the amendment of the Rules to reflect the above recommendations and circulate final draft to all members for discussion at the next meeting.

TD

11. Financial Update

- 11.1 The Committee noted that the Trust is indemnifying the Committee's cost. Going forward the Committee would pay the Scheme's costs directly from an account which would be set up for that purpose.

The financial update report was noted.

12 Recruitment

- 12.1 KF stated that there was a need to recruit one more independent member to balance rotation on the Committee.

KF asked Committee members to refer candidates so as to have more applicants than the last exercise.

It was noted that interviews are scheduled for the next meeting and members agreed a change of date from 1st July 2019 to 10 June 2019. YS to send out change of date information.

YS

13. Any Other Business

- 13.1 GDPR – TD stated the need to make the Privacy Notice on the Ombudsman website more assessable. It was agreed TD would review the Notice and feedback to AW.

TD

- 13.2 Letter to the Chairman from Messrs Tyler and Brown of the Wide Boat Action Group (WBAG)

KF stated that the letter which had been earlier circulated was about the authors' displeasure with the Ombudsman and the Trust's responses to some queries raised.

KF stated that he spoke to AW about it before having a one-hour phone call with the authors. The latter felt that they had no opportunity to challenge the Trust's policies and he explained to them that policy challenge was outside the remit of the Ombudsman and this Committee.

TD explained further that Trust policy is adopted in consultation with customers and, once adopted, is not amenable to challenge as part of the Complaint process

TD added policies relevant to the Trust's public functions (e.g. boat licensing) may be capable of challenge by judicial review or other legal route and agreed that the Trust's website would be reworded to reflect this.

TD

Action

The Committee agreed that KF should not send a written response to the letter, but he should have another telephone conversation to inform them that the Committee discussed the letter and the outcome.

KF

14. Close of Meeting

14.1 There being no further business, the Chair closed the meeting at 12. 28p.m

15. Date of Next Meeting

15.1 10 June 2019 as agreed above.

Chairman