

WATERWAYS OMBUDSMAN COMMITTEE
Minutes of the meeting held at Canal & River Trust, The Toll House,
Delamere Terrace, Little Venice, London, W2 6ND
On Monday 2 September 2019 at 10:00 a.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:

| | |
|---------------------|---|
| Sarah Daniels (SD) | Ombudsman |
| Andrew Walker (AW) | Former Ombudsman |
| Gemma Towns (GT) | Corporate Governance Manager |
| Yetunde Salami (YS) | Canal & River Trust, Assistant Company Secretary (minutes) |
| Mark Evans (ME) | Head of Waterside Moorings, Canal & River Trust (Item 5 only) |

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 GT, the Trust's new Corporate Governance Manager, who was in attendance. Members introduced themselves.

2. Declarations of interest

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

3. Minutes of the Meeting held on 25 March 2019

- 3.1 Members present noted and adopted the minutes of the meeting held on 25 March 2019 as an accurate record of the meeting.

4. Matters Arising

- 4.1 The actions report was noted and all matters arising were on the agenda or in hand as stated below:

Complaints Process: SD had met with the Trust's staff and given helpful advice which would be incorporated into the revised Complaints Policy as well as Unreasonable and Persistent Complaints Procedure before publication. The latter procedure would be presented at the next meeting.

TD

It was noted that:

- | | | |
|---|---|---------------|
| | | Action |
| • | diversity and inclusivity were not included in the Ombudsman appointment announcement | |
| • | KM's induction is ongoing, possibility of her attending the Trust's Corporate Induction would be explored | TD |
| • | TD and SD will review the Ombudsman Website including the Privacy Notice | TD/SD |
| • | TD will present a summary on the extent of the Trust's legal obligations to maintain navigation on its inland waterways | TD |

4.2. User Representative joining the Committee

Members discussed the draft consultation letter to current elected user representatives on the Trust's Council on the proposal to include a User Representative Observer (URO) on this Committee. The proposal is for the elected user representatives on the Trust's Council to select one of their number, through a process which they consider appropriate, to observe on the WOC for a term of one year (from their first WOC meeting).

Following discussion, it was decided that

- | | | |
|---|---|-------|
| • | It must be clear that it's an observer role to contribute at meetings with no voting rights | |
| • | the nominated user representative would attend the June 2020 meeting | KF |
| • | a timetable of the process would be prepared | KF |
| • | the nominated user representative and all members would sign a confidentiality agreement. TD/YS to progress | TD/YS |
| • | going forward there would be fewer confidential items on this meeting's agenda | |

(Mark Evans joined the meeting.)

5. Redacted

6. Election of Chair Elect and recruitment of 2 new Committee Members for February 2021 rotation

6.1 KF stated that as himself and SH are due to retire from the Committee by February 2021, there is the need for the appointment of a new Chair and the recruitment of 2 new members before then. It was noted that only independent members can be nominated and vote for a new Chair. KF stated that the plan is to begin the recruitment process in December 2019/January 2020, interviews in March 2020 and for the new member to attend the June and September meetings as observer.

| | Action |
|---|---------------|
| It was agreed that the recruitment advert should include that the member could be Chair designate. | KF |
| 7. Ombudsman's Peer Review Update | |
| 7.1 SD talked through her report which had been earlier circulated to the Committee. | |
| ➤ Website – a retention policy on items to be kept/archived on the website would be drafted | SD |
| ➤ Service standards – SD will adopt the Ombudsman Association's Service Standards Framework, it expected that the standards would include the definition of complex cases | SD |
| ➤ Proposal to commission a peer review on report writing (style, structure and tone) would be helpful. Planned for mid-2020 to be carried out by a member of the Ombudsman Policy Group that SD had not worked with before. | SD |
| The rest of the report was noted. | |
| 8. Report of the Waterways Ombudsman to the Committee | |
| 8.1 Former Ombudsman's Final Report | |
| AW presented his final report on general matters relating to the scheme and its operation, adding that it covered the period from the previous Committee meeting on 25 March 2019, to Friday 26 July 2019 which was his last date in office. AW thanked the Committee adding that he enjoyed the role and valued the Committee's support. | |
| The Committee thanked AW for his service and wished him well for the future. | |
| 8.2 Ombudsman's Report | |
| SD gave highlights of her presentation which included that: | |
| ➤ She attended the Trust's corporate induction day which was very helpful, and she also met with the Trust's Complaints Team to discuss current issues and best working practices | |
| ➤ There are 3 open investigations one of which raised the question of the role of the Ombudsman in a co action when litigation might be a possibility | |
| It was agreed that TD and SD will take forward steps to resolve the matter. | |
| The rest of the report was noted. | |
| 9. WOC Rules – Proposed Amendments | |

- 9.1 TD stated the need to amend the Scheme's rules as some of the provisions were no longer relevant e.g. reference to BWML. The proposed review would clarify the independence of the Committee and the role of the Trust's representatives.

In discussion, Committee members proposed additional amendments as stated below:

- that the structure of the rules be amended to provide for more than one waterway member
- inclusion of the user representative as an observer on the Committee
- clarity that the Ombudsman is not part of the legal process
- Section 29d to include contemplation of legal proceeding and discovery and disclosure
- Provision of information by parties at reasonable timeframe and power for the Ombudsman to give notice on findings.

Revised rules would be presented at the next meeting.

TD

10. Update on Customer Service Tracking

- 10.1 The report was noted.

11. Update on other Waterways joining our scheme - verbal

- 11.1 **Avon Navigation Trust (ANT)** - TD informed members that ANT was yet to return the signed MOU which he sent to their Chair, RP will chase on behalf of the Committee. It was noted that the MOU agreement is between this Committee and ANT.

TD

TD will check whether ANT has an upcoming event that KF and SD could attend.

TD

- 11.2 **BWML** – the Company had declined the invitation to join the Scheme.

11.3 Middle Levels Navigation Authority –

It was noted that the authority might be open to discussion about joining the Scheme. TD and SD to progress a letter to the Chair of the Authority for KF's signature.

TD/SD

11.4 Scottish Canals -

AW stated that he followed up on the possibility of SC joining the Scheme and found that the request for an independent Ombudsman for the canals was via a petition by boaters which is currently being investigated by Scottish

| | | |
|------------|---|---------------------|
| | government petitions committee. This review is ongoing, and AW left a marker with the Scottish Canals Head of Legal to contact this Scheme if the need arises. It was agreed that a letter of invitation should be drafted for KF signature to Scottish Canals. | Action TD/SD |
| 12. | Financial Update | |
| 12.1 | TD stated that future reports would be simplified to show annual figures, 12 months spend with a running total and average spend. | |
| | It was noted that the Trust will set up a bank account for the Committee, fund it and the Chair of the Committee will be able to authorise disbursement directly from that account. This is expected to further demonstrate the independence of the Committee. | TD |
| | The report was noted. | |
| 13. | 2020 dates for Agreement | |
| 13.1 | Members agreed the 2020 meeting dates as proposed. YS to send invites to members. | YS |
| 14. | Any Other Business | |
| 14.1 | Noted that interviews for the recruitment of a new Committee member would be held by independent members and SD after this meeting. | |
| 14.2 | It was noted that the stakeholder survey would be progressed by the Intern during the Christmas holidays. | |
| 15. | Close of Meeting | |
| 15.1 | There being no further business, the Chair closed the meeting at 12:07p.m. | |
| 16. | Date of Next Meeting | |
| 16.1 | 11 November 2019, as agreed above. | |

Chairman