

WATERWAYS OMBUDSMAN COMMITTEE

Minutes of the meeting held on Monday 09 March 2020 at 10:00 a.m.
at the Canal & River Trust, The Toll House,
Delamere Terrace, Little Venice, London, W2 6ND

Present:

Kevin Fitzgerald (KF)	Chair & Independent Member
Alan Collins	Independent Member
Tom Deards (TD)	Canal & River Trust Representative
Karen McArthur (KM)	Independent Member

Apologies

Steve Harriott (SH)	Independent Member
Janet Hogben (JH)	Canal & River Trust Representative

In attendance:

Sarah Daniels (SD)	Ombudsman
Lisa Stallwood	Observer
Gemma Towns	Corporate Governance Manager (Minute-taker)
Simon Woods	Customer Service Development Manager (item 4 only)

Action

1. Welcome & Apologies

The Chair welcomed AC and LS to their first meeting. Apologies had been received from JH and SH.

2. Declarations of interest

The members present confirmed they did not have any relevant interests to declare.

3. Minutes of the Meeting held on 11 November 2019

3.1 The minutes of the meeting held on 11 November 2019 were approved as a true record.

The Chair reminded the Committee that the November meeting had not been quorate. The proposed decisions made in that meeting had been subsequently ratified by Committee members via email. As a matter of good governance, the Committee confirmed that the decisions taken were accurate.

3.2 Matters Arising

The Committee noted that the majority of actions were closed or in progress. The following actions were discussed:

- (a) **Meeting held on 02 September 2019, minute 4.1, attendance at the Trust's corporate induction:** TD advised the corporate induction dates were still to be finalised but once confirmed, the details would be sent to all Committee members. This action remained open.

GT

- (b) **Meeting held on 02 September 2019, minute 4.2, User Representative Officer:** TD confirmed the Council elections had concluded with new elected members appointed from 26 March 2020. The Committee requested that a User Representative Officer was identified from the new elected members, with a view to that individual joining in June for a twelve-month term. TD agreed to present the matter to the upcoming Council meeting and request that interested Council members put themselves forward. This action remained open.
- (c) **Meeting held on 02 September 2019, minute 4.2, User Representative Officer:** TD confirmed a confidentiality agreement would be prepared in time for the new appointment. This action remained open.
- (d) **Meeting held on 02 September 2019, minute 6.1, Recruitment:** The Chair confirmed that interviews would follow that day's meeting. This action was marked as closed.
- (e) **Meeting held on 02 September 2019, minute 7.1, Peer Review:** SD confirmed this was ongoing.
- (f) **Meeting held on 11 November 2019, minute 3.2, Avon Navigation Trust dates:** The event dates were highlighted to the Committee. The Chair encouraged Committee members to attend at least one event, if availability permitted.
- (g) **Meeting held on 11 November 2019, minute 3.2, bank account:** TD confirmed the forms had been completed and once signed, would be submitted. This action remained open.
- (h) **Meeting held on 11 November 2019, minute 12.2, Council meeting:** TD confirmed the next Council meeting would be 23 September. The Chair and SD confirmed one of their number would be in attendance. Further details to be shared by TD in due course.

GT

TD

GT

GT

The Committee noted the actions report.

4. **Redacted**

5. **Scheme Rules & Competence Criteria**

The Committee considered and reviewed the Scheme Rules. The following amendments were discussed and requested:

- **Section 2(c):** After discussion, the Committee confirmed the membership numbers should remain unchanged;

- **Section 3:** A further sentence to be inserted: “If a member is subsequently appointed as Chair, two subsequent terms may be served”.
- **Section 15:** Sentence to be amended to include termination of the Ombudsman on the grounds of competence or if the Ombudsman brings the organisation into disrepute.
- **Section 31(c):** To be moved underneath the subsections into its own paragraph. Wording to be amended to state, “The complaint is outside of jurisdiction if it is about a wider policy decision duly made by the Scheme Member Body, rather than the application of that policy in a particular case.”
- **S.31(d):** The Committee questioned the definition of “legal dispute”. The Committee discussed if this covered enquiries with the Trust’s legal team as this would prevent the Ombudsman from treating the enquiry as within her jurisdiction. The Committee, after discussion, concluded that correspondence with the Trust’s legal team did not meet the definition of “legal dispute”. The Committee agreed that the sentence should be re-worded, “the complaint relates to an ongoing legal dispute, *unless adjourned or stayed, which is* being, or has been previously considered by a court, tribunal or other judicial or regulatory body or another Alternative Dispute Entity; or...”. SD suggested that the relevant section of the ADR rules may be substituted into the Scheme Rules to clarify this point. SD agreed to identify the relevant section in the ADR rules and recommend any improvement to this paragraph. **SD**
- **Section 31(f):** To be amended to reference to frivolous and vexatious complaints.

The Committee requested that the draft Scheme Rules be circulated to the Avon Navigation Trust (ANT) for their comments in advance of the next meeting. **GT**

The Committee also requested that the ANT was asked for a nominee to join the Committee’s membership, with a view to them attending the June meeting. **GT**

The Committee directed that the revised Scheme Rules be circulated to members by email in advance of the June meeting, for final comments and feedback. The matter would be placed on the June agenda for final approval. **GT**

6. Ombudsman’s Report

SD presented the Ombudsman’s report. She confirmed that she had met with the ANT in December 2019. The Committee discussed the press release from January 2020 which had confirmed the ANT’s scheme membership, noting this been positively covered in a number of publications.

SD outlined her casework report, confirming there had been a reduction in the number of cases until February 2020. SD outlined her current three open investigations and confirmed two cases had been closed. SD confirmed that due to the low number of enquiries, there had been only one response to the customer tracking survey.

The Committee enquired if the Ombudsman's website had been updated to be accessible to the visually impaired. SD confirmed she had sought professional advice and the changes to the website would be made over the coming days.

SD advised that she had attended a meeting with the CTSI executive in November 2019. The Committee thanked SD for the notes of the meeting which had been appended to her report.

SD informed the Committee that she had reviewed the scheme arrangements for other waterways and had identified waterways who may be approached to join the Scheme. The Chair thanked SD for her research. The identified waterways were discussed by the Committee. It was agreed that:

- TD agreed to have an initial conversation with his contact at the Inland Waterways Association to ascertain if they have an interest in joining the Scheme. TD agreed to inform SD of the outcome of that conversation; **TD**
- SD agreed to approach Peel Holdings (for the Bridgwater Canal Company) and the Port of London Authority with a view to them joining the Scheme. SD agreed to draft letters to the Port of London Authority and, subject to the outcome of TD's conversation, the Inland Waterways Association, for the Chair to review and send; **SD**
KF
- It was suggested that the first paragraph in the draft letter was updated to remove reference to the Trust and reflect the Committee's role only. **SD**

The Committee thanked SD for her helpful induction paper.

7. Update on other Waterways joining the Scheme

TD confirmed there was no further update.

8. Financial Update

TD confirmed that there had been an increase in costs which corresponded with an increase in the number of days' work. The Committee questioned if the final two columns of the financial report were averages; this was to be established. **GT**

The Committee discussed the cost for new members joining the Scheme and the rationale for charges to Scheme Members, noting the ANT was of a considerably smaller scale than the Trust. The Committee also discussed that large membership organisations could join the scheme, with the Scheme membership cost passed on to their individual members. The cost for such membership organisations also required consideration. The Committee discussed if there should be a sliding scale of costs dependent upon the size of each organisation or specific cost bandings for different types of organisations. TD agreed to return a proposal to the Committee. **TD**

The financial report was noted.

9. Any Other Business

The following matters of business were raised by Committee members:

9.1 Chair Recruitment

The Committee noted that KF and SH's terms of office would conclude in February 2021. Interviews for two new Committee members were to be held immediately after the meeting. It was noted that the new Committee members, along with the existing independent members, are eligible to put themselves forward for consideration as Committee Chair. After discussion, the Committee agreed that interested independent members will be asked to put themselves forward for consideration in advance of the September meeting, with CVs/covering letters dispatched with the meeting papers in September. It was identified that should more than one candidate put themselves forward, the September meeting may overrun.

GT

It was discussed that as KF's term of office was to conclude in February 2021, there could be the option for the incoming candidate to Chair the February meeting. This would be explored after September 2020.

The Committee noted that a challenge in September may arise from the number of independent members standing as candidates resulting in a lack of quorum for a decision to be made. This concern was noted and the Committee confirmed it would be revisited once expressions of interest had been submitted.

KF

10.2 Diligent Boardbooks

GT enquired if the Committee would like to be set up with Diligent Boardbooks accounts. The Committee requested this be arranged.

GT

10.3 There being no further business, the Chair closed the meeting at 12.15p.m.

10.4 Future Meetings

22 June 2020, 10am, Meeting Room 1, Little Venice Office. [Subsequently decided to be a virtual meeting in view of the COVID-19 pandemic].

14 September 2020, 10am, Meeting Room 1, Little Venice Office

Chair of the Waterways Ombudsman Committee