

**Waterways Ombudsman:
Quality Assurance Peer Review
Observations and Potential Learning Points**

Waterways Ombudsman Committee Meeting – February 2021

Summary:

The Waterways Ombudsman seeks to operate a transparent and fair process, investigating complaints and providing a formal Alternative Dispute Resolution Service for customers and citizens unhappy at the way the Canal & River Trust and the Avon Navigation Trust dealt with their complaint

In September 2020, the Waterways Ombudsman Committee commissioned a quality assurance peer review of the Ombudsman's decisions. Committee members Lisa Stallwood and Jane Brothwood were appointed to undertake the review

The remit for the review:

- ensure complaints met the Ombudsman Quality Standards
- identify potential learning points and further best practice
- provide assurance for the Ombudsman – in the context that the Ombudsman role is a singleton and operates independently

Overall, there was clear evidence of effective investigation and resolution of complaints.

Insight and learning from complaints can provide opportunities to improve complaint handling and services for customers more broadly. In this context we identified possible learning points and potential opportunities for further improvement, while recognising the size of the organisation and overall number of complaints

We would like to thank the Ombudsman for her co-operation, openness and willingness to seek opportunities for improvement – demonstrating best practice through her approach.

Process:

The Ombudsman took up post in July 2019. 10 investigations were completed during her first year, 2019-20.

3 investigated complaints were selected for peer review, representing 33% of decisions.

Selection included:

- One not upheld complaint
- One partially upheld
- One fully upheld

The not upheld and partially upheld complaints were selected at random. All three complaints related to the Canal & Rivers Trust.

A paper review of each complaint was completed independently by the two reviewers in autumn 2020. Observations and feedback was captured and collated on a template. Areas considered included:

- Defining the complaint
- Making enquiries
- Assessing the evidence
- Reaching a decision
- Quality of communications

Overall findings and observations:

The Ombudsman met all objectives (100%) outlined in the peer review quality assurance document.

Complaints were defined in an accurate, clear, concise and when required, sensitive manner. A range of evidence was reviewed including, where appropriate, site visits. Further enquiries were made of the Trust and with customers as necessary. All relevant evidence was appropriately considered. Evidence indicated that the Ombudsman investigated all three complaints at the relevant stage.

Decisions were set out in professional manner, using clear and empathetic language, appropriate to the audience. The decision letter included both customer view of the issue and a summary of the Trust's account. Relevant statute was referenced to support the decision where appropriate. All Ombudsman investigations reviewed were completed within the Ombudsman's SLA.

While the review was not intended to and did not extend to re-considering the outcome of decisions, the evidence reviewed and the Ombudsman's analysis indicated that the outcomes were reasonable

Suggestions and recommendations:

Document naming convention: Adoption of a standard document naming convention is recommended. This would ensure that documents are easy to identify and improve audit trails.

Planning/Case management: The Ombudsman maintains a manual record of all cases in a notebook. It may be helpful to use an electronic investigation or case plan. This could provide a summary of the complaint and structured record of the investigation progress, as well as evidence for any third party reviewing the complaint.

Remit: It may be helpful to clarify the Ombudsman's remit at the outset of the investigation and as part of the complaint definition, specifically what the Ombudsman can/cannot consider. This may help to manage customer and organisational expectations. It may also avoid the risk of potential over investigation, particularly given the Ombudsman's limited resource.

Independence: Some complaints concern technical matters involving issues about infrastructure and engineering which the Ombudsman may seek advice from the Trusts' about. To mitigate the risk that that this may be perceived as impacting on the Ombudsman's independence, the Ombudsman should ensure that any advice from the

Trusts is clearly identified and the information forms part of the evidence for consideration before an independent decision is made.

To strengthen the Ombudsman's independence and ensure decisions are evidenced as being independent and made without interference or influence of the organisations, we recommend that the Ombudsman clarifies that draft reports may be shared with organisations under jurisdiction for validation of factual accuracy.

Ombudsman enquiries and questions are important to determine evidence from the organisation. It may be helpful to develop a more formal approach to enquiries

It may also be useful to adopt a common approach for referencing evidence as part of the Ombudsman's decision.

Redress: It may be helpful to adopt a redress framework matrix or policy to outline the purpose and scale of redress. Categories could, for example, include poor complaint handling, loss of revenue, customer impact, delays. This would improve transparency for both complainant and organisations. This may also avoid any risk to the Ombudsman's independence and potentially mitigate concerns of the organisations regarding precedence setting

Wider learning: The Ombudsman's decisions highlighted learning points for the Trust/organisations directly associated with the decisions

The Ombudsman has regular informal catch ups with the organisations in jurisdiction to share findings and possible wider learning. It may be helpful to formalise the sharing of insight and observations by including wider learning points in the Ombudsman's report to the Committee and for wider learning to be shared with all scheme members.

There may also be an opportunity for the Ombudsman to provide a training session to the Trust/other organisations under jurisdiction to explain examples and good practice to improve complaint handling and avoid customers needing to escalate complaints to the Ombudsman

Lisa Stallwood & Jane Brothwood