

1 WATERWAYS OMBUDSMAN COMMITTEE MEETING

On Monday 05 December 2022 at 09.05am
Zoom

MINUTES

Present:

Karen McArthur (KM)	Independent Member (Chair)
Jane Brothwood (JB)	Independent Member
Alan Collins (AC)	Independent Member

Apologies

Lisa Smallwood (LS)	Independent Member
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In attendance:

Navigation Authority Observers

Janet Hogben (JH)	Canal & River Trust Board Representative
Tom Deards (TD)	Canal & River Trust Executive Representative
Geoff Crane (GC)	Avon Navigation Trust Representative

In attendance:

Sarah Daniel (SD)	Ombudsman
Sobia Saleem (SS)	Governance Assistant (minutes)

Action

1. Welcome & Apologies

The Chair opened the meeting, apologies were received from LS.

2. Register & Declarations of interest

The Register of Interests report was noted. No further interests related to the Committee's work were declared.

3. Governance

3.1 Minutes of the last Meeting

Minutes of the meeting held on 12 September 2022 were approved as an accurate record.

3.2 Matters Arising

An update was provided on the open actions in the Action Log:

14 March 2022:

- Item 6: TD to open discussion with the new AINA chair. TD awaiting a response from AINA. Action to remain open.
- Item 6: TD provided an update on Boat Safety Scheme.

Action: TD to present a paper on the Boat Safety Scheme.

- Item 6: JB has repeatedly contacted the Chief Executive but failed to receive a response. Action closed.

TD

06 December 2021:

- Item 4: SD has updated the information held in the resources section on diligent and provided access to key information to KM and JB.

GC joined the meeting at 09.28am

12 September 2022:

- Item 8: SS to find out the process for an Exec member to be nominated as a member of the WOC. SS informed that nominated members do not need to sign an appointment letter, they are sent by the relevant authority. They will only need to sign the code of conduct. Action closed.
- Item 9: SD to obtain information from Bates Wells if it's in the Trust interest to obtain the money economically. On the agenda for discussion, action closed.
- Item 12: TD to find the review and decision that led to the WOC and share with the Committee. TD shared the review of Ombudsman service, but not what led to the formation of the WOC. Action closed.

Action: TD to source the genesis of the Ombudsman Scheme.

4. Committee Recruitment Update

The Chair noted that the second round of recruitment has proved successful and two appointments have been made, Alison Jack, from December 2022 and Warren Seddon, from March 2023. The appointments are being staggered for succession planning purposes.

Alison brings experience from a public service ombudsman perspective, operational experience and Scottish Ombudsman experience, CV circulated. Warren brings experience from the information commissioner's office, CV to be circulated at March meeting.

5. Finance

The Finance Report shared ahead of the meeting was taken as read. It was noted that the legal costs have been separated from other expenditure for transparency. TD noted that the figures and expenses are consistent with previous years.

6. AINA Update

Discussed in the Action Log review.

7. Ombudsman Report

The CTSI webinar was a positive experience and highlighted workplace awareness of suicide prevention and how to deal with vulnerable customers. It was useful knowledge if ever required.

The FOI requests relating to Waterways, canals, rivers and navigations from Parliamentary and Health Services Ombudsman (PHSO), the Local Government and Social Care Ombudsman (LGO) and the Scottish Public Services Ombudsman (SPSO) had been received. It was very difficult to establish the number of like for like cases but the impression was it was very small. It was also established in correspondence that because the jurisdiction of these bodies was set out in statute, they would not be in a position to transfer any of the work to WO.

The number of cases has been low with September the busiest month. SD noted that a number of complainants were not following the correct procedure and approaching SD directly before going to the Trust. SD has been relaying the correct procedure to the complainants and directing back to the Trust initially.

SD noted that private marina issues are not being dealt with as marinas have been sold so they no longer have access to the Ombudsman. There was discussion at the previous meeting with regards to adding marinas to the scheme, but it was deemed as unsuitable.

Action: TD to review if there is an industry body that can offer an affiliated membership for marinas.

SD noted one ongoing complaint regarding erosion at the end of the garden and canal bank. The Trust has sent an engineer to investigate and the land belongs to the complainant, therefore not the responsibility of the Trust. The complainant wishes to pursue the issue further about customer service failures.

SD noted a new complaint regarding an oak tree on the canal bank and costs for removal. The Trust has indicated that the tree is on the complainant's land, thus the Trust cannot contribute towards payment for removal.

The Bridgewater canal, marinas and boat safety scheme are not covered by the Ombudsman. There might be areas of commonality in the complaints procedure.

Action: SD to check similar cases and evaluate against the Trust process to check for similarity and discrepancies in the way cases are dealt.

8. Review Resources on Diligent

SD has been granted admin permissions for diligent and has updated the resources section. Further work is required on the handbook to ensure it is up to date for newcomers.

9. Waterways Ombudsman Cost Recovery

Bates Wells have sent a letter to the complainant about settling the costs, but the complainant has not responded. It was noted that the complainant no longer has ownership of the boat. There was discussion about what further steps need to be taken and the benefit versus costs in pursuing the money. GC noted that the decision should be with the Trust, as they will be incurring the cost of pursuing the matter. TD suggested using Trust solicitors to draft a letter to the complainant in the first instance followed by a review.

Action: SD to discuss with the Trust legal team with regards to the next steps to cost recovery.

SD

10. AOB

There was discussion about the inclusion of the risk register at the meetings. The Chair suggested that the risk register is included once a year at the in-person meeting in September.

It was noted that we need a replacement for the Council Member Representative. There had not been any interest from council members so far.

Action: TD to send council a reminder about the position on the WOC.

TD

It was suggested that SD might want to source the lone working information being revisited at the Trust.

AC was asked to provide a brief summary before the decision is taken on his reappointment. AC shared that he would be delighted to continue to be part of the Committee and provide his input.

AC left the meeting at 10.00am

11. Succession Planning

The Chair shared that LS has decided not to seek a second term and will be leaving the Committee.

The Committee acknowledged the CV and cover letter shared ahead of the meeting for AC. It was noted that AC has made a significant contribution to the governance changes and brings a wealth of experience to the Committee. The Committee agreed for AC to continue to a second term.

14. Close of Meeting

There being no further business, the Chair closed the meeting at 10.15

15. Next Meeting Date

13 March 2023

These minutes were approved by the Committee as an accurate record:

Chair