

# WATERWAYS OMBUDSMAN COMMITTEE MEETING

On Monday 11 December 2023 at 09.15am  
Held via MS Teams

## MINUTES

### Present:

Karen McArthur (KM)	Independent Member (Chair)
Warren Seddon (WS)	Independent Member
Alan Collins (AC)	Independent Member
Alison Jack (AJ)	Independent Member

### Apologies

Janet Hogben (JH)	Canal & River Trust Board Representative
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### Navigation Authority Observers

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

### In attendance:

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

### Action

#### 1. Welcome & Apologies

The Chair opened the meeting, apologies received from JH.

#### 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 11 September 2023 were approved as an accurate record.

##### 3.2 Matters Arising/Action Log

From the meeting held on 13<sup>th</sup> September 2023

- **Boat Safety Scheme Subsidiary** – Item on agenda, to be discussed at the meeting.
- **AINA** – Ongoing action following possible changes to maximum award.

- **URO** – The request for a User Representative Observer will be shared following elections once new Council members have been appointed in March 2024.
- **Chair Job Advert** – Item on agenda, to be discussed at the meeting.
- **Member Job Advert** – Action closed, advert on diligent.
- **Scheme of Rules** – Action closed, Scheme of Rules on diligent.
- **Policy Review** – Item on agenda, to be discussed at the meeting.
- **Judicial Review** – Item on agenda, to be discussed at the meeting.
- **Maximum Award** – Item on agenda, to be discussed at the meeting.
- **Future Planning** – Item on agenda, to be discussed at the meeting.

#### **4 Finance**

The Finance Report shared ahead of the meeting was taken as read. TD noted that the figures and expenses are consistent with previous years with the addition of legal costs for transparency. TD noted an increase in legal costs relating to the Judicial review cost recovery process.

#### **5 Boat Safety Scheme Subsidiary**

TD presented slides on the Boat Safety Scheme Subsidiary to the Committee. There was discussion about the handling of complaints through the Scheme. It was noted that complaints will be distinguished on a case by case basis, with some possibly going to the Environment Agency. The BSS will undertake costs for its own complaints.

TD informed the Committee that the proposed changes to the BSS will be presented to the Trust Board in January for confirmation to proceed.

GC joined the meeting.

#### **6 Chair Recruitment**

The advert for a new Chair drew a number of candidates from different backgrounds. The Chair being proposed has background in charring meetings and produced a good interview. The CV shared was taken as read. The proposed start date for the new Chair is 8<sup>th</sup> of January.

The Committee noted and agreed the recruitment of Lesley Horton as the new Chair for the Waterways Ombudsman Committee and to commence the appointment on 8<sup>th</sup> January.

#### **7 Maximum Award**

The figure of compensation of £100k was a deterring point for AINA and possibly other smaller waterways in joining the scheme, thus a review was conducted on the maximum award.

A two-step approach was discussed which included a scale of award for the distress and inconvenience element with a lower maximum amount and more emphasis being placed on the recommendations element.

The Committee discussed the limitations of imposing a scale system. There were concerns that this would cause further problems with individuals unhappy about the scale they are assigned. It was noted, however, that the scales can be descriptive in nature as opposed to having award amounts. When questioned about award amounts, complainants could be directed to previous similar awards and decisions on the website.

TD thanked SD and WS for the review and agreed with the proposal, noting it to be more reliable. However, TD noted that expectations would need to be managed. It was noted that complainants on occasion try to use the Scheme to have a legal claim settled. It was reiterated that any legal claims would need to be dealt with in court and not by the Ombudsman.

The Committee agreed to remove the £100k maximum award amount and adopt the two-stage changes proposed with the view that legal claims will require a legal approach.

**Action: To check that the maximum award can be removed.**

**Action: Final version of the maximum award paper to be presented for final sign off.**

SD  
SD

AC joined the meeting.

## 8 Ombudsman's report

The report shared ahead of the meeting was taken as read.

The Ombudsman noted that with regards to the Judicial Review the complainant has applied to the Court of Appeal. There is a waiting period to see whether the Court will admit the hearing. The Committee agreed to continue in the pursuit of the recovery of costs with the complainant.

The Ombudsman shared that the CTSI audit is in February and the Ombudsman will be submitting the paperwork.

## 9 Policy Review

The Policy Review shared ahead of the meeting was taken as read. The Committee asked for one change from 'special needs' to 'additional needs.'

The Committee discussed retention period for documents. It was noted that there should be clarity on the duration that documents are kept. The Committee agreed a 12-month retention period. As the decision was not unanimous it was agreed that the retention period should be reviewed again annually.

**10 AOB**

The proposed new Chair joined the meeting for a brief introduction.

The Committee thanked the present Chair (KM) for her commitment and hard work as her term as Chair came to an end.

**11 Close of Meeting**

There being no further business, the Chair closed the meeting at 11.00am.

**12 Next Meeting Date**

18<sup>th</sup> March 2024, Teams

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

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Chair