



WATERWAYS OMBUDSMAN COMMITTEE MEETING

Meeting of the Waterways Ombudsman Committee being held on Monday 18th March 2024 at
09.15am
Teams

MINUTES

Present:

Lesley Horton	Independent Member (Chair)
Warren Seddon (WS)	Independent Member
Alan Collins (AC)	Independent Member
Alison Jack (AJ)	Independent Member
Janet Hogben (JH)	Canal & River Trust Board Representative

Apologies

There was full attendance at the meeting.

Navigation Authority Observers

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

In attendance:

Sarah Daniel (SD)	Waterways Ombudsman
Sharan Madeley (SM)	Corporate Governance Manager (minutes)

Action

1. Welcome & Apologies

The Chair opened the meeting, welcoming everyone to the meeting.

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. Closed

Minute 7: 11th December 2023

The maximum award has been checked with CTSI and the Ombudsman Association with no issues raised. The Maximum Award paper was on the agenda.

Minute 3.2 13th September 2023

The letter from the Association of Inland Navigation Authorities (AINA) was still awaited.

Action: TD offered to facilitate conversation

Minute 3.2 13th September 2023

User Representative Observer: There had been a renewal of membership with new individuals on the Council and the Committee membership would be introduced at the March 2024 meeting, with expressions of interested being sought.

Action: TD to feedback to the Chair before the next meeting regarding Council representation on the Committee.

Minute 14 Judicial Review: 13th September 2023

Bates Wells are awaiting confirmation from the Court about the application for appeal so the process of cost recovery is on hold.

Action: To remain on the action log

Item 16 Future Planning: 13th September 2023

TD offered to extend invitations to the Executive Team to attend future meetings of the Committee.

Action: LH and TD & SD to meet to agree future presentations

TD

TD

SD

SD/LH/T
D

4 Finance

The Finance Report shared ahead of the meeting was taken as read. The Committee was informed that legal costs were increasing due to the nature of the extended process of one claimant. It was felt that as this process had been protracted, the WOC should still persevere recovery of the costs.

5 Ombudsman Report

The Ombudsman Report was received noted. The Committee specifically noted:

- It was a quiet month in December and January with numbers increasing in February 2024.
- There were four enquiries which were continuing which may result in complaints.
- There were no ongoing open investigations.

- There were increasing delays in people receiving a response from the Trust to their initial complaint. However, when dealt with at the second level the complaints were being addressed.
- A suggestion was made to request Sarina Young, Boating & Customer Relations, East Midlands, to the next meeting to present further data on the process of addressing complaints before they were received by the Ombudsman, along with reviewing any trends in the data being reported and lessons learnt by the Trust.
- It was noted that early intervention was key, and it was suggested that the reflections about the benefits of this during the previous 12 months should be included within the Annual Report.
- The Chair requested that future reports outlined the process involved in the level 2 investigations and any further insights into the Trusts internal system that could be brought into the discussion.
- It was noted that the Ombudsman had not seen any flooding complaints due to the recent storms.

Action: **(a) Sarina Young to be invited to a future Committee meeting.**
 (b) To include the reflections of the Ombudsman during the last 12 months within the Annual Report.

SM

SD

6 Review of Maximum Award

A report was presented to the Committee regarding a review of the maximum award made by the Waterways Ombudsman. The key points discussed included:

- Since 2018 there have been 57 investigations, and of these direct financial awards were made in 18 cases.
- As there were many investigations not receiving a financial award, an average amount was a difficult calculation. The highest award being £500 and the average award being £195.18.
- There were 39 cases which had not resulted in a financial award as they were otherwise resolved, or different actions taken.
- The report detailed that the Ombudsman would determine the impact in categories from nominal where no monetary award would be made through to moderate, substantial, severe and extreme, where the highest award of £10,000 or more would be made.
- It was suggested that detailed information on how awards are calculated be included on the website. A query was raised regarding organisations having insurance and it was explained that the challenge with public liability insurance was it was predicated on liability and that insurers may not insure for a goodwill payment.

- The Chair suggested a conversation with the Association of Inland Navigation Authorities regarding the change.
- TD suggested liaison with the Trust Broker, and third-party insurer to provide an understanding of what would be covered for a small navigation authority,

Following a detailed discussion, the Chair stated that the Committee was content with the rule change.

ACTION:

- (a) The Committee agreed the changes to the rules.**
- (b) It was agreed to formally write to the AINA to advise of the change.**
- (c) TD to liaise with the Trust Broker, and third party insurance to provide an understanding of what would be covered for a small navigation authority,**

SD
TD

7 Chartered Trading Standards Institute (CTSI) Audit

The Committee was informed of the audit which was submitted to the CTSI in December 2023. The cost of the audit was £750, and the report was awaited.

The only comment received related to the Data Protection Policy, and it was noted that there was a spreadsheet in place which summarised all the necessary data on timescales for case progression.

Once the report was received, this would be published on the website.

8 Ombudsman Recruitment

The Chair reported on the resignation of S. Daniel with the preference being to commence recruitment as soon as possible to allow for a significant handover period to exchange information.

The Committee stressed the importance of ensuring that the advertisement was clear emphasising that this was not just a decision-making role and that there needed to be emphasis on a number of different elements. S. Daniel suggested a blog, “*A Month in the Life of the Ombudsman*” which could explain the requirements of the role and assist with the recruitment process.

T. Deards stated that the role description should emphasise specific areas for example liaising with Navigation Authorities regarding early interventions.

Action: ***L. Horton and S. Daniel to work on the role description and circulate to the Committee along with a timetable for the shortlisting and interview process.***

LH/SD

9 Early Intervention Data

The Committee received a report regarding capturing early intervention data. It was noted that many of the enquiries received by the Ombudsman were either not known about by the Trust but could be easily resolved or were policy decisions and therefore outside the remit of the Ombudsman. It was noted that in all cases received, the Ombudsman could only formally investigate once the complainant has been through the internal complaints process.

The Chair stated that being able to capture the data and present it provided a value-added service as early intervention could prevent issues escalating into complaints and also provided guidance on the route into the complaints process.

It was proposed that the early interventions were recorded, and it was agreed that the data was important to capture and include within the Annual Report as being an important part of the Ombudsman's Role. Noting that the majority of cases approaching the Ombudsman do relate to where people have not yet contacted the Trust or completed the internal complaints process.

Action: *S. Daniel to liaise with S. Young to take forward the capturing of data in relation to reporting early interventions*

SD

10 Any Other Business

Ombudsman Association Conference

There would be attendance at the Ombudsman Association Conference on the 13 – 16 June 2024 in Bristol

11 Close of Meeting

There being no further business, the Chair closed the meeting at 10:44am.

12 Next Meeting Date

17th June 2024

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

L Horton
Chair