

WATERWAYS OMBUDSMAN COMMITTEE MEETING
Held by Zoom
On Monday 14 March 2022 at 09.30am

MINUTES

Present:

Karen McArthur (KM)	Independent Member (Chair)
Jane Brothwood (JB)	Independent Member
Lisa Smallwood (LS)	Independent Member
Claire Stokes (CS)	Independent Member

Apologies

Alan Collins (AC)	Independent Member
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In attendance:

Navigation Authority Observers

Janet Hogben (JH)	Canal & River Trust Board Representative
David Greer (DG)	Avon Navigation Trust Representative
Tom Deards (TD)	Canal & River Trust Executive Representative

In attendance:

Sarah Daniel (SD)	Ombudsman
Emma Taaffe (ET)	Corporate Governance Manager (minutes)

User Representative

Dave Mendes da Costa (DMdC)	Canal & River Trust Council Member
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Action

1. Welcome & Apologies

KM opened the meeting and welcomed ET, Canal & River Trust Governance Manager, to her first Committee meeting.

Apologies were received from AC.

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 6 December 2021 were approved as an accurate record, subject to amendment of item 4.

Action: CS to provide amended wording to ET.

CS

3.2 Matters Arising

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

13 September 2021:

- Item 5: review of website wording around unacceptable behaviour in progress. Action to remain open.
- Item 6: There was no update on AINA and Peel (in respect of the Bridgewater and Manchester Ship Canal). Action to remain open.
- Item 6: Phil Burgess was stepping down from AINA and a Trust representative was to replace him.
- Item 6: Cam Conservators connection still to be sought. Action to remain open.
- Item 6: Press release no longer needed due to SD's article in The Resident Boat Owners' Association magazine, *The Soundings*, (shared ahead of the meeting). Action closed.

Action: SD to share a Word version with DG.

- Item 6: Options for publicising the Scheme through the Canal & River Trust National Advisory Groups were being explored and SD would present to the Canal & River Trust Council in March 2022.

SD

4. Ombudsman's Report

The Ombudsman's Report, shared ahead of the meeting, was taken as read. SD talked through key points:

- Meetings with stakeholders
Canal & River Trust (the Trust) customer services managers' update included the success of the body worn camera trial in addressing antisocial behaviour, and the positive impact of the new Sugar Customer Relationship Management System (CRM) in managing complaints.
The Committee noted that the number of complaints remained steady, and that the Trust's use of CRM would not impact on the viability of the Scheme, even if complaints reduced.
- New Business
Bridgewater Canal Company continued to consider joining the Scheme, though there was some concern over costs, particularly the maximum award limit of £100k; SD had explained that this level of award was rarely made. **Action: The Committee suggested sharing the schedule of awards made historically to provide further reassurance.**
- Casework
Enquiries were down and most were from people living near canals with issues including toxic fumes and antisocial behaviour. The Committee noted that more people staying at home for longer periods during Covid-19 lockdowns had likely resulted in more complaints from residents. At 28 February, there were no open investigations.
- Closed investigations were noted.
- Peer Review to be completed with a report ready for the September Committee meeting.

KM/SD

5. Finance update carried forward.

6. Meeting Planning

The proposal circulated ahead of the meeting was taken as read.

The Committee agreed the following meeting programme going forwards:

Short virtual meetings in March, June and December would cover:

- Governance issues
- Finance issues
- The Ombudsman report
- Other ad hoc matters requiring a decision

A longer, in person, meeting each September would cover the above matters and:

- Annual report reviews
- Peer reviews
- Recruitment as required
- Presentations from CRT & Members as required
- Risk register review

The Committee agreed the following meeting dates for 2023:

13 March 2023 – virtual	11 September 2023 – in person
19 June 2023 – virtual	04 December 2023 - virtual

7. Complaints – Lessons Learned

The Complaints Log, circulated ahead of the meeting, was taken as read.

The Chair reminded the Committee that these were complaints that came to the Chair about the Ombudsman service; the Chair could not overturn Ombudsman decisions.

Complaints had increased in a short period of time, and it was agreed that they should be considered during the Peer Review.

The Committee talked through some of the complaints, noting one that related to the previous Ombudsman’s decision; that decision had been final and the Committee agreed with SD that it would be inappropriate for her to overturn her predecessor’s decisions. Another related to a complainant’s request for it to be shown in the published case summary that they did not accept the Ombudsman’s decision; the Committee agreed that this was not appropriate, as the summaries show what was investigated.

A customer had made an application for a Judicial Review of the Ombudsman’s decision in their case, which concerned continuous cruising license requirements. It was expected

that the application would not be admitted by the Courts, as the Ombudsman was arguably not a public body and because a Judicial Review could not change the Ombudsman’s decision, which was the complainant’s aim. It was, however, considered appropriate for the Ombudsman to take early legal advice in order to get any required response to the Court right and to minimise costs. To protect the independence of the Ombudsman from the Trust, that this should not be provided by the Trust’s in-house lawyers. **Action: TD to share a list of external lawyers with the Ombudsman.**

One complaint had been raised through a Committee member, as the complainant did not feel that their case would be passed by the Ombudsman to the Chair. All complaints received by the Ombudsman were routinely passed to the Chair for consideration and action. The Committee considered the position and agreed on the following solutions to ensure fairness, transparency and promote confidence in the process in a proportionate way:

TD

Actions:

- **It was agreed that the route for complaints should stay the same but that, to ensure a fair process, an audit of the complaints received be included in the Peer Review process.**
- **It was further agreed that when responding to complaints, a copy of the original complaint/email be appended so that complainants could see what had been shared with the Chair.**
- **More clarity on the process to be provided in FAQ section of website.**

KM/SD

KM

SD

8. Any Other Business

The Committee noted that CS would be standing down as an Independent Member with effect from 1 April 2022 for personal reasons and recorded a vote of thanks for her service on the Committee.

The Committee noted that LS and AC were approaching the end of their term of office.

Action: Chair to hold conversations with each of them to explore whether they would like to serve a further term.

KM

The Trust’s People Team would assist with any recruitment; the last advert to be used as a starting point. Risk management, finance and communications would be desired skills for new members.

9. Close of Meeting

There being no further business, the Chair closed the meeting.

10. Date of Next Meeting

20 June 2022, via Zoom

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

Chair