

## **WATERWAYS OMBUDSMAN COMMITTEE**

Minutes of the meeting of the Committee held at  
1 Sheldon Square, Paddington, London W2 6TT  
on Thursday 26 November 2009

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### **PRESENT:**

Professor Jeffrey Jowell QC (Chairman)  
Mrs Anne Davies  
Mr Nigel Johnson  
Mr Peter Lea  
Mr Michael Reddy  
Mr Miles Smith

### **IN ATTENDANCE:**

Ms Hilary Bainbridge (Waterways Ombudsman)

#### **1. APOLOGIES**

Apologies has been received from Mr Geoffrey Ashton and Mr John Bridgeman

#### **2. MINUTES OF THE PREVIOUS MEETING**

The Committee approved the minutes of the meeting held on 23 March 2009. There were no matters arising not otherwise appearing on the agenda of the meeting or addressed in the Report of the Ombudsman to the Committee.

#### **3. MATTERS ARISING**

With reference to the appointment of an independent member to replace Miles Smith following his retirement, it was agreed that the use of an independent assessor in the selection process should be considered.

#### **4. REPORT BY THE WATERWAYS OMBUDSMAN TO THE COMMITTEE.**

Ms Hilary Bainbridge presented her written report to the Committee. The key headings in the report were:

- Annual reports
- Complaint workload
- Use of assistants
- Customer satisfaction
- Contacts with stakeholders
- Publicity
- Progress on plans
- Future plans
- Funding of Scheme

In her presentation the Ombudsman drew the attention of the Committee to the following issues:

#### **Annual Reports**

On publication of the two Annual Reports (Committee's and Ombudsman's) she had, as usual, sent a press release to the waterways press though there had been less coverage than the previous year. She thought this was because a reduction in complaints was less newsworthy than an increase and that there had been no landmark cases in the year.

### Complaint Workload

The Ombudsman noted that her complaint workload showed in the year to date an increase in complaint numbers on the previous year (15 new complaints in jurisdiction year to date compared to 16 for whole of the previous year) though it was uncertain whether the increased workload would be sustained over the full year. The Ombudsman advised the Committee that there was no one leading theme in the complaints and no evidence to date that the restructure at British Waterways had caused any growth in the number of complaints.

She advised the Committee that the service standards (turn-around times) agreed with the Committee at its previous meeting had all been exceeded.

### Use of Assistants

The Ombudsman reported that, other than for holiday cover, she had needed to use the services of the assistants she had engaged on a zero hours contract basis.

### Customer Satisfaction

The Ombudsman noted that the response rate on the customer survey forms she routinely distributed to complainants had fallen though the change may not be significant due to the low overall number and the fact that some distribution was relatively recent and forms may yet be returned. The recent returns had been less negative than previously when the Committee had noted that overall satisfaction scores tended to reflected respondent's success or otherwise in having their complaints upheld.

### Expert Advice

The Committee and Ombudsman discussed the use and sourcing of expert advice when needed but noted that generally to date it had not been necessary

### Funding of the Scheme

The Ombudsman reported that no concerns had arisen in relation to funding of the Scheme by British Waterways which had paid all her requests for expenditure. She advised the Committee that, notwithstanding the arrangements for annual indexation of her fees, she had decided voluntarily not to take any increase this year, noting the financial pressures on BW and the pay freeze for its own staff.

### Other matters

It was agreed that the Chairman would hold the encryption password for the Ombudsman computer files as a backup arrangement.

## **5. COMPLAINT HANDLING PROCEDURE – LATE WITHDRAWAL OF COMPLAINTS**

The Committee debated the procedural issue of handling late withdrawal of complaints by complainants, particularly following sight of a draft decision by the Ombudsman that was adverse to them.

The Committee debated the balance of fairness to complainants and to British Waterways; the value in having a body of decided cases to publicise (anonymised) and the waste of costs.

The Committee decided that the default provision should be that in respect of complaints where a draft decision had been issued, the final decision would normally be published by the Ombudsman but that there should nevertheless be a discretion for the Ombudsman to depart from that default position in exceptional cases.

**6. SCHEME GOVERNANCE**

The Committee considered a report prepared by the Ombudsman in which she set out how the governance arrangements for the Waterways Ombudsman Scheme compared against the guidance given in the publication of the British and Irish Ombudsman Association (BIOA) 'Guide to the Principles of Good Governance'.

Mr Reddy declared an interest to the Committee in that, as a member of BIOA, he had been involved in the preparation of the Guide.

The Committee noted that in almost every respect the governance of the Waterways Ombudsman Scheme met the recommendations of the Guide, thr minor variations primarily due to the very scale of the Scheme compared to other large industry schemes with multiple participants.

**7. RETIREMENT OF MILES SMITH**

The Chairman noted that Miles Smith was retiring from the Committee as an independent member and thanked him for his service a wise counsel.

**6. NEXT MEETING**

To be arranged for mid 2010.