

WATERWAYS OMBUDSMAN COMMITTEE

Minutes of the meeting of the Committee held at
Blackstone Chambers, Temple, London EC4
on Wednesday 5 March 2008

PRESENT:

Professor Jeffrey Jowell QC (Chairman)
Mr John Bridgeman
Mrs Anne Davies
Mr Sam Hollis
Mr Nigel Johnson
Mr Michael Reddy
Mr Miles Smith
Mr Nigel Stevens

IN ATTENDANCE:

Ms Hilary Bainbridge Waterways Ombudsman (following item 4)

1. APOLOGIES

No apologies had been received.

2. COMMITTEE MEMBERSHIP

The Committee noted that on his retirement from the Board of British Waterways, Mr Terry Tricker had also retired from the Committee. As Mr Tricker was a member of the Committee nominated by British Waterways Board in accordance with the Rules of the Scheme, the Committee further noted that British Waterways Board had nominated as his replacement another of its members, Mr John Bridgeman CBE. The Chairman of the Committee welcomed Mr Bridgeman

3. MINUTES OF THE PREVIOUS MEETING

The Committee approved the minutes of the meeting held on 2 May 2007 subject to the correction of the date of the previous meeting (4 December 2006) mentioned in minute number 3. Those minutes were signed by the Chairman. There were no matters arising not otherwise appearing on the agenda of the meeting.

4. RE-APPOINTMENT OF THE WATERWAYS OMBUDSMAN

The Committee noted that the period of appointment of Ms Bainbridge as the Waterways Ombudsman was due to expire at the end of June and that the Rules of the Waterways Ombudsman Scheme permitted re-appointment for a second term without competitive selection at the discretion of the Committee.

After consideration by the Committee of the knowledge, skills and experience of Ms Bainbridge and her performance in office to date, Mrs Anne Davies proposed and Mr Michael Reddy seconded, a proposal that Ms Bainbridge be re-appointed for a second term of three years from 1 July 2008. The proposal was approved by the Committee unanimously.

Ms Bainbridge then joined the meeting.

5. REPORT BY THE WATERWAYS OMBUDSMAN TO THE COMMITTEE.

The Waterways Ombudsman commented upon her written report to the Committee that had been circulated in advance of the meeting.

Complaint Workload

Ms Bainbridge commented that the number of new complaints arriving had fluctuated wildly since her last report to the Committee in May 2007, with growth in numbers over the summer but then a sudden drop with only one new complaint in the third quarter. Overall in Calendar year 2007 she received 38 new complaints within jurisdiction compared to 26 in the financial year 2006-07. Her view was that no predictable pattern could be ascertained and that a randomness arose from the relatively small numbers of complaints overall.

Of the 38 investigations completed in the year to date, 11 were upheld wholly or in part, 22 were not upheld, 3 resolved by further action from British Waterways and 2 discontinued after enquiries.

Customer Satisfaction

Ms Bainbridge advised the Committee that she had sent customer satisfaction survey forms out to all complainants on investigations completed (and written enquiries received) from mid-November 2007 onwards, for return to the Chairman. The Chairman reported to the Committee that of the 13 forms sent out in respect of completed investigations nearly 70% had been returned. On an initial overview the Chairman commented that generally the feedback was favourable about operation of the Scheme overall but did include some negative comment, primarily from complainants whose complaints had not been upheld by the Ombudsman.

The Committee agreed that the feedback forms would be collated and analysed in detail for notable issues or themes and such analysis would be verified by either Mr Reddy or Mr Smith as non-aligned members of the Committee. The outcome would then be reported back to the Committee.

Other Matters

Ms Bainbridge further reported to the Committee on contacts with stakeholders; advice given to British Waterways on policies regarding unacceptable behaviour directed at British Waterways and unreasonably persistent complainants; appointment of assistants, progress on plans for 2007-08;; future plans and funding of the scheme.

Annual Report

The Committee agreed to review a draft of the Annual Reports of the Committee by e-mail. The Ombudsman said she would also let the Committee see a draft of her report before publication.

6 RE-APPOINTMENT OF CHAIRMAN

The Chairman (and the Ombudsman) left the meeting for this item.

The Committee noted that the Rules of the Waterways Ombudsman Scheme required Professor Jowell to vacate the post of Chairman of the Committee by 30 April 2008; but that he was eligible for re-appointment for a second term and that the power of appointment to the Chair of the Committee was vested in the Committee (subject to requirements of non-alignment in any candidate).

After consideration the Committee decided unanimously (but in the absence of Professor Jowell) to invite Professor Jowell to serve a second term as Chairman of the Committee.

Professor Jowell returned to the meeting and on being so informed, accepted the

invitation to serve as Chairman of the Committee for three years from 1 May 2008.

7. ASSESSMENT OF WATERWAYS OMBUDSMAN SCHEME AGAINST BIOA PRINCIPLES

The Waterways Ombudsman briefed the Committee on her report (circulated earlier) on how the Scheme measured against the principles published by the British and Irish Ombudsmen Association in its 'Guide to Principles of Good Complaints Handling'.

The Committee noted that in the great majority of areas the Scheme measured well against those principles. In only one of the seven categories of principles assessed was a need for particular action identified and those arose mainly from the relative small scale of the Scheme. For example there were some gaps in the documentation of formal policies, procedures and standards since, as a single person office, full documentation had not to date been required for internal controls.

The Ombudsman and Committee agreed however that the development of such documentation would be addressed as an action point to meet the aims of greater transparency; improved performance measurement and the need to inform a successor.

7. NEXT MEETING

The Committee agreed that, as a general rule, a meeting approximately every 9 months was appropriate with matters in the interim being dealt with by written or electronic communication, subject always to the ability to call meetings at any time should a particular need arise. On that basis it was expected the next meeting would be called by the Chairman towards the end of the current calendar year.