

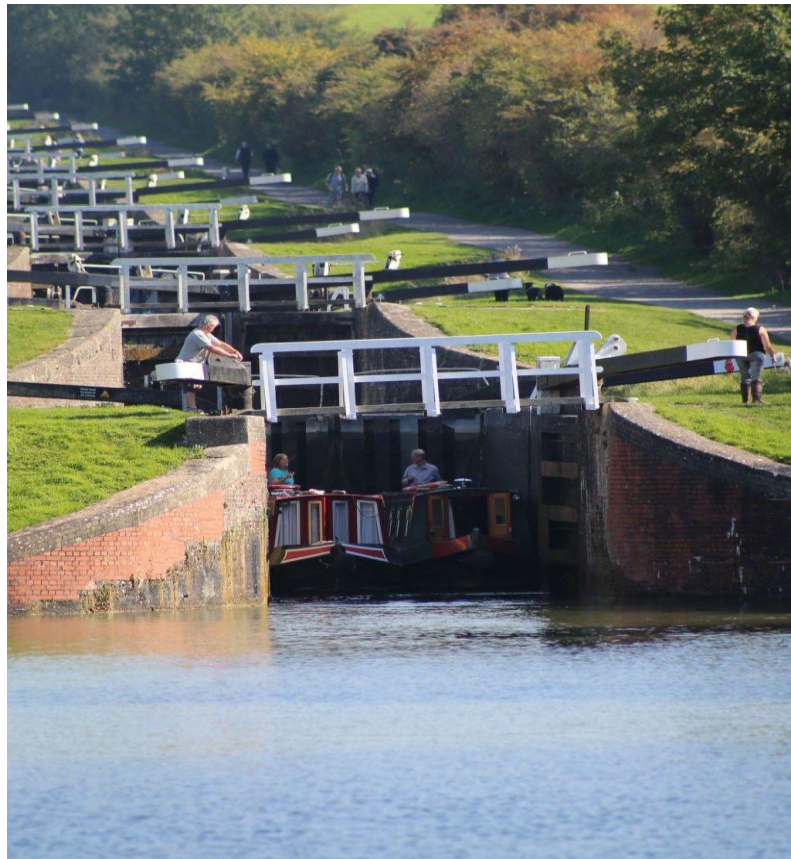


ANNUAL REPORTS OF

THE WATERWAYS OMBUDSMAN COMMITTEE

and

THE WATERWAYS OMBUDSMAN



2025-2026



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ANNUAL REPORT OF THE WATERWAYS OMBUDSMAN COMMITTEE

CHAIR'S REPORT

The Committee was established in 2005 to oversee the operation of the Waterways Ombudsman scheme (the Scheme) and the independence and accessibility of the Ombudsman. This report covers the period April 2025 to March 2026.

I am pleased to present my first Annual Report as Chair, having originally joined the Committee back in 2023. The main roles of the Committee are:

- the appointment (or removal from office) of the Ombudsman;
- keeping the operation of the scheme under review, both to ensure that it meets its purposes and that it is adequately funded;
- to receive reports on the method and adequacy of publicising the scheme;
- to publish an annual report.

Issues relating to the investigation or determination of complaints are matters for the Ombudsman alone, and the Committee has no part to play in those.

This year has seen a lot of change on the Committee and I would like to record our thanks to the former Chair, Lesley Horton, and long-standing member Alan Collins who both left their roles in this financial year. It was great to see a number of high-quality candidates apply to join the Committee and as we entered 2026-27 we had successfully appointed Collette, Mark and Sarah as our new members. I look forward to working with them in their new roles.

John has continued to deliver his role as Ombudsman effectively, receiving positive feedback from complainants about his handling of many of the issues brought to him, while developing good relationships with our member schemes to help bring matters to a successful resolution. The Committee looks forward to continue supporting John in his role, while appropriately scrutinising his work to ensure that the Scheme is working effectively both for its members and those bringing complaints.

Finances

The Committee appoints the Ombudsman, and is funded by its waterway members to meet the costs of this service. All expenditure has been authorised for payment. The Ombudsman charges for services on a time and materials basis and is not an employee of the Committee or the scheme members.

The total cost of the Ombudsman service in 2025-26 was £43022.80. This is made up of Ombudsman pay, admin costs such as website support, travel to site visits and larger expenses



such as the payment of annual membership fees for the Ombudsman Association, Chartered Trading Standards Institute, and Information Commissioner's Office fees.

Independence and standards

The Scheme continues to be a member of the Ombudsman Association, a requirement of which is that the Committee is independent. The Scheme continues to be approved by the Chartered Trading Standards Institute, this certification means that we meet the requirement of the UK Regulations.

Looking forward

After a period of change, the Committee's focus going forward will be to ensure that there is sufficient resilience in its membership and structures and that its rules reflect this – any updates will be made available on the Ombudsman's website. We will be exploring how we can support the Ombudsman to raise his profile to ensure that those that need his help know how to access the service, while monitoring its intake to ensure that it remains sustainable. We will also continue to explore if more can be done to expand the scheme so that those that use our waterways have proper access to independent redress irrespective of where the issue that has affected them has occurred.

Warren Seddon
Chair, Waterways Ombudsman Committee
July 2026



COMMITTEE MEMBERS AND THEIR PROFILES

The Committee members at 31 March 2026 were:

Independent Members

Warren Seddon (Chair)
Colette Dorward
Alison Jack
Mark Simms OBE
Sarah Toy

Observers from Canal & River Trust

Tom Deards
Ranjit Sondhi

Observer from Avon Navigation Trust

Adrian Main

User Representatives from Canal & River Trust

Tracey Clarke

Warren Seddon



Warren joined the UK's Information Commissioner's Office in May 2021 where he leads on work related to the Freedom of Information Act and Environmental Information Regulations. This includes oversight of the casework teams that make decisions on complaints about the handling of information requests by public bodies, as well as all related policy, enforcement and upstream regulation work. He joined the ICO from his role as Director of Strategy, Insight and Communications at the Parliamentary and Health Service Ombudsman, where he had been since 2017. Before that he was at the Electoral Commission and held a number of roles in the UK Civil Service.

Alison Jack

Alison works in a management role at the Scottish Public Services Ombudsman (SPSO). Her team independently reviews welfare benefit applications and promotes learning and improvement in decision making. She chairs the organisation's Data and AI Programme Board and is an active member of the Service Improvement Forum.

Prior to joining the SPSO, Alison worked in management for a local authority advice service and served as a trustee of Money Advice Scotland. She has a keen interest in consumer rights, access to justice and improving services.





Colette Dorward



Colette has held senior executive and consultancy roles in corporate governance and leadership and is currently Strategy Director at the National Trust, stepping back later this year. She spent much of her childhood on the Crinan Canal and now lives close to the internationally recognised Caen Hill Locks in Devizes—an impressive feat of engineering and a focal point for volunteer engagement.

Mark Simms OBE

Mark brings over 35 years' experience in public service, governance, and organisational leadership. Most recently, he served as Interim Chair of the Charity Commission for England and Wales, a role which concluded in February. He is currently Group Chief Executive of the P3 Charity Group, which delivers frontline services across homelessness, housing, and mental health, supporting more than 80,000 people each year. Mark also has a strong affinity with the waterways.



Sarah Toy



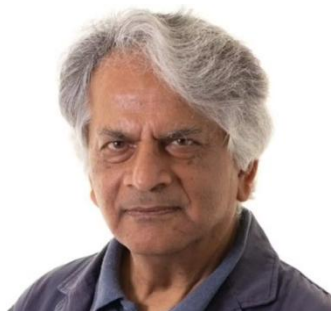
Sarah has 25 years' senior experience spanning the public, private, not-for-profit, and academic sectors, including board-level governance, strategic oversight, and independent scrutiny roles. A chartered civil engineer, she has held senior leadership positions in local government, national charities, and consultancy—most notably as Bristol's Chief Resilience Officer. Canals and waterways have featured strongly throughout her professional life, including earlier work with Sustrans in London, where she built partnerships with British Waterways and others to help deliver the National Cycle Network.

Observers appointed by the Scheme Members

Tom Deards is the Canal & River Trust's Legal & Governance Director and company secretary. He has responsibility for the legal and governance functions of the Trust. He is a qualified solicitor who joined the Trust's legal team in 2007, having trained and qualified into the asset finance team at City law firm Clifford Chance, before going on to complete a Legal Masters at UCL in Environmental Law, whilst gaining experience working as an environment and planning lawyer in local government. Tom is the Trust's Company Secretary and Data Protection Officer.



Ranjit Sondhi



Ranjit came from India to the UK on a scholarship and graduated in Theoretical Physics in 1972, but set aside a career in the sciences to engage in community and public service. He began his career as a youth and community worker, before progressing to lecture on the topic at the University of Birmingham for 20 years.

He has served extensively on national regulatory and governing bodies including the Commission for Racial Equalities, the BBC, the National Gallery and the Criminal Cases Review Commission. He has also been a Civil Service Commissioner, Judicial Appointments

Commissioner, and a Member of the Queens Council Selection Panel. He was Chair of the former Heart of Birmingham PCT, vice-chair of the former Sandwell and West Birmingham Clinical Commissioning Group (CCG), and lay member of the former Black Country and West Birmingham CCG. He was until recently a senior independent director of the Black Country Integrated Care Board, and an associate Non-Executive Director of University Hospitals Birmingham. He is currently a trustee of Guide Dogs for the Blind and also chairs the Birmingham Race Impact Group. He is most at home when out and about working directly with local communities.

Adrian Main representing Avon Navigation Trust.

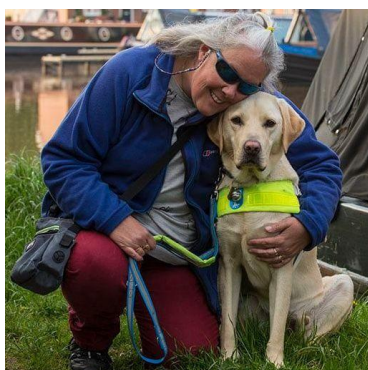
Adrian currently serves as Office Manager, Management Accountant and Company Secretary for the Avon Navigation Trust. Having joined the Trust in an administrative and financial capacity, he was formally appointed Company Secretary on 26 July 2016 and assumed responsibility for the Trust's full office management function in June 2017.

Prior to joining the Trust, he attended Evesham High School before building a career in business management and financial accounting, developing extensive experience in organisational administration, financial management and operational improvement.

Since joining the Avon Navigation Trust, he has played a key role in modernising the organisation's administrative and financial infrastructure. His achievements include bringing the payroll function in-house, implementing integrated accounting systems to improve efficiency and financial oversight, and introducing digital communication platforms, including a new website and email and SMS communications, to strengthen engagement with members, volunteers and stakeholders. Through these initiatives, he has helped streamline operations and support the Trust's long-term sustainability and effectiveness.



Tracey Clarke

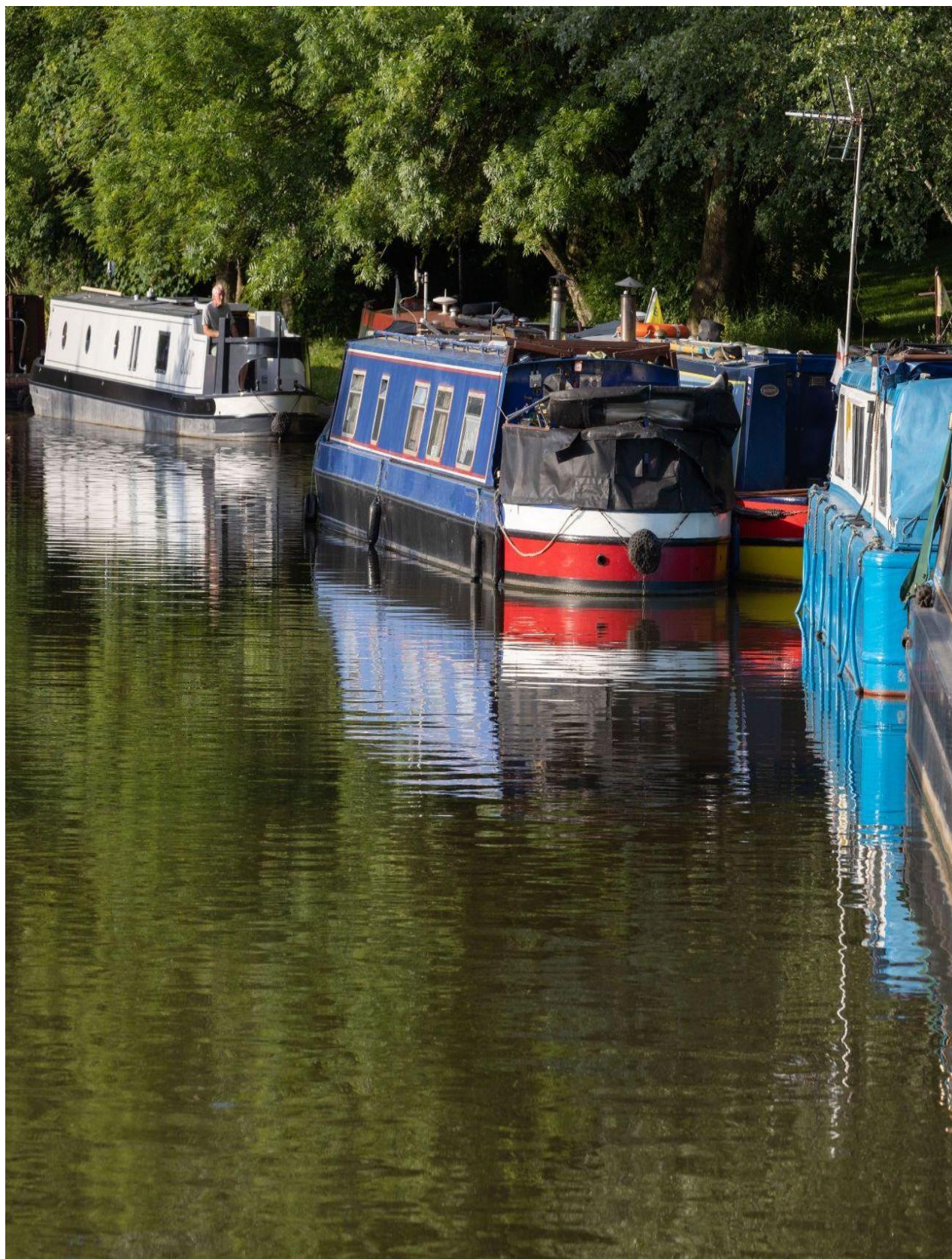


Tracey, aka "The Blind Boater", is a liveaboard continuous cruiser with her Guide Dog Loki, and hubby Tim with his Hearing Assistance Dog Ozzie. They are licensed roving traders.

Hailing from Sussex, where she married Tim, she has always been very active in community work, including serving as a Parish councillor for many years. Since moving afloat in 2014, Tracey has discovered that life is "Better by Water". More recently, she has been working with the Trust including creating 'IWAFF - Inland Waterways Accessibility Forum' on Facebook, and regular online Disabled Boaters' meetings.



As the Founder of the Accessible Waterways Association, Tracey's primary aim is to work with the Trust to make the waterways as safe and suitable as possible (given constraints of heritage) for those who are less able.





ANNUAL REPORT OF THE WATERWAYS OMBUDSMAN

OMBUDSMAN'S INTRODUCTION

I'm pleased to be able to present this report for the year ending April 2026. Before proceeding with my comments about the work of the scheme I want to say a few words about the people that support my work and make it possible.

I want to thank Lesley Horton for her work as chair and for making me welcome in the role and wish her luck in her future roles. Those thanks apply equally to the new chair, Warren, who is already bringing his wide experience to bear to support the long term planning, as well as day to day business, of the scheme. But that day to day business would be very difficult without the ongoing support of those who provide administrative and technical support, notably Nathan Roberts and Sarina Young, who help the committee and the scheme run, and provide case reports and access to technical resources on complaints which cross my path.

I wrote my first report last year, after only a few months in the role and feel that I've had the opportunity, now, to get my feet properly under the table. I've learnt a lot about our waterways and still have far more to learn about what is clearly a complex operation and which involves a wide range of interactions with stakeholders.

The Waterways Ombudsman is the final stage for complaints about the Canal and River Trust and the Avon Navigation Trust, our Members. We investigate complaints that have been through the Member's full complaints procedure.

The Trusts' operations touch many people's lives and in many different ways. In my first report, last year, I commented upon the realisation that management of our waterways impacts a wide range of people. From pleasure boaters to full time residents afloat, from walkers to fishermen and canoeists, from commercial boats to occupiers of neighbouring housing, from those on the water to those passing over its bridges and using its towpaths. And the range of reasons why people need to interact with the Trusts is hugely diverse. Because managing a modern waterway is a complex mix of responsibilities, facilitating all of those uses and activities while maintaining the legacy of a national asset which needs careful management in a modern world and within often tight financial restraints.

In my first 18 months in the role I have seen that work first hand, and through the eyes of complainants and the member Trusts. Complaints that I've seen have involved issues around licensing of vessels, enforcement of contracts and debts, flooding of properties, maintenance of bridges, water levels and dredging and a range of issues around nuisance and disturbance. Those have involved casual users and long term water residents, both domestic and commercial. I've seen examples of how the demands of modern life, whether boating, transport or living alongside the waterways, clash with the operation of routine activity to manage the waterways, such as the disturbance from machinery or the need for potentially disruptive maintenance. And I've also seen how stakeholders themselves can clash, whether between boaters or neighbours and waterways users.

All of which makes the work of the Ombudsman varied and interesting. I've had to learn new things and am grateful for the patience that scheme members' staff have shown when I've needed to explore a new technical subject to help me understand the issues involved. That has been



particularly interesting when quizzing engineers about things like dredging, and how the locks, weirs and sluice systems work to manage water levels, which have been factors in a number of disputes I've dealt with.

I will repeat my comments from last year that there is a huge amount of work needed to continue the historic story of our waterways with numerous museums and educational programmes and the vast body of volunteers recruited and coordinated. The challenges of maintaining an ageing physical infrastructure to meet modern user demands are many and varied and all of those who use it, or whose lives are affected by their proximity to it, expect it to be working properly to meet their needs.

It's understandable that things will not always work perfectly and so this scheme is here to help, as the independent and final step in investigating and seeking to resolve disputes that arise. While everybody that comes to the ombudsman is, by definition, dissatisfied with how they have been dealt with to that point, my hope and commitment is that I can provide them with an opportunity to be heard and for their concerns to be taken seriously and to be rigorously explored.

In terms of administration of the scheme we successfully passed our bi-annual audit by Chartered Trading Standards Institute in late 2025, which maintains the scheme's recognition as a licensed alternative dispute resolution service. The audit looks at the systems and policies in place, the rules, governance and independence of the scheme and the compliance with rules for the day to day management of cases.

The details of volumes of cases is contained in the sections below as are the brief summaries of the disputes which were formally investigated in the year. Volumes of activity have been broadly similar to previous years with similar themes. I continue to receive contact from complainants whom I'm unable to help, either at the time or at all. That's often because they haven't yet utilised the member Trust's own formal complaints procedure and the limit of the remit of my role, which is only to investigate disputes that have exhausted those formal steps first. I'm pleased to report that I continue to receive excellent support from the member Trusts when I flag a case which I can't become involved with but which I feel needs some quick action by the Trust. It's gratifying to see how those cases are taken seriously and action is quickly taken to contact and support the complainant directly.

I look forward to continuing the work of the scheme in 2026 and beyond and supporting waterways users, neighbours, and member trusts to resolve disputes fairly and efficiently.



THE WORK OF THE OMBUDSMAN SCHEME

The scheme operates a website and a range of methods for people to contact the Ombudsman, including a structured online complaints form, an online general contact form, PO Box and email address, and telephone number of the Ombudsman himself.

The Ombudsman is self-employed and works part time but works remotely and flexibly, so is generally able to respond immediately to any contacts received.

All contacts, through any route, are recorded as “enquiries” and information retained to allow for analysis of the nature of queries that have been raised. The majority of those enquiries don’t progress to full investigations, typically due to them being issues which haven’t, at that stage, passed through the Trust’s own complaints procedure. The Ombudsman responds to every such enquiry and often has some form of contact with the relevant Trust, including on occasions staying informed as the matter progresses.

If an enquiry is one for the Ombudsman to review then he opens an investigation and calls for evidence from both parties, including the full documents retained by the Trust of its contact with the complainant.

The Ombudsman aims to conclude an investigation and report within 90 days of receipt of all of the information needed to review the case. Ongoing contact with both parties is often needed, including site visits where appropriate.

Once completed, a draft report is shared with both parties, allowing for comment and challenge to be properly considered before the conclusion of the review with the issue of a final report.

Once the final report is issued, the complaints process is at an end. There is no further appeal against the decision of the Ombudsman, although users can choose to raise any concerns to the Chair and Committee if they feel that the Ombudsman has failed to meet his obligations under the scheme.

If the complainant accepts the decision of the Ombudsman then the scheme member Trust is bound by that decision and required to take the actions specified by the Ombudsman, including financial compensation where required. This is not a statutory duty, but rather one which the member elects to as party to the scheme.

As with any ADR scheme, the intention is to offer an additional route for disputes to be explored and, hopefully, resolved. If a user remains dissatisfied with the outcome then they are free to reject the decision and pursue any other method of recourse they choose - as would be the case if the scheme didn’t exist. There is, therefore, no disadvantage to a complainant from opting to use the scheme. It does not represent electing to be bound in any way, such as might be the case with an arbitration scheme.

This year all enquiries and complaints were about The Canal & River Trust so references to ‘the Trust’ in the following case specifics and data refer to that member.



ENQUIRIES

58 enquires were made to the scheme in the 12 months covered by this report, 50 in writing and 8 by telephone.

Of those enquiries, 9 were accepted for investigation by the Ombudsman. Of those which were not the reason for non-acceptance were;

- 26 Internal complaints procedure not **started**
- 11 Internal complaints procedure not **completed**
- 5 service being complained about **not** a member trust
- 7 **not** complaints (generic queries)

Who is making enquiries and what are they about?

Of the 46 enquiries that were legitimate disputes, 17 were from boat users and 29 from other people, mostly neighbours. This is a substantial change from the previous report, with non-boater complaints up to 60% from 29% last year*. Of course, another way to look at this is to say that actual boater complaints are down, both in volume and in terms of the % of the whole. Last year's 71% share of the total represented 31 cases.

These are significant figures but it's difficult to draw conclusions from such small base numbers. It's not the role of this scheme to analyse the Trust's own data on customer contacts and complaints being received. But it is noteworthy that boater license queries continues to represent the largest subject for initial customer contact at slightly under half the more than 160,000 enquiries received annually.

The Trust was conscious of previous negative customer feedback around its handling of boater contacts and licensing issues in particular. Some of this data may point to improvements in these areas with less disputes coming to the Ombudsman than was previously the case. Again, these small numbers make conclusions difficult but the Trust may have additional information which paints a clearer picture.

Certainly so far as the Ombudsman is concerned there has been a shift in business to a far greater proportion, and increases in volumes, of concerns being raised by neighbours particularly.

Analysis of those disputes isn't especially helpful as the nature of problems are varied, including leaks into properties from canals, vegetation maintenance, boundary disputes, overstayers on moorings, nuisance caused by boaters or other users, and the impact of Trust operations, such as noise and closures of bridges. The largest category was of complaints about various nuisance caused by boaters, including noise, smoke, anti-social behaviour and especially overstaying on moorings. Again, it is noteworthy that one of the highest complaint categories received by the Trust direct is about reports of overstaying, that is, complaints that boaters are remaining too long on leisure moorings, sometimes creating semi-permanent communities and the associated impact of long term use alongside neighbouring properties.

*(*figures adjusted to reflect different reporting methods in last year's report)*

Of course, complaints trend analysis in such a high volume area as Trust operations, is reliant on many issues, not least of which is accuracy of reporting and data capture. But even when data is

assured, impacts can be affected by positives rather than negatives, such as improved awareness or better contact handling and accessibility. The raw data in this report is of use only as part of a larger analysis of wider quality assurance information but is hopefully of use in the correct context to add the experience of the Ombudsman to that bigger picture. Likely to be of more direct benefit are the case studies below.

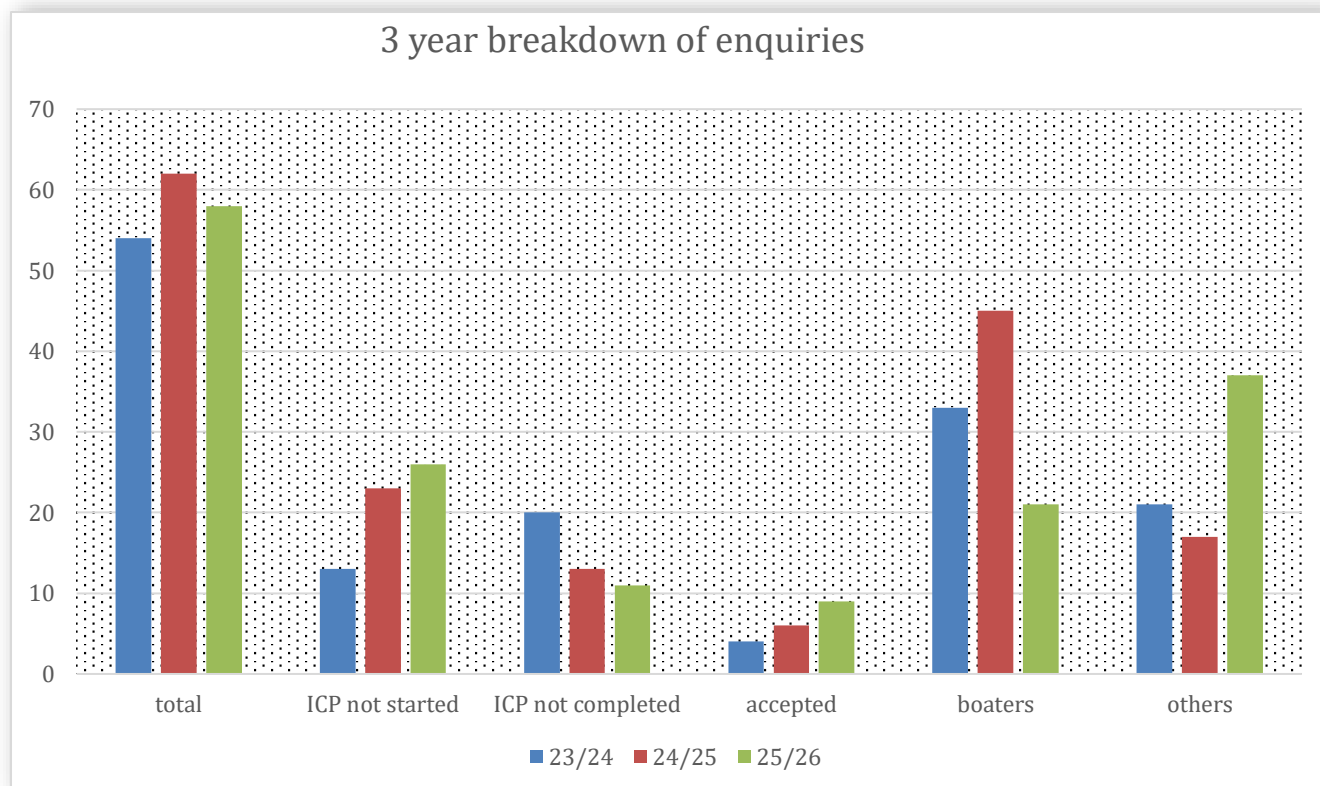


Figure 1 - 3 year comparison of enquiry data. "ICP" = internal complaint procedure – this graph shows the change in the nature of enquiries over the last 3 years, illustrating that while totals have remained similar, there has been a shift from complaints by boaters to complaints from others, such as neighbours specifically.

Everyone who made an enquiry received a response, either directing them to the appropriate contact point or explaining why the scheme wasn't able to assist. Many enquiries led to the Ombudsman sharing the information with the Trust and sometimes engaging in ongoing exchanges with the Trust and the enquirer to ensure that the matter was appropriately progressed.

Of the enquiries that couldn't be accepted, 34 were responded to on the same day of receipt of the first contact. All others received replies within 5 working days.



INVESTIGATIONS

While 9 cases received this year have escalated to investigations, a further 2 were carried over from the previous year's intake. In total, 8 of these cases have resulted in the issuing of final decisions by the Ombudsman. Each is summarised in a case study below.

Of the remaining 3 cases not yet receiving final decisions,

- a single case is on hold pending completion of long running engineering works relating to a serious long term leak and damage to a neighbouring property. This case has been managed in consultation between the Ombudsman and Trust management. A case study on this case is included to illustrate the work of the Ombudsman,
- 2 have been issued in provisional form and representations from both parties are under review before issuing of a final decision.

Final decisions are required to be issued within 90 days of receipt of the required information to begin the investigation. During this year the average time for completion of all investigations was 49 days with one case going over the usual time target by 2 days - due to additional time being requested to respond to the provisional, and so delaying the ombudsman issuing the final decision.

Case summaries (final reports issued)

Case 1 - Flood complaint after works to maintain a weir and the complainant's belief that this had caused flooding to his land and property.

Complainant claimed that a local weir had been out of use for decades and that the Trust had confirmed this to him many years previously when he was considering converting a barn to a dwelling. He felt that the lack of operation of the weir, and the dry condition of a brook running past his property, had been relied upon for assessing flood risk.

It was agreed that some months prior to the flood the Trust had undertaken major maintenance to the weir and that later heavy rains had caused the weir to operate, releasing water into the brook which then passed onto the complainant's land and flooded his property. The complainant felt that the trust was at fault, that it should have conducted a risk assessment and communicated with local land owners before its work, and that it should have ensured that any overflow would pass safely across his land.

The Trust argued that the weir had always been in operation to some extent although sometimes less effective due to vegetation and silt and showed maintenance logs and photographic evidence over the preceding years. It also argued that the flood was a natural event with the weir system operating effectively. It also argued that the weir was a long established system for managing water levels and that the Trust was not responsible for water properly released through the correct operation of the weir.

The complaint was **NOT UPHELD**. The Ombudsman was satisfied that the Trust had not acted unreasonably when maintaining the weir and that it had an obligation to maintain the weir as part of its water-level management system, that in turn prevented unplanned breaches of canal banks and uncontrolled flooding. He also agreed that, as a landowner with a watercourse running adjacent to and across his land, the complainant was a "riparian landowner", meaning that he was



responsible for how water passed across his own property, including the maintenance of brooks and ditches designed to allow the flow.

It was unclear whether the water levels experienced by the complainant were due to inhibited flow further downstream on his or neighbours' land, or from natural water levels. While it was most likely that the weir's maintenance had impacted water levels experienced by the complainant, the Ombudsman felt that the Trust had not acted unreasonably or failed in any way in its obligations when maintaining the weir and was not responsible for the flow of water after it had left the boundaries of its own land.

Case 2 - Involving a floating café business within a historic trust dock and several planning approval applications

Café owner complained of failure of Trust to support plans for mains electricity supply from either of a nearby substation or an electricity bollard in dock area. A number of approval applications had been submitted for changes to the business and those requiring mains power had not been supported.

The complaint was **NOT UPHELD**. The substation was unavailable due to capacity and under control of local council which had confirmed that it could not be used. There were a number of reasons why bollard was deemed not possible due to uncertainty over safety, capacity, the Trust's own needs and listed status limitations to the historical dock area. The Ombudsman is not a route to appeal such application outcomes but does consider whether the Trust has acted unreasonably or unfairly in its approach or not met its obligations or published procedures.

The Ombudsman was satisfied that the Trust had not acted unreasonably in its decision not to support the application for approval.

Case 3 - Closure of a pedestrian bridge causing inconvenience to a local user

The complainant was unhappy that a pedestrian bridge had been closed for repairs and that she was being inconvenienced by a longer trip to work. She also complained about rudeness from staff members on site and that some people were being "allowed" to cross.

The complaint was **NOT UPHELD**. The bridge had been closed by the local council due to resident complaints about safety of the surface. CRT was completing the repairs. There was no delay on the part of the Trust in doing the work.

Staff on site had attempted to stop people using the bridge and had needed to get the local council to improve its barriers to avoid on-site conflict situations. The allegations of rudeness were disputed and it had not been possible to identify any specific individual. The Trust had spoken to all staff about behaviour and done all that it could to complete the works speedily.

Case 4 - Multi-party complaint by residents about disruption to privacy and quiet enjoyment of homes due to proximity and nature of works carried out in Trust operational basin.

Complaint originally from one resident about waste management activity outside apartment, in a basin owned and operated by the Trust for the purpose of maintaining the local waterways. Over 30 other residents with concerns had also either started or were planning to start complaints procedure.



A large vessel, used for collection of rubbish from the canal and towpaths, was permanently moored near apartments which was unsightly and led to often noisy work being carried out close to people's homes. Other working boats were also sometimes moored in front of apartments causing similar disturbance to privacy.

The Ombudsman is not able to dictate to the Trust how to run its operations in terms of stopping legitimate working activity in a location in which it is entitled to do so. It was also a factor that the site had been used in this way prior to the apartment blocks being built. But residents complained that some operating systems had changed which caused more disturbance than previously and generally felt that some controls should be in place.

The Ombudsman met with the complainant and Trust staff on site and invited the Trust to consider proposals to reduce the impact on resident neighbours. The Trust consented to a number of suggestions which were recorded in the Ombudsman's decision to give them the status of an agreed outcome. The actions included moving the vessel to a place within the basin which was less impactful on residents, painting the vessel to improve its appearance, and changing how work boats are moored within the basin to prevent, where possible, mooring directly in front of apartments. The Trust will trial the new approaches for 12 months and was required by the Ombudsman to publish a local work plan and to set up a system of communication with local residents. As a result the complaint was **PARTIALLY UPHELD**.

Case 5 – complaint about lack of dredging in a small basin of a London canal

Complainant held a license to moor inside a small run off from a busy London canal. He reported that a failure to dredge the mooring area had led to his boat becoming stuck and other related issues affecting his enjoyment of his leisure (non-residential) mooring. The Trust felt unable to dredge the basin due to practical and financial considerations. The complaint to the Trust had widened to criticisms of other policy based decisions about how the Trust allocated funding.

The Ombudsman declined to deal with the wider issues as they involved policy decision which are outside of the scheme's remit.

The Ombudsman **PARTIALLY UPHELD** the complaint. He felt that the Trust had failed to deal adequately with the main issue of the complaint, the dredging of the basin, and had been distracted by the wider policy issues raised. He felt that the Trust was entitled to make operational policy decisions around funding dredging in what was a non-navigable basin but that its licensing process should reflect any decision not to dredge in terms of clearly communicating to applicants before licenses are issued. It was also felt that a discount offered to other users of the basin should reasonably have been extended to the complainant. Whilst requiring those issues be rectified by the Trust a payment of £100 compensation was awarded for omissions in the earlier Trust complaint response. It was also directed that should the complainant wish to move his boat then Trust staff would attend to ensure that he was able to move freely or to offer assistance if not.

Case 6 – regarding the right to inherit a mooring license and the actions of the Trust

The complainant had recently acquired a half share in a boat at a residential mooring let by the Trust. On the death of the other owner the complainant was notified of the need to leave the mooring in line with Trust policy and the contract issued to the original owner. A dispute arose over the need to leave, access to facilities at the mooring site and, later, the boat owner's movements under the terms of his new license.

The complaint was **NOT UPHELD**. The previous original owner had the right to the mooring which ended on his death. The trust had allowed a substantial period of time for the complainant to move



the boat. It had taken necessary action to isolate an electricity supply on the site after his departure and the Ombudsman felt that the complainant had no rights regarding work carried out by the previous owner relating to the electricity supply equipment.

The final aspect of the complaint related to allegations of bullying against the Trust and a proposed challenge of its interpretation of the law and rules regarding the terms of the replacement license which required the boater to be “continuous cruising”. The complainant alleged legal precedent had been set to alter the Trust’s interpretation and enforcement of its license terms.

The Ombudsman concluded that the Trust was acting lawfully and fairly and that there had been no inappropriate behaviour on the part of its staff.

Case 7 – complaint that the Trust’s failure to maintain its land had led to boundary concerns regarding the complainant’s neighbour’s use of land and rat infestation

The Trust owned a strip of land adjacent to the water which was close to the garden of the complainant. She complained that the failure to keep the vegetation under control had led to rats entering her property, upset and inconvenience, and the resulting cost of eradication. She also argued that the Trust’s failure to properly secure its land had led to a neighbour utilising it and this had led to a dispute.

The Trust had cleared the vegetation when dealing with the complaint. It reserved the right to not secure the land by locking gates and was not prepared to commit to a future fixed maintenance schedule.

The complaint was **NOT UPHELD**. The actions of the other neighbour were not the fault of the Trust and it could not be forced to secure its own land if it chose not to. It wasn’t felt possible to conclude that the Trust had acted in a way that created direct responsibility for the problem with rats which was a natural phenomenon and was not caused by any act or negligence by the Trust.

Case 8 – complaint that the Trust should repair and maintain a river bank which was damaged and threatened to damage the garden of the complainant’s elderly parents

The complainant argued that the Trust’s predecessors, British Waterways, had erected wooden shuttering which protected the bank from erosion and collision damage. She argued that boaters were causing water surges and making contact with the bank and that the Trust had a liability to repair it to prevent further damage. But the Trust didn’t own the land and, importantly, neither did the complainant’s parents. It was retained by the property developers responsible for building houses in the area. There was no proof of any previous work by British Waterways and no ongoing commitment to maintain, that could be argued might be inherited by the Trust.

The complaint was **NOT UPHELD** It was the responsibility of the owner of the land to make good the protection if in failing to do so there was any threat to the complainant’s parents’ land. The Trust was not responsible for the natural impact of water and boaters but should respond positively and support any attempt by the land owner to improve the situation.

Case 9 – (on hold) flooding to property of neighbour living next to canal

This case remains open and subject to later decision once ongoing engineering issues are resolved and repairs concluded. In this case the Ombudsman visited the site of the complainant’s property to meet with him and Trust management. The complainant’s basement kitchen had been regularly flooded over a period of time and he was unhappy with how the matter was progressing, specifically in terms of the relationship with Trust engineers and a number of interactions which had been unsatisfactory.



On site it became apparent that serious damage was being done to the property from an untraced and unexplainable leak from the canal which occurred when the lock pound (the space between two locks) water level was raised. Water was seen to be running freely under his property and was rising up through the floors. Trust senior management has responded very well to the issues raised and has continued over many months to liaise directly with the complainant to manage the ongoing problem of identifying where the leak is coming from and how to repair it, movement of boats through the lock to limit the need to raise water levels, and also to protect and repair the complainant's property from future damage. The Ombudsman is included in all exchanges and liaises as needed between the parties. The intention is to revisit the complaint when all issues have been resolved so that any remaining or lingering concerns can be addressed at one time and with the complete picture available to consider.

The complainant has recently been in touch to report how happy he is at the support he's been receiving from the Ombudsman and the trust directly.



CLOSING COMMENTS

As mentioned earlier, the relatively small numbers involved with this scheme make the drawing of substantive conclusions challenging, if not dangerous. While there has been a clear increase in enquiries and resulting final decisions, the numbers remain low, both in terms of the ability to see trends but also in relation to the 160,000 or so customer contacts received by the Trust.

Where we can look for learning is in the case studies from the completed investigations. While seldom able to reveal trends they do provide detailed explorations of occasions in which the complainant remains unhappy with an aspect of how the scheme member has dealt with an interaction. Obviously the reports are provided in full to the Trust and it has the opportunity to engage with the provisional decision and provide comments or challenge where it feels appropriate. I'm pleased to report that the Trust does engage very actively with my work, both on a case by case basis with my investigation reports, and also by being very responsive to the more prevalent incidents of me receiving contacts from unhappy complainants who need some element of support outside of my own scheme.

I raised last year the reflection that there was potentially improvement to be made in how the Trust identifies complaints at the first point of contact. My concern in that area remains as I receive many contacts from complainants who haven't yet accessed the formal complaints procedure but who are surprised to discover that their previous contacts, sometimes numerous, have not been treated as complaints. I remain willing and available to support the Trust should it wish to do some work in this direction to perhaps more clearly codify, and imbed, the disciplines of identification of complaints. It is unlikely that those who contact me are anything other than a sample of those who might feel similarly disappointed with their interaction with the Trust.

I'm conscious that, again, I am talking only about complaints received regarding the Canal and River Trust. While this is an understandable facet of being the largest waterways trust the scheme also serves the Avon Navigation Trust, including having a representative observer on the committee. We continue to talk about the link between the ANT and the scheme and are assured in our view that complaints, understandably smaller in number, are being appropriately dealt with at the Trust without the need for escalation to the Ombudsman.

In closing this report I would like to express my thanks and best wishes to Tom Deards who is leaving the Trust after providing long and distinguished service to it and those who use its services. Tom has been a mainstay of the Waterways Ombudsman Scheme, as the main facilitator within CRT and a key member of the committee for many years and will be missed by myself and many others.



John Withington

Waterways Ombudsman

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