

WATERWAYS OMBUDSMAN COMMITTEE

Minutes of the meeting held on Monday 08 February 2021 at 10am to 12pm
via Zoom

Present:

Independent Members (voting):

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| Karen McArthur (KM) | Independent Member (Chair) |
| Jane Brothwood (JB) | Independent Member |
| Claire Stokes (CS) | Independent Member |
| Lisa Stallwood (LS) | Independent Member |
| Alan Collins (AC) | Independent Member (from 11am onwards) |

In attendance:

Navigation Authority Observers (non-voting):

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

In attendance:

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|-------------------|---|
| Sarah Daniel (SD) | Ombudsman |
| Gemma Towns (GT) | Corporate Governance Manager (Minute-taker) |

User Representative Member

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| Stella Ridgway (SR) | User Representative Member |
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Action

1. Welcome & Apologies

The Chair welcomed attendees to the meeting.

2. Declarations of Interest

The declaration of interest report was noted. The members present confirmed they did not have any relevant interests to declare.

3. Governance

3.1 Minutes of the Meeting held on 07 December 2020

The minutes of the meeting held on 07 December 2020 were approved as a true record.

3.2 Matters Arising

The Committee noted that most actions on the log were closed. An update was provided on the following actions from 07 December 2021 meeting:

- **Minute 3.4, D&O Insurance:** The Chair confirmed she had spoken with the Canal & River Trust's broker who had put her in touch with a specialist insurance company. A response had been promised by 05 February 2021 but had not yet been received. The Chair agreed to chase this up;
- **8.1, AINA Membership Proposal:** The Chair confirmed she had reached out to AINA and was waiting for a response;
- **Bank Account:** The Chair confirmed she had identified several possible bank accounts for the Committee, but this was dependent upon the outcome of the company status paper, appearing later on the agenda.

KM

The Committee noted the action log.

4 Company Status

The Chair extended her thanks to Stephen Brown at the Canal & River Trust who had provided the slides but was unfortunately unable to attend the meeting due to illness.

The Committee considered the three options presented: to continue as an unincorporated entity, become a company limited by guarantee, or incorporate as a community interest company.

The Chair invited feedback from the Committee on the three options, with the following points shared:

- The type of liabilities facing the Committee were discussed and it was felt these would be relatively low level. It was discussed that those liabilities could be addressed adequately through D&O insurance;
- Since the Ombudsman Association's feedback, the Canal & River Trust – and subsequently the Avon Navigation Trust – had become non-voting members of the Committee. The Committee questioned if this could sufficiently demonstrate Committee's independence from its scheme members without the need to incorporate a company;
- The Committee formed the view that maintaining the status quo as an unincorporated entity was its preference over incorporation. The Committee discussed the Ombudsman Association's review and noted a further review was not due for at least another two years. The Committee suggested SD could ask the Ombudsman Association for their view on the Committee's new composition, and if this was sufficient in their view, to demonstrate independence;

- The Chair outlined the new process for signing off SD's expenses where the Chair signed off expenses, rather than the Canal & River Trust; and
- The Committee suggested it could produce a report to demonstrate how it had considered the Ombudsman Association's feedback, how this had been responded to and why the Committee felt the matter had been resolved to demonstrate independence.

The Committee agreed that it should continue as an unincorporate entity at that time.

JB and SD agreed to provide a summary of the Ombudsman Association's review questions and the Committee's proposed responses. It was noted that the risk register would be presented at the next meeting and it was suggested the report be considered as part of those discussions.

JB/SD

JB/SD

5 Subject Matter "Leads" Proposal

The Chair introduced the paper, requesting interested voting Committee members put themselves forward as a subject matter lead in one of the identified subject areas. The Committee discussed each of the subject areas, with the Chair suggesting that a legal lead may not be a priority area at that time, given the recent work undertaken in that area. The Committee suggested that the title be revised to "legal and governance" to reflect a broader role. The Committee suggested that communications, PR and marketing could be split up, with marketing being a standalone category, to attract and retain new scheme members. The Committee reflected upon its preference to remain as an unincorporated entity, noting that by default, option one for the finance/treasurer role would be selected.

The Chair requested interested voting members expressed an interest to her via email by no later than 28 February 2021. If more than one member be interested in the role, a process would be put in place to select a lead member.

6 Peer Review

JB and LS introduced their peer review. LS provided the Committee with an overview of the review process and how the cases had been selected. JB provided the Committee with a summary of each of the suggestions and recommendations resulting from the review, including the rationale behind them. JB and LS were of the view they had worked well together, and the review had been a positive experience for them, as well as developing their knowledge of SD's role. The Committee asked SD for her feedback on the review. SD welcomed the review and fully supported the suggestions and

recommendations. SD requested that her thanks to JB and LS be formally recorded.

The Committee thanked JB and LS for their work in this area and noted the peer review report. SD agreed to include in her June Ombudsman's report an update on implementation of the suggestions and recommendations.

SD

It was suggested that different Committee members could participate in the next peer review.

7 Ombudsman's Report

AC joined the meeting.

SD provided an overview of the open and closed investigations and the enquiries she had passed back to the Canal & River Trust. TD informed the Committee that the Trust was undertaking a review of the Boat Safety Scheme and suggested this could be a future agenda item.

TD

SD confirmed that she had not renewed the survey monkey licence and had asked the Canal & River Trust how they captured feedback. The Trust did so via external organisations or software that would have a cost implication; SD confirmed she would use MS forms to gain feedback.

SD highlighted to the Committee the time taken to complete some of the investigations, as some complainants had requested extensions resulting in the ninety day deadline being passed. SD had consulted the CTSI for advice, who suggested that as they were complex cases and the extension had been requested by the complainant, exceeding the ninety day deadline was not an issue of concern. SD confirmed that due to the pandemic, cases were generally taking longer to resolve.

SD informed the Committee that the press release announcing KM's appointment as Chair had been sent to a number of key publications. SD found there had been an interest by the publications and suggested a future communications/PR lead may wish to build on this interest.

The Committee reviewed the report and discussed how complaints could, over time, develop into other issues. SD agreed this could be a factor but noted the ninety day deadline ensured that complaints remained focused upon the key issues.

The Committee received the Ombudsman's Report.

8 Behaviour Policy

SD presented the revised Behaviour Policy, pointing the Committee to the new content. The Committee agreed that such a revised policy was required, noting the potential for vexatious complaints. The Committee noted the suggestions and discussed which member of the Committee should be best placed to make the termination decision, whether this should be the Chair or the customer lead. After reviewing the matter, the Committee agreed that the customer lead would be best placed to undertake this role.

The Committee supported the Behaviour Policy.

10 Financial Update

TD presented the finance update. The Committee reflected on the previous year and the lockdown restrictions upon navigation of the waterways. The Committee asked if the Canal & River Trust was anticipating an increase in the number of complaints once lockdown restrictions eased. TD confirmed that the Trust was anticipating an increase in activity, post lockdown, and this may lead to an increase in complaints. SD was of the view that the number of complaints submitted to her may also increase once lockdown restrictions eased.

It was noted that the Canal & River Trust was to implement a new CRM system, which TD anticipated would have a positive impact on the Trust's customer relationships. This was of interest to the Committee and it was agreed that the CRM system would appear as an agenda item later in the year.

TD

The Committee received the financial update.

11 Any Other Business

The following items of other business were discussed:

- (a) **User Representative:** SR advised that she had one further meeting to attend during her term as the Canal & River Trust's Council nominated User Representative. The Trust's Council would be notified of the upcoming vacancy at their March meeting with expressions of interest to be submitted over the summer. SR could serve a further term. The Committee commented that it had found the User Representative post to be of value, providing the Committee with a useful perspective;
- (b) **Future Meetings:** The Chair identified that four meetings had been scheduled for the year and due to lockdown restrictions, it was unlikely the Committee would meet in person until later in the year. The Chair

suggested the Committee could commit to half of its meetings being held online; this would be explored later in the year.

(c) Feedback on the Meeting: The Chair requested any feedback on her chairing of the meeting be submitted via email.

There being no further business, the Chair closed the meeting at 11.20am.

Future Meetings

- 21 June 2021, 11am – 1.30pm, Zoom
- 13 September 2021, 11am – 1.30pm, Zoom
- 06 December 2021, 11am – 1.30 pm in person (tbc)

Chair of the Waterways Ombudsman Committee