

WATERWAYS OMBUDSMAN COMMITTEE

Minutes of the meeting of the Committee held at
1 Sheldon Square, Paddington, London W2 6TT
on Tuesday 6 July 2010

PRESENT:

Professor Jeffrey Jowell QC (Chairman)
Mr John Bridgeman
Mrs Anne Davies
Mr Nigel Johnson
Mr Michael Reddy

IN ATTENDANCE:

Ms Hilary Bainbridge (Waterways Ombudsman)

1. APOLOGIES

Apologies has been received from Mr Geoffrey Ashton and Mr Peter Lea

2. MINUTES OF THE PREVIOUS MEETING

The Committee approved the minutes of the meeting held on 26 November 2009.

3. MATTERS ARISING

With reference to the appointment of an independent member to replace Miles Smith it was agreed that this should be considered later in the meeting under other business.

4. ANNUAL REPORT OF THE WATERWAYS OMBUDSMAN COMMITTEE.

The Committee considered and agreed its draft Annual Report subject to updating of members' biographies. Ms Bainbridge confirmed she would contact Messrs Ashton & Lea for their updates.

5. ANNUAL REPORT OF THE WATERWAYS OMBUDSMAN

Ms Bainbridge commented upon her draft Annual Report that had been circulated earlier. This was due to be published later in the month.

There were two matters which she wished to draw to the Committee's attention. The first was the continuing reduction in the number of complaints at first stage recorded as having been received by BW even though the numbers of complaints within jurisdiction reaching her at third stage had increased from 16 to 23 in the year. The continuing reduction in first stage complaints could be due to performance improvements by BW in handling routine complaints (and she observed that the complaints reaching her were indeed more complex than in earlier years). It could also be to incorrect interpretation by BW of what was a recordable complaint. She had no evidence this was the case but would be keeping alert to such evidence should it emerge.

The other matter Ms Bainbridge drew specifically to the attention of the Committee was the section on Service Standards. It was suggested that, in view of the performance improvements, the target for completion of investigations within 6 months be increase from 65% to 70% and this was agreed.

6. WATERWAYS OMBUSMAN REPORT TO THE COMMITTEE

Ms Bainbridge gave an oral update on various issues to the Committee. In connection with the Ombudsman's website it was agreed that a Welsh language summary on the home page would be a useful development even though the strict requirements of the Welsh Languages Acts would not apply to the Scheme until formal notice had been served, which had not happened yet.

Ms Bainbridge also considered ease of access (for example by the visually impaired) should be considered. She advised the Committee that the website was remotely hosted and not dependent on BW servers.

Ms Bainbridge brought to the attention of the Committee her concerns about some significant delays in payments of her invoices by BW. Mr Reddy also drew to the attention of very significant delay in the payment of his invoice for his fee for attendance at the Committee which he had submitted. Mrs Davies however observed that payment of her expenses had been essentially on time.

Mr Johnson apologised on behalf of BW and said that problems had occurred due to two issues – changes in administrative staff in the Corporate Services Directorate (involving a dismissal) and also delays within the Shared Services Centre at Leeds.

Mr Reddy then drew to the attention of the Committee that he had not had replies to repeated e-mails to Mr Johnson on the subject of such payment delays. Mr Johnson apologised.

6. SCHEME GOVERNANCE

The Committee observed that no progress had been made on the filling of the vacancy left by the retirement from the Committee of Mr Miles Smith. Given the expiry of the second term of the current Ombudsman in 2011 it was desirable that the vacancy be filled.

Mr Johnson drew to the attention of the Committee the current significant uncertainty about the future of BW and the possible transfer of its business out of the public sector and to a new charitable body. That in turn created considerable uncertainty about the future of the Ombudsman scheme in its present form though he expressed the personal view that any successor to BW would best be served by having access to an independent dispute resolution process. Nevertheless the different constitutional nature of any possible successor may require a different dispute resolution scheme. Were that to be the case it may be appropriate to make some interim arrangements pending the establishment of any modified or alternative scheme.

Mr Johnson anticipated that by the time of the next meeting of the Committee there should be considerably more clarity about the coalition government intentions in respect of BW and in those circumstances suggested that a more informed debate would be possible

7. NEXT MEETING

3 or 9 November was suggested, such dates to be confirmed.