

## WATERWAYS OMBUDSMAN COMMITTEE

Minutes of the meeting held on Monday 07 December 2020 at 10:00 a.m.  
via Zoom

### Present:

#### Independent Members (voting):

|                       |                                      |
|-----------------------|--------------------------------------|
| Kevin Fitzgerald (KF) | Chair & Independent Member           |
| Jane Brothwood (JB)   | Independent Member                   |
| Steve Harriott (SH)   | Independent Member                   |
| Karen McArthur (KM)   | Independent Member & Chair Designate |
| Claire Stokes (CS)    | Independent Member                   |
| Lisa Stallwood (LS)   | Independent Member                   |

### In attendance:

#### Navigation Authority Observers (non-voting):

|                   |  |
|-------------------|--|
| Janet Hogben (JH) | Canal & River Trust Board Representative     |
| Tom Deards (TD)   | Canal & River Trust Executive Representative |

### In attendance:

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

### Apologies:

|                     |                                      |
|---------------------|--------------------------------------|
| Alan Collins (AC)   | Independent Member                   |
| David Greer (DG)    | Avon Navigation Trust Representative |
| Stella Ridgway (SR) | User Representative Member           |

### Action

#### 1. Welcome & Apologies

The Chair welcomed attendees to the meeting.

The Chair confirmed apologies had been received from AC, DG and SR.

#### 2. Declarations of Interest

The declaration of interest report was noted. SD informed the Committee of a new entry to the register, that she had been appointed in November 2020 as a Customer Champion for the Business Banking Regulation Service, a new scheme. SD confirmed this role was three days a week and did not present a conflict to her role as Ombudsman. SD had discussed the post with the Chair prior to accepting the role.

The members present confirmed they did not have any relevant interests to declare.

### 3. Governance

#### 3.1 Minutes of the Meeting held on 14 September 2020

The minutes of the meeting held on 14 September 2020 were approved as a true record subject to one amendment to the confidential annex.

#### 3.2 Matters Arising

The Committee noted that most actions on the log were closed or in progress. The Chair requested an update on the following actions:

From the meeting held on 14 September 2020:

- **Item 3.4, D&O Insurance:** The Chair suggested that KM be put in touch with the Trust's brokers;
- **Minute 8, Membership Scheme Proposals, AINA:** TD confirmed he had sought the Trust's views on the proposals. This matter appeared later on the agenda;
- **Minute 10, Press Release for Election of a Chair:** The Chair confirmed this would be pushed back until January 2021, with press release being published in February 2021.

GT

The Committee noted the actions report.

### 4 Discussion on a Bank Account, Treasurer and Company Limited by Guarantee

**(a) Bank Account & Treasurer:** KM introduced the topic, suggesting that if the Committee's aim is to demonstrate independence, the Committee members would be best placed to administer the bank accounts. KM suggested this could be achieved by a Treasurer being appointed from the Committee's independent members.

**(b) Company Limited by Guarantee:** KM suggested that the Committee considered its unincorporated status and questioned if another status, such as Company Limited by Guarantee or a Community Interest Company, could be suitable options for the Committee. The Committee considered the legal requirements of an incorporated entity and the onus this would place upon Committee members. The Committee stated that it was not dissatisfied with the Canal & River Trust and the support it provided through the Service Level Agreement, but rather, the Committee wished to demonstrate its independence, and a legal entity may be one method of achieving this. The Committee wished to

understand the types of entities and the duties these would create. TD agreed to prepare a brief paper outlining the types of entities and the duties these would impose upon Committee members. TD was clear that this paper would not constitute legal advice from the Canal & River Trust.

## 5 Subject Matter “Leads” Proposal

KM proposed that independent Committee members volunteered to act as subject matter leads. KM suggested that volunteers could be sought to represent subjects such as customer service, finance/treasury, risk, communications/PR/marketing. KM sought the views of Committee members. The Committee supported this proposal and KM agreed to provide a paper to the next Committee meeting providing further detail on the proposals. The Committee requested that the matter was placed on the February 2021 meeting agenda.

KM  
GT

## 6 Ombudsman’s Report

SD presented the Ombudsman’s report. She confirmed that she had met with the Canal & River Trust’s complaints team, noting that the Trust’s new CRM system would be launched in the New Year. SD advised that she had three open investigations and provided the Committee with a brief summary of the cases. She had not received any new investigations.

SD sought the Committee’s views on the behaviour policy and questioned that if she restricted a customer’s access to the Ombudsman Scheme, if this should require Committee approval. The Committee agreed and stated it would be helpful for a Committee member to provide impartiality and ensure the customer was being treated fairly. However, the Committee was clear that doing so would not constitute an appeal as the Ombudsman’s decision is final. KM suggested this responsibility could be assumed by one of the subject matter leads, it did not necessarily need to be the Chair. The Committee discussed how this responsibility could be articulated and SD agreed to insert a proposed paragraph into the policy and present to the February 2021 meeting for consideration by the Committee.

SD

The Committee received the report.

## 7 Survey Monkey

### (a) Enquiries Survey Monkey

SD advised that there had been few enquiries resulting in a limited pool to send the enquiry feedback survey to. Two responses had been received, one

responded to say the matter was still ongoing and the second advised that the issue had not been addressed (it had fallen outside of SD's jurisdiction). SD sought the Committee's views on the most effective way of receiving feedback.

The Committee was of the view that the survey provided useful feedback for improvement on how the scheme accessed customers and dealt with complaints. However, questions relating to the Ombudsman resolving issues posed some challenges, as an enquirer was unlikely to be happy if the complaint could not be resolved. The Committee suggested the questions be reduced to a maximum of five, sent out immediately after SD's final correspondence with the customer, to maximise responses.

#### **(b) Investigation Survey Monkey**

SD advised that the investigation survey had always been sent by the Ombudsman. She requested feedback from the Committee, noting the low response rate and the annual cost of £384 for Survey Monkey. The Committee discussed the aim of the survey, which SD stated to be the opportunity for improvement. The Committee discussed the importance of gathering data but noted that the customer's perceived experience could be influenced by the outcome achieved. The Committee suggested the Survey Monkey licence was not renewed and the questions submitted through Microsoft forms instead. The Committee recommended that the language used in the survey was neutral, to encourage a response.

SD

The Committee suggested SD could contact the Canal & River Trust complaints team to understand how they sought customer feedback and to share any helpful advice.

SD thanked the Committee for their input.

## **8 Charges for Scheme Membership: Proposals**

### **8.1 Possible New Members: AINA Redacted.**

## **9 Financial Update**

TD introduced the finance update, identifying the costs had been higher in 2019 due to the costs associated with the recruitment of the Ombudsman. The current expenses were in line with expectations.

The Committee received the financial update.

## **10 Any Other Business**

The following items of business were discussed:

- (a) **2021 Meeting Dates:** KM confirmed that future meeting dates would be circulated to Committee members; KM/GT
- (b) **Chair Handover:** The Chair confirmed that he had completed a robust handover to KM. As the handover had been successful, the Chair suggested it was unnecessary for him to attend the February Committee meeting and he formally stood down as Chair. SH confirmed his intention to stand down also. The Committee was content with the proposal and the Committee thanked SH and KF for their transformational roles on the Committee, which had enhanced the credibility of the scheme.

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

#### **Future Meetings**

- 08 February 2021: Zoom

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Chair of the Waterways Ombudsman Committee