

WATERWAYS OMBUDSMAN COMMITTEE

Minutes of the meeting held on Monday 14 September 2020 at 10:00 a.m.
via Zoom

Present:

Independent Members (voting):

Kevin Fitzgerald (KF)	Chair & Independent Member
Jane Brothwood (JB)	Independent Member
Alan Collins (AC)	Independent Member (from item 3 onwards)
Steve Harriott (SH)	Independent Member
Karen McArthur (KM)	Independent Member
Claire Stokes (CS)	Independent Member
Lisa Stallwood (LS)	Independent Member

In attendance:

Navigation Authority Observers (non-voting):

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

User Representative Observer (non-voting):

Stella Ridgeway (SR)	User Representative Observer
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In attendance:

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

Action

1. Welcome & Apologies

The Chair welcomed attendees to the meeting.

The Chair confirmed no apologies had been received although AC would join the meeting later due to other urgent commitments.

2. Declarations of Interest

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

TD suggested that the declaration of interests report distinguished the independent members in the same manner as the minutes. It was agreed this change would be reflected in the meeting pack for the December meeting.

GT

3. Governance

3.1 Minutes of the Meeting held on 22 June 2020

The Committee agreed that item 4, the presentation on complaints at the Canal & River Trust, was not a confidential item. The Committee requested that where there is confidential information to be reacted from the minutes, this be listed in a separate annex to the minutes.

GT

The minutes of the meeting held on 22 June 2020 were approved as a true record.

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 action:

From the meeting held on 22 June 2020:

- **Minute 8, customer service tracking:** SD suggested this was captured by a survey monkey questionnaire. She agreed to bring a proposal on this matter to the next meeting.

SD

The Committee noted the actions report. There were no other matters arising.

3.3 Scheme Rules: Final Version

The Chair provided the Committee with a brief summary of the Scheme Rules, noting the final version was proposed. It was discussed if the Committee should provide an annual report or if there should be some flexibility in the rule's wording. After discussion, the Committee confirmed that it would commit to publishing an annual report, in the spirit of transparency.

It was noted that paragraph 4 should explicitly state that a Chair could be appointed for a second term, but the cumulative total must not exceed 9 years.

SD/GT

The Committee agreed the Scheme Rules. The Chair requested that the revised rules be published.

3.4 Service Level Agreement (including indemnity)

The Service Level Agreement was noted by the Committee.

3.5 Bank Account

At the Chair's request, GT provided an overview of the progress of opening a bank account, confirming NatWest had requested information upon the Committee's members for "know your customer" purposes, which had prompted the Committee's discussion on indemnity and the day-to-day operation of such a bank account.

The Committee asked if they were covered by the Canal & River Trust's Directors and Officers insurance policy. TD was of the view the Committee was not but would follow this up and investigate the cost of such insurance for the Committee.

TD

The Committee discussed how the bank account could be run. It was noted that there would be a requirement for record keeping and administration. TD was of the view that as a separate organisation, the Trust's finance team may be unable to assist with administering a separate bank account. He agreed to explore this and confirm to the next meeting. The Committee suggested there could be a Treasurer post appointed to the Committee who had oversight of the bank account and invoices. A similar suggestion was for an independent assessor post rather than a Treasurer. The Chair requested that further consideration be given to proposals and the matter to be included on the agenda at the next meeting.

TD

GT

4 Risk Register

SD provided a brief summary of the paper and requested the Committee's views on the proposals.

The Committee was of the opinion that the role of the risk register was to assure the Committee that if an event occurred, it was as prepared as it could be. The Committee discussed how it would review the risk register to check the right matters were included, the risk rating remained true and how those risks were prioritised. The Committee agreed that the risk register should be a standing item for discussion once a year, and at the remaining meetings in the financial year, SD would propose a topic to be reviewed through a deep dive session.

GT

The Committee discussed where the risk register could be stored so Committee members could gain easy access. It was agreed that the Boardbooks replacement that GT was identifying would be the correct location to store the risk register. It was anticipated the new product would be in place by early 2021.

5 Deep Dive on Risk Register: Ombudsman as a Singleton Post

SD provided an overview of the risk and the mitigating actions identified in her paper.

The Committee thanked SD for her comprehensive and helpful paper on the matter.

The Committee discussed if the Ombudsman Association would be the correct organisation to contact in the event SD was unable to act as Ombudsman, and considered if it would be appropriate to look to the Committee for a member to temporarily fill the post. The Committee agreed this would be largely dependent upon the skills and experience of the Committee at that moment in time. The Committee discussed this suggestion, noting that rule 11 confirmed the Committee must make an appointment through an open process and competitive selection. However, in emergency situations, it was identified that an open and competitive selection process could be too slow. The Committee agreed that in an emergency situation, a Committee member stepping into the role could be an option. The Committee requested that SD's paper was amended to reference that in the event SD was unavailable, the options to be explored would be considering contacting the Ombudsman Association, looking at the skill set of Committee members or a blend of those options, dependent upon the circumstances.

SD

The Committee requested that a handbook could be uploaded into the resources area of the new Boardbooks provider, with the intention that the handbook would evolve and be updated over time.

SD/GT

The Committee confirmed its earlier suggestion of two deep dive sessions per year. It was agreed that a deep dive topic would be added to the agenda for the next Committee meeting, with SD suggesting a suitable topic.

SD

6 Ombudsman's Peer Review

SD thanked JB and LS for agreeing to undertake the peer review. SD asked the Committee for their views on the scope and purpose of the review and to suggest methods for sample selection.

The Committee identified that two Committee members had been asked to undertake the peer review which could be viewed as being contrary to the Scheme Rules. However, the Committee noted that both JB and LS were new members and had the relevant experience, skills and knowledge to proficiently undertake such a review. The Committee opined that one of its key roles was to ensure a competent Ombudsman was in post. The peer review, undertaken

by two Committee members, was viewed as part of that process. The Committee was clear that in doing so, the review was not to undermine the Ombudsman, but to look at how decisions were made. SD confirmed that she did not view the review as undermining her role. The Committee requested that the report be amended to confirm that as part of the ongoing due diligence of the Committee, it was using the skills of Committee members and such an action was not to undermine the Ombudsman.

SD

The Committee confirmed the questions were correct and a priority for the review would be to consider the cases from the audience's point of view, to ensure the decision and rationale was clear. SD agreed with this comment. The Committee suggested that cases were selected using random number selection. JB and LS agreed to review three cases files, not the investigations, with the same cases reviewed by each, to check for consistency in their review standards.

SD suggested that a quality check could be undertaken on the enquiries which did not meet the threshold to be accepted by the Ombudsman. SD agreed to undertake some research on these enquiries and if appropriate, present a proposal to the next Committee meeting.

7 Ombudsman's Report

SD presented her report, confirming that she had two open investigations, one relating to a bin collection and water supply and the second relating to an issue on a towpath that led to a dry dock being closed. Two cases had been closed.

SD had met with the complaints team at the Canal & River Trust and had been updated on the impact of Covid-19 on the Trust.

SD commented that following feedback, there appeared to be a perception amongst complainants that once a complaint had been accepted by the Ombudsman, that the Canal & River Trust appeared to be more communicative. SD suggested that the true reason for this may be that the complaint had progressed to a higher level in the Trust's internal complaints process.

The Ombudsman's report was received by the Committee.

8 Charges for Scheme Membership: Proposals

Redacted.

9 Financial Update

TD informed the Committee that there had been greater expenses in 2019/20 due to the overlap of Ombudsmen and the large number of activities in the boating sector at that time, resulting in a larger number of complaints.

The financial update was received.

10 Election of Chair

The Chair confirmed that KM had put herself forward as a candidate. KM had submitted a written statement, which had been circulated to the Committee in the meeting pack. The Chair proposed that the Committee asked KM questions and would recuse whilst the Committee had a private debate upon her appointment.

The following questions were asked:

- KM was asked, should she be appointed as Chair, what her aim for the Committee would be: KM confirmed her aim would be to continue to grow the scheme to cover more of the waterways;
- KM was asked to describe her chairing style and her plans to ensure a cohesive Committee: KM identified there were a number of new members and the constraints of Covid-19 meant face to face meetings were unlikely for the foreseeable future. KM suggested that virtual meetings could be a benefit as she was accessible to Committee members for virtual meetings. KM also reflected upon her role as a Chair at other organisations and expressed her keenness for continual improvement. She viewed the Committee members' feedback as an important part of this process;
- KM's other commitments were noted, and she was asked how she would ensure she had sufficient time to devote to the role. KM confirmed she had reviewed her portfolio carefully and had submitted her application only after being certain she could devote sufficient time to the role. KM identified her previous role in project management and was confident she had enough time and the skills to manage her time accordingly.

KM left the meeting.

The Committee was unanimous in its support for KM's appointment.

The Committee reflected on previous appointments, noting that SH had been

Chair for three years and had been succeeded by KF. It was suggested this may be something Committee may wish to consider in future.

KM re-joined the meeting and the Chair confirmed that the Committee unanimously had appointed her as Chair designate and offered his congratulations. KM thanked the Committee for their support. The Chair suggested that he and KM had a telephone call regarding handover arrangements, with a view to handing over in February 2021. The Chair confirmed that he would contact Richard Parry, Chief Executive of the Canal & River Trust, to confirm KM's appointment. The Chair suggested a press release should be drafted, and agreed to discuss this offline with SD and KM. GT was asked to share the contact details of the Canal & River Trust's press officer to relay the appointment news.

KF

KF

GT

GT

GT was asked to update the succession records and place these in the resource area of the Boardbooks provider, once available.

GT

GT

11 Any Other Business

There being no further business, the Chair closed the meeting at 11:55am.

Future Meetings

- 07 December 2020: Zoom
- 08 February 2021: Venue tbc dependent upon government Covid-19 advice