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Minutes of the Thirty-fifth meeting of the Council of the Telecommunications Ombudsman Service Limited (TOSL)

Tuesday 15 March 2005 at 1pm

Otelo Offices, Wilderspool Park, Greenalls Avenue, Warrington

Present:

Council: Peter Holland (Chairman)
Margaret Doyle
Chris Holland
Rosaleen Hubbard
Roger Jefferies
Julie Meadows
Jeremy Mitchell

In Attendance: Elizabeth France (Ombudsman)
Richard Brown
Richard Sills
Andrew Bradley

1 Apologies for Absence

There were no apologies

2 Minutes of the Council Meeting, held on 15 February 2005

The Minutes, with minor drafting amendments, were approved for publication on the Otelo website.

3 Matters Arising

The Ombudsman confirmed that the annual meeting for member companies, parliamentarians and others interested in the work of the Ombudsman Service, would be held on 25 July at House of Lords. The Council expressed their thanks to Jeremy Mitchell for making the initial contact with Baroness Dean, who was to host the event. The Council were invited to suggest people to invite or to speak. It was agreed that an invitation should be sent to Secretary of State for Trade and Industry.

Action Point 1: Council members to suggest who might be invited.

Action Point 2: Ombudsman to write to Secretary of State for Trade and Industry.

Council were informed that research which looked at why consumers chose to write to Otelo rather than use other methods of contact, had been completed. A brief summary of the findings was given. It was agreed that the research report would be placed on the extranet and included for discussion at the next Council meeting.

AP1: Covered at Agenda item 8.

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AP2: Julie Meadows confirmed that she had had a meeting with the Director of Operations to learn about the operations process and to discuss reporting. A further meeting has been arranged for the end of May.

AP3: It was confirmed that Rosaleen Hubbard and Andrew Bradley were working together to improve communications to member companies and that new procedures to achieve this would be in operation by the end of March.

AP4: Council members confirmed that they had received information from the Director of Operations about the costs of meeting a range of targets for answering the telephone. It was agreed that this was an area that should be discussed as a substantive item at the April meeting. Further background information would be provided to assist discussion.

AP5: It was confirmed that the note of the risk assessment workshops held by Otelo was now complete, and would be placed on the Council extranet.

AP6: The revised version of the business plan and budget had been provided to the Member Board in time for their March meeting.

4 Chairman's Report

The Chairman reported that he had meetings planned with Centrica, Powergen and Scottish & Southern Energy.

5 Ombudsman's Report

The Ombudsman reported that the general level of activity continued to increase but that the number of forms returned (giving authority for investigation to proceed), had been stable for some months. The decrease in the percentage of returned forms gave rise to particular concern, as a significant amount of work was being done for no apparent return. The Ombudsman reported that Otelo would take on a student to conduct a small research project over the summer to see whether there were underlying reasons for this decrease which could be addressed.

A gradual improvement in the time taken for case-files to be submitted to Otelo, by member companies, was noted. Ways to improve this further were discussed.

On the financial report the number of late payers was again drawn to attention. There was some discussion about the effectiveness of the escalation procedure which had previously been adopted, and an agreement that vigilance needed to be maintained. Rosaleen Hubbard agreed to include a reminder to member companies of payment terms and conditions in a note that she was writing to them.

A brief draft response to Ofcom's consultation on the Universal Services Obligation had been circulated for the Council's comments.

The Ombudsman confirmed that she had met with the newly appointed Swiss Telecommunications Ombudsman, Dr Carol Franklin Engler. Dr Franklin Engler was keen to learn from other European experience. She would visit Otelo's offices in May.

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The Ombudsman reported on a visit to the Ofcom Consumer Panel at which she made a presentation on the work of the Service.

Action Point 3: Comments to be provided on the draft response to the Ofcom USO consultation.

Action Point 4: Rosaleen Hubbard to give her note to member companies to Andrew Bradley for circulation.

6 Member Board Report

The Member Board met on 4 March 2005. At this meeting the Business plan for 2005/6 was discussed and approved for adoption.

The Member Board also looked at the issues raised in Roger Jefferies working party review of the governance of the Member Board. It was agreed that this would be the main agenda item for the April meeting of the Member Board.

A request to the Council was made for more of the detailed reporting made to them to be available to the Member Board. The Chairman asked for a note of just what information they would find helpful, for further consideration.

7 Member Update

The Ombudsman reported that a further eight members had joined the Service since the last meeting – making 126 members.

8 Report on Member Board Governance

The Chairman thanked Roger Jefferies for excellent work that he had done and for the note that he had circulated, which set out the way forward suggested by the ad hoc working group. There was a discussion about the make-up of the Member Board and its processes. The Council agreed with the proposals of the working group. The proposals would now go to the April meeting of the Member Board and, if agreed, would form the basis of instructions to the company's solicitors.

Action Point 5: Rosaleen Hubbard to report back on Member Board consideration

9 Response to Ofcom

The terms of reference for the Ofcom review of ADR Schemes, was distributed and the statutory request for information, dated 10 March, was discussed. Comments on the questions had to be submitted by 18 March, which the Council commented allowed little time for proper consideration. They stressed the need for clarity in terms used in the questions. Council member also considered it important to stress in the response that to judge the effectiveness of the dispute resolution procedures quantitative data should not be relied upon. The value of qualitative data should be emphasised.

Action Point 6: The Ombudsman to respond to Ofcom taking into account all the views expressed.

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10 Audit Committee

The Audit Committee met prior to the Council meeting and had approved the audit plan. Draft accounts, and the draft management letter, would be considered on 28 June 2005 and these would be presented at the company AGM on 25 July 2005.

11 Date of Next Meeting

Tuesday 19 April 2005 at 1pm.

The formal meeting was closed, and was followed by a presentation by Neville Jones, Deputy Ombudsman, Commission for Local Administration in England, about the Ombudsman's work on remedies.