

**Minutes of the forty-second meeting of the Council of the Telecommunications  
Ombudsman Service Limited (TOSL)**

**Tuesday 15 November 2005 13.30pm**

**Otelo Offices, Wilderspool Park, Greenalls Avenue, Warrington**

**Present:**

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

**In Attendance:** Elizabeth France (Ombudsman)  
Richard Brown  
Sarah Daniel (Minutes)

**1 Apologies for Absence:**

All Council members were present.

**2 Minutes of the Council Meeting, held on 18 October 2005**

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

**3 Matters Arising**

There were no matters arising.

**4 Chairman's Report**

The Chairman noted the value of the presentation on VoIP which had preceded the meeting. It was agreed that informal presentations of this kind should continue to be scheduled.

There had been a change in the senior management at BT with Carol Borghesi moving to the post of Managing Director 21CN Service Delivery. Duncan Ingram has been appointed to take on her responsibilities within a newly created role: Managing Director Customer Service. He will be visiting Otelo on 6 December.

The Chairman has a meeting with Mary Turner CEO Tiscali arranged for 17 November.

The Chairman had spoken to Peter Erskine at O2 about the Telefonica takeover offer and had been advised that there were no plans which were likely to affect the company's relationship with Otelo.

The Chairman had invited Duncan Sedgwick, the Chief Executive of the ERA, to make a presentation to the Council early in the New Year. [Secretary's note: this has now been arranged for 21 February 2006 at 1230].

## **5 Ombudsman's Performance Report**

The Ombudsman presented a paper which showed the current position on KPI's. There has been an increase in the number of Provisional Conclusions and Final Decisions issued and the backlog is in single figures, a handful of cases remained in the backlog, which is to be expected. The gap between the number of complaint forms issued and returned has narrowed and this was welcomed. It was clarified that a reply to written correspondence meant a substantive response had been sent.

The Enquiry Team was moving towards a figure of 18 FTE posts with recruitment recently completed.

The finance report was accepted; it was noted that the increased debtors balance was being addressed.

## **6 Member Board Report**

The Member Board had not met since the last Council meeting but the full Board had held a Conference call during which the strategy for 2006-09 was discussed, based on papers from the Council's Away Day. A further Conference call had been held with Industry members. They had offered comments, through Richard Brown, which would be taken into account in the development of the strategy and business plan.

It was noted that the three members representing the medium size firms all had terms of office coming to end in December. They would discuss the possibility of extending some of their terms, as individuals, to phase any changes of membership.

The next meeting is scheduled for 1 December and the Council Chairman had been asked to attend.

## **7 Member Update**

The Ombudsman reported that a further eight members had joined the Service since the last meeting –there are now about 200 members.

## **8 Report on Communications Activities 2005**

The Ombudsman presented this report which had been prepared to provide information about what had been achieved during the year and to seek feedback for next year's business plan. The report was positively welcomed by all. There were a number of comments and reminders of actions to be included in the plan, these would be feed back to the Communications Manager who was thanked for the report.

## **9 Director's Escalations**

A report was issued which showed the current status of outstanding delays in award implementation. It was noted that there had been a reduction in the number of outstanding cases. Discussions with one of the companies appearing on the list showed that it was now addressing the problem. It was agreed that in this case the problem was operational, rather than a refusal to implement the awards. The situation would be monitored by the Council and a speedy improvement was expected.

The Ombudsman reported that in the case of another of the companies listed failure to award the outstanding remedies as requested now seemed tantamount to a refusal to implement. The Council agreed and decided that further action should now be taken.

## **10 Enforcement of Deed Poll – Legal Advice**

Advice had been received from the Service's solicitors which had been copied to Council members. It concluded that it was possible for Service either to support or join with the customer in a County Court case against a Member Company to secure provision of the remedy. It also advised that Otelo could take a case against a Member Company for recovery of outstanding debts.

After a discussion of the issues the Council agreed that solicitors should be instructed to proceed with letters before action on both fronts to the member company under consideration, and that those letters should be copied to Ofcom.

## **10 AOB**

The calendar of meetings for 2006 was considered and it was agreed that Council members should assume meetings would be held on the third Tuesday of every month (except August when there was no meeting planned, and December when the meeting falls on the second Tuesday). The list of dates is on the Council extranet.

The issue of Jeremy Mitchell's successor on the Council, after his term ends in June next year, was raised and the Chairman reported that the matter was in hand.

## **11 Date of Next Meeting**

13 December at 09.30 Otelo Office, Warrington