

**Minutes of the fifty-first meeting of the Council of  
The Ombudsman Service Limited (TOSL)**

**Held at 13:30 on 17 October 2006**

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

**Present:**

**Council:** Peter Holland (Chairman)  
Tony Allen  
Margaret Doyle  
Chris Holland  
Rosaleen Hubbard  
Roger Jefferies  
Julie Meadows  
Duncan Sedgwick

**In attendance:** Elizabeth France (Ombudsman)  
Richard Brown (Chief Operating Officer)  
Richard Sills (Principal Ombudsman)  
Andrew Bradley (Minutes)

**1 Apologies for absence**

Apologies were received from Jean Couper.

**2 Minutes of the Council meeting, held on 19 September 2006**

The Minutes were approved for publication on the Otelo website.

**3 Matters arising**

Matters arising not covered by substantive agenda items:

Para 4: Minutes will be circulated with a deadline by which comments should be received.

## 4 Chairman's Report

The Chairman thanked Council members for their input to the briefing for his meeting with Claudio Pollack, Director of Consumer Policy at Ofcom, on 5 October, a note of which had been circulated. It had been agreed that the Executive would produce a strategy for follow-up action. After discussion it was agreed that the strategy should fall into three main areas:-

- 1) maintain pressure on the regulator to publicise and enforce minimum criteria for approved ADR schemes;
- 2) ensure those who influence and determine consumer policy are aware of the potential consumer detriment which arises if common standards are not enforced for ADR in an industry sector;
- 3) nurture existing members and ensure that they recognise the value provided by an Ombudsman Service.

Each Council member was asked to take an active part in the delivery of this strategy.

### **Actions:**

*A paper proposing actions to ensure delivery of the strategy would be circulated by the Executive, and comments invited.*

## 5 Ombudsman's report

### **Finance**

A new tabulation of the figures was explained by the Chief Operating Officer, who noted the helpful contributions made by Julie Meadows. This simple report shows financial information attributed to each sector scheme (ie Otelo and the Energy Supply Ombudsman) and will be supported by detailed quarterly and six monthly reports. The Chairman of each of the Member Boards and the Chairman of the Audit committee welcomed these changes.

### **Operations**

As foreshadowed in the report covering August, the targets for the Key Performance Indicators relating to the issues of Provisional Reports had not been met. Close management of the work allowed the Executive to assure the Council that they would be met during October.

A change in domain structure was successfully implemented in preparation for bringing scanning in-house. To the credit of the staff involved, this major piece of work was carried out with no disruption to service.

### **E7even**

Ofcom's deadline for representations had passed but nothing further had been heard about this company during the month.

### **Accommodation**

A first plan showing possible use of the space on the ground floor/basement had been provided to us by the landlords. On behalf of the Council Tony Allen had looked at the space prior to the

meeting. Further work would now be done so that costings and options could be put to the Council in November.

### **Staffing:**

The service is not recruiting ahead of demand so no further Enquiry or Investigation Officers are yet being recruited to deal with Energy Supply Ombudsman work. The Service is advertising for an Investigation Manager. It was not considered justified to commence the recruitment process for a second Principal Ombudsman at this time.

### **Communications:**

The Communications Manager gave a presentation at the BIOA seminar on accessibility, on 3 October. He also represented the Service at the launch of the 'The Great Communication Guide' by the Well Adjusted Campaign on 10 October.

The Customer Satisfaction Survey research brief had been finalised and sent out for tender. Margaret Doyle will help with the selection process.

### **Meetings**

22 September	Utility Industry Achievement Awards - Judging Panel (Ombudsman and Duncan Sedgwick)
3 October	BIOA Autumn Seminar (First contact/accessibility)
5 October	The Chairman met the Director of Consumer Policy at Ofcom
10 October	The Secretary of BIOA visited the Office
12 October	The Principal Ombudsman attended 'Parliament and the Internet' seminar

### **Future meetings**

- 19 October Ombudsman to attend:-
- Westminster eForum Keynote Consultation Seminar on the EU Review of Telecoms Regulation;
  - Public Utilities Access Forum (to give presentation);
  - Federation of Communication Services reception.

- 19 October Communications Manager and Margaret Doyle to meet with:-
- Citizens Advice;
  - National Consumer Council.
- 25 October Communications Manager and Margaret Doyle to meet with Which?
- 25 October Ombudsman to give presentation to 'Agony Aunts';
- 1 November Lord Currie Annual Ofcom Lecture (Richard Sills to attend);
- 6 November Ombudsman to give Centre for Regulated Industries Occasional Lecture;
- 14 November: Council on Tribunals Conference.
- 15 November: As part of his induction, Tony Allen to visit CISAS.
- 16 November: Telecommunications, Internet and Broadcasting: The Consumer Experience

**Action:**

Council members will inform the Executive if they are able to attend the Ofcom Presentation on **Telecommunications, Internet and Broadcasting: The Consumer Experience**

## 6 Operations Quarterly Performance Report (July-September 2006)

This report was solely based on performance for Otelo. There was a discussion about the way performance is reported. The Executive will continue to report on performance in this way and will alert the Council if trends in complaint types are noticed but not indicated in this standard information.

**Action:**

*The Executive will examine figures 8 and 9 within this report to establish if there is a reason why the trends shown are in opposite directions.*

### 7a Outstanding remedies

A letter had been sent from the Chairman to a company which had failed to provide four remedies. This letter is attached as an 'in confidence' annex to these minutes and makes clear that steps would be taken to support court action by the customers if the remedies were not implemented. This was the line agreed by Council previously. In fact the company had now advised the Executive that these had all been put in place. The Executive was in the process of checking with the complainants to ensure that this was the case.

### 7b Outstanding debts:

It had been agreed at the previous meeting that the Chairman should send a letter to a company, which was no longer a member, about the need to pay outstanding debts. This was not sent as the debt had now been paid.

Another company which is a member had paid the penultimate instalment of monies owed, as agreed.

Payment terms for the Service were confirmed as 40 to 60 days.

## **8 Otelo Member Board report**

There had been one meeting of the Otelo Member Board since the last Council meeting. The two main areas discussed were ntl's decision to leave Otelo and effective communications with Otelo members.

Rosaleen Hubbard will step down as Chairman on 14 November but will continue to sit on the Member Board, and remain a Director of the company, until March. At the meeting on 14 November an interim Chairman will be appointed. Formal elections will take place in due course.

A note had been sent to all members from the Vice-Chairman of the Otelo Member Board which asked for comments on the Otelo charging structure. Only one response had so far been received. There was a discussion about how to improve the level of response.

Ofcom's Director of Consumer Policy had been invited to attend a future meeting.

## **9 Energy Member Board report**

Volumes had been discussed at the previous meeting. Seasonal factors suggest that the earliest time significant volumes will be seen by the Energy Supply Ombudsman Service will be the Spring/Summer of 2007. The Ombudsman asked if, through the Energy Member Board, members might be asked to notify her if significant increases in volumes of complaints were identified to assist the management of the potential subsequent referrals.

The Energy Member Board was keen that member companies develop a one-to-one relationship with the Service over company specific complaints. The Ombudsman concurred that it was essential to keep strong direct working relationships with all members.

## **10 Otelo member update**

An updated list of Otelo members was distributed.

## **11 Proposal to remove members**

It was agreed that three companies, which have no current cases, should be removed from membership for failing to pay subscription fees. The companies could be re-admitted, if this was requested, but would be required to pay subscription fees first.

A different company refused to pay a case-fee for a complaint which had been investigated and closed though it had implemented the required remedy. Another case was now open but the company had refused to engage with the investigation process. In addition, subscription fees had not been paid. Although fees from this company remain outstanding, the Council decided not to incur disproportionate costs in pursuing these and agreed to end the company's membership of the scheme, effective immediately.

The Ombudsman and Principal Ombudsman had met with the Managing Director of another member company to clarify membership requirements. Following this, a letter was sent which confirmed the main points of the discussion.



**12 AOB**

There was no other business.

**Date of the next meeting**

The 52<sup>nd</sup> meeting of the Council will be held at **1pm on Tuesday 21 November** at TOSL Offices, Wilderspool Park, Greenall's Avenue, Warrington.