

Minutes of the sixty-fourth meeting of the Council of The Ombudsman Service Limited (TOSL)

0930 on Tuesday 15 January 2008
TOSL Offices, Wilderspool Park, Greenall's Avenue, Warrington

Present:

Council: Peter Holland (Chairman)
Tony Allen
Jean Couper
Margaret Doyle
Chris Holland
Chris Kenny
Julie Meadows

In Attendance: Elizabeth France (Ombudsman)
Dick Sills (Principal Ombudsman)
Ian Smith (Principal Ombudsman)
Richard Brown (Chief Operating Officer)
Robbie Allcock (Council Secretary)

1 Apologies for Absence

Apologies were received from Duncan Sedgwick and the Surveyors Ombudsman Service Member Board.

2 Minutes of the Council Meeting, held on 11 December 2007

Subject to minor amendments, the Minutes were approved for publication on the TOSL website.

3 Matters Arising

- The Ombudsman had sent an email to Clare Tyler, Ofgem, in relation to some potential misunderstanding arising from the wording of paragraph 6 of Ofgem's review of the Energy Supply Ombudsman.
- Jean Couper met with the Chief Operating Officer on 8 January to discuss the Disaster Recovery plan. The work was on track but there was still further progress to be made with this and the development of a Business Continuity Plan. The Chairman was content for Jean Couper and the Chief Operating Officer to continue with this work and it was agreed he would receive a copy of the completed draft.

AP: Chairman to receive draft copy of Disaster Recovery Plan when completed.

- The initial response from the Office of Fair Trading (OFT) (to TOSL's application for approval as a redress scheme for estate agents) and the draft covering letter from the Chairman (in response to this) were sent to all Council members for their consideration. The formal reply was sent on 4 January with a subsequent response to supplementary questions sent on 11 January. It was noted that the Ombudsman and other TOSL representatives were to meet with the OFT on 18 January to discuss this

application further. The Council also noted the visit of the Ombudsman for Estate Agents to TOSL on 16 January.

- TOSL had responded to Ofgem's consultation paper: Complaint Handling Standards and also the Carsberg Review of Residential Property.

4 Draft TOSL response to BERR consultation: A consultation on proposals for exercising powers in the Consumers, Estate Agents and Redress Act 2007 and other changes to secondary legislation relating to estate agents.

The Council approved the draft response although it was agreed for any substantial comments to be forwarded to the Council Secretary. A copy of the draft will be sent to the Surveyors Ombudsman Service Member Board for information/comments before any formal reply is sent.

AP: Copy of the draft response to the BERR consultation: A consultation on proposals for exercising powers in the Consumers, Estate Agents and Redress Act 2007 and other changes to secondary legislation relating to estate agents, to be sent to the Surveyors Ombudsman Service Member Board for information/comments.

5 Chairman's Report

The Chairman had held a further meeting with Lord Whitty. It was agreed that an early meeting between the Ombudsman and Ed Mayo, Chief Executive of the new National Consumer Council, would be valuable – this was being arranged.

The Chairman confirmed that one-to-one discussions with Council members would take place, as they had done in 2007.

6 Ombudsman's Report

Finance

The Chief Operating Officer provided the Council with an overview of the company finances at the subsequent Strategy meeting.

Operations

High volumes of work were being experienced, particularly for Energy, so that the KPIs were not being met for the issuing of PCs. However, a plan had been drawn up to show how this will be dealt with.

In addition work was progressing on new approaches to handling complaints which had not been fully considered by member companies. A small working group would consider this and it was agreed that Margaret Doyle would represent the Council's interests – a report back to Council would precede any change of practice. Chris Holland offered to input on behalf of the Otelo member Board if that would be helpful.

Attention was drawn to the high number of abandoned calls for December 2007 compared to the total number of calls taken. It seemed likely that this was the result of a period of power loss during the month; the Executive would monitor this situation.

Following the recent staff Risk Management workshops the Investigations Manager had produced a Risk Management Framework document highlighting the critical success factors and main risks to the business.

The Enquiries Manager held an operations meeting with 3 at their offices in Glasgow.

The Ombudsman drew attention to the planned visit of Anne Willcocks to TOSL. Anne Willcocks is a legal advisor who is currently conducting a review of consumer protection law for the Department for Business, Enterprise and Regulatory Reform (BERR), the scope of which covers redress.

Otelo

The Council noted that the Ofcom Consumer Panel had asked Ofcom to take the lead in producing a mandatory Code of Practice for Internet Service Providers to address consumer concerns about advertised broadband speeds. This would assist the Ombudsman in taking decisions in this area, which is one leading to a growing number of complaints.

Ofcom also set new rules making it easier for consumers to keep their mobile number when switching providers. Under the new rules, consumers will be able to receive calls using their existing number within two hours of moving to a new mobile network (down from five days). Two hour transfers for mobile numbers must be implemented by 1 September 2009.

Energy Supply Ombudsman

The Energy booklet and website had been amended to reflect the change in the period which companies have to resolve disputes from twelve to eight weeks.

The project to ensure the smooth expansion of the Service to cover networks began on 14 January with a visit to the office from the Energy Networks Association (ENA).

There had been no recent contact with the smaller retail suppliers.

Surveyor Ombudsman

Esurv had recently visited TOSL and provided some training material for our Surveyors Ombudsman Service staff. Meetings with Countrywide and Knight Frank had also been arranged.

Personnel and Training

Four new Enquiry Officers were currently undergoing their training. An HR Advisor had been appointed to assist the HR Department over the next four months. Further recruitment is ongoing.

ICT

A move from email client Tobit to Microsoft Outlook was in progress.

Communications

Data is being gathered for the customer satisfaction survey.

The Communications Manager attended a Consumer Direct/Trading Standards workshop on 9 January and also a RICS 'Residential' Reception in the House of Commons on 15 January.

All three services will be exhibiting at the CAB Annual Conference on 29 January and at the 'Your Money Matters' exhibition on 2 and 3 February.

Meetings of interest to Council between 11 December and 15 January:

- 18 December: Chairman met Lord Whitty
- 7 January: Ombudsman and Policy Officer attended Carsberg Regional Meeting, Manchester
- 9 January: Communications Manager attended Consumer Direct/Trading Standards workshop
- 14 January: esurv visited the Office
- 15 January: Communications Manager represented TOSL at RICS 'Residential' Reception in the House of Commons

Future Meetings of interest to Council:

- 16 January Chris Hamer (Ombudsman for Estate Agents) and Shelley Radice (Removals Ombudsman) to visit the Office
- 17 January: Countrywide to visit the Office
- 18 January: Ombudsman and others to meet with Office of Fair Trading
- 21 January: Anne Willcocks, legal adviser, and Martha Goyder who are conducting the BERR review of consumer protection law, will visit the Office
- 23 January: Royal Mail to visit the Office
- 29 January: TOSL exhibiting at CAB Annual Conference
- 2-3 February: TOSL exhibiting at Your Money Matters exhibition
- 11 February: Ombudsman to meet Knight Frank
- 13 February: Ombudsman to speak at RICS Conference in Newcastle

7 Otelo Member Update

A membership update was given.

A judgement had been gained against a member following proceedings which had been issued for non-payment of subscriptions.

8 Otelo Member Board Report

No meeting had taken place since the last Council meeting.

The Otelo Member Board Chairman confirmed Duncan Laker as the newly elected Category B Board Member, in place of former Board Member Gary Rodgus.

It was also confirmed that an election for two new Category A Board Members would commence shortly.

9 Energy Member Board Report

Margaret Doyle provided the Council with an oral report from the last meeting in the absence of the Member Board Chairman. It was reported that the Member Board members had supplied forecast figures in order to predict case volumes and that the Member Board had agreed to fund recruitment 'ahead of the curve'. It was noted that all Energy Supply Members would have the details of the Energy Supply Ombudsman on the back of their bills by February 2008.

The structure of the Member Board had also been discussed (with regard to the addition of network services).

10 Surveyors Member Board Report

No meeting had taken place since the last Council meeting.

The Chief Operating Officer confirmed that the next meeting would focus primarily on finance, in particular the funding of the Service for the second operational year.

It was also agreed that the Chairman and the Ombudsman should meet with Teresa Graham and Steven Gould (RICS Regulation Department) prior to the 12-month anniversary of the Surveyors Ombudsman Service.

AP: Meeting between TOSL Chairman and the Ombudsman and RICS Regulation Department to be arranged prior to 12-month anniversary of the Surveyors Ombudsman Service.

11 AOB

In the light of recent publicity about anti-competitive behaviour, it was agreed that all independent Council members should be familiar with the Competition Act 1998 Chapters 1 and 2.

AP: Chris Kenny/Tony Allen to circulate appropriate advice

There was a discussion about Succession Planning, in the absence of the Executive. Concern was expressed about the possible coincidence of the departure of the Chief Executive, Chairman and experienced Council members at a time of change for the company. It was concluded that all existing Independent Council Members (excluding the Chairman), be offered a full 3 year second term (following and based upon satisfactory performance during their first term of appointment). This supersedes earlier decisions on this matter. The

Council then agreed, unanimously, to seek the agreement of the Member Boards to the exceptional extension of the Chairman's term to June 2010 (in accordance with Article 26 of the Mem and Arts).

AP: Secretariat to raise this with each Member Board

Following the meeting the Council reconvened for a discussion covering the company's Risks, Business Plan and Budget.

Time & Date of Next Meeting

13:00 on 19 February 2008 at the offices of The Ombudsman Service Limited, Wilderspool Park, Greenall's Avenue, Warrington WA4 6HL. The meeting will be preceded (at 1230) by a presentation from the ENA.