

**Minutes of the sixth meeting of the Member Board of the
Surveying Ombudsman Service Ltd**

**Thursday 28 February 2008
RICS offices, London**

Present:

Member Board

**Maggie Jones - Chair
Patrick Bligh-Cheesman
Rosemary Carter
Steven Gould
Dianne Hayter
Chris Kenny
Christopher Lloyd
James Scott-Lee**

Secretariat

Robbie Allcock

In attendance

**Richard Brown
David Pilling**

1. Apologies for absence

Apologies were received from Jane Pridgeon.

2. Minutes of the Member Board meeting held on 24 January 2008

Subject to minor amendments the Minutes were approved for publication on the Surveyors Ombudsman Service website.

3. Matters Arising from the Minutes

Steven Gould to arrange a meeting with TOSL Chairman prior to February meeting. Steven Gould reported on his meeting with TOSL. There was a discussion about the role of the Surveyors Ombudsman Service Member Board and it was pointed out that the Board was also a sub-committee of the RICS Regulation Board. TOSL's Chairman was relaxed about this wider remit and it was agreed that meetings would now be held in two parts. TOSL staff will not be present at the RICS sub-committee meeting. It was also agreed that there needs to be better liaison between TOSL and RICS Communications' staff. There was a broad discussion on wider property issues. Steven Gould will also meet regularly with Chief Ombudsman Elizabeth France.

Copy of TOSL response to Carsberg Review to be circulated to SOS Board members. Dianne Hayter queried if the Carsberg Review would have any impact on Surveyors Ombudsman Service. Steven Gould commented that the report would be out in May/June and this topic could be discussed at that point.

Chair to look further at the meeting schedule for 2008.

AP – Future meeting dates to be circulated to all SOS Board members.

Secretary to send email to all Member Board members regarding photographs for the Surveyors Ombudsman Service website. It was pointed out that the Member Board members were not accurately described on the Surveyors Ombudsman Service website – they are all independent lay members. Patrick Bligh-Cheesman also highlighted the incorrect spelling of his name.

AP – Secretariat to ensure Surveyors Ombudsman Service website is updated.

David Pilling to provide information to Member Board members re Membership. It was reported that RICS' IT department is currently developing a comprehensive database for its members and David Pilling provided Member Board members with specific data on the size of RICS regulated firms. James Scott-Lee raised a point regarding 'deadlock' and there was a general discussion regarding this and who could monitor the way in which member firms adhere to their Complaints Handling Process (CHP). It was reported that although the Board would be unable to do anything more than monitor this, TOSL would be able to report on any such trends, for example, in the annual report. Richard Brown explained the current Satisfaction Surveys which TOSL carries out (via an independent research firm) for Otelo and Energy Supply Ombudsman.

AP – Richard Brown to liaise with TOSL Communication Manager and clarify what research is undertaken in the Satisfaction Survey and circulate this information to SOS Board members.

At this point, Chris Kenny provided the Board with an update of the current status of the Surveyors Ombudsman Service's application to the OFT for approval as a redress scheme for estate agents. Steven Gould also provided an update from the RICS. It was noted that the OFT had hoped to have a statutory implementation in place by March, ready for April. However it is still in negotiations with the Surveyors Ombudsman Service and no definite timeframe has been given. **[Secretary's note added after the meeting:** OFT has since confirmed to TOSL that there will be a delay in the planned commencement date of 7 April]. Steven Gould pointed out the possibility of the OFT approving other schemes while remaining in negotiation with the Surveyors Ombudsman Service over its application. There was some concern that this may potentially lead to member firms to leave the Service. Chris Kenny also highlighted a policy gap in that the OFT do not seem to be minded about the signposting of firms, leaving a potential concern of firms being able to chose the 'cheaper' option if it approves more than one redress scheme. Dianne Hayter suggested it may be beneficial to make contact with the Chairman of the NCC in this regard.

4. TOSL Council Report

The Chair reported on the last TOSL Council meeting, her first as the representative of the Surveyors Ombudsman Service Member Board. The meeting was preceded by a presentation from the Energy Networks Association, which will join TOSL on 1 April 2008.

During the meeting the following issues were discussed:

- Postcomm - the Council approved a draft response to Postcomm's recent consultations on its criteria for approval of a redress scheme and also complaint handling standards. It was noted that the Council had yet to make a formal decision as to whether to tender for this work or not;

- Peter Holland reported on his meeting with the Surveyors Ombudsman Service Chair, Steven Gould and David Pilling;
- The potential for a Residential Property Ombudsman – this was briefly discussed and the Council agreed that TOSL had no interest in any expansion if it would cause detriment to existing Services and this may be a matter for RICS to pursue directly;
- The Chief Ombudsman reported on the meetings and conferences she had attended;
- OFT – update on the Surveyors Ombudsman Service’s application to be approved by OFT as a redress scheme for estate agents;
- Telephone system – TOSL had experienced a technical fault with its phone system and there was some concern that this had not been communicated effectively to the relevant people. It was agreed that in future, all Member Board Chairs will be informed in such an event;
- Each Member Board Chair provided an update from their last meeting;
- Succession Planning – the Council agreed to extend the terms of the TOSL Chairman and the existing Independent members and also agreed a job specification and timetable for the recruitment of a new Chief Ombudsman/Chief Executive;
- Mediation – for the Energy Supply Ombudsman only. Chris Kenny and Richard Brown provided the background on this work to the Board.

5. Performance Report

The performance report was noted. For Otelo and the Energy Supply Ombudsman, KPI targets are not currently being met. Richard Brown explained that January had been the busiest month experienced to date (in terms of contacts) but these figures also included the last week of December (as TOSL shuts for the festive period). The TOSL Executive have an Action Plan in place to combat the current ‘backlog’ and have also recruited ‘ahead of the curve’ for both Enquiries and Investigation staff, which is now being implemented. It was reported that TOSL should have the required number of staff required to meet the 2008/09 budget in place by the end of March.

In relation to the performance of the Surveyors Ombudsman Service it was noted that although there was still little activity, contacts had substantially increased in January (although again it was noted that this may have coincided with the aforementioned office closure). There are currently 23 ‘live’ cases in the system.

6. Update on Membership

Of the 10,000 surveying firms RICS have written to regarding their regulation, 9291 have signed up to be regulated by RICS and, of these, 2946 firms have chosen to use the Surveyors Ombudsman Service as their redress mechanism.

It was noted that the number of firms agreed to be regulated by RICS had decreased by approximately 400 since last month simply because they had chosen to no longer be regulated by RICS. It was also reported that RICS had identified approximately 700 firms which it thought were on its register but that it cannot trace. RICS is currently undertaking a data cleansing exercise in this regard which may take some time to complete.

7. Business Plan & Budget

The draft Business Plan and Budget had been circulated to the Board prior to the meeting.

The Board approved the content of the Corporate Strategy and Business Plan document following some discussion over how measurable the Objectives were. The consensus of the Board was that it would like something measurable in order to judge if the Objectives had been met and also be able to review this at future points. There was also the acknowledgement that the Surveyors Ombudsman Service Member Board constitution was somewhat different to the existing Member Board templates for Otelo and Energy. Richard Brown explained what data the Energy Member Board receives from TOSL – in the form of a Management Information (MI) pack. The Board agreed it would be useful for it to receive something similar in future. Patrick Bligh-Cheesman and Steven Gould agreed to look into this further.

AP – Steven Gould and Patrick Bligh-Cheesman to work on a draft MI proposal and present at the next meeting.

It was also confirmed that it is the Chief Ombudsman who is the member of the British and Irish Ombudsman Association (BIOA).

There was a lengthy discussion regarding the Budget, in particular the proposed number of cases and the contact ratio (the number of cases investigated to the number of contacts received). David Pilling had produced a paper which was circulated to the Board and discussed. After lengthy debate the Board agreed to project the number of cases at 500 (to be reviewed after six months) and the contact ratio at 10:1. The consensus of the Board was to take some caution on its projections due to the relatively short existence of the Service.

There was also a discussion regarding the fees for non-RICS firms which might join the Service. There was some debate as to whether or not such firms were actually welcome to the scheme or not and also whether RICS members would end up paying more than non-RICS firms. Richard Brown explained the current fees for non-RICS members for redress under HIPS (£160 per annum and £300 per case) and Steven Gould gave an assurance that RICS firms would not pay more than non-RICS firms. It was also reported that non-RICS firms would also be required to adhere to the RICS Regulatory Rules in terms of compliance with Professional Indemnity Insurance (PII) and also having a CHP. For consistency, the Board agreed to adopt the current HIPS process and fee structure for any non-RICS firms which wished to join the Surveyors Ombudsman Service.

8. Communication Plan

David Pilling and Tim Noble (RICS) met with Richard Brown and Andrew Bradley (TOSL) to discuss their respective Communication Plans. It was reported that this was a productive meeting which resolved any outstanding misconceptions between both parties. It was agreed that RICS would actively market its Regulation to its member firms (i.e. those which have agreed to be regulated by RICS) which would include redress and the Surveyors Ombudsman Service. It was confirmed that all RICS regulated firms would receive information from RICS regarding redress and the Surveyors Ombudsman Service. It was reported that TOSL would send out a Member Pack to all firms which join the Service and continue to attend and exhibit the Service at conferences and work with Consumer Bodies in order to increase the general awareness of the scheme.

It was reported that there were approximately 2000 RICS regulated firms which could still potentially join the Service.

The Board agreed that this item should remain on the Agenda so that an update could be provided at the next meeting (April) and also reviewed in six months time. **Note to Secretariat: Communication Plan to remain as an Agenda item.**

AP: Copy of Surveyors Ombudsman Service Member Pack to be circulated to Member Board members.

9. Any other business

There was no other business.

Date of next meeting

11.00 on Monday 28 April at RICS offices, 12 Great George Street, London.

These minutes were approved at the Member Board meeting held on

Signed (on behalf of the Member Board)
Baroness Maggie Jones
Chairman of Member Board