

Board Meeting 9

9.00am – 2.00pm Thursday 1ST October 2015

CIFO, 3 The Forum, Grenville Street, Floor 2 Boardroom, St Helier JE4 0WQ

Minutes

Board of Jersey OFSO

Board of Guernsey OFSO

Present:

David Thomas (DT) in the chair

John Curran (JC)

Debbie Guillou (DG)

John Mills (JM)

In attendance:

Douglas Melville (DM), Principal Ombudsman and CEO

Sophie Watkins (SW), consultant acting as interim operations manager

Apologies:

None

	The board had held a planning meeting on 30 September 2015, at which it had discussed key performance indicators and transparency, with a view to the CEO bringing specific proposals to the board's November meeting.	Action DM
1	<p>Minutes of last meeting</p> <p>The board noted a quorum was present.</p> <p>The minutes were approved, subject to amendment of a typing error in the section of who was present.</p>	
2	<p>Guernsey OFSO</p> <p>The board noted that approval for the 2015 budget had been received from the Commerce and Employment Department.</p>	
3	<p>Jersey OFSO</p> <p>The board noted that approval for the revised 2015 budget had been received from the Minister for Economic Development.</p>	
4	<p>Guernsey States actions:</p> <p>The board noted that the Financial Services Ombudsman (Bailiwick of Guernsey) Law, 2014 (Commencement) (No. 2) Ordinance, 2015 had been approved by the States of Deliberation on 29th September 2015. This sets the opening date of 16th November 2015.</p> <p>The board noted the further discussions at staff level regarding the Eligible Complainants Order and the income limit for charities. The board accepted the staff recommendation to propose an income limit</p>	

	of GBP £2 million in the orders in both islands.	
5	<p>Jersey States actions:</p> <p>The board noted that the Financial Services Ombudsman (Jersey) Law 2014 (Appointed Day) (No. 3) Act 2015 had been approved by the States Assembly and made on 8th September 2015. This sets the opening date of 16th November 2015.</p> <p>The board noted the further discussions at staff level regarding the Eligible Complainants Order and the income limit for charities. The board accepted the staff recommendation to propose an income limit of GBP £2 million in the orders in both islands and noted that the implementation of the new Charities Law in Jersey will address the issue of unincorporated clubs and associations.</p>	
6	Legislative requirements re Finance	
6.1	<p>2016 Budget</p> <p>The 2016 budget needs to be approved by the two Departments in time to be adopted by 1st January 2016. It will need to be brought to the November board meeting, so that it is able to go to a meeting of the CED board in December and to the EDD Minister.</p>	
6.2	<p>Consultation on amendments to the 2015 case fee and levy schemes</p> <p>A consultation paper formalising the consultation on these schemes needs to be published on the CIFO website. There is a statutory requirement (under the funding regs and order) for this to be concluded and decisions made regarding any amendments to be published by 9 January 2016 (within 4 months of the schemes being published).</p>	SW/DM
6.2	<p>Consultation on review of funding regulations/order</p> <p>Under Regulation 9 of the Financial Services Ombudsman (Case-fee and Levy) (Jersey) Regulations 2015, OFSO must, after consulting appropriate persons and within 12 months of the commencement of the Regulations, publish and provide to the Minister either proposals re amendment of the Regulations for future years or reasons why no amendment is necessary.</p> <p>The Regulations were made on 21 January 2015, so CIFO must consult and provide proposals or reasons to EDD before 21 Jan 2016. The corresponding date for the Guernsey Funding Order will be 21 May 2016. Regulations 6 and 10 of the Jersey Regulations and Article 5 of the Guernsey Order link the finances of JOFSO and GOFSO until the end of 2016.</p> <p>The board agreed that CIFO should consult on its proposals for any amendments to the Jersey Regulations and the Guernsey Order in November for 30 days. Officers will consider if there are any technical changes required to improve the functioning of the funding system but none have been identified as yet and the proposals will also need to cover the continuation of the linking of the finances of the two</p>	DM / SW

	<p>OFSOs and the formula of sharing the costs on a 50:50 basis until there is sufficiently robust data about the number of cases to be expected from each Bailiwick.</p> <p>The board will need to write to both Departments by 21 January 2016.</p>	DM / SW
6.3	<p>Consultation on 2016 schemes</p> <p>The 2016 budget will need to be set and approved by mid-December 2015. CIFO can assess the amount required to be raised under the 2016 fee and levy schemes in January 2016, when the results of the 2015 levy process will be better known. The timing of the 2016 levy notices will depend to an extent on the success of the 2015 levy collection.</p> <p>The 2016 fee and levy schemes require prior consultation.</p>	DM / SW
6.4	<p>2015 report and accounts</p> <p>Under Schedule 2 of the Laws, the report and accounts need to be submitted to Departments no later than 4 months after the end of the financial year, so by 30 April 2016 for the 2015 report and accounts.</p> <p>These need to be considered at the February board meeting and finalised at the March board meeting.</p>	
7	<p>CIFO Chief Executive's Report</p> <p>The board noted the Bailiff-led event in Guernsey on Tuesday 17 November at 5.30pm and in Jersey on Thursday 19 November [changed to Monday 23 November after the meeting] at 1pm to mark the opening of CIFO in both islands. The GFSC are holding an event on Tuesday 17th and Wednesday 18 November but the timing does not conflict. There are issues with availability of the EDD Minister for the Jersey event, so this needs to be considered further to accommodate.</p> <p>The November CIFO board meeting was set for Thursday 19 November am in Jersey.</p> <p>The Board noted:</p> <ul style="list-style-type: none"> ▪ The Guernsey Financial Services Forum has invited the Ombudsman to be a permanent member, although certain agenda items may need to be restricted ▪ The approach for stakeholder contact to be modified (in relation to the industry, in the main via industry associations) after the 16 November. The Implementation oversight Group (IOG) will be reviewed after the launch date. ▪ the complaints management software that will be in place for launch ▪ On finance: the bank balance, the States of Jersey and Guernsey loan repayment dates and that further consideration of the cashflow was needed. 	DM / SW/ DG

	<ul style="list-style-type: none"> ▪ The update on staffing 	
8	<p>CIFO Project Plan to Launch Date</p> <p>The board noted the plan and asked for clearer information on items that have been rescheduled, either to set dates or in a section to be allocated dates.</p>	
9	<p>Finance</p>	
9.1	<p>Levy update</p> <p>The board noted the progress on the payments of the levies to date and two requests received for special treatment. Officers will wait to see whether any other requests for special treatment are received by 9 October, which will then be considered in the light of any supporting evidence (such as any special regulatory conditions that apply).</p>	
10	<p>Consultations</p> <ul style="list-style-type: none"> ▪ CP1 – feedback statement to be published on website at the same time as the Departments’ orders are made public, with the responses received ▪ CP2 – feedback statement to be drafted ▪ CP3 – within consultation period ▪ CP4 – to be prepared to formalise the 2015 case fee and levy consultation ▪ CP5 – CIFO policies 1 & 2 (policies on delegation and review) to be prepared and published ▪ CP6 – the third policy of factors in early rejection of complaints is more complex, more work required to be published around 16 November. 	<p>DM / SW</p> <p>DM</p> <p>DM / SW</p> <p>DM / SW</p> <p>DM / DT</p>
11	<p>Risk</p> <p>The board proposed a risk strategy meeting on 13/14 January 2016 for which a paper would be prepared by the CEO. This meeting could also consider the Executive vision of the mission statement.</p>	<p>DM</p>
	<p>Approved at board meeting 10 on 19 November 2015</p> <p>Chairman</p>	