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Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive

Date: 29 January 2019



**Hinckley & Bosworth
Borough Council**

**To: Members of the Ethical Governance and
Personnel Committee**

Mrs R Camamile (Chairman)
Mr RG Allen (Vice-Chairman)
Mr MB Cartwright
Mr WJ Crooks
Mr MR Lay

Mr K Morrell
Mr M Nickerson
Mr LJP O'Shea
Ms BM Witherford

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE** in G10, ground floor, Hinckley Hub on **WEDNESDAY, 6 FEBRUARY 2019** at **10.30 am** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

Rebecca Owen
Democratic Services Officer

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES OF PREVIOUS MEETING (Pages 1 - 2)

To confirm the minutes of the previous meeting.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at the end of the public part of this meeting.

4. DECLARATIONS OF INTEREST

To receive verbally from members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. QUESTIONS

To hear any questions received in accordance with Council Procedure Rule 12.

6. CODE OF CONDUCT COMPLAINTS UPDATE (Verbal Report)

To provide a verbal update on outstanding complaints.

7. REVIEW OF PENSION DISCRETIONARY POLICIES (Pages 3 - 20)

To review the employer pension discretions in relation to the Local Government Pension Scheme (LGPS) to ensure they are fit for purpose.

8. CORPORATE COMPLAINTS 2017-18 (Pages 21 - 36)

To provide the annual review of corporate complaints.

9. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

As raised under item 3.

10. MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

To consider the passing of a resolution under Section 100A(4) of the Local Government Act 1972 excluding the public from the undermentioned items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 10 of Schedule 12A of the 1972 Act.

11. COMPLAINT 2018/13 (Pages 37 - 44)

Fact finding report attached.

12. COMPLAINT 2018/14 (Pages 45 - 58)

Fact finding report attached.

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

12 JULY 2018 AT 6.30 PM

PRESENT: Mr RG Allen – Vice-Chairman, in the chair
Mr RG Allen (Vice-Chair, in the Chair), Mr WJ Crooks, Mr MA Hall (for Mrs R Camamile),
Mr KWP Lynch (for Mr MB Cartwright), Mr K Morrell, Mr M Nickerson and
Ms BM Witherford

Officers in attendance: Julie Kenny, Rebecca Owen and Julie Stay

103 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Camamile, Cartwright and O'Shea, with the following substitutions authorised in accordance with council procedure rule 10:

Councillor Hall for Councillor Camamile;
Councillor Lynch for Councillor Cartwright.

Mr Grimes, Independent Person, also submitted apologies but had sent comments on the code of conduct complaints to the Democratic Services Officer to be read out to the meeting.

104 MINUTES OF PREVIOUS MEETING

It was moved by Councillor Witherford, seconded by Councillor Morrell and

RESOLVED – the minutes of the meeting held on 10 May 2018 be confirmed and signed by the chairman.

105 DECLARATIONS OF INTEREST

No interests were declared at this stage.

106 CORPORATE APPROACH TO RECRUITING AND DEVELOPING TRAINEE STAFF

A package of options to recruit and develop the council's trainee workforce was presented to members. The committee was informed that it had been suggested at the Scrutiny Commission meeting that the word 'internships' had negative connotations and that consideration should be given to using an alternative word. Some members of the Ethical Governance & Personnel Committee agreed that an alternative word should be sought, and it was also suggested that the term 'paid internships' could be used instead.

The opportunity for people with a disability to apply for an apprenticeship, as with any other role in the authority, was discussed and encouraged.

It was moved by Councillor Hall, seconded by Councillor Morrell and

RESOLVED – the abovementioned suggestions for alternative wording be put to the Executive and the report be welcomed.

107 COMPLAINTS UPDATE

It was reported that all outstanding complaints were on the agenda for this meeting.

108 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Councillor Morrell seconded by Councillor Crooks, it was

RESOLVED – in accordance with section 100A(4) of the Local Government Act 1972, the public be excluded from the following item of business on the grounds that it involves the disclosure of exempt information as defined in paragraphs 1, 2 and 10 of Part I of Schedule 12A of that Act.

109 COMPLAINT 2017-04, 05 AND 06

Consideration was given to a fact finding report into three identical complaints about a borough councillor. It was noted that the subject member had issued an apology to the complainants which had not been accepted. A member asked why the subject member had asked the Monitoring Officer to pass on her apology and not apologised directly to the complainants, and in response it was noted that officers would not pass on contact details of complainants due to data protection. It was suggested that, in future, this could be handled differently, for example requesting permission to pass on details, so the apology could be made directly.

It was moved by Councillor Hall, seconded by Councillor Morrell and

RESOLVED – No further action be taken in respect of complaints 2017/04, 05 & 06.

110 COMPLAINT 2018/01

The committee received an investigation report into complaint 2018/01 which alleged that a parish councillor had taken part in discussion on a matter in which he had a personal interest and had not obtained a dispensation to take part.

At this juncture, Councillor Crooks stated that he had been in attendance for part of the meeting in which the alleged incident occurred. He undertook to take no further part in the discussion or vote thereon.

It was felt that there had been a breach of the code of conduct, but that a hearing would not provide any additional information. It was suggested that code of conduct training would be helpful for the subject member. It was also felt that, should the subject member not comply with this resolution, the matter be brought back to the committee as a further breach and as part of a public report.

It was moved by Councillor Hall, seconded by Councillor Morrell and

RESOLVED –

- (i) The member has breach the code of conduct;
- (ii) The matter be referred to the Monitoring Officer to source code of conduct training for the member;
- (iii) Should the member not attend the training provided, the matter be brought back to the Ethical Governance & Personnel Committee.

(The Meeting closed at 7.05 pm)

CHAIRMAN



Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE 6 FEBRUARY 2019

WARDS AFFECTED: 'ALL WARDS'

REVIEW OF PENSION DISCRETIONARY POLICIES

Report of Director (Corporate Services)

1. PURPOSE OF REPORT

- 1.1 To review the employer pension discretions in relation to the Local Government Pension Scheme (LGPS) to ensure they are fit for purpose.

2. RECOMMENDATION

- 2.1 Following a review of the pension discretions it is recommended to:
- 1) Maintain the existing discretions currently in place.
 - 2) Adopt the two additional discretions in relation to pension scheme members who left the council between 1 April 1998 – 31 March 2014.

3. BACKGROUND TO THE REPORT

Current discretions

- 3.1 The council is required to determine its policy approach to a number of defined pension provisions in the LGPS, known as employer pension discretions. The council must publish and keep under review a statement of its policy to explain how it will apply certain discretions allowed under the LGPS Regulations. The council last undertook a review of its discretions in July 2014.
- 3.2 Whilst the purpose of the discretions is to assist both the employer and the employee in a variety of situations such as redundancy, efficiency or a lead in to retirement, the council policy should be clear of the councils intentions should those discretions be exercised. This allows the council to minimise the possibility of the council facing substantial pension capital costs in the future.
- 3.2 At present there are ten discretions in force and these are set out in detail at Appendix 1. Given the financial constraints facing local councils and the requirement

to control the impact of any capital costs moving forwards, it is proposed to not change these existing policies.

Recent legislative changes – New discretionary policies for former employees of the council

- 3.3 Since April 2014 members of the pension scheme who leave and are over the age of 55 may claim actuarially reduced pension benefits if they wish *without* the consent of the employer ('actuarially reduced' means that their pension benefits are reduced as they are retiring early and the employee has not contributed to the age of 65).
- 3.4 Recent changes in the LGPS regulations has expanded the period in which deferred leavers can access their pension and as a result this right has been further extended to employees who left the council between 1 April 1998 – 31 March 2014.
- 3.4 Due to the legislative changes councils are required to review its discretions which were applied prior to April 2014. These need to be re-opened and re-visited, and the two discretions and associated policy decisions are proposed at Appendix 2.
- 3.5 It is recommended that the council does not adopt these discretions as both policies could incur capital costs to an employer if applied.
- 3.6 The council is required to produce and publish, under the Localism Act, an annual Pay Policy Statement. The Pay Policy Statement 2019/20 will be updated to reflect the changes if the proposals are agreed by Committee. The discretions will apply to all employees (and former employees) irrespective of their seniority within the workforce.

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

- 4.1 The report to be taken in open session.

5. FINANCIAL IMPLICATIONS [IB]

- 5.1 No payments have been made over the last 15 years. Therefore it is proposed that no funding is set aside to fund payments. If a discretionary payment is endorsed the cost will require approval in accordance with financial procedure rules. Depending on the age and service of the employee these costs could be significant.

6. LEGAL IMPLICATIONS [FA]

- 6.1 None arising directly from this report.

7. CORPORATE PLAN IMPLICATIONS

- 7.1 The policy ensures that the council provides a safe and healthy workplace whilst meeting the obligations of the Data Protection Act 1998.

8. CONSULTATION

- 8.1 The councils recognised Trade Unions have been given the opportunity to respond to the consultation on the proposals.

9. RISK IMPLICATIONS

- 9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.
- 9.3 The following significant risks associated with this report / decisions were identified from this assessment:
- None.

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 10.1 None.

11. CORPORATE IMPLICATIONS

- 11.1 By submitting this report, the report author has taken the following into account:
- Community Safety implications
 - Environmental implications
 - ICT implications
 - Asset Management implications
 - Procurement implications
 - Human Resources implications
 - Planning implications
 - Data Protection implications
 - Voluntary Sector

Background papers: None.

Contact Officer: Julie Stay, HR & Transformation Manager Ext 5688
Executive Member: Councillor C Ladkin

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Employer: Hinckley & Bosworth Borough Council

Local Government Pension Scheme, (LGPS), Regulations Policy statement on all eligible employees

Under Regulation 60 of the LGPS Regulations 2013, (as amended), each scheme employer must publish and keep under review a Statement of Policy to explain how it will apply certain discretions allowed under the Pensions Regulations.

This statement is applicable to all employees of Hinckley & Bosworth Borough Council who are eligible to be members of the LGPS

There is a requirement to publish the following five policies, set out below:

1. LGPS Regulations - Regulation 31: Power of employer to award additional pension

Explanation	Employer's Policy
An employer may resolve to award a member additional pension of not more than £6,822 (figure as at 1 April 2018) a year within 6 months of leaving to a member whose employment was terminated on the grounds of redundancy or business efficiency.	The Council will not normally agree to award an additional pension under this regulation.

2. LGPS Regulations 2013 - Regulation 16(2)(e) and 16(4)(d) : Funding of additional pension contributions (shared cost):

Explanation	Employer's Policy
<p>An active member in the main section of the scheme who is paying contributions may enter into arrangements to pay additional pension contributions (APCs) by regular contributions or a lump sum.</p> <p>Such costs may be funded in whole or in part by the member's Scheme employer.</p> <p>The employer will need to determine a policy on whether it will make a contribution towards the purchase of extra pension.</p> <p>This does not relate to cases where a member has a period of authorised unpaid leave of absence and elects within 30 days of return to work to pay a shared cost APC to cover the amount of pension "lost" during that period of absence. In these cases the employer <u>MUST</u> contribute 2/3rds of the cost (Regulation 15(5) of the LGPS Regulations 2013.</p>	The Council has not adopted this discretion.

3. LGPS Regulations 2013 - Regulation 30 (6): Flexible Retirement

Explanation	Employer's Policy
<p>An active member who has attained the age of 55 or over who reduces working hours or grade of an employment may, with the Scheme employer's consent, elect to receive immediate payment of all or part of the retirement pension to which that member would be entitled in respect of that employment if that member were not an employee in local government service on the date of the reduction in hours or grade, adjusted by the amount shown as appropriate in actuarial guidance issued by the Secretary of State.</p> <p>As an employer you need to determine the conditions under which you would approve a flexible retirement taking place.</p>	<p>The Council has agreed to release pension where there is no cost and not to waive any reduction.</p> <p>Members must reduce their hours by a minimum of 40% and/or reduce their grade</p> <p>The Council may however allow the release of pension where there is a cost or waive reduction in a potential redundancy situation, where a reduction may occur through redeployment, or in other exceptional circumstances supported by a business case.</p>

4. LGPS Regulations 2013 - Regulation (paragraph 1(1)(c) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014): Switching on rule of 85

Explanation	Employer's Policy
<p>A member who has not attained normal pension age but who has attained the age of 55 or over, may elect to receive immediate payment of a retirement pension in relation to an employment if that member is not an employee in local government service in that employment, reduced by the amount shown as appropriate in actuarial guidance issued by the Secretary of State.</p> <p>In these circumstances (other than flexible retirement) the 85 year rule does not automatically apply to members who would otherwise be subject to it who choose to voluntarily draw their benefits on or after age 55 and before 60.</p> <p>The employer has the discretion to “switch on” the 85 year rule for such member (paragraph 1(1)(c) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014.</p> <p>If the employer does agree to switch back on the rule of 85, the cost of any strain on the fund resulting from the payment of benefits before age 60 would have to be met by the employer.</p>	<p>The Council will not apply either discretion, unless there is a business case to support this as an alternative to a redundancy situation.</p>

5. LGPS Regulations 2013 - Regulation (paragraph 2(1) of Schedule 2 to the LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014): Waiving of actuarial reduction

Explanation	Employer's Policy
<p>An employer has the discretion, under a number of retirement scenarios, to waive actuarial reductions on compassionate grounds.</p> <p>The cost of which would fall upon the employer.</p> <p>n.b. "Compassionate grounds" is not defined in the regulations</p>	<p>The Council will not apply this discretion, unless there are exceptional circumstances.</p> <p>The Strategic Leadership Board (SLB) will consider any cases and will decide whether the actuarial reductions should be waived. In all cases the financial position of the Council must be considered.</p>

There are a number of other discretions which Scheme employers may exercise under the LGPS Regulations 2013, whilst there is no requirement to have a written policy. However in the interests of transparency and equal treatment, members approved a consistent approach to the discretions as detailed below:

1. LGPS Regulations 2013 – Regulation 17 - Shared Cost Additional Voluntary Contribution Facility

Explanation	Employer's Policy
This discretion allows the Employer to maintain and contribute to an employee's Additional Voluntary Contribution Scheme.	<p>The Council has not adopted this discretion.</p> <p>This will not have any effect on the existing AVC facility available where the employee only is able to make such contributions.</p>

2. LGPS Regulations 2013 - Regulation 100 (6) – election to transfer within 12 months

Explanation	Employer's Policy
This discretion allows the Employer extend the 12 month limit a member has in which to elect to transfer other pension rights into the LGPS. This has to be with the agreement of the Administering Authority	<p>The Council as the Administering Authority will not normally allow an extension of the 12 month limit. Extenuating circumstances may apply and this would include</p> <p>(1) Where evidence exists that an</p>

	<p>election was made within 12 months but his was not received by the administering authority</p> <p>(2) Where evidence exists that the member was not aware of the 12 month limit due to maladministration</p>
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3. LGPS Regulations 2013 - Regulation 22 (7) and (8) – election to aggregate within 12 months of commencement

Explanation	Employer's Policy
<p>This discretion allows the Employer to extend the 12 month time limit a member has within which they must elect not to have deferred benefits aggregated with their new LGPS employment</p>	<p>The Council will not normally extend this 12 month time limit. Extenuating circumstances may apply and this would include</p> <p>(1) Where evidence exists that an election was made within 12 months but his was not received by the administering authority</p> <p>(2) Where evidence exists that the member was not aware of the 12 month limit due to maladministration</p>

4. LGPS Regulations 2013 - Regulation 9 – allocation of contribution band

Explanation	Employer's Policy
This discretion allows the Employer to determine which contribution band is allocated on joining the scheme and at each April. It also determines the circumstances when an employee's band may be reviewed.	(1) Base pay on actual pay in April plus previous years overtime (3) Re-band on all <u>contractual</u> changes including hours and re-band upon a pay award as and when they occur

5. LGPS Regulations 2013 - Regulation 21 – assumed pensionable pay

Explanation	Employer's Policy
<p>This discretion allows the Employer to determine whether to include in the calculation of assumed pensionable pay the amount of any "regular lump sum payment".</p> <p>This is in cases where an employee's pay needs to be calculated where their pay has been reduced due to certain absences in order that they are not unduly advantaged or disadvantaged.</p>	To determine in individual cases where necessary to establish in a fair, equitable and justifiable way what the members likely pay would have been but for the absence, and in cases where this pay is to be used for future enhancements whether that level of pay would have been received every year to normal retirement age.

I confirm that the above policies have been approved by the Ethical Governance and Personnel Committee.

I confirm that should any of the decisions change in the future the Pensions Section will be notified immediately.

The attached statements therefore provide a summary of the policies which have been adopted and certify that they are correct on behalf of:

Employer's Name:

Print Name:

Position:

Signed:

Date:

Please sign and copy. Keep one for reference and return the other to carol.haywood@leics.gov.uk

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Employer: Hinckley & Bosworth Borough Council

Local Government Pension Scheme, (LGPS), Regulations Policy statement on all eligible former members effective 14th May 2018

Under the pertinent LGPS Regulations, each scheme employer must publish and keep under review a Statement of Policy to explain how it will apply certain discretions allowed under the Pensions Regulations.

This statement is applicable to all former employees of the above named employer who are eligible to be members of the LGPS and are required following the introduction of the LGPS (Amendment) Regulations 2018 in the following areas:

LGPS Benefits Regulations – Early payment of retirement benefits at a former member's request.

Election for early payment of deferred benefits at age 55 for leavers before 1 April 1998

Original Regulation 24(a) and 30(d)

Regulations amended/inserted or deleted **LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014:**

New reg 3(5A)(a)

Election for early payment of deferred benefits from age 55 for leavers between 1 April 1998 and 31 March 2008

Original Regulation 24(a), 30(e) and 30(f)

Regulations amended/inserted or deleted **LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014:**

New reg 3(5A)(b)

New para 1(1)(e) of Sch 2

New para 1(1)(f) of Sch 2

Amends para 1(2) of Sch 2 and para 2(3) of Sch 2

Election for early payment of deferred benefits from age 55 for leavers between 1 April 2008 and 31 March 2014

Original Regulation 24(a), 30(a), 30(c), 30(e) and 30(f)

Regulations amended/inserted or deleted **LGPS (Transitional Provisions, Savings and Amendment) Regulations 2014:**

New reg 3(5A)(c)

Amends para 1(1)(a) of Sch 2

New para 1(1)(aa) of Sch 2

Amends para 1(1)(c) of Sch 2, para 1(2) of Sch 2 and para 2(3) of Sch 2

1. Affirmation of existing policy in this area required:

Explanation	Employer's Policy
<p>Where the former member elects for voluntary early retirement before their normal pension age (NPA), the deferred benefits will be reduced for early payment.</p> <p>The scheme employer may, in respect of deferred members who can under the relevant regulations (details above) voluntarily draw their benefits on or (<u>if regulations allow</u>) after age 55 and prior to NPA, choose to waive on the grounds of compassion any reduction for early payment.</p> <p>The cost of which would fall upon the employer.</p> <p>n.b. "Compassionate grounds" is not defined in the regulations</p>	<p>In relation to waiving any reduction which may apply on compassionate grounds, the policy is that:</p> <p>The Council will not apply this discretion, unless there are exceptional circumstances.</p> <p>The Strategic Leadership Board will consider any cases and will decide whether the actuarial reductions should be waived. In all cases the financial position of the council must be considered.</p>

2. Additional new decision required to cover former members who left after 1 April 1998 but before 31 March 2014 regarding Switching on 'Rule of 85'

Explanation	Employer's Policy
<p>A former member who has not attained normal pension age (NPA) but who has attained the age of 55 or over, may elect to receive immediate payment of a retirement pension in relation to an employment if that member is not an employee in local government service in that employment, reduced by the amount shown as appropriate in actuarial guidance issued by the Secretary of State.</p> <p>In these circumstances (other than flexible retirement) the 85 year rule does not automatically apply to members who would otherwise be subject to it who choose to voluntarily draw their benefits on or after age 55 and before NPA.</p> <p>The employer has the discretion to "switch on" the 85 year rule for such a member.</p> <p>If the employer does agree to switch back on the rule of 85, the cost of any strain on the fund resulting from the payment of benefits before NPA would have to be met by the employer.</p>	<p>In relation to early retirements with employer's consent, policy on 'Switching on Rule of 85' is that:</p> <p>The Council will not apply this discretion.</p>

I confirm that the above policies have been approved by the Ethical Governance and Personnel Committee.

I confirm that should any of the decisions change in the future the Pensions Section will be notified immediately.

The attached statements therefore provide a summary of the policies which have been adopted and certify that they are correct on behalf of:

Employer's Name:

Print Name:

Position:

Signed:

Date:

Please sign and copy. Keep one for reference and return the other to carol.haywood@leics.gov.uk



Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

ETHICAL GOVERNANCE & PERSONNEL COMMITTEE x February 2019

WARDS AFFECTED: ALL WARDS

CORPORATE COMPLAINTS 2017-18

Report of the Monitoring Officer

1. PURPOSE OF REPORT

- 1.1 To inform members of complaints received under the council's two-stage complaints process and the outcome of these, and complaints received via the Local Government and Social Care Ombudsman and Housing Ombudsman.

2. RECOMMENDATION

- 2.1 The report be noted.

3. BACKGROUND TO THE REPORT

- 3.1 The council operates a two-stage complaints procedure which deals with complaints about council services (including those carried out on behalf of the council by contractors or partners) and actions or lack of actions by the authority or its officers.
- 3.2 At the first stage a complaint will be sent to the relevant manager for a response, which should be provided within ten working days (as recommended by Internal Audit in 2011). The response should usually state whether or not the complaint is upheld and give reasons for the decision. If, due to the level of investigation required, it is not possible to respond within this timescale, the responding officer must contact the complainant to explain the reasons for this and to let them know when they may expect a response.
- 3.3 If a complainant is not satisfied with the response received to their complaint at stage 1, they may request a review of the matter. The review ("stage 2") is undertaken by a more senior officer or an officer from a different service area who has not been involved in the case.
- 3.4 Should the complainant remain dissatisfied after stage 2 of the process, they have the opportunity to put their complaint to the Local Government and Social Care Ombudsman or the Housing Ombudsman, who will usually contact us to ask for

further details of the case, copies of correspondence and later in the process, a response from officers.

- 3.5 The complaints and Ombudsman process is administered by Democratic Services, and a record is kept which includes a summary of the complaint and the outcome in order to monitor patterns and learn from the information.
- 3.6 Under the constitution, monitoring of the complaints process is the responsibility of the Ethical Governance & Personnel Committee, and as such these reports are brought to the committee annually.

Breakdown of complaints received 2017/18

- 3.7 During the period 1 April 2017 to 31 March 2018 a total of 181 complaints were processed under the formal complaints procedure. The number of complaints categorised by service is below:

Anti-Social Behaviour (ASB)	3
ASB & Environmental Health	1
Benefits	9
Clean Neighbourhoods	4
Community Safety	3
Community Safety & Housing repairs	1
Corporate Services	2
Cultural Services	3
Customer Services	1
Democratic Services	1
Elections	2
Environmental Health	7
Estates	2
Finance	1
Green Spaces	4
Housing	20
Housing Repairs	21
Human Resources	1
Information Governance	1
Legal	1
Planning	27
Private Sector Housing	2
Private Sector Housing & Housing Repairs	1
Refuse & Recycling	48
Refuse & Recycling / Customer Services	1
Revenues	13
Street Naming & Numbering / Council Tax	1

- 3.8 The number of complaints received compares with the previous years as follows:

2017/18	181	2011/12	39
2016/17	174	2010/11	39
2015/16	107	2009/10	37
2014/15	96	2008/09	31
2013/14	74	2007/08	28
2012/13	54	2006/07	27

The increase in complaints follows a national trend, but the increase in complaints since 16/17 can be attributed in part to the introduction of an online complaints form, making it easier for customers to make a complaint. As a result, we have noticed an increase in complaints about matters that would previously have been dealt with in the course of business following a phone call to Customer Services or the relevant team.

3.9 Of the 181 complaints processed, the following outcomes were recorded:

Complaint upheld:	58
Complaint upheld in part:	30
Complaint not upheld:	89
Other:	4 (including further information being requested but no response received, progressing immediately to stage 2 and two being withdrawn).

3.10 In order to learn from complaints, the complaints upheld or upheld in part have been reviewed. The instances where complaints have been upheld or upheld in part can be broken down as follows:

Anti-Social Behaviour (ASB)	1
Benefits	8
Clean Neighbourhoods	3
Community Safety	1
Cultural Services	1
Customer Services	1
Elections	2
Environmental Health	2
Estates	1
Finance	1
Green Spaces	3
Housing	5
Housing Repairs	8
Human Resources	1
Planning	6
Private Sector Housing	1
Refuse & Recycling	34
Refuse & Recycling and Customer Services	1
Revenues	7
Street Naming & Numbering / Council Tax	1

3.11 Of the 181 complaints received, 149 went no further than stage 1, suggesting that the complainant was satisfied with the response. 32 were reviewed at stage two. These stage two complaints related to the following service areas:

Anti-Social Behaviour (ASB)	1
ASB & Environmental Health	1
Community Safety	1
Estates	1
Housing	4
Housing Repairs	4
Monitoring Officer	2
Planning	12
Refuse & Recycling	5
Revenues	1

Local Government and Social Care Ombudsman (LGSCO) complaints

- 3.12 During 2017/18, 12 complaints about this authority were lodged with the LGSCO (not including complaints received by the Ombudsman but dismissed at an early stage without asking us for information). This was the same number as in 2016/17.
- 3.13 Of the 12 complaints lodged, nine were not investigated (due to being premature, out of jurisdiction, no fault or injustice likely or other avenues of action being available), two found some fault but no injustice so no action was recommended, and one found some injustice and the authority agreed a course of action to remedy the injustice. No compensation was paid during 2017/18 as a result of an Ombudsman recommendation.
- 3.14 The annual review letter from the LGSCO is attached. The data may not align with our own records due to the number of complaints dismissed without having contacted us for any information and the conclusion of complaints from the previous year in the 2017/18 year.

Housing Ombudsman complaints

- 3.15 One complaint was lodged with the Housing Ombudsman during 2017/18. No maladministration was found.

Persistent and unreasonable complainant behaviour policy

- 3.16 The persistent and unreasonable complainant behaviour policy is in place to address unreasonable behaviour where the frequency or nature of a complainant's contact with the council takes up unjustifiable officer time and resources, making it hard for officers to handle their complaint and/or those of other people, or where their behaviour is offensive or abusive.
- 3.17 The policy has not been applied to any individuals during 2017/18.

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

- 4.1 This report is to be taken in open session.

5. FINANCIAL IMPLICATIONS (IB)

- 5.1 None.

6. LEGAL IMPLICATIONS (FA)

- 6.1 None arising directly from this report.

7. CORPORATE PLAN IMPLICATIONS

- 7.1 This report supports all aims and objectives by ensuring the public and external organisations have the opportunity to raise issues with the authority which assist in improving services to the public.

8. CONSULTATION

8.1 None.

9. RISK IMPLICATIONS

9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to provide satisfactory services or service improvements	Ensure service areas learn from complaints	Service managers

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 The complaints process about which this report is written is in place to ensure equality in service provision and to protect the rights of the individual. The process is available and accessible to all customers.

10.2 Assistance is offered and provided to support complainants in completing the form and in providing all relevant information, and complaints are accepted in the format that is most appropriate for the individual.

10.3 Where there is a proposed new service, change of service, or a new or reviewed policy, an Equality Impact Assessment is required and has been undertaken and can be viewed here: None required – this is not a new service or a review of policy.

11. CORPORATE IMPLICATIONS

11.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers: Previous years' complaints reports
Contact Officer: Rebecca Owen, ext 5879
Executive Member: Councillor C Ladkin

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Local Government & Social Care OMBUDSMAN

18 July 2018

By email

Bill Cullen
Chief Executive
Hinckley & Bosworth Borough Council

Dear Bill Cullen,

Annual Review letter 2018

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGSCO) about your authority for the year ended 31 March 2018. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

Complaint statistics

In providing these statistics, I would stress that the volume of complaints does not, in itself, indicate the quality of the council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be a worrying sign that an organisation is not alive to user feedback, rather than always being an indicator that all is well. So, I would encourage you to use these figures as the start of a conversation, rather than an absolute measure of corporate health. One of the most significant statistics attached is the number of upheld complaints. This shows how frequently we find fault with the council when we investigate. Equally importantly, we also give a figure for the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. Both figures provide important insights.

I want to emphasise the statistics in this letter reflect the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

Future development of annual review letters

Last year, we highlighted our plans to move away from a simplistic focus on complaint volumes and instead turn focus onto the lessons that can be learned and the wider improvements we can achieve through our recommendations to improve services for the many. We have produced a new corporate strategy for 2018-21 which commits us to more comprehensively publish information about the outcomes of our investigations and the occasions our recommendations result in improvements to local services.

We will be providing this broader range of data for the first time in next year's letters, as well as creating an interactive map of local authority performance on our website. We believe this will lead to improved transparency of our work, as well as providing increased recognition to the improvements councils have agreed to make following our interventions. We will therefore be seeking views from councils on the future format of our annual letters early next year.

Supporting local scrutiny

One of the purposes of our annual letters to councils is to help ensure learning from complaints informs scrutiny at the local level. Sharing the learning from our investigations and supporting the democratic scrutiny of public services continues to be one of our key priorities. We have created a dedicated section of our website which contains a host of information to help scrutiny committees and councillors to hold their authority to account – complaints data, decision statements, public interest reports, focus reports and scrutiny questions. This can be found at www.lgo.org.uk/scrutiny I would be grateful if you could encourage your elected members and scrutiny committees to make use of these resources.

Learning from complaints to improve services

We share the issues we see in our investigations to help councils learn from the issues others have experienced and avoid making the same mistakes. We do this through the reports and other resources we publish. Over the last year, we have seen examples of councils adopting a positive attitude towards complaints and working constructively with us to remedy injustices and take on board the learning from our cases. In one great example, a county council has seized the opportunity to entirely redesign how its occupational therapists work with all of its districts, to improve partnership working and increase transparency for the public. This originated from a single complaint. This is the sort of culture we all benefit from – one that takes the learning from complaints and uses it to improve services.

Complaint handling training

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2017-18 we delivered 58 courses, training more than 800 people. We also set up a network of council link officers to promote and share best practice in complaint handling, and hosted a series of seminars for that group. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Local Authority Report: Hinckley & Bosworth Borough Council
For the Period Ending: 31/03/2018

For further information on how to interpret our statistics, please visit our website:
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
0	4	1	0	1	0	3	6	0	15

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Decisions made

				Detailed Investigations			
Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Not Upheld	Upheld	Uphold Rate	Total
0	1	4	7	0	4	100%	16

Notes

Our uphold rate is calculated in relation to the total number of detailed investigations.
 The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

Complaints Remedied

by LGO	Satisfactorily by Authority before LGO Involvement
1	1

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Reference	Authority
17000702	Hinckley & Bosworth Borough Council
17000889	Hinckley & Bosworth Borough Council
17003910	Hinckley & Bosworth Borough Council
17004318	Hinckley & Bosworth Borough Council
17004347	Hinckley & Bosworth Borough Council
17006529	Hinckley & Bosworth Borough Council
17007510	Hinckley & Bosworth Borough Council
17011632	Hinckley & Bosworth Borough Council
17012729	Hinckley & Bosworth Borough Council
17015837	Hinckley & Bosworth Borough Council
17016343	Hinckley & Bosworth Borough Council
17017618	Hinckley & Bosworth Borough Council
17018280	Hinckley & Bosworth Borough Council
17019181	Hinckley & Bosworth Borough Council
17019968	Hinckley & Bosworth Borough Council

Category	Received
Benefits & Tax	13/04/17
Benefits & Tax	26/04/17
Environmental Services & Public Protection & Regulation	09/06/17
Planning & Development	16/06/17
Planning & Development	16/06/17
Planning & Development	21/07/17
Benefits & Tax	15/08/17
Housing	17/10/17
Housing	06/11/17
Benefits & Tax	09/01/18
Planning & Development	18/01/18
Housing	08/02/18
Planning & Development	22/02/18
Corporate & Other Services	08/03/18
Planning & Development	22/03/18

Reference	Authority
16018318	Hinckley & Bosworth Borough Council
16018948	Hinckley & Bosworth Borough Council
17000702	Hinckley & Bosworth Borough Council
17000889	Hinckley & Bosworth Borough Council
17003910	Hinckley & Bosworth Borough Council
17004318	Hinckley & Bosworth Borough Council
17004347	Hinckley & Bosworth Borough Council
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17016343	Hinckley & Bosworth Borough Council
17017618	Hinckley & Bosworth Borough Council
17018280	Hinckley & Bosworth Borough Council
17019181	Hinckley & Bosworth Borough Council

Category	Decided
Planning & Development	21/08/17
Housing	07/04/17
Benefits & Tax	13/04/17
Benefits & Tax	24/05/17
Environmental Services & Public Protection & Regulation	21/06/17
Planning & Development	23/11/17
Planning & Development	27/03/18
Planning & Development	24/07/17
Benefits & Tax	24/01/18
Housing	19/10/17
Housing	06/11/17
Benefits & Tax	15/02/18
Planning & Development	19/02/18
Housing	08/02/18
Planning & Development	21/03/18
Corporate & Other Services	09/03/18

Decision
Upheld
Closed after initial enquiries
Referred back for local resolution
Closed after initial enquiries
Closed after initial enquiries
Upheld
Upheld
Referred back for local resolution
Upheld
Referred back for local resolution
Referred back for local resolution
Closed after initial enquiries
Closed after initial enquiries
Advice given
Closed after initial enquiries
Closed after initial enquiries

Remedy
Satisfactory BinJ remedy
Null
Null
Null
Null
Null
Null
Null
Apology, Other Remedy
Null
Null
Null
Null
Null
Null
Null

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