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Hinckley & Bosworth
Borough Council

A Borough to be proud of

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

Date: 22 March 2017

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

Mr LJP O'Shea (Chairman)
Mr CW Boothby
Mr MB Cartwright
Mr WJ Crooks
Mr MR Lay

Mr K Morrell
Mr M Nickerson
Ms BM Witherford
Ms AV Wright

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 the De Montfort Suite, Hinckley Hub on **THURSDAY, 30 MARCH 2017** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

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 meeting held on 12 December 2016.

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 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 10.

6. CORPORATE COMPLAINTS PROCEDURE (Pages 3 - 8)

Report seeking an amendment to the corporate complaints procedure following the senior management restructure.

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

8. 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 10 of Schedule 12A of the 1972 Act.

9. COMPLAINT 2016/11 - FACT FINDING REPORT (Pages 9 - 18)

Initial fact finding report in relation to a complaint about a parish councillor.

10. COMPLAINT 2016/12 - FACT FINDING REPORT (Pages 19 - 28)

Initial fact finding report in relation to a complaint about a parish councillor.

11. COMPLAINT 2017/01&02 - FACT FINDING REPORT (Pages 29 - 34)

Initial fact finding report in relation to a complaint about a parish councillor.

12. COMPLAINT 2016/01&02 - INVESTIGATION REPORT (Pages 35 - 80)

Report of an investigation under chapter 7 of the Localism Act 2011 into a complaint about a parish councillor.

Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

12 DECEMBER 2016 AT 6.30 PM

PRESENT: Mr LJP O'Shea - Chairman

Mr MB Cartwright, Mr WJ Crooks, Mr K Morrell and Ms BM Witherford

Officers in attendance: Rebecca Owen and Julie Stay

287 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Boothby, Nickerson and Wright.

288 MINUTES OF PREVIOUS MEETING

It was moved by Councillor Cartwright, seconded by Councillor Crooks and

RESOLVED – the minutes of the meeting held on 28 October 2016 be confirmed and signed by the Chairman.

289 DECLARATIONS OF INTEREST

No interests were declared at this stage.

290 FLEXI TIME POLICY

The updated flexi time policy was presented to the committee and it was noted that the main changes were the removal of core time and a change to the accrual of flexi time and carry forward rules.

A member expressed concern that 15 hours carry forward seemed a lot and suggested that, if an employee was regularly exceeding 15 hours, the manager should review workloads. He also felt that there should be limited circumstances in which a manager could use their discretion for a member of staff to carry forward more than 15 hours. In response, members were informed that managers should be reviewing carry forwards of accrued flexi time and workloads on a monthly basis anyway and it was felt that discretion was necessary for a manager.

Discussion ensued on the maximum time for a lunch break of two hours, and it was noted that whilst most staff had a half hour lunch break, there was the option for longer subject to office cover, and that this also helped some people to use excess flexi time.

It was moved by Councillor Crooks and seconded by Councillor Witherford that the policy be approved but reviewed again in 12 months. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) the updated flexi time policy be approved;
- (ii) the policy be reviewed by the Ethical Governance and Personnel Committee in 12 months.

291 TIME OFF IN LIEU (TOIL) POLICY

Members received the Time off in Lieu (TOIL) policy, which had been established to formalise current practice and to ensure consistency. It was moved by Councillor Cartwright, seconded by Councillor Crooks and

RESOLVED – the Time off in Lieu policy be approved.

292 PERSISTENT AND UNREASONABLE COMPLAINANT BEHAVIOUR POLICY

In presenting the updated persistent and unreasonable complainant behaviour policy the main changes were highlighted as the insertion of a sentence to enable the policy to be applied to all customers, not just those going through the formal complaints process, inclusion of additional examples of unreasonable behaviour, and an additional stage whereby an informal warning may be issued.

A member referred to section 5 of the policy and the allowance of ten working days to challenge the decision to apply the persistent and unreasonable complainant behaviour policy and suggested that the timescale be extended to 21 days. This was supported and it was

RESOLVED – the policy be approved with the amendment of section 5 to extend the timescale for challenging the decision to apply the policy.

(The Meeting closed at 7.10 pm)

CHAIRMAN



Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

ETHICAL GOVERNANCE & PERSONNEL COMMITTEE 30 MARCH 2017

WARDS AFFECTED: ALL WARDS

CORPORATE COMPLAINTS PROCEDURE

Report of Monitoring Officer

1. PURPOSE OF REPORT

- 1.1 To seek an amendment to the corporate complaints procedure following the senior management restructure.

2. RECOMMENDATION

- 2.1 The wording of stage 2 of the complaints procedure be amended to allow both a senior officer or an officer independent from the officer providing the stage 1 response to respond.

3. BACKGROUND TO THE REPORT

- 3.1 The corporate complaints procedure has a two stage process whereby the relevant line manager responds to a complaint at stage one, and at stage two the procedure states that the complaint will be reviewed by the appropriate head of service, Deputy Chief Executive or Chief Executive.
- 3.2 In light of the recent senior management restructure, the titles mentioned above require updating. Following a recent Local Government Ombudsman draft report, we have also identified the need to have the option to ask an officer who is not necessarily of the seniority mentioned above to review a complaint at stage two – for example where an independent review is required from an officer with no knowledge of the complainant or the subject of the complaint.
- 3.3 The suggestion is that the wording be amended to read “your complaint will be reviewed by an officer either senior to or independent from the officer who provided the response at stage one...”.

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

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

5. FINANCIAL IMPLICATIONS (DW)

5.1 None.

6. LEGAL IMPLICATIONS (AR)

6.1 None.

7. CORPORATE PLAN IMPLICATIONS

7.1 This report supports all corporate aims by providing a process for complaints to encourage improvement to services.

8. CONSULTATION

8.1 This is a minor amendment to wording and therefore no consultation is necessary.

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
A finding of fault by the Local Government Ombudsman for failure to follow our own complaints procedure	Update the procedure	R Owen

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 This report supports all citizens and communities by ensuring equal access to make a complaint.

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: Rebecca Owen, ext 5879

Executive Member: Councillor A Wright

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COMPLAINTS PROCEDURE

The council aims to provide the best possible service at all times. One of the best ways to do this is to listen to what customers have to say about the services. If anything has gone wrong it is important that it is reported so that any faults can be put right. This leaflet explains how the complaints procedure works.

What is a complaint?

A complaint is an expression of dissatisfaction, however made, about the standard of service, action or lack of action by the council or its staff affecting an individual customer or group of customers.

A complaint does **not** include:

- a request for a service (e.g. a housing repair).
- a request for information or explanation of council policy or practice.
- matters for which there is a right of appeal within the council or to an independent tribunal.
- matters relating to a request for a service that has been previously notified to the council and is awaiting action within an agreed timescale (for example, a non-urgent housing repair that may be actioned up to 28 days after notification).
- matters where the council is not the provider or commissioner of the service.
- issues about the conduct of a councillor (borough/parish/town). There is a separate process for this.

Who can complain?

Anyone using any of the council's services can complain about a service, either in person or through a third party. Anonymous complaints will be accepted but this can make it difficult for further action to be taken.

Procedure

Stage 1:

The initial complaint should be made in writing, by e-mail, by completion of the council's complaints form or by telephone to the Democratic Services Officer, who will refer your complaint to the line manager responsible for the service. The manager will respond in writing within ten working days, or let you know when you can expect a reply. A copy of this response will also be forwarded to the Democratic Services Officer.

If you are not happy with the way your complaint has been handled, you may ask for it to be reviewed. (See stage 2).

Stage 2:

A request for a review should be made to the Democratic Services Officer and preferably in writing or by email. At this stage no additional information shall be submitted - if additional information is submitted this will be regarded as a new complaint. Your complaint will be reviewed by an officer either senior to or independent from the officer who provided the response at stage 1 and you will receive a response within ten working days or be advised as to when you may expect a reply.

What if I am still dissatisfied?

If you are still unhappy after going through the council's complaints procedure, you can take your complaint to the Local Government Ombudsman. Details of how to contact the Ombudsman will be included in the stage 2 response to you.

New process for housing-related complaints

The Government has changed the process for dealing with these and you may now refer your complaint to a 'designated person' who may help you to try to resolve the complaint before referring your complaint to the new Housing Ombudsman. Details of how to do this will be provided if you are dissatisfied with the response at stage 2 of the process.

Further information

If you require assistance please contact: Rebecca Owen, Democratic Services Officer, Hinckley & Bosworth Borough Council, Hinckley Hub, Rugby Road, Hinckley, Leicestershire LE10 0FR
Tel 01455 255879 or e-mail rebecca.owen@hinckley-bosworth.gov.uk

If you require this form or a response to your complaint in alternative formats, for example an alternative language, audio, large print, then please let us know.

COMPLAINTS FORM

Your details

Title:..... (Mr/Mrs/Miss/Ms/other) Full name (including initials):

Address:
.....

Telephone: Email:

What do you think was done wrong? (additional sheets may be attached – please give as much information as possible to assist in our investigation)

What do you think could be done to put things right?

Is this the first time you have submitted a formal complaint about this matter? YES / NO

If not, please give details of the last time you complained and what happened as a result.

Signature:

Date:

**When completed this form should be emailed to rebecca.owen@hinckley-bosworth.gov.uk or sent to:
Miss R Owen
Democratic Services Officer
Hinckley & Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
Leicestershire, LE10 0FR**

Data protection privacy notice

The personal data you have supplied to Hinckley & Bosworth Borough Council in this complaints form will be processed in accordance with the Data Protection Act 1998. It will be used for purposes of investigating and providing a response to your complaint. It will be necessary to share this information with relevant officers within the council and we may need to send it to another authority if we are not the appropriate authority to deal with your complaint (for example Leicestershire County Council or a parish council).

By virtue of paragraph(s) 1, 10 of Part 1 of Schedule 12A of the Local Government Act 1972.

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