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Hinckley & Bosworth
Borough Council

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

Date: 22 January 2020

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

Mr R Webber-Jones (Chairman)	Mr A Furlong
Mr MB Cartwright (Vice-Chairman)	Mrs L Hodgkins
Mr RG Allen	Mr E Hollick
Mr DC Bill MBE	Mr LJP O'Shea
Mrs MA Cook	

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 JANUARY 2020 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 Manager

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- *There are two escape routes from the Council Chamber – at the side and rear. Leave via the door closest to you.*
- Proceed to **Willowbank Road car park**, accessed from Rugby Road then Willowbank Road.
- **Do not** use the lifts.
- **Do not** stop to collect belongings.

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Thank you

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 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. UNACCEPTABLE AND VIOLENT BEHAVIOUR POLICY REPORT (Pages 3 - 14)
To present the policy on the Management of Unacceptable and Violent Behaviour for approval.
7. CORPORATE COMPLAINTS 2018-19 (Pages 15 - 26)
To present the annual update of corporate complaints and Local Government and Social Care Ombudsman complaints.
8. COMPLAINTS UPDATE
To provide a verbal update on outstanding complaints under the Code of Conduct.
9. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY
As announced 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2 and 10 of Schedule 12A of the 1972 Act.
11. COMPLAINT 2019-04 (Pages 27 - 30)
To consider an initial complaint made about a councillor.
12. COMPLAINT 2019-08 (Pages 31 - 34)
To consider an initial complaint made about a councillor.

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Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

17 JUNE 2019 AT 6.30 PM

PRESENT: Mr R Webber-Jones - Chairman
Mr MB Cartwright – Vice-Chairman
Mr RG Allen, Mr DC Bill MBE, Mrs MA Cook, Mr A Furlong, Mrs CM Allen (for Mr LJP O'Shea) and Mr SL Bray (for Mr E Hollick)

Also in attendance: Mr G Grimes, Independent Person

Officers in attendance: Julie Kenny and Rebecca Owen

33 APOLOGIES AND SUBSTITUTIONS

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

Councillor C Allen for Councillor O'Shea
Councillor Bray for Councillor Hollick.

34 MINUTES OF PREVIOUS MEETING

It was moved by Councillor Furlong, seconded by Cook and

RESOLVED – the minutes of the previous meeting be approved and signed by the chairman.

Whilst acknowledging that the minutes were an accurate reflection of the proceedings, some members expressed concern about the process to reach the decision in relation to minute 376. The majority of members present requested that the process be reviewed. Members were advised that they could not make a decision to review the process under the minutes of the previous meeting and neither could they revisit the decision however their wish for a review could be noted.

35 DECLARATIONS OF INTEREST

No interests were declared at this stage.

36 COMPLAINTS UPDATE

Members were informed that there were no outstanding complaints at this time.

37 WORKPLACE SURVEILLANCE POLICY

Members received the revised workplace surveillance policy which, it was noted, was compliant with GDPR and was linked to procedures which set out how data could be accessed and used. It was moved by Councillor Allen, seconded by Councillor Cartwright and

RESOLVED – the workplace surveillance policy be approved.

38 EMPLOYEE VOLUNTEERING POLICY

Members gave consideration to the revised employee volunteering policy which had been updated to allow employees two days per annum paid time to undertake volunteering activities rather than the previously permitted eight hours. Following some concerns raised by members, the following amendments were suggested:

- Page 20: should specify that the council will welcome any approaches from the voluntary and community sector
- Page 21 under the heading “Benefits to the Local Community”: the word “skilled” should be omitted
- Page 22 under the heading “What support will be provided by the authority”: “the volunteering hours must be agreed at least 4 weeks in advance” should be amended to “should usually be agree at least 4 weeks in advance”
- Page 24 under the heading “Health and Safety”: include a sentence to say employees can seek advice from the Human Resources team
- An annual monitoring report should be brought to the Ethical Governance & Personnel Committee which should also include numbers of cases that had been turned down.

It was moved by Councillor Furlong and seconded by Councillor Bray that the policy be approved subject to the suggested amendments. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the Employee Volunteering Policy be approved with the abovementioned amendments.

(The Meeting closed at 7.18 pm)

CHAIRMAN



Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

ETHICAL GOVERNANCE & PERSONNEL COMMITTEE

30 JANUARY 2020

WARDS AFFECTED: ALL WARDS

POLICY ON THE MANAGEMENT OF UNACCEPTABLE AND VIOLENT CUSTOMER BEHAVIOUR

Report of Community Safety and Performance Manager

1. PURPOSE OF REPORT

- 1.1 To present the council's Policy on the Management of Unacceptable and Violent Customer Behaviour.

2. RECOMMENDATION

- 2.1 The Policy on the Management of Unacceptable and Violent Customer Behaviour be approved.

3. BACKGROUND TO THE REPORT

- 3.1 Every incident directed against employees or against anyone lawfully acting in the interests of the council is regarded as serious and there is a commitment to ensure that the risk of harm to employees and others is eliminated or minimised. The council will not tolerate behaviour which is deemed to be unacceptable, abusive, threatening or violent to its staff or any third party acting on its behalf.
- 3.2 The attached policy sets out the framework for how the council will respond to and manage unacceptable and violent behaviour towards staff and others acting legally on the its behalf.
- 3.3 This policy has been put together following consultation and discussion with staff, key council departments and relevant links to other council policies have been included in the policy.
- 4.0 Points of note
- 4.1 Councillors are not covered by this policy. It was considered, but it was felt that at this point in time this is untenable due to the fact that currently there is no way of effectively giving councillors access to the Unacceptable Behaviour and Violent

Persons List and that any other potential methods suggested to date would cause data protection/data management issues. A separate discussion will be held with the Member Development Group in relation to managing member safety.

4.2 A key element that came out of the consultation with staff was that staff felt that, due to growing numbers on the Unacceptable Behaviour and Violent Persons List, it would be better to flag working systems in departments and that this would increase the ability of staff to recognise and act on any risks highlighted by the Unacceptable Behaviour and Violent Persons List. This is something that was not part of the previous policy but is included in the proposed policy. The method and responsibility for flagging systems is made clear within the policy and has been signed off by Legal Services and the council's Information Governance Officer.

4.3 It is recognised that there are strong links with other council policies and therefore discussions have taken place with other managers on how the policies best link with each other, in particular policies for customer services and health and safety. These have been taken into account during the formation of this policy.

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

4.1 None

5. FINANCIAL IMPLICATIONS [CS]

5.1 None

6. LEGAL IMPLICATIONS [MR]

6.1 The council, as an employer, has a duty of care to its employees, which means it should take all steps which are reasonably possible to ensure their health safety and well being. Legally, the council must abide by relevant health and safety and employment law, as well as the common law duty of care.

7. CORPORATE PLAN IMPLICATIONS

7.1 The Policy on the Management of Unacceptable and Violent Customer Behaviour supports the Corporate Plan priority ambition of 'helping people to stay healthy, active and protected from harm'.

8. CONSULTATION

8.1 Consultation has taken place with staff via the staff forum and via e-mail, Corporate Services (legal, information governance, customer services, member services, HR), Community Services (housing, community safety) and Environmental Health (health and safety).

9. RISK IMPLICATIONS

9.1

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Councillors are not covered by this policy	Member Development Group to consider member safety	SLT

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 This is an internal policy. However the policy clearly states that any actions will be proportionate and that behaviour of some customers may be due to certain circumstances, for example mental health. The policy encourages recognition of vulnerability and positive action to safeguard customers.

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: Appendix 1

Contact Officers: Rachel Burgess Community Safety (x 5746)

Executive Member: Councillor Michael Mullaney

APPENDIX 1- Hinckley and Bosworth Borough Council's Policy on the Management of Unacceptable and Violent Behaviour.



Hinckley & Bosworth Borough Council

POLICY ON THE MANAGEMENT OF UNACCEPTABLE AND VIOLENT CUSTOMER BEHAVIOUR

JULY 2019

REVIEW DATE: JANUARY 2022

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1 INTRODUCTION

1.1 Hinckley and Bosworth Borough Council is committed to providing customers with excellent services. One of the most effective ways to manage the risk of violent incidents is to prevent them happening in the first place. Good customer service is an important factor in good health and safety practice when dealing with the public. Effective and efficient business delivery is a key control measure in managing customer or claimant's expectations and behaviour. However;

1.2 The Council will not tolerate behaviour which is deemed to be unacceptable, abusive, threatening or violent to its staff or any third party acting on its behalf.

1.3 Every incident directed against employees or against anyone lawfully acting in the interests of the Council is regarded as serious and there is a commitment to ensure that the risks of harm to employees and others as above are eliminated or minimised. The policy expects every manager to ensure that risk assessments and control measures for dealing with customers, claimants and others, both in the office and off site, are in place, up to date and adhered to. Managers must ensure that risks are minimised through training, ensuring the provision of safe office layouts and implementing well-known and well-rehearsed procedures for dealing with threatened or actual incidents and that where appropriate the Council's health and safety Lone Worker Framework is followed.

1.4 Individual employees also have a part to play, particularly in relation to the reporting of incidents. It is the responsibility of all employees to comply with any control measures in place to reduce the risk of incidents occurring.

2 PURPOSE AND OBJECTIVES

2.1 The purpose of this policy is to define what the Council considers to be unacceptable or violent customer behaviour and to ensure consistency and fairness when dealing with such behaviour.

2.2 The policy provides details on the options available to the Council when dealing with such behaviour, explaining the process which it will follow and the possible consequences to the customer which may include being placed on the Unacceptable Behaviour and Violent Persons List.

2.3 The policy ensures:

- Consistency and fairness when dealing with unacceptable and violent customer behaviour
- That "need to know staff" are made aware of potential health and safety risks from customers feed into service lone worker risk assessments
- Personal information of customers is processed in accordance with the Data Protection Act 2018 and the General Data Protection Regulation

3 DEFINITION OF UNACCEPTABLE OR VIOLENT CUSTOMER BEHAVIOUR

3.1 Unacceptable or violent behaviour may include one, two or more isolated incidents of the behaviour complained of or an accumulation of those incidents or that behaviour over a longer period.

3.2 Unacceptable or violent customer behaviour is any incident that causes employees or others as above or has the potential to make such persons feel upset, threatened, frightened or physically at risk and is/could be directed at them because of their work.

Examples can include:

- **Violence**
- **Verbal abuse**
- **Abuse of a discriminatory nature e.g., sex, race, disability, religion, age**
- **Threats, which are implied or otherwise**
- **Intimidation**
- **Sexual innuendo**
- **Harassment**
- **Unwelcome attention**
- **Attempted or actual assaults - spitting that makes contact with the body is classed as an assault**
- **Damage to property**
- **Employees filmed, photographed or recorded in the workplace or working off-site, without their express consent**
- **Threats made in writing or via email**
- **Information about employees posted on social media e.g. face book**
- **False accusations**
- **History of violence that still poses a risk**
- **Health and Safety risk at address e.g. dangerous dog, potentially violent visitors at address, needles**
- **Risk of violence due to health issues/ substance misuse issues**

The list is not exhaustive. Any other incident that makes an employee feel uncomfortable, vulnerable or threatened must be reported.

3.3 Unreasonably persistent complainants will be dealt with via the Council's Persistent Complainants Policy. However, there will be occasions where the individual will need to be dealt with in line with this policy alongside the Persistent Complainants Policy in order to inform staff of any potential risks or any restrictions placed upon the customer's contact with the organisation.

4 IMMEDIATE RESPONSES TO POTENTIALLY UNACCEPTABLE OR VIOLENT BEHAVIOUR

4.1 If a customer is abusive or threatening whilst in the office or on the telephone members of staff should clearly state that such behaviour will not be tolerated.

If the behaviour continues, the customer should be asked to leave the building and, if safe to do so, the member of staff should remove themselves from the situation.

For telephone calls, members of staff should advise that they are going to disconnect the call if the behaviour continues. Details of how to manage abusive calls can be found in the Council's Abusive Caller Process at <http://intranet/custserv/SitePages/Home.aspx>

For face-to-face situations in the building, staff should be aware of the location of panic alarms and use secure interview rooms where appropriate. Panic alarms must be used if staff feel physically threatened or unable to deal with the level of abuse. The Panic Alarm Procedure can be found at <http://intranet/custserv/SitePages/Home.aspx>

4.2 It is important that staff that only have contact with customers via email or letter are able to identify unreasonable, abusive or threatening language and follow this policy and procedures.

4.3 For incidents off site:

4.3.1 All members of staff or others lawfully working for the council who work off site, either in the community or visiting customers at home, should be aware of and follow the procedure set out in the Council's Lone Worker Framework. If appropriate, service-specific Lone Worker procedures should be produced and communicated to staff.

4.3.2 It is particularly important that:

- Risk assessments are carried out and that the Unacceptable Behaviour and Violent Persons List is checked before a visit.
- Office-based staff are aware of the whereabouts of staff working off-site
- Staff working off-site must have a way of contacting the office in an emergency

4.3.3 In an emergency situation, where staff feel at significant threat all effort must be made to remove themselves from danger and call 999.

5 MANAGING UNACCEPTABLE OR VIOLENT BEHAVIOUR

5.1 The Council recognises that any decision to classify a customer's behaviour as unacceptable or violent could have consequences for them, including in rare circumstances restricting their access to services. It will, therefore, seek to ensure it acts appropriately and proportionately in the application of this policy.

5.2 The Council has a zero tolerance approach towards violence or threats of violence towards its staff and will always encourage staff to report such incidents to the Police on 101 or 999 in an emergency.

5.3 All customer incidents or intelligence relating to a customer's risk of violence towards staff must in the first instance be reported by the member of staff via the customer incident reporting form available on the council's intranet.

<http://intranet/commsafety/SitePages/Staff%20incident%20reporting%20form.aspx>

5.4 Staff incident reports are directed to the Staff Safety Team. The Staff Safety Team will then review the incident, along with any other intelligence or previous incidents, and make a decision on any action required. Action may include (this is not an exhaustive list):

- No further action
- A warning letter to the customer to advise them that the behaviour will not be tolerated and the consequences of any similar behaviour in the future
- Addition to the Unacceptable Behaviour and Violent Persons List

5.5 If any action is chosen which restricts the customer's access to council services, it is important to ensure there is an identified and clearly communicated method of contact available for the customer.

5.6 The behaviour of some customers may be due to a specific circumstance or difficulty, such as a mental health condition, substance misuse issue or other disability. Any unacceptable behaviour should be reported via the staff incident reporting form with details of vulnerabilities. Where this is the case, staff must also raise any concerns about a customer's vulnerability via the relevant channels e.g. via their line manager or safeguarding processes.

6 ADDITIONS OF CUSTOMERS TO THE UNACCEPTABLE BEHAVIOUR AND VIOLENT PERSONS LIST

6.1 The decision as to whether an individual should be added to the Unacceptable Behaviour and Violent Persons List will be taken by the dedicated Council Staff Safety Team.

6.2 A decision to add a customer to the Unacceptable Behaviour and Violent Persons List must be preceded by the receipt of a staff incident report.

6.3 Once a decision has been made to add a customer to the Unacceptable Behaviour and Violent Persons List, the Staff Safety Team will write to the customer to:

- Detail the action it has taken and why
- Detail consequences of further unacceptable and/or violent behaviour
- Explain what it means for the customer's future contacts with the council
- Advise on how long any restrictions will last and when the decision will be reviewed

There will be cases where it is believed that informing the customer of their inclusion on the Unacceptable Behaviour and Violent Persons List will not be appropriate, such as:

- Where it is believed that informing the customer would in itself escalate the risk of unacceptable and/or violent behaviour
- Where the information regarding the risk is given to the council from a partner agency

In these circumstances the customer will not be informed, but a clear record must be made by the Staff Safety Team as to why this decision has been made.

7 NOTIFYING STAFF AND THIRD PARTIES OF ADDITIONS TO THE UNACCEPTABLE BEHAVIOUR AND VIOLENT PERSONS LIST

7.1 All “need to know staff” will have access to the Unacceptable Behaviour and Violent Persons List and will be updated automatically when customers are added or removed from the list.

7.2 The decision to notify third parties will be taken on a case by case basis and will be made by the Staff Safety Team not by individual officers.

7.3 Third parties who may be notified by the Staff Safety Team may include:

- Contractors working on the Council’s behalf, although this will depend on the role of the contractor and any likelihood that they may come into contact with the individual
- Other agencies, such as Housing Associations
- Neighbouring authorities if, as part of a shared service, staff may be likely to come into contact with the individual
- Co-located partners who may be likely to come into contact with the individual.

The decision to notify third parties should be documented.

7.4 Internal council systems can be flagged to advise officers to check the Unacceptable Behaviour and Violent Persons List for customers on the list but flags should simply advise to check the Unacceptable Behaviour and Violent Persons List and not contain any details on the marker. If departments elect to flag systems in this manner they must have a dedicated officer who will keep systems up to date (remove old flags and add new ones in a timely way). It is the responsibility of the department adding the flags to keep them up to date.

8 REVIEWING DECISIONS

8.1 When any restrictions are put in place a review date must be set. This will be based on the circumstances of the case - a minimum period of six months is deemed to be appropriate.

8.2 The status of the customer should be reviewed by the Staff Safety Team and will take into account any future contact or new issues which have been raised.

8.3 If a customer had been informed of their inclusion on the Unacceptable Behaviour and Violent Persons List the customer will be informed of the decision of their review.

8.4 Relevant staff and other organisations who were informed of the restrictions should be advised of the outcome of the review.

9.0 MANAGING PERSONAL RISK

9.1 All employees must have completed the appropriate level of Health and Safety training. Training provides the skills and knowledge to help to anticipate and defuse potential incidents, avoid triggering a violent incident and help employees to keep safe during an incident.

9.2 Employees must not persist in trying to defuse an incident when they should be retreating from the situation or summoning help or support.

9.3 Risk assessments must be reviewed regularly and recommended procedures must be adhered to by all employees all of the time.

9.4 Everyone who works off-site or travels must also apply the relevant health and safety guidance and controls.

9.5 Other relevant corporate policies should be adhered to alongside this policy:

- Health and Safety Policies and Framework
- Lone Worker Framework
- Reception Staff Safety Policy
- Abusive Caller Process
- Panic Alarm Procedure
- Persistent Complainant Policy
- Data Protection Policy

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Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

ETHICAL GOVERNANCE & PERSONNEL COMMITTEE 30 JANUARY 2020

WARDS AFFECTED: ALL WARDS

CORPORATE COMPLAINTS 2018-19

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 endorsed.
- 2.2 Members note the reduction in complaints.
- 2.3 Members note that there was no fault found by the Local Government & Social Care Ombudsman for any complaint during 2018/19.

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 reviewed 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 2018/19

- 3.7 During the period 1 April 2018 – 31 March 2019 a total of 177 complaints were processed under the formal complaints procedure. In addition three complaints were withdrawn and one was a stage 2 complaint where the stage 1 complaint had been taken the previous year.

The number of complaints in 22 service categories are below:

Anti-Social Behaviour (ASB)	2
Benefits	8
Benefits / Customer Services	1
Clean Neighbourhoods	2
Communications	1
Customer Services	1
Democratic Services / Planning	1
Elections	2
Environmental Health	6
Estates	4
Green Spaces	3
Housing	23
Housing Repairs	33
Housing Repairs / Green Spaces	1
Legal	7
Monitoring Officer	1
Neighbourhood Wardens	1
Planning	21
Private Sector Housing	3
Refuse & Recycling	37
Revenues	17
Street Scene	2
Total complaints	177

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

Despite the national trend of an increase in complaints, HBBC's have decreased slightly from last year. However in previous years complaints increased in part due to the introduction of an online complaints form, which made it easier for customers to make a complaint. This led to an increase in complaints 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 177 complaints processed, the following outcomes were recorded:

Complaint upheld:	60
Complaint upheld in part:	13
Complaint not upheld:	102

Other: 2

3.10 In order to learn from complaints and, more importantly, the instances where complaints have been upheld or upheld in part, these can be broken down as follows:

Benefits	4
Benefits / Customer Services	1
Clean Neighbourhoods	1
Communications	1
Customer Services	1
Elections	2
Environmental Health	1
Estates	1
Green Spaces	3
Housing	4
Housing Repairs	21
Legal	1
Planning	1
Refuse & Recycling	20
Revenues	9
Street Scene	2
Total upheld or upheld in part	73

3.11 The service areas with high numbers of complaints have been examined to look for common themes. The following themes have been identified:

- Refuse & recycling: brown bin payment issues, complaints about operatives not replacing bins in correct place, repeated missed bins and mess left behind.
- Housing repairs: complaints about incorrect information given, lack of communication and boiler breakdown.

- Housing: complainants claiming to have been placed in the wrong band and given incorrect information.
- Planning: unhappy with decisions, the way applications dealt with and issues with communication.
- Revenues: no trend.

3.12 No compensation was paid during 2018/19 as a result of a stage 1 complaint.

3.13 Of the 177 complaints received, 141 went no further than stage 1, suggesting that the complainant was satisfied with the response. 36 were reviewed at stage two, these stage two complaints related to the following service areas:

Anti-Social Behaviour (ASB)	1
Environmental Health	2
Estates	2
Housing	5
Housing Repairs	5
Legal	2
Planning	11
Private Sector Housing	1
Refuse & Recycling	6
Revenues	1

Local Government and Social Care Ombudsman (LGSCO) complaints

3.16 During 2018/19, eight 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 four fewer than in 2017/18.

3.17 The breakdown of the eight complaints lodged was as follows:

- two were not investigated as legal action could be taken
- one was not investigated as it was appealed to the valuation tribunal
- one was not investigated as it was appealed to the Planning Inspector
- one was not investigated as was unlikely to find fault causing injustice
- three were investigated and found no evidence of fault.

No compensation was paid during 2018/19 as a result of an Ombudsman recommendation.

3.18 The annual review letter from the LGSCO is attached as an appendix. 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 2018/19 year.

Housing Ombudsman complaints

3.19 One complaint was lodged with the Housing Ombudsman during 2018/19. No maladministration was found.

Persistent and unreasonable complainant behaviour policy

3.20 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.

3.21 The policy has not been applied to any individuals during 2018/19.

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 S Bray

24 July 2019

By email

Bill Cullen
Chief Executive
Hinckley & Bosworth Borough Council

Dear Mr Cullen

Annual Review letter 2019

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2019. The enclosed tables present the number of complaints and enquiries received about your authority, the decisions we made, and your authority's compliance with recommendations during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

Complaint statistics

As ever, I would stress that the number of complaints, taken alone, is not necessarily a reliable indicator of an authority's performance. The volume of complaints should be considered alongside the uphold rate (how often we found fault when we investigated a complaint), and alongside statistics that indicate your authority's willingness to accept fault and put things right when they go wrong. We also provide a figure for the number of cases where your authority provided a satisfactory remedy before the complaint reached us, and new statistics about your authority's compliance with recommendations we have made; both of which offer a more comprehensive and insightful view of your authority's approach to complaint handling.

The new statistics on compliance are the result of a series of changes we have made to how we make and monitor our recommendations to remedy the fault we find. Our recommendations are specific and often include a time-frame for completion, allowing us to follow up with authorities and seek evidence that recommendations have been implemented. These changes mean we can provide these new statistics about your authority's compliance with our recommendations.

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 your 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 our annual review of local government complaints. For the first time, this includes data on authorities' compliance with our recommendations. This collated data further aids the scrutiny of local services and we encourage you to share learning from the report, which highlights key cases we have investigated during the year.

New interactive data map

In recent years we have been taking steps to move away from a simplistic focus on complaint volumes and instead focus on the lessons learned and the wider improvements we can achieve through our recommendations to improve services for the many. Our ambition is outlined in our [corporate strategy 2018-21](#) and commits us to publishing the outcomes of our investigations and the occasions our recommendations result in improvements for local services.

The result of this work is the launch of an interactive map of council performance on our website later this month. [Your Council's Performance](#) shows annual performance data for all councils in England, with links to our published decision statements, public interest reports, annual letters and information about service improvements that have been agreed by each council. It also highlights those instances where your authority offered a suitable remedy to resolve a complaint before the matter came to us, and your authority's compliance with the recommendations we have made to remedy complaints.

The intention of this new tool is to place a focus on your authority's compliance with investigations. It is a useful snapshot of the service improvement recommendations your authority has agreed to. It also highlights the wider outcomes of our investigations to the public, advocacy and advice organisations, and others who have a role in holding local councils to account.

I hope you, and colleagues, find the map a useful addition to the data we publish. We are the first UK public sector ombudsman scheme to provide compliance data in such a way and believe the launch of this innovative work will lead to improved scrutiny of councils as well as providing increased recognition to the improvements councils have agreed to make following our interventions.

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 2018-19 we delivered 71 courses, training more than 900 people, including our first 'open courses' in Effective Complaint Handling for local authorities. Due to their popularity we are running six more open courses for local authorities in 2019-20, in York, Manchester, Coventry and London. To find out more visit www.lgo.org.uk/training.

Finally, I am conscious of the resource pressures that many authorities are working within, and which are often the context for the problems that we investigate. In response to that situation we have published a significant piece of research this year looking at some of the

common issues we are finding as a result of change and budget constraints. Called, [Under Pressure](#), this report provides a contribution to the debate about how local government can navigate the unprecedented changes affecting the sector. I commend this to you, along with our revised guidance on [Good Administrative Practice](#). I hope that together these are a timely reminder of the value of getting the basics right at a time of great change.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a horizontal line underneath.

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: 31/03/2019

For further information on how to interpret our statistics, please visit our [website](#)

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	1	0	0	1	0	2	6	1	11

Decisions made

Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Detailed Investigations			Total
				Not Upheld	Upheld	Uphold Rate (%)	
1	0	2	4	0	0	0	7

Note: The uphold rate shows how often we found evidence of fault. It is expressed as a percentage of the total number of detailed investigations we completed.

Satisfactory remedy provided by authority

Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman	% of upheld cases
0	0

Note: These are the cases in which we decided that, while the authority did get things wrong, it offered a satisfactory way to resolve it before the complaint came to us.

Compliance with Ombudsman recommendations

Complaints where compliance with the recommended remedy was recorded during the year*	Complaints where the authority complied with our recommendations on-time	Complaints where the authority complied with our recommendations late	Complaints where the authority has not complied with our recommendations	
0	0	0	0	Number
	0%		-	Compliance rate**
<p>Notes: * This is the number of complaints where we have recorded a response (or failure to respond) to our recommendation for a remedy during the reporting year. This includes complaints that may have been decided in the preceding year but where the data for compliance falls within the current reporting year. ** The compliance rate is based on the number of complaints where the authority has provided evidence of their compliance with our recommendations to remedy a fault. This includes instances where an authority has accepted and implemented our recommendation but provided late evidence of that.</p>				

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