Public Document Pack

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

Date: 23 September 2020



To: Members of the Ethical Governance and Personnel Committee

Cllr R Webber-Jones (Chairman)
Cllr MB Cartwright (Vice-Chairman)
Cllr RG Allen
Cllr DC Bill MBE
Cllr L Hodgkins
Cllr E Hollick
Cllr LJP O'Shea

Cllr 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** as a virtual meeting via Zoom on **THURSDAY**, 1 **OCTOBER 2020** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

Rebecca Owen

Democratic Services Manager

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE - 1 OCTOBER 2020

AGENDA

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES OF PREVIOUS MEETING (Pages 1 - 4)

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. <u>STATUTORY SAFETY COMMITTEE MINUTES (Pages 5 - 8)</u>

Minutes of the meeting held on 2 September 2020.

7. <u>HEALTH & SAFETY MANAGEMENT SYSTEM AND POLICY (Pages 9 - 30)</u>

To receive the revised Health, Safety and Welfare Management System and Policy.

8. CORPORATE COMPLAINTS 2019-20 (Pages 31 - 44)

To inform members of complaints received under the formal complaints process during 2019-20.

9. COMPLAINTS UPDATE

To update members on outstanding code of conduct complaints.

10. DATES OF FUTURE MEETINGS

Dates of future meetings are recommended for approval as follows:

25 November 2020

20 January 2021

17 March 2021

12 May 2021

7 July 2021

1 September 2021

27 October 2021.

11. <u>ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE</u> DEALT WITH AS MATTERS OF URGENCY

As outlined at item 3.

12. 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.

13. <u>COMPLAINT 2020-09</u> (Pages 45 - 50)

Fact finding report attached.

14. <u>OVERVIEW OF COMPLAINT 2018/14 (</u>Pages 51 - 68)

In response to a request at a previous meeting, to consider the process followed in dealing with a previous complaint.



HINCKLEY AND BOSWORTH BOROUGH COUNCIL

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

30 JANUARY 2020 AT 6.30 PM

PRESENT: Mr R Webber-Jones - Chairman

Mr SL Bray (for Mr MB Cartwright), Mrs CM Allen (for Mr LJP O'Shea), Mr DC Bill MBE, Mrs MA Cook, Mrs L Hodgkins, Mr RB Roberts (for Mr RG Allen) and Mr MC Sheppard-Bools (for Mr E Hollick)

Also in attendance: Mr G Grimes, Independent Person

Officers in attendance: Tan Ashraf, Julie Kenny and Rebecca Owen

281 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors R Allen, Cartwright, Furlong, 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 Cartwright Councillor Roberts for Councillor R Allen Councillor Sheppard-Bools for Councillor Hollick.

282 MINUTES OF PREVIOUS MEETING

In considering whether the minutes of the previous meeting were an accurate record, a member requested that the minutes be amended to reflect a majority vote at that meeting in relation to reviewing the code of conduct complaints process. In response, the chairman reminded members that they had been advised at the time that they could not raise that matter under "minutes of the previous meeting" nor make a decision on a matter for which the appropriate statutory notice had not been provided. The chairman did, however, draw attention to the inclusion in those minutes of the request for a review and confirmed that an item would be included on the agenda for the next meeting.

It was moved by Councillor Bray, seconded by Councillor Bill and

<u>RESOLVED</u> – the minutes of the meeting held on 17 June 2019 be confirmed and signed by the chairman.

283 DECLARATIONS OF INTEREST

No interests were declared.

284 UNACCEPTABLE AND VIOLENT BEHAVIOUR POLICY REPORT

The policy on the Management of Unacceptable and Violent Customer Behaviour was presented to members. It was noted that previously there was a central list of potentially violent customers but it could not be flagged in individual systems, but this would change under the new policy.

It was acknowledged that the policy applied to officers and a method of allowing councillors access to such information was being investigated, however the Member Development Group would be asked to explore this further.

In response to a member's question, the reference to social media on page 9 of the agenda pack was highlighted as posting information about employees on social media was covered by the policy.

It was moved by Councillor Bray, seconded by Councillor Cook and

<u>RESOLVED</u> – the policy on the Management of Unacceptable and Violent Customer Behaviour be approved.

285 CORPORATE COMPLAINTS 2018-19

Members were informed 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. It was noted that overall numbers of complaints were lower than the previous year and no fault had been found by the Ombudsman in their investigations during 2018/19.

It was moved by Councillor Bray, seconded by Councillor Bill and

RESOLVED – the report be endorsed.

286 COMPLAINTS UPDATE

It was reported that there were no code of conduct complaints in progress other than those on this agenda.

287 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Councillor Bray seconded by Councillor Bill, it was

<u>RESOLVED</u> – 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.

288 COMPLAINT 2019-04

Consideration was given to a complaint that a borough councillor had breached the code of conduct by using council resources for political purposes and breaching the trust of a parish clerk. Discussion ensued about whether the matter was solely election-related or in the capacity as a serving councillor and whether the notice board in question was a public or private space.

It was moved by Councillor Bray, seconded by Councillor Sheppard-Bools and

RESOLVED – no further action be taken.

289 <u>COMPLAINT 2019-08</u>

The committee considered a complaint that a borough councillor had failed to act honestly and to represent all of her constituents regarding a planning application. It was moved by Councillor Bill, seconded by Councillor Cook and

RESOLVED – No further action be taken.

(The Meeting closed at 7.00 pm)	
	CHAIRMAN



Statutory Safety Committee Wednesday 2 September 2020

Present:

Julie Kenny (JK), Jo Baggott (JB), Sarah Marriner (SM), Julie Stay (JS), Maddy Shellard (MS), Lisa Kirby (LK), Darren Moore (DM), Sophia Hands (SH), Marc Lee (ML)

1. Apologies received from Dena Abbot (DA), Ged Hickey(GH), Malcolm Evans (ME), Ian Pinfold (IP), Rachel Burgess (RB), and Caroline Roffey (CR). 2. Health, Safety and Welfare Management System Sophia Hands talked through the slides sent prior to meeting: Management System – Can do check act – basic management framework. A lot of this is already in place with teams. There are things that require improvement but this is being worked on. Plan of action is in draft form at present and will include a review of risk assessments, development of a H&S manual (which include a lot of different areas within H&S), accident reporting and investigation procedure, that are clear on process CoSHH Management System (management of hazardous substances and good practice, training and audit and inspections. Health & Safety policy has been written and signed off by SLT. • Health & Safety policy has been reorganised on the intranet with a few changes and broken down into easy identifiable sections. These areas will be being reviewed to ensure that all documentation is there. JK queried about the Management Plan which has been discussed at SLT. SH talked through the Policy and where it fits in with the Management Plan and how she will use this in her reports when reporting to SLT. All confirmed happy to accept the reports and associated documents. Documents will now go to the Ethical Governance Committee. SH to add to the report that consultation has taken place at this meeting. [SH] 3. Health & Safety Management Review April 2019/20 SH has done the annual report that has looked at the previous year and has been broken down from the Dashboard report submitted last year. SH went through report. JK said that SLT have been through it and are happy with how it has improved upon the previous reports. They have requested that the actions and statistics be pulled out and suggested best way to present these would be in table format for future SLT meetings and [SH] the Committee to monitor progress.

Key points include:

- Accident/near miss reporting reporting is good in some areas but not in others and some discrepancies (i.e. violent incident reports – some areas being reported but not all). SH worked with web development for an online reporting system which is currently being trialled by Streetscene for a month. Aim is to have a single reporting system.
- Induction Form has integrated more H&S information into the induction.

Agreed: All happy to accept the report.

4. Health and Safety Management Review April 2020 – June 2020

Covered above. Thanks were given to SH from everyone on all the work she has done to complete the policies and reviews.

5. Covid – Risk Assessment update

JS advised that guidance had been issued to managers who are required to undertake individual employee risk assessments, where relevant, in order to safely manage staff returning to work either through front line activity or office based staff returning on a rota basis within the council's offices. The risk assessment covers vulnerable groups/BAME/underlying health conditions.

JS advised the group that the HR team and the H&S Officer are on standby to deal with queries that managers and staff may have regarding the risk assessment process and returning to work.

6. Working from home

Customer consultation has taken place to understand how they would wish to access our services in future due to the large shift seen since Covid-19.

JK said that the responses will inform and help how we provide customer provision going forward.

JK said that all longer term plans will be fully consulted on with Unions/staff.

6. Any other business

SM queries:

• SM raised a recurring issue around non-union staff not being involved in large consultations. She said that all unions have committed to represent all staff (union or not). SH confirmed that non-union staff are consulted on a wide range of issues and JK confirmed that they are consulted on day to day issues and recognised the commitment from the unions to collate the views of non-members on large consultations. Agreed that consultation on health and safety matters with non union staff however needed to evidenced to ensure that HBBC is meeting its statutory obligations.

- Recording of induction training SM is happy that this has been included.
- Estates and Facilities no risk assessments for buildings highlighted by Grant Thornton last year as part of an internal audit review. SH said this has been rectified since Covid-19 and that there is an overarching risk assessment for each building that includes everything (fire safety, access, glazing, asbestos, confined spaces etc) with smaller risk assessments attached underneath (i.e. fire risk, accessibility). SH said that each building was compliant but didn't have the overarching one to capture everything but this has now been done.
- SM asked about Government guidance on publishing a Covid risk assessment on companies with over 50 employees and queried whether HBBC going to publish theirs? JK said she believed this had already been actioned but will follow up to ensure that this is published. [JK]
- SM noted that one of the accidents were RIDDOR reported SH will take this and other issues up with SM outside of the meeting.

 [SH]

7. Next Meeting

Wednesday 2 December 2020 at 10am - De Montfort Suite (Zoom has also been booked as a back-up).





Forward timetable of consultation and decision making

Ethical Governance & Personnel Committee 1 October 2020

Wards affected: All wards

Health and Safety Policy and Management System

Report of Director (Corporate Services)

1. Purpose of report

1.1 To present a revised Health, Safety and Welfare Management System and Policy.

2. Recommendation

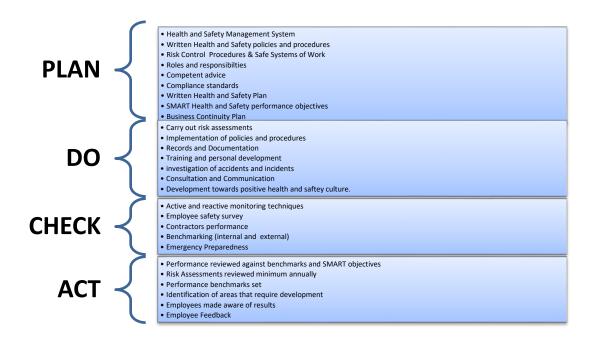
- 2.1 That Members approve the revised Health, Safety and Welfare Management System (attached as Appendix 1).
- 2.2 That Members approve the revised Health, Safety and Welfare Policy and statement, which forms part the management system (attached as Appendix 2).

3. Background to the report

Health, Safety and Welfare Management System

- 3.1 HBBC's commitment to effective and successful health and safety management forms part of council's vision to create a place of opportunity through its three priorities, People, Places and Prosperity. In order to achieve that vision we need effective health and safety management arrangements to ensure the well-being of our employees and service users, which will minimise losses (both financial and reputational) to our council from ill health and injury.
- 3.2 The proposed Health, Safety and Welfare Management System sets out a framework to control and continually improve how we manage health and safety across the council. The system is underpinned by the HSE model of

- 'Plan-Do-Check-Act' on a continuing cycle to ensure that the council is controlling health and safety risk effectively. This is illustrated below.
- 3.3 The focus for this report is upon the 'Planning' stage as we need to establish written policies and standards to support the effective delivery of the management system. At this stage the Health and Safety Officer will also undertake a legislation and risk review to ensure that all health and safety documents produced are legally compliant.



Health, Safety and Welfare Policy and statement

3.3 The Health, Safety and Welfare policy and statement sets out the council's strategic intent in how we are going manage health and safety across the council, along with clearly defined roles and responsibilities for all staff. In order to deliver the policy, the council will follow the Management System, which will contain health and safety documents such as policies, written procedures, risk assessment checklists which will form part of the Health and Safety Manual (currently being updated and located on the intranet).

Health and Safety Plan

3.4 The next stage is to draft a Health and Safety Plan based upon the council's highest areas of risk which provides us with a focus for delivery. This is important given the volume of work required to be undertaken in this area. The plan will include tasks such as: inspections, audits, training and the revision of policies and procedures. It is proposed to present the plan and the outcome of the legislative and risk review at a later SLT meeting. Once approved, the plan will be monitored on a regular basis so that the senior team can oversee the delivery of the management system.

- 4. Exemptions in accordance with the Access to Information procedure rules
- 4.1 Open session.
- 5. Financial implications []
- 5.1 None arising from the report.
- 6. Legal implications []
- 6.1 Set out within the report.
- 7. Corporate Plan implications
- 7.1 In order to achieve that vision of the plan we need effective health and safety management arrangements to ensure the well-being of our employees and service users, so that we minimise losses (both financial and reputational) to our council from ill health and injury.
- 8. Consultation
- 8.1 The attached documents will be presented at the next Statutory Safety Committee.
- 9. Risk implications
- 9.1 None.
- 10. Knowing your community equality and rural implications
- 10.1 N/A
- 11. Climate implications
- 11.1 N/A
- 12. Corporate implications
- 12.1 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.

Julie Stay, HR and transformation Manager Ext 5688 Councillor S Bray Contact officer:

Executive member:



HBBC

Health, Safety and Welfare Management System

This document describes and explains how health and safety is managed within Hinckley and Bosworth Borough Council with the aim of reducing risk and promoting a culture of safety within its workforce.

Sophia Hands July 2020

Health, Safety and Welfare Management System

1. Introduction

This Health & Safety Management System is intended to directly meet the requirements of the following legislation, regulations and guidance:

- Health & Safety at Work Act 1974
- Management of Health & Safety at Work Regulations 1999
- HSG65 Successful Health & Safety Management

It is designed to control and continually improve the management of health, safety and welfare across Hinckley and Bosworth Borough Council. The system requires the Council and its managers to Plan, Do, Check and Act on a continuing basis to ensure that it is controlling health and safety risk effectively. The key actions are detailed in Section 5.

2. Objectives

In order to support Hinckley and Bosworth Borough Council's <u>Corporate Plan</u>, the values of which are Lead, Involve, Fair and Efficient, a number of objectives has been identified for managing health and safety as detailed below;

- Reduce the number of serious accidents (as defined by HSE)
- Reduce work related illness e.g. stress, musculoskeletal disorders
- Improve employee health, safety and welfare
- Improve the Council's health and safety culture
- Align health, safety and welfare objectives with the overall Council objectives
- Provide a healthy and safe environment for staff, visitors and contractors.
- Minimise loss in terms of staff time, insurance claims and other costs associated with work related injury or illness and maximise council efficiency and performance
- Develop the Health & Safety Management System to improve the control of risks to an acceptable level and ensure continuous improvement in health and safety performance
- Provide sufficient resources to enable the Council, its departments and their managers to comply with health and safety legislation and best practice
- Provide a framework for setting and reviewing occupational health, safety and welfare performance indicators.

3. Responsibilities

Specific responsibilities for health and safety are detailed in Section 3 of the Health & Safety Policy, which is available on the health and safety intranet.

4. Risk Management

Effective risk management is essential if the likelihood and impact of accidents are to be reduced. The Council recognises this and will include the following risks in its strategic risk register.

- a. Failure to embed a health and safety culture resulting in people adopting or continuing unsafe practices, increasing the risk of injury or fatality
- b. Failure to develop and maintain a safe and healthy workplace, resulting in injury or fatality
- c. Failure to consult with employees on health and safety, including dissemination of site specific health, safety and welfare information, increasing the risk of injury or fatality
- d. Failure to manage occupational health and work related safety resulting in increased absence e.g. work related stress, musculoskeletal disorders, repetitive strain injuries
- e. Failure to risk assess, manage and control activities, resulting in injury or fatality
- f. Failure to document, implement and follow safe systems of work, resulting in injury or fatality

5. Health, Safety and Welfare Management System

Detailed below are the actions and standards required to implement this system. Some of these actions were already be in place prior to this system being issued but are included here as they are an integral and on-going part of the system. Specific performance indicators for selected actions are detailed in section 6.

PLAN

- a) Provide and document the Council Health, Safety and Welfare Management System.
- b) Adopt the principles contained in the HSE guidance HSG65 'Managing for Health & Safety' in the Health & Safety Management System.
- c) Establish written policies, standards and procedures and ensure they are reviewed periodically (annually as a minimum) to support and control the Health & Safety Management System in line with legislation
- d) Introduce risk control procedures that identify and effectively manage the risks faced by the Council.
- e) Adopt and embed appropriate safe systems of work to control any unavoidable risks to employees, temporary workers, contractors and visitors
- f) Develop and implement written health and safety action plans as part of the H&S Management review meeting process
- g) Produce SMART health, safety and welfare benchmarks and objectives annually as part of the Council strategy to promote continual improvement.
- h) Identify specific health and safety responsibilities, core competencies and compliance standards for health, safety and welfare.
- i) Identify health and safety responsibilities, competencies, hazards and controls associated with all activities across the Council.
- j) Ascertain mechanisms to encourage and engage employees to become involved with developing and delivering this strategy.
- k) Identify a wide range of stakeholders (employees, visitors, public and contractors) in order to communicate the strategy to promote the health, safety and welfare of all concerned.

I) Develop a Business Continuity Plan

DO

- a) Complete and record risk assessments that identify the key hazards and incorporate the necessary control measures to ensure safe working methods, inform training requirements/programmes and aid continual improvement
- b) Implement all health, safety and welfare policies and procedures
- c) Ensure that health and safety documents are properly issued and controlled
- d) Establish health and safety training and personal development programmes that are supported with an appraisal scheme to ensure all directors, managers and staff are competent in their duties
- e) Promote a positive health and safety culture which actively communicates health, safety and welfare information to directors, managers and staff
- f) Ensure that safe systems of work, risk assessments, hazard awareness and other health and safety information is conveyed through committed and open engagement
- g) Investigate incidents to determine the root causes and corrective actions required to prevent a reoccurrence. Focus will be given to efficiently 'close out' any non-conformances or corrective actions found as a result of an audit, inspection, assessment or incident investigation.
- h) Maintain all relevant health and safety records, and when required, ensure that statutory notifications are made to the HSE.
- i) Appoint competent staff to advise and monitor the implementation of the Health & Safety Management System.
- j) Establish consultation and communication mechanisms to encourage and engage employees, their health and safety representatives, and contractors.
- k) Communicate the strategy to all stakeholders
- I) Implement a written Business Continuity Plan

CHECK

- a) Complete active and reactive monitoring, ensuring that key elements of the Health & Safety Management System are operating effectively. This involves on-going analysis of accident/near miss and absence data to determine statistical trends and planned health and safety inspections and audits
- b) Departments to carry out Director/ Manager led annual inspections focusing on specific health, safety and welfare issues within the workplace and any Council wide requirements/concerns
- c) Conduct an annual Safety Climate Survey to gauge the safety culture within the Council
- d) Benchmark the Council against national health, safety and welfare statistics for local government.
- e) Monitor the success and value for money of health and safety training given throughout the Council.
- f) Monitor, as appropriate to the risks presented, the health and safety performance of contractors who work on behalf of and for the Council.

g) Conduct regular checks on emergency preparedness, ensuring that such tests are recorded and any lessons learnt are duly actioned including Business Continuity Incident Management Plans (BCIMP).

ACT

- a) Review health, safety and welfare performance against set benchmarks and SMART objectives which are set in the H&S Management review meetings.
- b) Review all risk assessments annually or sooner if there has been a significant change in the workplace/activity/legislation or following an accident or near miss.
- c) Produce an annual health and safety performance report to enable the SLT to understand the suitability, adequacy and effectiveness of its Health and Safety Management System.
- d) Review on a periodic basis all strategic risks.
- e) Review, at least annually, staff individual competency needs and their health and safety performance during the appraisal process.
- f) Communicate effectively the outcome of all such reviews.
- g) Agree performance benchmarks at the first H&S Management review meeting of the year to ensure continued improvement.
- h) Identify and publish the benefits of a positive health and safety culture and good performance.
- i) Identify areas that require development to contribute to continual improvement both in the short and long term.
- j) Encourage feedback, using mechanisms such as stakeholder questionnaires to periodically ask management and staff their views on how the Council is managing health, safety and welfare and thereby ensure they are able to input into a future strategy.
- k) Identify further improvements in terms of the overall vision of the Council, its leadership style, employee engagement and communication.

Guidance on the implementation of these performance standards is contained within the Health and Safety Manual, documentation posted on the Health and Safety Intranet or directly from the Health and Safety Officer.

6. Health, Safety and Welfare Performance Indicators

	Objectives	Benchmarks	Steps to achieve
1.	Reduce the accident frequency rate	A measurement to be taken from the first two years to provide a benchmark for subsequent years. Following this, the Council can work towards a reduction in reported accidents. Figure to be reviewed annually with availability of further data. All actions arising from investigations completed within designated timeframes.	Accident reporting system to be reviewed to ensure accurate recording and investigation. Evidence of investigations and completion of actions arising. Analysis of annual /quarterly trends and patterns to determine future improvements
2.	Reduce the RIDDOR accident frequency rate	A measurement to be taken from the first two years to provide a benchmark for subsequent years. Following this, the Council can work towards a reduction in reportable accidents and incidents. Figure to be reviewed annually with availability of further data. All actions arising from investigations completed within designated timeframes.	Accidents and incidents leading to RIDDOR reports thoroughly investigated with actions completed within designated timeframes. Analysis of annual /quarterly trends and patterns to determine future improvements

	Objectives	Benchmarks	Steps to achieve
3.	Improve the reporting ratio of near misses	A measurement to be taken from the first two years to provide a benchmark for subsequent years. Following this, the Council can work towards an increase in ratio of near misses to accidents. Figure to be reviewed annually with availability of further data. All actions arising from investigations completed within designated timeframes.	Incident and near miss reporting procedures to be reviewed and communicated to all employees. Evidence of investigations and completion of actions arising following reports Analysis of annual /quarterly trends and patterns to determine future improvements
4.	Reduce rates of absence due to work related illness including stress, asthma, dermatitis, etc.	A reduction of 10% of absence due to work related illness in the first year. Figure to be reviewed annually with availability of further data.	Training review to be carried out by H&S Officer with recommendations actioned Risk assessments completed for teams and individuals that are exposed to work activities affecting long term health. HR Department to submit work related illness figures, Analysis of annual /quarterly trends and patterns to determine future improvements
5.	Improve the management of risk assessments, achieving minimum Council requirements	Completion of all required risk assessments. Risk Assessments to be accessible to and reviewed annually, with 100% signatories on new and reviewed risk assessments	H&S Officer to assist Managers in reviewing compliance and develop action plans to address any shortfall. Risk assessments reviewed at least annually.

	Objectives	Benchmarks	Steps to achieve
6.	Safe Systems of Work (SSW) to be in place for all high risk activities	Completion of all required safe systems. Safe systems to be accessible to and reviewed annually, with 100% signatories on new and reviewed SSW	SSW to be developed by managers in high risk areas with assistance from the H&S Officer. Managers to review compliance and develop action plan to address any shortfall. SSW reviewed at least annually.
7.	Improve compliance level of training	Achieve 100% completion	H&S Officer to liaise with managers to develop training matrix identifying needs and implementation plan. Managers to actively manage and take action on any non-compliance. Managers returning Induction checklist issued by HR. Completion of mandatory learning modules in Learning Academy.

	Objectives	Benchmarks	Steps to achieve
8.	Improve consultation with employees	100% in consideration/completion of concerns/issues raised by employees from or by Union Rep, H&S meetings, toolbox talks, etc. H&S is an agenda item on all meetings.	Agreement between Council and Trade Unions regarding consultation is communicated effectively to all employees. Documentation of suggestions/issues raised by employees and details of any resolution and/or action taken. Communication: H&S Issues & suggestion Box at each site. Publication of Safety rep details. Ensure all Trade Union Safety Representative and their managers have details of H&S meetings, H&S Inspections and accident investigations. Involvement: Representatives are to be included in H&S inspections, accident investigations, etc.

	Objectives	Benchmarks	Steps to achieve
9.	Develop and implement an annual plan of H&S audit and inspection.	Achieve 100% completion with 100% of recommendations and actions completed within predetermined timeframe, or where actions cannot reasonably be completed, a plan to mitigate and manage the risks has been implemented in the interim period.	Develop and implement an initial audit and inspection plan for the first year to include all sites, followed by a plan for the next three years. Frequency of visits to be determined by risk rating. Recommendations and actions logged with completion or management of risks. Progress monitored and reported to SLT quarterly.
10.	Complete actions or effectively manage all H&S risks identified in the Council/Department risk register	Evidence of controls in place to eliminate or reduce risks identified in risk register.	Monitored through inspections and audits with evidence of:
11.	Improve the management of contractors	Ad-hoc compliance checks by H&S Officer/manager/supervisors.	Develop and implement contractor management arrangements and set up monitoring of contractors. At least 10% of contractor visits to be checked for compliance Non-compliance addressed.

Pa		
age		
23		
ω		

	Objectives	Benchmarks	Steps to achieve
12.	Carry out an initial Safety Climate Survey, followed annually, sharing the results with employees.	 Of the responses received: 75% positive responses. Action is identified to further improve health, safety and welfare of Council employees and visitors. 	Analysis of responses Sharing of results with employees

7. References:

Corporate Plan - https://www.hinckley-bosworth.gov.uk/corporateplan

Although HSE wrote their strategy and plans aimed at 2012-2015, the standards as laid out within the documents remain as relevant in the workplace today.

HSE – Strategy 'Helping Britain Work Well'

HSE - Health and Work Strategy 'Work Related Stress'

http://www.hse.gov.uk/aboutus/strategiesandplans/health-and-work-strategy/work-related-stress.pdf

HSE Sector Plans for health and safety in

- Waste and recycling
- Public services
- Film, broadcasting, theatre and events
- Sports and Leisure

HSE – <u>HSG65</u> 'Managing for Health and Safety'

HSE – INDG417 'Leading Health and Safety at Work' (joint publication with the Institute of Directors)

Health, Safety and Welfare Policy



Contents

Health and Safety General Policy Statement	2
Organisation	3
Roles & responsibilities	3
Strategic Leadership Team shall:	3
Chief Executive will:	3
Directors will:	3
Department Managers, Heads and Officers will:	3
Corporate Health and Safety Officer will:	4
Employees	4
Arrangements and Procedures	
Monitoring, Measurement and Review	
Relevant Legislation	



Hinckley & Bosworth Borough Council

Health and Safety General Policy Statement

Hinckley and Bosworth Borough Council (HBBC) accepts its duty under the Health and Safety at Work etc. Act 1974 and is committed to providing and maintaining safe and healthy working conditions and appropriate welfare arrangements for all of its employees. It also accepts its duties under The Act to other people e.g. contractors, tenants, visitors, members of the public, etc. using its buildings and facilities or affected by activities carried out by or on behalf of the Council.

To achieve this we ensure:

- Provision of safe and healthy workplaces, plant and equipment
- Safe systems of work
- That employees are competent to carry out their tasks and given adequate training
- Provision of suitable and sufficient information, instruction, training and supervision
- That measures are in place to control risks arising from work activities
- Arrangements are in place to disseminate Health and Safety rules
- That employees are consulted about Health and Safety matters
- Provision of adequate welfare facilities
- Equal health and safety treatment for all
- Continuous improvement in health, safety and welfare standards.

Employees at all levels within HBBC are made aware of their responsibilities with regards to health, safety and welfare to themselves, their colleagues and to any others affected by Council business.

Arrangements are in place to regularly monitor and audit the Council's compliance with the Health, Safety and Welfare Management System.

Signed	Position

Date

Health, Safety and Welfare Policy



2. Organisation

The organisation of health and safety within HBBC follows the Senior Management Structure as found on the organisation intranet. The Corporate Services and Monitoring Officer is the Council Safety Champion who, leading by example, is committed to management of health, safety and welfare risks within HBBC.

3. Roles & responsibilities

Strategic Leadership Team shall:

- Agree the overall framework and operational responsibilities for health and safety
- Give due consideration to matters of health, safety and welfare when allocating resources and responsibilities

Chief Executive will:

- be responsible for ensuring compliance with all Health and Safety legislation affecting the operations and activities of Hinckley and Bosworth Borough Council,
- Ensure that financial and other resources are available to meet health, safety and welfare responsibilities,
- Actively promote a positive health and safety culture within the council.

Directors will:

- Co-ordinate work with the Chief Executive and to achieve the standards and procedures prescribed for Health and Safety;
- Ensure that arrangements for the monitoring and audit of Health and Safety are in place across all council sites and premises;
- Ensure adequate financial and other resources are allocated to ensure compliance with health, safety and welfare requirements.
- Take an active and visible role in the management of health, safety and welfare within their directorate and promote a positive health and safety culture
- Ensure that Managers, Heads and Officers of Department fulfil their role and responsibilities in the effective management of health, safety and welfare
- Ensure adequate emergency procedures exist and have been practiced and communicated to employees.

Department Managers, Heads and Officers will:

- Take an active and visible role in the management of health, safety and welfare within their department and promote a positive health and safety culture
- Provide all staff with appropriate health and safety training as part of an induction and on-going programme;
- Together with HBBC staff, assess and control the risks to health and safety of all persons from hazards at council premise, sites and any other HBBC-related activities, wherever they are undertaken;
- Provide equipment and articles for their department that are suitable for their intended use, are correctly serviced and properly maintained;
- Liaise with contractors, or their representatives undertaking any works on site, to ensure the safety of all persons exposed;
- Provide suitable personal protective equipment and ensure its correct use (where a risk assessment identifies it as required);
 Page 27

- Ensure hazardous materials and substances are properly used, stored and disposed of;
- Report and investigate all incidents, ensuring learning is shared and implemented across the organisation.
- Consult with and provide information relating to health and safety to safety representatives
- Bring to the attention of the Health and Safety Officer any matters of Health and Safety that cannot be resolved or are of imminent danger to any person;

Corporate Health and Safety Officer will:

- Produce a draft annual Health and Safety Plan for approval by the SLT;
- Assist with investigation of accidents and incidents and report to the HSE under RIDDOR
- Provide competent advice and support on health, safety and welfare matters
- Arrange for initial audits and/or inspections, followed by a programme of further monitoring at a frequency identified by risk assessment,
- Assist Managers/ Department heads and Officers to arrange and where appropriate deliver Health and Safety training,
- Ensure adequate emergency procedures are arranged and practiced,
- Bring the details of any serious concerns to the attention of the SLT,
- Provide quarterly reports on Health and Safety to the SLT,
- Promote a positive health and safety culture within HBBC

Employees

As employees, all members of staff have a duty in law to:

- Take reasonable care for their own health and safety and that of others who may be affected by their acts or omissions at work
- Co-operate with managers to ensure compliance with health, safety and welfare legislation take a pro-active approach to health and safety
- Use plant, machinery, equipment, dangerous substances and other safety devices in accordance with health and safety information, instruction and training they have been provided with or seek appropriate guidance
- Not misuse or interfere with anything provided in the interests of health and safety at work
- Where an imminent and significant risk to a person's health or safety exists, stop the activity being undertaken and when safe to do so, notify their line manager
- Immediately report accidents, violent incidents, near misses, dangerous occurrences, hazardous workplaces or defective equipment to their line manager

All staff are encouraged to participate in improving Health and Safety by reporting all Health and Safety concerns to their manager, Safety Representative or the Health and Safety Officer and to foster safety consciousness and good practice amongst other employees.

4. Arrangements and Procedures

In order to deliver the Health and Safety Policy, the Council will follow the Health and Safety Management System. Subsequent policy and guidance regarding areas within health, safety and welfare are laid out in the Health and Safety Manual. The manual is available to all staff on the Intranet, an internet based file management system. The manual contains policy documents, information, guidance, forms and risk assessment checklists.

5. Monitoring, Measurement and Review

Monitoring and review allows the effectiveness of the Management System to be checked. The Council use key performance indicators to magain? Berformance against its health and safety

Health, Safety and Welfare Policy



objectives as laid out in the Health and Safety Management System. A plan of inspections and audits is followed to ensure that the Council are compliant with current legal, Council, industry and best practice standards and guidance.

6. Relevant Legislation

The document Legal Register can be found under Health and Safety Management section of Intranet. The document outlines the main statutes and regulations affecting health and safety and welfare at Hinckley and Bosworth Borough Council.





Forward timetable of consultation and decision making

Ethical Governance & Personnel Committee 1 October 2020

Wards affected: All wards

Corporate complaints 2019-2020

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 the number of complaints.
- 2.3 Members note that there was no fault found by the Local Government & Social Care Ombudsman for any complaint during 2019/20.

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 2019/20
- 3.7 During the period 1 April 2019 31 March 2020 a total of 163 complaints were processed under the formal complaints procedure.

The number of complaints in 27 service categories is as below:

ASB & Tenancy Management	6
Benefits	4
Benefits & Customer Services	1
Car Parks	1
Communications	1
Communications & Refuse & Recycling	1
Customer Services	1
Democratic Services	1
Elections	6
Environmental Health	4
Estates & Assets	2
Finance	1
Green Spaces	5
Housing Allocations	9
Housing Options	11
Housing Repairs	40
Housing Repairs & Green Spaces	1
Neighbourhood Wardens	1
Planning	11
Refuse & Recycling	28
Revenues	20

Revenues & Refuse & Recycling	1
Street Cleaning	1
Streetscene & Customer Services	1
Tenancy management	4
Tenancy management / Housing Repairs	1

Total complaints 163

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

163	2012/13	54
177	2011/12	39
181	2010/11	39
174	2009/10	37
107	2008/09	31
96	2007/08	28
74	2006/07	27
	177 181 174 107 96	177 2011/12 181 2010/11 174 2009/10 107 2008/09 96 2007/08

Despite the national trend of an increase in complaints, complaints to this authority have decreased for the second year in a row. 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 163 complaints processed, the following outcomes were recorded:

Complaint upheld	54
Complaint upheld in part	18
Complaint not upheld	90
Other:	1

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:

ASB & Tenancy Management	2
Benefits	2
Benefits & Customer Services	1
Customer Services	1
Democratic Services	1
Environmental Health	1
Estates & Assets	1
Finance	1
Green Spaces	2
Housing Allocations	3
Housing Repairs	24
Housing Repairs / Green Spaces	1
0 1	

Neighbourhood Wardens	1
Refuse & Recycling	18
Revenues	11
Street Cleaning	1
Streetscene / Customer Services	1

Total upheld or upheld in part 72

- 3.11 The service areas with high numbers of complaints have been examined to look for common themes. The following themes have been identified:
 - Housing repairs: Issues with work of contractors, time taken to carry out work and issues with individual staff.
 - Refuse & recycling: Bins not collected or replaced incorrectly and attitude of workers.
 - Revenues: No main themes but complaints included issues around lack of information or incorrect information given and being unhappy with treatment.
 - Housing Options: No main themes mainly unhappy at not receiving help or being treated unfairly.
 - Planning: Majority unhappy that enforcement action was not taken.
- 3.12 No compensation was paid during 2019/20 as a result of a stage 1 complaint.
- 3.13 Of the 163 complaints received, 139 went no further than stage 1, suggesting that the complainant was satisfied with the response, and 24 were reviewed at stage 2. These stage 2 complaints related to the following service areas:

Anti-Social Behaviour (ASB)	2
Environmental Health	1
Housing Allocations	1
Housing Options	2
Housing Repairs	7
Housing Repairs / Green Spaces	1
Planning	5
Revenues	3
Tenancy Management	1
Tenancy management / Housing Repairs	1

Local Government and Social Care Ombudsman (LGSCO) complaints

3.14 During 2019/20 ten 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 two more than in 2018/19.

- 3.15 The outcome of the ten complaints was as follows:
 - Three were not investigated as there was insufficient evidence of fault
 - Two were not investigated as alternative avenues of action were available
 - One was not investigated as the alleged fault had not caused injustice
 - One was not investigated as the events were too long ago and would not achieve the outcome the complainant sought
 - Two were investigated and no fault was found
 - One is currently awaiting a final decision but the provisional decision is one of no fault.
- 3.16 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 within the figures.
 - Housing Ombudsman complaints
- 3.17 No complaint was lodged with the Housing Ombudsman during 2019/20.
 - Persistent and unreasonable complainant behaviour policy
- 3.18 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.
- 3.19 The policy has not been applied to any individual in 2019/20.
- 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 (MR)
- 6.1 None.
- 7. Corporate Plan implications
- 7.1 This report supports all aims and objections 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	Ensure service areas learn	Service
services or service improvements	from complaints	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. Climate implications

11.1 This report is not proposing a new policy or service and therefore has no impact on climate change.

12. Corporate implications

- 12.1 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





22 July 2020

By email

Mr Cullen Chief Executive Hinckley & Bosworth Borough Council

Dear Mr Cullen

Annual Review letter 2020

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2020. Given the exceptional pressures under which local authorities have been working over recent months, I thought carefully about whether it was still appropriate to send you this annual update. However, now, more than ever, I believe that it is essential that the public experience of local services is at the heart of our thinking. So, I hope that this feedback, which provides unique insight into the lived experience of your Council's services, will be useful as you continue to deal with the current situation and plan for the future.

Complaint statistics

This year, we continue to place our focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have made several changes over recent years to improve the data we capture and report. We focus our statistics on these three key areas:

Complaints upheld - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

Compliance with recommendations - We recommend ways for authorities to put things right when faults have caused injustice. Our recommendations try to put people back in the position they were before the fault and we monitor authorities to ensure they comply with our recommendations. Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to

resolving complaints. We recognise cases where an authority has taken steps to put things right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

This data will be uploaded to our interactive map, <u>Your council's performance</u>, along with a copy of this letter on 29 July 2020, and our Review of Local Government Complaints. For further information on how to interpret our statistics, please visit our <u>website</u>.

Resources to help you get it right

There are a range of resources available that can support you to place the learning from complaints, about your authority and others, at the heart of your system of corporate governance. Your council's performance launched last year and puts our data and information about councils in one place. Again, the emphasis is on learning, not numbers. You can find the decisions we have made, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the tool with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

Earlier this year, we held our link officer seminars in London, Bristol, Leeds and Birmingham. Attended by 178 delegates from 143 local authorities, we focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.

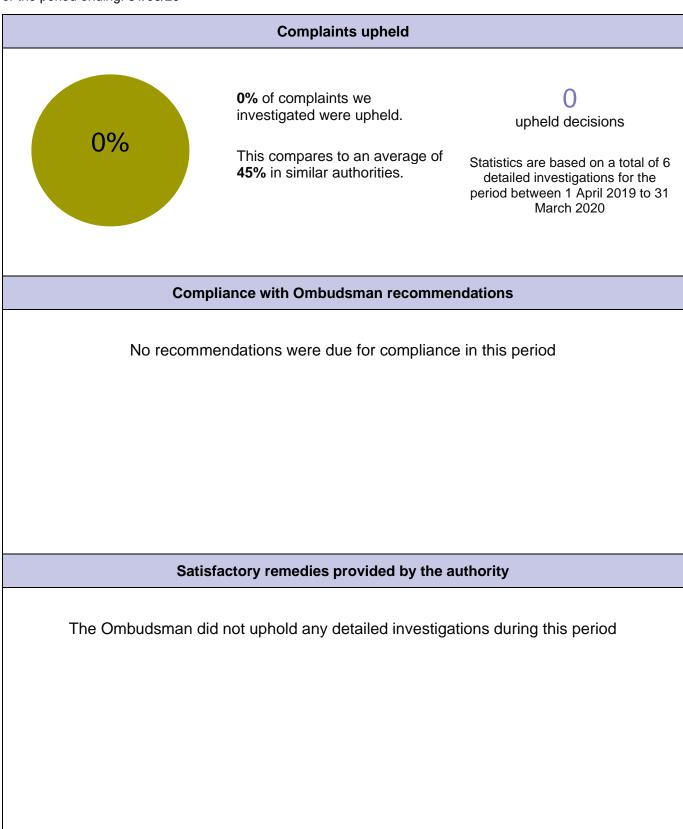
We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we delivered last year and included more training to adult social care providers than ever before. 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





ס
ag
Ð
43

Reference	Authority	Category	Received
19000412	Hinckley & Bosworth Borough Council	Planning & Development	05 Apr 2019
19001448	Hinckley & Bosworth Borough Council	Housing	02 May 2019
18019735	Hinckley & Bosworth Borough Council	Housing	01 Apr 2019
19002032	Hinckley & Bosworth Borough Council	Planning & Development	08 May 2019
19006083	Hinckley & Bosworth Borough Council	Planning & Development	10 Jul 2019
19007694	Hinckley & Bosworth Borough Council	Planning & Development	07 Aug 2019
19007840	Hinckley & Bosworth Borough Council	Environmental Services & Public Protection & Regulation	16 Sep 2019
19009376	Hinckley & Bosworth Borough Council	Benefits & Tax	04 Sep 2019
19015330	Hinckley & Bosworth Borough Council	Housing	06 Dec 2019
19015403	Hinckley & Bosworth Borough Council	Planning & Development	09 Dec 2019
19016106	Hinckley & Bosworth Borough Council	Housing	20 Dec 2019
19016912	Hinckley & Bosworth Borough Council	Planning & Development	10 Jan 2020

Category	Decided	Decision	Decison Reason
Planning & Development	17/07/19	Not Upheld	Other reason not to continue with investigation
Housing	15/10/19	Not Upheld	no mal
Planning & Development	25/06/19	Not Upheld	no mal
Planning & Development	03/10/19	Not Upheld	no mal
Planning & Development	13/09/19	Not Upheld	no mal
Housing	26/04/19	Closed after initial enquiries	Not warranted by alleged mal/service failure
Planning & Development	09/04/19	Closed after initial enquiries	Not warranted by alleged mal/service failure
Housing	13/05/19	Closed after initial enquiries	Not warranted by alleged mal/service failure
Planning & Development	01/07/19	Closed after initial enquiries	Not warranted by alleged mal/service failure
Planning & Development	03/12/19	Not Upheld	no mal
Planning & Development	08/10/19	Closed after initial enquiries	26B(2) not made in 12 months
Environmental Services & Public Protection & Regulation	12/11/19	Closed after initial enquiries	Sch 5.5A/5.5B Social housing landlord
Benefits & Tax	04/09/19	Referred back for local resolution	Premature Decision - advice given
Housing	17/02/20	Closed after initial enquiries	26(6)(c) Court remedy
Planning & Development	10/01/20	Referred back for local resolution	Premature Decision - advice given

Agenda Item 13

By virtue of paragraph(s) 1, 2, 10 of Part 1 of Schedule 12A of the Local Government Act 1972.





Agenda Item 14

By virtue of paragraph(s) 1, 2, 10 of Part 1 of Schedule 12A of the Local Government Act 1972.







