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COMMITTEE:	JOINT OVERVIEW AND SCRUTINY COMMITTEE
DATE:	THURSDAY, 18 JULY 2019 9.30 AM
VENUE:	BRITTEN ROOM - ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH

Babergh	Members	Mid Suffolk
<u>Conservative Group</u> Sue Ayres Mary McLaren Adrian Osborne <u>Green Group</u> Jane Gould <u>Independent Group</u> Kathryn Grandon Alastair McCraw (Co-Chair)		<u>Conservative and Independent Group</u> James Caston Lavinia Hadingham Dave Muller <u>Green Group</u> Andrew Mellen Keith Welham (Co-Chair) <u>Liberal Democrat Group</u> Keith Scarff

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AGENDA

PART 1

MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

Page(s)

- 1 **APOLOGIES AND SUBSTITUTES**
- 2 **DECLARATION OF INTERESTS**
- 3 **JOS/19/2 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 1 JULY 2019** 1 - 4
- 4 **TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

5 **QUESTIONS BY THE PUBLIC**

To consider questions from and provide answers to members of the public on any matter in relation to which the Committee has powers or duties and of which due notice has been given in accordance with the Committee and Sub-Committee Procedures Rules.

6 **QUESTIONS BY COUNCILLORS**

To consider questions from and provide answers to Councillors on any matter in relation to which the Committee has powers or duties and of which due notice has been given in accordance with the Committee and Sub-Committee Procedure Rules.

7 **JOS/19/3 AMENDMENTS TO THE JOINT COMPLIMENTS, COMMENTS AND COMPLAINTS POLICY: UPDATE ON PROGRESS SINCE LAST MEETING.** 5 - 42

Babergh and Mid Suffolk Cabinet Members for Customers, Digital Transformation and Improvements

Members are asked to agree the recommendations.

8 **JOS/19/4 DISABLED FACILITIES GRANT.** 43 - 48

Babergh Cabinet Member for Housing
Mid Suffolk Cabinet Member for Communities and Housing

Members are asked to note the report

9 **TASK AND FINISH GROUP FOR GIPSY AND TRAVELLER SITES IN THE DISTRICTS**

Members are asked to set up a Task and Finish Group for Gipsy and Travellers site in Babergh and Mid Suffolk Districts.

10 **JOS/19/5 INFORMATION BULLETIN** 49 - 54

The Information Bulletin is a document that is made available to the public with the published agenda papers. It can include update information requested by the Committee as well as information that a service considers should be made known to the Committee.

This Information Bulletin contains updates on the following subjects:

- Staff Turnover and Welfare

11 **FORTHCOMING DECISIONS LIST**

To review the Council's Forthcoming Decisions List and identify any items to be brought before the Overview and Scrutiny Committee.

Please note the most up to date version can be found via the Website:

<https://www.babergh.gov.uk/the-council/forthcoming-decisions-list/>

Paper copies will be available at the meeting.

12 **JOS/19/6 BABERGH OVERVIEW AND SCRUTINY WORK PLAN** 55 - 58

To agree the Work Plan

13 **JOS/19/7 MID SUFFOLK OVERVIEW AND SCRUTINY WORK PLAN** 59 - 62

To agree the Work Plan

14 **RESOLUTION TO EXCLUDE THE PUBLIC (WHICH TERM INCLUDES THE PRESS)**

To consider, whether, pursuant to Part 1 of Schedule 12A of the Local Government Act 1972 the public be excluded from the meeting for the business specified below on the grounds that if the public were present during this item, it is likely that there would be the disclosure to them of exempt information as indicated against the item.

The authors of the report propose to be considered in Part 2 of the Agenda are satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PART 2

MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC EXCLUDED

15 **JOS/19/8 TO CONFIRM THE RESTRICTED MINUTES OF THE MEETING HELD ON THE 1 JULY 2019** 63 - 64

Date and Time of next meeting

Please note that the next meeting is scheduled for Monday, 19 August 2019 at 9.30 am.

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Robert Carmichael on: 01449 724930 or Email: committees@baberghmidsuffolk.gov.uk

Introduction to Public Meetings

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

Domestic Arrangements:

- Toilets are situated opposite the meeting room.
- Cold water is also available outside opposite the room.
- Please switch off all mobile phones or turn them to silent.

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If you hear the alarm:

1. Leave the building immediately via a Fire Exit and make your way to the Assembly Point (Ipswich Town Football Ground).
2. Follow the signs directing you to the Fire Exits at each end of the floor.
3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
4. Use the stairs, not the lifts.
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Agenda Item 3

BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **JOINT OVERVIEW AND SCRUTINY COMMITTEE** held in the King Edmund Chamber - Endeavour House, 8 Russell Road, Ipswich on Monday, 1 July 2019

PRESENT:

Councillor: Keith Welham (Chair)

Councillors:	Sue Ayres	James Caston
	Jane Gould	Kathryn Grandon
	Lavinia Hadingham	Alastair McCraw (Co-Chair)
	Mary McLaren	Andrew Mellen
	Dave Muller	Adrian Osborne
	Keith Scarff	

In attendance:

Guest(s): David Busby
John Hinton

Chris Haworth – Chair of CIFCO Capital Ltd
Mark Sargeantson – Chair of CIFCO Capital Ltd
Rick Meyer - Director-elect CIFCO Capital Ltd
Nigel Golder - Director- Strategic Asset Management, JLL (Advisers to CIFCO Capital Ltd
Neville Pritchard - Director- Capital Markets, JLL

Officers:

Strategic Director (JS)
Assistant Director - Assets and Investments (EA)
Deputy Monitoring Officer and Corporate Manager-Democratic Service
Senior Acting Governance Support Officer (HH)

Apologies: None

2 DECLARATION OF INTERESTS

2.1 There were no declarations of interests.

3 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

3.1 None received.

4 QUESTIONS BY THE PUBLIC

4.1 None received.

5 QUESTIONS BY COUNCILLORS

5.1 None received.

6 JOS/19/1 CAPITAL INVESTMENT FUND COMPANY ('CIFCO CAPITAL LTD') BUSINESS TRADING AND PERFORMANCE REPORT 2018/19

6.1 The Assistant Director for Assets and Investments introduced the Board Members and Advisors:

Name	Position
Chris Haworth	Chair CIFCO Capital Ltd
Mark Sargeantson	Chair CIFCO Capital Ltd
Rick Meyer	Director-elect CIFCO Capital Ltd
Nigel Golder	Director- Strategic Asset Management, JLL (Advisers to CIFCO Capital Ltd)
Neville Pritchard	Director- Capital Markets, JLL

6.2 Chris Haworth, Chair of CIFCO Capital Ltd. provided the first part of the presentation which covered a summary of the current portfolio, the purpose of the CIFCO Business Plan, and Key Performance Indicators.

6.3 Neville Pritchard, Director – Capital Market, Jones La Salle Ltd (JLL) then detailed the current market for business properties. He stated that currently there was £65 billion transaction in the housing market, which had been slowed down by Brexit, but was now slowly increasing again as the market gained confidence.

6.4 Industrial properties performed best, as industrial units were used for a multitude of purposes including mail order distributions units.

6.5 Office suites also performed well in the market, and the view was to focus on office units and industrial property. A good location applied to tenants and in combination with a long lease, would make industrial units prospective assets to increase the property portfolios.

6.6 Nigel Golder, Director- Strategic Asset Management, JLL (Advisers to CIFCO Capital Ltd) then continued the presentation, including investment strategy and sector targets,

6.7 The Assistant Director for Assets and Investments presented the Council's capital and revenue in relation to CIFCO

6.8 Councillor Grandon asked why CIFCO invested in the high street retail

market, when it was performing less favourable and if national retailers negotiated individual rental agreements for their branches.

- 6.9 Neville Pritchard responded that the property in question was mostly food orientated store. These kind of stores perform better than the other high street stores. The unit also had the potential to be divided into smaller units, should the current tenant serve notice. It was agreed that food stores were a strong asset to have in the property portfolio.
- 6.10 Councillor McCraw reminded Members that risk management had been undertaken and that that this part for the business set-up had been scrutinised last year.
- 6.11 Councillor Caston enquired if car parks were included in the respective properties with car parks and it was confirmed that in principle most of the car parks were included.
- 6.12 Councillor Scarff was concerned that the increase in councils investing in business properties were inflating the business property market.
- 6.13 Neville Pritchard responded that the investments that councils made were only a small portion of the investment market, around £3 billions of the £65 billion invested in the property market.
- 6.14 Mark Sargeantson added when CIFCO was bidding for a property the purchase had to fulfil certain criteria otherwise CIFCO would withdraw from the process.
- 6.15 Councillor Welham enquired how optimistic the Director were in negotiating rent increase as there currently was breakdown in rents in the high street retail sector.
- 6.16 Nigel Golder explained that every six- months CIFCO had face to face with the occupiers of the properties to anticipate outcome of rent negotiations.
- 6.17 Part of the management of the portfolio was to look at assets to add value and currently there was no need to sell any properties. However, should this become a need the funds would be reinvested in other properties.
- 6.18 Councillor Mellen asked how the Directors anticipated the effect of Brexit and the rise of the No-deal Brexit.
- 6.19 Neville Pritchard responded that fundamentally there was a limited supply of good properties and that eventually business would be affected by Brexit. Some occupiers are concerned about the effects of Brexit, which had slowed the market down. However, overall there the market had been confident during the past eighteen months, but matters were likely to improve once it became known how Brexit would be attained.

6.20 The Chair asked if the covenants and fundamental income would be affected by Brexit and the effects this might have on the market. Nigel Golder responded that the fundamental income stream was predicted to be steady for the next five years.

7 RESOLUTION TO EXCLUDE THE PUBLIC (WHICH TERM INCLUDES THE PRESS)

By a unanimous vote

It was Resolved: -

That under section 100(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act in the paragraph registered against the item:

8 PART 2 APPENDIX A - DRAFT CIFCO CAPITAL LTD BUSINESS PLAN 2019/20 (CONFIDENTIAL)

The business of the meeting was concluded at 3.15 pm.

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Chair

Agenda Item 7

BABERGH DISTRICT COUNCIL

COMMITTEE: Overview and Scrutiny		REPORT NUMBER: JOS/19/3
FROM:	Cabinet Member for Customers, Digital Transformations and Improvement	DATE OF MEETING: 18 July 2019
OFFICER:	Samantha Lake Corporate Manager for Customer Services	KEY DECISION REF NO. N/A

AMENDMENTS TO THE JOINT COMPLIMENTS, COMMENTS AND COMPLAINTS POLICY: UPDATE ON PROGRESS SINCE LAST MEETING.

1. PURPOSE OF REPORT

To provide an update to Overview and Scrutiny on the progress made regarding Stage 1 and 2 complaints improvements, since the initial discussion in May 2018.

Ensure Overview and Scrutiny have the previous minutes for context and to understand the plans moving forwards.

To allow for the draft policy to be implemented in August 2019 and monitored to understand the impact.

2. Context

2.1 To following documents have been attached to ensure that the previous minutes detailing the conversations have been included for context:

- a) The minutes from the overview and scrutiny meeting on 21st May 2018
- b) The minutes from the cabinet report dated 9th August 2018.
- c) The updated policy and the existing policy.

2. OPTIONS CONSIDERED

2.1 The options that have been considered are:

- a) To retain the existing policy, until such time that it is agreed to be implemented. The current policy extends the time taken for complainants to access the Ombudsman and which is inefficient for the customer and resource intensive.
- b) To agree the changes identified in the revised Joint Compliments, Comments and Complaints Policy from August 2019, ensuring an improved customer focused experience.

3. RECOMMENDATIONS

- a. That the revised Joint Compliments, Comments and Complaints Policy be agreed to commence in August.
- b. To note that complaints reports are submitted every month to the Senior Leadership Team.
- c. To agree that another report be submitted to Overview and Scrutiny in 2020.

REASON FOR DECISION

To improve the Joint Corporate Comments, Compliments and Complaints Policy so that the customer is at the heart of the process with complaints being dealt with effectively leading to more customers being satisfied at all stages of the process for the investigation of their complaints.

3. KEY INFORMATION

Background

- 3.1 Since the meetings detailed above the LGO offered training sessions for all 50 staff identified as being involved in the complaints process. Of the 50 people invited we had an 82% attendance (41 attended out of 50). The sessions took place on 19th February 2019 and 11th, 12th and 21st March 2019.
- 3.2 The training covered the following areas; Customer care issues and individual experiences of complaints, overview of dealing with complaints (defining the complaint, planning the investigation, collecting and analysing information). There was then an opportunity to practice using the skills developed through a practical complaint handling exercise. The complaint sessions were well received and anecdotally, from dip tests, we have seen an improvement in the quality of stage one responses already.
- 3.3 During the training the LGO recognised that our complaints had been handled effectively and they agreed the changes to the process regarding the requirement for additional evidence to be submitted to start a stage 2 process was common across Local Authorities. The LGO also urged us to take the view that complaints are a positive opportunity to understand improvements required across the organisation.
- 3.4 The LGO feedback concurs with the views expressed by the Barrister who initially reviewed our policy in 2018 and suggested the amendments that were made regarding our stage 2 process to support with streamlining our complaints process. This also mirrors complaint processes across many private organisations and allows for a greater level of customer service, through expediting the stage 2 complaints to the ombudsman. This allows our customers to only wait 10 days to ask for an ombudsman investigation, rather than the 30 it currently takes.
- 3.5 A complaint survey was conducted in May 2018 with our customers to tell us about their experience. The key information this provided was that most people (77%) had used our online form to register their complaint and that 87% of people found it either easy or not easy or difficult to register a complaint with us. This is positive as it shows the customers desire to submit complaints using our online forms. The survey did

highlight some areas for improvement, predominately regarding the speed in which we communicated progress with them, with 81% stating this was poorly handled. This was the driving catalyst behind the implementation of the new complaints system and the complaints training.

4. DATA SHOWING THE NUMERICAL IMPACT OF THE TRAINING:

- 4.1 Comparing both 2018 and 2019 (January to May) we have seen a reduction in stage 1 complaints from 140 in 2018 to 128 in 2019 (9% decrease in stage one)
- 4.2 Comparing the same time period of 2018 and 2019 for stage 2 we have seen 20 in 2018 and 18 in 2019, therefore there has been a 10% decrease in our stage 2 complaints.
- 4.3 There has been a reduction in the level of complaints which have been either upheld or partially upheld when comparing January to May 2018 against January to May 2019. The data shows that we have seen an 11% monthly reduction in upheld or partially upheld stage 1 responses and a 34% reduction in stage 2 upheld or partially upheld stage 2 responses in 2019.

Fig 1. Stage 1 complaints for 2019 versus 2019 January to May.

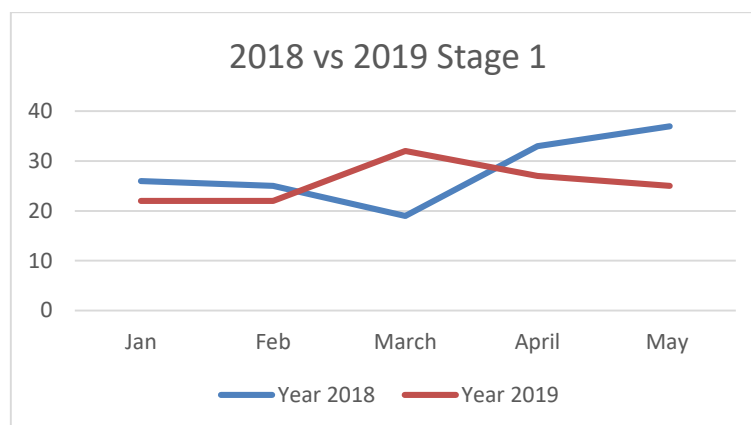
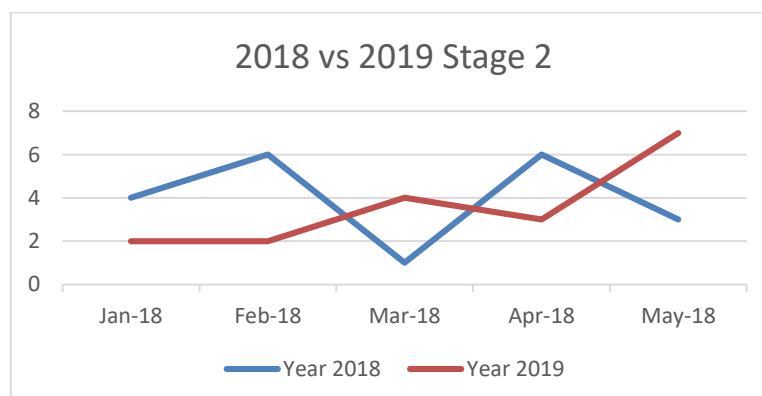


Fig 2. Stage 2 complaints for 2019 versus 2019 January to May.

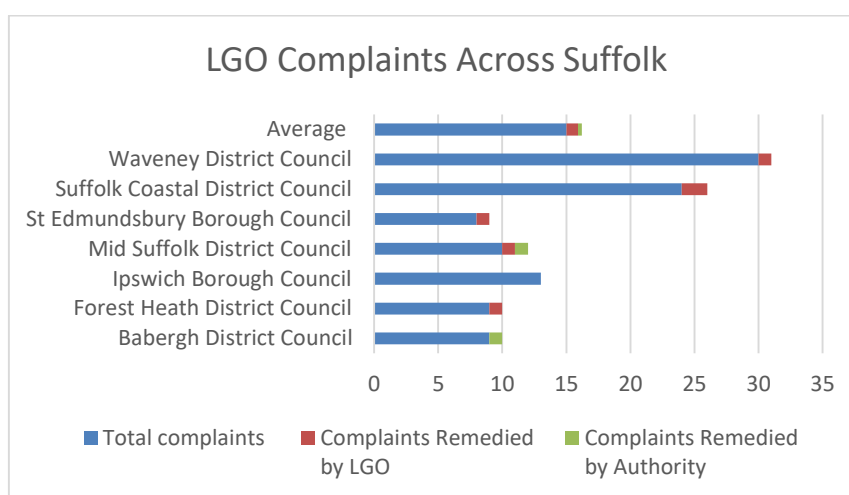


- 4.4 Comparing the complaints across Suffolk from the annual Local Government Ombudsman (LGO) reports published for the year ending 31st March 2018, demonstrate we received lower than average levels of complaints in comparison to

other Suffolk authorities. The data also illustrates we were the only Local Authority to have adequately remedied the complaint when the complaint had reached the LGO investigation. This would suggest we have proactively handled the complaint before the ombudsman stage and taken ownership when we have made a mistake.

- 4.5 The data shows that we did have 1 complaint that required LGO remedy in 2018, this is broadly in line with other local authorities across 2017 to 2018. Whilst the LGO data is not yet published for 2018 to March 2019, I can confirm we have not seen any complaints in either Babergh or Mid Suffolk which required LGO remedial action, showing clear improvements have been made.
- 4.6 Lastly comparing our compliments registered from 2017-18 and 2018-19 we have seen 9% increase in compliments, with 115 registered compliments across 2018-19. This also demonstrates some of the positive work taking place across Babergh and Mid Suffolk.

Fig 3. LGO complaints from 2017 to March 2018 across Suffolk.



Authority Name	Invalid or Incomplete	Advice Given	Referred Back for Local Resolution	Closed after Initial Enquiries	Not Upheld	Upheld	Uphold Rate (%)	Total complaints	Complaints Remedied by LGO	Complaints Remedied by Authority
Babergh District Council	0	1	2	3	2	1	33	9	0	1
Forest Heath District Council	0	0	0	8	0	1	100	9	1	0
Ipswich Borough Council	1	0	5	7	0	0	0	13	0	0
Mid Suffolk District Council	0	0	4	3	1	2	67	10	1	1
St Edmundsbury Borough Council	0	0	3	2	2	1	33	8	1	0
Suffolk Coastal District Council	0	0	6	11	4	3	43	24	2	0
Waveney District Council	1	1	8	17	2	1	33	30	1	0
Average	0.3	0.3	4	7	1.6	1.3	44%	15	0.9	0.3

5 OUR CURRENT COMPLAINTS PROCESS:

- 5.1 Customers can log complaints via an online form on our website, through our customer services team by phone or letter. The customer services officers will then acknowledge the complaint within 3 days and record this on our shared complaints spreadsheet. The designated Corporate Manager will be informed of the complaint and the timescale for a response (either 10 working days for a stage 1 or 20 working days for a stage 2).

- 5.2 The Corporate Manager then needs to manually update the spreadsheet and record lessons learnt. Due to the manual requirements of completing and updating the spreadsheet often, the lessons learnt columns are left blank and therefore it is difficult to understand broader lessons learnt.
- 5.3 If customers are unhappy with a stage 1 complaint response, they can request a stage 2 investigation to be conducted before it can go to an ombudsman. The stage 2 complaints are investigated by an impartial officer in the Business Improvement team.
- 5.3 After reviewing the complaints that go to stage 2, often the responses mirror the outcome in stage 1. This can often feel like an unnecessary additional step for a complainant wishing to take their complaint to an ombudsman and mirrors the customers feedback regarding their dissatisfaction on our lengthy complaints process.

6. THE NEW PROCESS AND FORWARD PLANS

- 6.1 We will be implementing the new 'contact us' Firmstep system, starting with a 'soft launch' with waste services from the 19th June with the plan to launch across the rest of the organisation from the 22nd of July.
- 6.2 The process will then allow complainants to log a complaint, comment or compliment online, through an online form and receive an automated response, letting them know someone will be looking into the complaint. This will allow complainants to receive an instant acknowledgement of their complaint. The customer will also be able to log a complaint through telephone and letter, which a customer services officer can upload onto the contact us system. This will ensure we have a central area for all complaint information storage.
- 6.3 The system will then alert the Corporate Manager through e-mail to review, investigate and respond to the complaint. The system has built in alerts to send reminder e-mails to ensure that the response is delivered in the timescales set out in our policy and allows the investigation planning to be recorded through the system, which promotes high quality stage 1 responses. Lastly there is a mandatory field to complete lessons learnt in the system, to demonstrate the improvements made as a result of the complaint.
- 6.4 For the first 3 months a 'review' function has been enabled to ensure that before the complaint goes to the customer an impartial member of the customer services management team can review the complaint from a quality and consistency perspective to embed the learning from the ombudsman training.
- 6.5 Once the stage 1 complaint has been investigated and response made to the customer, they will then have either the opportunity to ask for a stage 2 investigation, if they have additional information to add, or they can go directly to the ombudsman. This allows a greater level of service for the customer, as often the customer has already contacted the ombudsman and have been redirected to go through the stage 2 process first.
- 6.6 The implementation of the new system will not change our process vastly but will allow us to have more vigorous checks and gather more robust data. This will allow

us to then produce reports in Power BI to show the geographical location and high-level trends from our complaints.

- 6.7 Using the trend and lessons learnt data, we will start a 6-monthly edition of 'You said, we did' looking at the improvements that have been made as a result of the complaints, compliments and comments.
- 6.8 An aspect of the new complaints system is to develop a culture of improvement through feedback. This means that ongoing training, development and complaints tile on connect will be produced. The complaints tile will have video training on how to use the system effectively, quizzes to test the learning following the training and best practice bulletins to promote shared learning through complaints. We have also invested in a Customer Liaison Officer role for 9 months to ensure that we have heightened focus on the embedding a robust culture of feedback, through quantitative and qualitative analysis.
- 6.9 Following on from the complaints survey one of the improvements from a customer perspective is that they can log onto the system and track the progress on their complaint, providing greater visibility as requested through the customer survey. The customer services team will also be promoting throughout the system roll out training the need to call our complainants as part of the investigation activity, with 26% of people suggesting this would be something they would find preferable. A new survey will be completed after 3 months of the system being in place, to see what improvements have been made and the findings of this will included this as part of the 'You said, we did' publication.

5. LINKS TO JOINT STRATEGIC PLAN

- 5.1 Complaints and lessons learned sit under the intelligence and performance hexagon/project underpinning the JSP

6. FINANCIAL IMPLICATIONS

- 6.1 The financial impact as a result of implementing this change would be around £96 per stage 2 complaint not submitted. This is calculated on one grade 4 officers time to investigate and respond to a complaint, with the average time taking a minimum of one full day as an estimate. This does not include the Corporate Managers time to support the investigation and the Corporate Manager time in reading and approving the complaint response.
- 6.2 There are no legal implications identified.

7. RISK MANAGEMENT

- 7.1 This report is most closely linked with the operational risks set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
If these changes are not introduced this could lead to the Councils continuing to	6 - Medium	Additional demand on resource to investigate the stage 2 complaints.	The recommended change to the criteria for escalating complaints to stage

receive more stage 2 complaints.			2 should reduce the number at this level.
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8. CONSULTATIONS

- 8.1 The amended policy was examined at a Joint Overview and Scrutiny meeting on 21 May 2018 (Draft minutes attached to the Cabinet agenda) and the Senior Leadership Team was consulted.
- 8.2 The changes to the policy are not assessed as having an impact of a significance that would mean any form of public consultation is required.

9. EQUALITY ANALYSIS

- 9.1 Equality Impact Assessment (EIA) not required. There are no equality and diversity implications arising from this report.

10. ENVIRONMENTAL IMPLICATIONS

- 10.1 There are no environmental implications arising from this report.

11. APPENDICES

Title	Location
Minutes from the overview and scrutiny meeting on 21 st May 2018	Attached
The updated policy and the existing policy for compliments, comments and complaints.	Attached

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The minute from the Joint Overview and Scrutiny committee held on the 21 May 2018 in Endeavour House, Ipswich.

25 JOS/17/15 PROPOSED UPDATES TO THE JOINT COMPLIMENTS, COMMENTS AND COMPLAINTS POLICY

- 25.1 The Project and Research Officer introduced the report and explained how the current complaints procedure consisted of a two-stage system. Initially the complaint would be received, and a resolution sought at Stage One, if the complainant was not satisfied with the response received from the Council at Stage One, the case could be progressed to Stage Two by the complainant. In the last six months 10% of complaints were progressed to Stage Two, of these 39 cases had been investigated but the Ombudsman had only upheld two complaints. This was not considered to be an effective way of responding to complaints and the Amended Complaints Procedure addressed this issue.
- 25.2 The Officers informed Members that if a complainant was behaving abusively to a member of staff then the complaint would not be taken any further.
- 25.3 Members questioned the Officer regarding the process for the new complaints procedure and it was established that under the present complaints procedure, it was up to the complainant to decide if the complaint was progressed to Stage Two. However, under the amended complaints procedure new information was required for the complaint to be progressed to Stage Two. The only other option for the complainant was to take the complaint to the local Ombudsman. The intention was to resolve the majority of complaints at the beginning of the complaint procedure.
- 25.4 Some Members were concerned about abusive customers and if staff were trained in how to deal with this kind of behaviour. They also wanted to know if phone calls were recorded when complainants contacted the Councils. The Lead Member for Customer Service responded that calls to the 0300 telephone number were always recorded, however other phone calls to individual officers were not. She continued to explain how many complaints were resolved satisfactorily at an early stage of the complaints process.
- 25.5 Members referred to page 17, bullet point 9.3 d. and asked if the Councils evaluated how standards were met in relation to complaints. The Officer explained that the public should direct any complaints regarding standards to their Councillor. The Strategic Director reminded Members to inform the Management Team of any complaints received from the public regarding standards.
- 25.6 Members agreed that complaints should always be considered as a possible warning that the service the Council was providing was not up to standard, but also recognised that some members of the public submitted persistent and vexatious complaints and that staff had no obligation to respond to these. The Strategic Director advised Members that the assessment of a persistent and vexatious complainant was delegated to the Strategic Directors. Members attention was drawn to Appendix 4 page 26, paragraph 33 for further clarification.

The minute from the Joint Overview and Scrutiny committee held on the 21 May 2018 in Endeavour House, Ipswich.

- 25.7 Members continued the questioning regarding the anonymity of the complainant and if it was possible to maintain this throughout the complaints process. They also wanted to know who investigated complaints within the departments. The Officer responded that an internal investigation was led by the relevant Corporate Manager as outlined in the Joint Policy for Dealing with Compliments, Comment and Complaints, page 18, bullet point 11.6.
- 25.8 There were concerns amongst Members that it would be more difficult for the public to progress their complaints to Stage Two, if additional information had to be provided. Members felt it was likely that a complainant would include all the relevant information at Stage One and would therefore not have enough new information to progress to Stage Two. This would leave the complainant with no other option than to forward the complaint to the Ombudsman and it was felt that this could make it difficult for the complainant. Delays in resolving the complaint would be likely and this would be detrimental to a timely and satisfactory resolution of the matter.
- 25.9 The response to this concern was that it would be a disadvantage for the Council, if complaints went to the Ombudsman and that the Corporate Management team should endeavour to resolve complaints before this occurred.
- 25.10 Councillor Welsby felt the Councils had a positive attitude towards complaints and the Chief Executive added that a complaint was a learning opportunity and therefore the Councils made sure complaints were processed properly.
- 25.11 Councillor Williams considered that some complaints were a way for the public to express their frustration and was concerned that the amended policy would progress complaints to a legal dispute too early in the process.
- 25.12 In response to the inclusion of the Equality and Diversity Information questionnaire, Officers advised that this was a requirement in accordance with the Councils' Constitutions.
- 25.13 Members continued discussing paragraph 11.6, page 18, Appendix A. Generally, Members felt that this paragraph should be removed from the Amended Complaints Procedure. Other Members asked for further information regarding who investigated complaints within the Council. The Officer responded that initially the complaints would be investigated internally by the relevant department which the complaint was directed at. If this did not resolve the complaint, then currently the complaint would be investigated by an officer who was not involved in the complaint. He said, the Councils would always attempt to work with members of the public to resolve the issue before a complaint became formalised. Once a complaint became formalised and progressed to a Stage One complaint the Councils would continue to work to with the complainant to resolve the issues. Every effort was made to avoid complaints being needlessly forwarded to the Ombudsman.

The minute from the Joint Overview and Scrutiny committee held on the 21 May 2018 in Endeavour House, Ipswich.

The recommendations 2.1 and 2.2 were proposed and seconded.

By 7 to 7 votes.

The Chair used his casting vote and voted against the motion.

The motion was lost.

25.14 Members discussed amendments and it was proposed that recommendations be forwarded to the Cabinet to consider the concerns discussed regarding the amended Stage Two of the Complaints Policy. The following amendment to recommendation 2.1 was proposed and seconded:

2.1 The Committee is asked to recommend to the Cabinets that the revised Corporate Compliments, Comments and Complaints Policy be accepted, subject to the Joint Overview and Scrutiny Committee's concerns related to Stage Two of the Joint Compliments, Comments and Complaints Policy being considered by Cabinet as detailed in the Minutes.

The motion was carried

It was RESOLVED

2.1 **That the Committee recommends to the Cabinets that the revised Corporate Compliments, Comments and Complaints Policy be accepted subject to consideration of the Joint Overview and Scrutiny Committee's concerns related to Stage Two of the Joint Compliments, Comments and Complaints Policy as detailed in the Minutes.**

2.2 **That the Committee recommends to the Cabinets that the Customer Experience Manager be asked to report to the Portfolio Holders any trend that signifies either an increase in the numbers of complaints or the number being upheld.**

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JOINT POLICY FOR BABERGH DISTRICT COUNCIL AND MID SUFFOLK DISTRICT COUNCIL

Endeavour House, 8 Russell Road, Ipswich IP1 2BX
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DEALING WITH COMPLIMENTS, COMMENTS AND COMPLAINTS

Including
Unreasonable, Unreasonably Persistent or Vexatious Complainant Behaviour

A guide for staff, the public, and other providers of the councils' services

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Version: 1

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PURPOSE OF THIS DOCUMENT

1. The purpose of this document is to inform staff, the public, and other providers of council services of the mechanisms in place for capturing customer feedback, in particular through the corporate complaints system. All sub-contractors, contractual partners and providers of services to the Councils will also be asked to adopt this methodology.

The policy is made and operated by the Councils under its general power of competence (section 1, Localism Act 2011) or its statutory incidental powers (section 111(1), Local Government Act 1972).

WHY HAVE A CORPORATE SYSTEM FOR COMPLIMENTS, COMMENTS AND COMPLAINTS?

2. The main benefits of a council-wide system are:
 - *It is better for the public* – everyone knows the way to register a compliment, comment or complaint and how that will be handled;
 - *It is better for staff* – we can be confident about how a compliment, comment or complaint should be handled;
 - *It is better for Councillors* – they can see on a regular basis if there are any issues and how they are being resolved;
 - *It is fairer* – everyone is treated equally;
 - *It helps us to improve services* – because the issues have gone through the same system, they can be analysed and we can see how to make the services better.

A SUMMARY OF THE PRINCIPLES FOR DEALING WITH COMPLIMENTS, COMMENTS AND COMPLAINTS

3. The principles on which this policy is based are:
 - (i) We will make our organisations accessible to receiving compliments, comments and complaints and will act on them appropriately.
 - (ii) When we receive notification of a matter concerning our services, we will deal quickly, effectively and appropriately with it.
 - (iii) At all stages, customers will be safeguarded and protected, and we will consider the wishes and feelings of the customer.
 - (iv) We will be mindful of an individual's ability to complain effectively and will ensure that we assist wherever required to process genuine complaints. If we believe that it is necessary, we will recommend that an individual has an advocate to process their complaint.
 - (v) In rare instances, however, where a complainant acts unreasonably or is vexatious or unreasonably persistent, we will respond robustly, in the interests of the proportionate use of the Councils resources on behalf of the community as a whole (see Appendix 4).

(vi) We will seek to resolve issues at an early stage, through discussion and taking appropriate steps to implement any necessary changes to the way in which we deliver services in the future.

(vii) We will endeavour to respond to compliments, comments and complaints by taking appropriate action and letting the customer know what we have done and the reasons why. If appropriate, we will discuss the issue raised with the customer before deciding on the outcome.

4. We will deal under this policy only with complaints concerning matters by which the complainant (or a person on whose behalf the complaint is made) claims to have been adversely personally affected. This policy does not apply to:
 - a. complaints about the policies of the Councils,
 - b. complaints against Councillors;
 - c. service or other issues affecting most, or a significant number, of people in its area; or,
 - d. matters otherwise falling within paragraph 9.3 below.
5. In exceptional circumstances, should the issue affect a group of individuals, the Councils would consider representation by an individual on behalf of a group.
6. Definition of adverse personal effect

We will treat an individual as likely to have been adversely personally affected where they, or another individual on whose behalf the complaint is made, appear (when the complaint is made) to have reasonable grounds to claim that they have suffered an injustice (in terms of financial, reputational or other loss, or distress), as a result of an act or omission of the Councils, or the operation of a council procedure, in relation to them; and where the matter is not one affecting most, or a significant number of, people in the area or in similar circumstances to the complainant.

DEALING WITH COMPLAINTS

7. It is the Councils' intention to operate a complaints procedure which provides a satisfactory resolution of complaints from members of the public as soon as practicable.
8. However, the Councils reserve the right to terminate communications with any person who is rude, abusive or aggressive to (or about) its staff or contractors. The Councils also reserve the right to return any communication of that character, or which makes derogatory remarks about them, and to take no action on the matter complained of, until the communication (or another) is re-submitted which does not contain such language or remarks.

9. DEFINITION OF A COMPLAINT

9.1 For the purposes of this procedure, a complaint is defined as:

“Any expression of dissatisfaction or concern about the way in which a service is provided, the standard of that service, or any action or lack of action on the part of the Councils, their employees or another body delivering a service on the behalf of the Councils; or about the operation of the procedure or processes of the Councils”.

- 9.2 For the purposes of this policy, a reference to the “Councils” is a reference to Babergh District Council and Mid-Suffolk District Council.
- 9.3 It should be noted that, in addition to the matters excluded under paragraph 4 above, the complaints procedure is **not** intended to cover:
- a. Requests for a service (whether generally, or in respect of an individual);
 - b. Requests for information about, or an examination or explanation of, council policy or practice;
 - c. Complaints about formal decisions taken by committees of the council, or those delegated to officers;
 - d. Complaints about the level or standard of service set by or on behalf of the Councils. A complaint can be made if the Councils, or a contractor, has failed to meet the standard set;
 - e. Matters for which there is an existing right of appeal (either within the council itself or to an independent tribunal) or a legal remedy;
 - f. Matters where there is already active or pending litigation;
 - g. Complaints about Councillors, or co-opted Members of the Councils;
 - h. Complaints made more than 12 months after the event, unless there are exceptional reasons as to why the complaint could not have been brought within this time (in which case any complaint should be accompanied by a statement of those reasons);
 - i. Complaints by officers about services provided by other officers.
- 9.4 In line with the approach taken by the Local Government Ombudsman, the Councils are unable to investigate complaints made by “any other body delivering public services”. (see 11.11 below).
- 9.5 Requests for information will be dealt with under the Freedom of Information Act 2000, Environmental Information Regulations 2004, or Data Protection Act 1998, as appropriate.
- 9.6 Anonymous complaints will not be accepted for investigation.
- 9.7 Complaints about Councillors’ disclosable pecuniary interests should be pursued with the police. Other complaints about Councillors’ conduct should be directed to the Monitoring Officer of the relevant authority, who has a duty under the Local Government Act 2000 (as amended) to deal with such matters. The Monitoring Officer can only deal with complaints about the behaviour of a Councillor which are covered by the Council's Code of Conduct See the following website for more information
<http://www.midsuffolk.gov.uk/the-council/compliments-comments-and-complaints/suffolk-local-code-of-conduct/>
- 9.8 A copy of the Procedure and an e-mail link are available on the Babergh District Council (BDC) and Mid Suffolk District Council (MSDC) joint website (www.babergh.gov.uk or www.midsuffolk.gov.uk).
- 9.9 If an officer decides that an issue is not a formal complaint, they must ensure that the enquiry is channelled through the appropriate office procedure to deal with the enquiry, and inform the customer accordingly. They should also notify the Customer Services Team.

2. INFORMAL COMPLAINT

- 10.1 All officers are responsible under these procedures, and in the first instance they should endeavour to resolve issues or requests for action informally, before an individual feels the need to submit a formal complaint.
- 10.2 If the matter cannot be resolved informally, the customer should be advised to make a formal complaint, which should be in writing where possible – either on a Complaints Form (which is available through the websites www.babergh.gov.uk; or www.midsuffolk.gov.uk; or by contacting the Customer Services Team); or by letter to the relevant council; or by e-mail to Customer.services@babermidsuffolk.gov.uk which covers both Councils). However, officers will need to be alert to situations where the customer may not be able to put his/her complaint into writing, and they should offer assistance so as not to allow obstacles to prevent the customer from putting in a complaint.

3. FORMAL COMPLAINTS

3.1 STAGE 1

- 11.1 The complaint will be investigated by the relevant Corporate Manager for the service the complaint is about.
- 11.2 Complaints about the performance of the Chief Executive will be referred to the Leader of the relevant Council.
- 11.4 The investigation is expected to be completed within 10 working days following the receipt of the complaint.
- 11.5 If for any reason the investigation cannot be completed within 10 working days, the investigating Corporate Manager will give notification to the complainant by that date that there will be a delay, with an estimated date by which they can expect to receive a response.
- 11.6 At the end of stage 1, the complainant will be given information concerning any further steps they can take if they still remain dissatisfied. If they have no additional information or evidence to justify a referral for a stage 2 complaint investigation this may include referring them to the Local Government Ombudsman or Housing Ombudsman, or their seeking independent legal advice.
- 11.7 The requirement for additional information to be supplied will be introduced as part of a phased approach that includes training for all complaint responders and evidence being seen that the training has resulted in fewer complaints being made and fewer progressing to a stage 2 investigation.

3.2 STAGE 2

- 11.8 If, after the completion of Stage 1, and within a period of 20 working days, the complainant indicates that he/she is not satisfied with the response, **and** they are able to provide additional information or evidence for consideration at Stage 2, the Complaints Team will refer the matter to the Corporate Complaints Officer for a further investigation at Stage 2.

- 11.9 The Corporate Complaints Officer is expected to complete an independent investigation, and respond to the complainant, within 20 working days of receipt of the Stage 2 complaint, with a full and clear explanation of the results of their investigation.
- 11.10 If for any reason the investigation cannot be completed within 20 working days, the Corporate Complaints Officer will give notification to the complainant within that time of the delay, and of when they can expect to receive a response.
- 11.11 As part of the stage 2 response, the complainant will be given information concerning any further steps they can take if they remain dissatisfied. This may include referring them to the Local Government Ombudsman or Housing Ombudsman or their seeking independent legal advice.
- 11.12 The Local Government Ombudsman is unable to investigate complaints made by “an authority constituted for the purposes of the public service”. This effectively means that the Ombudsman will not accept or investigate complaints from Town or Parish Councils. As an alternative, the Parish or Town Council, or a parish or town councillor, may assist a group of individuals to make a complaint jointly, if they have been affected together.

3.3 Reviewing complaints

- 11.13 When a stage 1 or stage 2 complaint investigation has been completed the Customer Services Team will check that customers are satisfied with the complaints process, the way the investigation has been carried out and the outcome decision.

4 COMPLAINTS RECEIVED IN CONNECTION WITH THE SHARED REVENUES PARTNERSHIP (SRP)

12. The following arrangements will apply to complaints under this policy in connection with the Shared Revenues Partnership (SRP):
- i) Complaints received by the Councils in connection with the SRP will be passed to the Complaints Team who will log all the relevant information and forward the complaint to SRP;
 - ii) Stage 1 complaints received in connection with the partnership will be dealt with by SRP in accordance with the above outlined procedures.

Stage 2 complaints will follow the procedure laid out in 3.2 above.

5. COMMENTS AND COMPLIMENTS

- 13 Any comments and compliments received should be recorded by the Complaints Team. All relevant such information, letters, e-mails etc. received by service departments should be forwarded to the Complaints Team for recording and storage.

6. UNREASONABLE, UNREASONABLY PERSISTENT OR VEXATIOUS COMPLAINANTS

- 14 If, in the opinion of a Strategic Director or the Chief Executive, the actions or behaviour of a complainant are unreasonable or vexatious, or they have unreasonably persisted with their complaint, the Director or Chief Executive may (in a case which has already been addressed under this policy) terminate the correspondence on the specific complaint; or,

in relation to a complaint at any stage, refer the matter for consideration under the “Policy and Guidance on Unreasonable, Unreasonably Persistent or Vexatious Complainant Behaviour” (which is available through the websites www.babergh.gov.uk; or www.midsuffolk.gov.uk)
(See Appendix 4 below)

7. INFORMING MEMBERS OF COMPLAINTS

- 15 If Councillors receive complaints from their constituents, they should forward these to the Corporate Complaints Team, so that they can be processed in line with this policy, and can be managed and monitored effectively.

8 EQUALITY MONITORING

- 16 The Complaints Procedure is intended to uphold the Councils’ legal responsibilities in relation to the Equality Act 2010. This requires both Councils to make a conscious effort to ensure that we treat everyone who wishes to complain with the highest standards of fairness and Equality. Adhering to these standards will ensure that any decisions made by either Council are legally sound and best meet the needs of our diverse communities. Every effort should be made to assist anyone who has special requirements

APPENDIX 1

EXAMPLES OF COMPLAINTS AND OBSERVATIONS

In some cases, it can be difficult to distinguish complaints from observations and comments. This can cause some issues raised by customers to be unnecessarily progressed through the corporate complaints procedure. This can result in frustration for both the complainant and staff dealing with the issue concerned.

Set out below are some examples of complaints and observations to help staff decide whether it is necessary to progress a complaint through the corporate procedure.

EXAMPLES OF COMPLAINTS

- 'I contacted you three weeks ago asking for advice on how I apply for planning permission and you have not replied to me'
- 'When I phoned to report that you had not emptied my black bin you said this would be collected within 24 hours. You failed to do this'
- 'Although you repaired the roof on our leased industrial unit we continue to have problems with water leaks'
- 'The Council Officer I spoke to was rude and didn't fully answer my query'

EXAMPLES OF OBSERVATIONS

- 'I am very concerned about the proposals for the site'
- 'I don't like this new refuse collection system. The Council should empty my black bin on a weekly basis'
- 'I only overstayed my time by five minutes in the car park and you issued me with a ticket. This is unfair'
- 'The bus shelters should be cleaned on a more regular basis'

PAYING A COMPLIMENT OR MAKING A COMPLAINT

If you complete a paper copy then please return it to either:

MID SUFFOLK DISTRICT COUNCIL
Endeavour House, 8 Russell Road, Ipswich IP1 2BX

Title:	First Name:	Surname:
Address		
		Postcode:

Daytime Phone Number	
Evening Phone Number	
E-Mail Address	

1. What do you consider the Council has done right / wrong or failed to do? Please give us as much detail as possible including times and dates where you have them. If you know the names of any officers involved in the matter, please include these as it will assist us in passing on your compliment/comment or investigating your complaint

2. Please explain the circumstances which you are complimenting on or the harm or inconvenience you feel that you have suffered as a result.

3. What do you think the Council did right or can do to sort things out?

4. Please list any contacts you may already have had with the Council about this matter.

Signed (or returned by E-mail):

Date:

Name of Ward Member notified

Babergh and Mid Suffolk District Councils want to make sure that they are dealing with all people correctly. You can help us with this by answering the following questions about yourself.

This information will be kept secure and only used for the purposes of monitoring the complaints received by the Council to ensure that no discrimination is occurring. It will only be viewed by those officers dealing with your complaint and the team that oversee this activity. It will not be shared with Ward members unless you let us know you have told them.

You may choose the “Do not wish to answer” option (please tick the box), in which case there is no need to complete the Equality and Diversity Information below and you may either submit your form online or send a paper copy.

Do not wish to answer	<input type="checkbox"/>
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Please tick all the relevant boxes, or feel free to mark the “Prefer not to say” on any questions.

1. How would you describe your gender?

Man	<input type="checkbox"/>	Woman	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>
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Is your gender different to that assigned to you at birth?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>
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2. How old are you?

Under 15	<input type="checkbox"/>	16 – 24	<input type="checkbox"/>	25 – 34	<input type="checkbox"/>	35 – 44	<input type="checkbox"/>	45 - 54	<input type="checkbox"/>
55 – 64	<input type="checkbox"/>	65 – 74	<input type="checkbox"/>	75 – 84	<input type="checkbox"/>	Over 85	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>

3. Do you have a disability or long-standing health problem that affects your day to day activities?

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Prefer not to say	<input type="checkbox"/>
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If yes, which of the following best describes your disability or health problems?

I have sight problems	<input type="checkbox"/>
I have hearing problems	<input type="checkbox"/>
I use a wheelchair	<input type="checkbox"/>
I have problems getting around	<input type="checkbox"/>
I have learning difficulties	<input type="checkbox"/>
I have a mental health problem	<input type="checkbox"/>
I have a medical condition that will get worse as I get older	<input type="checkbox"/>
I have a long term illness or condition	<input type="checkbox"/>
I have a condition that is not described above (please give details in the box below)	<input type="checkbox"/>
I prefer not to disclose the nature of my disability	<input type="checkbox"/>

4. What is your ethnic origin?

Asian or Asian British?

Bangladeshi	
Indian	
Pakistani	
Any other Asian background (please give details below)	

Bi-racial / dual heritage background

White and Asian	
White and Black African	
White and Black Caribbean	
Any other bi-racial background (please give details below)	

Black or Black British

African	
Caribbean	
Any other Black / African / Caribbean background (please give details below)	

Chinese

Chinese	
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Other ethnic group

Any other ethnicity (please give details below)	

White

British	
Irish	
Irish Traveller	
Romany	
Any other White background (please give details below)	

Prefer not to say	
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What is your religion?

Atheist	
Buddhist	
Christian	
Hindu	
Jewish	
No religion	
Muslim	
Sikh	
Any other religion (please give details below)	
Prefer not to say	

5. How would you describe your sexual orientation

I am Bi-sexual	
I am a Gay man	
I am a Gay woman / Lesbian	
I am Heterosexual	
None of the categories above describe my sexual orientation (please give details below)	
Prefer not to say	

Please return this form to the Complaints Co-ordinator.

You can complete this form on-line on either of the Council Websites, at www.midsuffolk.gov.uk or www.babergh.gov.uk or you can e-mail your details directly to the Council's at customer.services@baberghmidsuffolk.gov.uk

APPENDIX 3

MAKING A COMMENT

Please use this form to feed your comments back to us, they allow us to review the service we provide, and to ensure the service is meeting your needs, they give us an idea on how we might be able to improve services, save money and provide you with better information

You do not have to provide your contact information, but we would find it useful if we need to contact you to clarify any details. If you would like to be contacted with an update about your comments, please let us know. It is our aim to contact you within 10 working days

Title:	First Name:	Surname:
Address		
	Postcode:	

Daytime Phone Number	
Evening Phone Number	
E-Mail Address	
Would you like us to contact you to update you on your comments?	Yes <input type="checkbox"/> No <input type="checkbox"/>

<p>5. What would you like to comment on?</p> <ul style="list-style-type: none">- do you consider the Council has done right?- do you consider the council has done something wrong or failed to do something? (Please give us as much detail as possible)

6. Please explain the circumstances which you are commenting on

7. What do you think the Council did right or can do to sort things out?

8. Please list any contacts you may already have had with the Council about this matter.

Signed (or returned by E-mail):

Date:

Thank you for taking the time to let us have your thoughts and views. If you have asked for feedback on this matter we will respond within 10 Working days

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POLICY AND GUIDANCE ON UNREASONABLE, UNREASONABLY PERSISTENT, OR VEXATIOUS COMPLAINANT BEHAVIOUR

POLICY AND GUIDANCE ON UNREASONABLE, UNREASONABLY PERSISTENT, OR VEXATIOUS COMPLAINANT BEHAVIOUR

[ALSO APPENDIX 4 OF “DEALING WITH COMPLIMENTS, COMMENTS AND COMPLAINTS”]

Generally

Babergh and Mid Suffolk District Councils are committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who make such complaints. As part of this service, we do not normally limit the contact complainants have with us. This may be necessary on occasion, however, where a complainant acts unreasonably or in a vexatious manner, or unreasonably persists with their complaint. In such cases, the Councils will act robustly to maintain the proportionate and balanced use of resources, in the interests of the community as a whole; or to protect its staff (or those of its contractors) from unreasonable or distressing behaviour.

NB. References in this document to the Councils’ “main policy” on complaints are to: “Dealing with Compliments, Comments and Complaints”, to which this policy also forms Appendix 4.

Definition

1. Complainants who behave unreasonably, or are unreasonably persistent, are those complainants who, because of the frequency or nature of their contacts with the Councils, or their persistence with their complaint beyond a normal process of investigation and consideration, hinder the Council’s consideration of their own or other people’s complaints, or the efficient conduct of the Councils business.
2. Vexatious complainants are those whose complaints appear to be designed to irritate or cause distress (rather than to address a proper ground of complaint), which would unnecessarily waste resources, or which are based on insufficient grounds to warrant investigation. Their complaints may be unduly burdensome, cause harassment or distress to staff, appear to have no proper purpose or value, or raise questions about the motive of the complainant. All complainants under the council’s complaints policy are expected to be able to show that they have personally been adversely affected by the matter complained of, and suffered an injustice (see main policy, paragraph 6); and vexatious complainants may include those who cannot do so. Examples of unreasonable or vexatious behaviour, or of unreasonable persistence with a complaint, are given in paragraph 4 below, and the descriptions may overlap in a particular case.
3. Complainant behaviour which is unreasonable or vexatious may include one or two isolated incidents. Unreasonably persistent behaviour is usually an accumulation of incidents or behaviour over a longer period.

Examples of actions or behaviour of unreasonable, unreasonably persistent or vexatious complainants.

4. The following, non-exhaustive list, sets out examples of the action or behaviour of unreasonable, unreasonably persistent, or vexatious complainants which may cause the policy to be invoked.
 - a) Making or pursuing a complaint on a matter by which they (or another individual on whose behalf they are complaining), have not been personally adversely affected (as defined in the councils’ Complaints policy), after this requirement has been explained to them;
 - b) Refusing to specify the grounds of a complaint, despite offers of assistance with this from council staff;

- c) Refusing to co-operate with the complaints investigation process, while still wishing their complaint to be resolved;
- d) Refusing to accept that a matter is not within the remit of the complaints procedure, where this is not correct, and despite having been provided with information about the procedure's scope;
- e) Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- f) Making what appear to be groundless complaints about the staff who are the subject of the complaint, or who are dealing with it, or seeking to have them replaced;
- g) Using derogatory language about staff or other persons, denigrating staff (of the Councils or a contractor) or those providing a service, or repeatedly adopting a belligerent or unduly critical tone about individuals, in discussion or correspondence;
- h) Seeking to coerce, intimidate or threaten staff or other people involved (or actually coercing, intimidating or threatening them, whether or not intentionally), whether by use of threats, language, tone of voice, or behaviour, including body language;
- i) Changing the basis of the complaint as the investigation proceeds, and/or denying statements made at an earlier stage;
- j) Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented upon; or raising large numbers of detailed but unimportant questions and insisting they are fully answered;
- k) Electronically recording meetings and conversations, where the complainant has no right to do so, and without the prior knowledge and consent of the other persons involved;
- l) Making unreasonable or excessive demands on the time, information or resources of staff, whilst a complaint is being looked into (eg by excessive telephoning, sending emails to numerous council staff, making repeated or unexpected visits to the Council, writing lengthy or complex letters every few days, or expecting immediate responses to correspondence);
- m) Making demands which are unnecessary, or which appear to be designed to overwhelm the system (or which threaten to have that effect);
- n) Adopting an excessively 'scattergun' approach (for instance, by pursuing the complaint to the Council at the same time as with a Member of Parliament, councillors, government departments, other public agencies, solicitors, or the Local Government Ombudsman);
- o) Refusing or failing to co-operate with reasonable arrangements made (or suggested) to manage their complaints or correspondence;
- p) Seeking to encourage council staff, or those of contractors, to comment on each other's statements or decisions, or to criticise each other;
- q) Submitting repeat complaints or correspondence (either while a complaint is being processed, or after the complaints process has been completed), essentially about the same issues; or, producing additions/variations to the complaint, which the complainant insists make it into a 'new' complaint which should separately be put through the full complaints procedure;

- r) Refusing to accept the decision – repeatedly arguing the point or complaining about the decision;
- s) Escalating issues without seeking constructive dialogue; or
- t) Combinations of some or all of the above examples.

Considerations prior to taking action

5. Different considerations may apply depending on whether the investigation of the complaint is ongoing or whether it has been concluded. If the complaint has been concluded and the complainant is simply refusing to accept the answer, the Councils clearly have the option of ending all communication with the complainant. Where appropriate, the complainant may also be referred to the Ombudsman. However, where the complaint is ongoing, and there needs to be some continuing contact with the complainant, steps in this policy to manage contact with the complainant may be applied (see paragraph 12).
6. Termination of contact without designation. The Councils also reserve the right, however, exceptionally to terminate communications immediately with a complainant who acts wholly unreasonably, continues to be rude or abusive towards staff after being asked to desist, or who otherwise makes demands on the Councils that a Director or the Chief Executive consider to be unacceptable. A decision to terminate contact in this way may only be made by a Strategic Director or the Chief Executive. In that event, the Councils would notify the person (including whether the ending of contact was permanent or for a period), and give its reasons. Any further correspondence received from that person (or received from them during that period) would be placed on file, but receive no response. In these exceptional circumstances, the process of designation described below would not apply.

Designation of a complainant

7. A decision to designate someone as an unreasonable, or unreasonably persistent or vexatious complainant could have significant consequences for the individual. Before deciding whether the policy should be applied, the Councils should be satisfied that:
 - a) the complaint is being, or has been, investigated properly;
 - b) any decision that has been reached as to the outcome of the complaint is the right one;
 - c) communications by the Councils with the complainant during the complaint have been adequate;
 - d) the complainant has not provided, and is not now providing, any significant new information that might affect the Council's view of the proper outcome of the complaint.
8. If the Councils are satisfied on these points, a Strategic Director or the Chief Executive may take the decision to designate the complainant as unreasonable, unreasonably persistent or vexatious, in the light of behaviour or actions of the types outlined above, or a combination of them; or on any other similar grounds in the particular case which that officer may consider to be relevant and appropriate. Any such decision, and the reasons, shall be recorded in writing, and shall otherwise be in accordance with the requirements of the following paragraphs.

9. Alternatively, the Councils may, before moving to a decision to designate, consider whether any further steps may be desirable or likely to assist the course of the complaint, before considering at a later stage whether to designate. Examples of such further steps include:
- a) If no meeting has taken place between the complainant and an officer/officers (and provided that the Councils know nothing about the complainant which would make this inadvisable), offering the complainant a meeting with an officer of appropriate seniority. Sometimes such meetings can dispel misunderstandings and move matters towards a resolution;
 - b) If more than one directorate is being contacted by the complainant, agreeing a cross-departmental approach, and appointing a key officer or officers to act as a single point of contact, or otherwise to co-ordinate the Council's response(s);
 - c) If the complainant has special needs, considering making an offer to help the complainant to find an independent advocate, which might be helpful to both parties;
 - d) giving the complainant a formal warning that, if their actions continue, the Councils may decide to treat them as an unreasonable, unreasonably persistent or vexatious complainant, and explaining why.
10. For the avoidance of doubt, however, none of these possible further actions in paragraph 9 need prevent a decision to designate at that point under paragraph 8, if the Director or Chief Executive is satisfied that to do so at that time would be conducive to the efficient or proper operation of the Council's service.

Possible arrangements under designation

11. The precise nature of the action to take in relation to **an** unreasonable or unreasonably persistent or vexatious complainant should be appropriate and proportionate to the nature and frequency of the complainant's contacts with the Councils at that time.
12. The following is a list of possible options for managing a complainant's involvement with the Councils, from which one or more might be chosen and applied, if warranted. It is not an exhaustive list and there may be other options in a given case, or particular factors which would be relevant in deciding what might be appropriate action:
- a) Placing time limits on telephone conversations or personal contacts;
 - b) Restricting the number of telephone calls that will be taken (for example, one call on one specified morning/afternoon of any week), or limiting numbers of letters or emails;
 - c) Limiting the complainant to one medium of contact (telephone, letter, email etc) and/or requiring the complainant to communicate only with one named member of staff, or a small team of officers (a "Single Point of Contact");
 - d) Limiting the complainant to booked and agreed appointments, rather than allowing ad-hoc "drop in" meetings when the complainant demands to see someone;
 - e) Requiring any personal contacts to take place in the presence of a witness; or

- f) Refusing to register or process further complaints about the same matter.
13. As already indicated (paragraph 5), where a decision on the complaint has already been made, the authority may decide to provide the complainant with acknowledgements only of letters, faxes, or emails; or, ultimately, it may inform the complainant that future correspondence will be placed on the file, but not acknowledged. In those circumstances, the authority may (but is not required to) appoint a specific officer to read future correspondence before it is filed.

Informing the complainant

14. If a decision is taken to designate the complainant as unreasonable, unreasonably persistent or vexatious, staff should write to inform the complainant that:
- a) the decision has been taken;
 - b) what it means for their contacts with the Councils;
 - c) advice about which officers/Councillors of the authority are being informed that contact with the named complainant is being restricted, and why; and who will have access to that information;
 - d) the period during which the restriction will apply (subject to internal review – see below);
 - e) how the complainant may appeal against the decision, and within what period; and
 - f) the potential consequence of any continued unreasonable, unreasonably persistent, or vexatious behaviour by the complainant during the period of the designation (see paragraph 25).
15. A copy of this policy should be enclosed with the decision letter.

Who needs to be notified of decisions taken under the policy?

16. Every time a person is designated, pursuant to the policy, their details should be entered on to the Corporate Persistent Complainers list, managed by the Corporate Complaints Co-ordinator. This should ensure that people who have been designated under the policy are not able to continue pursuing their complaint via other officers. All members of the Extended Leadership Team will be notified.
17. For the same reason, ordinarily (and unless there are any overriding confidentiality considerations), the relevant local ward councillor should also be notified of a designation affecting one of his or her constituents. Exceptionally, individual leading members may also be informed, to any extent that this is considered necessary and relevant in a particular case for the exercise of the council's functions.

Appeal against designation

18. A complainant may appeal against their designation. Any appeal should be addressed to the Customer Support Transformation Officer, Babergh and Mid Suffolk Councils, Endeavour House, 8 Russell Road, Ipswich IP1 2BX. An appeal letter should set out the complainant's

reasons for resisting designation. Appeals against designation must be made to the relevant officer within 2 months of the date of the letter designating them.

19. In the event of an appeal, the Customer Support Transformation Officer will co-ordinate an independent review of the designation by a member of the Senior Management Team who was not involved in the original decision. The officer conducting the review will complete it within 20 working days, unless the scale of the issues involved or other circumstances, make this impracticable. In that event, the officer will notify the complainant within that period of the date by which he or she expects to complete the review. The reviewing officer may request such further information from the complainant, or from other officers, as he or she may consider necessary. The complainant, however, will have no right to make further representations to the reviewing officer, beyond those contained in his or her appeal letter, unless invited by the reviewing officer to do so.
20. The reviewing officer may: confirm the designation on the terms originally determined; confirm it with revised terms (including the period during which it will remain in force); or, lift the designation.
21. During the period of any appeal and review, the designation shall remain in force, and the complainant shall adhere to the terms and conditions stated in their designation letter. Any failure to do so may lead to forfeiture of the right to the appeal.
22. Following the results of the review, the complainant will be notified of the outcome. If the original or other restrictions are to continue to be applied, the complainant will be informed in the decision letter of the date by which they will next be reviewed.

Keeping adequate records of all contacts with complainants

23. Adequate records of all contacts with unreasonable, unreasonably persistent or vexatious complainants must be maintained, for example:
 - a) when a decision is taken not to apply the policy during a period of designation (eg in circumstances where a member of staff asks for this to be done, or to make an exception to the policy once it has been applied); or
 - b) when a decision is taken not to put a further complaint from such a complainant through the complaints procedure for any reason; or
 - c) when a decision is taken not to respond to further correspondence (whether or not ensuring that any further communications from the complainant are checked to pick up any significant new information);
24. Records of the details of the course of the designation should be maintained by a named officer.

Terminating contact with a designated complainant

25. Where a complainant has been designated, but continues to behave in a way which is vexatious or unreasonable, a Strategic Director or the Chief Executive may, after giving due consideration to the behaviour in question, alter the terms of the designation, or decide to terminate contact completely with that complainant with immediate effect. In such cases, any

further correspondence from the complainant will be placed on the file without acknowledgement.

Keep any restrictions under review

26. Any designation under this policy, and any arrangements made in relation to such a designation, will be reviewed on a six-monthly basis by the Customer Support Transformation Officer and a Strategic Director. They will consider whether there has been any communication to the Councils from the complainant in the previous 6 months; and, if so, review the correspondence or any other relevant information. If a complainant has had no contact with the Councils over that period, or if communications or contact from the complainant have not had the character of being unreasonable, unreasonably persistent or vexatious, a decision may be taken on whether any restrictions placed on the complainant's contacts should be cancelled, reduced or phased out. The Councils will not expect to take this course, however, unless its officers are reasonably satisfied that the future course of any contact or communication from the complainant will be reasonable and constructive in tone and volume. Any phasing-out of restrictions over a period may be made conditional during that period. The outcome of this review should be noted on the Council's records.
27. In the event that any restrictions are reduced, phased-out or cancelled, but unreasonable behaviour recurs (whether during or after that time), the same restrictions may be reintroduced with immediate effect by the Customer Support Transformation Officer with a Strategic Director, or the Chief Executive; or, different restrictions may be imposed by Customer Support Transformation Officer with a Strategic Director (subject to an appeal under paragraphs 18-22); or, contact with the complainant may be terminated summarily by a Strategic Director or the Chief Executive.

What about complaints about new issues?

28. When a designated complainant makes a complaint about a new issue, unconnected to the subject matter of the previous complaint, this should be treated on its merits, unless contact with the complainant has been terminated (in which case the matter will be filed only). Decisions will need to be taken, by a Strategic Director or the Chief Executive, as to whether any restrictions which have been applied before are still appropriate and necessary, either generally or in relation to the new matter.
29. Where a designated complainant continues to raise new complaints or issues during the period of designation, however, a review will be undertaken as to whether these amount to behaviour constituting a continuation of the reasons for the complainant's designation. The review will be undertaken at Strategic Director level. If it is considered that the communications fall within the criteria that were the reason for the original designation, or other criteria justifying designation, contact may be terminated by a Strategic Director or the Chief Executive under paragraph 25 above. Alternatively, no acknowledgement will be given and no further action may be taken on the complaint or issue raised.

What happens if the complainant then complains to the Ombudsman?

30. A complainant who has been designated under this policy may (where the decision has been confirmed on appeal) make a complaint to the Ombudsman about the way in which he or she considers that they have been treated.

Referring unreasonable or unreasonably persistent or vexatious complainants to the Local Government Ombudsman

31. If relations between the Councils and a complainant who has been designated, break down badly while complaints are under investigation, or during a period of designation, and there appears to be little prospect of achieving a satisfactory or sustainable outcome, there may be little purpose in following through all stages of the Council's complaints procedure, or this policy.
32. Where this occurs, the Ombudsman has indicated that he may be prepared to consider complaints before complaints procedures have been exhausted. This is the case even in respect of statutory complaints procedures. In that event, a Strategic Director or the Chief Executive may determine that the complainant should be referred by the Councils to the Ombudsman without awaiting the conclusion of any remaining part of the complaints process.

Extreme unreasonable behaviour

33. Where the behaviour of a complainant is so extreme that it threatens the immediate safety or welfare of the Council's staff (or the staff of a contractor), or any other person, the Councils will consider other options, such as reporting the matter to the police, or taking legal action. In such cases, the Councils need not give a complainant prior warning of such action.

Agenda Item 8

BABERGH DISTRICT COUNCIL and/or MID SUFFOLK DISTRICT COUNCIL

TO: Joint Overview and Scrutiny Committee	REPORT NUMBER: JOS/19/4
FROM: Cllr Jan Osborne (Babergh) Cllr Julie Flatman (Mid Suffolk)	DATE OF MEETING: 18/07/2019
OFFICER: Heather Worton – CM Property Services	KEY DECISION REF NO. N/A

Disabled Facilities Grants.

1. PURPOSE OF REPORT

- 1.1 To provide the Overview and Scrutiny Committee with an update on the current situation regarding disabled facilities grants (DFG's) and outline proposals and future options to address the underspend.

2. BACKGROUND

- 2.1 The Councils have a statutory duty to provide disabled facilities grants for the adaptation of properties to enabled disabled people to remain living as independently as possible in their own homes.
- 2.2 Orbit Home Improvement Agency (HIA) was jointly commissioned by Suffolk County Council and the five Local Authority partners. The partnership was formed to ensure an effective, integrated and standardised approach to the delivery of housing advice and adaptation support across Suffolk.
- 2.3 The contract with Orbit (HIA) was for five years and is due to end December 2020.
- 2.4 The current county wide service provision includes:
- Advice and support to access alternative housing options (buying/selling/rental)
 - Occupational Therapists to identify customers' needs
 - Advice and guidance about equity release to fund adaptations or alternative financial options
 - Handyperson service
 - Signposting to assistive technology services
 - Administering Disabled Facilities Grants
- 2.5 Within Babergh and Mid Suffolk, Orbit HIA administer adaptation grants for the private sector only. Adaptations for council stock are administered in-house by the Property Services Team and funded from the Housing Revenue Account. This is not true of all the partners. Where stock transfer has taken place, in the West and part of the East, Orbit HIA administer these grants and adaptations are funded from the DFG budget.

- 2.6 In 2018/19 the DFG budget was underspent by 77% at Babergh and by 58% at Mid Suffolk.
- 2.7 With an ageing population the demand for adaptations is rising. This has been recognised by the Government who have been increasing the DFG budget nationally.

3.	RECOMMENDATIONS
3.1	The contents of the report and the appendices be noted and that Overview and Scrutiny Committee review progress on any remodelling of the DFG process within the next six months
REASON FOR DECISION	
Work will begin in September 2019 between Suffolk County Council and the Suffolk Partners on the future DFG service provision.	

4. KEY CHALLENGES FOR THE SERVICE

- 4.1 The substantial year on year underspend at Babergh and Mid Suffolk.
- 4.2 Lack of identified unmet demand for adaptations throughout both districts.
- 4.3 Babergh and Mid Suffolk have the second highest number of people enquiring about adaptations in the county yet have the lowest number of DFG approvals. One of the significant reasons for this is applicants 'fail' the statutory means test. Where potential applicants are in receipt of income related benefits they are 'passported' and are entitled to 100% grant funding for eligible work. In 18/19 only 20% of applicants were passported in Babergh and Mid Suffolk compared to 80% across the rest of Suffolk.
- 4.4 The complexity and length of the DFG application process can be daunting and difficult to navigate for applicants.
- 4.5 The legislation surrounding the statutory DFG is outdated and is not appropriate for many vulnerable people as it focuses on physical disabilities rather than mental or behavioural conditions. Neither does it meet the needs of people with life limiting conditions.
- 4.6 Statutory DFG's only focus on the needs of the disabled person rather than a more holistic approach and including the needs of their families or carers.
- 4.7 Lack of knowledge, even across the health sector, that financial and housing option assistance is available through the DFG process.
- 4.8 Delays in carrying out adaptations increase the health and safety risks for disabled people and therefore increase the risk of hospital admissions or GP appointments placing further burden on the health care system.
- 4.9 Major adaptations, particularly those required for children or where an extension is needed, often exceed the current £30,000 grant maximum. Therefore, the disabled person or their family will need to meet the additional costs. If they are unable to do so the adaptation cannot proceed.

- 4.10 Inconsistent procedures between the process of applying for an adult DFG and those carried out by the Children's and Young Persons Team. Adaptations for children are not included in the current Orbit HIA contract.

5. NEXT STEPS

- 5.1 In March 2019 Babergh and Mid Suffolk approved a Regulatory Reform Order for Minor Adaptation Grants. This introduced:

- Removal of the requirement for a means test where the adaptation costs less than £5,000
- Simplified on-line/telephone application form.
- Removal of the requirement for an Occupational Therapist referral.
- Funding is now available for equipment or digital technology to assist vulnerable people and their families with mental or behavioural conditions.
- Funding is now available for people with terminal conditions where temporary solutions are required to enable them to remain at home and their health, safety and wellbeing is not compromised.

- 5.2 Using DFG budget, Babergh and Mid Suffolk have purchased equipment which will enable us to react quickly in circumstances such as when a disabled person needs to be discharged from hospital, but their home is not suitable, or preventing a disabled person having to move to temporary accommodation in a crisis. Examples of the type of equipment include modular ramps, grab rails, wash/dry toilets and a variety of dementia products. This equipment is stored at Wenham Depot and can be delivered and installed in a day using staff from Babergh and Mid Suffolk Building Services. In many cases this equipment will enable a disabled person to remain at home whilst more permanent solutions are sought if necessary.

- 5.3 Staff from Property Services are heavily promoting the new Minor Adaptation Grants via our website, local charities, health providers and organisations whose client base would benefit. These include Sue Ryder Care, Health Watch Suffolk, GP surgeries, pharmacies and libraries. This has stimulated a flurry of activity and enquiries. Where an applicant does not qualify for a Minor Adaptation, they may well qualify for a statutory DFG.

- 5.4 A detailed action plan was requested from Orbit HIA setting out how they intend to address the current underspend and low conversion rates at Babergh and Mid Suffolk for 2019/20. George Purser (Orbit HIA Programme Manager) has responded and acknowledged the current underspend needs to be urgently addressed. He has stated that the number of referrals for Babergh and Mid Suffolk needs to increase and the number of applicants who do not proceed with an adaptation due to 'failing' the means test needs to decrease. He has further stated that in order to increase the referral rate, there needs to be promotion of the service and that Orbit would need further financial support from Local Authorities to enable them to do this. A meeting has been arranged with Orbit on the 15 August 2019 to explore this further. To address the dropout rate, a Regulatory Reform Order has been adopted by Babergh and Mid Suffolk and the impact of this is being monitored.

- 5.5 A Suffolk wide review of DFG's is due to take place with a workshop planned for September 2019. This will consider alternative delivery models beyond the existing Orbit HIA contract and involve a wide range of stakeholders.
- 5.6 In addition to the Suffolk wide review, partners are carrying out reviews within their own area as each council has unique local issues which need to be addressed.
- 5.7 Legislative change is required to remove the current £30,000 grant limit.
- 5.8 Further Regulatory Reform Orders (RRO) could be used to address issues at a local level. This could include increasing the maximum amount of grant an applicant could qualify for without requiring a means test. The current RRO sets a limit of £5,000. The Councils could consider providing funding to assist families to move to a new house in situations where adaptations to an existing property are not the best option.

6 LINKS TO THE JOINT STRATEGIC PLAN.

- 6.1 Any future service provision needs to be set in the context of health and social care integration. It must seek to reduce and prevent future demand on statutory services by identifying support needs early in order to intervene effectively and prevent needs becoming more extensive.
- 6.2 Providing adaptations to vulnerable residents is vital to enable people to be independent in their homes and assisting people to leave hospital. This contributes to maximising the quality, suitability and availability of our existing housing stock.

7 DFG AND ORBIT HIA FUNDING INFORMATION.

	Total Allocation 2019/20	Held back for SCC Minor Adaptations	Budget Available
Babergh	670,029	28.5%	479,374
Mid Suffolk	615,135	28.5%	440,100

- 7.1 Funding for Disabled Facilities Grants comes from the Better Care Fund via a Central Government Grant which is paid to Suffolk County Council who then allocate funds to district and borough councils.
- 7.2 The Local Authorities have agreed to contribute 28.5% of their DFG allocation in 2019/20 to Suffolk County Councils Minor Equipment Budget. This budget funds the supply and installation of portable equipment to disabled residents across Suffolk. This budget is significantly overspent year on year.
- 7.3 Orbit HIA are funded through Suffolk County Council and the partners. Babergh pay an annual contribution of £15,979 and Mid Suffolk pay £13,316.
- 7.4 Suffolk County Council are by far the biggest contributor at £800,000 as the contract includes a number of County services including the Occupational Therapist provision and the supply and fitting of grab rails and other equipment.
- 7.5 Orbit HIA also charge a fee on each grant they complete. This is currently based on 15% of the cost of the essential works. The fee is eligible for grant funding therefore

is met from the DFG budget unless the total cost exceeds the grant maximum of £30,000. In these cases, the disabled applicant must pay anything above £30,000.

8 LEGAL IMPLICATIONS

- 8.1 The Housing Grants Construction and Regeneration Act 1996 is the primary legislation that governs how DFG's are administered and delivered.
- 8.2 Regulatory Reform (Housing Assistance) Order 2002 gives powers to local authorities to provide assistance via grants, loans, advice etc for the purpose of repairing, improving, extending, converting or adapting housing accommodation.

9 RISK MANAGEMENT

Risk Description	Likelihood	Impact	Mitigation Measures
Underspend of the 19/20 DFG budget	3- probable	2-noticeable	Action Plan from Orbit HIA being prepared and monthly budget and performance monitoring of the HIA contract. Continued promotion of the Minor Adaptations Grant

10 CONSULTATIONS

- 10.1 None for this report, but there will be extensive consultation with a wide range of stakeholders during the review period.




11 EQUALITY ANALYSIS

- 11.1 Disabled Facilities Grants and any future service provision will directly impact on people with a disability but in a positive way which improves their independence and quality of life.

12 ENVIRONMENTAL IMPLICATIONS

- 12.1 This Report does not have environmental implications.

13 APPENDICES

Title	Location
(a) Orbit HIA Report June 2019	 HIA KPI Report June 2019 FINAL.xlsx  HIA Progress Report June 2019 FINAL.pdf
(b) Minor Adaptation Grant Leaflet	 Grants for home adaptations - leaflet.pdf
(c) Case Studies – Sue Ryder	
(d)	

Agenda Item 10

JOINT OVERVIEW AND SCRUTINY COMMITTEE – 18th JULY 2019

INFORMATION BULLETIN – STAFF TURNOVER AND WELFARE

Babergh Overview and Scrutiny Committee received Information Bulletin BOS18/26 at its meeting on 21st January 2019 and following discussion of the information, requested another update in six months.

This bulletin provides the update to Committee and shows the information that has been presented before for previous years plus the figures for the whole of 2018/19, so that the Committee can see the comparative information.

TURNOVER

Turnover figures for Babergh and Mid Suffolk are recorded on a monthly rolling annual basis. The numbers in the table below are based on an average of the monthly figures over the period shown. The table demonstrates that the turnover for the year to March 2019 has reduced compared with the previous year.

Turnover Period	BDC / MSDC	Public Sector	Private Sector
April 2016 – March 2017	10.5%	19.4%	22.5%
April 2017 – March 2018	22.5%	Not available*	Not available*
April 2018 – March 2019	16.1%	Not available*	Not available*

Note * The comparable figures that were used for 2016/17 are no longer published nationally.

SICKNESS ABSENCE and STRESS RELATED ABSENCE

The table below shows the number of days sickness absence compared to the total number of employees and to the number of full-time equivalent (FTE) staff.

Sickness	Sickness days lost	Number of employees	Sickness days lost per employee	Full Time Equivalent (FTE)	Sickness days lost per FTE
April 2016 – March 2017	3,920	543	7.22	480	8.17
April 2017 - March 2018	4,470	531	8.42	463	9.65
April 2018 – March 2019	4,097	537	7.63	476	8.61

The latest national comparators for sickness absence relate to 2017/18. The Local Government Workforce Survey for 2017/18 (published by the Local Government Association) quotes an absence figure of 8.1 days per FTE for shire districts in England.

It should be noted that the rolling year to May 2019 is showing a figure of 6.96 per employee, which is continuing the downward trend on sickness. Significant work has been carried out by managers and HR to ensure that absence is managed, and appropriate support given. In particular, a new Absence Management Policy and associated Toolkit were published in April 2019, with training provided to all managers in advance of the new policy going live.

Top 3 Reasons for Absence

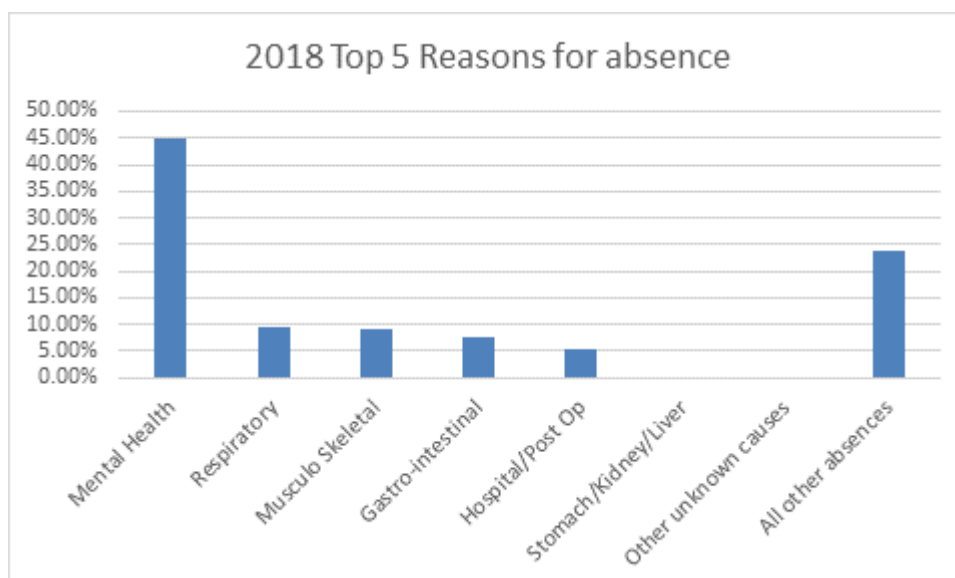
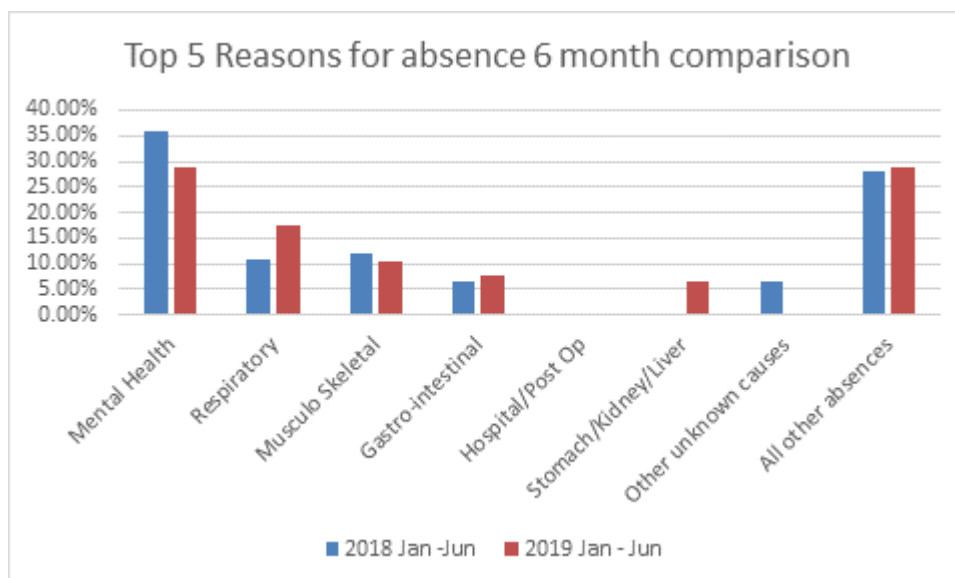
The table below shows the three main reasons for sickness absence for the years from 2015/16 to 2018/19.

	1	2	3
2015/16	Virus/Infection 537 days	Other 468 days	Stress/Anxiety/ Depression 375 days
2016/17	Headache/ Neurological 643 days	Stress/Anxiety/ Depression 598 days	Other 315 days
2017/18	Stress/Anxiety/ Depression 933 days	Musculoskeletal 824 days	Virus/Infection 439 days
2018/19	Stress/Anxiety/ Depression 1,931 days	Gastro-Intestinal 329 days	Musculoskeletal 300 days

The following two tables have been produced with the most recent data available at the current time. These show the comparisons between 2018 and 2019 of the percentage of days lost and reasons for absence.

It is difficult to make a 2-year comparison with the data available, so the first 6 months of 2018 have been compared with the first 6 months of 2019 in the first table below. This shows a significant drop in absence due to mental health whilst respiratory issues have increased.

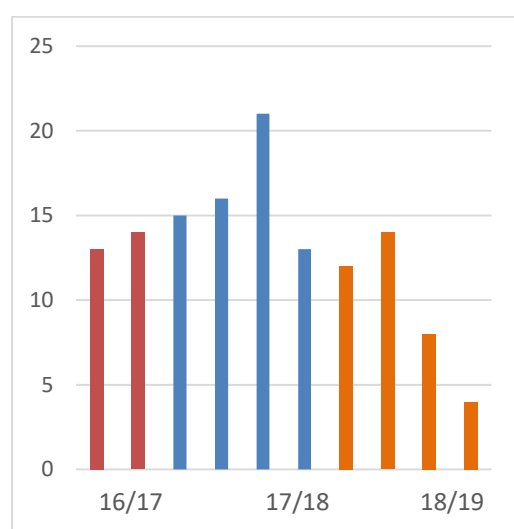
The second table shows the reasons for sickness absence during 2018.



Long Term Sickness Absence

The following chart shows the number of employees on long term sickness absence (absent for 4 or more weeks) between October 2016 and March 2019 per quarter. Between January and March 2019, the reason for the long-term sickness absence

for the 4 employees was Mental Health. The table below shows that since the second quarter of 2018 there has been a general downward trend in long-term absences.



Mental Health Sickness Absence

Mental health related sickness absence data for Babergh and Mid Suffolk over the past three years shows that we have seen a significant increase in this type of illness. In terms of comparative data, the LGA currently reports that depression, anxiety, mental health and fatigue account for an average of 29% of absences. The equivalent figure for Babergh and Mid Suffolk in 2018/19 is 45%. However, in the first six months of this calendar year the numbers have dropped significantly to 28% of absences. Since October 2018 there has been a downward trajectory in the number of days absence, which has been a result of actively managing mental health cases and resolving some very long-standing issues.

Employee Assistance Programme

The Councils have an arrangement with an external counselling organisation under which staff can access services if they wish to have a confidential conversation outside of the employee/employer relationships. The table below shows the level and reason for the calls that have been taken each calendar year for 2016-2018, for the first quarter of this year (January-March 2019) and the last financial year from April 2018 to March 2019.

Categories of counselling calls

Counselling Calls	1 Jan - 31 Dec 2016	1 Jan - 31 Dec 2017	1 Jan – 31 Dec 2018	Jan - Mar 2019	Apr 2018 - Mar 2019
Work Related Stress	11	21	7	0	0
Separation/Divorce	10	0	1	5	6
Anxiety	5	23	11	3	14
Service Enquiry	5	6	1	0	1
Disciplinary	2	9	0	0	0
Depression	1	15	22	0	22
Partner	1	6	2	0	2
Individual Event	1	0	0	0	0
Impact of Mental Health of Another	0	3	2	6	8
Bereavement	0	2	6	0	2
Other Diagnosed Mental Health Disorder	0	0	8	0	2
Childcare	0	0	3	2	5
Employment	0	0	3	0	3
Motoring	0	0	0	0	0
Low Mood	0	0	6	5	11
Lack of Support	0	0	1	0	1
Demands	0	0	1	0	1
Property	0	0	0	0	0
Civil	0	0	0	2	2
Family	0	0	0	1	1
TOTAL	35	85	74	24	81

The table above is consistent with the Reasons for Absence figures. In the financial year 2018/19 of the 81 counselling calls received 57 related to mental health. The table above shows a rise in the impact of the mental health of another on our employees. Whilst depression, anxiety and low mood remain the highest reasons for calling, depression has not been the cause of any calls in the first quarter of this year and low mood has seen the largest increase in calls. Further reports through 2019 may show whether this is seasonal. It is of note that in the 2018/19 financial year there were no requests for counselling under the work-related stress heading.

Mental Health and Wellbeing Actions

In addition to the actions that were being undertaken to address the increase in mental health-related absences, which were outlined to Committee in the previous Information Bulletin (BOS18/26), the new Mental Health and Wellbeing Policy and

Toolkit have been launched and all managers have received training on these. Awareness of the toolkit has also been raised through our internal communications. In March, when the Mental Health and Wellbeing Toolkit was first made available, there were 184 page views on the intranet, April 108 and May 62 showing the level of interest and willingness to learn more about managing this area of ill health.

As part of Mental Health Awareness week (w/c 13 May 2019) we ran a 'campaign through our Working Together employee Newsletter and posters from 10-17 May to promote the support available for mental health within the councils. This included promoting tools within the Mental Health and Wellbeing Toolkit, support and resources available via our Employee Assistance Programme and our internal Mental Health First Aiders. In May 32 out of 62 of the page views of the Mental Health and Wellbeing Toolkit on the intranet took place between 10-20 May.

Katherine Steel
Assistant Director - Corporate Resources
July 2019

Agenda Item 12

BABERGH OVERVIEW AND SCRUTINY COMMITTEE WORK PLAN 2019/20:

TOPIC	PURPOSE	LEAD OFFICER	CABINET MEMBER	PREVIOUSLY PRESENTED TO COMMITTEE
19 August 2019 - JOINT				
Citizens' Advice (CA)	A Joint Presentation by the Local CA	Assistant Director – Planning and Communities	Cabinet Member for Communities and Housing (MSDC) Cabinet Member for Communities (BDC)	
Five-year Housing Land Supply	To receive a report on the Five-year Land-supply Housing Delivery Test Actions Plans	Corporate Manager – Strategic Planning	Cabinet Member for Planning	15 March 2018 MOS/17/36 19 March 2018 BOS/17/36
Housing Delivery Test Action Plan	To scrutinise the Action Plan	Corporate Manager – Strategic Planning	Cabinet Member for Planning	
Information Bulletin Voids	An Update on Voids Times in Council Housing	Corporate Manager for Housing Solution	Cabinet Member for Housing	18 June 2018 18 March 2019
19 September 2019 - JOINT				
Information Bulletin Universal Credit	To receive an update on Universal credit as agreed in February 2019	Corporate Manager – Tenants Services		Information Bulletin February 2019
21 October 2019				
18 November 2019				

Crime and Disorder Panel	The Overview and Scrutiny Committee undertake this a part of the Council's statutory duties.		Cabinet Member for Communities (BDC) Cabinet Member for Communities and Housing (MSDC)	20September 2018 JOS/8/14
Planning Enforcement	To scrutinise the planning enforcement strategy in the District	TBA	TBA	
16 December 2019				
20 January 2020				
Draft general Fund Budget 2020/21 and four-year Outlook	Scrutiny of the General Budget before Cabinet and Council	Assistant Director – Corporate Resources	Cabinet Member for Finance	17/21 January 2018
Draft Housing Revenue Account Budget and Four-year Outlook	Scrutiny of the HRA Budget before Cabinet and Council	Assistant Director - Housing	Cabinet Member for Housing	17/21 January 2018
24 February 2020				
23 March 2020				
20 April 2020				

TOPICS IDENTIFIED FOR REVIEW BUT NOT CURRENTLY TIMETABLED:

Cross County Scrutiny with authorities who share similar issues with the provider for Disabled Facilities – Outcome from the Joint Meeting on 14 February Information Bulletin for Disabled Facilities Grant

Information Bulletin: Customer Access Activity Update

An update on the customer activity Information Bulletin presented 18 December 2017 **TBC**

Fuel Poverty

Reporting back to the Committee on the changes incorporated into the Joint Fuel Poverty Strategy – To consider if further action is needed at this stage, in the light of it being incorporated into a Suffolk-wide strategy.

Crime and Disorder Panel meeting

Required to take place at least once a year, provisionally agreed to take place in **September** of each year.

Void times in Council Properties – Quarterly Information Bulletin

Joint Compliment, Comment and Complaints Policy Update in July 2020

Other topics identified:

- Home ownership review
- The effect of Brexit on employment opportunities in the District
- The Financial Strategy for Babergh District
- Scrutiny of Outside Bodies
- Efficiency of CAB
- The impact on the Council, when patients are discharged from hospital

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Agenda Item 13

MID SUFFOLK OVERVIEW AND SCRUTINY COMMITTEE WORK PLAN 2019/20:

TOPIC	PURPOSE	LEAD OFFICER	CABINET MEMBER	PREVIOUSLY PRESENTED TO COMMITTEE
19 August 2019 - JOINT				
Citizen's Advice (CA)	A Joint Presentation by the Local CA	Assistant Director – Planning and Communities	Cabinet Member for Communities and Housing (MSDC) Cabinet Member for Communities (BDC)	
Five-year Housing Land Supply	To receive a report on the Five-year Land-supply Housing Delivery Test Actions Plans	Corporate Manager – Strategic Planning	Cabinet Member for Planning	
Housing Delivery Test Action Plan	To scrutinise the Action Plan	Corporate Manager – Strategic Planning	Cabinet Member for Planning	
Information Bulletin Voids	An Update on Voids Times in Council Housing	Corporate Manager for Housing Solution	Cabinet Member for Housing	18 June 2018 18 March 2019
19 September 2019 - JOINT				
Crime and Disorder Panel	The Overview and Scrutiny Committee undertake this a part of the Council's statutory duties.		Cabinet Member for Communities and Housing (MSDC) Cabinet Member for Housing (BDC)	20September 2018 JOS/8/14
Information Bulletin Universal Credit	To receive an update on Universal credit as agreed in February 2019	Corporate Manager – Tenants Services		Information Bulletin February 2019
17 October 2019				
Information Bulletin Needham Lake Development	To review the development at Needham Lake. Report with time scale was agreed by Cabinet in March 2019	Strategic Director Assistant Director – Economic Development Regeneration		

14 November 2019				
Crime and Disorder Panel	The Overview and Scrutiny Committee undertake this a part of the Council's statutory duties.		Cabinet Member for Communities and Housing (MSDC) Cabinet Member for Housing (BDC)	20September 2018 JOS/8/14
Planning Enforcement	To scrutinise the planning enforcement strategy in the District	TBA	TBA	
12 December 2019				
16 January 2020				
Draft general Fund Budget 2020/21 and Four-year Outlook	Scrutiny of the General Budget before Cabinet and Council	Assistant Director – Corporate Resources	Cabinet Member for Finance	17/21 January 2018
Draft Housing Revenue Account Budget and Four-year Outlook	Scrutiny of the HRA Budget before Cabinet and Council	Assistant Director - Housing	Cabinet Member for Housing	17/21 January 2018
20 February 2020				
19 March 2020				
16 April 2020				

TOPICS IDENTIFIED FOR REVIEW BUT NOT CURRENTLY TIMETABLED:

Cross County Scrutiny with authorities who share similar issues with the provider for Disabled Facilities – Outcome from the Joint Meeting on 14 February Information Bulletin for Disabled Facilities Grant

Crime and Disorder Panel meeting

Required to take place at least once a year, provisionally agreed to take place in **September** of each year.

Enforcement

Enforcement for parking, planning etc to be discussed with Babergh Overview and Scrutiny Committee and Kathy Nixon – Strategic Director to decide how to approach this area.

Community Transport Services

To scrutinise the services provided by SCC and consider what Overview and Scrutiny can add to these services.

Community Grants – ‘Health Check’ A report following the report received on the 17 January 2019 MOS/18/26 in 2021.

Underspending of grants for bringing empty homes back into use.

Compliment, Comment and Complaints Policy - Update in July 2020

Future Leisure management Options

Other topics identified:

- Scrutiny of Outside Bodies
- Efficiency of CAB
- The impact on the Council, when patients are discharged from hospital

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Agenda Item 15

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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