A meeting of the **ECONOMIC AND CORPORATE OVERVIEW AND SCRUTINY PANEL** will be held in Committee Room 'A', Town Hall, Nuneaton on Tuesday, 5th March, 2013 at **5.00 p.m.**

Public Consultation will commence at 5.00 p.m.

Yours faithfully,

ALAN FRANKS

Managing Director

To: All Members of the Economic and Corporate Overview and Scrutiny Panel

(Councillors B.L. Hawkes (Chair), K.D. Wilson (Vice-Chair), R.G. Copland, A.A. Lloyd J. Haynes, B.J. Longden, G.D. Pomfrett, G. Smith and K. Young)
1. **EVACUATION PROCEDURE**

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside the Yorkshire Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

2. **APOLOGIES** - To receive apologies for absence from the meeting.

3. **MINUTES** - To confirm the minutes of the meeting of the Economic and Corporate Overview and Scrutiny Panel held on 6th February, 2013. *(Page 4)*.

4. **DECLARATIONS OF INTEREST/PARTY WHIP** - To receive declarations of personal/prejudicial interests in accordance with the Members’ Code of Conduct and of the Party Whip in accordance with the Overview and Scrutiny Procedure Rules 4E, Paragraph 16(b).

   **Note (1):** Following the adoption of the new Code of Conduct, members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a prejudicial interest members are still permitted to participate unless the interest is of a financial nature, they are scrutinising a decision which they were a party to making or the Committee is making a decision.

   **Note (2):** Overview and Scrutiny Procedure Rules 4E, Paragraph 16(b) states "when considering any matter in respect of which a Member must declare the existence of the whip, and the nature of it before the commencement of the OSP’s deliberations on the matter".

5. **PUBLIC CONSULTATION** - Members of the public will be given the opportunity to speak on specific agenda items if notice has been received.
6. MANAGING ATTENDANCE OF THE WORKFORCE - report of the Head of Human Resources attached. (Scrutiny) (Page 9)

7. COMPLAINTS REPORTING AND MONITORING - report of the Director – Business Improvement attached. (Scrutiny) (Page 35)

8. WORK PROGRAMME - presented by the Principal Democratic Services Officer (Committees) attached. (Page 48)

9. ANY OTHER ITEMS which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

N.B Agenda Item Descriptors

Scrutiny = Members to consider the evidence presented in detail (e.g. service delivery, value for money, performance, customer satisfaction, social outcomes) and make recommendations for any necessary changes/improvements to service provision or resources and/or request further information.

Overview = Members to consider the information presented and make observations, comments and/or recommend further considerations to be taken into account and any additions or amendments required.
CORPORATE PLAN AIMS AND PRIORITIES

Aim 1 - To improve the quality of life and social justice for residents so it is much closer to that enjoyed by the rest of Warwickshire.

Priority 1 - To provide a choice of housing to meet the needs of the residents of the Borough.

Priority 2 - To create a healthy, diverse and robust economy which provides employment opportunities for local people.

Priority 3 - To work in partnership to improve health and reduce health inequalities for residents in the Borough.

Priority 4 - To develop a confident, cohesive and diverse community.

Aim 2 - To work in partnership to reduce the level of crime and disorder so that the community is and feels safer.

Priority 1 - Dealing with anti-social behaviour by working in partnership and provide diversionary activities to engage with youngsters.

Priority 2 - Environmental improvements and support for selective CCTV to reduce fear of crime.

Priority 3 - Use of the Council's enforcement powers to support community safety initiatives.

Aim 3 - To provide a pleasant environment for those living, working and visiting the Borough.

Priority 1 - To create a greener and cleaner environment.

Priority 2 - To lead in environmental issues addressing climate change and protection of the environment.

Aim 4 - To provide quality services which represent value for money.

Priority 1 - To continue to improve the performance and quality of key services.

Priority 2 - To improve access arrangements for all Council services and the way that those who use them are treated.

Priority 3 - To use value for money procedures to test the way all services are delivered.
NUNEATON AND BEDWORTH BOROUGH COUNCIL

ECONOMIC AND CORPORATE
OVERVIEW AND SCRUTINY PANEL

6th February, 2013

A meeting of the Economic and Corporate Overview and Scrutiny Panel was held at the Town Hall, Nuneaton, on Wednesday, 6th February, 2013.

Present

Councillor B. Hawkes – Chair
Councillor K.D. Wilson – Vice Chair


An apology for absence was received from Councillor G. Smith.

331 Minutes

RESOLVED that the minutes of the meeting held on 5th November, 2012 be confirmed.

332 Declarations of Interest

The Chair, together with Councillor R. Copland declared that all Labour Group members of the Panel present had been whipped in respect of Work Programme suggestions, ‘Hiring out of the Town Hall for Weddings and other Occasions’, ‘Use of Banners and Advertising to increase revenue’ and ‘German Christmas Market’. This also included Councillor C.M. Watkins who was present and spoke at the meeting under Item 5.

Councillor R.G. Copland also declared an Other Interest by reason of him being employed by Coventry City Council.

Councillor K.D. Wilson declared an Other Interest in any relevant item by reason of him being an employee of Nuneaton County Court and Warwickshire Family Proceedings Court and also in Agenda Item 6 by reason of him being a Trustee of Advice Rights.

Councillor B.J. Longden declared an Other Interest in any relevant item by reason of him being a member of Warwickshire County Council and also by reason of him being a ‘Blue Badge’ holder.

Councillor A.A. Lloyd declared an Other Interest in any relevant item by reason of him being a Governor of George Eliot Hospital and also be reason of being the Council’s representative on the Hospice Charity.
Voluntary and Community Sector Monitoring Reports for the First and Second Quarter of 2012 - 2013

The Director – Housing and Communities submitted a report outlining the first and second quarter performance relating to Voluntary and Community Sector Organisations with which the Council has entered into Service Level Agreements (SLA) during 2012 – 2013.

Mike Bannister of Warwickshire Employment and Advice Rights and Jane King of the Volunteer Centre were present at the meeting to answer questions from Members.

Members asked various questions and acknowledged the excellent value for money provided by the Voluntary and Community organisations supported by the Council.

RESOLVED that

(a) the performance reports for the first and second quarters, 2012/13 be noted;

(b) a further report to include information relating to ‘food banks’ be submitted to a future meeting; and

(c) Mike Bannister and Jane Kimberley be thanked for their attendance at the meeting.

Operational Integrated Performance Report Third Quarter 2012 - 13

The joint report of the Director – Finance and Procurement and Performance and Quality Manager providing appropriate performance measures and financial budget information for service areas within the scope of the Panel and providing the Panel with appropriate information to monitor performance, finance information to address issues arising was considered.

The various items marked “Red” were considered and the following concerns discussed:

- low turnout in local elections.
- will Individual Electoral Registration (IER) be monitored.
- when IER is introduced, maintaining current levels of registration.
- there was insufficient information provided regarding complaints to indicate whether performance was good or bad.
- complaints from Members to Officers or those made by the public via Members were still not recorded.

RESOLVED that

(a) the Operational Integrated Performance Report - Third Quarter 2012 - 2013 and Performance Indicators attached to the report be noted;
(b) the Principal Officer Democratic Services (Elections) be requested to submit a report to a future meeting of this Panel when more information concerning IER is received;

(c) the Head of Human Resources be requested to submit a report to the next meeting of this Panel, scheduled for 5th March, 2013, providing an update on sickness absence and to include information regarding the performance of Diagnostic Health Solutions in relation to reducing sickness levels; and

(d) the Director – Business Improvement be requested to submit a report to the next meeting of this Panel, scheduled for 5th March, 2013 outlining the procedure for how complaints are processed and explaining the poor performance in dealing with complaints within 10 days.

335 Review of the Strategic Risk Register Update

The Audit and Governance Manager provided a verbal update on the Strategic Risk Register.

The following concerns were raised:

- the difficulty in recognising whether the ‘net risk’ was green or red.
- some of the information provided was out of date.
- no information was provided explaining why a ‘risk’ had been deleted.

**RESOLVED** that

(a) the Strategic Risk Register be noted; and

(b) the risk codes be distinguished more clearly on future reports to members.

336 Review of Blue Badge Charging Arrangements

The Director – Assets and Street Services submitted a report providing the Panel with the results of a survey undertaken in late 2012 providing people with the opportunity to comment on the changes the Council made to blue badge parking in its car parks in November 2011.

The following concerns were expressed:

- there appeared to be widespread abuse of the blue/badge system in general and also in the use of blue/badge parking spaces both on and off-street.
- the design of the blue badge made enforcement difficult, especially when the photograph on the badge faced the interior of a motor vehicle.
- blue badge parking permits were apparently being used fraudulently.
- improper parking in Queens Road at it’s junction with Dugdale Street was a particular problem.
RESOLVED that

(a) the content of the report be noted; and

(b) the Director – Assets and Street Services be requested to forward a letter to the Social Services ‘Blue Badge Team’, Warwickshire County Council expressing the concerns of the Panel and in particular the design of the blue badge and the position of the photograph.

337 Out of Hours Response to Weddington Flood

The Communications, Events and Emergency Planning Manager submitted a report outlining the emergency response to the Weddington Flood which occurred on 25th November, 2012.

The following concerns were raised:

- the advice given in Appendix A to the report, that sandbags should be obtained from local builders merchants was impractical when emergencies occur outside normal trading hours.
- that this Council was not alerted to this emergency at any time during the entire event.
- the apparent lack of co-ordination between the Emergency Services, Coventry, Solihull, Warwickshire Resilience (CSWR) and District Council’s across the region.

RESOLVED that

(a) the report be noted;

(b) a further report be submitted to a future meeting of this Panel when a reply is received from the Head of CSWR in response to the letter forwarded to Warwickshire County Council by the Leader of this Council;

(c) the Communications, Events and Emergency Planning Manager be requested to advise Members of the Panel on the outcome of the meeting to be held with Galley Common Community Group in relation to the future provision of sandbags in emergency situations; and

(d) Matt Jeffes and Michael Green of the Flood Risk Management Team, Warwickshire County Council be invited to attend a future meeting of this Panel.

338 Work Programme 2012/13

The Principal Democratic Services Officer (Committees) verbally updated the Panel on the current issues relating to the Work Programme 2012/13.

RESOLVED that
(a) the following items be added to the Work Programme 2012/13

   - Use of Banners and Advertising to increase revenue.
   - Increasing Democracy and Electoral Uptake.
   - German Christmas Market.

(b) an email be forwarded to members of all three Overview and Scrutiny Panels for expressions of interest in being a member of the Increasing Democracy and Electoral Uptake Working Group;

(c) it be noted that Councillors R.C. Copland and K.D.W. Wilson expressed an interest in being a member of the Democracy and Electoral Uptake Working Group:

(d) the Principal Democratic Services Officer (Committees) be requested to forward a letter to Warwickshire County Council Highways Department expressing the Panel’s concerns regarding the poor state of the block paving outside the Ropewalk Shopping centre and the lack of maintenance and repair; and

(e) the amended Work Programme 2012/13 be approved.

____________________________________
Chair
OBJECTIVES OF SCRUTINY

To scrutinise the Council’s activity in relation to Managing the Attendance of the workforce

WHAT IS THE PANEL BEING ASKED TO CONSIDER?

The panel is asked to consider:

- Sickness absence statistics
- the processes outlined in the current Managing Attendance Policy
- the effectiveness of Diagnostic Health Solutions (DHS) in supporting the Council to achieve a reduction in sickness absence
- the initiatives used to reduce sickness absence

WHO CAN THE PANEL INFLUENCE?

The outcomes of the panel’s debate will be provided to the Portfolio Holder for Central Services when considering any future work surrounding the Management of Attendance.

WHAT INFORMATION WILL BE PRESENTED?

Information relating to the service provided by Diagnostic Health Solutions (DHS) and statistical information relating to sickness absence of the Council’s workforce will be presented for consideration and debate

APPENDICES

Appendix A: Sickness Absence Statistics
Appendix B: Managing Attendance Policy Procedure
MANAGING ATTENDANCE OF THE WORKFORCE

1. Introduction

1.1 The Council is obliged to collect sickness absence data for the purpose of Statutory Sick Pay and Performance Indicators and the collation of data supports the Management of Attendance of the workforce.

1.2 The Human Resources Team is responsible for the collection of sickness absence data across the Council. Until the appointment of the employee Absence Support Centre, Managers and Supervisors were required to submit weekly sickness absence returns to HR and a dedicated employee was tasked with inputting the returns into a Microsoft Access Database. This was an extremely time consuming activity and required significant support from Managers and Supervisors to ensure that the data was accurate.

1.3 The database was becoming unstable and maintenance costs were starting to increase. In addition, there was limited experience and knowledge of the database that caused resilience issues during the absence of the dedicated employee.

1.4 On 7 April 2010, Cabinet authorised the engagement of an employee absent support centre and following a formal tendering process, Diagnostic Health Solutions (DHS) was engaged to support the Council’s objective to reduce sickness absence.

1.5 At the meetings of this panel held on 5 November 2012 and 6 February 2013, it was requested that an update report on sickness absence, including information regarding the performance of Diagnostic Health Solutions in relation to reducing sickness levels be provided.

2. Sickness Absence Statistics

2.1 The Council has experienced above average levels of sickness absence for a number of years and the following table provides a summary of the levels of sickness absence since 2004/5

<table>
<thead>
<tr>
<th>YEAR</th>
<th>Number of FTE Days Lost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004/05</td>
<td>14.22</td>
</tr>
<tr>
<td>2005/06</td>
<td>13.72</td>
</tr>
<tr>
<td><strong>2006/07</strong></td>
<td><strong>10.25</strong></td>
</tr>
<tr>
<td>2007/08</td>
<td>11.71</td>
</tr>
<tr>
<td>2008/09</td>
<td>11.67</td>
</tr>
<tr>
<td>2009/10</td>
<td>10.84</td>
</tr>
<tr>
<td>2010/11</td>
<td>10.24</td>
</tr>
<tr>
<td><strong>2011/12</strong></td>
<td><strong>9.95</strong></td>
</tr>
<tr>
<td>2012/13 (Predicted outturn)</td>
<td>11.00</td>
</tr>
</tbody>
</table>
2.2 In 2006/07, the Council introduced a set of sickness absence triggers and target and this had a clear significant effect on the attendance rates of the workforce. The current triggers and target are as follows:

- 6 days per rolling year
- 3 absence periods within a 3 month period
- 5 days absence in a 3 month period
- Target – No sickness absence in six month period

2.3 Attached at Appendix A is the following statistical data

- the top four reasons for sickness absence within the Council for the period 2009 to 2013
- the level of long term and short term sickness absences for the period 2009 to 2013

3. **Attendance Management Policy Procedure**

3.1 Attached at Appendix B is a copy of the Councils current Attendance Management Policy Procedure

3.2 The policy contains advice and guidance to managers when dealing with sickness absence issues. The main elements of the policy include the following:

- Short & Long Term Sickness Absence processes
- Return to Work Procedures
- Formal Trigger Points to identify target setting action
- Informal Processes
- Formal Processes
- Dismissal Procedures
- Appeals Procedures

3.3 When an employee returns to work following sickness absence, managers are required to undertake return to work interviews. If a trigger is hit a target of no sickness absence for a period of six months is set. If the employee does not achieve the target, then they are formally moved to the next level of the process.

3.5 The policy is developed to ensure consistency across the Council and promote good Employee Relations with the Trade Unions.

3.6 The policy is currently under review to ensure that it is fit for purpose and achieves the objectives of the Council in relation to Attendance Management

4. **Effectiveness of Diagnostic Health Solutions (DHS)**

4.1 DHS was appointed on 1 May 2011 and at the end of the following financial year, the Council had for the first time had a sickness absence rate of less than ten days lost due to sickness absence.
4.2 DHS specialises on absence management. They adopt a more proactive approach to absence, by providing real time data of who is absent and the reason for the absence. It operates within agreed policy guidelines, tackling absence from the first day, by providing support to line managers and employees through an effective team approach to manage the absence.

4.3 The Key Features of the service include:

- The employee calls the free sick line number and speaks with a fully Registered Medical Professional.
- The employee is offered medical advice and an appropriate action plan is agreed which may include a return to work date.
- The Manager and Human Resources are informed via email, Phone, SMS and / or Pager of the full details and the date to expect the employee to return
- The facility operates 24/7
- A dedicated Nurse is assigned to long term cases and provides regular updates to the Manager and Human Resources.
- Return to work forms (online/ manual) are provided for all absences.
- Trigger points are automatically monitored with immediate notification to the Manager and Human Resources
- Absence returns for payroll are automatically produced
- Senior management monitoring tools are available
- Secure online access to the absence management software is available

4.4 In the first year of operation, DHS cost the Council approximately £20K. This cost was offset by the saving of approximately £16K on the employee and maintenance costs. In addition, there were non cashable efficiency savings associated with the weekly collection of sickness absence data.

4.5 At the end of the first year of operation, an Employee Satisfaction Survey was undertaken and the results were as follows:

<table>
<thead>
<tr>
<th>Employees Questionnaires</th>
<th>Results of Satisfaction Surveys %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rate the speed of getting through to the nurse</td>
<td>Poor 20.8 Satisfied / Good 43.76 Excellent</td>
</tr>
<tr>
<td>Rate the sensitivity of handling the call</td>
<td>Poor 41.6 Satisfied / Good 54.13 Excellent</td>
</tr>
<tr>
<td>Rate the advice/guidance/support you received</td>
<td>Poor 41.6 Satisfied / Good 54.13 Excellent</td>
</tr>
<tr>
<td>Rate the follow up call you received in terms of timeliness</td>
<td>Poor 29.16 Satisfied / Good 20.8 Excellent</td>
</tr>
<tr>
<td>Rate the overall service you have received from the nurses</td>
<td>Poor 25.0 Satisfied / Good 66.6 Excellent</td>
</tr>
</tbody>
</table>
4.6 The contract with DHS is due to end on 30 April 2013 with option to extend and it has been decided that a further procurement exercise will be undertaken to ensure best value for money.

5. **What Initiatives has the Council adopted to reduce Sickness Absence**

5.1 The Council has utilised a number of initiatives to reduce sickness absence and improve the general Health and Wellbeing of the workforce that include:

**Musculoskeletal Injuries**
- Back Care Awareness Seminars
- Manual Handling Training
- Early Assessment and Treatment for

**Stress & Related Conditions**
- Recognising & Managing Stress in the workplace for Managers
- Recognising & Coping with stress and anxiety for Employees
- Individual Stress Risk Assessments

**Other Initiatives**
- Provision of Flu Vaccinations
- Flexible working arrangements
- Cycle to Work Scheme
- Health Screening Provision
- Weight Busters Classes
- Organised Lunchtime Walking
- Smoking Cessation Classes
- Health Awareness Sessions
- Benenden Healthcare Solutions

5.2 A representative has periodically given advise on how the Council may be able to further reduce the level of sickness absence. A representative will shortly be attending the Corporate Management Team to give further advice in this respect.

**PAUL LYNCH**
Top 4 reasons for Sickness Absence (2009-2013)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Back/neck</td>
<td>512</td>
<td>600</td>
<td>516</td>
<td></td>
<td>2182</td>
</tr>
<tr>
<td>Musco-skeletal</td>
<td>1168</td>
<td>1403</td>
<td>824</td>
<td>1039</td>
<td>2055</td>
</tr>
<tr>
<td>Respiratory</td>
<td>724</td>
<td>746</td>
<td>700</td>
<td>739</td>
<td>1150</td>
</tr>
<tr>
<td>Stress</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1283</td>
</tr>
</tbody>
</table>

Economic and Corporate Overview and Scrutiny Panel
ATTENDANCE MANAGEMENT POLICY PROCEDURE

(03)

Related Documents:

| 01 | Attendance Management Policy Statement |
| 02 | Attendance Management Policy Guidelines |
| 04 | Attendance Management Policy (Trigger Points and Model Letters) |

Issued by Human Resources
Oct 2009
<table>
<thead>
<tr>
<th>Revision</th>
<th>Date</th>
<th>Initial EIA</th>
<th>Description</th>
<th>Stage</th>
<th>Agreed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final Version</td>
<td>January 2006</td>
<td></td>
<td>Revised Sickness Absence Guidelines and Procedures</td>
<td>Approved by single member</td>
<td>January 2006</td>
</tr>
<tr>
<td>First revision</td>
<td>6.12.2007</td>
<td>22.11.2007</td>
<td>Revised Sickness Triggers and Return to Work Interview Pro Forma</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Second revision</td>
<td>October 2009</td>
<td></td>
<td>Revised sickness policy, including triggers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Third Revision</td>
<td>July 2010</td>
<td></td>
<td>Changes to employment law for Holiday entitlement</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Changes to process when stress is reported as the reason for absence.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Introduction of the new ‘fit for some work note’</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>M Walton</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paragraph</td>
<td>Contents</td>
<td>Page</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------</td>
<td>---------------------------------------------------</td>
<td>------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Introduction</td>
<td>4</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Flow Chart for Short Term Sickness</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Flow Chart for Long Term Sickness</td>
<td>6</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Return to work Procedure</td>
<td>7</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Monitoring Short Term Persistent Absences</td>
<td>11</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.1</td>
<td>Informal Procedure</td>
<td>11</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.2</td>
<td>Formal Procedures</td>
<td>11</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.3</td>
<td>Stage 1</td>
<td>12</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.4</td>
<td>Stage 2</td>
<td>13</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.5</td>
<td>Other possible actions</td>
<td>13</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.6</td>
<td>Stage 3</td>
<td>15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.7</td>
<td>Dismissal Procedure</td>
<td>16</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Long Term Sickness</td>
<td>17</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Appeal</td>
<td>19</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This Policy is available in larger print. Please contact Human Resource if you require assistance.
Attendance Management Policy Procedure

1. **Introduction**

   **The purpose of this document:**

1.1 To ensure that all managers apply the correct procedures consistently across the Council.

1.2 To ensure that all employees who are absent from work through illness are aware of the monitoring process that is applied across the Council.
1. Flow Chart for Short Term / frequent Sickness

Supervisor/ line manager to identify any issues in levels of attendance.
Informal Counselling/extended return to work interview with Supervisor
Contact Human Resource for advice
Target set if appropriate

No

Improved to a satisfactory level?

No

Stage 1 – Formal Action
Contact Personnel Officer for advice

Improved to a satisfactory level?

No

Stage 2 – Formal Action
Interview with Line Managers Manager /TU Rep/Personnel officer.
Advise attendance level still unsatisfactory and an improvement required. Agree action plan / target for improvement. Review medical advice or refer to Occupational Health if this has not already happened

Improved to a satisfactory level?

Yes

Follow up interview with Manager to feedback that improvement is noted. Confirm in writing.

No

Follow up interview with Manager to feedback that improvement is noted. Confirm in writing.

Yes

Refer to Occupational Health for advice on alternative employment/ill health retirement

Is Alternative Employment an option?

No

Dismissal on grounds of capability without pension benefits. Look at option of early retirement if appropriate

Yes

Redeployment process

Is Ill Health retirement approved?

No

Dismissal on ground of capability with Ill health pension benefits

Yes

Does the medical advice confirm that the absence is related to an underlying illness of injury?

Final written warning should be given which will remain on file for two years. Should attendance not be satisfactory during this period the Assistant Director/Director to hold a hearing to consider dismissal on grounds of conduct/capability as appropriate
2. Flow Chart for Long Term Sick

Supervisor / line manager should identify whether a return to work is predictable. E.g. An expected normal recovery period following illness / injury.

- **NO**
  - Informal Counseling interview, at home if appropriate, with Supervisor/Line Manager and Personnel Officer. If employee request TU rep this should be accommodated.
  - Return to work date confirmed and agreed
  - **NO**
  - **YES**
    - Manage Long term by following the guidelines in this procedure under Section 6.

- **YES**
  - Await Return to work
  - Monitor
  - Keep in touch by telephone or home visit
  - Return to work interview
  - Return to work
4. **Return to Work Procedure**

4.1 On the employee’s return to work from any period of sickness absence, the employee must complete the Self Certification Form which will have been provided to them by their Line Manager/Supervisor. If this has not been provided, the employee should approach their Line Manager/Supervisor for the form. The Self Certification form should always be signed by their line manager/Supervisor. This form can be located on CLIP under forms or by using the link below.

http://126.0.70.176/library/forms/sickselfcertification.pdf

4.2 With the introduction of Fit Notes on 06 April 2010, employees may now be signed ‘not fit for work’ or ‘fit for some work’ by a GP. Where a ‘may be fit’ for some work medical certificate has been provided by the GP, Managers should follow the guidance provided below.

4.21 **Guidance for Finding Temporary Alternative Employment**

If an employee is signed ‘fit for some work’ this may be with some form of adjustment to their duties or working environment for a specified period as indicated below:

- Phased Return
- Altered Hours
- Amended Duties
- Workplace Adaptations

Where amended duties have been indicated, the GP may also provide guidance as to the employee limitations. If not, it may be appropriate to liaise with HR regarding an Occupational Health referral.

Should the guidance received on the ‘Fit Note’ not be clear, please contact HR who will contact the GP for further clarity.

As a manager, you will need to firstly consider if there is appropriate work available within your own area that may suit the employee’s needs. This may be a change from manual work to answering phones, filing and so on. You will also need to consider the appropriate skills required for such work and the capabilities of the employee concerned. If you or your employee are in any doubt regarding the limit of abilities, please contact HR who will be happy to advise.

If there is no work available within your own team, you will then need to liaise with other managers, within your own service unit.

If at this stage, you are unable to find suitable alternative work, then it will be necessary to make contact with Managers in other Service Units across the Council. If after undertaking this exercise you are still
unable to arrange alternative work then contact HR who will be able to offer further guidance/advise.

In considering whether suitable work is available, there does not need to be a vacant post but there should be sufficient work to sustain the employee for the period specified on their Fit Note. This may mean we are only able to provide work for a short period and that further work would be sourced elsewhere.

If suitable alternative duties are found, you will need to discuss this with your employee to ensure that they are comfortable and that their recovery will not be affected by such duties.

For the period that an employee is undertaking alternative duties, they will continue to receive their normal salary and will not be deemed as absent due to sickness. Remember that the period stated on the Fit Note will be the length of time the adjustments will be made for.

Furthermore, it may not be possible to find such work immediately. In these cases, you will need to review the situation on a regularly basis and remain in contact with the employee. Please liaise with HR should you need further advise.

Finally, if it is not possible to find alternative work, the employee will remain on sick leave until the end of the specified period on their Fit Note, at which point they will be deemed as fully fit for all duties.
4.23 ‘Fit for some work’ Flow chart

If guidance from the GP is not clear, you should contact HR who will contact the GP for further clarity.

Meet with the employee and discuss the possible adjustments available. Where adjustments can be made, agree timeframe as per the dates on the Doctors Note.

Where suitable adjustments cannot be found in your own team / service unit, then you should contact managers in other service units.

Please contact HR for any assistance or guidance on any of the above.

If all avenues have been explored and no suitable alternative work can be found then it should be agreed that the employee remains ‘unfit’ for work until such a time that alternative work is found, which can be at any point during the period of time stated on the GP note, or at the point of the end date on the GP note ends. At this point the employee will be expected to return to their normal duties.

4.3 In addition to the completion of the Self Certification the manager should arrange to see their employee preferably in private to complete a ‘return to work’ pro forma. This form can be located on CLIP under forms or by using the link below.

http://126.0.70.176/library/forms/ReturnToWork.doc
4.4 Before the manager commences the ‘return to work interview’ the manager should complete the details of part ‘A’ of the pro forma. Where this indicates an employee has hit a trigger and the manager feels it is not appropriate to set a target, then Personnel Officer must be contacted for advice.

4.5 Managers should record the category of sickness on the ‘return to work’ pro forma.

4.6 Where a stress / stress related illness has been identified as the reason for absence, please refer to the Stress policy Documents http://126.0.70.176/people/stressmanagement/default.asp

4.7 Completion of the ‘return to work’ proforma will help you to:

- Confirm the reason for absence.
- Find out any problems; and to establish whether the employee is seeking help elsewhere, i.e. from a GP, Occupational Health Services, and to establish whether the Council can be of assistance with any problems.
- Ensure that the paperwork is correct, i.e. absence notification and self-certification forms have been issued, completed and returned.
- Ensure the employee knows he/she has been missed and you welcome their return.
- Identify and discuss if the employee has high levels of sickness
- Brief the employee about work plans, programmes, changes, etc.
- It may also be necessary to ensure they are fit to do their normal work.

4.8 It is essential that the procedure is applied consistently to all staff. They need to know that their manager is interested and be aware that you will expect an explanation of the reasons for absence.

4.9 Both the Self Certification and the Return to Work pro-forma are essential to ensure the accuracy of attendance records, sickness absence payments and management information reporting. Once fully completed, the manager should forward the forms to Human Resources under confidential cover.

4.10 Where the employee has been issued with an unfit to work note by their medical practitioner, and they wish to return before the medical
certificate has expired, they should contact their line manager to discuss the possibility of an earlier return. The line manager should contact HR to discuss the possibility before any decision is made.

4.11 Where an employee has been absent from work over a long period, and returns to work on the date specified by the medical practitioner, no further doctor’s certification is required.

5. MONITORING SHORT TERM PERSISTENT ABSENCES

5.1 Informal Procedure

5.1.1 Not withstanding the need to undertake a return to work interview with all employees after every absence, for any employee whose absence hits a trigger, or gives cause for concern, part D of the Return to Work Pro forma must be completed at the informal stage. At the interview the manager should inform the employee that they are concerned for their well-being due to the level/number of absence/s. They should then discuss the absence/s, identify what is the cause of the absence/s, is there a medical condition and if there is anything we can do e.g. adjustments / process put in place etc to help the individual.

5.1.2 At this stage the manager will agree an action plan and where appropriate a target of no further sickness absence within the next 6 months. A review date should be confirmed, no later than 6 months, but can be sooner if their levels of absence continue.

5.1.3 Sometimes it may be appropriate as part of the action plan to consider a referral to Occupational Health. It may also be appropriate to ask the employee to seek guidance from their GP and to remind them of Employee Welfare Services available, e.g. Relate Counselling.

5.1.4 The employee should be advised that their absence will continue to be monitored and advised that if the current absence levels were to persist then the formal stages of the Sickness procedure would be invoked.

5.1.5 They should be thanked for their attendance.

5.1.6 If absences continue following this discussion, the following stage should be applied.

5.2 Formal Procedures

5.2.1 Before formal action is considered, Managers should discuss the situation with a Personnel Officer/Manager. Concern will centre on ensuring employees are given whatever reasonable help and assistance Nuneaton and Bedworth Borough Council can provide, to enable the employee to improve their levels of attendance and return to work, particularly should their absence be long term. Managers will not be seeking to take disciplinary action against staff who are genuinely ill,
however, poor attendance for whatever reason, can lead to dismissal and it may be necessary to have recourse to such action under this procedure.

5.3 Stage 1

5.3.1 The manager should issue a letter requesting attendance of a meeting at stage 1 to discuss absences following the initial return to work interview. The meeting will be held in private with their line manager and their line manager’s manager and the employee should be advised of their right to be accompanied by a trade union representative or a work colleague. At the meeting the following should be discussed:

- Informed of the level of absences and the effect on the section/service unit.
- Given an opportunity to identify possible causes which may explain the level of absence (this could allow the Manager to offer help)
- Made aware that his/her absence level is unacceptable and that it is necessary for their attendance to improve. An action plan with timescale and review dates, e.g. arrange to review at the end of the 6 month target period if no further sickness is taken or earlier if further absences occur during that period.

5.3.2 The interview should make the employee aware of the situation and allows for discussion to take place. A written record should be issued indicating the outcome of the interview, and should be given to the employee within five working days of the interview taking place. It should include a management instruction clearly outlining the action plan, stating the expected improvements and the timescale agreed. Managers should retain notes of the interview.

5.3.3 These discussions may be used to:-

- Help pinpoint the nature of the sickness absence problem; does the employee have a persistent, continuing illness or is this merely an ‘unsatisfactory’ period with no underlying cause? Are the absences likely to continue? Has the employee already sought medical help?
- Bring to the surface any ‘non-medical’ problems which may be contributing to the absences. Where these problems occur support may be sought from the Personnel Officer (with the permission of the employee) to arrange external counseling or specialist advice if appropriate. It is essential that any such problems can be raised by the employee in the confidence that they remain confidential.
- Raise the operational problems the absences are causing.
• Discuss with the employee the reason for monitoring his/her attendance record for a specified review period (e.g. 6 months).

5.3.4 If the employee’s level of absence does not significantly improve during the 6 month review period the line manager should inform their manager who will take responsibility for the next stage. The manager does not need to wait until the end of the review period to refer the case to their manager if (i.e. there are further absences)

5.3.5 If the employee’s attendance improves to a satisfactory level the manager should arrange to meet with the employee and confirm their attendance has been satisfactory over the review period. The employee should also be advised that their attendance will continue to be formally monitored for a further period of six months but should it deteriorate during that period then the absence will be dealt with under this current stage of the procedure.

5.4 Stage 2

5.4.1 In advance of the second interview the employee should be advised in writing that they are required to attend a meeting with their line manager’s manager and advised of his/her right to be accompanied by a trade union representative or a work colleague. The Personnel Officer should also attend the interview at Stage 2.

5.4.2 At the interview, it must be made clear that his/her absence level cannot be tolerated, that an improvement must be forthcoming, and unless this is achieved, the absence will continue to be managed within the formal procedure. A written record of the outcome of the interview should be given to the employee within five working days of the interview taking place. The written letter should include an action plan for improvement including targets (e.g. 6 months), support to help the employee improve their attendance (if appropriate) and a review date. The outcome letter should also include a formal warning, that failure to improve attendance within a review period could result in further action, up to and including dismissal, being taken on the grounds of conduct or capability.

5.4.3 At any time an employee may be requested to attend Occupational Health to be examined by a medical adviser. If this has not occurred before Stage 2 a referral should now be undertaken. The employee must be aware of the reason for his/her referral and advised of his/her rights under the ‘access to medical records act’.

5.5 Other possible actions will include

5.5.4 That the employee must provide a medical certificate for all absences in the future for a specified period. Any costs incurred by an employee
obtaining a private medical certificate required by the Council shall be reimbursed upon submission of a receipt.

That the employee shall be required to give permission for his/her G.P. to be consulted (by an Occupational Health Adviser) at any time during or after a period of sickness absence to establish if there is an underlying medical cause for such absences.

- That failure to comply with specific requirements relating to producing medical certificates or co-operating in a medical examination will involve loss of pay and/or disciplinary action.

- That the employee be advised in writing that such absences undermine operational efficiency and may place the contract of employment in jeopardy unless there is an immediate and sustained improvement.

5.5.5 The possible outcomes previously identified are not mutually exclusive, they could be combined or an alternative decision be made.

5.5.4 Where improvements in attendance are achieved to a satisfactory level the manager should arrange to meet with the employee and confirm their attendance has been satisfactory over the 6 month review period. The employee should also be advised that their attendance will continue to be formally monitored for a further period of six months but should it deteriorate during that period then the absence will be dealt with under the current stage of the procedure.

5.5.5 Should after the full 12 month satisfactory monitoring period the employee’s attendance again gives cause for concern then Stage 1 of the process would be invoked.

5.5.6 A record of this interview shall be made, including the outcome. A written record of the outcome of the interview should be given to the employee within five working days of the interview taking place.

5.5.7 If, after this further review period, there is little or no improvement in the employee’s sickness record the advice of the Occupational Health Physician will be reviewed. If necessary a further report should be obtained to establish an up to date position.

5.5.8 Where an employee has been required to submit medical certificates for all absences for a specified time a review shall take place at the end of that period. Where the level of sickness absence has improved to an acceptable level the employee shall no longer be subject to providing medical certificates for all absences.

5.5.9 Should the desired improvement not be forthcoming then the manager will have to consider whether to take formal action within stage 3 of the process. Before initiating such action advice must be sought from a
Personnel Officer.

5.5.10 If, prior to end of the review period it is evident that the attendance is not improving then the manager does not need to wait until the end of the review period before moving to stage 3 of the procedure.

5.6 Stage 3

5.6.1 If, having taken action at Stage one and Stage two of this procedure, an improvement in attendance is not achieved then the line manager's manager will need to interview the employee to consider the appropriate course of action.

5.6.2 In advance of the interview the employee should be advised in writing that they are required to attend a meeting and advised of his/her right to be accompanied by a trade union representative or a work colleague. The Personnel Officer should also attend the interview at Stage 3.

5.6.3 If the problem is a medical one, guidance from the Occupational Health Services should be followed and the necessary action taken. This may involve the employee applying for ill health retirement or early retirement. Alternatively, you may need to dismiss the employee on the grounds of capability. The employee should be warned finally and formally, in writing, that if their attendance does not improve within the review period then this may result in their dismissal. This warning will remain live on the employee’s record for a period of two years.

5.6.4 At this stage, if not already considered, it will be appropriate to consider:

- Suitable alternative employment which is within the individual's capabilities.

- Amendments to the current post i.e., job redesign; job rotation (with the consent of another colleague); change of duties/responsibilities. This is particularly important for employees with a disability.

5.6.5 It is an important point to note that a guarantee cannot be given that redeployment, or a change in duties, will attract the same grade or that current pay will be protected.

5.6.6 The employee should be informed that he/she is entitled to representation at any interviews and/or meetings, and any decisions made should be subject to a right of appeal.

5.6.7 A record of this interview shall be made, including the outcome. A written record of the outcome of the interview should be given to the
employee within five working days of the interview taking place.

5.6.8 If all options have been explored without success, then the employee's contract may need to be terminated either on grounds of Ill Health or Capability. The employee should be issued with a final warning that if their attendance does not improve then this may result in their dismissal. This warning will remain on their personal file for a period of Two Years. Where there is a possibility of dismissal the matter should be referred to the Assistant Director/Director who should ensure the correct procedure is followed, and advice from a Personnel Officer sought at all times.

5.6.9 Where improvements in attendance are achieved to a satisfactory level the manager should arrange to meet with the employee and confirm their attendance has been satisfactory over the 24 month review period. The manager should also make them aware that if after the full 24 month monitoring period their attendance again gives cause for concern then stage 2 of the process would be invoked.

5.6.10 Record of this interview shall be made, including the outcome. A written record of the outcome of the interview should be given to the employee within five working days of the interview taking place.

5.7 Dismissal Procedure

5.7.1 The employee should be written to requiring them to attend a hearing which must be chaired by the Assistant Director/Director who should be accompanied by a Personnel Officer. The letter must advise the employee of the nature of the circumstances that may result in his/her dismissal and inform the employee of their right to be accompanied either by a Trade Union Representative or a colleague at the meeting. Any written information to be presented to the meeting by management or the employee (or Trade Union Representative) shall be copied to the other side at least five working days before the meeting.

5.7.2 During the dismissal hearing, the information in respect of the employee’s attendance and the reasons for considering dismissal will be explained to the employee. The manager will have the opportunity to present the Assistant Director/Director with information relating to the issues of absence and the employee will have the opportunity to respond. Once all the information has been considered the Assistant Director/Director will inform the employee of his/her decision. The decision should be confirmed in writing and where there has been a decision to dismiss the employee should be offered the right of appeal.

5.7.3 The employee may appeal against any decision to dismiss by detailing reasons for their appeal in writing to the appropriate Corporate Director. This must be completed within 10 working days of the dismissal and will be heard by a Corporate Director.
6. **LONG TERM SICKNESS**

6.1 In the first seven days the manager should keep intouch. Once a sick note has been received contact should be made on a weekly basis.

6.2 By no later than the end of the third week of absence (in cases of stress this should be sooner) the manager should liaise with a Personnel Officer to obtain advice on how to manage the case. In some circumstances this will include arranging a home visit.

6.3 The manager should write to or telephone the employee requesting a meeting. This can be conducted as a home visit, in which case you are advised to have a colleague or a Personnel Officer present.

6.4 The employee is entitled to be accompanied by a family member, friend, a fellow employee of choice or Trade Union Representative. This entitlement should be communicated to the employee in advance of the meeting.

6.5 The purpose of the visit is to:

- Discuss the nature of the illness and the employee’s general disposition.

- Obtain the employee’s consent to contact his or her own medical practitioner or to attend a medical examination with the Occupational Health Adviser.

- Agree a communication plan with the employee, depending on the nature of the illness, so that dialogue can be maintained with the line manager regarding the nature of the illness, duration and prognosis for return to work.

- Ask if the employee wants to be kept abreast of appropriate information relating to Council activities during the period of absence. (i.e. newsletters, job vacancies)

- Provide information about the Counselling Scheme.

- Offer any other assistance to the employee to aid their period of recovery.

6.6 Options should be explored of ways that the Council may support the person back into work, despite their illness. For example, someone with a broken toe who is normally required to do a lot of walking may be able to be placed in an office environment as a temporary arrangement whilst they are recovering. Arrangements can be made for an employee to work from home where absences relate to a
fracture. It is necessary here to gain medical consent and generally the individual will be referred to Occupational Health to get advice on how best to rehabilitate the individual back into the workplace.

6.7 A record of the meeting confirming the discussion should be communicated to the employee in writing (and copied to Personnel). The line manager is responsible for maintaining regular contact with the absent employee, which may be in person or by telephone and keeping appropriate records of communication.

6.8 Following receipt of the Occupational Health Adviser's report, the Personnel Officer and the line manager will consider all the facts and determine an action plan to facilitate the employee's return to work, where applicable. Alternative employment or working patterns, either permanent or temporary, will be actively considered where this would enable the employee to return to work in the short term and facilitate their reintegration into the workplace through a phased return. The manager in agreement with the employee should determine the days to be worked each week and the duties to be undertaken. A period of up to four weeks maximum is advised, with the first two weeks concentrating on getting the employee 'back up to speed'. Returning on a part time basis which is gradually increased over the phased period to full time can also help. Where employees have manual duties, it may be necessary for the phased return to incorporate light duties. Further advice and support can be given by Human Resources and Occupational Health.

6.9 Employees should receive full pay for a phased return up to four weeks. During this period the employee will receive his/her normal pay. However, if the phased period is to be extended the employee must use 'annual leave' or 'time off in lieu' to make up the time when he/she is not in work or reduce pay, depending on the individual circumstances.

6.10 Where the medical report supports the medical early retirement of the employee on the grounds of permanent ill-health, the Personnel Officer and the line manager will consider all the facts and approval will be sought to proceed.

6.11 Where it is considered the employee is not able to return to work, the Council will explore redeployment options, and as a final resort dismissal on ill health grounds. This may lead to action under the dismissal and disciplinary procedure.

6.12 This information will be communicated to the employee. A date for termination of the contract may be agreed with the employee in accordance with the provisions of the Employment Rights Act 1996 and the Managing Employee Procedure.
6.13 In all such cases the employee will be fully consulted and will be entitled to appropriate representation by a family member, friend, fellow employee or a Trade Union Representative.

7. Appeal

The employee may appeal against any decision to dismiss by detailing the reasons for their appeal in writing to the appropriate Director. This must be completed within 10 working days of the dismissal and will be heard by the Director.
AGENDA ITEM NO. 7

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Economic and Corporate Scrutiny Panel
– 5th March 2013
From: Director, Business Improvement
Subject: Complaints Reporting & Monitoring

1 Purpose of Report
1.1 To scrutinise complaints reporting and monitoring.

2 Recommendation
2.1 To provide feedback and comment.

3 What is the Panel being asked to consider?
3.1 The Panel is asked to review the complaints received and the actions to be completed to improve the monitoring process and response times.

4 What information will be presented?
4.1 The number of complaints, compliments and Freedom of Information (FOI) requests received Apr-12 to Jan-13 and response rate.

4.2 The percentage of complaints to transactional requests received.

4.3 The actions to be completed to improve upon the complaints monitoring process.

4.4 The report to the Standards Committee on Local Government Ombudsman complaints received for the year 2011-12.

4.5 The Director for Business Improvement, Christine Tydeman will attend the Panel to assist with technical and operational queries relating to the item.
5. Number of Complaints, Compliments and Freedom of Information requests Apr-12 to Jan-13

5.1

<table>
<thead>
<tr>
<th>Service/Subject Area</th>
<th>No. of complaint(s) received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burial identification &amp; location</td>
<td>1</td>
</tr>
<tr>
<td>Maintenance of burial ground</td>
<td>1</td>
</tr>
<tr>
<td>Economic Development</td>
<td>2</td>
</tr>
<tr>
<td>Environmental Protection</td>
<td>5</td>
</tr>
<tr>
<td>Finance</td>
<td>4</td>
</tr>
<tr>
<td>Local Taxation</td>
<td>8</td>
</tr>
<tr>
<td>Housing Advice</td>
<td>33</td>
</tr>
<tr>
<td>Housing Enforcement</td>
<td>5</td>
</tr>
<tr>
<td>Housing Estate Management</td>
<td>29</td>
</tr>
<tr>
<td>Housing Provision</td>
<td>24</td>
</tr>
<tr>
<td>Housing Stock</td>
<td>40</td>
</tr>
<tr>
<td>Housing Tenancies</td>
<td>1</td>
</tr>
<tr>
<td>Information Management</td>
<td>3</td>
</tr>
<tr>
<td>Parks &amp; Open Spaces</td>
<td>15</td>
</tr>
<tr>
<td>Museum</td>
<td>1</td>
</tr>
<tr>
<td>Management Enquiries &amp; Complaints</td>
<td>7</td>
</tr>
<tr>
<td>Management Corporate Communication</td>
<td>1</td>
</tr>
<tr>
<td>Management Project Management</td>
<td>1</td>
</tr>
<tr>
<td>Management Quality &amp; Performance</td>
<td>2</td>
</tr>
<tr>
<td>Planning &amp; Building Control</td>
<td>12</td>
</tr>
<tr>
<td>Risk Management</td>
<td>1</td>
</tr>
<tr>
<td>Public Transport</td>
<td>4</td>
</tr>
<tr>
<td>Street Cleaning</td>
<td>3</td>
</tr>
<tr>
<td>Waste Collection</td>
<td>30</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>233</strong></td>
</tr>
</tbody>
</table>

5.2 Complaints are received through the following channels:
- Letter 96
- Email 28
- Visit 12
- Telephone 97
5.3 Complaints are reported to Management Team on a monthly basis. Monthly response within 10 working days ranges from 45% to 52%.

5.4 Over 80,000 transactional requests are received through Customer services in a year. Complaints as a percentage of these requests are 0.35%.

5.5 49 compliments were received for the same period:

<table>
<thead>
<tr>
<th>Service Area</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic Development</td>
<td>1</td>
</tr>
<tr>
<td>Environmental Protection</td>
<td>4</td>
</tr>
<tr>
<td>Information Management</td>
<td>2</td>
</tr>
<tr>
<td>Housing</td>
<td>27</td>
</tr>
<tr>
<td>Parks &amp; Open Spaces</td>
<td>8</td>
</tr>
<tr>
<td>Planning &amp; Building Control</td>
<td>1</td>
</tr>
<tr>
<td>Waste Collection</td>
<td>6</td>
</tr>
</tbody>
</table>

5.6 231 FOI requests were received for the same period. Response rate is similar to complaints.

6 Issues with the old Complaints system resolved with the new system

6.1 There is now a monthly report that details complaints and FOI requests by Service/Subject area and number of days to respond.

6.2 Customer Services monitor this monthly report and chase progress.

6.3 All complaints, compliments and FOI requests are recorded in the one place with no duplication.

6.4 A drop down menu allows for a consistent recording of category of complaint and service area.

6.5 All case notes are linked to the complaint and a full case audit identifies which officer has updated the case at any time. The information is updated on the system in “real time.

6.6 Response times are calculated according to deadlines set. Complaints 10 working days and FOI requests 21 working days.
7 **Actions to be implemented to improve the process and response times**

7.1 An appropriate officer is to be assigned to a service or subject area.

7.2 An email alert will be generated to the assigned officer when a record is created.

7.3 A reminder email will be generated to the assigned officer if a response has not been recorded within 6 working days for complaints and 15 working days in respect of FOI’s.

7.4 If the deadline date is not met a holding letter is automatically generated.

7.5 Local Government Ombudsman contacts are received by Customer Services and processed in the same way as complaints and FOI requests.

7.6 A Customer Feedback Group is to be set up with representatives from Service Areas in order to address issues, and themes of complaints and FOI requests.

8 **Complaints received from the Ombudsman**

8.1 The Director for Business Improvement is currently the one point of contact for the Ombudsman. Contacts are always received by email. Out of Office contacts are always in place. If these are premature complaints i.e. the council has not received them previously they are recorded on the system and processed in the normal way.

8.2 Complaints being investigated by the Ombudsman are forwarded by email to the Head of Service or nominated officer. The Ombudsman requires a response within 21 days. It is the responsibility of the Service to respond within this timescale. The Ombudsman contacts the Director for Business Improvement if a response has not been made within the timescale. The Director chases for a response.

8.3 For completeness the Ombudsman’s report to the Standards Committee on 21st November 2012 is attached.
1. **Purpose of Report**

To provide the Standards Committee with the opportunity to comment upon the Local Government Ombudsman’s annual report for the Council relating to its performance in dealing with complaints, for the year ended 31 March 2012.

2. **Recommendation**

2.1 That the content of the report in Appendix A be noted.

3. **Background**

3.1 Each year, the Local Government Ombudsman publishes an annual report for each Council related to its performance in dealing with complaints. The purpose of the report is to give a high level view of the Council, where there may be issues related to the administration of functions and how quickly matters are addressed once the ombudsman becomes involved.
4. **Summary of the Annual Report for year ended 31 March 2012**

4.1 Out of 21 enquiries recorded by the Advice Team about the Council in 2011/2012, 5 complaints were forwarded for investigation, advice was given on 5 complaints and there were 9 formal/informal premature complaints (i.e. complaints received by the Ombudsman, that the Ombudsman referred back to the Council on the basis that the Council had not had the opportunity to look into the complaint prior to it being received by the Ombudsman).

4.2 The complaints investigated were spread between the services including Benefits and Tax, Corporate and Other Services, Housing, Planning and Development and Environmental Services and Public Protection and Regulation.

4.3 The Ombudsman’s office (‘the office’) made decisions on 5 complaints about the Council in 2011/2012.

4.4 Of the complaints the office considered about the Council, 2 led to local settlements/Injustice remedied during enquiries.

4.5 The office made 5 first enquiry of the council during the year and the average response time was 23.8 days which is inside the target of 28 days and a significant improvement on previous years.

4.6 The Ombudsman found maladministration with regards to two matters, details of the cases and corrective actions undertaken are attached at Appendix B.

Christine Tydeman  
Director Business Improvement
22 June 2012

Mr A Franks
Managing Director
Nuneaton & Bedworth Borough Council
Town Hall
Coton Road
NUNEATON CV11 5AA

Dear Mr Franks

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ended 31 March 2012. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number forwarded by the Advice Team to my office, and decisions made on complaints about your authority. The decision descriptions have been changed to more closely follow the wording in our legislation and to give greater precision. Our guidance on statistics provides further explanation (see our website).

The statistics also show the time taken by your authority to respond to written enquiries.

I am pleased to say that I have no concerns about your authority’s response times and there are no issues arising from the complaints that I want to bring to your attention.

Changes to our role

I am also pleased to have this opportunity to update you on changes to our role. Since April 2010 we have been exercising jurisdiction over the internal management of schools on a pilot basis in 14 local authority areas. This was repealed in the Education Act 2011 and the power restored to the Secretary of State for Education. During the short period of the pilot we believe we have had a positive impact on the way in which schools handle complaints. This was endorsed by independent research commissioned by the Department for Education which is available on their website.

Our jurisdiction will end in July 2012 and all complaints about internal school matters will be completed by 31 January 2013.

From April 2013, as a result of the Localism Act 2011, local authority tenants will take complaints about their landlord to the Independent Housing Ombudsman (IHO). We are working with the IHO to ensure a smooth transition that will include information for local authority officers and members.
Supporting good local public administration

We launched a new series of Focus reports during 2011/12 to develop our role in supporting good local public administration and service improvement. They draw on the learning arising from our casework in specific service areas. Subjects have included school admissions, children out of school, homelessness and use of bankruptcy powers. The reports describe good practice and highlight what can go wrong and the injustice caused. They also make recommendations on priority areas for improvement.

We were pleased that a survey of local government revenue officers provided positive feedback on the bankruptcy focus report. Some 85% said they found it useful.

In July 2011, we also published a report with the Centre for Public Scrutiny about how complaints can feed into local authority scrutiny and business planning arrangements.

We support local complaint resolution as the most speedy route to remedy. Our training programme on effective complaint handling is an important part of our work in this area. In 2011/12 we delivered 76 courses to councils, reaching 1,230 individual learners.

We have developed our course evaluation to measure the impact of our training more effectively. It has shown that 87% of learners gained new skills and knowledge to help them improve complaint-handling practice, 83% made changes to complaint-handling practice after training, and 73% said the improvements they made resulted in greater efficiency.

Further details of publications and training opportunities are on our website.

Publishing decisions

Following consultation with councils, we are planning to launch an open publication scheme during the next year where we will be publishing on our website the final decision statements on all complaints. Making more information publicly available will increase our openness and transparency, and enhance our accountability.

Our aim is to provide a comprehensive picture of complaint decisions and reasons for councils and the public. This will help inform citizens about local services and create a new source of information on maladministration, service failure and injustice.

We will publish a copy of this annual review with those of all other English local authorities on our website on 12 July 2012. This will be the same day as publication of our Annual Report 2011/12 where you will find further information about our work.

We always welcome feedback from councils and would be pleased to receive your views. If it would be helpful, I should be pleased to arrange a meeting for myself or a senior manager to discuss our work in more detail.

Yours sincerely

Anne Seex
Local Government Ombudsman
<table>
<thead>
<tr>
<th>Enquiries and complaints received</th>
<th>Adult Care Services</th>
<th>Benefits &amp; Tax</th>
<th>Corporate &amp; Other Services</th>
<th>Education &amp; Childrens Services</th>
<th>Environmental Services &amp; Public Protection &amp; Regulation</th>
<th>Housing</th>
<th>Planning &amp; Development</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advice given</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>4</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Premature complaints</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>Forwarded to investigative team (resubmitted)</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Forwarded to investigative team (new)</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1</strong></td>
<td><strong>4</strong></td>
<td><strong>1</strong></td>
<td><strong>1</strong></td>
<td><strong>4</strong></td>
<td><strong>8</strong></td>
<td><strong>2</strong></td>
<td><strong>21</strong></td>
</tr>
</tbody>
</table>

**Investigative team - Decisions**

<table>
<thead>
<tr>
<th>Not investigated</th>
<th>Investigated</th>
<th>Report</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>No power to investigate</td>
<td>Investigation not justified &amp; Other</td>
<td>Not enough evidence of fault</td>
<td>No or minor injustice &amp; Other</td>
</tr>
</tbody>
</table>

**Response times to first enquiries**

<table>
<thead>
<tr>
<th>No of first enquiries</th>
<th>Avg no of days to respond</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>23.8</td>
</tr>
</tbody>
</table>
**APPENDIX B**

**Cases where injustice was remedied during enquiries**

**Ombudsman’s Reports**

1. **Case A – Housing Adaptations**

1.1 **The Complaint**

1.1.1 That the Council delayed providing the shower beyond a time which was reasonable.

1.1.2 That the work was put on a ‘waiting list’.

1.2 **Background**

1.2.1 The complainant is a 59 year old man with various disabilities and a tenant of the Borough Council. He reported difficulties in bathing and was assessed by the Council as needing a level access shower.

1.2.2 The assessment was carried out by the Occupational Health department of the County Council in June 2009. The assessment identified that a shower would meet the needs for maintaining personal hygiene. It also identified that the needs met the department’s Fair Access to Care Services Criteria at ‘substantial’ level.

1.2.3 The Council wrote to the complainant in July 2009. The letter said that the case was ‘now being held on a monitor list until the grant is awarded’. The letter gave no indication of when the grant would be awarded or the adaptation for the shower carried out. It said that the complainant should contact the Council if his needs changed significantly.

1.2.4 In October 2009, the Council wrote again to say that the works request had been passed to the scheduled contactor. The letter said that there was a high volume of adaptations to be carried out and that the complainant was now on the contractor’s waiting list. This letter gave no indication of when the work would be carried out.

1.2.5 The complainant had several conversations with Occupational Therapists and other Council Officers; however, he was unable to establish when his shower was likely to be installed. He made a formal complaint to the Council in December 2010.

1.2.6 The shower was actually completed in September 2010. The contractor paid the complainant £100 compensation because of a delay beyond the start date he had been given by the Contractor.

1.2.7 The legislative framework governing DFG’s is provided by the Housing Grants, Construction and Regeneration Act (HGCRA) 1996. Local Housing Authorities have a statutory duty to provide grant aid to disabled people for a range of adaptations. As the complainant was a
tenant of the Borough Council, a Grant is not payable, the Landlord is required to carry out any necessary works. The Council is expected to follow the same guidelines as provided for within the HGCRA 1996.

1.3 The Ombudsman’s Decision

1.3.1 The Council informed the complainant it would take between 18 months and 2 years for it to provide a shower.

1.3.2 The Department for Communities and Local Government issues a Good Practice Guide ‘Delivering Adaptations for Disabled People. The Guidance sets out timescales for the completion of adaptations ranging from 83 working days for high priority adaptations to 259 working days for those of low priority.

1.3.3 The Council failed to provide the complainants shower in a reasonable timescale and according to government guidance. Furthermore the Council’s practice of informing service users that it takes 18 months to 2 years for a shower does not meet good practice guidelines.

1.3.4 This failure was maladministration by the Council and a figure of £250 was suggested as a way to remedy the injustice caused.

1.3.5 The Council agreed to pay this amount of £250.

1.3.6 The complainant is satisfied with the level of compensation and so the investigation was discontinued.

1.4 Councils action to improve the process

1.4.1 The level of funding available has historically not been at a level to meet demand and the lengthy processes involved in the delivery of grants and adaptations further lengthen the waiting time involved. This is a national problem and one which the 5 Warwickshire Districts and Boroughs along with Warwickshire County Council, recognised as a priority issue.

1.4.2 A Lean Systems review was undertaken of the Disabled Facilities Grant process with one of the outcomes being a quicker response time. Adaptations of this nature are now completed within 181 days. Minor adaptations for Council tenants (such as grab rails and half steps) are now dealt with solely via the Housing Property Maintenance team in an average of 6 days.

1.4.3 Following the implementation of Self Financing for the Housing Revenue Account in April 2012, the Council identified additional funding to remove the backlog of works and ensure that new applicants can access their assessed adaptation need within good practice guidelines.
Case B – Housing Repairs and Housing Allocations

2.1 The complaint

2.1.1 That the Council has not completed repairs outstanding from 2009 on the complainant’s property.

2.1.2 That the Council has not applied the rules of Uchoose properly in its allocation of properties, denying the complainant the right to move to a new property.

2.2 Background

2.2.1 Uncompleted repairs

2.2.1.1 The complainant has complained to the Council several times about repairs outstanding on her home since 2009. She has used the same letter, with some minor additions, to complain about the same lack of repairs. The latest letter was sent in February 2011 and complained that reported repairs were still outstanding.

2.2.1.2 The Council has responded each time that repairs that have been reported have been completed.

2.2.2 Allocation of properties on UChoose

2.2.2.1 The complainant has complained that the Council is not allocating properties in UChoose properly. She has referred to two properties that she knows of that have come empty but have not been advertised on UChoose.

2.2.2.2 The Council has explained that some properties are not advertised on UChoose as they may actually be allocated as part of a management move in emergency situations. It says one of the properties identified was allocated using this process. It says the other property was advertised and allocated as normal via UChoose.

2.3 The Ombudsman’s Decision

2.3.1 Uncompleted repairs

2.3.1.1 The Council has provided copies of all the complainants repair requests and the evidence to show that all raised repairs have been completed.

2.3.1.2 The Ombudsman is satisfied there are no grounds to say there has been any maladministration on the part of the Council in the way they have dealt with the repair requests.

2.3.2 Allocation of properties on UChoose

2.3.2.1 The Ombudsman contacted the Council to enquire about the banding system and how band effective dates were employed in the allocation
of property. Band effective dates are used to separate applications so that individuals in the same banding are allocated properties in date order.

2.3.2.2 It became apparent that the complainant’s band effective date had been changed from 14/5/2009 to 1/3/2011. An officer confirmed that this was an error as the complainants band had not been affected by the updating of her information, she had not moved bands. The band effective date should have been manually changed back to 14/5/2009 once the updated information had been input.

2.3.2.3 A Council officer confirmed that the list of properties bid for by officers on the complainant’s behalf showed that she would have been successful in the case of one property, if the correct band effective date had been employed.

2.3.2.4 The Council have accepted their error and proposed the following to remedy their fault:

2.3.2.5 The band effective date to be changed back to 14/5/2009

2.3.2.6 The complainant to be eligible for a managed move, she will be placed in Band +1 to enable her to bid for such properties

2.3.2.7 The complainant will be visited to ascertain her property priorities

2.3.2.8 The complainant will be offered the first available property that meets her requirements as a managed move

2.3.2.9 The Ombudsman is satisfied that the Council’s suggestions would provide a just remedy for the injustice which has been caused to the complainant as a result of its maladministration of its housing allocation system.

2.3.2.10 The Ombudsman should not pursue the complaint further.

2.4 Councils action to improve the process

2.4.1 The Council’s current computerised Allocations system automatically amends the Band Effective date to the date the Officer accesses and updates the records. Officers are required to manually change the Band Effective date back to the correct date. On this occasion, this did not happen due to human error. Appropriate staff have been reminded of this requirement and a 10% check against applications is being carried out by the Housing Options Manager.

2.4.2 A Lean Systems Review is currently underway, focusing upon the requirements for a new computerised system, as the current system will become obsolete from June 2013. A criterion for any new computerised system will be for it not to automatically re-set Band Effective dates.
AGENDA ITEM NO. 8

**ECO & CORP OSP WORK PROGRAMME 2013/14**

<table>
<thead>
<tr>
<th>Report/Programme</th>
<th>suggested Mtg Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member Development Opportunities Working Group Report</td>
<td>6/13</td>
</tr>
<tr>
<td>Risk Register Review Report</td>
<td>2013/14</td>
</tr>
<tr>
<td>Warwickshire Race Equality Partnership</td>
<td>6/13</td>
</tr>
<tr>
<td>Use of Banners &amp; Advertising in Town Centre</td>
<td>2013/14</td>
</tr>
<tr>
<td>Emergency Planning Update</td>
<td>6/13</td>
</tr>
<tr>
<td>Website progress report</td>
<td>6/13</td>
</tr>
<tr>
<td>German Christmas Markets</td>
<td>2013/14</td>
</tr>
<tr>
<td>Increasing Democracy and Electoral Uptake</td>
<td>2013/14</td>
</tr>
</tbody>
</table>

Please note that the CPE and DPPO items had been included on the previous work programme in error as they are items being dealt with by Planning & Environment OSP.