

# PERFORMANCE PORTFOLIO

## DECISION SCHEDULE



**Friday 27<sup>th</sup> June 2008**

**at 3.00 pm**

**in Committee Room B,  
Civic Centre, Hartlepool**

Councillor Hargreaves, Cabinet Member responsible for Performance will consider the following items.

**1. KEY DECISIONS**

No items

**2. OTHER ITEMS REQUIRING DECISION**

- 2.1 Staff Car Parking – *Director of Neighbourhood Services*
- 2.2 Data Quality Policy – *Assistant Chief Executive*
- 2.3 Extended Career Grade Scheme For Environmental Health And Trading Standards Officers (EHOs And TSOs) - *Head of Procurement, Property and Public Protection and Chief Personnel Services Officer*
- 2.4 Challenging Council Services Project - *Chief Personnel Officer*
- 2.5 Local Government Pension Scheme – Discretionary Policy - *Chief Personnel Officer*
- 2.6 Training And Development Procurement Framework - *Chief Personnel Officer*
- 2.7 Single Status Agreement Appeals Procedure - *Chief Personnel Officer*

**3. ITEMS FOR INFORMATION**

- 3.1 Chief Executive's Departmental Plan 2007/08 – 4<sup>th</sup> Quarter Monitoring Report – *Assistant Chief Executive and Chief Personnel Officer*
- 3.2 Corporate Complaints – *Assistant Chief Executive*
- 3.3 Local Government Association – Reputation Campaign - *Assistant Chief Executive*
- 3.4 Employee Attendance Annual Report 2007/8 - *Chief Personnel Officer*

**4. REPORTS FROM OVERVIEW OF SCRUTINY FORUMS**

No items

## EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985

### 5. OTHER ITEMS REQUIRING DECISION

- 5.1 Qualification Based Training Applications - *Chief Personnel Officer*
- 5.2 Proposed Transfer to Chief Officer Terms and Conditions – *Chief Personnel Officer and Director of Neighbourhood Services*
- 5.3 Approval For Compulsory Redundancy - *Chief Personnel Officer*

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### 5. OTHER ITEMS REQUIRING DECISION

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## **PERFORMANCE PORTFOLIO**

Report To Portfolio Holder

27<sup>th</sup> June 2008



**Report of:** Director of Neighbourhood Services

**Subject:** STAFF CAR PARKING

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### **SUMMARY**

#### **1. PURPOSE OF REPORT**

To recommend the regularisation of an anomaly in respect of staff car parking charges.

#### **2. SUMMARY OF CONTENTS**

The report details the history of staff car parking charging.

#### **3. RELEVANCE TO PORTFOLIO MEMBER**

The Portfolio Holder has responsibility for staff car parking charges.

#### **4. TYPE OF DECISION**

Non-Key decision

#### **5. DECISION MAKING ROUTE**

Performance Management Portfolio Holder.

#### **6. DECISION(S) REQUIRED**

That the decision of the Resources and Monitoring Plenary Committee dated 9<sup>th</sup> July 1997 be rescinded.

**Report of:** Director of Neighbourhood Services

**Subject:** STAFF CAR PARKING

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**1. PURPOSE OF REPORT**

- 1.1 To recommend the regularisation of an anomaly in respect of staff car parking charges.

**2. BACKGROUND**

- 2.1 Prior to 1997 staff car parking in each of the Council owned staff only car parks was free of charge.
- 2.2 However, as part of the Council's budget strategy staff car parking charges were introduced. At that time there was also an issue with the Inland Revenue regarding free car parking spaces.
- 2.3 At the Resources and Monitoring Plenary Committee of the 9<sup>th</sup> June 1997 the Chief Administrative officer reported that, as instructed, he had written to all essential users inviting them to purchase a dedicated reserved car parking space for their own use in one of the Council's staff car parks.
- 2.4 All of the available spaces were sold and at the request of the Trade Unions it was agreed that those essential users who did not purchase a dedicated car parking space be reimbursed one longstay car park charge per day when actually at work upon production of a valid car parking ticket.
- 2.5 Attached at **Appendix A** are the minutes of that meeting.
- 2.6 The extent to which staff have taken advantage of this provision is difficult to quantify but in the main do not claim as they have access to spaces much nearer to their place of work.
- 2.7 With the introduction of car parking charging around, in particular Bryan Hanson House, the Trade Unions have once again raised this issue.
- 2.8 At the moment all staff who take advantage of a dedicated car parking space do not receive any reimbursement and it seems anomalous that some members of staff can claim whilst others cannot.

- 2.9 There is also the issue of staff choosing to park in a long stay car park, for example the multi-storey car park in the shopping centre then having to work to and from Bryan Hanson House when their job might entail them in outside visits on many occasions during the day. There is obviously the issue of lost production time and this matter needs to be addressed.
- 2.10 Every person in receipt of an essential car user allowance must have their car available at all times during the working day. If they have to pay for car parking then this is nothing to do with the essential car user scheme. The Trade Unions have always taken a view that essential users should not have to pay for car parking but this is not supported by the Corporate Management Team.
- 2.11 Since the introduction of pay and display and contract parking in particular around the Bryan Hanson House area, there are now sufficient spaces available for all essential car users to purchase a space.

### 3. RECOMMENDATION

- 3.1 That the decision of the Resources and Monitoring Plenary Committee dated 9<sup>th</sup> June 1997 as set out in **Appendix A** be rescinded.

MEETING - RESOURCES AND MONITORING PLENARY COMMITTEE

DATE OF MEETING - 9TH JUNE 1997

REPORT OF - CHIEF ADMINISTRATIVE OFFICER

SUBJECT - STAFF CAR PARKING

#### 1.0 PURPOSE OF REPORT

- 1.1 To update members on the current position relating to the introduction of car parking charges for staff using Council car parking facilities at their working site, and to request the Committee to consider amending one of the decisions taken at the last meeting which relates to the reimbursement of car parking charges in respect of essential car users using a long stay car park, in lieu of the Council staff facilities.

#### 2.0 CURRENT POSITION

- 2.1 As instructed by the Committee at its last meeting I wrote to all essential users inviting them to "purchase" a dedicated reserved car parking space for their own use in one of the Council's staff car parks (Minute 14 refers).
- 2.2 At the time of writing all spaces available for "purchase" have been "sold" in the Civic Centre Underground, Grand Hotel, Lauder Street, and Municipal Buildings car parks together with 25 spaces at Bryan Hanson House. Some applications are still being received.

#### 3.0 PROPOSED AMENDMENT TO PREVIOUS DECISION

- 3.1 Following the decision of the Committee to introduce staff car parking charges, the local government Union (UNISON) held a further ballot of its' members to determine possible future action.
- 3.2 The result of the latest ballot was that the Union accept the principle of charging, subject to the replacement of paragraph (f) in the original minute, viz:-

"For any staff who are entitled to reimbursement of car parking charges as part of their conditions of service, and who do not take up the invitation, reimbursement of one long stay car parking charge per day when at work will be made upon production of a valid car parking ticket".

A9999840/CTTEE/RESMON/1

3.3 The following paragraph would replace the one above:-

"That those essential users who do not purchase a dedicated car parking space in a Council staff car park be reimbursed one long stay car park charge per day when actually at work, upon production of a valid car parking ticket, which will be reimbursed at the same time as mileage claims are paid.

This will also include short or long stay car parking charges for casual users where the use of the car, and the reimbursement of the charge, have been agreed in advance by the relevant Chief Officer.

Similarly, if, in exceptional circumstances, essential users need to use short-term car parking, reimbursement may be authorised in advance by the relevant Chief Officer".

#### 4.0 RECOMMENDATION

4.1 The Committee is recommended to:-

- (a) Rescind paragraph (f) of the decision recorded in Minute 14, and
- (b) Replace the original paragraph (f) of Minute 14 with the following:-

"That those essential users who do not purchase a dedicated car parking space in a Council staff car park be reimbursed one long stay car park charge per day when actually at work, upon production of a valid car parking ticket, which will be reimbursed at the same time as mileage claims are paid.

This will include short or long stay car parking charges for casual users where the use of the car, and the reimbursement of the charge, have been agreed in advance by the relevant Chief Officer.

Similarly, if, in exceptional circumstances, essential users need to use short-term car parking, reimbursement may be authorised in advance by the relevant Chief Officer".

A9999840/CTTEE/RESMON/2



## **PERFORMANCE PORTFOLIO**

Report To Portfolio Holder

27 June 2008



**Report of:** Assistant Chief Executive

**Subject:** DATA QUALITY POLICY

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### **SUMMARY**

#### **1.0 PURPOSE OF REPORT**

Seek approval of Council's updated Data Quality Policy and provide an update on data quality arrangements in relating to performance information.

#### **2.0 SUMMARY OF CONTENTS**

The report explains why a data quality policy is required. Gives an update on developments over the past 12 months and identifies further actions to further improve our arrangements are identified.

#### **3.0 RELEVANCE TO PORTFOLIO MEMBER**

This matter forms a part of the Portfolio Holder's responsibilities

#### **4.0 TYPE OF DECISION**

Non key

#### **5.0 DECISION MAKING ROUTE**

Portfolio Holder

#### **6.0 DECISION(S) REQUIRED**

That the Portfolio holder:

- i. Approves the updated Data Quality Policy for dissemination to responsible officers; and
- ii. Notes the progress being made to further embed Data Quality practice across the Council.

**Report of:** Assistant Chief Executive

**Subject:** DATA QUALITY POLICY

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**1. PURPOSE OF REPORT**

- 1.1 Seek approval of Council's updated Data Quality Policy and provide an update on data quality arrangements in relating to performance information.

**2. BACKGROUND**

- 2.1 The Data Quality Policy was first approved on April 23 2007 at the Performance Management Portfolio meeting. Traditionally the issue of Data Quality related to financial information. Now it is increasingly relevant in other areas such as performance management, HR and asset management, where data quality is essential to allow sound decision making. Developments have taken place or are under consideration in all these areas particularly in relation to key projects such as Business Transformation, Building Schools for the Future and review of office accommodation.
- 2.2 In performance management Data Quality now assumes a greater significance. This is because the introduction of successive performance measurement systems has increasingly underlined the need for reliable, consistent and comparable information, based on good quality data. Key elements of the Comprehensive Area Assessment (CAA) to be introduced in 2009 will rely on information provided as part of the new National Indicator set and performance indicators identified as Improvement Targets, Local Priority Targets and Statutory education and early years targets in the LAA.
- 2.3 Over the past 12 months a number of developments have taken place or started. The key ones being:
- Annual Data Quality Audit by the local Audit Commission reported to Audit Committee
  - Implementation of the Covalent Performance and Risk Management System
  - A fundamental review of PIs to identify information used in performance monitoring and for inclusion in the Covalent system.

### **3. DATA QUALITY DEVELOPMENTS**

4.1 The Audit Commission audit report made a number of recommendations and these are being dealt with as part of the Data Quality Action Plan included as appendix 2 of the Policy. The main recommendations addressed through:

- Updating the data quality policy to cover partnerships and contractor arrangements; and
- Further implementation of the Covalent system and provision of training to relevant staff in July 2008 to include Data Quality

4.2 The revised Policy (see appendix 1) will be circulated to all officers with responsibilities and where appropriate briefings are being arranged. The Policy continues to refer to the responsibilities for the Performance Portfolio Holder as the lead councillor for performance management which includes data quality.

### **5.0 RECOMMENDATIONS**

5.1 That the Portfolio holder:

- i. Approves the updated Data Quality Policy for dissemination to responsible officers; and
- ii. Notes the progress being made to further embed Data Quality practice across the Council.

**Hartlepool Borough Council**

**PERFORMANCE MANAGEMENT INFORMATION**

**DATA QUALITY POLICY AND SUPPORTING  
INFORMATION**

**April 2008**

## 2.2 Appendix 1

### Revisions/approvals

Date	Revision	Who
November 2006	Clarified responsibilities for performance management and data quality - see Performance Management Portfolio holder report 21/12/06.	Peter Turner
February 2007	Revision of procedure note as strategy and policy	Peter Turner
March 2007	Amendments based on comments from PI Coordinators and others	Peter Turner
April 2007	Approved by Performance Management portfolio holder 23 April 2007	Peter Turner
April 2008	Amendments following DQ audit 2007 and PI audit 2007	Peter Turner
May 2008	Distribute to PI Coordinators and Portfolio Holder	Peter Turner

Supporting info – link to:  
[Audit Commission guidance November 2007](#)

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### **1. Introduction**

The Council recognises the importance of using reliable data for performance management and service planning purposes (i.e. data which is relevant, accurate, timely and complete) and having appropriate procedures in place to ensure the reliability of performance information being used.

Councillors, managers and partner organisations need to be able to rely on information produced to make sound decisions on spending, service planning or performance improvement. The general public also needs to have trust and faith in the quality of data used to support decisions and reported to them.

Examples of why the policy is required include:

- The policy supports the overall aim of the council by making sure that accurate and trustworthy data are used in the decision making and planning processes.
- As the accountable body for Hartlepool's Local Area Agreement (LAA) accurate, trustworthy and timely data is essential to maximise the reward grant and keeping performance on track.
- In part the Council's reputation is based on its Comprehensive Performance Assessment (CPA) result determined by the Audit Commission (AC) and this depends greatly upon performance indicator data to decide the overall performance category of each authority.
- From 2005/6 the Audit Commission approach to the audit of performance information changed and they now form a judgement on the adequacy of the Council's arrangements to monitor the quality of its performance information, and to report the results to members rather than assess individual PIs. This judgement will form one of the criteria on which the annual use of resources/value for money conclusion will be based.

This policy and its associated supporting information and delivery plan sets out the council's approach to data quality, providing clear guidance to relevant staff for putting in place appropriate controls and other mechanisms aimed at checking and validating data that is produced for performance management.

Sections 2-5 - sets out the further background aims and objectives and scope of the policy

Section 6 - sets out information to support the implementation of the policy and this is regularly reviewed

### **2. Links to other policy areas**

The Data Quality policy is linked to and supported by a number of other policies and processes. These are:

- Performance Management Framework – sets out the arrangements for service planning and management. The

Assistant Chief Executive leads on the implementation of the framework.

- Information Security policies - the Council has a suite of Information Security policies to ensure that data resources are held securely and in accordance with all relevant legal requirements and has procedures in place to prevent misuse of personal data which apply to all information systems. The Information Security Group leads the implementation of these policies.
- Business Continuity - All departments have prepared Business Continuity Plans. The BC Group leads the implementation.
- Risk Management Strategy – ensures risks achievement of council objectives identified and controlled. The CRMG leads the implementation of the strategy and oversees the completion of the Statement on Internal Control.
- Corporate Consultation Strategy – the Corporate Consultation Group lead on the implementation of the strategy

### ***3. Aims and objectives of the data quality policy***

The policy aims are:

- For HBC to be recognised for good practice on the collection, recording, analysis and reporting of accurate, reliable and consistent performance data to inform the decision making process
- Provide council employees with a framework to ensure sufficient action is being taken to meet the data quality objectives set
- Meet external audit standards and requirements

It is not possible to apply a universal process covering the collection and collation of performance data as each measure is subject to its own method of counting. However, common framework and principles of accurate data collection and collation can be applied in order to increase the level of confidence in the quality of performance data used.

Collecting performance information efficiently and effectively requires a balance to be struck between the need to maintain the data quality required the level of resources required to collect and use the data. Within this context the data quality policy objectives are:

- To ensure that the Council's performance data is relevant, accurate, timely and complete;
- To ensure that where data is exchanged with other organisations appropriate protocols are in place;
- To ensure that the quality of data is regularly monitored and checked;



- To ensure that appropriate mechanisms are in place to keep relevant staff aware of the Council's data quality requirements and provide with suitable training.

### **4. Scope of the policy**

A wide range of council employees play a role in ensuring data quality but it is recognised that certain individuals and groups are key to this process. These include:

- Corporate Management Team and Departmental Management Teams (CMT/DMTs)
- Heads of service/service managers
- PI Co-ordinators (PIC)
- PI responsible officers (PIROs)

The responsibilities of these groups are set out in appendix 1.

Members also play a role. The portfolio holder for Performance Management is the lead councillor for performance management which includes data quality and the remit includes data quality (see report to Performance Management Portfolio holder 21 December 2006).

Other executive and scrutiny members are primarily consumers of performance information.

The policy is relevant to quantitative data used to monitor and report (both internally and externally) on the performance of council services including those delivered through partnerships and by contractors. This would include information gathered through surveys.

### **5. Policy statement**

The policy requires that:

- The data quality policy and associated supporting information will be reviewed at least once a year and any changes required will be implemented
- A list of the officers and members with responsibility for the implementation of the data quality policy will be kept up to date
- Key people/groups within the scope of the policy will be briefed and provided with relevant information
- A risk assessment of PIs will be conducted at least annually
- Internal testing of data quality arrangements will be completed at least annually
- National PI data submitted will be complete, on time and accurate

## 2.2 Appendix 1

- The external audit will be facilitated and timely response made to recommendations
- The lead elected member for data quality will be kept informed of data quality issues as appropriate
- The Data Quality audit report will be reported to the Audit Committee

## **6. Appendices - Supporting information and guidance as at March 2007**

### **Appendix 1 Current responsibilities and procedures**

#### **Governance – leadership and implementation responsibilities**

The portfolio holder for Performance Management is the lead councillor for performance management which includes data quality. At a member level the Performance Management Portfolio holder has responsibility and for ensuring data quality (see report to Performance Management Portfolio holder 21 December 2006).

The overall corporate responsibility in relation for performance management rests with the Assistant Chief Executive and the Corporate Strategy division. The Corporate Management Team (CMT) supports the ACE in ensuring that the objectives of this Strategy are applied in their departments.

Day to day responsibility for corporate aspects of performance management is delegated to Peter Turner, Principal Strategy Development Officer, who considers issues relating to performance and data quality and where necessary reports significant issues to CMT.

Departments have day-to-day responsibility through their own management procedures for performance management within the departments and their own performance information.

Within departments responsibility rests with departmental management teams and service managers. Each department has appointed a PI Coordinator to oversee performance information management arrangements.

- Chief Executive's – Peter Turner, Wally Stagg, John Morton, Sandra Shears (cost PIs), Liz Crookston (Place Survey PIs)
- Adult and Community Services – Trevor Smith
- Children's Services – Kay Forgie
- Neighbourhood Services – Carol Davis and Steve Russell
- Regeneration and Planning – Jeff Mason

Specific arrangements are in place for the calculation of cost PIs and BVPI survey. Finance division have lead responsibility for the calculation of all cost PIs. Corporate Strategy have lead responsibility for the administration of the BVPI surveys which are carried out every 3-years. This includes providing advice and support to ensure the surveys are correctly carried out, submission of the data and dissemination of the information.

DMTs support PI coordinators in ensuring objectives of this Strategy are applied in their departmental services.

Service managers are responsible for the complete, timely and accurate reporting of data in their area of activity including relevant national and local performance indicators (PIs). They are also responsible for ensuring that staff are aware of their responsibilities in this area and are provided with an appropriate level of training and guidance.

Responsible officers are identified for each PI monitored corporately, including responsibility for data collection, data quality and target setting.

Corporate actions in relation to performance management are identified in the Corporate Strategy divisional service plan. The Council's Corporate Plan includes the organisational development objective of "Development of Service Planning and Performance Management Arrangements" (ref CO90) which encompasses arrangements for PI data quality, demonstrating the authority's commitment to ensuring robust but appropriate arrangements are in place. Progress is managed by Andrew Atkin and monitored by the Chief Executive's Management Team and the Performance Management Portfolio Holder as part of quarterly reports on the service plan.

### **Communications**

Communication regarding data quality is primarily through the PI Coordinators through regular meetings and email and phone contacts. Arrangements are in place with the Assistant Chief Executive to escalate any issues which may require it for consideration at Director/Assistant Director level. Ensuring an appropriate buy in to PI data quality at an operational level but also providing the opportunity to deal effectively and at a senior level with other issues should the need arise.

PI coordinators have responsibility for cascading info to PIROs and within their departments or divisions.

### **Procedures and controls**

The corporate framework for monitoring data quality includes the following. Lead responsibility shown in bold.

- **Corporate Strategy** undertakes a risk analysis of all corporately reported PIs on an annual basis. This takes into account previous history of data quality issues, use of PI information (e.g. CPA, LPSA) and changes to definition/introduction of new PIs.
- **Internal Audit** are tasked annually with undertaking reviews of each selected PI and identifying control issues which are rated as High, Medium or Low (see Appendix 3 for list of testing objectives). Recommendations from Internal Audit are distributed to Corporate Strategy, service managers and PIROs.
- PI challenge prior to reporting. This includes the assessment of annual PI returns and follow-up of queries. Examples of these quality checks have included robustness of base data, calculation methods compared to definition – **Departments/Corporate Strategy**

- Departments identify risks, control measures in place and planned control measures associated with their functions in the Corporate Risk Management database. The relevant risk categories for data quality would include Information and technology, Contractors, partners or suppliers and Reputation - **Departments**
- Clear roles and responsibilities for Corporate Strategy, PI Coordinators and PI responsible officers (PIROs) in relation to PIs are established (see above). These are recorded in the PI database and updated at least annually- **Corporate Strategy**
- **Departments** are required to prepare procedure note for each PI collected corporately. Procedure notes are assessed as part of Internal Audit PI reviews to ensure that practice and data reflect procedures notes and definitions. Essentially what auditors want to see is all the relevant information brought together in one file.
- **Corporate Strategy** organises and coordinates the annual PI collection process. This process is structured and subject to CMT approval. All performance measures included in the corporate plan are subject to approval by the Assistant Chief Executive and Corporate Management Team. The outline timetable is:

Corporate Strategy	Prepare project plan and timetable, obtain approval from CMT – Dec
Corporate Strategy	Prepare database with all relevant information (see field list) – Jan Feb
Corporate Strategy	Distribute forms to PI coordinators – Feb
PI Coordinators	Distribute forms to PIROs – Feb
PIROs	Complete and return forms and working papers – Apr-May
PI Coordinators	Check and return forms and working papers to Corporate Strategy – Apr-May
Corporate Strategy	Check forms and resolve queries with PI coordinators/PIROs. Explanatory comments obtained for PIs which vary +/- 10% from previous outturn or target. Queries recorded on database and used as input to following years risk analysis – Apr-June
Corporate Strategy	Submit data via EDC system to Audit Commission – June

Guidance notes are included in the standard outturn and target forms provided for collection and reporting of PIs.

Regular contact with PI coordinators is maintained to identify issues and consider improvements as required. In particular meetings are held at the beginning and end of the PI collection process. **Corporate Strategy**

**Corporate Strategy** team provide first line of support. In addition support is also provided via Internal Audit and external support is occasionally sought from via external auditor and Audit Commission PI team.

Training of staff is the responsibility of the individual **departments**. Where responsibility changes as a result of staff turnover or reorganisation then support would be provided as part of the usual induction, training and appraisal processes. For example Adult and Community Services have provided support to Children's Services Department to ensure adequate arrangements are in place to collect social care PIs following the corporate restructure.

- Corporate reporting of PIs - PI information collected corporately is used and reported in a number of ways, following formal publication in June as part of the Council's corporate plan. – **Corporate Strategy**

July - report giving overview of improvement, targets met and comparison with Tees Valley neighbours and CPA and national quartile benchmarks. Report identifies potential improvement areas e.g. bottom quartile service areas/function. Report considered by CMT, Cabinet and Performance Management Portfolio Holder

January - report giving overview of improvement, targets met and comparison with Tees Valley neighbours and CPA and national quartile benchmarks (used latest national data). Report considered by CMT, Cabinet and Performance Management Portfolio Holder.

- **Departments** undertake further reporting as they require.

### Roles and responsibilities

#### **CMT/DMTs/service managers**

Provide support and show leadership to encourage use of performance information and importance of data quality

#### **Departmental PI Coordinators**

Disseminate information to PIROs

Quality control check PI forms prior to return to CSPI team

Internal departmental controls reviewed at least annually to ensure they are working effectively

Regularly monitor latest PI news on the Audit Commission website and distribute relevant info

Co-operate with Internal Audit staff undertaking PI reviews

Follow up and monitor recommendations from Internal Audit

Co-operate with Audit Commission auditor undertaking annual PI audit

Provide CSPI with changes to PIROs

Ensure Data Quality Policy implemented within department

Liaise with Corporate Strategy PI team e.g. attend Pi Coordinator meetings

#### **PI responsible Officers (PIROs)**

Ensure system in place along with appropriate control measures, to collect PI information in accordance with definition including any necessary validation, reconciliation, consistency and accuracy checks on data

Monitor and take account of PI definition changes and guidance on interpretation

Fully complete and check PI forms prior to return to PI Coordinator

Maintain file(s) with all key information relating to a PI

Where appropriate feedback reported to staff that generate the data to reinforce understanding of the way it is used

Co-operate with Internal Audit staff undertaking PI reviews

Act on recommendations from Internal Audit PI reviews

Co-operate with Audit Commission auditor undertaking annual PI audit

Provide all appropriate working papers required for AC audit purposes

#### **Corporate Strategy PI (CSPI) team**

Regularly monitor latest PI news on the Audit Commission website and distribute relevant info to PI Co-coordinators

Distribute latest national ODPM PI guidance to PI coordinators

Organise PI collection process at year end

Risk assess PIs - October each year

Liaise with Internal Audit on completion of audit tests on selected PIs

Quality control check all PI forms returned, raise queries with departments and resolve

Submit PIs to Audit Commission each year via EDC system and organise responses to

Monitor action of high priority recommendations from Internal Audit

Liaise with Audit Commission re on site PI audit

Complete annual review of PI process and feedback to PI coordinators at end of AC audit

Maintain lists of PI Co-ordinators and PIRO's.






Liaise with Pi Coordinators e.g. arrange meetings as required








### **Internal Audit**

Undertake audit tests on selected PIs and report on control issues to service managers, PIROs, PI Coordinators and CSPI





**Appendix 2 Corporate Data Quality Annual Action Plan 2008/9****Data Quality Action Plan 2008/9**





Action Status	
	Completed
	Assigned; In Progress
	Unassigned; Check Progress; Not Started
	Overdue
	Cancelled

CED A200 To ensure that the Council's performance data is relevant, accurate, timely and complete							
Status		Progress	18 %	Start Date	13/05/2008	Due Date	31/05/2009
	Code and title			Assigned to	Due date	Status and progress	
Sub actions	CECS A201 Complete collection of 2007/8 PIs			Sajda Banaras	30/06/2008		10 %
	CECS A202 Publish national BVPI data via EDC and Corporate Plan			David Hunt	30/06/2008		0 %
	CECS A203 Facilitate the external audit of 2007/8 PIs			Peter Turner	30/09/2008		0 %
	CECS A204 Review Data Quality policy - Update the data quality policy to cover partnerships and contractor arrangements.			Peter Turner	30/04/2008		100 %
	CECS A205 Complete annual up date of PI database remove redundant PIs, add new PIs			David Hunt	31/03/2009		0 %
	CECS A206 Undertake 2008/9 PI collection			Kerry Trenchard	31/05/2009		0 %
					Traffic light	Current value	Target
Linked PIs	LPI CE10 PIs qualified as a result of external audit			David Hunt	Red	1	0
	LPI CE9 PIs amended as a result of external audit			David Hunt	Red	2	0
Linked Risks	CED R063 Lack of data quality for performance information results in poor decision making and worsening performance			Peter Turner	Amber		







### CED A201 To ensure that where data is exchanged with other organisations appropriate protocols are in place

Status		Progress	0 %	Start Date		Due Date	30/06/2008
	Code and title			Assigned to	Due date	Status and progress	
Sub actions	CECS A207 Identify relevant PIs, include in 2008 PI risk assessment for internal audit			Sajda Banaras	30/06/2008		0 %

### CED A202 To ensure that the quality of data is regularly monitored and checked;

Status		Progress	0 %	Start Date		Due Date	30/06/2008
	Code and title			Assigned to	Due date	Status and progress	
Sub actions	CECS A208 Challenge 2007/8 PIs and targets when annual return completed			Sajda Banaras	30/06/2008		0 %
	CECS A209 Complete PI risk assessment for 2008/9 PIs			Sajda Banaras	30/06/2008		0 %
	CECS A210 Complete/Organise testing by Internal Audit of selected 2008/9 PIs			Sajda Banaras	30/06/2008		0 %

**CED A203 To ensure that appropriate mechanisms are in place to keep staff aware of the Council's data quality requirements and provide suitable training**

Status		Progress	5 %	Start Date	13/5/2008	Due Date	31/03/2009
	Code and title			Assigned to	Due date	Status and progress	
Sub actions	CECS A211 Deliver Covalent training for PI update incl DQ e.g PI sign off arrangements			David Hunt	31/07/2008		0 %
	CECS A212 Implement PI control sheets			Sajda Banaras	31/07/2008		25 %
	CECS A213 Ensure plans are in place to respond to Audit Recommendations			Sajda Banaras	31/08/2008		0 %
	CECS A214 Feedback to PI coordinators on data quality eg review of last 12 months internal external PI reports			Peter Turner	31/10/2008		0 %
	CECS A215 DQ reports to PfH, Scrutiny and Audit Committee			Peter Turner	31/03/2009		0 %

Reported annually

### **Appendix 3 Objectives for Internal Audit's PI testing**

The audit programme is designed to test and evaluate the controls in place by carrying out substantive testing to ensure compliance with the Data Quality Policy overall and in the following specific areas:

Verifying that the calculation of the BVPI is in line with guidance issued

Ensure that the department/section responsible for collecting the data relating to the BVPI have up to date procedure/guidance notes in line with the definition and that these are being adhered to,

Ensure that there are arrangements in place to provide satisfactory evidence that the information provided is accurate and that this is easily identifiable (referenced to calculations etc) and retained,

Ensure that the methods used to collect the information are adequate i.e. reports obtained,

Identify record and test the systems from which the data is extracted to ensure that the information fed into the BVPI is complete and accurate.

## Appendix 4 Guidance on control measures for PIs - overview

This Appendix provides a framework for Internal Audit, PI Coordinators and PIROs to assess data quality and the controls in place for performance information. It may not be possible to apply the whole framework to every PI as each measure is subject to its own method of counting. However, elements of the framework could be applied to most PIs in order to increase the level of confidence in the quality of performance data used.

Some types of controls can be applied to most if not all data systems. These include: allocation of responsibilities; clear definitions; good documentation; and management review of data reliability including tests of the credibility, consistency and completeness of data collection.

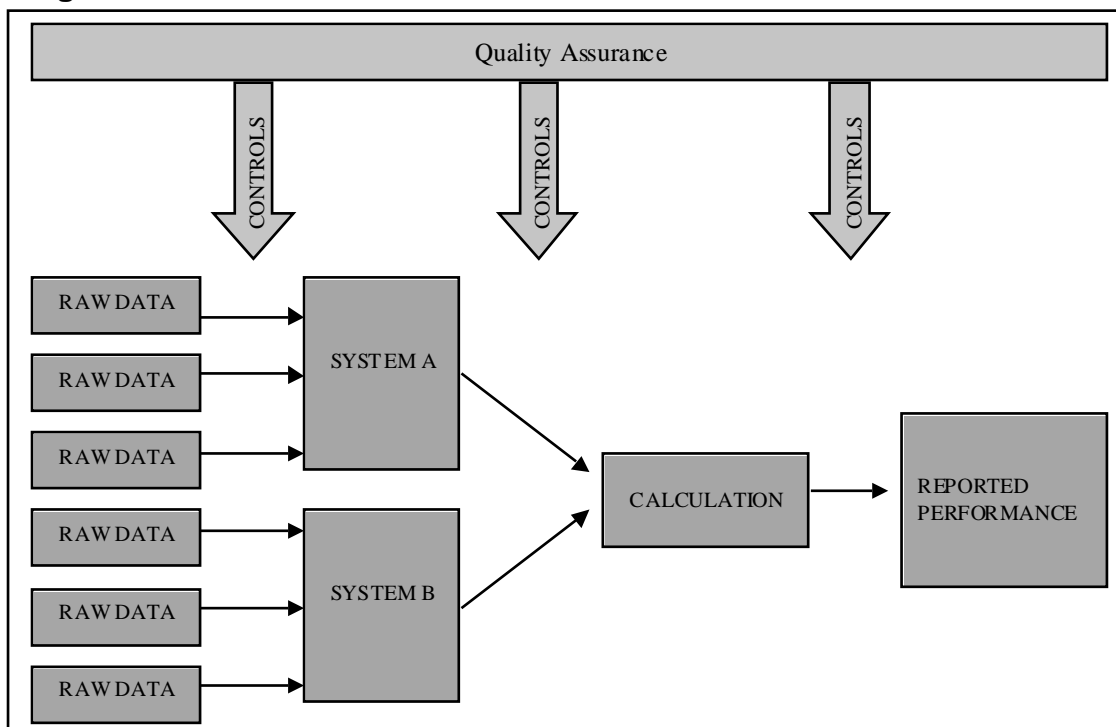
These can all help to spot errors in the data before the final figure is reported.

### Producing Reliable Data

In order to report performance information, data must first be collected before it can be aggregated and calculated to produce the required PI, as shown by the diagram below.

At each of these stages there is a risk that the accuracy of the data will be compromised either due to human or system errors. Therefore at each stage appropriate controls need to be implemented to control this risk, and increase the reliability of the data.

**Diagram 1 - Individual Indicators**



For example, controls might be:

- approval of the of the raw data before it is input onto the system;
- a validation check in a computer system;
- a second person verifying the calculation has used the right source data.

### Producing Verifiable Data

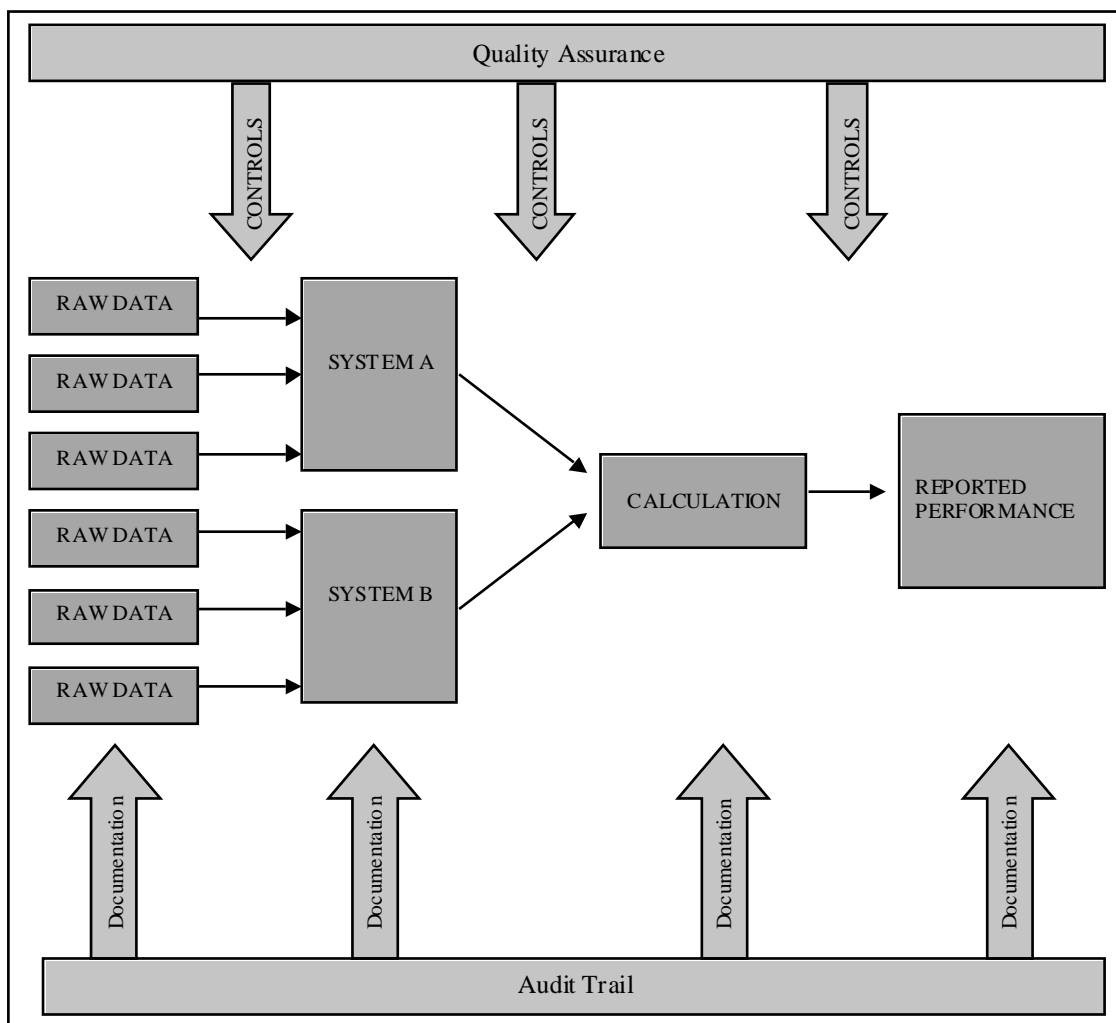
Performance indicators need to be collected and calculated in a way that enables the information and data to be verified.

Documenting the systems and controls in place to produce PIs, will help with:

- training up new members of staff;
- providing a safety net in case of employee absence;
- Internal Audit reviews; and external audit and inspection.

All indicators should have documented evidence available for each stage in the PI collection process, making it possible to verify them. There should be a clear audit trail for each performance indicator that allows managers/auditors to trace the performance information from the original data or transactions through the system to the PI result itself.

Diagram 2 - Audit Trail



- Reconciliation of systems
- Sampling of systems to ensure correct operation
- the fully completed PI form showing final calculation and references to supporting documentation.

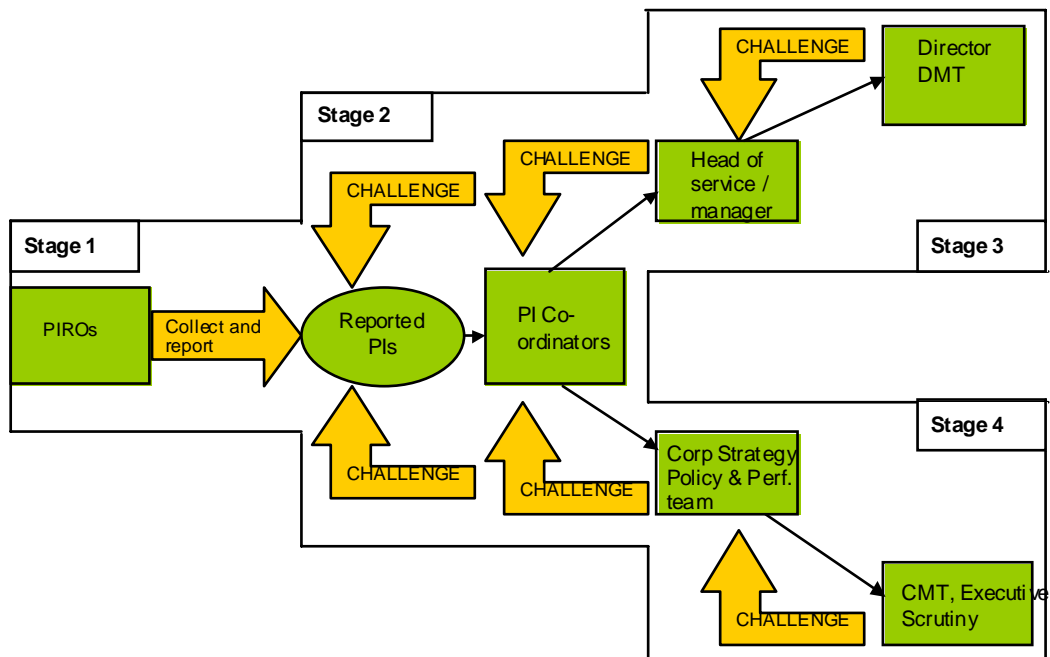
Where data is provided from 3<sup>rd</sup> party sources, contractual arrangements and appropriate protocols should be in place.

### **Service, Departmental and Corporate View**

Once the performance indicators and associated targets have been produced by the PIRO, to provide added assurance, the information needs to be subject to challenge at a department and corporate level. All levels of challenge, and any resulting amendments,

should be documented, as evidence that the process has been followed. The diagram below gives an overview of the arrangements in place to

**Diagram 3 - Service, Directorate, Corporate View**



**Stage 1** – The PIRO calculates the PI, provides supporting evidence and reports to the PI Coordinator.






**Stage 2** - The PI Coordinators and the PIROs immediate head of service or line manager are best placed to review the data collection processes and challenge performance, as they should have a detailed knowledge of how the information is produced.

**Stage 3** - Heads of Service and Directors have an understanding of the general performance of the services and can therefore challenge performance information within the context of the service as a whole.








**Stage 4** - The corporate level challenge will bring an objective view of performance, and will be able to question assumptions made at service level.



## Data Quality Action Plan 2008/9



Action Status	
	Completed
	Assigned; In Progress
	Unassigned; Check Progress; Not Started
	Overdue
	Cancelled

## 2.2 Appendix 2





CED A200 To ensure that the Council's performance data is relevant, accurate, timely and complete					
Status		Progress	18 %	Start Date	13/05/2008
				Due Date	31/05/2009
	Code and title	Assigned to	Due date	Status and progress	
Sub actions	CECS A201 Complete collection of 2007/8 PIs	Sajda Banaras	30/06/2008		10 %
	CECS A202 Publish national BVPI data via EDC and Corporate Plan	David Hunt	30/06/2008		0 %
	CECS A203 Facilitate the external audit of 2007/8 PIs	Peter Turner	30/09/2008		0 %
	CECS A204 Review Data Quality policy - Update the data quality policy to cover partnerships and contractor arrangements.	Peter Turner	30/04/2008		100 %
	CECS A205 Complete annual up date of PI database remove redundant PIs, add new PIs	David Hunt	31/03/2009		0 %
	CECS A206 Undertake 2008/9 PI collection	Kerry Trenchard	31/05/2009		0 %
			Traffic light	Current value	Target
Linked PIs	LPI CE10 PIs qualified as a result of external audit	David Hunt	Red	1	0
	LPI CE9 PIs amended as a result of external audit	David Hunt	Red	2	0
Linked Risks	CED R063 Lack of data quality for performance information results in poor decision making and worsening performance	Peter Turner	Amber		

## 2.2 Appendix 2

### CED A201 To ensure that where data is exchanged with other organisations appropriate protocols are in place







Status		Progress	0 %	Start Date		Due Date	30/06/2008
	Code and title		Assigned to	Due date	Status and progress		
Sub actions	CECS A207 Identify relevant PIs, include in 2008 PI risk assessment for internal audit		Sajda Banaras	30/06/2008		0 %	

### CED A202 To ensure that the quality of data is regularly monitored and checked;

Status		Progress	0 %	Start Date		Due Date	30/06/2008
	Code and title		Assigned to	Due date	Status and progress		
Sub actions	CECS A208 Challenge 2007/8 PIs and targets when annual return completed		Sajda Banaras	30/06/2008		0 %	
	CECS A209 Complete PI risk assessment for 2008/9 PIs		Sajda Banaras	30/06/2008		0 %	
	CECS A210 Complete/Organise testing by Internal Audit of selected 2008/9 PIs		Sajda Banaras	30/06/2008		0 %	

## 2.2 Appendix 2

### CED A203 To ensure that appropriate mechanisms are in place to keep staff aware of the Council's data quality requirements and provide suitable training

Status		Progress	5 %	Start Date	13/5/2008	Due Date	31/03/2009
	Code and title			Assigned to	Due date	Status and progress	
Sub actions	CECS A211 Deliver Covalent training for PI update incl DQ e.g PI sign off arrangements			David Hunt	31/07/2008		0 %
	CECS A212 Implement PI control sheets			Sajda Banaras	31/07/2008		25 %
	CECS A213 Ensure plans are in place to respond to Audit Recommendations			Sajda Banaras	31/08/2008		0 %
	CECS A214 Feedback to PI coordinators on data quality eg review of last 12 months internal external PI reports			Peter Turner	31/10/2008		0 %
	CECS A215 DQ reports to PfH, Scrutiny and Audit Committee			Peter Turner	31/03/2009		0 %

## **PERFORMANCE PORTFOLIO**

Report To Portfolio Holder

27 June 2008



**Report of:** Head of Procurement, Property and Public Protection and Chief Personnel Services Officer

**Subject:** EXTENDED CAREER GRADE SCHEME FOR ENVIRONMENTAL HEALTH AND TRADING STANDARDS OFFICERS (EHOs and TSOs)

---

### **SUMMARY**

#### **1. PURPOSE OF REPORT**

To review the extended Career Grade Scheme for Environmental Health Officers (EHO's) and Trading Standards Officers (TSO's).

#### **2. SUMMARY OF CONTENTS**

The report reviews the progress of the scheme, as agreed by the Portfolio Holder in September 2005, and updates the current position on the retention and recruitment of EHOs and TSOs within Public Protection. Portfolio considered reports on the matter on 27 November 2006 and 22 June 2007 and requested a further review be undertaken after March 2008.

#### **3. RELEVANCE TO PORTFOLIO MEMBER**

The Portfolio Holder is responsible for staff retention and reward matters under Performance Management.

#### **4. TYPE OF DECISION**

Non-Key.

#### **5. DECISION MAKING ROUTE**

Performance Management Portfolio Holder.

#### **6. DECISION(S) REQUIRED**

That the Portfolio Holder:

- a) Notes the position as regards the recruitment and retention of Environmental Health and Trading Standards Officers.
- b) Approve the continuation of the Extended Career Grade scheme.
- c) Authorise the scheme to be reviewed after a further 12 months with a report will be prepared for the consideration of the Performance Portfolio Holder.

**Report of:** Head of Procurement, Property and Public Protection and Chief Personnel Services Officer

**Subject:** EXTENDED CAREER GRADE SCHEME FOR ENVIRONMENTAL HEALTH AND TRADING STANDARDS OFFICERS (EHOs and TSOs)

---

## **1. PURPOSE OF REPORT**

- 1.1 To review the extended Career Grade Scheme for Environmental Health Officers (EHO's) and Trading Standards Officers (TSO's).

## **2. BACKGROUND**

- 2.1 Recruitment and retention of qualified EHOs and TSOs by the Council has proved difficult for a number of years. There is a well documented and recognised national shortage of qualified Officers in both professions which has compounded recruitment difficulties experienced by the Authority. In response to the ongoing difficulties in recruiting and retaining qualified EHO's and TSO's, the Performance Management Portfolio Holder considered a report on 5 September 2005.
- 2.2 The Portfolio Holder approved a revised Career Grade Scheme for all posts occupied by either qualified EHO's or TSO's – the scheme to be reviewed after 12 months in operation.
- 2.3 Reviews have been undertaken at meetings held on 27 November 2006 and 22 June 2007 and Portfolio Holder agreed to continue the Extended Career Grade Scheme for EHOs and TSOs and requested a further review be undertaken after March 2008.

## **3. CURRENT POSITION**

- 3.1 The staffing situation has changed since June 2007.
- 3.2 In January 2008 two qualified EHO's left the Authority. These vacant posts were advertised however only one suitable application was received. The applicant has been appointed and commenced employment with the Authority at the end of May. Whilst this Officer is competent to undertake health and safety enforcement he will need to regain his food competency. Until this is obtained he must be

accompanied / supervised by other suitably qualified officers within the division. The other post remains vacant and it is therefore essential that we recruit a suitably qualified, competent and experienced Officer.

- 3.3 In April 2008 another Trading Standards Officer left the Authority, whilst this post has been released by monitoring of vacancies panel it was decided to await the outcome of job evaluation and the review of this scheme before advertising.
- 3.4 Another previously vacated TSO post has not been further advertised. As indicated in the November 2006 report the post has been downgraded on a temporary basis and an existing trainee TSO has been undertaking related duties whilst working towards the professional qualification of the Institute of Trading Standards Officers. It is hoped the trainee will gain professional status during 2009 and will then be offered the vacant TSO post at its full grade.
- 3.5 The Council currently has four trainee posts on the establishment (two EHOs and two TSOs). Students have previously been a rich source of qualified staff to the authority, nevertheless four student posts is an unusually large commitment for a small authority. Due to the variances in timescales for Officers to successfully achieve professional status, there may be periods when more than two students are on the Council's employment register.
- 3.6 One of the current TSO student posts is currently vacant. We are however unable to advertise this post as we have insufficient qualified Officers within the division to provide the practical training required. The staffing shortage is also affecting our ability to complete the training of the current student. It is therefore essential that we recruit suitably qualified, competent and experienced staff.

#### **4. THE EXTENDED CAREER GRADE SCHEME**

In relation to the scheme for EHOs and TSOs, of the 16 EHOs and TSOs employed by the Council, six have successfully achieved entry to the scheme. Due to the challenging criteria developed for the scheme, which involves experience, qualifications, performance and attendance, it is not expected that there will be a substantial increase in numbers of staff entering the scheme. The scheme consists of acceleration by two or four increments depending on meeting the criteria.

- 4.2 All posts have now been through the job evaluation process. All qualified EHO and TSO posts came out at least one increment below the salary level offered with the Extended Career Grade Scheme. There is a serious concern as we have been unable to fill posts advertised at the higher level as detailed in 3.2 and 3.3 above and therefore need to continue this scheme to attract qualified Officers to the authority and help resolve our current staffing shortage.



- 4.3 The effect of Job Evaluation (JE) is now evident although the basic pay of officers has increased it remains below that available for those on the scheme. Other authorities in the area are also completing their evaluations with some also offering market forces supplements resulting in higher pay grades being offered by other north east authorities than those currently available at Hartlepool.

## **5. NATIONAL AND LOCAL SITUATION ON EHO AND TSO POSTS**

- 5.1 The national position of occupational shortages in local authorities is given in The Local Government Pay and Workforce Strategy Survey 2006. This report highlighted that 58% of local authorities were reporting recruitment problems for EHOs and 46% for TSOs. The report also outlines that 37% of authorities are offering market supplements to EHOs.
- 5.2 Enquiries of the other Tees Valley authorities reveals only one authority is fully staffed, the others have either one or two vacant EHO posts. All report and comment on the difficulties of recruitment, the lack of numbers of applicants with one commenting on the fact of having vacant posts virtually throughout the previous ten years despite enhanced recruitment packages.

## **6 FINANCIAL AND RISK IMPLICATIONS**

- 6.1 It is estimated that continuing the scheme throughout 2008/09 will result in an additional cost of about £17,560. The estimated cost for 2009/10 is £18,498, although this may vary if additional Officers qualify for the scheme during the course of the year.
- 6.2 Costs are being met satisfactorily from the operational divisional budgets.
- 6.3 The report highlights that there is a high risk that we will not be able to recruit EHO's & TSO's if the Extended Career Grade Scheme is not continued.

## **7 CONCLUSION**

- 7.1 Although there are problems to address there has been an improvement in the retention and recruitment of EHOs and TSOs since the Career Scheme was implemented in 2005. Whilst any improvement cannot be attributed solely to this scheme, it is highly likely that the scheme has had a substantial effect.

- 7.2 The scheme demonstrates to existing and potential EHOs and TSOs the Council's commitment to attracting and retaining such professional staff. Appointees to posts in both disciplines since 2005 have cited the extended career grade as a significant incentive in applying for employment with Hartlepool Borough Council. In addition, the majority of existing staff have remained loyal to the Council despite the possibility of financial advantages in moving to nearby authorities.
- 7.3 EHO and TSO salaries within the north east have risen over the last year and may rise further as more Authorities complete the job evaluation process. A number of authorities are also offering market supplements in an attempt to recruit and retain qualified staff. The result of this and outcome of job evaluation is that pay grades offered at Hartlepool are below that of some other authorities resulting in the current recruitment problems.
- 7.4 The current scheme does appear to be providing the Council with good value for money. Its advantage is that it is performance based and not just a "flat rate" market supplement payable to all staff.
- 7.5 The Trade Unions welcome and recognise the need for the continuation of this market forces supplement based on the performance criteria until such time as it is replaced by the new market forces supplement within single status development.

## **8. RECOMMENDATION**

- 8.1 That the Portfolio Holder:
- a) Notes the position as regards the recruitment and retention of Environmental Health and Trading Standards officers.
  - b) Approve the continuation of the Extended Career Grade Scheme.
  - c) Authorise the scheme to be reviewed after a further 12 months when a report will be prepared for the consideration of the Performance Portfolio Holder.

## **9. CONTACT OFFICER**

- 9.1 Sylvia Pinkney – Consumer Services Manager  
Neighbourhood Services (Public Protection)  
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## **PERFORMANCE PORTFOLIO**

Report to Portfolio Holder

27<sup>th</sup> June 2008



**Report of:** Chief Personnel Officer

**Subject:** CHALLENGING COUNCIL SERVICES  
PROJECT

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### SUMMARY

#### **1. PURPOSE OF REPORT**

To provide details of an external evaluation report on the Challenging Council Services project and update the Portfolio Holder in respect of possible facilitation arrangements.

#### **2. SUMMARY OF CONTENTS**

The report provides options for facilitating the Challenging Council Services Project.

#### **3. RELEVANCE TO PORTFOLIO MEMBER**

Corporate matters

#### **4. TYPE OF DECISION**

Non Key

#### **5. DECISION MAKING ROUTE**

Portfolio Holder only

#### **6. DECISION(S) REQUIRED**

Noting of the report and endorse the proposed funding arrangements

**Report of:** Chief Personnel Officer

**Subject:** CHALLENGING COUNCIL SERVICES  
PROJECT

---

**1. PURPOSE OF REPORT**

To provide details of an external evaluation report on the Challenging Council Services project and update the Portfolio Holder in respect of possible facilitation arrangements.

**2. BACKGROUND**

- 2.1 At your meeting on 16 May a report (Appendix 1) regarding interim funding for the challenging council services project was considered and it was decided
- a) that the report be noted
  - b) that the funding proposals for training facilitation be deferred until the next portfolio meeting when a breakdown of the costs involved in employing external facilitators would be made available.
- 2.2 For the initial year of the project, the facilitation role has been bought in from the NDC at a cost of £7,500, with the work being shared between 2 experienced community workers.
- 2.3 It was appropriate to obtain external assistance for this facilitation role for the following reasons
- One off funding was available
  - To build confidence amongst stakeholders, the facilitator had to be, and seen to be, independent of the Council
  - There was not the expertise or capacity within the Council to undertake this role
- 2.4 The project was initially funded by the Improvement partnership. One of their requirements was that an external evaluation of the project be undertaken and a report submitted.

**3. EXTERNAL EVALUATION OF THE PROJECT**

- 3.1 The external evaluation of the project was undertaken by Doug Feery, an I&DeA/DIALOG consultant. A copy of his report is attached at Appendix 2.

- 3.2 A number of areas for development/recommendations are identified in Section 8 of the report including
- Funding
  - Capacity Building
  - Developing the Project
  - Increased Stakeholder Influence
  - Sharing Good Practice
  - Involvement of Partners

Officers will seek to develop the project accordingly.

- 3.3 The report concludes that “The project has clearly been a success and the Council and those Officers responsible for driving this forward are to be commended”.

#### **4. FACILITATION ROLE**

- 4.1 A key element of the success of the project to date has been the facilitation arrangements.
- 4.2 In respect of the facilitation arrangements, the evaluation report states
- a) “stakeholders have reflected that they found the fact that the meetings were facilitated by someone outside of the Council meant that they didn’t feel they were being pushed down a particular road and that they could, and had been able to influence the way things were progressed.” and
  - b) “The Council had taken appropriate steps to ensure maximum participation of the Community Stakeholders, such being evidenced through transport provision, interpreters, documents in appropriate formats, accessible and local venue, and the use of local independent facilitators. This was also supported by Council officers who indicated that the use of the Independent facilitator meant that they were not drawn into areas that they could not deal with at the meetings and also that individuals were not allowed to hold a position based upon ‘vested’ interest”
- 4.3 Initially to set up the project there was a significant need to build capacity amongst stakeholders. Recruiting stakeholders to the challenge process will be ongoing and capacity building will be needed in the future as new stakeholders are recruited to the project.
- 4.4 Up to March 2009, it is envisaged that there will be 3 preparation and 7 facilitation sessions, which is a reduction on the number in the first year of the project. The workload associated with each of these is as follows:

- Range of meetings with relevant service officers
- Preparation and simplifying of Impact assessments action plans
- Arrange for accessible venues
- Facilitate the actual challenge process
- Minute take at every meeting
- Write reports on each meeting to provide feedback to the Council Officers
- Work with officers on the actual feedback to the stakeholders
- Follow up on the implementation of these action plans

4.6 It continues to be appropriate to obtain external assistance for the facilitation role up to March 2009 for the reasons outlined in 2.3 above and the findings of the external evaluation. There will be the opportunity to consider whether this role can be brought 'in-house' if permanent funding is obtained from April 2010 onwards. It will, however, be appropriate to obtain the views of the stakeholders as to whether they feel such an arrangement would inhibit their participation before any decision is made.

4.7 A number of experienced community workers are available within Hartlepool and there is time before the next phase of the project is due to start to subject this to a mini competitive process in accordance with the Contract procedure rules. It is proposed to seek quotations, which will be considered on a price/quality basis to undertake the facilitation role.

## **5. FINANCIAL CONSIDERATIONS**

5.1 A provision of £5,000 for facilitation has been made in the funding requirements of £19,000 up to March 2009 as reported at your last meeting

## **6. RECOMMENDATIONS**

The Portfolio Holder is requested to

- a) note the external evaluation report and facilitation proposals
- b) agree to fund the Challenging Council Services project at a cost of up to £19,000 until March 2009 from the Contingency Fund.

## **7 REASONS FOR RECOMMENDATIONS**

7.1 The Critical Challenge project has been a success and has been a ground breaking exercise. It is one of the first of its kind in the country. Other local authorities will be learning from this project.

**8 BACKGROUND PAPERS**

- The Portfolio Holder report of the 16<sup>th</sup> May is attached.
- The project appraisal report

**9. CONTACT OFFICER**

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## **PERFORMANCE PORTFOLIO**

Report to Portfolio Holder

16 May 2008



**Report of:** Chief Personnel Officer

**Subject:** CHALLENGING COUNCIL SERVICES  
PROJECT

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### SUMMARY

#### **1. PURPOSE OF REPORT**

To update the Portfolio Holder in respect of the progress on the Challenging Council Services Project and arrangements towards organising a regional conference to share good practice with all the northeast local authorities. To seek funding for the project for the remainder of 2008/9.

#### **2. SUMMARY OF CONTENTS**

The report provides details of the Challenging Council Services Project and makes proposals as to how the project can be funded for the remainder of 2008/9

#### **3. RELEVANCE TO PORTFOLIO MEMBER**

Corporate matters

#### **4. TYPE OF DECISION**

Non Key

#### **5. DECISION MAKING ROUTE**

Portfolio Holder only

#### **6. DECISION(S) REQUIRED**

Noting of the report and endorse the funding proposal



**Report of:** Chief Personnel Officer

**Subject:** CHALLENGING COUNCIL SERVICES  
PROJECT

---

**1. PURPOSE OF REPORT**

- 1.1 To update the Portfolio Holder in respect of the progress on the Challenging Council Services Project and arrangements towards organising a regional conference to share good practice with all the northeast local authorities. To seek funding for the project for the remainder of 2008/9.

**2. BACKGROUND**

- 2.1 Last year the Council was successful in raising funds through the Essential Development Support grant fund, which is one of the Improvement Partnership's eight key work streams. One-off funds of £24,000 were resourced to address gaps in Challenging Council Services which were identified through a peer review process undertaken by Doug Feery, an I&DeA/DIALOG consultant, in February 2007. A requirement of the funding was that an event would be arranged to share learning and experience with other northeast authorities.
- 2.2 The emphasis of the funding obtained was on development activity, which will lead to long-term, sustainable improved capacity for local communities to challenge the local authority about the way it consults on, plans and delivers services. The outcomes of the project are to be shared with other local authorities in the northeast and a one day event has been organised at the Borough Hall on 17 June 2008. The project has recently been recognised nationally as ground breaking work and requests are being made to launch the outcomes nationally.
- 2.3 The project's funding and therefore its associated activity comes to an end in July 08.

**3. PROPOSALS**

- 3.1 In order to continue with the project, one-off funding is needed until March 2009 as a further bid for additional resources from April 2009 will then be made. Whilst it will no longer be necessary to build capacity to the same extent amongst participants, it will be necessary to continue to

- fund external facilitators
- provide translation and interpretation services
- provide accessible transport and premises
- provide refreshments
- pay participants

3.2 In addition, the project requires a significant amount of staff support which can no longer be found from within existing staffing resources.

3.3 It is proposed that funding of £19,000 which is needed in 2008/9 for this project to continue be found from the Contingency Fund. The Corporate Management Team support the proposed use of the Fund for this purpose and have requested that the Portfolio Holder consider and endorse the proposal.

#### **4. RECOMMENDATIONS**

The Portfolio Holder is requested to:

- a) note the report
- b) endorse the funding proposals.

**Evaluation Report**

**On**

**Hartlepool Borough Council's**

**Community Stakeholder Challenge project**

**in respect of the**

**Council's Equality and Diversity plans.**

**June 2008.**

**Doug Feery (Barrister)**  
**I&DeA Associate Consultant**

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<b>6</b>	Methodology of the Evaluation	9
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### 1.0 Introduction

- 1.1** This report presents the findings of an independent evaluation of a Community Stakeholder Challenge group that was brought together by Hartlepool Borough Council to directly support the Council's implementation of the Equality Standard for Local Government, and in particular, provide some critical community engagement in the Equality Impact Assessment process.
- 1.2** The evaluation report is to be used to inform the Council, the Community Stakeholders and relevant others as to the key strengths and weakness of the project and whether there is a justification for the continuance of the project in the same or related form.

### 2.0 Hartlepool – The context

- 2.1** In progressing this evaluation report, details of the local context has become of significance, not least in understanding some of the local community stakeholders views and reactions to Council provided services.
- 2.2** Of note is that the Council is the second smallest unitary authority in England, with the advantages and disadvantages that a compact area and smaller number of staff bring. It is situated in the north east, on the coast north of the Tees Valley. The area is one of the most deprived in England, ranked as 14th out of 354 authorities. Eight wards are among the 10 per cent most deprived in the country. The unemployment claimant rate is 3.9 per cent against a national average of 2.4 per cent.
- 2.3** It is important that the above is noted before considering the steps taken by the Council to progress its work with regard to the Standard, notably as the Council, due to its staffing and size, is not able to respond to the challenges of the Standard in the way that a 'larger' Unitary Council might. Notwithstanding

this, the Council has been assessed by the Audit Commission as a high performing Council.

### 3.0 Background to the Project

- 3.1** In January 2007, Hartlepool Borough Council (the Council) was subject to an external review of its progress against the Equality Standard for Local Government by Dialog<sup>1</sup>. This review highlighted that there was evidence of consultation procedures existing within the Council in relation to its services, and that the Council intended to further progress its consultation activity through local stakeholder groups, partnerships and staff groups.
- 3.2** The earlier review highlighted that the community stakeholder groups were not critical of the Council. The views expressed by all groups were very encouraging and positive, albeit there remained a level of healthy scepticism, but the firmly expressed view was that the Council had made considerable efforts since 2005, from which the community stakeholders were indicating that they were beginning to have a level of trust with the Council that did not previously exist.
- 3.3** The significant point of note from the review was that the consultation framework in place within the Council did not lend itself to the equality and diversity activity of the Council, and in particular the process of Equality Impact Assessments. The recommendation from the review was that the Council should give consideration to extending the existing corporate consultation process to facilitate more formalized scrutiny of the Equality Impact Assessment process by staff and community stakeholder groups. It further recommended that the Council should explore whether such scrutiny should be done on a voluntary or commissioned basis.

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<sup>1</sup> Dialog – Diversity into Action in Local Government – Was the equality unit within the Improvement & Development Agency.

### 4.0 A brief note about the Equality Standard

- 4.1** The Equality Standard for Local Government ('the Standard') was introduced as a best value performance indicator for local government in 2002. This indicator, BVPI 2 (a), replaced the Commission for Racial Equality's 'Race Equality Means Quality' indicator and broadened the scope of equality monitoring to include gender and disability as well as race. The Standard was reviewed and revised in May and October 2007 to reflect legal and policy developments for equality; in particular with regards to gender, race, disability, sexual orientation, age and religion & faith or belief.
- 4.2** In summary there are three distinct features of the Standard. Firstly, the Standard places emphasis on the importance of equality practice not just in employment, but also as an essential part of delivering quality services and access to those services for the whole community. Secondly, the Standard is specifically designed for managing and improving performance in equality for the whole organisation right through from ambition, leadership and resource management to service delivery outcomes. Thirdly, the Standard supports an evidence based improvement framework.
- 4.3** The Standard places a strong emphasis on the establishment of a corporate approach within the organisation and provides a framework for:
- The systematic mainstreaming of equalities, through a performance and service planning framework.
  - Meeting obligations under anti-discrimination laws and practice.
  - Supporting the integration of equality objectives into the best value process.
  - Tackling institutional discrimination and encouraging the development of anti-discrimination policy and practice.
  - Showing real improvements in services and employment equality over time i.e. service based outcomes.

The Standard is set out as five levels of achievement:

- Level 1: Commitment to a Comprehensive Equality Policy
- Level 2: Assessment and community engagement
- Level 3: Setting equality objectives and targets
- Level 4: Information systems and monitoring against targets
- Level 5: Achieving and reviewing outcomes

In addition, the Standard works across four substantive 'cross-cutting' areas or themes, which are:

- Leadership & Corporate Commitment
- Community Engagement & Accountability
- Service Delivery & Customer Care
- Employment and Training

The first task is to get the infrastructure in place and the guidance in support of the Standard sets out a level by level checklist for progressing this. Particular note should be made of the caution given in the guidance which states that it will take time, resources and commitment to establish this infrastructure and local authorities will move at different rates. The requirement is however, that the organisation will move forward as a whole and for this reason it is important that progress through the levels of the Standard is monitored and audited at both corporate and service level. The assessment framework relies on a strong evidential base and is outcome focused. Successful implementation of the Standard will require a partnership approach between the organisation and the community, and the importance of the organisation's leadership role in this is emphasised. The Standard



represents a tool that can bring about change but this can only be achieved through an active engagement in the processes it sets out.

### 5.0 The Project

5.1 It is evident that the project was born out of the Council's earlier Equality review and that the Council was taking the recommendation over the need to focus community stakeholder engagement seriously. From this, the Council's stated aims for the project were:

1. To find out whether or not the Council's Services can be used by all the diverse groups in Hartlepool who need them.
2. That the services that the Council provide are what are needed.
3. In particular the Council made clear at the onset of the project that they were wanting to check what local people think about the Council's plans.

5.2 The project took place over a period of nine months and involved Council Officers, through a process of community outreach activity, bringing together a group of residents from across the Borough. The range of representation was as follows:

- Young people (still at High School)
- People with disabilities – from across the age range, but with particular disabilities represented also, namely; People who are hard of hearing or deaf; people who are blind or partially sighted; people with mobility difficulties.
- People over retirement age
- Women and men
- People who were gay, lesbian, bisexual and heterosexual.

- People from different faith groups,
- People from the ethnic minority groups that live / work within the borough.
- People from different socio-economic backgrounds.

5.3 The above community stakeholders were brought together at a series of meetings of approximately 6 – 8 week intervals, for a period of two hours. Transport costs were met for the group members. The meetings took place from 5pm – 7pm and were held in a community centre just outside the town centre of Hartlepool. Food and refreshments were provided. Members were also offered payment for their time at minimum wage rates where such did not affect their benefits, income or otherwise. The meetings were also facilitated by a local provider who works within the community and voluntary sector.

5.4 The Council inform that they were able to attract funding from the Improvement Partnership for northeast local government in the sum of £24,000.00 to support the project. This did not include payment of any Council Officer time in supporting the project / consultation exercise.

5.5 It is understood that the initial meetings involved the members of the group being informed of the Council's role, the Council's approach to Equality and Diversity and in particular the approach and process of Equality Impact Assessment. It is noted that the intention here was to ensure that members of the group were as clear as can be about how the Council operates and so that they could then begin to effectively engage with the Council when looking at the completed Equality Impact Assessments.

5.6 From the above, the meetings that took place involved Council Officers of different services coming along and explaining:

- About the service that they provide
- About the Equality Impact Assessment that they had completed, and how they had arrived at their conclusions

5.7 Group members were invited, encouraged and openly allowed to raise any question that they wished in order to understand the process. The community stakeholders were also provided with the relevant documents prior to the meeting in an easy to understand format, ensuring such was accessible dependent upon individual needs. British Sign Language Interpreters were also present.

5.8 Having explored a number of the Council's service areas / functions through the above meetings, a series of follow up meetings were then arranged (within the 9 month time frame). The express aim of these meetings was to allow the Community Stakeholders to receive direct feedback from the invited different Council Officers who made the earlier presentations, as to what steps if any they had taken in relation to the earlier meetings and the views of the Community Stakeholders over the actual service provision.

## 6.0 Methodology of the Evaluation

6.1 The evaluation of the community stakeholder project comprised of a number of interrelated activities:

- ✓ A review of all relevant Council documents, including the Council's Comprehensive Equality Schemes and Corporate Equality Action Plans, together with all documents as supplied to the Community Stakeholder members.

- ✓ Observation, by way of attendance, of the facilitated Community Stakeholder meetings. These were in March and May 2008.
- ✓ Discussion with 3 different Council Officers who presented materials to the Community Stakeholders.
- ✓ Discussion with the local facilitators of the Community Stakeholder's meetings.
- ✓ Discussion with the majority of the Community Stakeholder members on two separate occasions.
- ✓ Drafting of an independent summary evaluation report, such to be presented to the Council and to also be made available to the Community Stakeholder members in appropriate formats.

### **7.0 Key Themes and Messages identified from the Evaluation**

7.1 The Council were alerted to the need to do more as regards community stakeholders in 2007 following the review of the Council's progress against implementing the Equality Standard. The Council have clearly listened to the advice offered and taken clear positive steps forward. They have developed the links they had with the community stakeholders, noting that the position as recently as 2004 involved a level of distrust between the community stakeholders and the Council. This is to be commended. In addition, the Council has clearly grappled with the difficulty faced by many local authorities and public bodies over effectively engaging as distinct from informing community stakeholders by what presents as a very simple process of identifying who the various representative groups are and then engaging them in a process which is about how to ensure services are accessible and can be developed to meet needs.

7.2 From this positive beginning, the following additional findings have been recorded as part of the evaluation exercise:

## 2.4 Appendix 2

1. The Community Stakeholders – these were drawn from a wide range of representatives and extended beyond the six equality categories usually referenced.
2. Community Stakeholders confirmed that they had found the initial meetings where things were explained to them about the Council and about the project very helpful. They also reflected that they found the fact that the meetings were facilitated by someone outside of the Council meant that they didn't feel they were being pushed down a particular road and that they could, and had been able to influence the way things were progressed.
3. The Council had taken appropriate steps to ensure maximum participation of the Community Stakeholders, such being evidenced through transport provision, interpreters, documents in appropriate formats, accessible and local venue, and the use of local independent facilitators. Community Stakeholders confirmed that they were very satisfied that all steps were taken to ensure that they effectively contribute towards the discussions. This was also supported by Officers who indicated that the use of the Independent facilitator meant that they were not drawn into areas that they could not deal with at the meetings, often linked to budgets, and also that individuals were not allowed to hold a position based upon 'vested' interest.
4. For those who did not speak English as a first language there was awareness of the ability for translation facilities to be provided. This had not been taken up as the Community Stakeholders in question were keen to use the session as a learning opportunity. Whilst positive it was unclear how extensive their understanding was of the issues under discussion was.
5. Feedback on the Equality Impact Assessments was given by the officers responsible for the service, thereby providing the opportunity for the Community Stakeholders to ask further questions or challenge the response given. This clearly happened, demonstrating that

collectively they felt empowered to do so, and such was also supported through the use of independent facilitation.

6. The follow up meetings were helpful in demonstrating to the Community Stakeholders that the Council were serious in their intentions about listening to them. Stakeholders confirmed that they would be happy to continue in an ongoing relationship with the Council linked to review of services that they regularly use.
7. For some Community Stakeholders, they reflected that not all of the Equality Impact Assessments that they looked at were relevant to them simply because they did not use them, albeit they understood the process that the Council were going through.
8. The sessions observed concentrated on three assessments – contact centre, community transport and libraries – it was felt by the Community Stakeholders that this was a manageable volume of work.
9. Representatives articulated the belief that they were listened to and their feedback was taken seriously. They supported this by showing where they had raised concerns / points about service provisions arising from the Equality Impact Assessments and where subsequently changes had been made.
10. A very positive by-product of this process recognised by Community Stakeholders on the day was the development of a shared understanding of issues as they affect other people/ equality target groups. This was felt to support community development and help overcome barriers between people and different Community Stakeholders.

### 8.0 Areas for development / recommendation

1. **Funding** - The project has been delivered from one-off funding from the Improvement Partnership, and has concentrated on the initial round of Equality Impact Assessments. The Council is presently working

through a prioritised schedule of Equality Impact Assessments and so the need for the Community Stakeholder Group to remain is apparent. If this were not to happen, it would also be potentially counter productive to the relationship between the Council and the Community Stakeholders, not least because of the previous distrusting relationship. It is strongly recommended that ongoing funding is identified to maintain the Community Stakeholder activity.

2. **Capacity Building** - Although facilitation of the meetings is very clearly positive, some individual review by the facilitators with each Community Stakeholder as to what would help them to contribute to the process might prove fruitful, in terms of individual needs. This should also be linked to exploring other approaches of facilitation, perhaps concentrating on the individual needs of some of the Community Stakeholders, i.e. those with sight / hearing impairments may need some support to be able to engage in 'open' meetings that are structured for those with sight and hearing. This is highlighted as some Community stakeholders indicated that they did not feel able to get involved as they could not relate to the service area. Also, consideration be given to making the Officer contributions much more focused, thus allowing more time for the Community Stakeholders to discuss the materials and their views.
3. **Developing the Project** - A simple template of the areas that need to be explored when reviewing the Equality Impact Assessments might be helpful to focus any discussion / comments. An example is attached at appendix 1 which was developed by a Community Stakeholder group for a London Borough. **Note** this is not an Equality Impact Assessment form. It is a simple tool for Community Stakeholders to record their reflections from what they have read / listened to in the presentations from the officers.

4. **Increasing Stakeholder Influence (1)** - From that reviewed and observed as part of the evaluation exercise, the Community Stakeholders do not decide which Equality Impact Assessments to review. This should be considered as a development point for the following reasons:
  - a. The Stakeholders will feel more empowered and provide greater challenge (for the Council) if it becomes responsible for reviewing the prioritised schedule and choosing assessments to review.
  - b. It would provide the Council with confirmation as to the appropriateness of the priorities identified.
  - c. The Community Stakeholders would provide a driver for maintaining momentum through external scrutiny in regards to activity against the action plan and subsequent to the assessment.
  - d. It would help to prevent disengagement by ensuring that the issues under review were those that were relevant to the Stakeholders (e.g. it was reflected that some areas bore little relevance to younger representatives and therefore limited their ability to engage in the process – this was seen as unfortunate as previous engagement had been received as focussed and informative
5. **Increasing Stakeholder Influence (2)** - Officers were clearly listening to the issues raised, an additional developmental point would be the involvement of the Stakeholder group in the development of the action planned in response. This would ensure both relevance of action planned and also challenge Officers in terms of determining what is actually possible in terms of changing process/current approaches.
6. **Sharing Good Practice** - Whilst the Council are clearly showcasing the project through the regional Conference on the 17<sup>th</sup> June, they should also take active steps to raise awareness of the project in the various communities through the media and other channels.



7. **Developing the Project** - The Council should keep the Community Stakeholder project / process under review, not least in relation to the range of Community Stakeholders and whether other groups might need to be targeted such as bilingual learners, refugees and asylum seekers, families, and those from deprived communities.
8. **Involvement of Partners** - Community Stakeholders reflected very positively on the process and suggested that this should be opened to other public service providers – notably the Primary Care Trust and Police – so that they too could develop an understanding of the issues faced in the community and work towards address of the same. Whilst this may not be appropriate at this stage, as a way forward it would be potentially very supportive of emerging Comprehensive Area Assessment, especially as external scrutiny of service delivery, is an area, public service providers should be developing and it would ensure value for money / support in the development of a shared understanding of local need and prevent a duplication of effort or call on community resources.

### 9.0 Conclusions

- 9.1 The Council has recognised a weakness in its processes that ultimately will impact on the service based outcomes it hopes to deliver. From this the Council has used the existing links it had with the Community to move forward in a constructive manner and also deal directly with the levels of distrust and scepticism that prevailed.
- 9.2 The project as a pilot exercise has proved that effective engagement with the Community Stakeholders must go beyond the giving of information. It demonstrates that Community Stakeholders can have a positive contribution to the shaping of services and that this is enriching not only to the community but also the Council.

- 9.3** The project now needs to be secured for the future and in order that things can develop further, and build upon progress to date. The process also needs to become part of how the council does business and in particular part of its service planning approach – Whilst it is noted that such is currently referenced within current service plans, it is also noted that this project is not currently mainstreamed. However, the Council must ensure that it does not seek to professionalise the process, i.e. take over the Community Stakeholder process. Equally, the Community Stakeholders need to ensure that they take control of the process and start driving the agenda. The momentum that has been generated should now also be drawn to consider linkage with wider Council activity with partners and other public sector providers.
- 9.4** The project has clearly been a success and the Council and those Officers responsible for driving this forward are to be commended.

### A 'London' Borough Council

#### Equality Standard Community Stakeholder Group

#### Equality Impact Assessment Review Form

1	<p>Department / Service area</p> <p>Lead Officer / Contact</p>	
2 Part 1 of the EIA form	<p>Function etc being assessed</p> <p>Is it clear what is being assessed?</p> <p>Does the EIA provide adequate information about the service area / function being assessed?</p>	
3 Part 2 of the EIA form	<p>Information</p> <p>Is there adequate information about the function / service being assessed. i.e. Information about the service user profiles?</p> <p>Is the above data mapped in any way to the information held by the authority about the population of the borough?</p>	

	Does the above information cover the 6 equality strands?	
<b>4 Part 3 of the EIA form</b>	<b>Assessment</b> Does the information supplied then get used to progress the assessments of impact on the following areas?:	
<b>A</b>	<b>Race</b>	
<b>B</b>	<b>Gender</b>	
<b>C</b>	<b>Disability</b>	
<b>D</b>	<b>Age</b>	
<b>E</b>	<b>LGBT</b>	
<b>F</b>	<b>Religion / belief</b>	
<b>4 Parts 4 to 6 of the form</b>	<b>Actions to be taken</b>	
<b>5 General</b>	<b>Comment:</b>	

**PERFORMANCE PORTFOLIO**  
**Report to Portfolio Holder**

**27 June 2008**



**Report of:** Chief Personnel Officer

**Subject:** LOCAL GOVERNMENT PENSION SCHEME –  
DISCRETIONARY POLICY

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**SUMMARY**

**1. PURPOSE OF REPORT**

To request that the Portfolio Holder makes a decision to determine the Local Government Pension Scheme (LGPS) Discretions Policy in order to meet the statutory deadline of 30 June 2008 for the publication of such a policy.

**2. SUMMARY OF CONTENTS**

The report provides background information regarding the changes to the new Discretionary Policy.

**3. RELEVANCE TO PORTFOLIO MEMBER**

Corporate issues.

**4. TYPE OF DECISION**

Non-key decision.

**5. DECISION MAKING ROUTE**

Portfolio Holder only.

**6. DECISION(S) REQUIRED**

The Portfolio Holder is recommended to determine the Council's policy in respect of Local Government Pension Scheme Discretionary Policy.

**Report of:** Chief Personnel Officer

**Subject:** LOCAL GOVERNMENT PENSION SCHEME –  
DISCRETIONARY PAYMENTS

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## **1. PURPOSE OF REPORT**

- 1.1 To request that the Portfolio Holder makes a decision to determine the Local Government Pension Scheme Discretionary Policy in order to meet the statutory deadline of 30 June 2008 for the publication of such a policy.

## **2. BACKGROUND**

The New Look Local Government Pension Scheme was enacted on 1 April 2008. There are a number of new discretions under various pieces of legislation identified on the report which the Council must publish their policy.

The Discretionary Policy also contains policy decisions that have continued from the previous Corporate Early Retirement/Redundancy Policy and Scheme which contained the Discretions Policies of the Council. The Corporate Early Retirement/Redundancy Policy and Scheme is being reviewed and the discretions section has been adopted under this new policy.

## **3. PROPOSALS**

The attached policy identifies the following new discretions:

1. To determine the rate of employee contributions
2. To allow flexible retirement for older workers
3. To decide the which ill health tier a leaver falls into
4. To grant additional pension up to £5000 per annum

There have also been changes made to reflect new legislation such as the removal of added years and the certificate of protection of pension benefits.

## **4. REVIEW**

This Discretionary Policy has been approved in principle by trade unions as decisions had to be made on 1 April 2008 when the new

scheme was introduced. There does need to be further non-statutory policies agreed in relation to the Local Government Pension Scheme and therefore this policy will be developed in consultation with trade unions shortly.

**5. RECOMMENDATIONS**

The Portfolio Holder is recommended to determine the Council's policy in respect of Local Government Pension Scheme Discretionary Policy.

**6. REASONS FOR RECOMMENDATIONS**

All Council's must publish their Discretionary Policy by a statutory deadline of 30 June 2008.

**7. BACKGROUND PAPERS**

(1) Attach LGPS Discretionary Policy (HRPP/029)

**8. CONTACT OFFICER**

Rachel Clark,  
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Email: [rachel.clark@hartlepool.gov.uk](mailto:rachel.clark@hartlepool.gov.uk)

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## **LOCAL GOVERNMENT PENSION SCHEME**

### **DISCRETIONARY POLICY**

#### **GENERAL POLICY STATEMENT**

The Council will ensure it implements its statutory responsibilities in relation to its discretions under the Local Government Pension Scheme Regulations. The decisions made to apply discretion will take into account the Council's public financial accountabilities and the benefits to its employees.

#### **Scope and Purpose**

This procedure applies to all employees and ex-employees of the Council and Councillors, but with the exception of teachers in schools.

The associated policy contains the statutory required information regarding how the Council intends to exercise its discretionary powers related to the Local Government Pension Scheme. This demonstrates greater transparency to decision making allowing a consistent approach to all employees.

#### **Contents**

#### **Section A**

These are policy discretions from 1 April 2008 in relation to **post 31 March 2008 active members** (excluding councillor members) and **post 31 March leavers** (excluding councillor members), being discretions under:

- The LGPS (Administration) Regulations 2008 (Prefix A)
- The LGPS (Benefits, Membership and Contributions) Regulations 2007 (as amended) (Prefix B)
- The LGPS (Transitional Provisions) Regulations 2008 (Prefix T)
- The LGPS Regulations 1997 (as amended) (Prefix L)
- The LGPS (Transitional Provisions) Regulations 1997 (as amended) Prefix OT)

A1. Employee Contribution Rates (Regulation B3 and T9)

A2. Augmented Benefits on Leaving Local Government Employment (Regulation B12) (Old Regulation 52) (Excluding those Eligible for the Teachers' Pension Scheme)



- 
- A3. Granting Additional Pension (up to £5000) (Regulation B13)
  - A4. Flexible Retirement at or after age 50 (Regulation B18 (1))(Old Reg. 35(1A))
  - A5. Ill health Retirement for Leavers (Regulation B20)
  - A6. Voluntary Early Retirement with Immediate Benefits between the ages of 50/55 and before age 60 - Regulation(B30(2) and B30(5)) (Old Regulation 31(2)&(5)&(7A)) (Excluding those Eligible for the Teachers' Pension Scheme)

## **Section B**

Policies in Relation to the LGPS Regulations 1997 (as amended) in relation to **active councillor members** and **pre 1 April 2008 Scheme Leavers**

- B1. Reduced or Waived Employee Contributions for those with 40 or more Years Membership in Local Government Employment (Regulation 15) (Excluding those Eligible for the Teachers' Pension Scheme)
- B2. Voluntary Early Retirement between the ages of 50-59 with Immediate Benefits (Regulation 31(2)&(5)&(7A)) (Excluding those Eligible for the Teachers' Pension Scheme)
- B3. Shared Cost Additional Voluntary Contributions (SCAVC) Arrangement (Regulation 67) Excluding those Eligible for the Teachers' Pension Scheme
- B4. Widower's Pensions (Transitional Regulation 9) (Excluding those Eligible for the Teachers' Pension Scheme)
- B5. Rejoining the scheme (Regulation 7(9)(a))
- B6. Transferring pension rights into the scheme (Regulation 121 (8))
- B7. Deducting Pension Contributions from an employees Pay (Regulation 89)
- B8. "Outsourced" manual workers contribution rate upon return to the scheme (Regulation 14(3)(b))

## **Section C**

Policies in relation to discretions under the LGPS Regulations 1995 (as amended) in relation to **pre 1 April 1998 scheme leavers**

- C1. Early payment of deferred benefits on or after age 50 on compassionate grounds

## **Section D**

Policies in relation to discretions under the LGPS (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)

- 
- D1. Increasing the Statutory Redundancy Payment by using an actual weeks pay rather than the Statutory Weeks Pay Limit (Regulations 5 and 6)
  - D2. Paying an Additional Lump Sum Severance (Compensation) Payment subject to a Maximum of 66 Weeks Pay (Regulation 6)

### **Section E**

Policies in Relation to the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (as amended)

- E1. Suspension of Added Years where the Spouse of an Employee who left the Council prior to 1 April 1998 and the Spouse Remarries or Cohabits after 1 April 1998 (Regulation 21 (7)).
- E2. Reinstatement of Added Years when the spouse of an employee who left the Council prior to 1 April 1998 has remarried or cohabited and such remarriage or cohabitation ceases (Regulation 21 (5)).
- E3. Reducing or Suspending Added Years during any Period of Re-employment in Local Government (Regulation 17(1))
- E4. Reducing Added Years following Cessation of a Period of Re-employment in Local Government (Regulation 19)
- E5. Determining which Children are entitled to Children's Added Years when Children's Pensions are not Payable under the Local Government Pension Scheme and how to apportion the Added Years (Regulation 25(2))
- E6. Apportion of Surviving Spouse's annual compensatory years payment where the deceased person is survived by more than one spouse (Regulation 21(4))

### **Section F**

Policies in relation to discretions under the Local Government (Discretionary Payments) Regulations 1996 (as amended)

### **Section G: Other**

- G1. Appeals Made Against any Decisions made under Local Government Pension Scheme Regulations
- G2. Treatment of Late Applications
- G3. Reduction of Pension Benefits Following Fraudulent Activity or Grave Misconduct
- G4. Diversity Impact Assessment

**Section A:** These are policy discretions from 1 April 2008 in relation to **post 31 March 2008 active members** (excluding councillor members) and **post 31 March leavers** (excluding councillor members)

A1. Employee Contribution Rates (Regulation B3 and T9)

The rate of contribution by employees is dependant on their pensionable earnings. Any permanent contractual change to employee's pensionable earnings will automatically be taken into account and may result in a change of employee contribution banding.

A2. Augmented Benefits for Active Members of the Local Government Pension Scheme (Regulation B12) (Old Regulation 52) (Excluding those Eligible for the Teachers' Pension Scheme)

**(i) Policy statement**

Decisions regarding augmented benefits will be made on the merits of each case considered and Hartlepool Borough Council will only consider the augmentation of pensionable service for employees in exceptional circumstances which, in Hartlepool Borough Council's sole opinion, justify such an award being made and where the Council has the ability to meet the cost of granting such an award, within agreed parameters, for example:

- Awards as an incentive to encourage volunteers for redundancy (under the Discretionary Compensation Regulations 2006)
- Awards on the grounds of compassion
- Long service
- Reducing or negating the effects of early retirement (i.e. actuarially reduced pensions)
- For recruitment benefits

**(ii) Associated matters**

- a) Such alternative funding will be considered only where there is additional benefit to the employee with no significant detriment to the Council or there is additional benefit to the Council.
- b) Where augmentation is agreed the costs will be funded from departmental revenue budgets over a period not exceeding 5 years (as directed by Teesside Pension Fund) unless specific central funds are made available for this purpose.

- c) Each situation will be considered on its merits.
- d) Augmentation of service may be granted to employees under age 50 with all deferred benefits being released at age 55 where volunteers for redundancy were required from employees under age 50 and other packages do not produce sufficient volunteers

Applications for member of the scheme pre-1 April 2008 will be considered from age 50 up to 31 March 2010.

- e) Augmentation of service can only be made whilst the employee is an active member of the scheme
- f) Augmentation of service may be granted regardless of
  - i) the reason for leaving i.e. the reason does not have to be redundancy or efficiency or
  - ii) whether the employee is entitled to immediate payment of benefits or
  - iii) the age of the employee
  - iv) length of service

A3. Granting Additional Pension (up to £5000) (Regulation B13)

Hartlepool Borough Council retains discretion to grant additional pension by up to £5000. Decisions will be made on the merits of each case and would only be agreed in exceptional circumstances where such a decision is deemed to be in best interests of the Council.

A4. Flexible Retirement at or after age 55 (Regulation B18 (1) (3) (Old Reg. 35)

Applications will be approved only where there are operational and financial grounds for doing so. The Council retains discretion to pay all or some of the benefits depending on the individual circumstances and the cost to the Council. The Council will only agree to waive all or part of the actuarial reduction to benefits at its discretion and if there is a clear operational and / or financial advantage to the council. The employing service must also have the ability to fund costs.

Applications for member of the scheme pre-1 April 2008 will be considered from age 50 up to 31 March 2010.

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**A5. Ill health Retirement for Leavers (Regulation B20)**

The Council will retain discretion to make the final decision regarding which ill health tier a leaver falls into. This will be after due consideration of essential medical assessments by an independent qualified Occupational Health Practitioner.

**A6. Voluntary Early Retirement with Immediate Benefits between the ages of 50/55 and before age 60 - Regulation(B30(2) and B30(5)) (Old Regulation 31(2)&(5)&(7A)) (Excluding those Eligible for the Teachers' Pension Scheme)**

Section B2 still applies

**Section B: Policies in Relation to the LGPS Regulations 1997 (as amended) in relation to **active councillor members** and **pre 1 April 2008 Scheme Leavers******B1. Reduced or Waived Employee Contributions for those with 40 or more Years Membership in Local Government Employment (Regulation 15) (Excluding those Eligible for the Teachers' Pension Scheme).****(i) Policy Statement**

- a) Decisions will be made on the merits of each case considered, within the parameters outlined below:
- b) Hartlepool Borough Council does not consider the use of regulation 15 appropriate within its normal operation and will, therefore, not normally consider making a resolution under that regulation;
- c) In exceptional circumstances, the waiver of employee contributions for long serving employees, meeting the criteria defined in the regulations, may be agreed where such a decision is deemed to be in Hartlepool Borough Council's interest.

**(ii) Associated Matters**

- a) No reduction in employee contributions will be made during any period when the employee continues to accrue pension service.
- b) Each case will be considered on its merits.

- c) An actuarial assessment of the cost of exercising this discretion on an individual basis will be provided to those making the decision.
- d) Exercise of this discretion will be limited to those situations where there is a clear benefit to the authority in retaining the employee. Examples may include:
  - where the loss of expertise would create short term difficulties which is not needed in the longer term, eg. change in legislation such as Best Value.
  - where the employee is of such a high calibre that there is considerable benefit in retaining him/her to age 65 if at all possible.
  - where there is a serious skill shortage.
- e) The costs will be taken into account at the next actuarial valuation when revised employers contributions will be set.

**B2. Voluntary Early Retirement between the ages of 50/55 and before age 60 with Immediate Benefits Regulation(B30(2) and B30(5)) (Regulation 31(2)(5)(7A)) (Excluding those Eligible for the Teachers' Pension Scheme)**

Applications for member of the scheme pre-1 April 2008 will be considered from age 50 up to 31 March 2010.

**(i) Policy statement**

Hartlepool Borough Council will consider applications made under regulation 31 on an individual basis. Decisions will be made on the merits of each case, considered, in the following context:

**(a) Applications made on the basis of payment of unreduced benefits, on the grounds of compassion**

That in Hartlepool Borough Council's sole opinion, the special extenuating factors surrounding the application, along with the appropriate supporting evidence provided, justify approval;

Hartlepool Borough Council's ability to meet the cost of granting such a request.

**(b) Applications made on the basis of a request for early retirement where the "rule of 85" has or has not been satisfied**

The operating requirements of the employing department.

Hartlepool Borough Council's ability to meet the cost of granting such a request;

A demonstrable cost saving in excess of potential savings available under the Hartlepool Borough Council severance arrangements.

**(ii) Associated matters**

- a) In accordance with Audit Commission guidance a framework for identifying the full costs, including enhancements and the strain on the pension fund will be made available to Members when determining this type of application.
- b) Applications will be measured against efficiency criteria identical to those used for early retirements in the interest of the efficiency of the service.
- c) Where the calculated pay-back period is less than 3.05 years the Chief Personnel Officer, with the agreement of the Chief Financial Officer and following consultation with the Chief Executive or relevant Director may determine an early retirement, subject to d) and e) below.
- d) Where the calculated pay-back period is less than 3.05 years and the calculations include 'Other gross annual savings' (i.e. other than Pay gross annual savings), the methodology and calculations should be referred to the Chief Financial Officer for final approval.
- e) The calculated pay-back period must not exceed the period to normal retirement age
- f) In exceptional circumstances the payback criteria, as determined by members, may be relaxed where the decision is made solely on compassionate grounds.
- g) The early payment of pension costs will be funded from departmental revenue budgets over a period not exceeding the period up to the earliest normal retirement date of the applicant.
- h) The actual leaving date will be agreed between the applicant and his/her manager and the termination of employment will therefore be by mutual agreement. Where appropriate, applicants will be required to waive their right to notice or cash in lieu of notice.

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- i) All debts owing to the Council will be deducted (by Human Resources staff) from any payments made directly by the Council.

In accordance with current practice the cumulative effect of efficiency retirement decisions will be reported regularly to Members.

**B3. Shared Cost Additional Voluntary Contributions (SCAVC) Arrangement (Regulation 67) Excluding those Eligible for the Teachers' Pension Scheme**

**(i) Policy Statement**

Hartlepool Borough Council will establish an SCAVC arrangement under Regulation 67. The appointment of a provider of such arrangements will be in accordance with the advice of the Teesside Pension Fund's Consulting Actuary. Applications from Scheme members will be considered only in the following prescribed circumstances:

**Defined Criteria - to be met before applications will be considered**

- The element of the Teesside Pension Fund's assets, attributable to Hartlepool Borough Council, must be Actuarially certified to be 100% of the liabilities attributable to Hartlepool Borough Council at the date of the last Actuarial Valuation of the Fund.
- At the last Actuarial Valuation of the Pension Fund, the employer contribution rate certified by the Fund's Actuary, as the rate payable by Hartlepool Borough Council, must be at least 3% below the rate specified by the Fund's Actuary, to meet the future service liabilities attributable to Hartlepool Borough Council.

When the defined criteria are met, applications for purchase of SCAVCs will be considered in the context of:

- Hartlepool Borough Council's general policy on the employee remuneration package, in force at that time;
- Whether the contribution to any SCAVC is in Hartlepool Borough Council's interest and the benefit appears worth the expenditure involved.
- The rate of contribution to any SCAVC, which will be defined in consultation with the Fund's Actuary.

**NOTE** - SCAVCs: The effect of the criteria defined in the policy statement is to require the Pension Fund to have a **surplus** of assets over liabilities.



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**(ii) Associated matters**

- a) This discretion will be used only in very exceptional circumstances where it is necessary to offer an enhanced remuneration package where acute difficulties in attracting suitable candidates exist.
- b) Each situation will be treated on its merits.
- c) All costs will be funded in full from departmental revenue budgets.

**B4. Widower's Pensions (Transitional Regulation 9) (Excluding those Eligible for the Teachers' Pension Scheme)**

Hartlepool Borough Council deems all married female employees, with service between 1 April 1972 and 6th April 1988, who have not previously elected to purchase widowers' benefits, to have elected to purchase that service and to treat such an election as being paid up in full.

**B5. Rejoining the scheme (Regulation 7(9)(a))**

Hartlepool Borough Council will allow employees to rejoin the Local Government Pension Scheme on one occasion only in each calendar year.

**B6. Transferring pension rights into the scheme (Regulation 121 (8))**

Hartlepool Borough Council will give authority to the Administering Authority to determine applications from employees to transfer pension rights which are not received within 12 months of joining the Local Government Pension Scheme.

**B7. Deducting Pension Contributions from an employees Pay (Regulation 89)**

Hartlepool Borough Council will deduct all pension contributions from an employees pay.

**B8. "Outsourced" manual workers contribution rate upon return to the scheme (Regulation 14(3)(b))**

Hartlepool Borough Council will allow employees who are "outsourced" and who immediately rejoin the pension scheme when they return to work for the

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Council and with no other employment (other than the “outsourced” employment) in the intervening period to continue paying pension contributions at the rate which applied immediately prior to them being “outsourced”.

**Section C:** Policies in relation to discretions under the LGPS Regulations 1995 (as amended) in relation to **pre 1 April 1998 scheme leavers**

**C1.** Early payment of deferred benefits on or after age 50 on compassionate grounds

Applications under these circumstances will be approved only at the discretion of the Council following the policy under Section B2.

**Section D:** Policies in relation to discretions under the LGPS (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended)

**D1.** Increasing the Statutory Redundancy Payment by using an actual weeks pay rather than the Statutory Weeks Pay Limit (Regulations 5)

**Policy statement**

Hartlepool Borough Council will exercise its discretion to use an actual weeks pay rather than the statutory weeks pay limit in making:

- all redundancy payments and
- all 66 week payments

**D2.** Paying an Additional Lump Sum Severance (Compensation) Payment subject to a Maximum of 66 Weeks Pay (Regulation 6)

**Policy statement**

Hartlepool Borough Council will apply maximum discretion in the granting of applications under the 66 week scheme subject to the financial criteria being met and no formal notice of redundancy having been given to the applicant.

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**Section E:** Policies in Relation to the LGPS (Early Termination of Employment (Discretionary Compensation) (England and Wales) Regulations 2000

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- E1. Suspension of Added Years where the Spouse of an Employee who left the Council prior to 1 April 1998 and the Spouse Remarries or Cohabits after 1 April 1998 (Regulation 21 (7)).

**Policy statement**

That Hartlepool Borough Council disappplies the normal suspension rules under regulation 21 (7).

- E2. Reinstatement of Added Years when the spouse of an employee who left the Council prior to 1 April 1998 has remarried or cohabited and such remarriage or cohabitation ceases (Regulation 21 (5)).

**Policy Statement**

This discretion does not apply because this Council has agreed to disapply normal suspension rules under regulation 21 (7).

- E3. Reducing or Suspending Added Years during any Period of Re-employment in Local Government (Regulation 17(1))

**Policy statement**

During any period of re-employment in Local Government, any annual compensation (derived from the award of added years) will be reduced by the minimum amount needed to ensure that the aggregate of:

- The annual compensation
- The annual pension from the LGPS
- The annual rate of pay from the new employment, and
- Does not exceed the annual rate of pay from the employment in respect of which the added years were granted, as increased by the Retail Prices Index.

Where reduction cannot achieve this, the annual compensation will be suspended.

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**E4. Reducing Added Years following Cessation of a Period of Re-employment in Local Government (Regulation 19)****Policy statement**

Following the cessation of a period of re-employment in Local Government, any annual compensation (derived from the award of added years) will be reduced by the minimum amount necessary to ensure that if: -

- The period of added years granted in respect of the former employment;
- plus
- The period of membership the person has accrued in the LGPS (or would have accrued had he/she joined the scheme when first eligible to do so) during the period of re-employment in local government (counted at its part-time length, if the person was part-time).

Exceeds

- The period of membership the person would have accrued during the period from the cessation of the former employment until age 65 on the assumption that he/she had continued in the former employment to age 65 (again counted at its part-time length if the person was part-time at the date of cessation of the former employment).

Then

- The annual pension and lump sum from the first job combined with the annual pension and lump sum from the second job (based on the assumption that the employee joined the LGPS when first eligible to do so), plus the annual compensation and lump sum compensation, should not in aggregate exceed the pension and lump sum the person would have achieved if he/she had remained in the first job through to age 65.

Where there is an excess, the annual compensation will be reduced by the excess pension, and the resulting reduced basic annual compensation will be suspended until the excess lump sum is recovered.

Pensionable pay will be calculated by using the pensionable pay used to determine the pension benefits in the first job as increased with inflation.

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E5. Determining which Children are entitled to Children's Added Years when Children's Pensions are not Payable under the Local Government Pension Scheme and how to apportion the Added Years (Regulation 25(2))

**Policy statement**

Unless there are extenuating circumstances, Hartlepool Borough Council will:

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- (i) Pay the children's pension to the surviving spouse or legal guardian; and
- (ii) Divide the total children's pension payable by the number of eligible children. When a child is no longer entitled to a pension the sum payable to the remaining children will be increased proportionately.

Each case will be determined on its merits where extenuating circumstances apply.

E6. Apportion of Surviving Spouse's annual compensatory years payment where the deceased person is survived by more than one spouse (Regulation 21(4))

The Council will look at each case on its merits when determining how to apportion any surviving spouses annual compensation (derived from the award of added years) where the deceased person is survived by more than one spouse.

Each case will be determined on its merits where extenuating circumstances apply.

**Section F:** Policies in relation to discretions under the Local Government (Discretionary Payments) Regulations 1996 (as amended)

The current policy is that the Council do not pay injury allowances. This policy will be reviewed within 12 months.

**Section G:** Other

G1. Appeals Made Against any Decisions made under Local Government Pension Scheme Regulations

Employees have the right to appeal against any decisions made under the Local Government Pension Scheme Regulations using the Internal Dispute

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Resolution Procedure (IRDP) (Teesside Pension Fund Employers Guide attached at HRPP/029-G1)

Appeals will be determined by the Organisational Development Manager. Where the Organisational Development Manager has previous involvement in the case or in his/her absence the Chief Personnel Officer or delegate representative will deputise.

G2. Treatment of Late Applications

Hartlepool Borough Council will accept applications at any time to pay additional contributions for periods of absence and for conversion of scheme additional contributions into additional membership.

G3. Reduction of Pension Benefits Following Fraudulent Activity or Grave Misconduct

Members will make decisions based on the merits of each case providing the financial loss sustained is substantial, has occurred as a result of fraudulent activity or grave misconduct and is not recoverable by any other means.

G4. Diversity Impact Assessment

The results of the Diversity Impact Assessment undertaken in respect of this policy and procedure can be requested from the Human Resources Division.

**Documentation**

HRPP/029-G1

Internal Dispute Resolution Procedure - Teesside Pension Fund Employers Guide

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## **TEESSIDE PENSION FUND INTERNAL DISPUTE RESOLUTION PROCEDURE (IDRP) EMPLOYEES' GUIDE**

**Note :** *This booklet provides a straightforward guide to how the internal dispute resolution procedures operate in the Local Government Pension Scheme, and is provided for general information only. It does not cover every aspect. It is not an interpretation of the scheme regulations. In the event of any unintentional differences, the scheme regulations will prevail. This booklet does not confer any contractual or statutory rights.*

### **ENQUIRIES**

If you are not sure which benefits you are entitled to, or you have a problem with your benefits, please either phone the number on the letter your employer or administering authority sent you, or contact the Pensions Unit of your administering authority on:

**HBS Pensions Unit  
PO Box 340  
Middlesbrough  
TS1 2XP**

**Tel: 01642 727030  
Fax: 01642 727989  
Email: [pensions@middlesbrough.gov.uk](mailto:pensions@middlesbrough.gov.uk)**

They will try to deal with the problem as quickly and efficiently as possible. The administering authority is the authority that looks after the pension fund.

Many problems that members have are, in fact, resolved in this way. They may be caused by misunderstandings or wrong information, which can be explained or put right easily. An informal enquiry of this kind may save you a lot of time and trouble.

## DECISIONS

From the day a person starts a job with an employer, to the day when benefits or dependant's benefits are paid, the employer and the Pension Scheme administering authority have to make decisions under the Pension Scheme rules that affect you (or your dependants). When you (this includes dependants) are notified of a decision you should check, as far as you can, that it is based on the correct details and that you agree with the decision.

## COMPLAINTS

If you are not satisfied with any decision affecting you made in relation to the Scheme, you have the right to ask for it to be looked at again under the formal complaint procedure. You also have a right to use the procedure if a decision should have been made by your employer or administering authority, but it hasn't been. The complaint procedure's official name is the "internal dispute resolution procedure".

There are also a number of other regulatory bodies, such as OPAS, which may be able to help you. They are described in the "Additional Help" section.

The formal complaint procedure has two stages. Many complaints are resolved at the first stage. Any complaint you make should be treated seriously, and considered thoroughly and fairly.

You can ask someone to take your complaint forward on your behalf. This could be, for instance, a trade union official, welfare officer, your husband, wife or partner, or a friend.

No charge is made at any stage for investigating a complaint under the internal dispute resolution procedure. But expenses that you will have to meet are your own (and/or your representative's) time, stationery and postage.

At any stage during the formal complaint procedure you can contact the Pensions Advisory Service (OPAS) for information and advice (see "Additional Help" section).

Please remember that, before going to the trouble of making a formal complaint, your Pensions Unit may welcome the opportunity to try to resolve the matter about which you are dissatisfied in an informal way. It may be worth checking again that they know you are concerned, and why.



***First stage***

If you need to make a formal complaint, you should make it :

- in writing, using the application form at pages 7-10, and
- normally within 6 months of the day when you were told of the decision you want to complain about.

Your complaint will be considered carefully by a person nominated by the body that took the decision against which you wish to complain. This guide calls them the "nominated person" That person is required to give you their decision in writing.

If the nominated person's decision is contrary to the decision you complained about, the employer or administering authority that made the original decision will now have to deal with your case in accordance with the nominated person's decision.

If the decision you complained about concerned the exercise of a discretion by the employer or administering authority, and the nominated person decides that the employer or administering authority should reconsider how they exercised their discretion, they will be required to reconsider their original decision.

***Second Stage***

You can ask the pension scheme administering authority to take a fresh look at your complaint in any of the following circumstances :

- you are not satisfied with the nominated person's first-stage decision,
- you have not received a decision or an interim letter from the nominated person, and it is 3 months since your lodged your complaint,
- it is one month after the date by which the nominated person told you (in an interim letter) that they would give you a decision, and you have still not received that decision.

This review would be undertaken by a person not involved in the first stage decision.

You will need to send the appropriate administering authority your complaint in writing. The time limits for making the complaint are set out in the table on pages 11-12. The administering authority will consider your complaint and give you their decision in writing.

If you are still unhappy following the administering authority's second stage decision, you can take your case to the Pensions Ombudsman provided you do so within 3 years from the date of the original decision (or lack of a decision) about which you are complaining.

(If you made a complaint under the procedure before 1 June 2004, it will be dealt with under the arrangements that applied before that date.)

## **ADDITIONAL HELP**

### **The Pensions Advisory Service (OPAS)**

**At any time** if you are having difficulties in sorting out your complaint, you may wish to contact OPAS.

OPAS can provide free advice and information to explain your rights and responsibilities. To get information or guidance, you can look at the website on [www.opas.org.uk](http://www.opas.org.uk) or you can contact OPAS by phone, post, email or fax.

The Pensions Helpline phone number is:

**0845 6012923 (local call rate)**

**Lines are manned Monday to Friday 9am to 5pm.**

Outside of these times, you can leave your number and someone will phone back later.

You can write to :

**OPAS**

**11 Belgrave Road**

**London**

**SW1V 1RB**

**Email : [enquiries@opas.org.uk](mailto:enquiries@opas.org.uk)**

**Fax : 020 7233 8016**

If you have received a second-stage decision under the Local Government Pension Scheme internal dispute resolution procedure, are not satisfied with that decision, and still think your complaint is well-founded, OPAS may be able to help to resolve your pensions complaint or dispute. Before asking for OPAS' help in resolving a dispute, you must have already tried to settle it using the LGPS internal disputes resolution procedure described above.

An OPAS adviser cannot force a pension scheme to take a particular step but, if they think your complaint is justified, they will try to resolve the problem through conciliation and mediation. OPAS would need copies of all relevant documents, including the correspondence about your complaint under the internal complaints procedure and how it was dealt with.

### **Pensions Ombudsman**

The Ombudsman investigates complaints and settles disputes about pension schemes. However, before contacting the Ombudsman, the Pensions Ombudsman's Office would normally expect you to have :

- been given first-stage and second-stage internal dispute resolution procedure decisions by the Local Government Pension Scheme; and
- asked for the help of OPAS.

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The Pensions Ombudsman is completely independent and acts as an impartial adjudicator. His role and powers have been decided by Parliament.

There is no charge for using the Pensions Ombudsman's services.

The Ombudsman cannot investigate matters where legal proceedings have already started but, subject to that, he can settle disputes about matters of fact or law as they affect occupational pension schemes.

He can also investigate and decide any complaint or dispute about the maladministration of a pension scheme. "Maladministration" is about the way that a decision is taken, rather than about the merits of the decision. Examples of maladministration would be unreasonable delay, neglect, giving wrong information and discrimination.

The Ombudsman's decision is final and binding on all the parties, subject to any appeal made to the High Court on a point of law.

You must refer your complaint to the Ombudsman within 3 years of the event about which you are complaining, or within 3 years of when you first became aware of the problem.

The Ombudsman is at the same address as OPAS :

**The Pensions Ombudsman  
11 Belgrave Road  
London  
SW1V 1RB**

Other ways to contact him are :

**Tel : 020 7834 9144  
Fax : 020 7821 0065  
Email : [enquiries@pensions-ombudsman.org.uk](mailto:enquiries@pensions-ombudsman.org.uk)  
The website address is : <http://www.pensions-ombudsman.org.uk>**

## Application under the Internal Dispute Resolution Procedure

You can use this form :

a) to apply to the nominated person at stage 1 of the internal dispute resolution procedure if you want them to investigate a complaint concerning your pension; and

b) to apply to the administering authority if you want them to reconsider a determination made by the nominated person.

Please write clearly in ink, and use capital letters in boxes 1, 2 and 3.

### 1. Member's details :

If you are the member (the person who is or was in the Scheme), or a prospective member (a person who is eligible to be a member of the Scheme), please give your details in this box. You can then go straight to box 4.

If you are the member's dependant (for example, their husband, wife or child), please give the member's details in this section, and then go to box 2.

If you are representing the person with the complaint, please give the member's details in this section, and then go to box 3.

Full Name	
Address	
Date of Birth	
Employer	
National insurance number	

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**2. Dependant's details :**

If you are the member's dependant and the complaint is about a benefit for you, please give **your** details in this box and then go to box 4.

If the complaint is about a benefit for a dependant and you are the dependant's representative, please give the dependant's details in this box and then go to box 3.

Full Name	
Address	
Date of Birth	
Relationship to member	

**3. Representative's details :**

If you are the member's or dependant's representative, please give your details in this box.

Full Name	
Address	
The address response letters should be sent to	

**4. Your complaint :**

Please give full details of your complaint in this box. Please try to explain exactly why you are unhappy, giving any dates or periods of Scheme membership that you think are relevant.

**If there is not enough space, please go on to a separate sheet and attach it to this form.** Remember to write your name and national insurance number at the top of any separate sheet if you are a member. Or, if you are not a member, put the member's name and national insurance number at the top of any separate sheet.

**5. Your signature :**

I would like my complaint to be considered and a decision to be made about it. I am a :

- Scheme member/former member/prospective member \*
  - Dependant of a former member \*
  - Member's representative/dependant's representative \*
- \* delete as appropriate

Signed :

Date :

**6. Please enclose :**

- a copy of any notification of the decision you are complaining of which has been issued by the employer or administering authority, and
- any other letter or notification that you think might be helpful.

**PLEASE SEND THIS FORM TO :****Stage 1 of the internal dispute resolution process**

**MR A.G. Stagg  
Organisational Development Manager  
HR Division  
Chief Executive's Department  
Civic Centre  
Hartlepool  
TS24 8AY**

**Tel: 01429 523052**

**Stage 2 of the internal dispute resolution procedure**

**HBS Pensions Unit  
PO Box 340  
Middlesbrough  
TS1 2XP**

**Tel: 01642 727030**

**Fax: 01642 727989**

**Email: [pensions@middlesbrough.gov.uk](mailto:pensions@middlesbrough.gov.uk)**

### Time limits under the Internal Dispute Resolution Procedure

Your situation	To complain to	Time Limit
You have received a decision on your benefits under the pension scheme from your employer/administering authority, and there seem to be good grounds for complaining.	The nominated person under the first stage of the procedure.	6 months from the date when you were notified of the decision
You have received a first stage decision on your complaint from the nominated person, but you are not satisfied.	The relevant administering authority under the second stage of the procedure.	6 months from the date of the nominated person's decision
You made your complaint in writing to the nominated person, with all the information they needed but, 3 months later, you have not received their decision on your complaint or any interim reply.	The relevant administering authority under the second stage of the procedure.	9 months from the date when you submitted your complaint.
You received an interim reply to your complaint to the nominated person, within 2 months of applying to them. Their reply promised you a decision by a specified date but, one month after the specified date, you still have not received their decision.	The relevant administering authority under the second stage of the procedure.	7 months from the date by which you were promised you would receive a decision
Your complaint is that your employer or administering authority have failed to make any decision about your benefits under the pension scheme	The nominated person under the first stage of the procedure	6 months from the date when the employer or administering authority should have made the decision.
Your complaint went to the administering authority under the second stage of the procedure. You received their decision but you are still not satisfied.	The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked OPAS for help first.	3 years from the date of the original decision about which you are complaining.
You have taken your complaint to the administering authority under the second stage of the procedure but, 2 months after your complaint was received by the authority, you have not received their decision on your complaint or any interim reply.	The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked OPAS for help first.	3 years from the date of the original decision about which you are complaining.



Your situation	To complain to	Time Limit
You received an interim reply to your second stage complaint to the administering authority, within 2 months of applying to them. Their reply promised you a decision by a certain date but, by that date, you still have not received their decision	The Pensions Ombudsman. Note that the Ombudsman will normally expect you to have asked OPAS for help first.	3 years from the date of the original decision about which you are complaining.

## **PERFORMANCE PORTFOLIO**

Report to Portfolio Holder

27<sup>th</sup> June 2008



**Report of:** Chief Personnel Officer

**Subject:** TRAINING AND DEVELOPMENT  
PROCUREMENT FRAMEWORK

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### **SUMMARY**

#### **1.0 PURPOSE OF REPORT**

To inform Portfolio Holder of the intention to procure providers of training and development services and seek Portfolio Holder's approval to letting the contract on a price/performance basis.

#### **2.0 SUMMARY OF CONTENTS**

The report provides background to the planned procurement project and proposes a basis for selecting the successful contractor.

#### **3.0 RELEVANCE TO PORTFOLIO MEMBER**

The Portfolio Holder has responsibility for Training and Development.

#### **4.0 TYPE OF DECISION**

Non key.

#### **5.0 DECISION MAKING ROUTE**

Portfolio Holder only.

#### **6.0 DECISION(S) REQUIRED**

The Portfolio Holder is requested to approve the planned procurement project and approve conducting the procurement exercise on the 30:70 price/performance basis proposed.

**Report of:** Chief Personnel Officer

**Subject:** TRAINING AND DEVELOPMENT  
PROCUREMENT FRAMEWORK

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## **1. PURPOSE OF REPORT**

- 1.1 To inform Portfolio Holder of the intention to procure a provider of training and development services and obtain Portfolio Holder's approval for the procurement exercise and to letting the contract on a price/performance basis is also sought.

## **2. BACKGROUND**

- 2.1 One of the strategic objectives within the Workforce Development Strategy 2007-2012 is to effectively use resources and invest in the future. For the past 12 months, the strategic workforce development group have been analysing what training and development activity takes place across the authority and where there are areas to streamline the process and to make it more efficient. This has resulted in a sub-group being formed and this project has become one of the strategy's key actions in 2008-09 with a remit to ensure a formal process is in place by April 2009 ensuring that all training and development activity is procured correctly and value for money is being obtained every time.

- 2.2 Using the PowerPlay software available corporately, the spending on budget headings relating to typical training and development activities has been analysed. This exercise has shown that as a whole council, the total spent on training and development activity in 2007/08 was £762,346:

- 1650 - Training Course Fees Qualification (£156,140)
- 1651 - Training Course Fees Other (£606,206)

In addition to this amount, an analysis was also undertaken of the professional fees budget heading:

- 3203 - Professional Fees - External Consultancy (£1,500,445)

Whilst not all of the spend on the 3203 code will relate to training and development activity, the representatives on the strategic workforce development group have confirmed that a percentage of this amount will relate to training and development activities.

- 2.3 At present, each department “buys-in” their own training and development if it is not available corporately. This has highlighted areas where officer time is duplicated across departments, as they are all carrying out individually, activities to source, price, quality assure and process invoices and payments, in many cases to the same supplier.
- 2.4 In order to address some of the concerns raised by the group and to meet the legal requirements surrounding procurement activity, it is proposed that a procurement exercise is undertaken to procure approved training providers in several occupational areas through a long-term framework agreement. This contract which will be subject to competition through a ‘restricted’ tender process and will operate for four years. In house providers will be considered first and only where it is determined that they do not have the capability and/or capacity to deliver will external providers be invited to be involved.
- 2.5 As this current situation is not unique just to this council, an offer of potential collaboration has been made to the other four authorities in the Tees Valley. The reason for this is to share the associated costs incurred during the process, increase interest in the procurement exercise from suppliers who will in essence be supplying to more than one organisation, to promote partnership working in the Tees Valley and hopefully to secure savings through increased buying power. At this time, Redcar & Cleveland Borough Council and Darlington Borough Council have indicated verbally they would like to be part of a partnership in this area of work and are happy to share the costs – but this is subject to gaining executive approval from their respective Corporate Management Teams.
- 2.6 We anticipate that the end product will be in the form of a framework agreement, where the council will have an approved list of training providers for each specialist area which is anticipated to “go live” on 1<sup>st</sup> April 2009. A contract of this size is expected to make financial savings as it is likely that the prices we are paying for services at present are significantly higher than what we could achieve via the framework agreement.

### **3. PRE QUALIFICATION STAGE**

- 3.1 Initial informal investigations have shown that there are a large number of potential suppliers in the marketplace, some of whom are already delivering services across the authority. However, the Council does not have an “approved” list that can be used. Therefore it has been deemed necessary to invite initial expressions of interest to begin the selection process.
- 3.2 Initially, a supplier event will be held, facilitated by an external specialist to gauge the views of potential suppliers and to help shape the process. Following this event, an invitation for Expressions of Interest

is to be advertised in the local press and the OJEU (Official Journal of the European Union) in line with current requirements of the European Directive. This is anticipated to take place by the end of July. As is usual with a 'restricted' procedure a pre qualification questionnaire will be used for initial short listing purposes.

- 3.3 Organisations that are short listed will be invited to tender for the contract. It is anticipated that tender returns will be available for opening at the Contract Scrutiny Panel meeting in November (this will depend on the date the tender invitation is published as there are legal implications regarding specific timescales which must be adhered to).
- 3.4 As a framework agreement does not award any work to a supplier, the price / performance ratio of the evaluation process needs to reflect this. It is proposed that a ratio of 70:30 between performance (also known as 'quality') & price be used, as each time the agreement is used a mini-competition between suppliers will be held to ensure methodology in delivery meets expectations and is fit for purpose.
- 3.5 The assessment criteria for 'performance or quality' will be based upon the content of the submission and pay particular attention to the experience and competency of the provider as well as their capacity to deliver based on our defined outcomes. The assessment criteria will be developed in accordance with appropriate procurement rules.
- 3.6 It is envisaged that a rebate arrangement whereby a percentage of spend is returned to the Council once they have reached a specific level of training delivery days will be incorporated into the contract.

#### **4. EXTERNAL SUPPORT**

- 4.1 The fieldwork undertaken on this project leading to this point has been 12 months of extensive analysis and planning across the organisation to ensure that all departments agree with the proposed approach. The council's corporate procurement officer has provided advice and guidance along with an external specialist who has offered advice, guidance, and training without cost to the authority. However, with the changing situation in the procurement department, this support will be reduced in the coming months and there will still be a need for extensive support due to the size of project and the lack of experience in the sub-group managing the project.
- 4.2 The Portfolio Holder is asked to waive Contract Procedure Rules allowing the group to engage the services of the external specialist without the need to undertake a procurement exercise to do so. This external specialist has built up a good understanding of our needs and is very familiar with the harmonised documents we use and our in-house procedures.

- 4.3 The cost will be approximately £21,000 which will secure 25 days support during the process to take on a specialist role in facilitating a supplier engagement event, developing a detailed project plan, developing specialised documentation to ensure the procurement process is less problematic. In essence, the high risk parts of the process will be managed by the external specialist reducing the potential overall risk to the Council. The financial cost is expected to be shared with any confirmed partners. The day to day work required on this project will still be undertaken by relevant officers and will be absorbed into their existing daily duties.
- 4.4 The external specialist would also use some of the allocated time to quality assure the tender evaluation process – again reducing the risk of possible challenge from unsuccessful suppliers against the Council.
- 4.5 It is proposed that the monies required for this piece of work be funded corporately using reserves. This money would then be repaid over the lifetime of the contract from the recharges made to the training providers through the use of rebates.

## **5. RECOMMENDATION**

- 5.1 That the Portfolio Holder notes the content of the report and approves the procurement exercise is conducted on the basis of a Performance / Price ratio of 70:30.
- 5.2 That the Portfolio Holder agrees that the support of the external specialist is necessary to the success of the project and waives Contract Procedure Rules to allow engagement of the external specialist.
- 5.3 That the Portfolio Holder agrees to receive regular updates regarding the progress made in terms of this procurement exercise.

## **6. CONTACT OFFICER**

Lucy Armstrong  
Corporate Workforce Development Manager  
01429 523476  
[lucy.armstrong@hartlepool.gov.uk](mailto:lucy.armstrong@hartlepool.gov.uk)

## **PERFORMANCE PORTFOLIO**

Report to Portfolio Holder

27 June 2008



**Report of:** Chief Personnel Officer

**Subject:** SINGLE STATUS AGREEMENT APPEALS  
PROCEDURE

---

### SUMMARY

**1. PURPOSE OF REPORT**

To obtain Portfolio Holder endorsement of the Single Status Agreement Appeals Procedure and the arrangements for appointing an Independent Chair for the Appeals Panel.

**2. SUMMARY OF CONTENTS**

Details of the Appeals Procedure.

**3. RELEVANCE TO PORTFOLIO MEMBER**

Corporate Issue.

**4. TYPE OF DECISION**

Non Key.

**5. DECISION MAKING ROUTE**

Portfolio Holder only.

**6. DECISION(S) REQUIRED**

Endorsement of the Single Status Agreement Appeals Procedure and the arrangements for appointing an Independent Chair for the Appeals Panel.

**Report of:** Chief Personnel Officer

**Subject:** SINGLE STATUS AGREEMENT APPEALS  
PROCEDURE

---

## **1. PURPOSE OF REPORT**

- 1.1 To obtain Portfolio Holder endorsement of the Single Status Agreement Appeals Procedure and the arrangements for appointing an Independent Chair for the Appeals Panel

## **2. BACKGROUND**

- 2.1 Cabinet at its meeting on 27 May 2008 agreed “That the draft Single Status Agreement as submitted be approved and that once the remaining outstanding matters had been finalised with the Trade Unions, a formal signing of the document be arranged, and that officers be authorised to commence the payment process.”
- 2.2 Previously at its meeting on 23 December 2007 it had agreed “that the Performance Portfolio Holder considers and approves all supporting Annexes etc to main body of the draft local Single Status Agreement”

## **3. SINGLE STATUS AGREEMENT APPEALS PROCEDURE**

- 3.1 The Single Status Agreement Appeals Procedure (Appendix 1) is one of the Annexes referred to in the 23 December 2007 decision and has been agreed between Officers and the local trade unions. The main features of the procedure are as follows:
- a) Informal Appeals period commences 1 July 2008
  - b) Intention to appeal has to be submitted in writing by 30 September 2008 (unless an extension is agreed by the Chief Personnel Officer in exceptional circumstances)
  - c) Employees who submit an intention to appeal have to submit completed Appeals documentation to the Chief Personnel Officer by 31<sup>st</sup> December 2008
  - d) Grounds for appeal are restricted to
    - The employee has been allocated to an incorrect pay band (based on the points score notified)
    - The employee has been matched to the correct job but the evaluation is not fully reflective of the job undertaken



- The job has significantly changed since the job was last evaluated
- The employee has been matched to the wrong job
- e) Employees will attend Appeal meetings at the invitation of the Appeals Panel (e.g. where clarification of the appeals documentation is needed)
- f) The Appeals Panel will comprise an independent Chair, Senior HR representative and Senior Trade Union representative who have been trained in the Job Evaluation Scheme
- g) Appeals will be prioritised with current employees being addressed first (those in receipt of protection at 1<sup>st</sup> July 2008 will be addressed first, followed by those whose pay does not change and then those whose pay increases).
- h) Appeals from former employees will be addressed after all appeals from current employees have been addressed.
- i) Appeals will be determined in accordance with the Job Evaluation Scheme and will therefore be technical appeals
- j) Decisions of the Appeals Panels will need to be ratified by the Performance Portfolio Holder or Governing Bodies before they are implemented
- k) Regular reports detailing progress in addressing appeals will be submitted to the Performance Portfolio holder

3.2 The timescales detailed in 3.1 a-c above are relevant to Council employees who, prior to 1<sup>st</sup> July 2008, have been formally informed of the evaluation or job profile they have been matched to and the points associated with this. Work is ongoing to determine the match for some Council employees. Schools are not due to have made a final decision about whether to adopt the Single Status Agreement until 9<sup>th</sup> July 2008. School employees will therefore be formally notified of the match and the points associated with this some time after 9<sup>th</sup> July. It is likely that such notification will coincide with the start of the summer holidays, which may reduce the perceived period for school employees to formally notify their intention to appeal to one month (i.e. the period they are at work). This issue has only just been identified, as the Appeals Procedure was agreed with the Trade Unions some time ago and has simply been updated with new dates as the overall timescale for the Pay and Grading Review has changed. Discussions are due to take place with the Trade Unions and Headteachers about this issue and it may be necessary to amend the timescales for employees affected by the above issues. It would be helpful if I could be authorised to agree any changes to timescales for employees who are notified later.

3.3 As indicated in 3.1 f) above, the Appeals Panel will have an independent chair. It will be necessary to advertise for this position and it is not clear whether the successful candidate will be appointed on an employment or self employed basis. In the circumstances I would suggest that the Portfolio Holder and I be authorised to

determine the appropriate employment status and remuneration arrangements when an appointment decision is about to be made.

- 3.4 Failure to agree the Appeals Procedure before 1<sup>st</sup> July 2008 will have a detrimental effect on the overall appeals timetable and will potentially demoralise the workforce.

#### **4 RECOMMENDATIONS**

- 4.1 The Portfolio holder is recommended to endorse;
- a) the Single Status Agreement Appeals Procedure
  - b) the proposed arrangements for changing timescales if necessary and
  - c) the arrangements for appointing an Independent Chair for the Appeals Panel

#### **5. REASONS FOR RECOMMENDATIONS**

- 5.1 The Appeals Procedure is an integral part of the Single Status agreement.

#### **6. BACKGROUND PAPERS**

Cabinet report 23 December 2007.  
Cabinet report 27 May 2008.

#### **7. CONTACT OFFICER**

Wally Stagg, Organisational Development Manager, 01429 523052

## APPENDIX 1

“Job Evaluation Outcome Appeals” Process in respect of the  
implementation of the revised pay and grading structure  
between 1<sup>st</sup> April 2007 and 30<sup>th</sup> June 2008

## 1. SCOPE

- 1.1 The Job Evaluation Outcome Appeals process applies to all employees, including those employed in schools or by schools with delegated budgets

## 2. INTRODUCTION

- 2.1 Employees (including those employed in schools) have the right to submit a “Job Evaluation Outcome Appeal” by 31st December 2008 (providing they have signalled their intent to do so by 30<sup>th</sup> September 2008) in respect of the implementation of the revised pay and grading structure between 1<sup>st</sup> April 2007 and 31<sup>st</sup> June 2008.

## 3. ADVICE AND SUPPORT

- 3.1 A dedicated JE e-mail address ( [jobevaluation@hartlepool.gov.uk](mailto:jobevaluation@hartlepool.gov.uk)) and help line (01429 523332) will be available to receive details of queries from employees and forward them to Managers, Headteachers, HR or Trade Unions, as appropriate
- 3.2 HR will be available to provide advice and support to all employees.
- 3.3 The trade unions will provide advice and support to Trade Union members, if requested.
- 3.4 The Single Status Agreement and associated documents will be available via the Job Evaluation and Single Status box on the Council's intranet home page <http://hbcintranet/site/index.php>

## 4. GROUNDS FOR APPEALS

- 4.1 Grounds for Appeals will be limited to a belief that one or more of the following applies
- a) The employee has been allocated to an incorrect pay band (based on the points score notified)
  - b) The employee has been matched to the correct job but the evaluation is not fully reflective of the job undertaken

- c) The job has significantly changed since the job was last evaluated
- d) The employee has been matched to the wrong job

4.2 The employee will be required to specify which of the above grounds for appeal he/she is relying upon and whether the appeal is in respect of the situation as at 1<sup>st</sup> April 2007 or later (for example because the employee's job role changed between 1<sup>st</sup> April 2007 and 30<sup>th</sup> June 2008)

## 5. PROCESS OF JOB EVALUATION OUTCOME APPEALS

### a) Informal Stage

5.1 The informal stage provides for the employee to seek advice from his/her manager, headteacher, trade union representative and/or HR. Outcomes from the informal stage are restricted to

- The employee chooses not to progress to formal appeal or
- The employee registers, in writing, their intention to progress to the formal stage or
- Errors can be addressed

5.2 In order to be able to submit an appeal under the Formal Process, employees must have registered, in writing, their intent to do so to the Chief Personnel Officer by 30<sup>th</sup> September 2008 (unless the Chief Personnel Officer agrees there are exceptional circumstances, in which case the timescale may be extended)

5.3 Employees may obtain a copy of the Job Overview and Factor Scores for their own evaluation via the via the Job Evaluation and Single Status box on the Council's intranet home page <http://hbcintranet/site/index.php> or by making a request via the dedicated JE e-mail address ( [jobevaluation@hartlepool.gov.uk](mailto:jobevaluation@hartlepool.gov.uk)) or help line (01429 523332)

### b) Formal Stage

5.4 To activate the Formal stage, a completed claim using the "Job Evaluation Outcome Appeals" form (attached as Appendix A) must be received and registered by the Chief Personnel Officer by 31<sup>st</sup> December 2008 (unless the Chief Personnel Officer agrees there are exceptional circumstances, in which case the timescale may be extended). The claim will not be registered if all sections of the form are not completed and any claims not registered by 31<sup>st</sup> December 2008 will not be processed.

5.5 The formal stage provides for a Formal Appeals Panel to consider all formal "Job Evaluation Outcome Appeals" and for the outcomes to be

ratified by the Performance Portfolio Holder or Governing Body, as appropriate, prior to any changes being implemented.

- 5.6 The informal and formal process is depicted by flow chart at Appendix B.
- 5.7 Members of the Appeals Panel (normally comprising 1 management representative, 1 trade union official and an independent chair).
- will not have been involved in the evaluation meeting for the job, nor involved in any detailed discussion of the job as a member of the Arbitration Panel
  - will have been trained in the use of the scheme and in the avoidance of bias
  - will be as balanced as possible in terms of gender
  - will be supported by a Job Analyst and/or the Moderation Group, as appropriate
  - will have no personal interest in the outcome of the appeal (may be waived where large groups of employees are involved)
- 5.7 At the meeting of the Appeals Panel, only the information provided on the completed Job Evaluation Outcome Appeals form will be considered. If necessary, the Appeals Panel may seek written clarification of the information provided (no new information may be provided) or request that the appellant, his/her trade union representative and management representative(s) attend in person. The information provided on the "Job Evaluation Outcome Appeals" form (attached as Appendix A) will be used to review all factors, not just the factors identified by the appellant.
- 5.8 Formal appeals will be sifted by the Chief Personnel Officer and any issues capable of resolution will be addressed by HR employees without the involvement of the Appeals Panel, for example an employee allocated to the wrong job.
- 5.9 The Appeals Panel will develop its own procedures for dealing with appeals.

## 6 TIMESCALES

- 6.1 All "intentions to submit a formal appeal" must be registered, in writing, with the Chief Personnel Officer by 30<sup>th</sup> September 2008 and all formal "Job Evaluation Outcome Appeals" must be registered with the Chief Personnel Officer by 31<sup>st</sup> December 2008 (unless the Chief Personnel Officer agrees there are exceptional circumstances, in which case the timescales may be extended. Examples of exceptional circumstances include serious illness or maternity leave which prevents participation in the process etc.) Confirmation of receipt of the "intent to submit a formal appeal" and the "Job Evaluation Outcome Appeals" form will be provided to the employee within 10 working days of receipt by the Chief

Personnel Officer. The Hartlepool Joint Trade Union Committee and departments/schools will be notified, as appropriate, of all "intentions to submit a formal appeal" and formal "Job Evaluation Outcome Appeals" registered on a weekly basis. Where there is a written "intent to submit a formal appeal" or a "formal appeal" is submitted by an employee which may potentially affect one or more colleagues in the same job, those potentially affected will be notified that a written "intent to submit a formal appeal" or a "formal appeal" has been submitted.

6.2 Appeals received will be prioritized and dealt with as follows:

Priority	Type of Appeal
<i>High</i>	Appeals received from Red Circle employees who are receiving protection at 1 <sup>st</sup> July 2008/Appeals which do not need an Appeals Panel to meet (see 5.8)
Medium	Appeals received from Red Circle employees who are NOT receiving protection at 1 <sup>st</sup> July 2008/Appeals received from White circle employees
Low	Appeals received from Green Circle employees
Very Low	Leavers

6.3 No appeals which require the Appeals Panel to meet will be dealt with prior to 31<sup>st</sup> December 2008.

6.4 The employee will be notified, in writing, of the outcome of the formal stage within 10 working days of ratification (see 10.1) of any decision made. The Hartlepool Joint Trade Union Committee and departments/schools will be notified, as appropriate, of the outcomes of all formal appeals on a weekly basis.

## 7 SUPPORT FOR EMPLOYEES

7.1 Employees requesting a appeal against the grading of his/her job have a right to be supported by their local Trade Union representative or a colleague from work during the informal and formal Appeals stages.

## 8 WITHDRAWING FORMAL APPEAL REQUESTS

8.1 Employees may withdraw a formal appeal request at any stage prior to it being considered by the Appeals Panel.

## 9 OUTCOMES OF FORMAL APPEALS

9.1 Legitimate decisions of the Formal Appeals Panel are as follows:

Grounds for appeal (either at 1 <sup>st</sup> April 2007 or later)	Legitimate decisions
The employee has been allocated to an incorrect pay band (based on the points score notified) (see 4.1a)	<ul style="list-style-type: none"> <li>a) Appeal upheld, in which case the employee is matched to the correct pay band and the revised grade applies. This may result in an increase or decrease in pay</li> <li>b) Appeal dismissed, in which case the notified pay band applies</li> </ul>
The employee has been matched to the correct job but the evaluation is not fully reflective of the job undertaken (see 4.1 b)	<ul style="list-style-type: none"> <li>a) Appeal upheld in respect of an evaluated job, in which case new evaluation or re-evaluation (and moderated) is undertaken and the employee matched to this. This may result in an increase in grade, no change in grade or a decrease in grade.</li> <li>b) Appeal upheld in respect of a job profile, in which case the employee is matched to an existing or new (moderated) evaluation (with no change being made to the job profile). This may result in an increase in grade, no change in grade or a decrease in grade.</li> <li>c) Appeal dismissed, in which case the existing match to evaluation and grading applies.</li> </ul>
The job has significantly changed since the job was last evaluated (see 4.1 c)	<ul style="list-style-type: none"> <li>a) Appeal upheld in respect of an evaluated job, in which case a new evaluation or re-evaluation (and moderated) is undertaken and the employee matched to this. This may result in an increase in grade, no change in grade or a decrease in grade.</li> <li>b) Appeal dismissed, in which case the existing match to evaluation and grading applies.</li> </ul>

The employee has been matched to the wrong job (see 4.1 d)	<p>a) Appeal upheld, in which case employee is matched to an alternative job. This may result in an increase in grade, no change in grade or a decrease in grade.</p> <p>b) Appeal dismissed, in which case no change is made to the original match.</p>
--	--

- 9.2 Where changes in grading are agreed under 9.1 above, the revised grade for the appellant will be backdated to 1<sup>st</sup> April 2007 (i.e. the implementation date of the revised pay and grading structure) or the date when a subsequent change took place in respect of any changes which took place between 2<sup>nd</sup> April 2007 and 30<sup>th</sup> June 2008. Where the evaluation applies to more than one employee in a group the revised grade and backdating arrangements will apply to all employees in the group. Where the revised grade does not apply to all employees in the group as there are 2 or more distinct jobs undertaken within it, the revised grade will apply only to those employees in the same (smaller) group as the employee who appealed.
- 9.3 Where there is a decrease in grade, protection will be applied in accordance with the agreed JE protection scheme.
- 9.4 The Appeals Panel has no jurisdiction regarding the appropriateness of the evaluation or evaluation score of any comparator posts included in appeals

## 10 FURTHER RIGHTS OF APPEAL

- 10.1 The determination of the formal Appeals Panel, once ratified by the Performance Portfolio Holder or School Governing Body, as appropriate is FINAL and the appellant will have no further rights to appeal.
- 10.2 Where employees not involved in the original appeal have their grade changed as a consequence of Section 9 being applied, they have a further right of appeal in accordance with Section 5.

## 11 MONITORING OF THE PROCESS

- 11.1 The Bridging the Gap Group is responsible for monitoring progress regarding “Job Evaluation Outcome Appeals” in respect of the implementation of the pay and grading structure between 1<sup>st</sup> April 2007 and 30<sup>th</sup> June 2008 and will receive regular reports. The Bridging the Gap Group will determine the appropriate action where areas of concern are raised or clarification of the process is needed.
- 11.2 The Performance Portfolio Holder will be regularly advised of appeals received and progress made in dealing with them.



## 12 FLOW CHART

Attached at Appendix B is a flow chart depicting the various stages of the procedure.

## Appendix A

## JOB EVALUATION OUTCOME APPEALS FORM

## SECTION 1

First Name		Surname		
Payroll Number			New Grade	
Job title			JE Ref No	Yes/No
Department				
Section				
Location				

Please state the reason for your appeal by selecting one of the options below: (NB. Please be aware that the grade of your job could go down as well as up)		Please tick
1)	The employee has been allocated to an incorrect pay band (based on the points score notified) (see 4.1a) (Complete sections 2 and 5)	<input type="checkbox"/>
2)	The employee has been matched to the correct job but the evaluation is not fully reflective of the job undertaken (Complete Sections 3, 4, and 5)	<input type="checkbox"/>
3)	The job has significantly changed since the job was last evaluated (Complete Sections 3, 4, and 5)	<input type="checkbox"/>
4)	The employee has been matched to the wrong job (Complete Sections 3, 4, and 5)	<input type="checkbox"/>

Please state whether your appeal relates to the situation at 1 <sup>st</sup> April 2007 or a later date		Please tick
1)	The appeal relates to the situation as at 1 <sup>st</sup> April 2007	<input type="checkbox"/>
2)	The appeal relates to a date after 1 <sup>st</sup> April 2007 (please specify date _____)	<input type="checkbox"/>

## SECTION 2

If you have selected option 1) above, please provide details of the points score for the job you are appealing against and the band you believe you should be allocated to			
Job title			
Department			Yes/No

JE Ref No		Points Score		Band Claimed	
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### SECTION 3

You may be aware that the NJC job evaluation scheme uses 13 factors when building up a points score for a job. A copy of your Job Overview is included with this form which you may wish to refer to. Each factor is described below and you are asked to indicate which of the factors you consider to need reassessment by the Appeals Panel. (In Section 4 you will be asked to provide written evidence in support of each of the factors you have selected)

Knowledge and Skills	Please tick
1. Knowledge (for example qualifications required for the job, knowledge of policies and procedures, knowledge of equipment and tools)	<input type="checkbox"/>
2. Mental skills (any requirements for analytical, problem-solving, creative and developmental skills)	<input type="checkbox"/>
3. Interpersonal and Communication (any requirements to communicate with service users or the public; how it takes place eg in person, by phone, in writing or a combination; whether the information is confidential or sensitive; and if you need to use advisory, guiding, negotiating or persuasive skills as part of your job.	<input type="checkbox"/>
4. Physical skills (for example any requirements for keyboarding, driving, or undertaking tasks using equipment or tools where there is a requirement for precision and/ or speed.	<input type="checkbox"/>
Effort Demands	Please tick
5. Initiative and Independence (any requirements for problem-solving, the extent to which you can plan your own workload, the extent to which all the main tasks within your job are covered by recognised procedures).	<input type="checkbox"/>
6. Physical Demands (the amount of standing and walking, lifting and carrying, pushing and pulling or working in an awkward or constrained position) In section 4 please specify the level of physical demand and how long you are subject to this demand during a typical working day.	<input type="checkbox"/>
7. Mental Demands (the degree, frequency and duration of mental concentration required for the job; whether the jobholder is subject to conflicting demands or interruptions and any requirements for sensory attention where the jobholder needs to be alert to traffic or the actions of children. In section 4 please include how long at any one time you are subject to this demand and how frequently it occurs eg more than once a day, daily or weekly.	<input type="checkbox"/>
8. Emotional Demands (whether the jobholder could experience emotional upset because of the circumstances or behaviour of the people with whom they are involved. It excludes having a relatively straightforward contact with someone who is disadvantaged, for example giving directions on where to go for assistance. It also excludes verbal abuse as this is covered under environmental demands.	<input type="checkbox"/>

Responsibilities	Please tick
<b>9.</b> People (the impact the jobholder has on the well-being of service users, clients or members of the public. This may include providing advice and guidance, assessing needs, providing personal care, financial benefits or ensuring their health and safety).	<input type="checkbox"/>
<b>10.</b> Supervision (whether the jobholder supervises other employees or trainees. In section 4 please include how many employees you supervise, their locations, the type of responsibility for example allocating and checking work, evaluating and appraising, training and development, and whether this is an on-going responsibility or only occurs in the absence of others.	<input type="checkbox"/>
<b>11.</b> Financial Resources (includes any responsibility for personally handling or processing cash, cheques or invoices or the equivalent). In section 4 please include details of the type of financial resource and the values which are handled or processed per day/per annum (please specify).	<input type="checkbox"/>
<b>12.</b> Physical Resources (includes any responsibility for information and information systems, equipment or tools, supplies and stocks, personal possessions of others, or buildings and external locations.) In section 3 please include details of the value of equipment, tools, supplies or stocks etc.	<input type="checkbox"/>

Environmental Demands	Please tick
<b>13.</b> Working Conditions (includes any regular exposure to casual or serious abuse from members of the public or exposure to disagreeable, unpleasant or hazardous situations).	<input type="checkbox"/>

## SECTION 4

Please use this section to provide information in support of all the factors you have selected above. Note: In order for the Appeals Panel to make an assessment, please provide as much detail as possible. It is important that you include examples of when you undertake a particular task or responsibility or apply a particular skill, and how often eg daily, weekly or monthly.

Factor	Evidence / Information
	Please continue on a separate sheet if necessary.

## SECTION 5

To be completed by the Jobholder			
Name (please print)			
Signature		Date	

## SECTION 6

To be completed by the Line Manager/School Management representative	
Name:	Tel no:

Line Manager comments on the application:

Please continue on a separate sheet if necessary.

Are any other jobholders affected by this application? Give details:

Signature		Date	
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## SECTION 7

To be completed by the relevant Chief Officer/Headteacher

I confirm that the jobholder undertakes the tasks and duties as stated within this appeal and that all information provided is accurate.

(If not, please provide your comments below).

Chief Officer comments on the application:

Please continue on a separate sheet if necessary.

Name (please print)			
Signature		Date	

## SECTION 8

Panel Members:		Date:
Grounds for appeal:	Decision:	Please tick

<p>The employee has been allocated to an incorrect pay band (based on the points score notified) (see 4.1a)</p>	<p>Appeal upheld, in which case the employee is matched to the correct pay band and the revised grade applies</p> <p>OR</p> <p>Appeal dismissed, in which case the notified pay band applies</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>The employee has been matched to the correct job but the evaluation is not fully reflective of the job undertaken (see 4.1 b)</p>	<p>Appeal upheld in respect of an evaluated job, in which case new evaluation or re-evaluation (and moderated) is to be undertaken and the employee matched to this.</p> <p>OR</p> <p>Appeal upheld in respect of a job profile, in which case a new evaluation is to be undertaken (and moderated) and the employee matched to this (with no change being made to the job profile).</p> <p>OR</p> <p>Appeal dismissed, in which case no change is made to the original match</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>The job has significantly changed since the job was last evaluated (see 4.1 c)</p>	<p>Appeal upheld in respect of an evaluated job, in which case a new evaluation or re-evaluation (and moderated) is to be undertaken and the employee matched to this.</p> <p>OR</p> <p>Appeal dismissed, in which case no change is made to the original match</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>The employee has been matched to the wrong job (see 4.1 d)</p>	<p>Appeal upheld, in which case employee is to be matched to an alternative job.</p> <p>OR</p> <p>Appeal dismissed, in which case no change is made to the original match</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

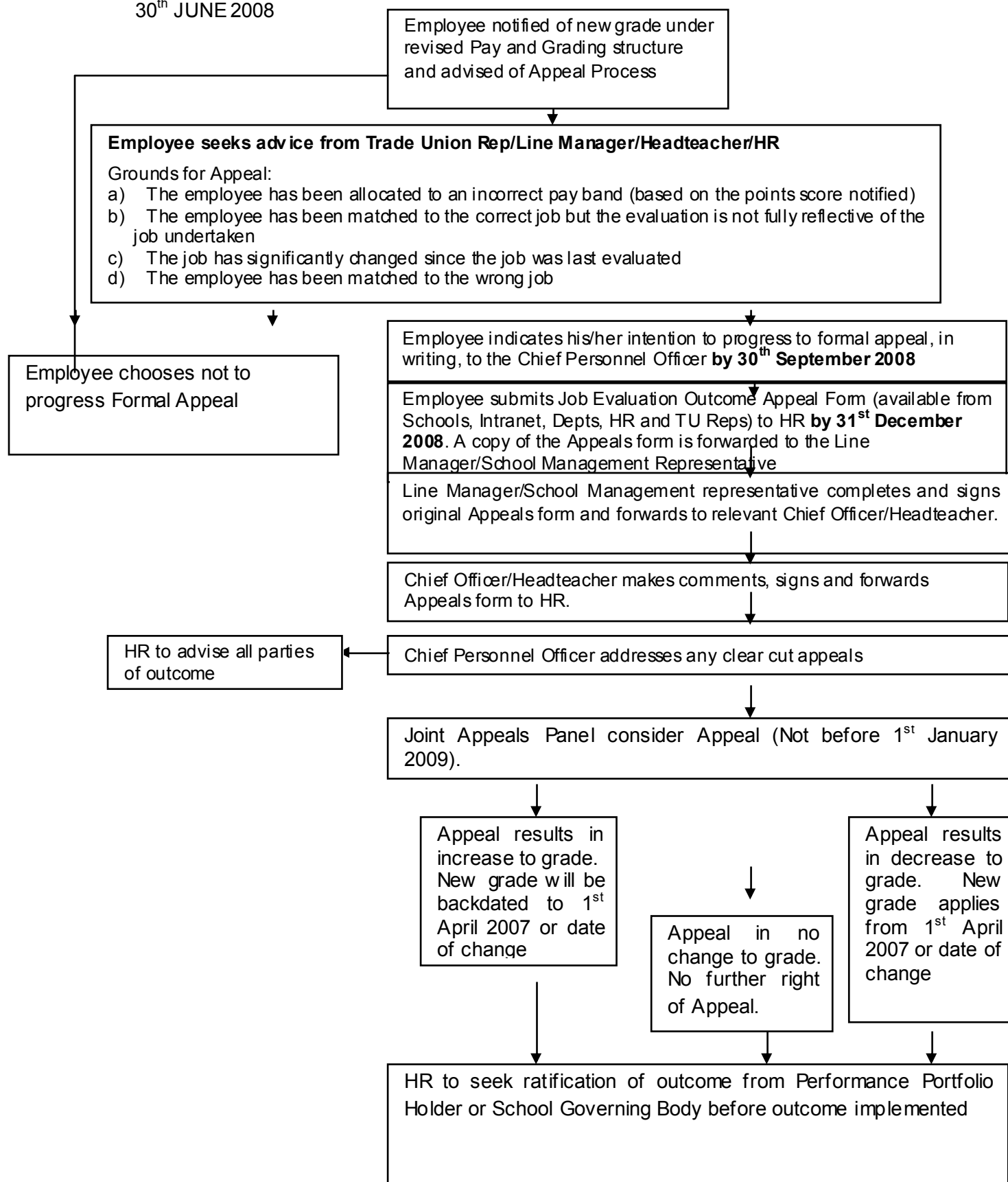
Signature \_\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

## Appendix B

HARTLEPOOL BOROUGH COUNCIL  
 FLOWCHART OF APPEALS PROCESS IN RESPECT OF THE IMPLEMENTATION  
 OF THE NEW PAY AND GRADING STRUCTURE BETWEEN 1<sup>st</sup> APRIL 2007 AND  
 30<sup>th</sup> JUNE 2008





## **PERFORMANCE PORTFOLIO**

Report to Portfolio Holder

27<sup>th</sup> June 2008



**Report of:** Assistant Chief Executive and Chief Personnel Services Officer

**Subject:** CHIEF EXECUTIVE'S DEPARTMENTAL PLAN 2007/08 – 4TH QUARTER MONITORING REPORT

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### **SUMMARY**

#### **1. PURPOSE OF REPORT**

To inform the Portfolio Holder of the progress made against the Chief Executive's Departmental Plan 2007/08 in the fourth quarter of the year.

#### **2. SUMMARY OF CONTENTS**

The progress against the actions contained in the Chief Executive's Departmental Plan 2007/08.

#### **3. RELEVANCE TO PORTFOLIO MEMBER**

The Portfolio Member has responsibility for performance management issues.

#### **4. TYPE OF DECISION**

Non-key.

#### **5. DECISION MAKING ROUTE**

Portfolio Holder meeting 27<sup>th</sup> June 2008.

#### **6. DECISION REQUIRED**

Achievement on actions be noted

**Report of:** Assistant Chief Executive and Chief Personnel Services Officer

**Subject:** CHIEF EXECUTIVE'S DEPARTMENTAL PLAN 2007/08 – 4TH QUARTER MONITORING REPORT

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### **PURPOSE OF REPORT**

1. To inform the Portfolio Holder of the progress made against the key actions identified in the Chief Executive's Departmental Plan 2007/08 for the period up to 31 March 2008.

### **BACKGROUND**

2. The Performance Management Portfolio Holder agreed the Chief Executive's Departmental Plan in June 2007.
3. The Chief Executives Department is split into four divisions, with Corporate Strategy and Human Resources reporting to the Performance Portfolio Holder. Issues relating to the Finance and Legal Services Divisions are reported separately to the Finance and Efficiency Portfolio Holder.
4. The Chief Executive's Departmental Plan 2007/08 sets out the key tasks and issues within an Action Plan to show what is to be achieved by the department in the coming year. The plan also describes how the department contributes to the Organisational Development Improvement Priorities as laid out in the 2007/08 Corporate Plan. It provides a framework for managing the competing priorities, communicating the purpose and challenges facing the department and monitoring progress against overall Council aims.
5. The Council recently introduced an electronic Performance Management Database for collecting and analysing corporate performance. In 2007/08 the database will collect performance information detailed in the Corporate Plan and the five Departmental Plans.
6. Each Division has also produced a Divisional Plan, detailing the key tasks and issues facing each division in the coming year. Each plan contains an action plan, detailing how each individual division intends to contribute to the Organisational Development Priorities contained in the Corporate Plan, as well as the key tasks and priorities contained in the Chief Executives Departmental Plan. Divisional Chief Officers will have the lead responsibility for managing performance of issues and

tasks identifies in their divisional plans. Where appropriate, issues can be escalated for consideration by CEMT.

#### FOURTH QUARTER PERFORMANCE

7. This section looks in detail at how the Corporate Strategy Division and Human Resources Division have performed in relation to the key actions that were included in the Chief Executives Departmental Plan 2007/08. On a quarterly basis officers from across the department are asked, via the Performance Management database, to provide an update on progress against every action contained in the Departmental Plan and, where appropriate, every Performance Indicator.
8. Officers are asked to provide a short commentary explaining progress made to date, and asked to traffic light each action based on whether or not the action will be, or has been, completed by the target date set out in the Departmental Plan. The traffic light system has been slightly adjusted in 2007/08, following a review of the system used previously. The traffic light system is now: -

Red	- Action not expected to meet target
Amber	- Action expected to be meet target
Green	- Action target achieved

#### PERFORMANCE INFORMATION

9. The action plan includes a number of Performance Indicators that will be used to measure the departments' progress. This information is currently being collected as part of the Councils' Corporate Performance Indicator year end collection process. As not all of the information is available at this time, consequently, it is proposed to report more detailed Performance Indicator information in due course.

#### OVERVIEW OF PERFORMANCE

10. Within the Corporate Strategy and Human Resources Divisions there were a total of 144 actions identified in the 2007/08 Departmental Plan. Table 1, below, summarises the progress made, to the 31 March 2008, towards achieving these actions.

Table1 – Corporate Strategy/Human Resources progress summary

	Corporate Strategy	Human Resources	Total
	Actions	Actions	
Green	36	33	69
Amber	2	1	3
Red	4	13	17
Complete	32	23	55
Total	74	70	144

11. A total of 55 actions (38%) have previously been reported as having been completed, and a further 69 (48%) have been completed in the fourth quarter of 2007/08. A further 3 are on target to be completed by the target date. These actions are 'ongoing' and can not be signed off as complete. Where deemed appropriate, these actions have been included in the 2008/09 Departmental Plan to ensure that they continue to be monitored.
12. However, a total of 17 (12%) actions have been highlighted as not being on target, an increase from 10 actions in quarter 3. More information on these actions can be found in the relevant sections below.

### Corporate Strategy Division

13. The Plan contained 74 actions that were the responsibility of the Corporate Strategy Division. At the end of the fourth quarter a total of 68 had been completed (92%), and a further 2 (2.7%) were assessed as being on target to be completed by the target date. This is due to the ongoing nature of those actions, which mean they can not be signed off as completed. However, 4 actions (5%) had not been completed by the due date. Table 2 below details these actions, together with a comment explaining why the deadline has not been met and any appropriate remedial action.

Table2: Corporate Strategy Actions not completed on target/not on target

Ref	Action	Date to be Completed	Comment
<b>Objective: To implement the extended powers to Scrutiny as outlined in the Local Government Bill/Police and Justice Act 2006</b>			
CED023	Formalise & extended powers of the Overview and Scrutiny Function to scrutinise local Crime and Disorder Reduction Partnership & implement the Community Call for Action provisions that will enable the public to trigger action on community safety issues	Mar 08	Exploratory work undertaken. Target not achieved as a result of the implementation delayed by Central Government.
<b>Objective: Evaluate the work/added value to the Overview and Scrutiny arrangements in Hartlepool</b>			
CED025	Evaluate current overview and scrutiny arrangements	Feb-08	Agreed timing not appropriate together with capacity issues. Evaluation now to be undertaken by July 2008

CED026	Identify areas to improve overview and scrutiny arrangements	Apr-08	Target not achieved as timing no longer appropriate together with capacity issues. Evaluation now to be undertaken by July 2008
<b>Objective: Implement Corporate Communications Strategy Action Plan</b>			
CED035	Council Correspondence	Aug 07	Undertaken on an ad-hoc basis due to other priorities.

14. Within 2007/08 the Corporate Strategy Division completed a number of actions, including: -

- The quality of data is regularly monitored and checked
- Conducted an annual review of the NIS contract
- Review ICT strategy to ensure fit with business and departmental priorities.
- Procured Covalent, the council's new performance management system.

### Human Resources Division

15. The Plan contained 70 actions that were the responsibility of the Human Resources Division. As at 31 March a total of 56 (80%) had been completed, and a further 1 (1.4%) were on target to be completed by the target date stated in the plan. As previously mentioned, this is due to the ongoing nature of this action, meaning it can not be signed off as completed. However, 13 actions (18.6%) had not been completed by the due date. Table 3 below details these actions, together with a comment explaining why the deadline has not been met and any appropriate remedial action.

Table 3: Human Resources Actions not completed on target/not on target

Ref	Action	Date to be Completed	Comment
<b>Objective: Review and further develop integrated Efficiency Strategy</b>			
CED211	Implement standardised address database	Mar 08	Partially completed. Migration of software to new system completed. Now awaiting delivery of integration software.
<b>Objective: Improve Equality and Diversity Leadership and Corporate Commitment</b>			
CED 230	Publish, Implement and Monitor Equality Schemes	Mar 08	Draft Equality scheme has been agreed by the portfolio holder. It is now going out for further consultation. It is tabled as a key decision for the Cabinet in June. It will be published and implemented in July08.

Ref	Action	Date to be Completed	Comment
CED 231	Improve Equalities BVPI performance	Mar 08	Work on Pay and Grading review has taken priority
Objective: Implement Plans to Continually Improve What We Do			
CED 252	Improve Workforce Profile information and usage	Mar 08	Delayed due to work on Pay and Grading structure which had a higher priority
Objective: Implement plans to Effectively Recognise, Engage and Reward the Workforce			
CED 268	Manage Employee Consultation	Mar 08	Delayed until 2008/09 due to Pay and Grading review taking longer than expected
CED 269	Improve Communications with Employees	Mar 08	
Objective: Implement Revised Pay and Grading Structure			
CED 275	Determine Provisional Pay and Grading Structure	Aug 07	Final decision expected May 2008
CED 277	Determine and Implement Final Pay and Grading Structure	Mar 08	Final decision expected May 2008.
CED 278	Determine Post Implementation Pay and Grading Arrangements	Mar 08	
Objective: Implement revised Single Status Conditions of Service			
CED279	Determine Provisional Conditions of Service arrangements	Aug 07	Final decision expected May 2008
CED281	Implement Monthly Pay for all employees	Mar 08	Part of Single Status agreement – revised date is March 2010
CED282	Determine and Implement Final Conditions of Service arrangements	Sep 07	Final approval expected May 2008.
Objective: Improve Service Delivery and Customer Care			
CED 286	Implement Access Strategy Framework	Mar 08	The Access strategy has been approved by the portfolio holder. The Access to information within it needs to be updated to reflect the recent guidance from the CLG. Extended to Sept 08 and included in 2008/09 Departmental Plan

16. Within 2007/08 the Human Resources Division completed a number of actions, including: -

- Implemented Equalities related legislation
- Implemented Contact Centre Partnership Working Action Plan
- Implemented Contact Centre Communication Action Plan

- Offer each Elected Member the opportunity to complete a personal development plan
- Improved occupational health and employee support services
- Supported HR implications of BSF programme.

### **Recommendations**

17. It is recommended that achievements of key actions are noted.

## **PERFORMANCE PORTFOLIO**

Report to Portfolio Holder

27th June 2008



**Report of:** Assistant Chief Executive

**Subject:** CORPORATE COMPLAINTS

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### **SUMMARY**

#### **1. PURPOSE OF REPORT**

- 1.1 To report to the Portfolio Holder on complaints performance, the updating of the corporate complaints procedure and the protocol for complaints and partnerships.

#### **2. SUMMARY OF CONTENTS**

- 2.1 The report covers performance information on formal complaints for 2007/08.

#### **3. RELEVANCE TO PORTFOLIO MEMBER**

- 3.1 The Portfolio Member has responsibility for performance issues.

#### **4. TYPE OF DECISION**

- 4.1 Non-key

#### **5. DECISION MAKING ROUTE**

- 5.1 Portfolio Holder meeting on 27<sup>th</sup> June 2008

#### **6. DECISION(S) REQUIRED**

- 6.1 That the report be noted.



**Report of:** Assistant Chief Executive

**Subject:** CORPORATE COMPLAINTS

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## **1. PURPOSE OF REPORT**

- 1.1 To inform the Portfolio Holder of complaints performance in 2007/08; the updating of the corporate complaints procedure; and the protocol for complaints and partnerships in Hartlepool.

## **2. FORMAL COMPLAINTS INFORMATION – 2007/08**

### **Corporate complaints**

- 2.1 In 2007/08, a total of 52 corporate complaints was recorded by departments. This is a substantial decrease from 122 complaints recorded in 2006/07. This comparison is complicated by a group of 69 complaints received in 2006/07 by the Neighbourhood Services Department on a single issue, i.e. the installation of alleygates at Mountston Close, which distorted the overall figure for that year. The 2007/08 figure of 52 represents a return to the levels recorded in previous years, e.g. 49 complaints in 2005/06.
- 2.2 Of these 52 corporate complaints, the Neighbourhood Services Department had 21 complaints, the Chief Executive's Department had 19 complaints, the Adult & Community Services Department had 8, Regeneration and Planning Services had 2 and the Children's Services Department also had 2 complaints. The departments and sections that have high levels of contact with large numbers of the public tend to receive higher numbers of complaints. (See Appendix A for figures for 2007/08, 2006/07 and 2005/06)
- 2.3 Complaints levels in most departments have stayed at approximately similar levels to 2006/07 with a decrease in the numbers of complaints made to the Adult & Community Services and Regeneration & Planning Departments.

### **Social care complaints**

- 2.4 In 2007/08, figures on social care complaints have, for the first time, been reported to the Portfolio Holder as part of the quarterly corporate complaints reports. The social care complaints received by the Adult & Community Services and Children's Services Departments are dealt with under statutory procedures which differ from the corporate procedure in terms of time scales and investigative process. However, for the sake of completeness, basic statistics on numbers of complaints received are included in this report for the first time. It is hoped that this will give the Portfolio Holder an overall picture of complaints levels across the authority.
- 2.5 The past year has seen a total of 18 social care complaints made to the Council – 10 to the Adult & Community Services department and 8 to the Children's Services Department.

### **Meeting targets**

- 2.6 The corporate complaints procedure has a target of 15 days for reporting back to a complainant with a written response to their complaint, after a thorough investigation. For social care complaints, deadlines vary depending on the level of the complaint - within 10 working days with a possible extension to 20 days for the Local Resolution stage, which is similar to the formal stage of the corporate complaints procedure. In 81 percent of corporate complaints, this target was achieved, which is which is a small drop from the figure of 87 percent dealt with within the target in 2006/07. For social care complaints, the target was met in 67 percent of cases. The cases where deadlines have not been met tend to be more complicated complaints which may involve interviews with a number of people or waiting for a response from an external agency.

### **Outcomes of complaints investigations**

- 2.7 When a complaint investigation has been completed, a judgement is made by the investigating officer as to whether the authority has been at fault and hence the complaint is upheld, either fully or in part. In 2007/08, 50 percent of complaints were either fully or partly upheld. This is a doubling of the figure of 25 percent recorded in 2006/07. However the 2006/07 figures were skewed by the large group of alley gates complaints and the current figure is similar to the 2005/06 figure of 54 percent upheld in part or in full.

### **Remedies for complainants**

- 2.8 When reporting complaints performance, departments are asked to provide information on what remedies have been offered to people whose complaints have been upheld either in part or in full. In all cases where the complaint was upheld fully or in part, remedies were offered to complainants. The remedies vary depending on the circumstances of the complaint. In some cases the problem that had caused the complaint can be quickly resolved, e.g. the financial reassessment of a service user's circumstances. However resolution is not always possible, but other remedies are available. A written apology is usually given and, where appropriate, an explanation of how the problem arose and how it will be avoided in future. If a complainant has been disadvantaged or lost out in some way, efforts are made to place them in the position they would have been in, had the problem not arisen.

### **Learning from complaints**

- 2.9 Departments are also asked to outline what has been done to prevent recurrence of the complaints which have been upheld. Wherever possible, actions have been taken to avoid further complaints. New systems have been put in place; procedures have been reviewed and, where appropriate, revised; employees have been briefed or had reminders of procedures and good practice; systems have been reviewed or checked to see if the problems could have been avoided; and communications have improved. For example, additional casual staff have been recruited to assist at peak times so avoiding excessive waiting times in one service area; the process for quality assurance checking has been amended in another service and a software bug has been identified and removed in a third. Procedures and systems have been re-examined, modified and reinforced with staff. Overall, departments are keen to learn from complaints and are taking steps to prevent their recurrence. . It is inevitable that some service areas are always

more likely to attract complaints than others. However, in general, if a complaint has been received about a particular service, it is dealt with and the service amended. It is rare to see the same types of complaints recurring regularly.

- 2.10 The overall picture from the complaints monitoring information for 2007/08 is one of the numbers of formal complaints received being at similar levels to previous years (when the group of 69 alley gate complaints received in 2006/07 is set to one side). The time taken to investigate complaints has increased slightly. Departments continue to work on remedying complaints and learning from these contacts with service users

### **3. COMPLAINTS REFERRED TO THE LOCAL GOVERNMENT OMBUDSMAN**

- 3.1 All councils receive an annual letter from the Local Government Ombudsman which details: the complaints received by the Ombudsman and the outcome of his investigations in the previous year; comments on the Council's performance; and comments on liaison arrangements with the Council. This letter is due to arrive in late June and will be reported to the next meeting of the Performance Portfolio Holder.

## **4 UPDATE OF CORPORATE COMPLAINTS PROCEDURE**

- 4.1 The Corporate Complaints Procedure was last updated in 2006 and has recently been updated to reflect changes in legislation and to improve the way in which it operates. The main changes are:
- A redrafting of the information on dealing with complaints about breaches of the Code of Conduct by elected members to conform with new legislation which came into force on 1<sup>st</sup> May 2008 as part of the Local Government and Public Involvement in Health Act 2007. The principal change gives to local standards committees the responsibility for initial investigation of these complaints rather than all complaints being referred to the Standards Board for England. Detailed procedures, complaints forms and public information are being developed by the Monitoring Officer in consultation with the Standards Committee.
  - The merger of the separate departmental complaints procedures into a single corporate complaints procedure. The only exceptions to this will be the procedures for dealing with social care complaints which must follow statutory guidelines. This has been done to simplify the handling of complaints for both complainants and officers;
  - The addition of the policy on persistent and unreasonable complainants and complainant behaviour which was previously reported to the Performance Portfolio Holder

A copy of the updated procedure is attached in Appendix B.

## **5. PARTNERSHIPS AND CITIZEN'S REDRESS – HARTLEPOOL PROTOCOL**

- 5.1 As has previously been reported to the Performance Portfolio Holder, the Local Government Ombudsman has recommended that local authorities should have in place a protocol for the handling of complaints. Such a protocol aims to prevent the

difficulties that can be encountered with complaints when local authorities deliver services or discharge their functions through partnerships.

- 5.2 A general complaints protocol for all local authority partnership arrangements in Hartlepool has been devised and a list of key partnerships has been identified by the Corporate Management Team. (See Appendix C). Departmental complaints officers will be ensuring that appropriate procedures are in place for each of these partnerships.

## **6. RECOMMENDATIONS**

- 4.1 That the report be noted.

## **BACKGROUND PAPERS**

Corporate Complaints - April 2006 to March 2007 - Report to the Performance Portfolio Holder, 22<sup>nd</sup> June 2007.

Hartlepool Borough Council Corporate Complaints Procedure 2006.

Local Government and Public Involvement in Health Act 2007.

Local Partnerships and Redress, Advice and Guidance from the Local Government Ombudsman, July 2007.

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**APPENDIX A - COMPLAINTS MONITORING – April 1<sup>st</sup> 2007 to March 31<sup>st</sup> 2008**

	Total no. of complaints			Reported on within deadline			Reported on outside of deadline			Not upheld			Partly upheld/partly not upheld			Upheld		
	2007/08	2006/07	2005/06	2007/08	2006/07	2005/06	2007/08	2006/07	2005/06	2007/08	2006/07	2005/06	2007/08	2006/07	2005/06	2007/08	2006/07	2005/06
<b>CHIEF EXECUTIVES' DEPT</b>																		
Corporate Strategy	1	1	-	1	1	-	-	-	-	1	-	-	-	-	-	-	1	-
Finance	14	17	17	13	15	17	1	2	-	5	8	12	1	6	-	8	3	1
Human Resources	3	1	-	3	1		-	-		-	-	-	1	1	-	2	-	-
Legal	1	-	-	1	-	-	-	-	-	-	-	-	1	-	-	-	-	-
<b>TOTALS FOR CHIEF EXEC'S</b>	<b>19</b>	<b>19</b>	<b>17</b>	<b>18</b>	<b>17</b>	<b>17</b>	<b>1</b>	<b>2</b>	<b>-</b>	<b>6</b>	<b>8</b>	<b>12</b>	<b>3</b>	<b>7</b>	<b>4</b>	<b>10</b>	<b>4</b>	<b>1</b>
<b>ADULT &amp; COMMUNITY SERVICES*</b>																		
Corporate complaints	8	14	8	5	9	6	3	5	2	2	5	1	3	5	3	3	4	4
Social care complaints	10	*	*	7	*	*	3	*	*	3	*	*	4	*	*	3	*	*
<b>TOTALS FOR A &amp; CS</b>	<b>18</b>	<b>14</b>	<b>8</b>	<b>12</b>	<b>9</b>	<b>6</b>	<b>6</b>	<b>5</b>	<b>2</b>	<b>5</b>	<b>5</b>	<b>1</b>	<b>7</b>	<b>5</b>	<b>3</b>	<b>6</b>	<b>4</b>	<b>4</b>
<b>CHILDREN'S SERVICES*</b>																		
Corporate complaints	2	1	-	2	1	-	-	-	-	2	1	-	-	-	-	-	-	-
Social care complaints	8	*	*	5	*	*	3	*	*	7	*	*	-	*	*	1	*	*
<b>TOTALS FOR CH SERVICES</b>	<b>10</b>	<b>1</b>	<b>-</b>	<b>7</b>	<b>1</b>	<b>-</b>	<b>3</b>	<b>-</b>	<b>-</b>	<b>9</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>-</b>	<b>-</b>

	Total no. of complaints			Reported on within 15 working days			Reported on outside 15 day target			Not upheld			Partly upheld/partly not upheld			Upheld		
	2007/08	2006/07	2005/06	2007/08	2006/07	2005/06	2007/08	2006/07	2005/06	2007/08	2006/07	2005/06	2007/08	2006/07	2005/06	2007/08	2006/07	2005/06
<b>REGENERATION &amp; PLANNING SERVICES</b>	<b>2</b>	<b>7</b>	<b>5</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>2</b>	<b>7</b>	<b>4</b>	<b>2</b>	<b>4</b>	<b>4</b>	<b>-</b>	<b>3</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1</b>
<b>NEIGHBOURHOOD SERVICES</b>	<b>21</b>	<b>81</b>	<b>19</b>	<b>17</b>	<b>79</b>	<b>19</b>	<b>4</b>	<b>2</b>	<b>-</b>	<b>14</b>	<b>74</b>	<b>5</b>	<b>2</b>	<b>4</b>	<b>6</b>	<b>5</b>	<b>3</b>	<b>8</b>

<b>SUMMARY STATISTICS</b>																		
<b>Total dealt with under corporate complaints procedure</b>	<b>52</b>	<b>122</b>	<b>49</b>	<b>42</b>	<b>106</b>	<b>43</b>	<b>10</b>	<b>16</b>	<b>6</b>	<b>26</b>	<b>92</b>	<b>22</b>	<b>8</b>	<b>19</b>	<b>13</b>	<b>18</b>	<b>11</b>	<b>14</b>
				<b>81%</b>	<b>87%</b>	<b>88%</b>	<b>19%</b>	<b>13%</b>	<b>12%</b>	<b>50%</b>	<b>75%</b>	<b>45%</b>	<b>15%</b>	<b>16%</b>	<b>26%</b>	<b>35%</b>	<b>9%</b>	<b>28%</b>
<b>Total dealt with under social care complaints procedures</b>	<b>18</b>	<b>*</b>	<b>*</b>	<b>12</b>	<b>*</b>	<b>*</b>	<b>6</b>	<b>*</b>	<b>*</b>	<b>10</b>	<b>*</b>	<b>*</b>	<b>4</b>	<b>*</b>	<b>*</b>	<b>4</b>	<b>*</b>	<b>*</b>
				<b>67%</b>	<b>*</b>	<b>*</b>	<b>33%</b>	<b>*</b>	<b>*</b>	<b>55%</b>	<b>*</b>	<b>*</b>	<b>22%</b>	<b>*</b>	<b>*</b>	<b>22%</b>	<b>*</b>	<b>*</b>

\* 2007/08 is the first year in which information on social care complaints has been presented to the performance Portfolio Holder. Social care complaints for both adults and children statutorily dealt with through separate complaints procedures with different targets and outcomes to the corporate complaints procedure. This information is now included to give a fuller picture of complaints handling across the authority.

**APPENDIX B****HARTLEPOOL BOROUGH COUNCIL COMPLAINTS & COMMENTS PROCEDURE****1. THE STRUCTURE OF THE COMPLAINTS SYSTEM**

1.1 The general structure of the system for dealing with complaints is as follows:

- All departments use the corporate complaints and comments procedure for all complaints by service users excepting complaints about social care;
- Social care complaints for both children and adults are dealt with under separate procedures. These are maintained and run by the Children's Services Department and Adult & Community Services Department respectively, following statutory guidelines<sup>1</sup>;
- The Chief Executive's Department (Corporate Strategy Section) is responsible for co-ordinating and monitoring the authority's corporate complaints procedure and reports the authority's overall performance on complaints to elected members.

1.2 The corporate complaints procedures and principles which apply to all departments are set out in Section 2 below.

**2. PROCEDURES & DEFINITIONS****2.1 Definition of a complaint**

This authority's definition of a complaint is that used by the Local Government Ombudsman:

*"A complaint is an expression of dissatisfaction, however made, about the standards of service, actions or lack of action by the Council or their staff affecting an individual customer or group of customers."*

**2.2 Exclusions from the Procedure**

There are various circumstances in which it would not be appropriate to use a general complaints procedure, since specific arrangements already exist to deal with the matter in question. The exclusions are listed below. It will not always be immediately obvious that a complaint falls into one of these categories, but as soon as it becomes so, the complainant should be informed and advised about how to proceed.

- Matters for which there is a right of appeal - an appeal within the council or to an independent tribunal - or where there is a legal remedy, e.g. appeal against

<sup>1</sup> Information about the social care complaints procedures is available on the Council's website or from the Complaints Managers in the Children's Services or Adult & Community Service Departments.

a decision on eligibility for housing benefit or an equal opportunities appeal against a decision not to employ a job applicant;

- Matters which are likely to be the subject of civil proceedings, a police investigation or disciplinary proceedings, e.g. a compensation claim against the council, accusations of financial impropriety or criminal behaviour.
- Complaints by staff or former staff regarding a matter arising out of their employment.
- Requests for service, e.g. reporting a street light which needs attention or making a complaint about a barking dog for the first time;
- Requests for information or explanation of council policy or practice.

If the complaint does not fall within the remit of the Complaints and Comments Procedure, complainants should, where possible, be advised where to direct their complaints (e.g. district auditor, the police, the Ombudsman, appeal to a tribunal etc.)

### **2.3 Complaints about Council Approved Policy and Practice**

Complaints about the council's policies and about decisions made by elected members do not fall within the remit of a complaints procedure that is related to services administered by officers of the council. However complaints are sometimes made to officers about decisions made by the council and its decision making bodies. These should be recorded and forwarded to the relevant portfolio holder or committee chair and the complainant informed that this has been done. The portfolio holder may wish to respond to the complaint.

### **2.4 Complaints about Elected Members, including the Mayor**

#### **a) Complaints of breach of the Code of Conduct**

Anyone who considers that a Member of the Council may have breached the Code of Conduct may make a complaint through the Standards Committee. In turn, the Standards Committee are required to establish sub-committees to carry out the separate functions involved in the handling of such cases, as follows;

- (i) The initial assessment of the complaint.
- (ii) Any request from a complainant to review a decision to take no action in relation to a complaint.
- (iii) Any subsequent hearing of the Standards Committee to determine whether a member has breached the code and, where appropriate, to impose a sanction on that Member.

A complaint should initially be directed to the Chair of the Assessments Sub-Committee who will determine whether or not to refer the matter for investigation or whether other action (for example, training, conciliation, instituting changes to procedures) should be taken or that no action should be taken. The aim is to complete the initial review within an average of 20 working days.

Where it is determined that no action should be taken, then a complainant has a right to request a review of that decision. It should be noted that the Standards Committee



can only deal with complaints about the behaviour of a Member in relation to the Code of Conduct. A complainant has a right to request a review within 30 days from the date of the decision. As indicated above, a differently constituted sub-committee to that involved in the original decision will undertake a review and the sub-committee must carry out its review within a maximum of three months of receiving the request. It will then be for the Review Sub-Committee to determine whether the complaint should be referred to the Council's Monitoring Officer (Chief Solicitor) for the purposes of investigation or should be referred to the Standards Board for England.

**b) Complaints other than of breach of the Code of Conduct**

All other complaints about elected members will be dealt with, initially, by the Chief Executive who will decide whether or not they should be pursued and by whom. If pursued:

- complaints involving accusations of impropriety will be dealt with through existing mechanisms set up to specifically deal with such matters, such as the Council's Standards Committee or, where appropriate, the Police;
- complaints about the behaviour of elected members, e.g. failure to provide promised assistance, offensive behaviour etc., will generally be referred either to the political party organisations, where applicable, or, at the Chief Executive's discretion, to the Standards Committee.

**c) Where it is uncertain whether a complaint is within a) or b).**

Where there is any doubt whether a complaint is intended to be a complaint of breach of the Code of Conduct or a complaint which may be dealt with by other means, the Monitoring Officer will make a decision (after communicating with the complainant) to determine whether or not the complaint should be referred to the Standards Committee under a) or referred to the Chief Executive under b).

N.B. The Code of Conduct for Councillors and Co-opted Members is published in the Council's Constitution, Part 5 – Codes and Protocols. This is available on the Council's website, the Intranet or, if a paper copy is required, from the Democratic Services Team, Corporate Strategy Division, Chief Executive's Department.

## **2.5 Complaints about the Chief Executive or Departmental Directors**

- Formal complaints about the Chief Executive will be referred to the council's Monitoring Officer, the Chief Solicitor, for investigation;
- Formal complaints about departmental directors will be referred directly to the Chief Executive for investigation.

## **2.6 Complaints Made Directly to the Chief Executive**

- Initial complaints made by members of the public directly to the Chief Executive will be forwarded to the appropriate department/division's nominated officer to be investigated according to the corporate complaints procedure;
- If a complainant has already complained to a department and feels that they have not received a satisfactory response, the case will be referred to the director of the department/head of service to double check that the complaints

procedure has been properly and fully administered and that, if appropriate, the complainant has been offered the opportunity to appeal to elected members. If this is the case, the complainant will be informed of their right to complain to the Local Government Ombudsman.

## **2.7 Monitoring and Reporting of Complaints Performance**

All departments will report quarterly to the Chief Executive on the complaints received in the previous 3 months. The reports will include:

- the number and type of complaints received;
- the outcome of the complaints;
- the number settled within departmental deadlines;
- reasons for going over deadlines;
- actions arising/lessons learnt.

A quarterly report will be made to elected members on complaints performance. An annual, publicly available report is required to comply with national guidelines on good practice and will be subject to audit.

## **2.8 Common Complaints & Comments Form**

A common complaints and comments leaflet and form should be made available to members of the public which is equally applicable in all circumstances/for all departments. This is intended as a mechanism for getting complaints and comments into the system easily and, therefore complements rather than replaces other departmental paperwork. A common equality form should also be used. (See Appendix 1 for copies of leaflet and forms) The leaflet and forms should be available, on request, in alternative formats, e.g. community languages, Braille, large print etc. Copies can be obtained from the Corporate Complaints Officer.

## **2.9 Corporate Complaints Officer**

The Corporate Complaints Officer will:

- co-ordinate and monitor the authority's complaints procedures to ensure that all members of the public who wish to complain receive a similar, high level of service;
- re-direct to relevant departments any complaints received centrally;
- collect and collate quarterly returns from departments;
- report complaints performance to elected members;
- support and advise departments involved in complaints appeal hearings;
- co-ordinate the authority's responses to complaints being investigated by the Local Government Ombudsman;
- monitor complainants' satisfaction with how their complaints are dealt with.
- collection of diversity monitoring data

### **3. DEALING WITH COMPLAINTS COMPLIMENTS & COMMENTS**

#### **COMPLAINTS**

- 3.1 An initial attempt should always be made to settle the complaint straightaway without recourse to the formal complaints system, e.g. by arranging for something to be done. The majority of complaints should be resolved in this way.
- 3.2 The authority has a contract with UNITE, a community mediation service, to carry out independent mediation work, e.g. in neighbour dispute cases. There may be complaint cases where this service is suitable and useful, if the person complaining would like to follow that route. UNITE can be contacted on 01642 311633 or via their website at [www.unite-mediation.org](http://www.unite-mediation.org), which has an on-line form.
- 3.3 Officers should be aware of, and sensitive to, the special needs of people with disabilities, people whose first language is not English and people with literacy problems and be equipped to deal with these service users. Consideration should be given to putting people in touch with a suitable agency (e.g. CAB or an advocacy service) which can help them during the complaints process. Council employees have access to the Big Word service which is a telephone interpretation service for use by visitors to Council premises. Information on translation and interpretation services are available on the Intranet under "Diversity".
- 3.4 The complaints procedure should be publicised and readily available to members of the public. Efforts should be made to ensure that all those who might wish to complain are given the opportunity, and where necessary, assistance to complain. Leaflets/forms and posters should be placed in all reception areas/service points. Workers in regular contact with the public away from service points should be supplied with leaflets/forms and, if necessary, information on how to help people make a complaint.

#### **Formal Complaints**

- 3.5 If a complaint cannot be resolved informally, all complainants should be given the opportunity to make a formal complaint and must be informed of the complaints procedure. The complaints leaflet has a brief outline of the complaints procedure. A complaint becomes a formal complaint when the person remains dissatisfied with the service they have received and wish to take their complaint further.
- 3.6 Formal complaints can be made initially in writing, by email, on-line form or phone, in person or through a third party, e.g. a relative, friend or councillor. (NB Third party complaints can only be accepted if the complainant has consented to the complaint being made on their behalf) A complaint does **not** have to be made on an official complaint form by the complainant to be treated as a formal complaint. However, a formal complaint should be recorded in the department's complaints system on a standard complaints form. Some departments may, for operational purposes, also wish to keep a record of complaints that are settled without a formal complaint being lodged (as discussed at 3.1), but these should be recorded separately.

### **Timescales**

- 3.7 All complaints should be responded to within 15 working days. Complainants must be informed, in writing, within 5 working days of making their complaint, as to who will be dealing with the complaint and when they can expect to get an answer. If the deadline is not going to be met, complainants must be informed of the reasons for the delay and given a new deadline. A copy of the complaints leaflet should accompany this letter.
- 3.8 All complainants who register a formal complaint should receive a copy of the Diversity Monitoring Form and a pre-paid envelope for its return. It is recommended that this accompany the written acknowledgement of the complaint. To enable the forms to be used for monitoring purposes, departments should ensure that the unique complaint serial number is on the form before it is sent out.

### **Complaints Officers**

- 3.9 All departments/divisions should nominate a senior officer who is responsible for co-ordinating the handling of complaints and ensuring that the Council's procedure is properly followed. Whilst it need not be the responsibility of the nominated officer to undertake all complaints investigations, it is recommended that this officer reviews all responses to formal complaints before they are sent to the complainant. The officer investigating the complaint should not have been directly involved in the action or decision being complained of. (See Appendix 2 for Guidance on Good Investigative Practice)
- 3.10 The nominated officer will be responsible for making a quarterly complaints report to the Chief Executive who will make a quarterly report will be made to elected members.

### **Confidentiality**

- 3.11 The identity of the person making a complaint should be made known only to those who need to consider the complaint and should not be revealed to any other person or made public by the Council. It may not be possible to preserve confidentiality in some circumstance, e.g. where relevant legislation applies or allegations are made which involve the conduct of third parties. Complainants should be advised about this, if it becomes necessary.

### **Support for staff**

- 3.12 Employees who are the subject of a complaint should be informed that the complaint has been made, how the complaint will be investigated and what the outcome of any investigation is. If an investigative interview is necessary, the employee should, where possible, be given 2 days notice of the interview and they should be offered the option of being accompanied by a colleague or union representative. Support from the Employee Wellbeing Team may be appropriate.

### **Appeals**

- 3.13 If a complainant is not satisfied with the outcome of the investigation of their complaint, they have the right to appeal against the outcome. Appeals should be referred to the appropriate portfolio holder, who will review the documentation and decide whether or not the appeal should be heard by the General Purposes (Appeals) Committee (See Appendix 3 for Appeal Review by Elected Members). The

Committee is chaired by the Vice Chair of the Council who will hear appeals with four other members selected from a rota of all members. Appeals Committee members will receive a briefing on procedures prior to involvement in any appeals hearing. (See Appendix 4 for Complaints Appeal Hearing Procedure)

N.B. The arrangements for appeals will necessarily vary from service to service, e.g. in the case of social care appeals for Adult and Community Services and Children's Services, appeals panels are required by law to have an independent chair.

### **At the end of a complaint**

- 3.14 When a complaint has been investigated, all complainants should be informed of their right to complain to the Local Government Ombudsman (LGO) for an independent investigation of their complaint and should be given information on how to do this. The complainant has the right to complain to the LGO at any stage in the complaints procedure. However, in most cases, the Ombudsman's office ensures that the Council has a chance to answer the complaint before the LGO investigates it and will refer complaints back to the Council for investigation through its own procedure.
- 3.15 Where a complaint has been upheld, the Council should always offer some type of remedy for it. This may range from an apology and a promise to avoid similar problems in the future to, in a very small number of cases, financial compensation. (See Appendix 5 for Remedies for Complaints)
- 3.16 The authority aims to learn from complaints and complaints officers are asked to report on lessons learnt from complaints and action taken to prevent a recurrence of the problem.

### **Complaints outside the procedure**

- 3.17 In cases where the departmental complaints procedure is not appropriate, e.g. where case law absolves local authorities of responsibility, where the complainant has recourse through the civil courts, or where the matter is likely to be the subject of a police investigation, the complaints procedure should not be set in action. Complainants should be informed of the legal situation and told that the complaints procedure cannot be used in their case. Where appropriate, they should be informed of the correct way to appeal/take their case further.
- 3.18 Complaints should be made within 12 months of the original problem occurring. In certain circumstances this time limit may be extended, e.g. the complainant did not find out that the Council was responsible for creating a particular problem until after the 12 months time limit.

### **Persistent and unreasonable complaints and complainants**

- 3.19 In general, dealing with a complaint is a straightforward process but in a minority of cases people pursue their complaints in a way that can impede the investigation of their complaint or can have significant resource implications for the authority. A policy has been formulated to deal with the very small number of complainants whose frequency of contact with the authority, insoluble and persistent complaints, or unacceptable behaviour makes it necessary for special measures to be taken. (See Appendix 6)

- 3.20 Before implementing any of the provisions in this policy, officers must consider whether the Council's procedures have been followed correctly, whether full and reasonable responses have already been given and whether the complainant is now inappropriately persistent or behaving unreasonably.

### **COMMENTS & COMPLIMENTS**

- 3.19 Comments and compliments should be dealt with promptly. Appropriate responses to suggestions and comments should be made by departments. Compliments should be gratefully acknowledged, where appropriate, and shared with the officers concerned. Departments may wish to record and report on comments and compliments within their departments to help improve the management of services.

4

## How to take it further (cont)

We will make every effort to deal with your complaint to your satisfaction. If we are not able to do this, you can ask the Commission for Local Administration (the Ombudsman) to make an independent investigation of your case.

The Ombudsman is: Patricia Thomas, Local Government Ombudsman, Beverly House, 17 Shipton Road, York, YO30 5FZ. Phone: 01904 380200, fax: 01904 380269, e-mail: lgo.org.uk.

## Complaining to your local Councillor

If you have a complaint about the policies of the Council, for example, how the Council has chosen to spend its budget, or about any decisions that have been made by a Councillor, it is best to complain to a Councillor. You can contact them at their local ward surgeries as advertised in the Hartlepool Mail or by writing to them at the Civic Centre. You can also complain to your Councillor about any of the Council's activities or services. They will pass on your complaints to the correct department.

## Comments and Compliments

We would also like to hear from you if you think we're doing something well or have any suggestions for ways we can improve. You can tell us using the same methods as making a complaint.

**This document is also available in other languages, large print and audio format, on request: ☎ 01429 523041.**

अनुरोध पर यह दस्तावेज़ अन्य भाषाओं में, बड़े अक्षरों की छपाई और सुनने वाले माध्यम पर भी उपलब्ध है।

درخواست پر یہ دستاویز دیگر زبانوں میں، بڑے حروف کی چھپائی اور سننے والے ذرائع پر بھی میسر ہے۔

এই ডকুমেন্ট অন্য ভাষায়, বড় প্রিন্ট আকারে এবং অডিও টেপ আকারেও অনুরোধে পাওয়া যায়।

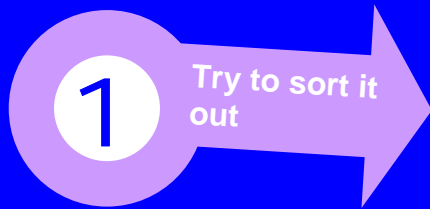
本文件也可应要求，制作成其它语文或特大字体版本，也可制作成录音带。

ئەم بەلگەيە ھەر ھەروەھا بە زمانەکانی کە، بە چاپی درشت و بە شریتی تەسجیل دەس دەکەوێت

Bu belge çeşitli dillere çevrilmiş olup, isterseniz iri harflerle basılmış şeklini ve kasetini de size gönderebiliriz.



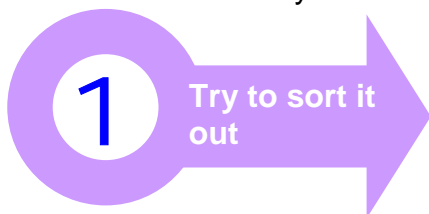
# Complaints, Comments and Compliments



Hartlepool Borough Council aims to provide high quality services that meet the needs of local people. We want to make our services as efficient and effective as possible. To do this we need to know whether we're getting it right and how we can improve services for you.

If you are not satisfied with a service, tell us why not and what we can do to improve things. If you think we are doing things well, we'd like to hear about that too. And we'd be interested to hear any suggestions you have for making service even better.

This leaflet takes you through the five stages of making a complaint.



First of all, talk to the staff who run the service you are concerned about. Contact the office you have been dealing with or ring the Civic Centre (01429 266522) and they will put you through to the right department. The person you contact will do everything they can to sort out your problem as quickly as possible. You can complain yourself or on behalf of someone who cannot complain for themselves.



If you are dissatisfied with how your complaint has been dealt with you can take it further by making what is known as a formal complaint. You can make your complaint in the following ways:-

- In writing, on the attached form
- Over the phone
- In a letter
- Email us at [customer.comments@hartlepool.gov.uk](mailto:customer.comments@hartlepool.gov.uk)
- In person at a Council office
- On-line at [www.hartlepool.gov.uk/complaints](http://www.hartlepool.gov.uk/complaints)

Complete and return the attached form, giving as much detail as you can. Your complaint will be directed to the appropriate Department within the Council

**Postage is paid, so you won't need a stamp.**



Your complaint will be investigated by a senior officer of the department concerned, who will write to you within 5 days and let you know who is dealing with your complaint and how long it will take. We will aim to give you a full written answer to your complaint within 15 working days of receiving your complaint. If it's going to take longer than 15 days we will let you know when you can expect a reply.

If your complaint is not covered by the Council's complaint procedure, we will let you know and advise you as to who might be able to help you.



If you are still dissatisfied with how your complaint has been handled, you can ask to have your complaint reviewed. If you ask for a review, the Portfolio Holder responsible (a Councillor who is part of the Cabinet) will look at all the information connected with your complaint. He/she will decide whether or not your complaint should be considered by a committee of 5 Councillors.

If your complaint is to be considered further you will be invited to the meeting to discuss why you are dissatisfied with the way your complaint has been handled. If you would like your complaint reviewed please put this in writing to the Director or Head of the service you have complained about.



Complaint Number

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## Complaint Form

Use this form to tell us about your complaint, please give as much detail as you can including, when it occurred, what happened, and why you are dissatisfied etc.

Your Name

Your Address

Your Daytime Telephone Number

If you are completing this form on behalf of someone else, please give the name and address of that person and their relationship to you.

Name

Address

Relationship to you

What is your complaint?

What would you like us to do now?

Have you made this complaint before?

Yes

☐

No

☐

If yes when did you complaint to us?

Signature

Date

Please fold and return this postcard, postage is paid so you don't need a stamp. Your complaint will be investigated and you can expect to receive an acknowledgement of receipt of your complaint within 5 Working days and a full response within 15 working days.

BUSINESS REPLY SERVICE  
Licence No NEA5948

111

Hartlepool Connect  
Hartlepool Borough Council  
Civic Centre  
Victoria Road  
TS24 8 AY



## DIVERSITY MONITORING OF THE COMPLAINTS PROCEDURE

We want to find out if we are giving as good a service as we can do to all complainants. To help us do this, please fill in this form and send it to us. **The information you give us will not affect the way in which your complaint is handled.** This information will only be used to make sure that the complaints procedure is working properly.

### PLEASE TICK THE BOXES THAT APPLY TO YOU

1. Which of the following best describes you?

#### White

- British ☐
- Irish ☐
- other white background ☐

#### Mixed

- white and black Caribbean ☐
- white and black African ☐
- white and Asian ☐
- other mixed background ☐

#### Chinese

☐

#### Black or Black British

- Caribbean ☐
- African ☐
- other black background ☐

#### Asian or Asian British

- Indian ☐
- Pakistani ☐
- Bangladeshi ☐
- other Asian background ☐

Other ethnic group ☐

2. Sex

Male ☐

Female ☐

3. Do you consider yourself to have a disability?

Yes ☐

No ☐

4. How old are you?

- |  |   |   |
|--|---|---|
| Under 16 years <input type="checkbox"/>    | 16 to 25 years <input type="checkbox"/> | 26 to 35 years <input type="checkbox"/> |
| 36 to 45 years <input type="checkbox"/>    | 46 to 55 years <input type="checkbox"/> | 56 to 65 years <input type="checkbox"/> |
| 66 years and over <input type="checkbox"/> |   |   |

When you have filled in this form, please return it in the freepost envelope provided to: Corporate Strategy Chief Executive's Department, Hartlepool Borough Council, Civic Centre, Hartlepool TS24 8AY.

## GUIDELINES FOR GOOD INVESTIGATIVE PRACTICE

### 1. Introduction

- 1.1 The majority of complaints are likely to be dealt with speedily and simply. For cases where a more substantial inquiry is required, these notes are intended as guidance for investigating officers.

### 2. The Complaint

- 2.1 Check if there are any previous complaints from this person.
- 2.2 Make sure that you have a clear account of the complaint. It may be necessary to arrange for a meeting or telephone conversation with the complainant. (See Section 4 on Interviews for guidance on preparing for and carrying out interviews)
- 2.3 Set out in writing your understanding of the complaint and, if necessary, provide a copy for the complainant. This may be necessary in cases where, for example, the complainant has registered their complaint in person or over the phone and gives the complainant an opportunity to amend your description of the complaint if they wish
- 2.4 Clarify the outcome sought by the complainant.
- 2.5 Check whether the complainant needs support of any kind, or has poor sight or hearing, or a language difficulty, and check what help the complainant needs so as to be able to understand the discussion properly.
- 2.6 Make sure that the complainant is informed about the investigation procedure and if necessary, provide them with a copy of the complaints leaflet.

### 3. The Investigation

- 3.1 Brief yourself on the relevant legal, policy and administrative background to the complaint.
- 3.2 Assess whether the complaints procedure is the most appropriate way of handling this complaint. Consider possible alternative procedures, for example:
  - an appeal to a tribunal;
  - a complaint to the Standards Board for England
  - legal action; or
  - police involvement.

Discuss the alternatives with the complainant as appropriate. As consideration of the complaint proceeds, the question of whether the complaints procedure is the appropriate mechanism should be reviewed as necessary. Consult with the Chief Solicitor and/or the Corporate Complaints Officer if you are in any doubt.

- 3.3 Consider whether the complaint could be resolved without further investigation.
- 3.4 If the complaint is about a proposed action of the council, consider whether the action should be deferred while the complaint is investigated.
- 3.5 Obtain all relevant documents (ensuring that you see the originals or scanned originals, not copies). These may include files, logbooks and time sheets. Get copies of all the documents you need. Complaints files should be securely stored and should not be kept longer than is necessary.
- 3.6 If appropriate, consider whether it would be worthwhile making an unannounced visit to the establishment complained about to check normal practices.
- 3.7 Establish the relevant sequence of events from the files and also the names of the officers/members most directly involved in the matters complained of. Decide which, if any, of these people you need to interview.

#### **4. Interviews**

- 4.1 Prepare the line of questioning for each person to be interviewed:
  - use open, not leading, questions;
  - do not express opinions in words or in your body language; and
  - ask single, not multiple, questions.
- 4.2 Arrange the order of interviews so that, where you need to establish what procedure are normally followed, you do this first with more senior officers and end with the officers most directly involved in the matters complained of.
- 4.3 Inform all those to be interviewed that they can be accompanied by a friend or union representative, provided the friend is not the supervisor of the interviewee. Explain the complaint clearly to them.
- 4.4 Consider whether you need a witness to an interview that may be particularly difficult.
- 4.5 Interviews should be conducted in an informal and relaxed manner, but persist with your questions, if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- 4.6 Try to separate hearsay evidence from fact by asking interviewees how they know a particular fact.
- 4.7 Deal with conflicts of evidence by seeking corroborative evidence. If this is not available, then as an exceptional measure, consideration can be given to organising a meeting between the conflicting witnesses.
- 4.8 At the end of the interview, summarise the main points covered and ask if the interviewee has anything to add.

- 4.9 Make a formal record of the interview from your written notes as soon as possible after the interview, while your memory is still fresh. Never leave it longer than the next day.

## **5. Reporting on the Investigation**

- 5.1 Complainants should be informed in the initial, written acknowledgement of their complaint when they should expect to hear the outcome of the investigation. If this original deadline is not going to be met, complainants should be kept informed of the progress of their complaint. They should be informed of the reason for the delay and given a revised date for the completion of the investigation.
- 5.2 Write a report/response letter setting out the evidence obtained, adding your conclusions as to whether it was upheld in part or not upheld. Where appropriate, suggest a remedy (See Appendix 4). Circulate the report to all those interviewed and to the complainant. Offer the complainant the opportunity to have their complaint reviewed by elected members, if they are dissatisfied with the outcome, and remind them that they may complain to the Local Government Ombudsman at any time if they wish.
- 5.3 Where an investigation has been particularly complex, e.g. where a number of people have been interviewed, you may wish to consider writing a draft report setting out the evidence obtained. This could be circulated for checking of factual accuracy to all those interviewed, including the complainant, unless there are special reasons not to do so. This can help ensure that your account of events and understanding of the case is as accurate as possible.
- 5.4 Having considered any comments received, the report would be amended as necessary, adding conclusions and, if appropriate, a suggested remedy for the complainant. The report should consider any lessons to be learnt from the complaint and what changes should be made or considered to procedures, systems etc. This final report would then be sent out to all those interviewed. Offer the complainant the opportunity to have their complaint reviewed by elected members, if they are dissatisfied with the outcome, and remind them that they may complain to the Local Government Ombudsman at any time if they wish.

## HARTLEPOOL BOROUGH COUNCIL COMPLAINTS PROCEDURE

### APPEAL REVIEW BY ELECTED MEMBERS

#### 1. When is a complaint reviewed by elected members?

If the person complaining is not satisfied with the outcome of the investigation of their complaint, they have the right to appeal. When they receive the letter from the authority informing them of the outcome of the investigation, they are told of their right to have their complaint reviewed by a senior elected member and asked to inform the department concerned within 15 working days if they wish a review to be done.

#### 2. How is the review done?

The chief officer/director is informed of the request for a review and will arrange for it to take place within 10 working days of the request being received.

Complaints reviews will usually be the duty of the relevant portfolio holder. The portfolio holder will review the documentation and decide whether or not the appeal should be heard by the General Purposes (Appeals) Committee.

Documentation should include the original complaint, any subsequent correspondence from the complainant, the authority's written response to the complainant and a short covering report by the divisional complaints officer/chief officer. The director or chief officer concerned may wish to brief the portfolio holder, e.g. to provide information on the service being complained about.

The portfolio holder will determine whether or not the complaint has been dealt with properly and fairly, in accordance with the complaints procedure and the authority's policies. He/she may decide that a complaints appeal should be heard by the General Purposes (Appeals) Committee. Alternatively he/she may decide that it would serve no useful purpose to hold a meeting of the committee as the complaint has been fully and properly dealt with.

The complainant will be informed of the outcome of the review within 5 working days of the portfolio holder reviewing the information.

#### 3. Why would members recommend that an appeal be heard by the General Purposes (Appeals) Committee?

Portfolio holders may consider that a committee hearing should be held if, on the basis of the information they have reviewed, there is a possibility that:

- the decision reached by the complaints investigation was not consistent with the circumstances of the case;

- the complainant has been treated unfairly or differently in similar circumstances to someone else;
- the authority has failed to put right, or acknowledge that it has made a mistake;
- the remedy offered to the complainant is not appropriate.

The types of cases that would not be considered by the committee include cases :

- which deal with matters where no case can be made that would cause members to make an exception to normal practice;
- where a person is complaining about a policy or decision of the council or central government, e.g. the rules for entitlement to council tax benefit;
- where new information has emerged. Such cases will normally be referred back to the department to see whether the original decision needs to be changed.

## **5. What happens next?**

If the portfolio holder decides that a committee hearing would be appropriate, the department will contact the complainant offering them the opportunity to put their complaint before the committee. They have 15 working days to let the authority know whether or not they wish their complaint to be considered by the committee. If the complainant wants a hearing, the Democratic Services Team will arrange for a committee meeting to be held. The Democratic Services Team will notify the complainant of the date of the committee meeting within 10 working days of them registering their desire to appeal. They will send them information on the procedure for appeals hearings and copies of the complaint information that the committee members will receive, and will request the complainant to nominate any people, e.g. council staff or other witnesses, whom they feel could give useful information to the committee on the matter being complained about.

## **6. Who will make a decision about the appeal?**

The committee which makes the decision about the appeal will be made up of the Vice-chair of the Council and 4 other members selected from a rota. The meeting will be serviced by a member of the Democratic Services team. The department/section complained against will be represented by a senior officer who will put the department's case and the complainant is given the opportunity to put their case and ask questions of people, such as council staff or other witnesses, who have been asked to attend by the committee.



## **HARTLEPOOL BOROUGH COUNCIL COMPLAINTS PROCEDURE**

### **COMPLAINTS APPEAL HEARING PROCEDURE**

#### **1. Who will be at the hearing?**

- There will be a committee of five councillors who will decide whether or not the complaint has been properly dealt with;
- The person making the complaint. The complainant may be accompanied by a representative or supporter. As the complaints hearing is not a legal hearing, representation by a solicitor is not appropriate;
- A senior officer from the department or section being complained about;
- Any members of the Council's staff or other witnesses who can give information on the matter complained about. They may be called by the senior officer or required to attend by the Committee;
- A Democratic Services officer will take notes of the meeting.
- In complex cases, an independent officer from the Chief Executive's Department may be asked to attend as an advisor to the panel.

#### **2. Opening the hearing**

The Chair of the committee will introduce all the people present and explain why each person is there. He/she will make sure that the complainant understands the procedure to be followed. (The complainant will already have received a copy of the procedure in advance of the meeting)

#### **3. Listening to the complainant**

- a. The person complaining, or their representative, will present their case. This will usually be a summary of why they originally complained and the reasons why they are dissatisfied with the way the complaint has been handled.
- b. The person complaining, or their representative, can question any relevant witnesses and/or give evidence in support of their case.
- c. The members of the committee may ask questions.
- d. The officer representing the department/section complained about may ask questions.

The person with the complaint may ask further questions of any witnesses, but only to clear up any points raised in earlier questioning.

#### **4. Listening to the department**

- a. The senior officer will present the department's case, outlining how the department dealt with the case;
- b. Any relevant witnesses can be called.
- c. The members of the committee may ask questions.
- d. The person making the complaint, or their representative, can question the senior officer or any of the witnesses.

The senior officer may ask further questions of any witnesses, but only to clear up any points raised in earlier questioning.

#### **5. Summing up**

The person complaining, or their representative, and the senior council officer have an opportunity to sum up the information that they have given to the committee, if they wish.

#### **6. Closing the hearing**

The hearing meeting will be closed by the Chairman of the committee, who will explain that the committee will consider all the information they have been given and will inform the complainant of their decision and the reasons for it within 5 working days. The council department involved will also be informed of the decision.

The complainant, the senior council officer and all witnesses will then leave the hearing. The committee members, attended by the Democratic Services Officer and the independent officer, if present, will then consider the case and reach a decision.

#### **7. Reporting the decision of the committee**

Within 5 working days of the hearing, Democratic Services Team will notify the complainant, the council department involved and the Corporate Complaints Officer, in writing, of the committee's decision and the reasons for that decision. The complainant will be informed of their right to complain to the Local Government Ombudsman if they are still dissatisfied with the way they have been dealt with.

## REMEDIES FOR COMPLAINTS

### 1. Introduction

- 1.1 Where a complaint is upheld, the Council should always offer some type of remedy for it. An apology will normally be appropriate and other action may also be justified.
- 1.2 If the council is found to have been at fault, it will be necessary to consider whether it caused injustice to the complainant and, if so, what the injustice was.

### 2. Types of Action for Consideration

- 2.1 The general aim of a remedy is that, as far as possible, complainants should be put in the position they would have been in if things had not gone wrong. The remedy needs to be appropriate and proportionate to the injustice suffered by the complainant.
- 2.2 Possible remedies include:
  - an apology;
  - an clear explanation of what happened and why it happened;
  - an assurance that it will not happen again and that the situation will be monitored to ensure this;
  - action that can be taken to put things right, e.g. back dating of benefit claim or providing the service required by the complainant;
  - action that can be taken to mitigate the injustice if it cannot be put right, e.g. providing specialist equipment or additional tuition for a child whose education has been adversely affected by maladministration in assessing for special educational need;
  - financial compensation, where appropriate.

### 3. Financial Compensation

- 3.1 Financial remedies may be appropriate in a very small proportion of cases, such as where the complainant's legal rights have been infringed. If a person has been put to unnecessary expense as a result of the council's actions, the Council may wish to recompense them. Each case will need to be judged on its merits.
- 3.2 Cases where significant compensation is being requested or considered and those where compensation is being considered for distress or worry caused by the Council, will be decided on by the chief officer or director concerned, in consultation with the Corporate Complaints Officer, the Chief Solicitor and, where appropriate, elected members.
- 3.3 The General Purposes Committee has been delegated the powers to determine payments or other benefits to individuals under Section 92 of the Local Government Act 2000.

- 3.4 Chief Officers have been delegated the power to determine payments or other benefits to individuals, in consultation with the Monitoring Officer, under Section 92 of the Local Government Act 2000, to a maximum of £1,000.

#### **4. Reviews**

- 4.1 If a complaint is upheld, the council should, as a matter of routine, consider whether there is a need for a change in procedures or whether there are some lessons to be learnt which may have wider application.

#### **5. Timescales**

- 5.1 The department(s) dealing with the complaint should specify, and adhere to, a timescale within which the remedy will be implemented.

N.B Further advice on remedies and information on how they are dealt with by the Local Government Ombudsman is available in "Remedies – Guidance on Good Practice 6", Commission for Local Administration, February 2005 (LGO 307 (02.05)).  
Website: [www.lgo.org.uk](http://www.lgo.org.uk)

## **UNREASONABLY PERSISTENT COMPLAINANTS & UNREASONABLE COMPLAINANT BEHAVIOUR POLICY**

### **1. Introduction**

- 1.1 In general, dealing with a complaint is a straightforward process, but in a minority of cases people pursue their complaints in a way that can impede the investigation of their complaint or can have significant resource implications for the authority. This policy has been formulated to deal with the very small number of complainants whose frequency of contact with the authority, insoluble and persistent complaints, or unacceptable behaviour makes it necessary for special measures to be taken.
- 1.2 Before implementing any of the provisions in this policy, officers must consider whether the Council's procedures have been followed correctly, whether full and reasonable responses have already been given and whether the complainant is now inappropriately persistent or behaving unreasonably.

### **2. Unreasonably persistent complainants and/or unreasonable complainant behaviour**

- 2.1 The following list, whilst not exhaustive, outlines some of the actions and behaviours of unreasonable and unreasonably persistent complainants.
- Having insufficient or no grounds for their complaint and making the complaint only to annoy or inconvenience the Council;
  - Refusing to specify the complaint, despite offers of assistance with this from the Council's staff;
  - Refusing to co-operate with the complaints investigation process whilst still wishing their complaint to be resolved;
  - Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope;
  - Insisting on the complaint being dealt with in ways which are incompatible with the complaints procedure or good practice (e.g. insisting that there is no written record made of the complaint);
  - Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them dismissed or replaced;
  - Changing the basis of the complaint as the investigation proceeds and/or denying statements made at an earlier stage;
  - Introducing new information not related or substantive to the original complaint but which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are fully answered;
  - Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved;
  - Making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into by, for example, excessive telephoning or

sending emails to numerous council staff, writing lengthy, complex letters every few days and expecting immediate responses;

- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these “new” complaints which should be put through the complaints procedure.
- Adopting a “scattergun” approach - pursuing a complaint or complaints with different parts of the authority at the same time and/or with a Member of Parliament/a councillor/the authority’s independent auditor/the Standards Board/local police/a solicitor/the Ombudsman;
- Refusing to accept a complaints decision – repeatedly arguing the point and complaining about the decision.
- Behaving in an abusive, offensive or threatening manner towards Council employees or their families (See para 2.2);
- Combinations of some or all of these

2.2 Abusive, offensive or threatening conduct may need to be dealt with through the Employee Protection Register Policy and Procedures. The authority has a duty to provide a safe working environment and system of work for its employees. This policy puts into place a register of people and addresses which constitute a potential threat to the safety of staff when they come into direct face to face contact.

### **3. Being reasonable**

- 3.1 It is reasonable for complainants to raise legitimate queries or criticisms of a complaints procedure as it progresses. For example, if agreed timescales are not met and a complainant expresses dissatisfaction, this should not, in itself, lead to someone being regarded as unreasonable or unreasonably persistent.
- 3.2 Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it, e.g. by requesting a member review and/or taking it to the Ombudsman, should not necessarily cause the complainant to be labelled as unreasonable or unreasonably persistent.
- 3.3 The Council should offer appropriate support to all complainants and be aware of and sensitive to any special needs of the complainant. Consideration should be given to putting people in touch with a suitable agency (e.g. CAB or an advocacy service) which can help them during the complaints process.. There may also be a need for support through the translation of documents into appropriate languages or formats and interpretation services for meetings etc. (See the Corporate Complaints Procedure, para 3.3)

#### **4. Deciding to take action**

- 4.1 The decision to classify a complainant as unreasonably persistent or as behaving unreasonably should be made by the director of the service concerned, in consultation with the Corporate Complaints Officer and the Chief Solicitor. In the case of dispute about the classification of a complainant, the matter will be referred to the Performance Portfolio Holder for a final decision.
- 4.2 A written record should be kept of why the complainant is believed to be unreasonable; what information has been considered; and how decisions have been made. The Council must be able to demonstrate that it has acted in a fair and objective way.
- 4.3 If more than one department is being contacted by the complainant, perhaps with different complaints, the Council must consider setting up a joint meeting to agree a cross-departmental approach and nominating a key officer to co-ordinate the Council's response.

##### **Initial notification**

- 4.4 When unreasonably persistent or unreasonable behaviour has been identified, the unacceptable behaviour should be explained to the complainant, usually by letter, and the complainant will be asked to modify their behaviour. An explanation of the action the Council is likely to take if the behaviour is not modified should also be given.

#### **5. Options for restricting a complainant's contact with the Council.**

- 5.1 If the complainant does not modify their behaviour, the options which the Council may consider are:
- a. Refusing to accept a complaint or to amend the terms of a complaint;
  - b. Requesting contact to be in a particular format (e.g. letters only);
  - c. Requiring contact to take place with one named member of staff only;
  - d. Restricting telephone calls to specified/times/days/duration;
  - e. Requiring any personal contact to take place in the presence of an appropriate witness;
  - f. Letting the complainant know that the Council will not reply or acknowledge any further contact from him or her on the specific topic of that complaint;
  - g. Restricting access to one or more Council premises. (N.B. Care must be taken not to interfere with a complainant's statutory rights, e.g. to attend Council meetings or view papers, when making such a restriction.)
- 5.2 These options are not exhaustive and other factors individual to the case or service may be relevant in deciding on an appropriate course of action. For example, any arrangements for restricting a complainant's contacts must take into account the complainant's circumstances such as age, disability, literacy level, race etc.

- 5.3 If none of the options listed at 5.1 offer the protection that staff are entitled to, other options may be available, such as issuing an injunction against a complainant or involving the police. These will be considered on a case by case basis, in consultation with the Chief Solicitor.

## **6. After a decision to restrict contact has been made**

- 6.1 When a decision has been made as to the appropriate restrictions to be used, the departmental director, in consultation with the Chief Solicitor and Corporate Complaints Officer, will write to the complainant explaining the Council's decision and what restrictions are being made and, if appropriate, for how long. A client's special needs, e.g. literacy problems or language difficulties, may make a face to face meeting appropriate to give this information to the complainant.
- 6.2 If the complainant feels that the authority is acting improperly or unfairly in making the restrictions, they have the option of complaining to the Local Government Ombudsman. They should be informed of this option in the letter laying out the restrictions.
- 6.3 A copy of the decision letter and a note on the decision should be sent to the Corporate Complaints Officer, all departmental complaints co-ordinators and departmental directors.
- 6.4 The Performance Portfolio Holder will be informed of any decisions to restrict contact.
- 6.5 Appropriate managers and staff, e.g. those likely to be involved in implementing the restrictions should be notified of the decision.

## **7. Reviewing decisions**

- 7.1 All restrictions will be subject to review, at least once every 12 months. Departments may wish to review within a shorter time period, to take account changes in circumstances and/or behaviour.
- 7.2 Reviews will be undertaken by the department concerned, in consultation with the Corporate Complaints Officer and the Chief Solicitor. Complainants should be notified that a review has taken place and of its outcome.
- 7.3 The outcomes of all reviews should be sent to the Corporate Complaints Officer, all departmental complaints co-ordinators and departmental directors.

**Agreed by: Performance Portfolio Holder, 25<sup>th</sup> January 2008**



## LETTER TEMPLATES

These letters are provided as guidance only, as examples of how complaints correspondence can be handled.

- a. Acknowledgement of a complaint
- b. Response to a complaint/report of a complaint investigation

## ACKNOWLEDGEMENT LETTER – Suggested format

Dear ...*name of complainant*... ,

FORMAL COMPLAINT ABOUT .....*type of complaint*.....

Thank you for your letter/phone call/visit/e-mail of (*date*) to explain your complaint about .....*subject of complaint*.....

\*(I enclose a note of the information you provided/copy of a complaints form which sets out your complaint. Could you please read through it and let me know if there are any mistakes or anything missed out. If you wish it to be changed, can you please contact me as soon as possible to let me know.)\*

Your complaint will be investigated by .....*name of officer*..... of this department. We will be in touch with you within 15 working days, that is by ...*date*... , to let you know the outcome of the investigation. If the investigation is going to take longer to complete we will be in touch and let you know when you can expect to hear from us.

I would be very grateful if you would complete and return the enclosed monitoring form in the pre-paid envelope provided. This helps us to ensure that we are providing a good service to all complainants. This information will not be used in the investigation of your complaint and will not affect the way your complaint is handled.

I also enclose a copy of the complaints leaflet which explains how the Council's complaints procedure works.

Yours sincerely

**Enc.**

\* *When a complaint has been registered by phone or visit, complainants should be provided with a written account of their complaint, to ensure their agreement of what the complaint covers and what is to be investigated. This can be in the form of a completed complaints form or a note which covers the same topics.*

## OUTCOME OF INVESTIGATION – Suggested format

Dear ...*name of complainant*... ,

FORMAL COMPLAINT ABOUT .....*type of complaint*.....

**As promised in our letter of ...*date*..., I am writing to let you know the outcome of our investigation of your complaint.**

Your complaint to the Council is that..... *brief summary of complaint* .....

Your complaint has been investigated and the findings are set out below.

.....*A brief report of your investigation covering each element of the complaint in turn. This may include, for example, a summary of information collected/ a copy of the report by the investigating officer/a sequence of events/ reasons for Council decisions or actions/ factors taken into consideration when make judgement on the complaint/ etc., as appropriate.*

I trust that I have covered all the points raised in your formal complaint. Please contact me if you feel this is not the case. Having reviewed this case, I therefore conclude that your complaint is *upheld/partly upheld/not upheld*.

*(If “upheld” or “partly upheld”, a remedy of some sort should be offered. This can be an apology, a promise to ensure that it doesn’t happen again, arranging for a service to be provided, etc, etc. See Appendix 5 of Corporate Complaints Procedure.)*

I hope these comments indicate clearly the Council’s position in response to your complaint. If you wish to take this matter further with the Council, you have the right to appeal against the outcome. Any appeal would be referred to the Council’s ...*relevant PfH*.... Portfolio Holder (a member of the Council’s Cabinet) who would review the documentation and decide whether or not the appeal should be heard by the General Purposes Committee. I enclose a leaflet explaining the complaints procedure and the next stage of the process, should you wish to pursue it, is explained on the back page. If you wish your complaint to be reviewed by the Portfolio Holder, please let me know within 15 working days, that is by ....*date*.....

The leaflet also explains how to complain to the Local Government Ombudsman who can make an independent investigation of your complaint, if you remain unhappy with the way we have dealt with it.

Yours sincerely

Enc.

## **APPENDIX C - LOCAL PARTNERSHIPS AND CITIZEN REDRESS**

### **A GENERAL COMPLAINTS PROTOCOL FOR ALL LOCAL AUTHORITY PARTNERSHIP ARRANGEMENTS**

#### **1. Introduction**

In recent years there has been a significant shift in local public service provision towards partnership working between local authorities, other public sector bodies, the private sector and the third sector. The Local Government Ombudsmen have identified that service users and members of the public can encounter difficulties when they are making a complaint or seeking redress for grievances concerning services delivered through a partnership or the activities of a partnership. They have produced advice and guidance<sup>1</sup>.

The sorts of problems that the Ombudsmen have observed are:

- A lack of information about how to register a complaint;
- Confusion among staff and public about responsibilities and process; and
- A lack of any formalised process for handling complaints from the public (as distinct from disputes between partners)

This protocol aims to outline what should be in place for all partnerships in which Hartlepool Borough Council is involved, with regards to complaints handling. It is not intended to be a rigid specification as to what must be in place in all partnerships. It is basic guidance as to what issues partnerships should consider, with regards to complaints, and what they should check that they have in place and functioning.

The types of partnerships include:

- Local strategic partnerships;
- Health and social care trusts/partnerships;
- Children's trusts;
- Regeneration partnerships/economic development initiatives;
- Other arrangements to provide services on behalf of HBC.

Attached is the list agreed by the Corporate Management team as part of their identification of significant partnerships for The Head of Audit and Governance.

#### **2. Responsibilities within partnerships**

Within each partnership there should be:

- Clear accountability for the different parts of the work that will be carried out by each part of the partnership.*** This may be laid out in the management agreement, contract, formal delegation arrangements or elsewhere. Managers and staff should be aware of who is responsible for what, and know what to do if there is any dispute as to responsibility;
- A clear statement as to who is responsible for handling complaints and providing redress;***

- c. **Information for service users** as to who is responsible for the services they are receiving and how they should make a complaint if something goes wrong;
- d. **Joint responsibility** for ensuring that complaints are handled quickly and well, including a **commitment to information sharing and co-operation between partners** in dealing with complaints.

### 3. Complaints process for a partnership

**All partnerships should have a procedure for dealing with complaints that is appropriate to the partnership and its work.** It should be reasonable, proportionate, and tailored to the particular circumstances of the partnership. It should however be based on the key principles of fairness, consistency, transparency, speedy and early resolution of complaints, and redress for complainants where it is justified. Partnerships may wish to consider the views of service users and relevant stakeholders when drawing up/reviewing their process.

The complaints procedure may need to distinguish between:

- complaints about the partnership itself - its decisions and activities; and
- complaints about any services provided by the partner organisations for the partnership.

The Local Government Ombudsman has produced guidance on setting up a complaints procedure<sup>2</sup> and providing appropriate remedies<sup>3</sup>. Any partnership complaints process should be consistent with the basic principles set out in this guidance and in Hartlepool Borough Council's corporate complaints procedure<sup>4</sup>.

The complaints process should:

- Be clear and easily understood by both service users and staff;
- Clearly define who is responsible for dealing with complaints and providing redress;
- Be effectively publicised to service users, the public and staff and be accessible to all groups in the community;
- Seek to resolve complaints quickly, where practicable, e.g. through the use of conciliation and mediation;
- Give appropriate support to complainants, e.g. translation and/or interpretation, independent advocacy or advice;
- Have a mechanism for reviewing complaints when the complainant remains dissatisfied;
- Have effective monitoring and review of complaints so that complaints can be learnt from and prevented;
- Be used by staff who receive appropriate training and support in complaints handling.

#### **4. Access to an independent Ombudsman**

In cases where a complainant is not satisfied with the investigation of their complaint about a local authority service, they have the right to take their complaint to the independent Local Government Ombudsman. Where a local authority has commissioned a partner to provide a service on its behalf, service users should still have access to the Local Government Ombudsman as long as the service is within the LA's statutory remit. Some partnerships may also exercise other functions which fall outside of the authority's remit. Complaints about these other services should, of course, be dealt with appropriately but, as they fall outside the Local Government Ombudsman's jurisdiction, complainants will not have this recourse.

With the increase in partnership working between health and social care organisations, there may well be cross boundary complaints that overlap the jurisdictions of the Parliamentary and Health Service Ombudsman and the Local Government Ombudsman. The Regulatory Reform Order of August 2007 has amended the legislation to allow collaborative working by the Ombudsmen on cross boundary health/social care complaints.

#### **5. Next steps for departments & partnerships**

- a. Check existing arrangements for complaints
- b. Departmental complaints officers to check with relevant partnerships to ensure that there is a complaints procedure for each partnership that meets the criteria set out in Section 3 of this report.
- c. Corporate Complaints Group to review progress.

**Hartlepool Borough Council Identification of Partnership Arrangements**  
**(Provided by Noel Adamson, Head of Audit and Governance, April 2008)**

<b>Partnership Name</b>	<b>Organisations Involved</b>	<b>HBC Lead Officer</b>	<b>Aims And Objectives</b>	<b>Arrangements (E.g. Legal agreement or Ad Hoc)</b>	<b>Budget Value (If Applicable)</b>	<b>Funding Stream (If Applicable)</b>
<b>Hartlepool Maritime Experience Joint Working Group</b>	HMS Trincomalee / HBC	S Green	Capital development and operation of Hartlepool's Maritime Experience	Ad hoc	n/a	Single Programme / ERDF / HLF / Charitable Trusts/ HBC Revenue
<b>Hartlepool New Deal for Communities</b>	HBC / Resident Reps / PCT / Police / Hartlepool Volunteer Development Agency etc	S Green	Regeneration of NDC area	Unincorporated Steering Group with HBC as accountable body	£53m over 10 years	NDC
<b>Children and Young People's Strategic Partnership (Children's Trust)</b>	Police Probation Service Youth Offending Service Strategic Health Authority Primary Care Trust Connexions Learning and Skills Council Voluntary & Community Sector Children & Young People Parents Primary, secondary & special Headteachers	Children's Services Officer: Ian Merritt	Provide leadership in relation to the overall vision and strategic direction for children and young people's services through the Children and Young People's Plan.  Promote positive outcomes for children and young people, reducing negative outcomes and social exclusion.  Developing integrated and joint commissioning arrangements.	Soft partnership, which will harden over time.  Terms of Reference in place.	The CYPSP is not directly responsible for any budget, but will influence the way in which partners use their budgets to commission services.	Not Applicable.

	<p>School governor College representative Practice Based Commissioning Group SACRE representative Job Centre Plus Immigration Service Private providers Tees, Esk &amp; Wear NHS Trust North Tees &amp; Hartlepool NHS Trust HBC Councillors HBC Children &amp; Adult Services Representatives of Local Strategic Partnership's Skills Partnership and Culture &amp; Learning Partnership Representative of black &amp; minority ethnic community</p>		<p>Establishing an appropriate range of multi agency planning and commissioning sub groups.</p> <p>Commissioning specific pieces of work.</p> <p>Leading and promoting effective consultation.</p>			
<b>Local Safeguarding Children Board</b>	<p>North Tees &amp; Hartlepool NHS Trust Probation Strategic Health Authority Youth Offending Service NSPCC Tees Valley Nursing representative Headteacher Tees, Esk &amp; Wear Valley NHS Trust Cleveland Police Community Safety</p>	<p>Assistant Director (Safeguarding &amp; Specialist Services)</p> <p>Margo McIntosh until 4/5/08</p> <p>Sally Robinson from 5/5/08</p>	<p>Ensure that inter-agency policies, procedures and practices are in place to safeguard and promote the welfare of children in Hartlepool.</p> <p>Evaluate the effectiveness of the work of organisations and partnerships in Hartlepool to ensure that children are safe, have security, stability and are cared for.</p>	Formal partnership with agreed terms of reference.	£59k	Mainly contributions from HBC, Police, PCT and contribution in kind.



	CAFCASS Hartlepool Primary Care Trust Fire Service Representative of Colleges Connexions HBC Children's Services		Monitor and evaluate the effectiveness of the Board partners to implement improvements in working practices to better safeguard and promote the welfare of Hartlepool children.  Identify and supply resources to fulfil the functions of the Safeguarding Board and ensure its financial stability.			
<b>Intermediate Care Management Board</b>	A&CS / PCT / NHS Trust	J Lovatt	Provide intermediate care services	Section 28a	£76,000 from PCT	Intermediate Care budget
<b>Telecare</b>	A&CS / Hartlepool Housing / Tunstall	D Owens	Support people in the community with assistive technology	Contract from Adult social care & supporting people		Mainstream from 2008/9 previous Grant
<b>Extra Care Village</b>	Joseph Rowntree / A&CS	J Lovatt	Develop extra care village on mixed tenure	Contract		DoH / Self Purchase / Adult social care
<b>Hartlepool Integrated Mental Health Services</b>	HBC / Tees Esk and Wear Valley	Mark Rushforth	Deliver integrated secondary mental health services to the people of Hartlepool	Section 31	£4 million approx	
<b>Hartlepool Maritime experience</b>	HBC and HMS Trincomalee Trust	J Mennear	Joint delivery of a visitor attraction composed of 2 separate elements	Memorandum of Understanding	-	Mainstream Museums & Heritage
<b>Community Club development initiative</b>	HBC & HUFC	Pat Usher	Usage agreement for sports training facilities in return for 1500 young peoples	SLA	-	Sports & Rec

			match day tickets to HUFC games.			
<b>Local Authority Forum LAF</b>	HBC,SBC,DBC,R&CBC	Andrew Pearson	Rights of way across tees valley forum administered by HBC based officer all LA's contribute £	SLA	C£7,500	Parks & Countryside
<b>Tees Archaeology</b>	HBC,MBC,SBC R&CBC	John Mennear	Archaeological services to the tees valley (former Cleveland Authorities – HBC lead)	SLA	C£85,000	Museums & Heritage
<b>Cleveland Emergency Planning Unit</b>	1. Hartlepool Borough Council 2. Stockton on Tees BC 3. Middlesbrough Council 4. Redcar & Cleveland BC	Denis Hampson Head of Emergency Planning	1. To provide a comprehensive and effective resilience and emergency planning service to the 4 local authorities. 2. To ensure the local authorities meet their statutory obligations and duties under primary legislation.	Legal arrangement.  Overseen by the executive Emergency Planning Joint Committee  Hartlepool BC is the lead/host authority for emergency planning across 'Cleveland'.	Hartlepool's contribution to the EPU is £76,679 (2007-08)  Accounts of the EPU are monitored / audited by Hartlepool Finance Dept (Stephen Barber)	Annual Grant Settlement to Local Authorities from Central Government
<b>Hartlepool Partnership</b>	All local public service providers		HBC corporate objectives			
<b>Tees Valley External Legal Partnership</b>	Tees Valley LA's, Ward Hadaway and Dickinson Dees Solicitors.	Peter Devlin	To provide certain call off work	Framework agreement		

## References

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<sup>1</sup> “Local partnerships and citizen redress”, Advice and guidance from the Local Government Ombudsmen, July 2007 (At: <http://www.lgo.org.uk/pdf/partnerships-sr.pdf> )

<sup>2</sup> Guidance on good practice – 1. Running a complaints system, Local Government Ombudsman, June 2002 (At: <http://www.lgo.org.uk/pdf/guide1.pdf> )

<sup>3</sup> Guidance on good practice – 6. Remedies, Local Government Ombudsman, February 2005 (At: <http://www.lgo.org.uk/pdf/remedies.pdf> )

<sup>4</sup> Hartlepool Borough Council Corporate Complaints Procedure, October 2006. (At: [http://www.hartlepool.gov.uk/site/scripts/download\\_info.php?downloadID=844&fileID=1948](http://www.hartlepool.gov.uk/site/scripts/download_info.php?downloadID=844&fileID=1948) )

## **PERFORMANCE PORTFOLIO**

Report to Portfolio Holder

27th June 2008



**Report of:** Assistant Chief Executive

**Subject:** LOCAL GOVERNMENT ASSOCIATION – REPUTATION CAMPAIGN

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### SUMMARY

#### **1. PURPOSE OF REPORT**

To provide an update of progress in relation to the Local Government Association's Reputation Campaign.

#### **2. SUMMARY OF CONTENTS**

The report provides details of the campaign and progress made so far.

#### **3. RELEVANCE TO PORTFOLIO HOLDER**

This is a Corporate issue and is part of the Portfolio Holder's responsibilities.

#### **4. TYPE OF DECISION**

Non-key decision.

#### **5. DECISION MAKING ROUTE**

Performance Portfolio Holder only

#### **6. DECISION(S) REQUIRED**

It is recommended that the Portfolio Holder

- a) notes the report
- b) agrees to receive a further report towards the end of 2008.

**Report of:** Assistant Chief Executive

**Subject:** LOCAL GOVERNMENT ASSOCIATION - REPUTATION CAMPAIGN

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**1. PURPOSE OF REPORT**

- 1.1 To update Portfolio Holder on the progress made in respect of the Local Government Association's Reputation Campaign.

**2. BACKGROUND**

- 2.1 Following a report to the Performance Portfolio Holder on 29 October 2008, it was agreed that the Council signs up to the Local Government Association's Reputation Campaign. The campaign challenges councils to deliver effectively on twelve key actions which fit into the categories of Cleaner, Safer, Greener and Communications.
- 2.2 Major research carried out by MORI showed that when these twelve actions are delivered effectively it enhances residents' satisfaction with councils. The same survey also identified that local residents were not aware of the broad range of services provided by their local council.

**3. THE CAMPAIGN**

- 3.1 The twelve key actions are as follows:-

**Cleaner, safer, greener**

- adopt a highly visible, strongly branded council cleaning operation.
- ensure no gaps or overlap in council cleaning and maintenance contracts.
- set up one phone number for the public to report local environmental problems.
- deal with 'grotspots'
- remove abandoned vehicles within 24 hours.
- win a Green Flag Award for at least one park.
- educate and enforce to protect the environment.

**Communications**

- manage the media effectively to promote and defend the council.
- provide an A-Z guide to council services.
- publish a regular council magazine or newspaper to inform residents.
- ensure the council brand is consistently linked to services.
- communicate well with staff so they become advocates for the council.

#### 4. PROGRESS TO DATE

- 4.1 Following discussions with departments, it was felt that the council was already delivering on eight of the actions. The four which were identified as the council not meeting fully were as follows:

##### **Cleaner, safer, greener**

- adopt a highly visible, strongly branded Council cleaning operation.
- win a green flag for at least one park.

##### **Communications**

- provide an A-Z guide to Council services.
- ensure the Council brand is consistently linked to services.

- 4.2 An A-Z Guide to Council Services in booklet form was circulated to every household and business in Hartlepool during March of this year. There was advance publicity of the guide via Hartbeat and local media to notify residents that the booklet was on its way. The Council has also linked up with the Hartlepool Mail which is running features over a 20-plus week period in its Mail 2 supplement highlighting a range of services to cover the various letters of the alphabet. This has helped to maintain a high profile for the booklet and overall the feedback has been extremely positive. Copies can still be obtained from public buildings including libraries.
- 4.3 The Council is also hoping to win Green Flag recognition for at least one park and bids have been submitted for both Summerhill and Ward Jackson Park. The Civic Trust, which administers the award, have visited both sites to undertake an assessment and the outcome is expected within the next month or two.
- 4.4 The remaining two actions are both linked to branding. Since signing up to the Reputation Campaign, a cross-departmental group was established to carry out a review of corporate branding. The existing brand was introduced in 1996 when Hartlepool became a unitary authority.
- 4.5 The cross-departmental group has recommended some subtle changes to the Council's logo to improve its effectiveness and work is now being carried out to produce a new branding toolkit to ensure there is a clear, consistent brand for all Council services. The toolkit will address several gaps that have been identified by departments where services are not consistently linked to the council.
- 4.6 It must be emphasised that any implementation of the branding changes would be phased in so that there is no additional expense to the authority. Also, the changes to the brand are subtle so there is no need for departments to be disposing of material which carries the current logo. It would however make sense to start to wind down stock levels of items incorporating the existing logo.

**5. CONCLUSION**

Councils signing up to the Reputation Campaign are asked by the Local Government Association to try and meet all twelve actions within twelve months. Hartlepool Council signed up to the Campaign in November 2007 and is still on schedule to be delivering effectively on all twelve actions by November 2008. It is intended to present a further report to Portfolio Holder towards the end of 2008.

**6. RECOMMENDATION**

That the Portfolio Holder:

- a) notes the report.
- b) agrees to receive a further report towards the end of 2008.

**7. CONTACT OFFICER**

Alastair Rae, Public Relations Officer, telephone 523510.

## **PERFORMANCE PORTFOLIO**

Report to Portfolio Holder

27 June 2008



**Report of:** Chief Personnel Officer

**Subject:** EMPLOYEE ATTENDANCE  
ANNUAL REPORT 2007/8

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### SUMMARY

#### **1. PURPOSE OF REPORT**

To update the portfolio holder on the Council's performance in 2007/8 in relation to employee absence, future targets and to receive endorsement of actions proposed to achieve the targets.

#### **2. SUMMARY OF CONTENTS**

The report provides details of employee absence in 2007/8, future targets and the actions proposed to meet the targets.

#### **3. RELEVANCE TO PORTFOLIO MEMBERS**

Corporate issues.

#### **4. TYPE OF DECISION**

Non-key decision.

#### **5. DECISION MAKING ROUTE**

Portfolio Holder only.

#### **6. DECISION(S) REQUIRED**

Note the report and endorse the targets set and actions planned for 2008/9.



**Report of:** Chief Personnel Officer

**Subject:** EMPLOYEE ATTENDANCE  
ANNUAL REPORT 2007/8

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**1. PURPOSE OF REPORT**

To update the portfolio holder on the Council's performance in 2007/8 in relation to employee absence, future targets and to receive endorsement of actions proposed to achieve the targets.

**2. BACKGROUND**

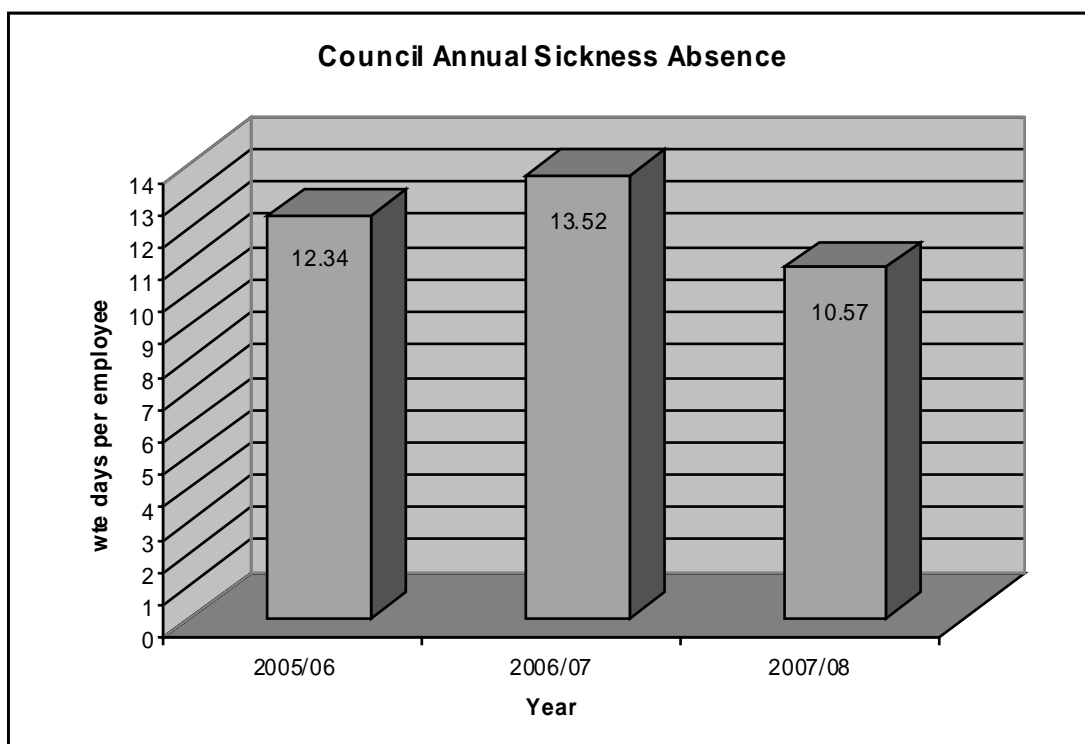
Effective absence management increases the amount of time employees are available to deliver services, thus securing improvements in efficiency and quality of provision. As such the Government has included BVPI 12 – The number of working days lost due to sickness absence in its range of Corporate Health Performance Indicators.

**3. PROPOSALS**

**3.1 Sickness Absence Performance 2008/9**

The target figure for 2007/8 for the Council is 11.05 days absence per wte employee (whole time equivalent). The end of year figure shows a **below target figure** of 10.57 days per wte per employee per annum as illustrated in Figure 1 below.

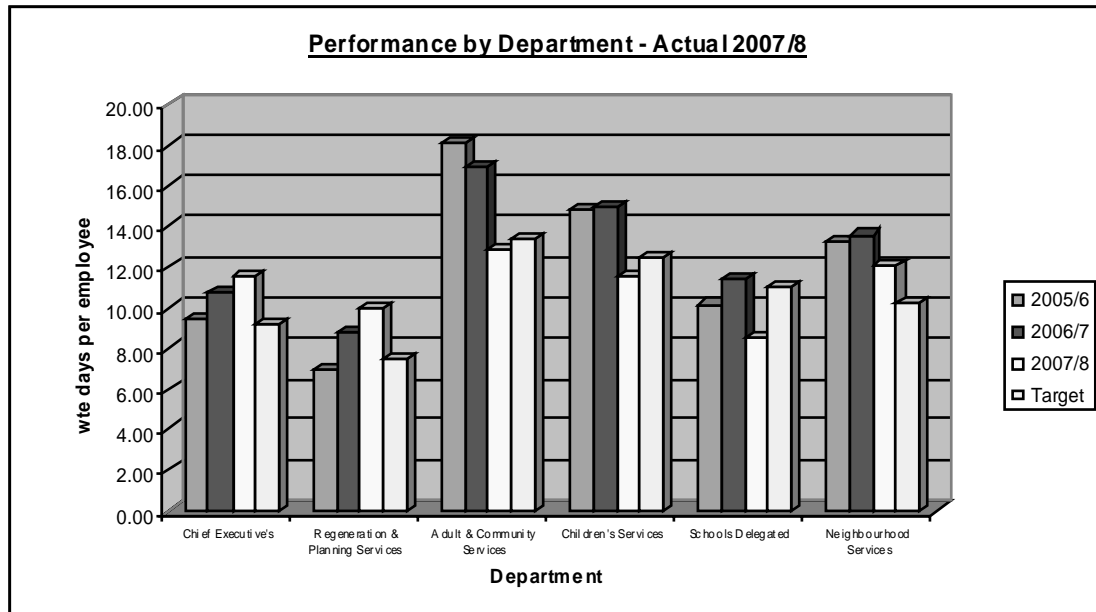
This shows a steady improvement throughout the year. The Council continues to focus on sickness absence management to enable the Council to achieve, and improve on, which is demonstrated in the more challenging target figures shown in a later section.

Figure 1

3.2 Figure 2 below illustrates the actual performance for each Department and Schools as at 31 March 2008. This can be compared to performance over the last two years. The final column shows the 2007/8 annual target set by each Department and Schools.

The figure identifies that there is an overall downward trend in sickness absence rates across the Council, as compared with the last two years.

Figure 2



There is an unusual increase in two Departments that have traditionally low absence levels, but due to the smaller number of employees in these Departments then any increase tends to have a more dramatic effect on the figures.

There is a promising decline in sickness absence rates for Adult & Community Services, Children's Services, Neighbourhood Services and Schools, that is expected to continue into 2008/9. This has been largely due to the work of the Human Resources operational team in supporting managers to manage their attendance within teams.

3.3 Even with the improvement, the 2007/8 performance continues to be in the bottom quartile when compared to the BVPI date for Local Authorities in England. National Employers information (for 2005/6) indicates that the north east region has the third worst sickness record (after the north west and west midlands). The North East also has a higher rate of general ill health nationally and this is expected to reflect on the overall health of the workforce and the number of sickness absence days taken.

3.4 According to the latest LGE reports relating to local government sickness absence levels; more than 40% of all absences on Council employees are attributable to stress, back problems and other musculoskeletal issues.

The reasons for absence have not been collated for 2007/8 due to a redirection of resources to job evaluation and single status priorities. Stress related absences are expected to contribute the highest percentage as a main cause of absence. There continues to be a

focus for the development of proactive measures to alleviate work related stress and the Council are due to launch an Employee Wellbeing Strategy in 2008/9, together with improved occupational health services and health promotion plans.

### 3.5 2008/9 to 2010/11 Sickness Absence Targets

Each Department has set their average sickness absence targets for 2008-9 as detailed in Table 1 below:

Table 1

<b>Department</b>	<b>2008/9 Target (days)</b>	<b>2008/9 Target (%)</b>
<b>Chief Executive's</b>	<b>9.09</b>	<b>3.49</b>
<b>Adult and Community Services</b>	<b>11.00</b>	<b>4.22</b>
<b>Regeneration &amp; Planning Services</b>	<b>8.00</b>	<b>3.07</b>
<b>Children's Services</b>	<b>10.00</b>	<b>3.84</b>
<b>Schools</b>	<b>9.00</b>	<b>3.45</b>
<b>Neighbourhood Services</b>	<b>11.00</b>	<b>4.22</b>
<b>Overall Council</b>	<b>9.80</b>	<b>3.76</b>
<b>Government Top Quartile for All Authorities</b>	<b>8.34</b>	

The target set for 2008/9 is based upon individual targets set by departments and for schools. For subsequent years the targets reflects a Council wide reduction of 0.5 days year on year, subject to review. The 2008/9 target, if achieved, will represent a very good improvement in sickness absence performance management for a 12 month period.

### 3.6 Actions Planned for 2008/9

A number of actions are planned for 2008/9 that is expected to help in achieving sickness targets in the future. These are set out below.

- Review of the terms of reference for the current Sickness Champions Group

- A Wellbeing Strategy to promote the health, safety and general wellbeing of the Council's employees
- Review of sickness absence management arrangements in light of the Single Status Agreement
- Implementation of a Stress Risk Assessments action plan across the Council
- Review of statistics and monitoring information as a result of the plans for the implementation of a computerised Human Resources Information System
- Departments are recognising the high rates and the need to manage sickness absence so awareness of the issues is far greater. Departments are reviewing communication methods to ensure sickness absence management maintains a high profile
- A closer partnership with trade unions to work together to manage sickness absence in the Council (following job evaluation)
- The new Occupational Health Service to proactively promote and market employee support initiatives to positively increase the options for employees who fall ill and in turn, impact on the sickness absence rates. This has been delayed due to unavoidable employee structure changes within the service.
- Continued review of flexible working measures, including home working, may impact on the rates in the future
- Plans are being put in place to combat the effects of job evaluation and the possible impact on sickness levels across the Council.

#### **4. RECOMMENDATIONS**

That the employee absence in 2007/8 is noted and future targets and proposed actions for 2009/9 be endorsed.

#### **5. BACKGROUND PAPERS**

None

#### **6. CONTACT OFFICER**

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