



# CABINET

6 December 2017

A meeting of the CABINET will be held on Thursday, 14th December, 2017, 6.00 pm  
in Committee Room 1 - Marmion House

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## A G E N D A

### NON CONFIDENTIAL

**1 Apologies for Absence**

**2 Minutes of Previous Meeting (Pages 1 - 8)**

**3 Declarations of Interest**

*To receive any declarations of Members' interests (pecuniary and non-pecuniary) in any matters which are to be considered at this meeting.*

*When Members are declaring a pecuniary or non-pecuniary interest in respect of which they have dispensation, they should specify the nature of such interest. Members should leave the room if they have a pecuniary or non-pecuniary interest in respect of which they do not have a dispensation.*

**4 Question Time:**

To answer questions from members of the public pursuant to Executive Procedure Rule No. 13

**5 Matters Referred to the Cabinet in Accordance with the Overview and Scrutiny Procedure Rules**

None

**6 Managing Unreasonable Customer Behaviour Policy (Pages 9 - 26)**

*(Report of the Portfolio Holder for Assets and Finance)*

**7 Revised Tell Us Policy (Pages 27 - 46)**

*(Report of the Portfolio Holder for Assets and Finance)*

## **8 Exclusion of the Press and Public**

To consider excluding the Press and Public from the meeting by passing the following resolution:-

*“That in accordance with the provisions of the Local Authorities (Executive Arrangements) (Meeting and Access to Information) (England) Regulations 2012, and Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during the consideration of the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public”*

At the time this agenda is published no representations have been received that this part of the meeting should be open to the public.

## **9 Revisions to the Harrassment, Assault and Threats Policy (Pages 47 - 70)** *(Report of the Portfolio Holder for Assets and Finance)*

## **10 Snowdome Swimming Provision (Pages 71 - 90)** *(Report of the Portfolio Holder for Environment and Culture)*

Yours faithfully



**Chief Operating Officer**

*People who have a disability and who would like to attend the meeting should contact Democratic Services on 01827 709264 or e-mail [committees@tamworth.gov.uk](mailto:committees@tamworth.gov.uk) preferably 24 hours prior to the meeting. We can then endeavour to ensure that any particular requirements you may have are catered for.*

To Councillors: D Cook, R Pritchard, S Claymore, S Doyle, J Goodall and M Thurgood.



## **MINUTES OF A MEETING OF THE CABINET HELD ON 30th NOVEMBER 2017**

**PRESENT:** Councillor D Cook (Chair), Councillors R Pritchard (Vice-Chair), S Claymore, S Doyle and M Thurgood

The following officers were present: John Wheatley (Executive Director Corporate Services), Rob Barnes (Corporate Director Communities, Partnerships and Housing), Andrew Barratt (Chief Operating Officer), Stefan Garner (Director of Finance), Anica Goodwin (Head of Paid Service), Michael Buckland (Head of Revenues) and John Day (Corporate Performance Officer)

### **65 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor J Goodall

### **66 MINUTES OF PREVIOUS MEETING**

The minutes of the meeting held on 2nd November 2017 were approved and signed as a correct record

*(Moved by Councillor r Pritchard and seconded by Councillor M Thurgood)*

### **67 DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

### **68 QUESTION TIME:**

None

### **69 MATTERS REFERRED TO THE CABINET IN ACCORDANCE WITH THE OVERVIEW AND SCRUTINY PROCEDURE RULES**

Councillor P Thurgood put forward the recommendations from the findings of the Infrastructure, Safety and Growth Scrutiny Committee on Electric Car Charging in Tamworth.

**RESOLVED:** That Cabinet agreed the recommendations:-

1. There is no case for Tamworth Borough Council intervening in the provision of electric charging points at present, with a review to take place in 2020;
2. The issue of future provision for home charging of vehicles be included in the next Local Plan to ensure that consideration is given to the future needs of the growing number of people who will have electric / hybrid fuel cars;
3. Tamworth Borough Council to consider placing information on the website that details of existing charging points within the local area.

*(Moved by Councillor D Cook and seconded by Councillor R Pritchard)*

## 70 QUARTER TWO 2017/18 PERFORMANCE REPORT

Report of the Leader of the Council to provide Cabinet with a performance and financial health-check.

**RESOLVED:** That Cabinet

1. endorse the contents of the report and consideration be given to a campaign against high cost lending.
2. Agreed that a Universal Credit campaign be promoted to prioritise rent, particularly around the festive season; tied into the annual 'Pay Your Rent Campaign'; and
3. Agreed that a promotion on the progress of the Assembly rooms be considered including a banner outside to enable the public to be informed and advising stakeholders of the progress to ensure their continued support.

*(Moved by Councillor D Cook and seconded by Councillor R Pritchard)*

**71 DRAFT BASE BUDGET FORECASTS 2018/19 TO 2022/23**

Report of the Leader of the Council to inform Members of the re-priced base budget for 2018/19, base budget forecasts for the period 2018/19 to 2022/23 (the 5 Year Medium Term Planning Period) and the underlying assumptions and to consider the future strategy to address the financial trends.

**RESOLVED:** That Cabinet:

1. Approved the technical adjustments and re-priced base budget figures for 2018/19 & indicative budgets to 2022/23 be approved (as attached at Appendix B, C, D, E, F, G & H;
2. Agreed that consideration be given to the proposed Policy Changes and Capital Programmes, as detailed within the report;
3. Agreed that consideration be given to the planned changes to Council Tax and Housing Rent for 2018/19, as detailed within the report; and
4. Agreed that in compliance with the Constitution of the Council, the Joint Scrutiny Budget Workshop be asked to consider the budget proposals contained within this report.

*(Moved by Councillor D Cook and seconded by Councillor R Pritchard)*

**72 COUNCIL TAX BASE 2018/19**

Report of the Portfolio Holder for Assets and Finance to report the Council Tax Base for the Borough Council for 2018/19.

**RESOLVED:** That Cabinet:

Agreed that Tamworth Borough Council resolves its calculation of the Council Tax Base for the year 2018/19 to be 21,438 (2017/18 – 21,093).

*(Moved by Councillor R Pritchard and seconded by Councillor D Cook)*

**73 LOCAL COUNCIL TAX REDUCTION SCHEME 2018/19 ONWARDS**

Report of the Portfolio Holder for Assets and Finance to advise Members of the results and feedback from the recently undertaken consultation on the proposed Local Council Tax Reduction Scheme from 2018 onwards and to review the consultation feedback when considering potential changes to be applied in the 2018/19 onwards Local Council Tax Reduction Scheme;

The report is also to advise members that the Local Council Tax Reduction Scheme for working age customers for 2018/19 should include continued alignment to Applicable Amounts with those of Housing Benefit; and ask that the Committee endorses the proposed change, moderately supported by the consultation results, that Council Tax Reduction awards will disregard in full Bereavement Support Payments.

**RESOLVED:** That Cabinet

1. considered the results of the public consultation on the current scheme, carried out 18 August to 10 November 2017, and endorsed the proposed recommended change;
2. Approved the base scheme going forward with the following;
  - a. That the Local Council Tax Reduction Scheme for working age customers for 2018/19 will continue to be aligned to Applicable Amounts with those of Housing Benefit, and
  - b. That Council Tax Reduction awards will disregard in full Bereavement Support Payments.

*(Moved by Councillor R Pritchard and seconded by Councillor D Cook)*

**74 TREASURY MANAGEMENT STRATEGY STATEMENT AND ANNUAL INVESTMENT STRATEGY MID-YEAR REVIEW REPORT 2017/18**

Report of the Portfolio Holder for Assets and Finance to present to Members the Mid-year Review of the Treasury Management Strategy Statement and Annual Investment Strategy.

**RESOLVED:** That Cabinet

accepted the Treasury Management Strategy Statement and Annual Investment Strategy Mid-year Review Report 2017/18

*(Moved by Councillor R Pritchard and seconded by Councillor*

*D Cook)*

**75 WRITE OFFS 01/04/17 - 30/09/17**

Report of the Portfolio Holder for Assets and Finance requested that Members endorse the amount of debt written off for the period 01 April 2017 to 30 September 2017 and to seek approval to write off irrecoverable debt in line with policy re Housing Benefit Overpayments and Business Rates in excess of £10k.

**RESOLVED:** That Cabinet

1. Endorsed the amount of debt written off for the period of 1<sup>st</sup> April 2017 to 30<sup>th</sup> September 2017 – Appendix A-D, and:
2. Approved the write off of irrecoverable debt for Housing Benefit Overpayments of £35,778.61 –Appendix E and Business Rates of £184,355.96 – Appendix F respectively

*(Moved by Councillor R Pritchard and seconded by Councillor D Cook)*

**76 TEMPORARY RESERVES, RETAINED FUNDS AND PROVISIONS**

Report of the Portfolio Holder for Assets and Finance to advise Members on the levels of reserves and to seek approval for the return of unspent reserves to balances, following the recent review by the Executive Director Corporate Resources.

**RESOLVED:** That Cabinet

1. approved the return of the reserves, as detailed in Appendix A, of £238,741 to General Fund balances and £83,500 to Housing Revenue Account (HRA) balances;
2. noted the reserves to be spent in 2017/18 and 2018/19 which will otherwise be returned to balances; and
3. noted the current levels of reserves remaining.

*(Moved by Councillor R Pritchard and seconded by Councillor D Cook)*

**77 BROWNFIELD LAND REGISTER**

Report of the Portfolio Holder for Regeneration to seek approval to publish the Tamworth Borough Council Brownfield Land Register.

**RESOLVED:** That Cabinet

1. approved the publication of the Brownfield Land Register 2017;
2. approved delegated authority to the Portfolio Holder for Regeneration and the Head of Managed Growth, Regeneration and Development to make any final changes to the Brownfield Register prior to publication; and
3. authorised approval of the publishing the Brownfield Register in future years to the Portfolio Holder for Regeneration and the Head of Managed Growth, Regeneration and Development.

*(Moved by Councillor S Claymore and seconded by Councillor D Cook)*

## **78 TAMWORTH BOROUGH COUNCIL CCTV RESILIENCE AND DEVELOPMENT**

Report of the Portfolio Holder for Communities to update Cabinet on the current status of Tamworth Borough Council CCTV system and approve further actions to ensure future resilience and development.

**RESOLVED:** That Cabinet

1. Endorsed the findings of this report and recommend that Officers, in consultation with the Portfolio Holder for Communities, explore the options available to provide a resilient and fit for purpose CCTV operation in Tamworth;
2. Agreed that Cabinet refer this to Infrastructure and Growth Scrutiny Committee in order to seek views on any proposals that come out of this options appraisal.

*(Moved by Councillor S Doyle and seconded by Councillor D Cook)*

## **79 ARTS AND EVENTS DELIVERY 2018/19**

The Report of the Portfolio Holder for Environment & Culture to update members on current projects and progress, to endorse the Mid-Point evaluation submitted to Arts Council England. To seek approval for the proposed programme of work for 2018-19 and to seek approval to the proposed changes to outdoor events



booking processes, timelines and requirements and note that once amended that the new procedure's will be presented to Cabinet for endorsement at a later date prior to implementation. The report will also advise Cabinet of the proposed Policy Change (Net £15,000) for Outdoor Events 2018/19. Budgets and the proposal to seek approval for the creation of retained fund for the financial year ending 31st March 2019 and to seek approval for spending the Capital Grant from Arts Council England as part of the Tamworth Assembly Rooms Development Project.

**RESOLVED:** That Cabinet

1. endorsed the update given on the 2016/17 programme and Arts Council Mid-Point Grant for the Arts Review;
2. approved the 2018/19 programme;
3. approved the proposed changes to the Outdoor events processes;
4. noted the proposed changes to the Outdoor Events budget which are to be considered as a Policy Change during the 2018/19 Budget Process; and
5. Approved the Capital Grant expenditure.

*(Moved by Councillor D Cook and seconded by Councillor S Claymore)*

## 80 VARIABLE RENT POLICY FOR COUNCIL TENANTS

Report of the Portfolio Holder for Housing Services to amend the Councils Rent Setting Policy to include arrangements to charge affordable rents on new and affordable housing as detailed in the report.

**RESOLVED:** That Cabinet

1. approved the Rent Setting Policy as provided at Annex one detailing the specific arrangements for charging affordable rent as per the DCLG conditions;
2. Agreed to delegate authority to the Director Communities, Partnerships and Housing in conjunction with the Portfolio Holder of Housing to:
3. Agreed to amend the Rent Setting Policy in line with the changing Government agenda around rent setting and charging.
4. Agreed to vary affordable rent charges in line with HCA grant

funding conditions should it differ from the methodology contained in the proposed policy to ensure it maximises commercial opportunities around future grant funding.

5. Agreed in conjunction with Councils s151 Officer seek a financial waiver to invest in the Orchard Housing Management Affordable rent module to ensure efficient rental recovery. In order to oversee the arrangements for investing in the housing management system to ensure digital solution to track affordable tenancy types for the purposes of both re-valuation and rent generation.

*(Moved by Councillor M Thurgood and second by Councillor D Cook)*

## **81 EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED:** That members of the press and public be now excluded from the meeting during consideration of the following item on the grounds that the business involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended).

## **82 COMMUNITY DEVELOPMENT REVIEW**

Report of the Portfolio Holder for Communities and Wellbeing & Portfolio Holder for Housing Services to update Cabinet on the outcomes of the review of Community Development and make recommendations arising from the review to ensure the most effective approach in the delivery of the Council's Vision and Objectives.

**RESOLVED:** That Cabinet

1. Endorsed officers recommendations contained within the report

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Leader

THURSDAY, 14 DECEMBER 2017

**REPORT OF THE PORTFOLIO HOLDER FOR ASSETS AND FINANCE****MANAGING UNREASONABLE CUSTOMER BEHAVIOUR POLICY****PURPOSE**

To update Cabinet in relation to the introduction of a new policy designed to effectively manage unreasonable customer behaviour.

**RECOMMENDATIONS**

**That Cabinet endorse and approve the new Managing Unreasonable Customer Behaviour policy**

**EXECUTIVE SUMMARY**

It is evident that customer's behaviour towards the Council, elected members and officers is changing. The majority of customers who interact with the Council do so courteously, with dignity and respect. However, there are a small number of customers whose behaviour towards the Council is proving difficult to manage and in some cases customers have –

- Demanded an excessive amount of officers time, preventing those officers from carrying out their duties.
- Challenged the way the Council disseminates information regarding decisions it has made.
- Not adhered to the behaviour and access contracts put in place and in some cases openly flouted them.
- Covertly and openly recorded their interactions with officers without permission to do so.
- Questioned and challenged officers' capability, and not accepted a professional viewpoint of their report/request for service.
- Failed to respect the Council's policies and officers.

**RESOURCE IMPLICATIONS**

**Training will be delivered to all staff and elected members in relation to this policy, however it is expected that costs can be met within existing budgets.**

**LEGAL/RISK IMPLICATIONS BACKGROUND**

Safe systems of work need to be in place to further comply with the Health and Safety at Work Act. This policy provides staff with additional assurance and customers with clear guidance of process.

## **BACKGROUND INFORMATION**

The Council's demand management model encourages an intelligence led organisation to define strategy, policy and process.

Following this model, the intelligence gathered in relation to the Harrassment, Assaults and Threat (HAT) policy and Tell Us policy identified a gap in the management of customers' behaviours. The Tell Us policy advises how to deal with those customers who are vexatious when making a complaint and the HAT policy deals with those customers who harass, assault or threaten officers. When you take into consideration that customers' behaviour is changing in relation to service requests and delivery, this gap needs to be addressed and managed in order to keep the Council's staff, its representatives and elected members safe.

Historically, customers whose behaviour has caused concern to officers or inhibited the ability for the Council to deliver a service have been managed under the Tell Us Policy and/or HAT policy. Unfortunately, this is no longer appropriate.

Every person has the right to have his or her concerns heard and considered, and to request a service from the Council. To that end, and, to ensure a fair and transparent approach for each member of the public the Council has adopted the 'Tell Us policy'.

When the actions of a person are considered by the Council to be unacceptable then action in the interest of the public and of the Council is required to be taken. As such, work generated and contact made from a customer affects the ability to respond to that contact and deliver the service.

In this instance customers are deemed to be persistent and unreasonable with their comments, requests and with the demand placed on the Council.

## **REPORT AUTHOR**

Tracey Tudor

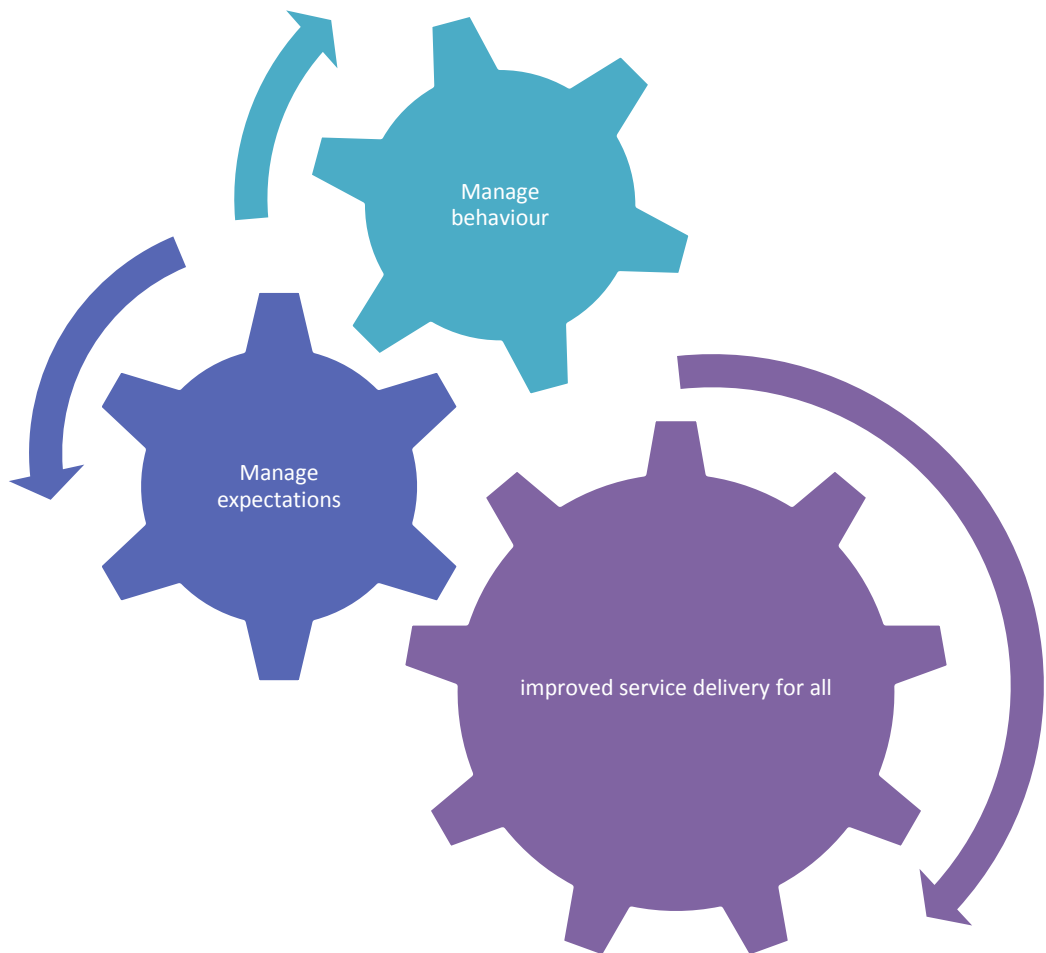
## **APPENDICES**

Appendix 1 Managing Unreasonable Customer Behaviour Policy.

Appendix 2 Community Impact Assessment

# Tamworth

## Borough Council



### Managing Unreasonable Customer Behaviour Policy

Document Status: Draft

Originator: Tracey Tudor

Updated:

Owner: Anica Goodwin

Version: 01.01.02

Date: 4.8.2017

**Approved by Corporate Management Team / Cabinet**

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Document Status: Draft

Originator: Tracey Tudor

**Revision History**

<b>Revision Date</b>	<b>Version Control</b>	<b>Summary of changes</b>
10.3.2017	01.01.01	Draft
31.3.2017	01.01.02	Minor changes as a result of consultation with the Chief Executive
4.8.2017	01.01.03	Minor changes as a result of consultation with the Director – Transformation and Corporate Performance
8.11.2017	01.01.04	Summary of changes that were presented to CMT:  Include the data sharing statement  Ensure that the HofCS will mediate and support HofS and others who need to apply the PolicyHofCs to present reports on

		a quarterly basis to the Leadership Team

### **Key Signatories**

Approvals Creation and Major Change

<b>Name</b>	<b>Title</b>	<b>Approved</b>
Anica Goodwin	Director of Transformation and Corporate Performance	
CMT		8 Nov 17
Cabinet		

### **Approval Path**

#### **Major Change**

Tracey Tudor  
Anica Goodwin  
Heads of Service  
CMT  
Cabinet

#### **Action**

Submission  
Sponsor  
Consultative Group  
Corporate Approval

### **Document Review Plans**

This document is subject to a scheduled review to take place every three years. Updates shall be made in accordance with business requirements and changes and will be with agreement with the document owner.

Where this document is subject to a Major Change the Trade Union Liaison Group (TULG) are consulted as an advisory body along with the Councils Data Protection Officer.

### **Distribution**

The document will be distributed through NETConsent and will be available on the Intranet, and internet.

### **Security Classification**

This document is classified as SEC0 Routine with no restrictions in access to the policy.

## Contents

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<b>10. Appeals</b>

## Managing Unreasonable Customer Behaviour Policy and Procedure

### 1. Introduction



Tamworth Borough Council puts customers at the heart of the services it delivers, however, occasionally; the behaviour of an individual can hinder our ability to deliver those services.

## **2. Scope**

This policy applies to all Council employees, elected members and the employees of those organisations who deliver service(s) and receive services provided by and on behalf of the Council. This policy also applies to anyone who interacts with the Council.

This policy will help staff, members, advocates, contractors and customers to understand what is expected, and the options for action that are available.

This policy can be shared with both internal and external customers if they start to behave unreasonably to assist in managing their expectations and their behaviour whilst their complaint or enquiry is addressed.

## **3. Background**

Tamworth Borough Council is committed to serving, being impartial and providing a high quality service to all of its customers and dealing with customers in ways that are open, fair and proportionate.

The contact that customers have with us is not normally limited or restricted, but some customers will act in a way that is unacceptable by making unreasonable and disproportionate contact or demands.

This policy supports the Customer Service and Access Strategy, Tell Us policy, Harassment Assault and Threat (HAT) policy and the Council's Anti-Social Behaviour policies. Further, this policy provides guidance to support our jurisdiction when developing a proportionate approach in responding to unreasonable behaviour.

## **4. Responsibility**

### **Customer Services**

#### **The Head of Customer Services will –**

- develop the policy, procedure and promote the scheme,
- give feedback on the number of incidents to the Council services, spot trends, identify training needs for staff,
- ensure that officers/services who report issues are aware of the issues and the management arrangements in place,
- provide training on the policy and the Customer Relationship Management System (CRM),
- ensure that incidents of hate and inequality are recorded and reported via the appropriate mechanisms,

- provide analysis, information and performance information to managers, Corporate Management Team and elected members
- manage corporate issues,
- support the process and application of the Policy, provide advice, mediation and support to HofS,
- investigate appeals and present the outcome to a member of CMT.

## **Service Areas**

### **The Heads of Service (HofS) will -**

- manage the policy within their service,
- provide responses to the customer setting out the findings and the reasons for the findings,
- advise the Head of Customer Service that a customer is being considered under this Policy, and advise of their determination,
- learn from feedback,
- include this Policy and principles into any contracted or commissioned services, and report performance to the Head of Customer Service for inclusion into the overall performance framework,
- send all responses to the Customer Services Centre for recording on the corporate CRM system.

### **Corporate Management Team (CMT) will -**

- ensure the policy is adhered to,
- review the performance reports and make recommendations where necessary,
- determine customer's appeals against the decision made by the Council to manage them under this policy.

## **5. Reporting an initial enquiry/concern**

Any concerns about the behaviour of a customer or anyone else interacting with the Council can be made to the relevant Head of Service or the Head of Customer Service.

## **6. Definition**

- This policy covers 'unreasonable behaviour', these maybe one or two isolated incidents, as well as 'unreasonably persistent behavior' - an accumulation of incidents or behaviour over a longer period.
- Unreasonable and unreasonably persistent behaviour is because of the nature or frequency of contact with the Council, which hinders an officer's ability to respond to their or other customer's enquiries, requests for service or investigate complaints.

- In order to differentiate between 'persistent' and 'unreasonably persistent' the following will apply –
  - a. A customer chasing the same enquiry or making the same requests or complaints are 'persistent' because they feel that the Council has not dealt with their request properly. The fact that approximately 50% of enquiries relate to 'waste demand' e.g. a customer asking for progress on a request for service when the standards are not met, indicates that this persistence is frequently justified and that the customer is not being unreasonably persistent.
  - b. However, whilst the customer may have justification in their contact with the Council, the amount of contact can -
    - create heavy demands on staff time,
    - cause additional and unnecessary stress,
    - impede performance, of the service and an officer's ability to carry out their role in accordance with operational procedures,
    - mean that they are emotionally charged and distressed

## **7. Examples of unreasonable actions and behaviors**

These are some of the actions and behaviors (this is not an exhaustive list):

- contact the Council without any need to do so.
- Refusing to specify the grounds of a complaint, enquiry or request for service despite offers of assistance.
- Refusing to co-operate with an investigation or delivery of a service.
- Refusing to accept that certain issues are not within the scope of the Council.
- Insisting that a service, process, officer, procedure or policy etc. is dealt with in ways that are not in line with specified process and policy.
- Making unjustified complaints about staff who are trying to deal with the issues and then seeking/demanding that the officer is replaced.
- Changing the basis of the complaint or enquiry as the investigation proceeds.
- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information.
- Raising numerous, detailed but unimportant questions; insisting that they are answered.
- Covertly recording meetings and conversations.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints or enquiries on the same issue.
- Making excessive demands on the time and resources of staff with lengthy telephone calls, emails to numerous council staff, or detailed letters/emails every few days, and expecting immediate responses.

- Submitting repeat complaints/enquiries with minor additions/variations that the customer insists make these 'new' complaints/enquiries.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.
- Being offensive, using offensive language, making sexual or racist comments.

#### **8. Actions that the Council may take:**

The decision to designate someone's behaviour as unreasonable and restrict their access could have serious consequences for the individual. So the Council should be satisfied that:

- The complaint/request for service is/was recorded and is being dealt with in accordance with policy/procedures.
- That the complaint/request for service is being or has been investigated properly.
- Any decision reached - is the right one.
- Communications with the customer have been adequate and steps taken to manage the customer's expectations.
- The customer is not now providing any significant new information that might affect the Council's view or original determination/decision.

Any actions taken should be proportionate to the nature and frequency of the current contacts. The following options may be suitable, taking the customer's behaviour and circumstances into account. The objective is to manage the unreasonable behaviour in such a way that their complaint/request for service and the Council's ability to carry out any service delivery can be brought to a conclusion briskly.

If it is deemed that, the actions of an individual raise concerns for the safety of the wider organisation, for their own safety or that of other members of the community, the Council may wish to exercise its rights under the Staffordshire Information Sharing Protocol by taking a multi-agency approach to manage, identify wider issues or safe guard anyone who has been reported via this policy.

When it is necessary to designate a customer as behaving unreasonably the type of actions / restrictions applied can include -

- Invoking the HAT policy.
- Offering a restricted time slot for 'necessary' calls.
- Limiting the customer to one medium of contact (telephone, letter, email etc.).
- Requiring any customer contacts to take place in the presence of a witness and in a suitable location.

- Refusing to register and process further complaints/requests for service about the same matter.
- Terminating contact when an enquiry or complaint is being investigated if no new further information or evidence is presented or if the contact is persistent and going over the same issues.
- A meeting between the customer and an officer to explore the scope for resolution of the issues and explain why we deem their behaviour is unreasonable.
- Sharing the policy with the customer and warning that we will take restrictive actions if their behaviour continues.
- Setting up a strategy meeting to agree a cross-departmental approach.
- Single point of contact (SPOC) - designating a key officer to co-ordinate the Council's response(s).
- Helping the customer to find a suitable independent advocate, especially if the customer has different needs or is vulnerable.
- Asking the customer to enter into a voluntary agreement about their contact.
- Exclusion from one or more of the Council's buildings. Exclusions will normally be for a specified duration, but in extreme cases may be permanent. The duration of all exclusions will be determined on a case-by-case basis. Where exclusion has been imposed and is subsequently ignored, the period of exclusion may be immediately reviewed and extended. The Council may seek a court injunction to support the original (and, where relevant, the extended) exclusion, the delegated authority for this decision lies with the Head of Customer Services.

## 9. Other actions

- Other proportionate actions / restrictions may be implemented at the Council's absolute discretion where the actions above are not considered appropriate
- Where it is determined that implementation of the actions outlined above is necessary, the Head of Service or if a corporate approach is required, the Head of Customer Services will write to tell the customer/group explaining why it is believed their behaviour is unacceptable, the action that is being taken, and the proposed duration. In all circumstances where a right of appeal is allowed, the letter will also explain how the customer can challenge the decision if they disagree with it and to whom such an appeal should be addressed.

**Note: The above actions / restrictions are not mutually exclusive and can be applied as appropriate at the discretion of the Council**

## **THREATS TO HEALTH AND SAFETY/POTENTIAL CRIMINAL ACTION**

**In line with the Council's Harassment, Assault and Threats (HAT) policy**

-

Repeated calls maybe deemed harassment, which, after consultation with the Head of Service/Head of Customer Services will be reported to the Police.

Any infringements of the rights of a member of staff may also result in legal action.

Any physical or verbal assaults on a member of staff, Council Member or against any other customer will be reported to the police.

**10. Appeals**

A customer has the right to appeal this decision. To appeal against the decision to manage the behaviour of a customer under this policy, the customer must write to the Head of Customer Services stating why they disagree with the determination made within one calendar month of their notification. The Head of Customer Services will investigate and present the findings to a member of CMT the case within 6 weeks of the request.

# Community Impact Assessment

Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Managing Unreasonable Customer Behaviour Policy	
Date Conducted	17.7.2017	
Name of Lead Officer and Service Area	Tracey Tudor Customer Services	
Commissioning Team (if applicable)	Deb Lewis Joanne Shaw Sharon Sayman	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Everyone – staff, members, customers, contractors, businesses.	
Describe what consultation has been undertaken. Who was involved and what was the outcome	<p>A review of the effectiveness of the policy and an update of the policy as service delivery methods change.</p> <p>Alignment of the actions available under the HAT policy.</p> <p>HAT task and finish group.</p> <p>Officers who have been through the process of reporting an incident.</p> <p>Chief executive.</p> <p>Staff from the Housing and Health Directorate</p>	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)	<p>Engagement with partners across Staffordshire.</p> <p>Local Government Ombudsman policies and best practice</p> <p>Wider local authorities.</p>	
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	X
	A function, service or project	<input type="checkbox"/>
What kind of assessment is it?	New	X

Indicate with an 'x' which applies	Existing	<input type="checkbox"/>
	Being reviewed	<input type="checkbox"/>
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

## Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

The assessment is to ensure that where possible no one will be treated adversely as a result of this policy.

The Policy in place for the protection of the Councils workforce, elected members and the Councils representatives, and will support service delivery to all customers, safely with the appropriate risks managed.

To protect officers, elected members and contractors by ensuring a suitable framework is in place to identify and record community, people or premises that have previously presented a risk to employees safety

Who will be affected and how?

All customers, staff, elected members, contractors.

Customers may have restrictions applied to them when accessing and receiving the Councils services.

Are there any other functions, policies or services linked to this impact assessment?

Yes                    Y                    No

If you answered 'Yes', please indicate what they are?

Health and Safety at Work Act, Risk Assessment Procedures, Dealing with Aggression and Violence Procedures, Harassments Assaults and Threats Policy.

## Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation )
-------------	-----	----	-------------------------------------



Age	<input type="checkbox"/>	N	
Disability	<input type="checkbox"/>	N	
Gender Reassignment	Y	<input type="checkbox"/>	<b>If the name that the customer is using is not their legal name, this may be an issue in recording the information and managing the customers behaviour.</b>
Marriage & Civil Partnership	<input type="checkbox"/>	N	
Pregnancy & Maternity	<input type="checkbox"/>	N	
Race	<input type="checkbox"/>	N	
Religion or belief	<input type="checkbox"/>	N	
Sexual orientation	<input type="checkbox"/>	N	
Sex	Y	<input type="checkbox"/>	<b>There could be occasions where visits will need to be undertaken by a specific gender of staff due to risks identified.</b>
Gypsy/Travelling Community	<input type="checkbox"/>	N	
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	N	
Those having an offending past	<input type="checkbox"/>	N	
Children	<input type="checkbox"/>	N	
Vulnerable Adults	<input type="checkbox"/>	N	
Families	<input type="checkbox"/>	N	
Those who are homeless	<input type="checkbox"/>	N	
Those on low income	<input type="checkbox"/>	N	
Those with Drug or Alcohol problems	<input type="checkbox"/>	N	
Those with Mental Health issues	Y	<input type="checkbox"/>	<b>There could be occasions whereby customers are unable to understand why their behaviour is being managed under this Policy.</b>
Those with Physical Health issues	Y	<input type="checkbox"/>	<b>The customer may have restrictions applied that maynot be conducive to their physical ability when accessing the Council's services.</b>
Other (Please Detail)	<input type="checkbox"/>	N	

## Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk
Customers with mental health issues & gender reassignment.	<p>May impact on the customers' ability to request a service from the council.</p> <p>May make the customer feel isolated.</p>	<p>Ensure that the customer's needs are accounted for, and that the sanctions/restrictions in place are tailored to the customer's personal circumstances.</p> <p>The Policy is not to deny any customer the ability to access or receive a service from the Council.</p>
Where a risk has been identified as a result of the sex of a customer .	<p>May impact on the customers' ability to request a service from the council.</p> <p>May make the customer feel isolated.</p> <p>May put officers at risk.</p>	<p>Ensure that any information shared is explicit to eliminate both officers and the customer from being put at risk.</p> <p>e.g. Female Officer to visit only, Male Officers to visit in two's.</p>
Customers with Physical Health issues	<p>May impact on the customers' ability to request a service from the council.</p> <p>May make the customer feel isolated.</p>	<p>Ensure that the customer's needs are accounted for, and that the sanctions/restrictions in place are tailored to the customer's personal circumstances.</p> <p>The Policy is not in place to deny any customer the ability to access or receive a service from the Council.</p>

## Part 5 - Action Plan and Review

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	<b>Outcomes and Actions entered onto Covalent</b>			

Date of Review (If applicable) .....

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THURSDAY, 14 DECEMBER 2017

**REPORT OF THE PORTFOLIO HOLDER FOR ASSETS AND FINANCE****REVISED TELL US POLICY****PURPOSE**

To update Cabinet of the changes to the existing Tell Us Policy. The introduction of these changes will:

- Seek to remove one stage of the complaints process - Tell Us Policy (stage 3)
- Put the ownership of more serious case/complaint reviews (current stage 3 complaints) back to the appropriate Heads of Service and service areas.
- Ensure that member's complaints follow the same recording process as all other complaints.

**RECOMMENDATIONS**

- **That Cabinet endorse the changes to the Tell Us Policy.**

**EXECUTIVE SUMMARY**

'Tell Us' is widely used and understood by customers and provides a vehicle for customers to give feedback to the Council and in return provides a framework in which the Council can respond. The Policy and process ensures that the correct and consistent procedures, levels and standards of service are set and are followed regarding any issues raised by our customers.

As we work to continually transform the Council strategy, policy and process need to be reviewed and aligned to ensure that we are adapting to the changing needs of customers and adopting best practice guidance.

Best practice in relation to the investigation and handling of complaints has changed focus, and our ethos of first time resolution means that we should seek to resolve issues before they become complaints. This is becoming easier as we continue to build the Customer Services Centre.

Improvements in managing customers' expectations, providing them with an understanding of the services that the Council provides and the standards that we work to is an on-going journey and part of the evolution of corporate Customer Services. Customer behaviour towards the council is changing due to the Council enforcing its policies, becoming more proactive and a customer empowering organisation. The dependency relation that once existed between customers and the Council has historically led to the Council being reactive and potentially focussing resource on the wrong things. The Council aims to focus its resources on those who need it most and are most vulnerable.

**RESOURCE IMPLICATIONS**

Training on the changes to the policy and letter writing skills will be undertaken, but costs

can be met within existing budgetary provision.

## **LEGAL/RISK IMPLICATIONS BACKGROUND**

The Council must have a procedure in place whereby a customer can make a complaint before progression to the Local Government Ombudsman (LGO). The Tell Us policy and procedure provides a framework to support those detailed in the Local Government Act 1974(Part iii, Section 26). The LGO's interpretation of this Act is "For a valid complaint to be made, a complainant must have suffered injustice through maladministration by the authority concerned. He/she should also have made use of the authority's own complaints procedure before approaching the LGO".

## **BACKGROUND INFORMATION**

### **Tell Us**

In 2009, we introduced an additional stage in the Tell Us process – Stage 3. The purpose was to provide an independent investigation (conducted by the Head of Customer Services and presented to a member of the Corporate Management Team, independent from the service area being complained about) into escalated complaints and also to reduce the number of complaints referred to LGO. These objectives have been achieved;

- In 2009, 17 complaints were made to the LGO by customers, 10 of which were premature complaints and overall 8 investigated by the LGO.
- In 2017, 7 complaints were made to the LGO by customers, 0 complaints were premature and overall 2 were investigated by the LGO.

Additionally, the performance of the Council has also progressed significantly following the numerous transformation exercises undertaken, along with the quality of the information that we have in order to respond to and investigate complaints.

### **Changes to the Policy-**

In line with best practice, it is recommended that the number of stages within the complaints process is reduced from three down to two:

1. First formal complaint – usually to be dealt with by service operations managers.
2. Second formal complaint – to the Head of Service.

The LGO states "The law does not allow us to investigate some issues. We cannot usually look at a complaint if:

- you have left it more than 12 months since knowing about the problem."

In line with the LGO recommendations we have introduced a time bound complaints process and increased the length of time to investigate escalated complaints.

The Head of Customer Services will oversee the Tell Us policy and process, provide advice on complaints where needed and will provide an annual summary performance report for Cabinet. All complaints about officer's conduct will be reviewed by the Head of Customer Services but will be dealt with in accordance with internal conduct procedures (if applicable).

Complaints about service made by elected members on behalf of constituents will also be recorded via the Tell Us process in order to ensure that those complaints are also recorded

and managed effectively. Intelligence gathered about these issues will be collated and analysed in the same way as if a customer is making direct representations. These will not however, be included in the two stages of the complaints process.

#### **REPORT AUTHOR**

Tracey Tudor

#### **APPENDICES.**

Appendix 1 Tell Us Policy.

Appendix 2 Community Impact Assessment.

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# Community Impact Assessment

Part 1 – Details		
What Policy/ Procedure/ Strategy/Project/Service is being assessed?	Tell Us Policy	
Date Conducted	17.7.2017	
Name of Lead Officer and Service Area	Tracey Tudor Customer Services	
Commissioning Team (if applicable)	Deb Lewis Joanne Shaw Sharon Sayman	
Director Responsible for project/service area	Anica Goodwin	
Who are the main stakeholders	Everyone – staff, elected members, customers, contractors, businesses.	
Describe what consultation has been undertaken. Who was involved and what was the outcome	<p>A review of the effectiveness of the policy and an update of the policy as service delivery methods change.</p> <p>Heads of Service. Directors. Chief Executive. Staff from the Housing and Health Directorate Customers LGO best practice guide and conferences. Trades Unions Liaison Group</p> <p>Minor tweaks to the Policy.</p>	
Outline the wider research that has taken place (E.G. commissioners, partners, other providers etc)	Engagement with partners across Staffordshire. Local Government Ombudsman policies and best practice Wider local authorities.	
What are you assessing? Indicate with an 'x' which applies	A decision to review or change a service	<input type="checkbox"/>
	A Strategy/Policy/Procedure	<input checked="" type="checkbox"/>
	A function, service or project	<input type="checkbox"/>
What kind of	New	<input type="checkbox"/>

assessment is it? Indicate with an 'x' which applies		
	Existing	<input type="checkbox"/>
	Being reviewed	X
	Being reviewed as a result of budget constraints / End of Contract	<input type="checkbox"/>

## Part 2 – Summary of Assessment

Give a summary of your proposal and set out the aims/ objectives/ purposes/ and outcomes of the area you are impact assessing.

The assessment is to ensure that where possible no one will be treated adversely as a result of the implementation of this policy.

The policy is in place to provide a framework to enable customers to give feedback to the council about its services. The policy sets out what is constituted as a complaint, what is included and what is excluded, how to give feedback and what the customer can expect in relation to performance and application of the policy.

Its sets the standards, and outcomes in order to ensure that this feedback is dealt with consistently.

Who will be affected and how?

All customers, staff, elected members, contractors.

Are there any other functions, policies or services linked to this impact assessment?

No

If you answered 'Yes', please indicate what they are?

## Part 3 – Impact on the Community

Thinking about each of the Areas below, does or could the Policy function, or service have a direct impact on them?

Impact Area	Yes	No	Reason (provide brief explanation )
Age	<input type="checkbox"/>	N	
Disability	<input type="checkbox"/>	N	

Gender Reassignment	<input type="checkbox"/>	N	
Marriage & Civil Partnership	<input type="checkbox"/>	N	
Pregnancy & Maternity	<input type="checkbox"/>	N	
Race	<input type="checkbox"/>	N	
Religion or belief	<input type="checkbox"/>	N	
Sexual orientation	<input type="checkbox"/>	N	
Sex	<input type="checkbox"/>	N	
Gypsy/Travelling Community	<input type="checkbox"/>	N	
Those with Caring/Dependent responsibilities	<input type="checkbox"/>	N	
Those having an offending past	<input type="checkbox"/>	N	
Children	<input type="checkbox"/>	N	
Vulnerable Adults	<input type="checkbox"/>	N	
Families	<input type="checkbox"/>	N	
Those who are homeless	<input type="checkbox"/>	N	
Those on low income	<input type="checkbox"/>	N	
Those with Drug or Alcohol problems	<input type="checkbox"/>	N	
Those with Mental Health issues	<input type="checkbox"/>	N	
Those with Physical Health issues	<input type="checkbox"/>	N	
Other (Please Detail)	<input type="checkbox"/>	N	

#### Part 4 – Risk Assessment

From evidence given from previous question, please detail what measures or changes will be put in place to mitigate adverse implications

Impact Area	Details of the Impact	Action to reduce risk
<i>Eg: Families</i>	<i>Families no longer supported which may lead to a reduced standard of living &amp; subsequent health issues</i>	<i>Signposting to other services. Look to external funding opportunities.</i>

**Part 5 - Action Plan and Review**

Detail in the plan below, actions that you have identified in your CIA, which will eliminate discrimination, advance equality of opportunity and/or foster good relations.

**If you are unable to eliminate or reduce negative impact on any of the impact areas, you should explain why**

Impact (positive or negative) identified	Action	Person(s) responsible	Target date	Required outcome
	<b>Outcomes and Actions entered onto Covalent</b>			

Date of Review (If applicable) .....

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