

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

---

### Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building  
Gibson Drive  
Kings Hill, West Malling  
Kent ME19 4LZ  
West Malling (01732) 844522

---

**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Democratic Services  
[committee.services@tmbc.co.uk](mailto:committee.services@tmbc.co.uk)

8 June 2021

To: MEMBERS OF THE GENERAL PURPOSES COMMITTEE  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the General Purposes Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Wednesday, 16th June, 2021 commencing at 7.30 pm.

Members of the Committee are reminded that social distancing measures will be in place for this meeting. Other Members are required to participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

1. Guidance for the Conduct of Meetings - Coronavirus Regulations

5 - 6

## **PART 1 - PUBLIC**

2. Apologies for absence 7 - 8
3. Declarations of interest 9 - 10

*Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting*

4. Minutes 11 - 14

To confirm as a correct record the Minutes of the meeting of General Purposes Committee held on 23 March 2021

### **Decisions to be Taken under Delegated Powers**

5. Transitional Working Arrangements for Covid-19 Recovery Policy 15 - 42

*This report proposes a fundamental review of the Council's existing Homeworking Policy (Annex 1) and presents for member consideration a new policy to replace this in Annex 2 entitled Transitional Working Arrangements for Covid-19 Recovery (including Homeworking and Hybrid Working).*

### **Matters submitted for Information**

6. Gender Pay Gap 2019/20 43 - 48

*This report summarises the legislative context for gender pay gap reporting, and incorporates the outcomes of the Council's gender pay gap analysis for 2019-2020.*

7. Urgent Items 49 - 50

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

### **Matters for consideration in Private**

8. Exclusion of Press and Public 51 - 52

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

## **PART 2 - PRIVATE**

### **Decisions to be taken under Delegated Powers**

9. Establishment Changes 53 - 70

*This report sets out for Members' approval a number of establishment changes recommended by Management Team. Members should note that, in accordance with adopted conventions, all of the savings/costs referred to in this report reflect the salary at the top of the scale/grade plus associated on costs.*

10. Urgent Items 71 - 72

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## **MEMBERSHIP**

Cllr Mrs F A Kemp (Chairman)  
Cllr L J O'Toole (Vice-Chairman)

Cllr Mrs P A Bates  
Cllr Mrs S Bell  
Cllr M D Boughton  
Cllr M A Coffin  
Cllr D J Cooper  
Cllr D A S Davis

Cllr M A J Hood  
Cllr K King  
Cllr B J Luker  
Cllr W E Palmer  
Cllr R V Roud  
Cllr Mrs M Tatton

**Measures under which all meetings of the Council will be conducted after 7 May 2021 to comply with coronavirus regulations and/or guidance in place at the time.**

As it is necessary to maintain social distancing to limit the spread of infection the way meetings are conducted will change. This page summarises the process. If you have any questions, please contact Democratic Services via the contact details provided on the agenda.

## **Attending Meetings**

- All meetings of the Council will be held in the Council Chamber, Gibson Drive, Kings Hill until social distancing requirements are no longer necessary.
- To help contain the virus, Members of the public (including anyone exercising a right to speak e.g. at an Area Planning Committee) are encouraged to participate remotely via MS Teams if possible.
- Meetings will also be live streamed via our [YouTube channel](#) to minimise the need for the public to attend in person.
- Any members of the public wishing to attend in person at the Gibson Building can view proceedings via video link in the Committee Room (maximum capacity of 10).
- Prior notification on a "first come first served" basis for entry to the Committee Room will be adopted. Anyone wishing to 'reserve' a place in the Committee Room should contact [committee.service@tmbc.gov.uk](mailto:committee.service@tmbc.gov.uk)
- Public speakers for planning committees will be hosted in a separate area and escorted into the Council Chamber for their allocated time. There will be a limit on the number of public speakers at planning committees due to capacity issues arising from social distancing guidelines.
- Public speakers are asked to remain standing to address the Committee to avoid having to clean or change seats between speakers.
- Staff will be available to escort public speakers into the meeting room and to manage any crowd control issues.
- Doors and windows will remain open throughout all meetings to ensure circulation of fresh air. Attendees are advised to dress appropriately.
- All participants are required to wear face coverings when not speaking at meetings.
- Hand sanitiser will be available at entrances.
- All attendees must have the NHS Test and Trace app and scan the QR code at the entrance to the building/meeting room if they wish to participate. Contact details will be requested on arrival for those who do not have the app.
- The toilet facilities at Gibson Building will be open but may be used by only one person at a time.
- Car parking: Attendees are asked to leave a parking space free between vehicles.
- Refreshments will not be available, and all participants are advised to bring their own water or other refreshments.

**Anyone with covid symptoms should not come to the Council offices.**

**Thank you for your assistance.**

This page is intentionally left blank

Apologies for absence

This page is intentionally left blank



Declarations of interest

This page is intentionally left blank

## TONBRIDGE AND MALLING BOROUGH COUNCIL

### GENERAL PURPOSES COMMITTEE

Tuesday, 23rd March, 2021

**Present:** Cllr Mrs F A Kemp (Chairman), Cllr L J O'Toole (Vice-Chairman), Cllr Mrs P A Bates, Cllr Mrs S Bell, Cllr M A Coffin, Cllr D J Cooper, Cllr D A S Davis, Cllr M A J Hood, Cllr K King, Cllr B J Luker, Cllr W E Palmer and Cllr N G Stapleton

Councillor Mrs J A Anderson, M C Base, R P Betts, V M C Branson, A E Clark, R W Dalton, D Lettington, Mrs A S Oakley, M R Rhodes and R V Roud were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M D Boughton and Mrs M Tatton

### PART 1 - PUBLIC

#### **GP 21/11 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

#### **GP 21/12 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the General Purposes Committee held on the 25 January 2021 be approved as a correct record and signed by the Chairman.

### DECISIONS TAKEN UNDER DELEGATED POWERS

#### **GP 21/13 PAY AWARD 2021**

The report of the Chief Executive requested Members to consider a pay award of 1% for employees for 2021/22. Members noted that Council employees had a term in their contracts which read 'Salaries will be revised on 1 April each year by an amount determined by the Authority having regard to movements in the Retail Price Index, comparative pay settlements and prevailing economic conditions' and that the Council therefore determined its own pay awards and was not tied into the national process of collective bargaining.

Members recognised the value of staff and the effort that employees had made during a challenging period. However, there was significant discussion on the Members Allowance Scheme and the appropriateness of acceptance or receipt of an increase in the allowance during the current economic climate.

It was proposed by Councillor M Hood and seconded by Councillor N Stapleton that an amendment to the recommendation be made as follows:

*'That a 1% pay award, from 1st April 2021 be agreed, on condition that Members forego an increase to their allowance this year.'*

Following careful consideration, it was felt that this should be a private matter and that individual councillors were entitled to make their own decision in respect of their allowance.

Upon being put to the vote, 10 Members voted against the amendment to the recommendation and 2 in favour, whereupon the amendment to the recommendation was rejected.

Members indicated their agreement in respect of the substantive recommendation.

**RESOLVED:** That a 1.0% pay award, from 1 April 2021, be agreed.

### **MATTERS FOR CONSIDERATION IN PRIVATE**

#### **GP 21/14 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That, as public discussion would disclose exempt information, the following matters be considered in private.

### **PART 2 - PRIVATE**

#### **DECISIONS TAKEN UNDER DELEGATED POWERS**

#### **GP 21/15 ESTABLISHMENT CHANGES**

The report of the Director of Central Services and Deputy Chief Executive set out for approval a number of establishment changes arising from the ongoing operational management of the Borough Council's services.

**RESOLVED:** That the proposals and establishment adjustments set out in the report be endorsed as follows:

- (1) the establishment of a new post of Building Control Team Leader, M8, 37 hours per week, with effect from 1 July 2021.
- (2) the deletion of post DJ0216, Surveyor, 37 hours per week, scale 4/M9 with effect from 1 July 2021.

- (3) the deletion of post DJ0213, Building Control Technician, scale 1/4, 37 hours per week, with effect from 1 July 2021.
- (4) the re-designation and increase in hours of post DJ0124 from Technical Manager, M8, 30 hours per week to Planning Business Manager, M8, 37 hours per week with effect from 1 July 2021.
- (5) the deletion of the full time Technical Officer posts DJ0150, DJ0151 and DJ0152, scale 3/4 with effect from 1 July 2021.
- (6) the creation of two full time Senior Technical Officer posts scale 5/6 with effect from 1 July 2021.
- (7) the creation of a Building Control Technical Officer post scale 3/4, 37 hours per week with effect from 1 July 2021.
- (8) the creation of a Building Control Technical Officer post scale 3/4, 22.5 hours per week with effect from 1 July 2021.

The meeting ended at 8.15 pm

This page is intentionally left blank

## TONBRIDGE & MALLING BOROUGH COUNCIL

### GENERAL PURPOSES COMMITTEE

16 June 2021

#### Report of the Director of Central Services & Deputy Chief Executive

#### Part 1- Public

#### Delegated

### 1 TRANSITIONAL WORKING ARRANGEMENTS

#### Executive Summary

**This report proposes a fundamental review of the Council's existing Homeworking Policy (Annex 1) and presents for member consideration a new policy to replace this in Annex 2 entitled Transitional Working Arrangements for Covid-19 Recovery (including Homeworking and Hybrid Working).**

#### 1.1 Introduction

- 1.1.1 Members will be aware of the recommendation from the meeting of the Overview and Scrutiny Committee on 27 April 2021 that the General Purposes Committee review the Council's existing Homeworking Policy (in **Annex 1**) to reflect a number of council policies as well as the potential return to working in the office during the period of national Covid-19 Recovery. The relevant corporate drivers for this review are the Council's Climate Change Strategy, the targets in the Draft Climate Change Action Plan, the themes in the Council's Corporate Plan relating to "running the Council within Review, Reorientation and Recovery", the request of Cabinet on 30 June 2020 for Management Team to conduct a review of all of the Borough council's assets (including the use of the Gibson Building), and health and safety legislation and guidance concerning safely returning to working in the office.
- 1.1.2 The vast majority of Council staff have worked from their homes since the middle of March 2020. Staff have currently been advised to work from home until at least 30 June 2021. This is consistent with national guidance, with the Government advising that working from home should continue wherever possible until the review of social distancing is complete. This review is not scheduled to be completed until Step 4 of the Roadmap i.e., no earlier than 21 June.
- 1.1.3 The new policy presented in **Annex 2** incorporates updated working protocols for during the initial post Covid-19 national recovery. This policy was considered by the Overview & Scrutiny Committee on 27 April 2021. Some further amendments

have been made subsequent to that meeting – the length of the transitional period has been clarified following a query at the meeting on 27 April (the policy now refers to a 12 months period rather than a 6-12 month period) and Section H (Insurance) has been expanded to cover concerns about the insurance implications of working from home.

- 1.1.4 As members of this Committee will be aware both the Government and leading figures in the NHS have advised a cautious approach to a full-scale return to working in offices as there is the potential for variants to the disease and the likelihood of further surges in infection rates in the autumn/winter. Mindful of this Committee's duty of care for the health and wellbeing of Council employees, the policy in Annex 2 provides contingency to enable the Council to refine the measures identified in Risk Assessments to mitigate against the risks posed by the ongoing potential for future outbreaks of the disease.
- 1.1.5 The recommended new policy in Annex 2 will be subject to continuous review via Management Team, the Joint Employee Consultative Committee, and this Committee. The ongoing review will take cognisance of emerging guidance from the Government. The ongoing review will also factor in the development of the key strategic Council policies in 1:1 above that provide the philosophical underpinning of the recommended Transitional Working Arrangements for Covid-19 Recovery.
- 1.1.6 In order to support managers and team leaders in getting to grips with the shift to managing a team that potentially consists of remote and hybrid workers as well as those who are solely working from the office, financial provision has been made in the 2021/22 Training Budget for an online training programme for all those in a managerial or supervisory role. The programme will explore key aspects of managing remote and hybrid teams such as performance management, employee engagement, virtual team meetings, having difficult conversations and interpersonal management skills.
- 1.1.7 The proposed policy set out in Annex 2 has been formulated by the Working Arrangements Officer Study Group, one of the members of which is a local Unison branch representative.
- 1.1.8 Implementation of the policy (including the oversight of consultation with staff) will be undertaken by the Director of Central Services & Deputy Chief Executive, in consultation with Management Team.
- 1.1.9 The Tonbridge and Malling Branch of UNISON has reviewed the Transitional Working Arrangements Policy and is happy with the overall contents of the draft policy in Annex 2. The only point on which Unison requested clarity concerns matters relating to the insurance implications of working from home (which have been dealt with to their satisfaction). Further consultation will take place with Unison in the event of any amendments to the policy.
- 1.1.10 The Joint Employee Consultative Committee (which provides a forum for discussion and formal consultation between representatives from the Council's



Management Team with Unison and elected Staff Representatives), met on 13 May. There was unanimous support of the draft policy in Annex 2.

## **1.2 Legal Implications**

- 1.2.1 As an employer, the Council is responsible for employees' welfare, health, and safety 'so far as is reasonably practicable' (s2, Health and Safety at Work etc Act 1974). In addition to our statutory duties, the Council has a common law duty to take reasonable care for the safety of our employees e.g., we have a duty to see that reasonable care is taken to provide staff with a safe place of work, safe tools and equipment, and a safe system of working. It is also an implied term of employment contracts that employers will take reasonable care for the health and safety of employees and provide a reasonably suitable working environment for the performance of the employee's contractual duties. All of these requirements are reflected in the recommended policy in Annex 2.
- 1.2.2 As Members will have discerned from the recommended policy in Annex 2 all staff working from home will be required to periodically review their DSE Self-Assessment of their workstations and to report any required adjustments to their line manager.
- 1.2.3 A consideration of the ACAS Working from Home guidance has been factored into the recommended policy in Annex 2 regarding a consideration of: - employers and employees' health and safety responsibilities, supporting employees to adjust to homeworking, equipment and technology, ongoing assessment of homeworking systems and arrangements, pay and terms and conditions of employment, working from home and childcare and expenses.
- 1.2.4 Any decisions about long term changes in the use of the Gibson site will necessitate discussions with KCC concerning the release of covenants relating to the use and transfer of the Gibson Property.

## **1.3 Financial and Value for Money Considerations**

- 1.3.1 At this point in time, the working arrangements that will be agreed with individuals will be voluntary for the duration of the initial phase of the Covid-19 transitional recovery and it is not therefore at this point in time expected that any additional payments to staff for items such as e.g., heating expenses would arise. This situation will be kept under review in the light of any national guidance on such matters.
- 1.3.2 The trial will be limited in scope to avoid the need for design and/or construction costs and will concentrate on desk layout changes. For example, it is not anticipated that any of the cellular offices will be altered, nor additional partitions erected. However, there are likely to be costs associated with amending the layout such as removals and re-carpeting. It is also expected that some spaces will continue to be used in Gibson West such as meeting rooms, canteen area, Print Room etc.

1.3.3 The proposed transitional arrangements will allow the Council to trial new ways of working with a view to assessing whether it will be viable to reduce our office space on a longer-term basis. Any detailed options appraisal undertaken in due course can then look to align our physical office space requirements with the new ways of working.

1.3.4 Future updates in this regard will be submitted to the Finance, Innovation and Property Advisory Board, being the appropriate Board with responsibility for the Council's property portfolio.

## **1.4 Risk Assessment**

1.4.1 The homeworking protocols in Section F of the recommended policy in Annex 2 takes appropriate steps to honour the legal requirement for the Council to conduct a suitable and sufficient risk assessment of all the work activities carried out by employees, including homeworkers, to identify hazards and assess the degree of risk (Reg 3, Management of Health and Safety at Work Regulations 1999).

## **1.5 Equality Impact Assessment**

1.5.1 The recommended report in Annex 2 is compliant with the requirements of the Equality Act 2010.

## **1.6 Policy Considerations**

1.6.1 In the addendum to the Corporate Plan for 2020/21, Cabinet agreed the following as part of the 'Running the Council' theme within the Review, Reorientation and Recovery strategy;

- Undertake a review of the effectiveness of homeworking/flexible working and the potential to embed it within the culture of the Council in the longer term.
- Where appropriate, Managers to build flexible working into the work patterns for their teams in order to build resilience into the organisation and embed new ways of working.
- Review office accommodation requirements in light of changes to homeworking/ flexible working and in order to reduce overheads and meet the targets set within the adopted Climate Change Strategy.

1.6.2 On 30 June 2020 Cabinet resolved that 'Management Team be asked to conduct a review of all the Borough Council's assets, including use of the Gibson Building, to cover all areas as well as the need, function and capability of the Council Chamber and Committee Room for Council, Cabinet, Advisory Board and Committee meetings, in line with the Digital and Climate Change Strategies'.

1.6.3 The Draft Climate Change Action Plan for 2020 includes the following targets under the theme of 'TMBC Estate' –

- Undertake an assessment of business mileage for all staff and develop a policy to support tele-conferencing and skype meetings to reduce business travel;
- Amend the homeworking policy to encourage greater take up of homeworking/flexible working where possible, to reduce home to work travel.

1.6.4 Whilst recognising that the staff survey undertaken in January 2021 is a snapshot in time, the survey outcomes suggest that there are significant levels of aspiration for future working arrangements to accommodate both remote working from home and hybrid working (a blend of working from home and in the office). A broad employee consensus about the perceived advantages of hybrid working is that it would facilitate a better work/life balance and enable people to go into the office for work that requires collaboration and connection and work remotely for work that requires individual focus or high levels of concentration.

## 1.7 Recommendations

1.7.1 Members are requested to endorse and **RECOMMEND** to Council the adoption of the Transitional Working Arrangements for Covid-19 Recovery Policy and Procedure (including Homeworking and Hybrid Working) in **Annex 2** attached to this report.

Background papers:

contact: Delia Gordon

Nil

Adrian Stanfield  
Director of Central Services and Deputy Chief Executive

This page is intentionally left blank



---

## **TONBRIDGE & MALLING BOROUGH COUNCIL**

Homeworking Policy

**To be superseded by the Transitional Working  
Arrangements Policy and Procedure**

---

## Document Control

<b>Reference</b>	Homeworking Policy
<b>Date</b>	31 July 2018
<b>Author</b>	Adrian Stanfield, Director of Central Services & Monitoring Officer
<b>Approved by</b>	Management Team/ General Purposes Committee

## Version History

<b>Date</b>	<b>Version Number</b>	<b>Revision Notes</b>
31 July 2018	V1	



# Homeworking Policy

## Purpose and Scope

Tonbridge & Malling Borough Council recognises that homeworking can provide considerable benefits for the business needs of the service as well as those of the individual. The Council also seeks to support homeworking in circumstances where productivity and performance improvements can be made.

Homeworking is evidenced to have clear benefits. To work effectively these arrangements must be based on good communication, trust and motivation, with the aim of improving the service for the customer.

This policy provides guidelines for managers, teams and employees when considering a homeworking arrangement. It sets out entitlements, eligibility criteria and other conditions that apply and have been developed to provide a clear approach to ensure fair treatment and consistency of approach.

The Council does not consider it feasible for staff to fulfil their caring responsibilities e.g. for looking after children or elderly relatives, at the same time as carrying out work duties. The Flexible Working Policy offers options and support to staff in such circumstances.

The Homeworking Policy is underpinned by an expectation that there is no detriment to provision of services or adverse impacts on colleagues. This policy applies to all employees of the Council. However, all arrangements are subject to the requirements of the service. It may not be practical for all services or teams to enable homeworking due to the nature of service delivery. If your role is entirely customer facing, in e.g. the Customer Services team, it is unlikely that a request for regular or permanent homeworking will be approved (although occasional ad hoc working from home could be approved in certain circumstances).

## Types of Homeworking

The table below defines homeworking into three types:

Occasional (ad hoc) working from home	<ul style="list-style-type: none"><li>➤ This is the most common type of homeworking.</li><li>➤ It might be because an employee has a specific task they need to concentrate on without the normal interruptions of an office environment.</li><li>➤ This might also occur where it is difficult for an employee to get into work because of travel disruption or adverse weather conditions.</li><li>➤ This may be used in cases where following an illness or operation homeworking is recommended as part of a phased return.</li><li>➤ The employee's line manager is empowered to authorise occasional working from home requests, taking</li></ul>
---------------------------------------	---



	into account the needs of the organisation.
Regular homeworking	<ul style="list-style-type: none"> <li>➤ An employee would be classified as a regular homeworker when they regularly spend 30% of their contracted hours working from home.</li> <li>➤ This is a formal agreement between the employer and the employee, which will need to be reflected in a written contract of employment.</li> <li>➤ This type of arrangement often suits employees where the job involves frequent or regular off-site visits.</li> <li>➤ Requesting regular homeworking needs to be supported by the formal process set out in Annex 1.</li> </ul>
Permanent homeworking or remote working	<ul style="list-style-type: none"> <li>➤ This is when an employee spends 100% of their contracted working hours either working at home or visiting sites from their home base.</li> <li>➤ Their contract of employment will need to reflect the fact that home is their contracted work base.</li> <li>➤ This working arrangement could also be considered for any disabled employees with mobility problems. If upon medical advice homeworking is suggested this should be considered as a potential reasonable adjustment under the Equality Act 2010.</li> <li>➤ Remote working is usually built into specific roles as part of the Job Description and job design.</li> </ul>

### **Ad hoc or occasional home working**

Key considerations for agreement between employees and their line manager for ad hoc or occasional home working are:

- Those requiring access to Council run systems must use a Windows to Go stick and a 2 Factor Authentication Token (the random number generator token) or a tablet provided by the Council;
- Those requiring access to email via a TMBC laptop or their own pc/laptop must use a 2 Factor Authentication Token (the random number generator);
- All those who have been issued with a Windows to Go stick and a 2 Factor Authentication Token (the random number generator token) must agree to checking that these function with their laptop or home pc on a monthly basis;
- Before homeworking is agreed the equipment, including the broadband connection, should be discussed with the IT Helpdesk to ensure that the setup will be sufficient to enable effective working from the home;

- Homeworkers must make arrangements to be contactable by phone;
- Homeworkers should ensure their Outlook calendars are up to date so others are aware of their availability;
- Homeworkers should ensure that arrangements do not impact adversely on other team members e.g. by ensuring that telephone calls aren't put through to colleagues without their agreement;
- Homeworkers must ensure that there is no risk of breaching the Council's GDPR safeguards by others who may be present whilst they are homeworking;
- There is no change in the contract of employment or designated work base;
- There is no allowance for household expenses arising from homeworking.

## **Regular homeworking**

The key features of ad hoc homeworking also apply to regular homeworking. In addition the following will apply:

- The homeworking arrangement will be reviewed after a set period (e.g. 6 weeks in the first instance and as appropriate thereafter)
- An onsite health and safety risk assessment will be carried out in the home by the member of staff and their manager and any risks will be fully addressed by the line manager before the start of the home working arrangement (see the checklist in Annex 1);
- Employees will be expected to comply with reasonable management requests e.g. to attend meetings in the workplace (no travel expenses will be paid for attendance at such meetings);
- Requests for regular homeworking will be assessed and approved by a Director;
- The Personnel Manager will be consulted before the start of any regular homeworking arrangement to ensure that any agreement reached is consistent with the employee's contract of employment (which is likely to require amending).

## **Permanent homeworking and remote working**

At present there are no employees permanently homeworking or remote working.

## **Procedure for requests for homeworking**

- Homeworking is an option which is granted at management discretion. There is no entitlement to work at home.
- An employee who considers they have good reasons to request homeworking should discuss the issue with their line manager setting out how they think the work could be undertaken at home, and whether this is on an ad hoc or regular basis.
- Decisions on ad hoc homeworking will be undertaken by the line manager.
- For regular homeworking the employee should apply in writing to their manager. The request should specify why the employee thinks that their job role can be done as well as/or better at home than as at the office, and should propose appropriate working arrangements. They should also confirm the address at which home working will take place. They will also need to confirm that they have the appropriate internet connection and ability to securely access Council systems, and that their proposed homeworking arrangement will not impact adversely on other team members.
- The manager will consider the request and will evaluate whether or not they believe the homeworking arrangement will meet business needs as well as the needs of the individual making the request. If they do not, they will advise the employee accordingly.
- A recommendation for homeworking from the manager will be set out in writing and will be referred along with the request from the employee for consideration by the relevant Director, whose decision will be final. The manager will be responsible for notifying the employee of the decision and for ensuring that all of the conditions set out in this policy

are properly addressed. Personnel Services should be copied into all emails/correspondence concerning the request, and will advise as to whether any contractual change is required before the homeworking arrangement begins.

- Before a permanent arrangement for regular homeworking is agreed there will be a trial period of 6 weeks during which there should be a continuous review of job performance and working practices so that the advantages of homeworking for the post holder and the Council can be evaluated.
- Before the trial period begins the manager should have undertaken a Homeworking Health & Safety Risk Assessment (see Annex 1).

### **Consideration of requests for homeworking**

The relevant managers will need to consider:

- Whether the job is suitable for homeworking taking into account the nature of the work.
- Whether the employee is likely to be effective as a homeworker. Do they have appropriate organisational and time management skills? Have they demonstrated the ability to work without close supervision? Do they have appropriate communication skills? Have they displayed the ability to comply with relevant legislation such as the General Data Protection Regulations?
- What impact the homeworking arrangement might have on the efficiency/effectiveness of the team/section and on customer service.
- In cases where the employee requesting homeworking is a supervisor or manager consideration will need to be given to the potential impact on those who are managed by the prospective homeworker.

### **Equipment**

- The Council will not provide any essential equipment, other than at the request of a Director or where there are sound business reasons. The Council's IT staff are not authorised to install home equipment or provide home visits, and support services will only be provided from the Kings Hill offices.
- In the case of regular homeworking the Council will not provide any necessary equipment (e.g. desk, chair, and footrest) other than in cases of a reasonable adjustment due to disability.
- Employees will have a range of devices from which they may be able to access Council systems, and should adhere to Council protocols and information security policies at all times.

### **Security, Confidentiality and Health & Safety**

- The Information Security Policy, all associated policies and the General Data Protection Regulations shall be adhered to at all times.
- Homeworkers should be mindful at all times to their duty of confidentiality to protect all information, particularly personal information, from unauthorised access. Care should be taken to ensure the security of such information at home. Failure to do so could be a breach of General Data Protection Regulations and could potentially lead to disciplinary action.
- Homeworkers must use a Council laptop, or a Windows to Go Stick and a random number generator to access the Council's network. Council documents must not be saved on personal PCs or memory sticks.
- Emailing of information should be done via Outlook. Under no circumstances should data be sent via external email or non-Council addresses.
- Homeworkers should not take sensitive paper files out of the office without the permission of their line manager and should ensure that such documents are not left

exposed. Staff also need to ensure that a record is kept of any files taken out of the office.

- Staff who have taken paper copies of documents out of the office should ensure that such documentation is destroyed securely when it is no longer required.
- Employees working from home have the same duties under the Health & Safety at Work Act as all other employees and must take reasonable care of their own health and safety and that of anyone else who might be affected by their actions and omissions. Homeworkers must not carry out work meetings in their home with customers, or officers from other agencies, to prevent the risk of difficult situations. If homeworkers need to attend site meetings direct from home, they must comply with their team's standard lone working practices.

## **Insurance**

- In general the categories of homeworker encompassed within this policy are covered by the Council's Employers and Public Liability Insurance arrangements. Accidents or injuries at home must be recorded using the Council's existing accident reporting process.
- If a homeworker suffers an injury caused by the Council's negligence, any claim which arises will be dealt with under the Council's employers liability insurance.
- If through the negligence of the homeworker, whilst carrying out their duties, a third party suffers an injury or loss, any claim which arises will be dealt with under the Council's insurance. If, however, claims arise within the employee's home for which the Council has no control (e.g. defects on the homeworker's premises) they would not be covered.
- Regular homeworkers will be required to clarify that their Home Insurance covers them for working at home.
- In cases of homeworkers having mortgage or tenancy agreements, regular homeworkers should inform anyone with an interest in their property (i.e. building society, landlords etc.) of their homeworking arrangements.
- The Council's policy does not cover the loss or damage of equipment taken out of Council premises and left in vehicles. Employees should ensure that equipment e.g. laptops, printers etc. once taken out of Council premises should be transferred directly to a safe and secure location.

## **Taxation**

- The ad hoc and regular homeworking as covered by this policy will not trigger changes in the council tax band of the homeworker's property, nor will the room in which they work be assessed for business rates.
- Any equipment supplied for homeworking should be used for Council business only, and as such is unlikely to be classified as a taxable benefit by HMRC.

## **Change of Employee Address**

A homeworking agreement will be reviewed if an employee changes address. In this case a new health & safety risk assessment will need to be carried out, and, the relevant managers will consider if the homeworking agreement is likely to continue to be effective.

## **Terminating Homeworking Arrangements**

The Council reserves the right to withdraw from a homeworking agreement with immediate effect if:

- security or safety standards are not being maintained, or it is no longer technically possible to maintain such standards;
- an employee does not comply with the homeworking policy or agreed arrangement;

- an acceptable level of productivity is not maintained.

This page is intentionally left blank



---

## **TONBRIDGE & MALLING BOROUGH COUNCIL**

**TRANSITIONAL WORKING ARRANGEMENTS FOR COVID-19 RECOVERY  
(including Homeworking and Hybrid Working)**

---

## Document Control

<b>Reference</b>	Homeworking Policy
<b>Date</b>	31 July 2018
<b>Author</b>	Adrian Stanfield, Director of Central Services & Deputy Chief Executive
<b>Approved by</b>	Management Team/ General Purposes Committee

## Version History

<b>Date</b>	<b>Version Number</b>	<b>Revision Notes</b>
31 July 2018	V1	
27 April 2021	V2	Considered by O&S Committee
16 June 2021	V3	Considered by GP Committee





# Transitional Working Arrangements Policy

## A. Purpose and Scope

This policy provides guidelines for managers, teams and employees when considering working arrangements during the transitional Covid-19 Recovery period. It sets out the conditions that apply in order to provide fair treatment of employees and a clear and consistent managerial approach.

This policy will be subject to continuous review in line with Government guidance on the management of potential future surges in infection rates and the recovery phase of the pandemic. This policy will also continue to be reviewed alongside the Council's developing strategies on responding to climate change and reviewing Council assets (including the use of the Gibson Building). Staff will be given as much notice as possible of any changes to this policy.

This policy is underpinned by an expectation that there is no detriment to provision of services, that all arrangements are subject to the requirements of the service and that agreed individual arrangements do not have an adverse impact on colleagues.

This policy also reflects information security and GDPR requirements as set out in the Information Security Policy.

The Council does not consider it feasible for staff to fulfil their caring responsibilities e.g., for looking after children or elderly relatives, at the same time as carrying out work duties, in any circumstances other than when the Government has issued a lockdown instruction to close schools and nurseries etc. Ordinarily the Flexible Working Policy offers potential options and support to staff balancing the demands of work duties and childcare responsibilities.

## B. Drivers for the policy

### 1. The Corporate Plan

In the addendum to the Corporate Plan for 2020/21, Cabinet agreed the following as part of the 'Running the Council' theme within the Review, Reorientation and Recovery strategy:

- > Management Team to undertake a review of the effectiveness of homeworking/flexible working and the potential to embed it within the culture of the Council in the longer term.
- > Where appropriate, Managers to build flexible working into the work patterns for their teams in order to build resilience into the organisation and embed new ways of working.
- > To review office accommodation requirements in light of changes to homeworking/ flexible working and in order to reduce overheads and meet the targets set within the adopted Climate Change Strategy.

### 2. Review of Council Assets

On 30 June 2020 Cabinet resolved that 'Management Team be asked to conduct a review of all the Borough Council's assets, including use of the Gibson Building, to cover all areas as

well as the need, function and capability of the Council Chamber and Committee Room for Council, Cabinet, Advisory Board and Committee meetings, in line with the Digital and Climate Change Strategies.'

### **3. The Draft Climate Change Action Plan**

The Draft Climate Change Action Plan for 2020 includes the following targets under the theme of 'TMBC Estate':

- Undertake an assessment of business mileage for all staff and develop a policy to support tele-conferencing and skype meetings to reduce business travel.
- Amend the homeworking policy to encourage greater take up of homeworking/ flexible working where possible, to reduce home to work travel.
- . Include a review of homeworking and virtual meetings in the Overview and Scrutiny Committee work programme.

### **4. Outcomes of the Staff Survey (January 2021)**

All Council staff were invited to participate in a survey on working arrangements during January 2021. The survey invited staff to provide feedback on their experiences of working during COVID, whether that has been in the office, at home or at another location (or a mix of these). The survey also sought to capture information from staff about their specific roles, so that this could be fed into the review of working arrangements.

The number of staff members who took part in the survey was 208. This constitutes an overall response rate of 82%.

Whilst recognising that the Staff Survey is a snapshot in time, the outcomes suggest that there are significant levels of aspiration for future working arrangements to accommodate both remote working (from home) and hybrid working (a blend of working from home and in the office). A broad employee consensus about the advantages of hybrid working is that this model would facilitate a greater work/life balance and would enable people to go into the office for work that requires collaboration and connection and work remotely for work that requires individual focus or high levels of concentration.

### **5. Health & Safety Considerations**

Employee health and safety, both physical and psychological, will be at the forefront of decision making in returning to the workplace and in the ongoing development of transitional working arrangements. The Council recognises that some people will be very eager to return, others may be anxious about so doing, and a small number will not be able to return for some time because they have been notified that they are Clinically Extremely Vulnerable (CEV) or are being advised to shield for a period of time for health reasons in the event of potential future surges in the disease.

The initial "recovery" phase of transitional working arrangements will need to accommodate this range of personal aspirations and health needs, as well as the purely operational requirements of roles. It is also important for the Council to retain the capacity for as many staff as possible to work from home, at short notice, in the event of a surge in infection rates, and potential Government "work from home wherever possible" messaging. At any time individuals may need to work from home if they are medically able to if they test positive for Covid-19 or if they have been instructed to isolate because they have been in contact with someone who has.

## C. Opportunity to trial potential long-term working arrangements during the Covid-19 Recovery 12-month transitional period

The transitional working arrangements for a 12-month period provides an opportunity to trial new ways of working to assess the impact of differing working arrangements on all of the above drivers, as well providing a “safety net” in the event of further surges in Covid-19 infection rates in the short to medium term.

The transitional period provides the opportunity to arrange working space so that it gives the workforce a realistic representation of what permanent working arrangements may look like without incurring high levels of expenditure on building works. The “experimentation” with adjustments to office occupancy will enable staff to give meaningful feedback during the ongoing formal consultation with Management Team and will provide Management Team with the time and data to assess the impact on performance of the proposed hybrid model. This will inform a longer-term consideration of the model for new ways of working.

Furthermore, a 12-month transitional period allows some time for the detailed work that is required to progress work concerning the release of covenants on the Gibson Building and investigations into longer term options (although it is recognised that more time may be required for this workstream). The retention of all of the Gibson Building during the Covid-19 recovery period provides the opportunity to attempt to rationalise the occupation of all staff into the existing floor space within Gibson East and to experiment with a more flexible working model based on staggered shared occupancy of cellular offices, service zoned hot desking, and the utilisation of shared spaces for team meetings, collaborative working and break outs.

The retention of all of the Gibson Building for the transitional period also provides a “bolt hole” for overspill if some of the initial arrangements do not work in practice, or indeed if there is an ongoing requirement to socially distance as a mitigation measure against the adverse impact of potential future Covid-19 outbreaks.

The transitional period also enables the opportunity to assess the extent to which the Draft Climate Change Action Plan aspiration of achieving a 40% reduction in the council’s carbon footprint can be met by greater levels of remote/hybrid working.

This policy also supports the retention of the option for large numbers of staff to work from home at short notice in the event of potential future surges in infection rates and consequent “stay at home wherever possible” messaging from the Government.

## D. Staffing office space prioritisation matrix

A Staffing Prioritisation Matrix has been agreed by Management Team. The purpose of the matrix is to assist in the identification of base physical space requirements by seeking to place each post within one of 5 suggested categories, as follows:

- **Static workers** – possible dedicated desk space required for some staff; very rare opportunity for homeworking.
- **Mobile workers** – all/most of time field based, no desk space required, administrative tasks can be undertaken “in the field” or at home.
- **Roving workers** – combination of field and office, in unpredictable patterns, service zoned hot desking desk space required or permission given to regularly work from home.

- **Hybrid Workers** – generally working from home 3 days a week (pro-rated for part timers), may be required to attend offices to undertake certain desk-based tasks that cannot be undertaken elsewhere and for collaborative working, service zoned hot desking required for approximately 2 days per week (pro-rated for part timers).

- **Remote** – almost exclusively working from home, may be required to visit offices to attend meetings and for collaborative working, low priority for hot desking.

It is recognised that some staff will experience practical issues of not being able to work from home or will have other personal circumstances that need to be taken into consideration when determining the priority that they will be given in allocating office desk space. It is not intended that agreed transitional arrangements with individuals that vary from the broad categorisations listed above will be documented in the matrix.

## **E. Clear and Clean Desk Policy**

When working in the office, all employees, will be required to adhere to the following “clear and clean desk” protocols:

1. A clear and clean desk will only contain: a telephone, computer, keyboard, mouse and mat or docking station for laptops and stationery. **A clear desk will not contain any paper information held by the council.**
2. Whether staff have a fixed workstation or are using a hot desk, when they have finished using the desk, or expect to be away from it for longer than 3 hours, they must clear all information from the desk and ensure that it is locked away. They must also shut down the laptop/computer.
3. When staff have finished using a desk or expect to be away from it for longer than 3 hours, they must clean the desk and all the equipment on it with the sanitiser provided. When they commence using a desk and associated equipment they must also clean all surfaces with the sanitiser provided.
4. All information must be locked away in the service specified cupboard or filing cabinet.
5. Cupboard and filing cabinet keys must be kept secure and must be closed or securely locked.
6. Laptops/PC's must be locked when staff are going to be away from a desk for a short period of time, e.g., during refreshment breaks.
7. Personal items such as photos or novelty toys should not be displayed on desks. Items such as mugs/tea/coffee should only be stored in “kitchen areas”.

## **F. Protocols for Homeworking**

Key considerations for agreement between employees and their line manager for home working are listed below. The term “Homeworker” covers all those working from home for periods of time and therefore potentially includes those in posts that have been designated mobile, roving, hybrid and remote (i.e., the majority of the workforce).

### **F:1 IT related issues**

- Those working from home must ensure that they have all IT equipment necessary for the performance of their duties.
- Requirements for additional IT equipment including keyboard, monitor(s) and docking stations should be discussed and agreed in advance with the IT HelpDesk Team;
- Those requiring full access to Council IT systems from home must use a TMBC laptop over the Council's Global Protect VPN connection;
- Those with access to a TMBC tablet or smartphone will have access to email and Office 365 resources;
- Those requiring access to TMBC email and Office 365 resources via their own pc/laptop/mobile device must use Microsoft Multi-factor authentication (MFA) which should be set up in advance;
- The IT HelpDesk Team can provide advice and guidance on setting up MFA;
- Before homeworking is agreed the equipment, including the broadband connection, should be discussed with the IT HelpDesk Team to ensure that the setup will be sufficient to enable effective working from the home.
- All employees who have worked from home during phases of Lockdown, must check on a monthly basis that their issued laptops will still function at home (in case there are further surges in Covid-19 outbreaks that necessitate the Government issuing further "stay at home" orders).
- With regards to new starters, before homeworking is agreed, the equipment, including the broadband connection, should be discussed with the IT Helpdesk to ensure that the setup will be sufficient to enable effective working from home.
- The Council's IT staff are not authorised to install home equipment or provide home visits. IT support services will only be provided from the Kings Hill offices or via remote connection.
- Homeworkers must be contactable during their working hours by phone via Teams.
- Homeworkers should ensure their calendars are up to date, so others are aware of their availability.
- Homeworkers should ensure that arrangements do not impact adversely on other team members e.g., by ensuring that telephone calls aren't put through to colleagues without their agreement.

## **F:2 Information Security issues**

- The Information Security Policy, all associated policies, and the General Data Protection Regulations shall be adhered to at all times. Homeworkers should be mindful at all times to their duty of confidentiality to protect all information, particularly personal information, from unauthorised access. Care should be taken to ensure the security of such information at home. Failure to do so could be a breach of General Data Protection Regulations and could potentially lead to disciplinary action.
- Homeworkers must ensure that there is no risk of breaching the Council's GDPR safeguards by others who may be present whilst they are homeworking.
- Homeworkers must use a Council laptop over the Global Protect VPN. Council documents must not be saved on personal PCs, tablets or memory sticks.
- Homeworkers should not take sensitive paper files out of the office without the permission of their line manager and should ensure that such documents are not left exposed. Staff also need to ensure that a record is kept of any files taken out of the office.
- Staff who have taken paper copies of documents out of the office should ensure that such documentation is destroyed securely when it is no longer required.

## **F:3 Health & Safety Considerations**

- Employees working from home have the same duties under the Health & Safety at Work Act as all other employees and must take reasonable care of their own health and safety and that of anyone else who might be affected by their actions and omissions.
- Homeworkers must adhere to all relevant Risk Assessments.
- Homeworkers must not carry out work meetings in their home with customers, colleagues, or officers from other agencies, to prevent the risk of difficult situations. If homeworkers need to attend site meetings direct from home, they must comply with their team's standard lone working practices.
- For new starters, a health and safety self-risk assessment will be carried out in the home by the member of staff and any risks will be fully addressed by the line manager before the start of the home working arrangement (see the checklist in Annex 1). Regular ongoing risk assessments will be required for all those spending a percentage of time working from home.
- Homeworkers will regularly undertake VDU risk self-assessments, and will contact their line manager if they have any requirements for furniture etc.

#### **F:4 Employment contract Issues**

- Employees will be expected to comply with reasonable management requests e.g., to attend meetings in the workplace (no travel expenses will be paid for attendance at such meetings).
- With regards to new starters, the Senior HR Advisor will be consulted before the start of any regular homeworking arrangement to ensure that any agreement reached is consistent with the employee's contract of employment.
- There is no change in the contract of employment for existing staff regarding designated work base during the transitional working arrangements period.
- There is no allowance for household expenses arising from homeworking during the period of transitional working arrangements (employees wishing to know more about working from home tax allowances should visit <https://www.gov.uk/tax-relief-for-employees/working-at-home> )
- Homeworking arrangements will be regularly reviewed during the transitional working arrangements period by both the employee and their line manager to ensure that agreed arrangements are working effectively for both parties.

### **G. Transitional Arrangements Implementation Steps**

The starting point for the trial period would be for team leaders to ask their direct reports to confirm their status regarding any shielding notification or medical recommendations. It is not anticipated that many employees will continue to have this status. Those who do will need to continue working from home until the advice on this matter changes, as an agreed reasonable adjustment in accordance with the Equality Act 2010. Other employees may wish to discuss some concerns they have about returning to working in the office due to a range of medical conditions, including pregnancy, and anxiety.

For those whose post are defined as **static**, team leaders will clarify the office desk space requirement needs and advise the Working Arrangements Sub-Group accordingly.

The posts of the majority of employees have been defined as **mobile, roving or hybrid**. Team leaders will ask their direct reports in these categories to specify, on a voluntary basis, what their preferred working arrangements regarding home/office working would be for the first 6 months of the trial period. It is possible that for some their home conditions/circumstances may be such that they will not be able to continue with any form of working from home.

It is inevitable it will not be possible to accommodate everyone's aspirations as some may not be compatible with business need. However, after one year of remote working, team leaders will have formed a pretty good idea of what does and does not work for their teams. To mitigate personal bias amongst team leaders, before agreeing to anything for the transitional period, proposals about what happens in individual teams during the trial period will be considered by Service Management Teams and thereafter by Management Team. The overall target for teams, and for services as a whole, is for a 40% overall reduction in office occupancy that resembles the categorisation of the matrix as far as is reasonably practicable.

All agreed trial transitional period working arrangements that are different from existing contracts of employment will be documented in Variations to Contract letters, which will contain caveats about this not being a permanent arrangement and will emphasise the Council's right to withdraw the arrangement at short notice.

As amended trial working arrangements will be purely voluntary (not imposed or contractually binding), and employees will still retain the option of working from the office, there will not be a requirement for e.g., reimbursement of expenses such as heating allowance for periods when the individual is working from home. Consideration of such topics would form part of formal consultation, involving Unison, if and when the Council determines what its model will be for permanent working arrangements and permanent changes to contracts of employment. Any decisions on permanent changes to working arrangements and consequent changes to contracts of employment will be contingent upon property related work being completed at the same time.

## **H. Insurance**

### **Injury**

The categories of homeworker encompassed within this policy are covered by the Council's Employers and Public Liability Insurance arrangements. Accidents or injuries at home must be recorded using the Council's existing accident reporting process.

If a homeworker suffers an injury caused by the Council's negligence, any claim which arises will be dealt with under the Council's employers liability insurance.

If through the negligence of the homeworker, whilst carrying out their duties, a third party suffers an injury or loss, any claim which arises will be dealt with under the Council's insurance. If, however, claims arise within the employee's home for which the Council has no control (e.g., defects on the homeworker's premises) they would not be covered.

### **Home Insurance**

Regular homeworkers will be required to clarify that their Home Insurance covers them for working at home.

### **Those with mortgage or tenancy agreements**

In cases of homeworkers having mortgage or tenancy agreements, regular homeworkers should inform anyone with an interest in their property (i.e., building society, landlords etc.) of their homeworking arrangements.

### **Electronic devices**

Laptops, iPhones, and Tablets are covered for usage whilst working from home under the laptop item of the Council's Computer Insurance Policy. This allows the cover to extend to



include the territorial limits of the UK namely England, Wales, Scotland, Northern Ireland, the Isle of Mann, and the Channel Islands.

Staff are expected to treat the item as if it were their own device, and to take reasonable care when it is in their household – e.g., keeping it out of sight, and placing it in a more secure location should they vacate the property for any period of time.

### **Specific points about use of laptops at home**

All laptops, cables and monitors issued to staff will have been electrically tested and if a faulty laptop is proven to be the cause of a household fire,( by a Fire and Rescue report), it may be possible to claim against TMBC Public Liability Insurance. However, staff should note that :

- 1) Individuals are responsible for ensuring that the electrical testing does not go out of date and should arrange a new electrical test before use if the device is past its test validity.
- 2) Individuals are asked to examine the cables before plugging them into the electrical outlets to ensure that they are not damaged.
- 3) Individuals should ensure they are not overloading their electrical sockets.
- 4) Individuals should ensure they unplug and switch off any laptop when not in use.
- 5) Individuals should not use the laptops during electrical (lightening) storm, if the prospect of lightning strikes are high.

It is also recommended that staff do not recharge the laptop while it is unattended.

### **Storage of laptops unattended in a car**

The Council's insurers have indicated that they would consider a claim for a laptop, that is left in a car for a short duration, on the condition that the laptop is hidden in the boot, out of sight, and all of the alarms and locks of the car have been enabled. Laptops should only be left in a boot for a short duration of time, up to a maximum of 3 to 4 hours, if this is unavoidable. Staff are expected to carry the laptop with them if they feel this is the safer and more practical option.

The placement of a laptop in the boot should be done at a location where there is likely to be less observation. If possible staff should avoid placing a laptop in the boot of a car at a destination where the vehicle will be left unattended.

At no time, should a laptop be left in an unattended vehicle, overnight.

### **Taking laptops abroad.**

There is no insurance for laptops taken outside of the territorial limits of the UK (England, Wales, Scotland, Northern Ireland, the Isle of Mann, and the Channel Islands).

If staff wish to take a laptop out of the territorial limits of the UK they should arrange to insure the device on their own policies, and will be expected to undertake to reimburse the cost of repair or replacement up to the original cost of the laptop (on average: £500).

In very exceptional circumstances, where approved by the Chief Officer, and with the additional approval of Management team, special provision for insurance outside of the territorial limits of the UK can be made.

## **I. Change of Employee Address**

A homeworking arrangement will be reviewed if an employee changes address. In this case a new health & safety risk assessment and workstation assessment will need to be carried out, and the relevant managers will consider if the homeworking arrangement is likely to continue to be effective.

## **J. Terminating Homeworking Arrangements**

The Council reserves the right to withdraw from a homeworking arrangement with an individual or group of people with immediate effect if:

- security or safety standards are not being maintained, or it is no longer technically possible to maintain such standards.
- an employee does not comply with this policy.
- an acceptable level of productivity is not maintained.

## TONBRIDGE & MALLING BOROUGH COUNCIL

### GENERAL PURPOSES COMMITTEE

16 June 2021

#### Report of the Director of Central Services

#### Part 1- Public

#### Matters for Information

#### 1 GENDER PAY GAP REPORT 2019 - 2020

**This report summarises the legislative context for gender pay gap reporting, and incorporates the outcomes of the Council's gender pay gap analysis for 2019-2020.**

#### 1.1 Gender Pay Gap Reporting 2020

1.1.2 The gender pay gap obligations were introduced in 2017 alongside the existing requirements for specified public bodies, including publishing annual information to demonstrate compliance under the Public Sector Equality Duty (PSED) and publishing equality objectives every four years.

1.1.3 The Mandatory Gender Pay Gap Reporting requires that organisations should capture data as a snapshot on 31 March and then publish their findings no later than 30 March of the following year. It is similarly required that the data on their websites is maintained for three years in order to show progress made. Due to the coronavirus pandemic the period for reporting requirements has been delayed until 5 October 2021.

1.1.4 There is also a requirement for organisations to report on differences in bonus payments but this does not apply since TMBC do not pay bonus payments to any staff.

1.1.5 The Equality and Human Rights Commission defines the difference between equal pay and the gender pay gap as follows:

1. Equal pay means that men and women in the same employment performing equal work must receive equal pay, as set out in the Equality Act 2010.

2. The gender pay gap is a measure of the difference between men's and women's average earnings across an organisation or the labour market. It is expressed as a percentage of men's earnings.

1.1.6 Salaries at TMBC are determined through a grading system which evaluates the job and not the post holder. It makes no reference to gender or any other personal

characteristics of existing or potential job holders. Therefore, we are confident that TMBC is paying the same salary to roles of equal value.

1.1.7 The data below represents the gender pay gap snapshot data for TMBC as at 31 March 2020 and is presented as required by the regulations. For comparison purposes, the previous three years data is included (note we do not hold any comparative data before 2017 as this was the first year required to report). This information will be updated annually.

## 1.2 Gender Pay Gap Analysis

### 1.2.1 Mean and Median gender pay gap 31 March 2020

#### Mean gender pay gap in hourly rate as a percentage of men's pay:

2020	2019	2018	2017
19.54%	19.66%	22.63%	23.9%

#### Median gender pay gap in hourly rate as a percentage of men's pay:

2020	2019	2018	2017
29.52%	29.52%	32.71%	33.6%

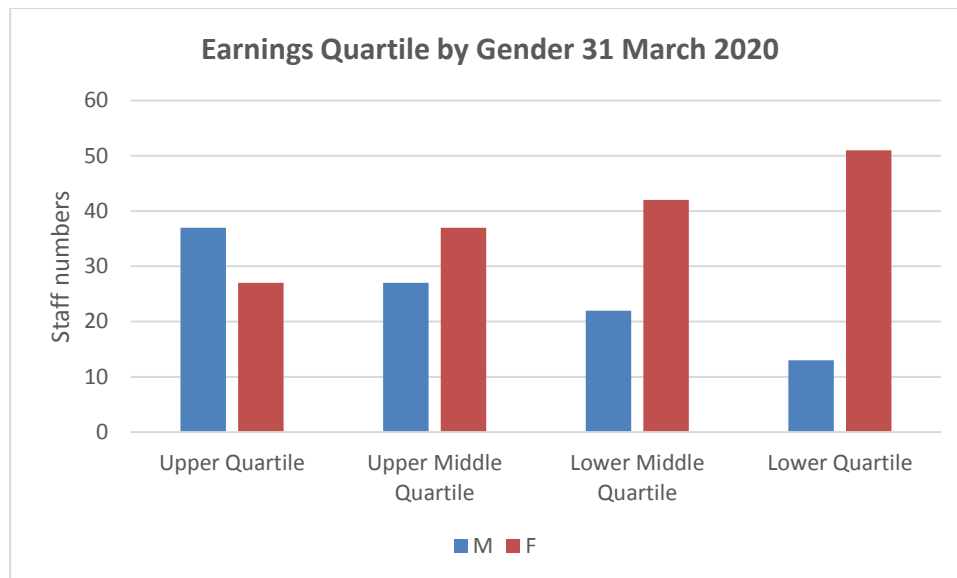
### 1.2.2 Analysis of staff by gender in each pay quartile

	2020	2019	2018	2017
<b>Upper quartile</b>				
Percentage of males in the quartile	57.81%	57.80%	59.68%	56.30%
Percentage of females in the quartile	42.19%	42.20%	40.32%	43.80%
<b>Upper middle quartile</b>				
Percentage of males in the quartile	42.19%	41.50%	39.68%	42.90%
Percentage of females in the quartile	57.81%	58.50%	60.32%	57.10%
<b>Lower middle quartile</b>				
Percentage of males in the quartile	34.38%	28.10%	26.2%%	26.60%
Percentage of females in the quartile	65.63%	71.90%	73.80%	73.40%
<b>Lower quartile</b>				
Percentage of males in the quartile	20.31%	24.60%	23.81%	19.00%
Percentage of females in the quartile	79.69%	75.40%	77.78%	81.00%

1.2.3 There is a very marginal positive shift in the mean pay gap and the median pay gap has remained the same as the previous year. As TMBC has historically had a relatively low turnover of staff it was not expected to see a large overturn in the gender pay gap during a comparatively short time period of twelve months.

### 1.3 Actions to try to address the Gender Pay Gap 2019

1.3.1 As can be seen from the graphs below, the Lower Middle and Lower Earnings Quartiles show the largest disparity between the number of women (higher) and men (lower).



1.3.2 The Government Equalities Office have published guidance for employers on “Reducing the gender pay gap and improving gender equality in organisations”. In brief the guidance offered suggests the following actions.

1. Include multiple women in shortlists for recruitment and promotion.
2. Use skills-based assessment tasks in recruitment.
3. Use structured interviews for recruitment and promotion.
4. Encourage salary negotiation by showing salary ranges.
5. Introduce transparency to promotion, pay and reward processes.
6. Appoint diversity managers and/or diversity task force.
7. Improve workplace flexibility for men and women.
8. Encourage the uptake of Shared Parental Leave.
9. Recruit returners.
10. Offer mentoring and sponsorship.
11. Offer networking programmes.
12. Set internal targets.

1.3.3 Whilst the majority of these actions are being observed to a greater or lesser extent at TMBC, the Council’s gender gap profile suggests that it is the lack of men in lower graded jobs that is the cause of the extent of the gap. TMBC have contracted out several services (e.g. refuse, street cleansing, leisure centres) where there are often lower paid jobs filled by men in the majority, which goes some way to explain why TMBC’s pay gap is higher than some comparative councils across Kent.

- 1.3.4 All recruitment literature for jobs is written in such a way to attract male, as well as female, applicants. This will be continually monitored and considered each time a new role becomes vacant.
- 1.3.5 The Council is confident that it does not discriminate at any stage of the recruitment process. Ring fencing lower graded jobs where we have a higher proportion of female staff specifically just for men is not considered an appropriate course of action to take.
- 1.3.7 The Council would like to see the gap continue to reduce by as much as reasonably possible each year.

## **1.4 Summary**

- 1.4.1 Overall, during the most recent twelve month period there has been a very marginal positive shift in the mean pay gap, whilst the median pay gap has remained the same as the previous year. It should be noted that both the mean and median pay gaps have narrowed by approximately 4% since figures were first published in 2017.
- 1.4.2 It should also be noted that the majority (60%) of the Council's Senior Management Team are female.

## **1.5 Legal Implications**

- 1.5.1 The data included in this report has been calculated and presented according to the requirements of The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017.

## **1.6 Financial and Value for Money Considerations**

- 1.6.1 The regulations also require those authorities that award bonuses to publish the mean and median gender bonus gaps and the proportion of men and women who receive bonuses. There is no record of such gaps in the above tables as this Council does not operate a performance related or total contribution pay scheme, and therefore does not award bonuses to staff.

## **1.7 Risk Assessment**

- 1.7.1 The Council's grading structure is such that in most pay grades there are a maximum of 4 increments; which assists with internal equity.
- 1.7.2 The Council supports flexible working, for both men and women, such as job sharing, part time working, and flexible retirement.

## **1.8 Recommendations**

1.8.1 The Committee is asked to note the outcomes of the gender pay gap analysis as reported in Section 1:2 of this report.

Background papers:

contact: Mathew Brooks,  
Senior HR Adviser

Nil

Adrian Stanfield  
Director of Central Services & Deputy Chief Executive

This page is intentionally left blank



# Agenda Item 7

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

This page is intentionally left blank

# Agenda Item 8

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank



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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

# Agenda Item 10

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

This page is intentionally left blank