

# TONBRIDGE & MALLING BOROUGH COUNCIL

## OVERVIEW AND SCRUTINY COMMITTEE

27 April 2021

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

#### Part 1- Public

#### Matters for Recommendation to General Purposes Committee

#### 1 REVIEW OF HOMEWORKING POLICY

##### Executive Summary

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

#### 1.1 Introduction

- 1.1.1 As Members will be aware, the scope of a review of homeworking was previously agreed by this Committee in November 2020 as part of a joint review alongside virtual meetings.
- 1.1.2 In respect of homeworking, Members agreed that the review should look at the feasibility of rationalising the Borough Council's office accommodation at the Gibson Building, with a view to increasing the amount of homeworking to support the Climate Change Strategy and reduce overheads. However, Members were mindful of the work/life balance and the potential impact on staff of different working arrangements. The Director of Central Services indicated that the welfare of staff remained a priority for the Borough Council and the review would consider all options carefully.
- 1.1.3 An update was provided to the March meeting of the Committee on progress with the review of the Gibson Building site, with specific reference to ongoing dialogue with Kent County Council.
- 1.1.4 Whilst there are some common elements between the homeworking and virtual meeting scrutiny reviews, these are significant subjects for consideration in their own right. The other item on the agenda for tonight's meeting sets out in detail the review of virtual meetings; this item asks the Committee to review the Council's existing Homeworking Policy (in **Annex 1**) to reflect a number of council policies as well as the anticipated return to working in the office for a significant number of employees during the period of national Covid-19 Recovery.

- 1.1.5 This report. The relevant corporate drivers that have been factored into 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.
- 1.1.6 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, with a further review to be undertaken in mid-May. 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.
- 1.1.7 In anticipation of the potential relaxation of national guidance on social distancing/working from home at some point during summer 2021 (potentially as early as 21 June), Officers have considered how the Council can emerge from the pandemic into new working arrangements that meet the strategic objectives set out in the Corporate Plan, the Climate Change and Digital Strategies. The new policy presented in **Annex 2** incorporates updated protocols for homeworking during what will hopefully be a transitional period of initial post Covid-19 national recovery. As members of this Committee will be aware both the Government and leading figures in the NHS have advised that there is a likelihood of further surges in infection rates (potentially due to new variants of the disease) in the autumn/winter, if not before. 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 its existing measures (as identified in Risk Assessments) to mitigate against the risks posed by the ongoing potential of future outbreaks of the disease.
- 1.1.8 The recommended new policy will be subject to continuous review via Management Team, the Joint Employee Consultative Committee, and the General Purposes Committee. The ongoing review will take cognisance of emerging guidance from the Government, as well as the development of the key strategic Council policies identified in 1.1.5 above that provide the philosophical underpinning of the recommended Transitional Working Arrangements for Covid-19 Recovery in Annex 2.
- 1.1.9 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.

- 1.1.10 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.
- 1.1.11 Implementation of the policy (including oversight of consultation with staff) will be undertaken by the Director of Central Services & Deputy Chief Executive, in consultation with Management Team.
- 1.1.12 The Tonbridge and Malling Branch of UNISON has reviewed the Transitional Working Arrangements Policy and asked for clarity on matters relating to the insurance implications of working from home (which have been dealt with to their satisfaction), but is otherwise happy with the policy. Further consultation will take place with Unison in the event that there are any amendments to the policy.

## **1.2 Review of Gibson Building & implications of transitional working arrangements**

- 1.2.1 As Members will be aware, the Gibson site comprises two main buildings occupied by the Borough, being the Gibson Building West, adapted from the former RAF Officers Quarters serving the West Malling Airfield and a newer building, Gibson Building East, constructed in 2000 specifically for T&MBC occupation. There is also a row of 22 garages constructed at the same time as the Gibson Building West. Gibson Building West and the garages were both Grade II Listed in 1999.
- 1.2.2 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
- 1.2.3 The proposed staffing arrangements do not conflict with any covenants on our freehold title to the site and do not therefore require any consent from Kent County Council.
- 1.2.4 It is anticipated that the proposed arrangements will enable the Council to achieve a substantial reduction in office space, together with cost savings from using the premises more efficiently. In parallel with the introduction of transitional arrangements, we shall continue the discussions with Kent County Council so that we are able to evaluate longer term options for the Gibson Building site as part of a longer term review of working arrangements. Once we have a settled position from Kent County Council in respect of the covenants on the title to the site, we will then be in a position to seek approval from the Finance, Innovation and Property Advisory Board to undertake a detailed appraisal of the available options e.g. rationalising occupation into part of the existing premises and either lease or sell the remaining unused part of the site, relocation etc. It is premature to speculate on what those options may be, but 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.

- 1.2.5 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.
- 1.2.6 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 Climate Change implications**

- 1.3.1 There is no industry wide data available that would allow the Council to carry out an estimation of the climate change implications (for TMBC) of working in the office v working from home with a reasonable degree of certainty. Furthermore, the number of variables and assumptions that we would need to take account of e.g. working spaces/ heating/ vehicle emissions/ mode of transport/ distances travelled to work etc makes it very challenging to make an accurate assessment.
- 1.3.2 Members may however wish to read the briefing on 'Working from home – carbon emissions' prepared by Energise - [Working from Home Emissions Briefing.pdf](#) (attached at **Annex 3**). This provides a comparison of the relevant carbon footprints for the following options:-
- Working from the office
  - Working from home (area used heated)
  - Working from home (whole house heated)

### **1.4 Legal Implications**

- 1.4.1 As an employer, the Council is responsible for our 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.

- 1.4.2 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.
- 1.4.3 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.
- 1.4.4 Any decisions about 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.

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

- 1.5.1 At this point in time, it is anticipated that 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.
- 1.5.2 As set out in paragraph 1.2.5 above, the trial will be limited in scope so the costs associated with changes to the office layout will be kept to a minimum. However, it would be prudent make budgetary provision of up to £15,000 for property related costs associated with the arrangements. It is suggested that this is funded through the Building Repairs Reserve Expenditure plan.

## **1.6 Risk Assessment**

- 1.6.1 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).

## **1.7 Equality Impact Assessment**

- 1.7.1 The recommended policy in Annex 2 is compliant with the requirements of the Equality Act 2010.

## 1.8 Policy Considerations

1.8.1 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.

1.8.2 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'.

1.8.3 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.

1.8.4 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.

## 1.9 Recommendations

1.9.1 Members are requested to endorse and **RECOMMEND** to General Purposes Committee

- (a) the adoption of the transitional working arrangements for Covid-19 Recovery Policy and Procedure in Annex 2 attached to this report;

- (b) that budgetary provision of £15,000 is made for any property related costs associated with the transitional working arrangements, to be funded through the Building Repairs Reserve Expenditure plan.

Background papers:

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Nil

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