

# 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:

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Nil

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