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Hinckley & Bosworth
Borough Council

Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive

Date: 04 October 2022

**To: Members of the Ethical Governance and
Personnel Committee**

Cllr R Webber-Jones (Chairman)	Cllr MA Cook
Cllr SL Bray (Vice-Chairman)	Cllr A Furlong
Cllr RG Allen	Cllr L Hodgkins
Cllr DC Bill MBE	Cllr LJP O'Shea
Cllr MB Cartwright	

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE** in the De Montfort Suite, Hinckley Hub on **WEDNESDAY, 12 OCTOBER 2022 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen
Democratic Services Manager

Fire Evacuation Procedures

- On hearing the fire alarm, leave the building **at once** quickly and calmly by the nearest escape route (indicated by green signs).
- *There are two escape routes from the Council Chamber – at the side and rear. Leave via the door closest to you.*
- Proceed to **Willowbank Road car park**, accessed from Rugby Road then Willowbank Road.
- **Do not** use the lifts.
- **Do not** stop to collect belongings.

Recording of meetings

At HBBC we are open and transparent about how we make decisions. We allow recording, filming and photography at all public meetings including Council, the Executive and Planning Committee as long as doing so does not disturb or disrupt the proceedings. There may occasionally be some reports that are discussed in private session where legislation requires this to happen, but this is infrequent.

We also allow the use of social media during meetings, which helps to bring the issues discussed to a wider audience.

Members of the public, members of the press and councillors are hereby informed that, in attending the meeting, you may be captured on film. If you have a particular problem with this, please contact us so we can discuss how we may accommodate you at the meeting.

Use of mobile phones

To minimise disturbance to others attending the meeting, please switch off your phone or other mobile device or turn it onto silent or vibrate mode.

Thank you

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES OF PREVIOUS MEETING (Pages 1 - 4)

To confirm the minutes of the previous meeting.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

4. DECLARATIONS OF INTEREST

To receive verbally from members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. QUESTIONS

To hear any questions received in accordance with Council Procedure Rule 12.

6. HYBRID WORKING (Pages 5 - 22)

To present the Hybrid Working policy and the Right to Request Flexible Working policy.

7. CORPORATE COMPLAINTS 2021-22 (Pages 23 - 38)

To inform members of complaints received during 2021-22 under the council's corporate complaints process.

8. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

9. MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

To consider the passing of a resolution under Section 100A(4) of the Local Government Act 1972 excluding the public from the undermentioned item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 and 10 of Schedule 12A of the 1972 Act.

10. COMPLAINTS UPDATE (Verbal Report)

Update on complaints made about alleged breaches of the code of conduct.

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

3 AUGUST 2022 AT 6.00 PM

PRESENT: Cllr R Webber-Jones - Chairman
Cllr SL Bray – Vice-Chairman
Cllr RG Allen, Cllr DC Bill MBE, Cllr MB Cartwright, Cllr MA Cook, Cllr A Furlong,
Cllr L Hodgkins and Cllr RB Roberts (for Cllr LJP O'Shea)

Officers in attendance: Julie Kenny and Rebecca Owen

107. **Apologies and substitutions**

Apologies for absence were submitted on behalf of Councillor O'Shea with the substitution of Councillor Roberts authorised in accordance with council procedure rule 10.

108. **Minutes of previous meeting**

It was moved by Councillor Cartwright, seconded by Councillor Bill and

RESOLVED – the minutes of the meeting held on 8 June be confirmed and signed by the chairman.

109. **Declarations of interest**

Councillor Roberts sought advice in relation to a group of which he was a member but was advised that this did not constitute an interest in the context of the matter under consideration.

No further interests were declared.

110. **Matters from which the public may be excluded**

On the motion of Councillor Allen seconded by Councillor Bray, it was

RESOLVED – in accordance with section 100A(4) of the Local Government Act 1972, the public be excluded from the following item of business on the grounds that it involves the disclosure of exempt information as defined in paragraphs 1 and 10 of Part I of Schedule 12A of that Act.

111. **Complaint 2021/26 - hearing**

The Ethical Governance and Personnel Committee considered the report of the independent investigator into a complaint about a parish councillor.

The investigator and the complainant were present and the complainant was accompanied by a colleague. The subject member had written to the Monitoring

Officer to state that he would not be in attendance. On this basis, the committee agreed to go ahead in their absence.

Councillor Cook entered the meeting at 6.07pm.

The investigator presented the report and members proceeded to ask questions of the investigator and the complainant.

The investigator, complainant and colleague withdrew from the meeting at 6.50pm and members considered the representations made and the options available to them.

During their deliberations, members firstly considered the capacity in which the subject member was acting as this had become unclear. Members came to the conclusion, however, that an individual acting in a personal capacity would not have claimed to have had the power to act in the way the subject member had, thereby showing on the balance of probability that the subject member was using their position on the parish council to exclude a group from attending public events, notwithstanding the fact that even the parish council did not have the right to do so. It was also noted that it was information received from the parish clerk in the subject member's official capacity that had prompted the action by the subject member.

Members then considered whether the actions constituted a breach of the code of conduct and came to the conclusion that the subject member did attempt to use their position improperly to disadvantage a group of people, including the complainant.

The options available to the committee were discussed. It was noted that the complainant had said they had only initially wanted an apology, and that the Monitoring Officer and the investigator had both explored this option but an apology had not been forthcoming. Members felt that an apology would still be appropriate and that it should not be written on parish council headed paper but should be a clear, personal apology. They also felt that the subject member should receive training on the code of conduct and chairing skills. Should they not engage with these requests, the Monitoring Officer should write to the clerk to the parish council to request consideration of removing the subject member from any positions of responsibility on the parish council.

The committee discussed timescales for action and suggested that allowing 21 days for an apology would allow for the subject member being away during the holiday period, and that a copy of the request for an apology would be sent to the clerk.

Members considered whether to make the matter public but felt that, due to the background to the case, it would lead to the complainant being identified and would cause upset amongst some residents in the village.

It was moved by Councillor Bray and seconded by Councillor Cartwright that the subject member had breached the code of conduct and that the aforementioned sanctions should be put in place. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) The subject member had breached the code of conduct by attempting to use their position improperly to the disadvantage of someone else when they telephoned the complainant and stated that the community group was excluded from attending public events in the village;
- (ii) The subject member be requested to personally apologise to the complainant in writing within 21 days of the date of the decision notice;
- (iii) The subject member be requested to undertake training on the code of conduct;
- (iv) The subject member be requested to undertake chairing skills training;
- (v) Should any the above requests (ii) to (iv) not be carried out, authority be delegated to the Monitoring Officer to write to the clerk to the parish council to recommend that consideration be given to removing the councillor from positions of responsibility on the parish council.

(The Meeting closed at 7.07 pm)

CHAIRMAN

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Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Ethical Governance and Personnel Committee 12 October 2022

Wards affected: All wards

Hybrid Working

Report of Director (Corporate & Streetscene Services).

1. Purpose of report

1.1 To present for approval the Hybrid Working Policy and the Right to Request Flexible Working Policy.

2. Recommendation

1.2 That the policies are approved.

3. Background to the report

3.1 During the covid pandemic most of our office-based employees temporarily worked from home to maintain key services for residents of the borough. Given the duration of the subsequent lockdowns, this unprecedented situation provided an opportunity for the Strategic Leadership Team (SLT) to review how it could operate in the future and to consider whether to move towards a permanent operating model centred around hybrid/remote working.

3.2 A project group was established in May 2021 and its primary task was to consult managers and staff to establish if this new way of working could be a possibility, and what the council could do to maintain good service to customers. As a result of the initial consultation exercise, it was clear that there was a desire from staff to retain a more flexible way of working and that they were open to consider this on a permanent basis.

3.3 Following the consultation exercise, a project group, led by the Director (Corporate Resources & Streetscene Services), was tasked to develop and

implement a new 'Future Operating Model'. The group took into consideration key areas including HR Policy, Customer/Stakeholder Engagement, Council Buildings and ICT Support. HR was tasked to review its current policies considering the new arrangements.

- 3.4 A new Hybrid Working Policy was developed and consulted upon with staff and the recognised trade unions **Appendix A**, which took place during September 2021. The new policy was designed to provide flexibility to attract and retain staff, whilst also seeking to meet our customer needs. The policy centred on the principle that staff can work from any location, this being their home, office, and any other suitable location.
- 3.5 Running alongside the consultation process, plans were put in place to trial the new operating arrangements at the offices and the Estates Team remodelled the layout ready to be trialled in January 2022. That trial is now complete. The ICT infrastructure was also updated to support Hybrid working.
- 3.6 Furthermore, since the trial has been implemented the Estates Team, working with the Director (Corporate Resources & Streetscene Services) has been in negotiations with partners to lease the ground floor of the Hub to secure additional income to the council.
- 3.7 The policy made clear that hybrid working is undertaken on an informal basis and without any contractual change; fundamentally retaining the contractual location as the council offices. Therefore, terms and conditions of employment and policies that apply to employees working remotely from home will be unchanged from those that would apply in the workplace. This decision is in line to that of neighbouring local authorities.
- 3.8 The policy is underpinned by the following principles:
 - Customers are to be at the focus of our new working arrangements. The council's workplaces will be set up to better support collaboration, productivity, wellbeing, and customer service
 - Workspace is prioritised for activities, not individuals - flexibility is the norm and fixed desks are kept to a minimum for operational or wellbeing reasons
 - Employees should work in the most appropriate location for the task they are doing rather than being at a council office by default
 - Employees will be encouraged to work as flexibly as possible whilst always remaining contactable, using a mix of workplaces (offices, working from home, remote working) to best meet service and customer needs, and support staff wellbeing
 - Employees will be given the equipment they need to support working in a more flexible but affordable way
 - To shift towards a digital first culture that makes the most of the efficiencies hybrid working offers
 - Ensure a team working culture is in place when developing a hybrid culture to maintain staff development and wellbeing

- Ensure that new employees to the council are embedded in the organisation through regular contact
- Face to face contact with customers to be on a prearranged basis
- Productivity and performance to be maintained and managed appropriately.

3.9 Given the degree of flexibility that the council's hybrid working arrangements will provide for its employees, it is expected that staff will also be flexible. Employees may be required to attend the council offices days at the request of their line manager for example: training, face to face meetings (if it is agreed that this is best conducted in person) or if there are capability issues and the employee is on an improvement plan.

3.10 Moving forwards the new model will be monitored by SLT to ensure that hybrid working is both effective for the council and the employee. The policy principles will be reviewed and measured on a regular basis to ensure that the principles are adhered to, particularly regarding the impact upon team working given its impact upon performance, staff development and wellbeing; SLT will measure this by ensuring that managers hold regular team meetings and team days with their staff.

3.11 It is also important to note that the operation of the new Hybrid Working Policy does not prevent the statutory right to request flexible working and this option is still open to staff. This applies to those who wish to make a formal request to change their working hours or location on a permanent basis under the scheme (employees must have a least 26 weeks' service). Any request made is subject to agreement by line management and if agreed, will result in a permanent change to terms and conditions of employment. The Statutory Right to Request Flexible Working Policy **Appendix B** has been updated as a standalone policy to provide a clear distinction between the two new policies.

4. Exemptions in accordance with the Access to Information procedure rules

4.1 The report to be taken in open session.

5. Financial implications [DW]

5.1 The implementation of the Hybrid Model offers income generating opportunities in respect of office space no longer used by HBBC Staff. The level of this income is unknown at this stage and would only be released once the relevant negotiations with partners was concluded.

6. Legal implications [MR]

6.1 Set out in the report.

7. Corporate Plan implications

7.1 The introduction of hybrid working meets the Corporate Plan aims 'People' – recognise diversity as it supports work life balance. It also contributes to

'Place' – to reduce the councils carbon footprint thereby contributing to the aims of the climate Change Strategy.

8. Consultation

- 8.1 Both policies have been subject to full consultation with staff and the recognised trade unions.

9. Risk implications

- 9.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.
- 9.3 The following significant risks associated with this report / decisions were identified from this assessment:

None.

10. Knowing your community – equality and rural implications

- 10.1 An Equality Impact Assessment has been carried out on the Hybrid Working Policy. The impact assessment identified positive impacts on the following equality groups:

Disability - staff reduction in travelling/commuting particularly welcome for many staff especially for those with physical disabilities and mental health concerns.

Disability and Sex - improved employee work life balance for those with physical disabilities, mental health issues and caring responsibilities.

All - enhanced recruitment and retention – able to recruit from a much wider geographical area plus appeals to those who prefer home working.

The impact assessment identified negative impacts on the following equality groups:

Age – the introduction of Hybrid working may adversely affect new employees but particularly younger trainee staff such as Apprentices and Graduates. The building of team knowledge/development for new trainees may be impacted upon by not working together. The mitigation to address this issue includes the practice of working in the office on a regular basis for new employees and encouraging regular 'in person' team days across the council.

A full copy of the impact assessment is available on request.

11. Climate implications

- 11.1 The introduction of Hybrid Working for will see a reduction in commuting. However conversely, it is important to highlight that staff may see an increase in energy costs in their home environment. Improved technology, such as Microsoft Teams has reduced the need to travel to meetings thereby reducing work travel; this will have a positive impact upon the council's carbon footprint.

12. Corporate implications

- 12.1 By submitting this report, the report author has taken the following into account:

- Community safety implications
- Environmental implications
- ICT implications
- Asset management implications
- Procurement implications
- Human resources implications
- Planning implications
- Data protection implications
- Voluntary sector

Background papers:

Contact officer: Julie Stay, 01455 255688
Executive member: Councillor S Bray

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HYBRID WORKING POLICY

INTRODUCTION

Hybrid working is a form of flexible working that allows employees to split their time between attending the workplace and working remotely (typically from home or another location).

There are many benefits associated with hybrid working such as:

- ✓ Efficiency - better use of space, reduced property estate to manage going forward, and the creation of flexible spaces
- ✓ Productivity – teams working closer together to stay connected and to share knowledge. It can also mean potentially extended hours for services and reduced absenteeism as people can make more choices about where and when they work.
- ✓ Sustainability - reduced carbon footprint – fewer reasons to travel
- ✓ Business continuity - reduced disruption from weather, security, or any future pandemic.
- ✓ Incentives – more appealing when recruiting and retaining employees, reduced training costs
- ✓ Work life flexibility – reduced commute time, more choice and greater trust between employer and employee.

Many employees have shown during the coronavirus pandemic that they can continue to effectively perform while working remotely and have already indicated that they do not want to return to less flexible pre-pandemic working arrangements. This rapid adoption of a new working culture provides an opportunity for the council to permanently implement hybrid working to successfully transform the organisation, contributing to overall performance as well as supporting employees to achieve a positive work-life balance.

PURPOSE

The objectives of our new way of working is to develop promote different ways of working that can support:

- Delivery of our services and
- Employee well-being through a better work-life balance

This policy sets out the council's approach to hybrid working and provide managers with a framework for implementing new ways of working and managing a workforce with reduced office accommodation.

Please note that legislative requirements in relation to statutory right to request flexible working still exists. This applies to those who wish to make a formal request to contractually change their working hours or location on a *permanent basis* under the statutory scheme (employees must have a least 26 weeks' service). Please refer to the Statutory Right to Request Flexible Working Policy for more details.

For most employees, who either wish to alter their working pattern which does not constitute a contractual change or where revised working arrangements are informally agreed with their line manager, this will not constitute a formal statutory request.

SCOPE

This policy applies to all Hinckley and Bosworth Borough Council employees.

PRINCIPLES

In order to implement the new operating model, the following principles will be adopted.

- ✓ Customers are to be at the focus of our new working arrangements. The council's workplaces will be set up to better support collaboration, productivity, wellbeing and customer service.
- ✓ Workspace is prioritised for activities, not individuals - flexibility is the norm and fixed desks are kept to a minimum for operational or wellbeing reasons.
- ✓ Employees should work in the most appropriate location for the task they are doing rather than being at a council office by default
- ✓ Employees will be encouraged to work as flexibly as possible whilst always remaining contactable, using a mix of workplaces (offices, working from home, remote working) to best meet service and customer needs, and support staff wellbeing.
- ✓ Employees will be given the equipment they need to support working in a more flexible but affordable way
- ✓ To shift towards a digital first culture that makes the most of the efficiencies hybrid working offers.
- ✓ Ensure a team working culture is in place when developing a hybrid culture to maintain staff development and wellbeing
- ✓ Ensure that new employees to the council are embedded in the organisation through regular contact
- ✓ Face to face contact with customers to be on a prearranged basis.
- ✓ Productivity and performance to be maintained and managed appropriately.

EQUALITIES

The council's commitment to equality of opportunity will be always observed during the operation of this policy. This will ensure that employees are treated fairly and without discrimination on the grounds age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity race, religion or belief, sex and sexual orientation.

ARRANGEMENTS FOR HYBRID WORKING

Employees may work from various locations including:

Main Office Base – this is where an employee works at the office, which is their main base according to their contract.

Home working – this refers to an arrangement whereby employees work from home on an agreed basis, with the expectation that the employee will attend the office as necessary.

Remote working – this is defined as an informal facility whereby employees carry out work that would normally have been completed at a traditional office, for example an alternative site.

The number of days per week each employee spends attending the council offices will vary depending on:

- Their individual circumstances (home environment may not be suitable)
- The nature of their role (may not be suitable for remote working)
- What is happening within their role and team at any particular time (i.e. team days)
- The needs of the council including the space available at council locations

Workforce flexibility

Given the degree of flexibility that the council's hybrid working arrangements will provide for its employees, it is expected our workforce will also be flexible. Employees may be required to attend the council offices on particular days at the request of their line manager for example: training, face to face meetings (if it is agreed that this is best conducted in person) or if there are capability issues and the employee is on an improvement plan.

Similarly, there may be circumstances in which employees are requested to work remotely or to work from other workplaces as reasonably required, for instance:

- Operational needs, for example if the council has too many employees attending the council offices
- Emergency planning arrangements such as in response to a flood/fire at the building or for public health reasons due to a pandemic

In such cases employees will be given as much notice as possible.

Working hours and terms and terms and conditions of employment

The terms and conditions and policies that apply to employees working remotely from home will be unchanged from those that they would apply in the workplace, unless a variation to contract is issued which states otherwise.

Under this policy working hours are unchanged and are set out within the employment contract.

Workspaces at the council

The new operating model will see a reduction in workstations being made available at the main office base. Moving forwards teams will be located within 'zones'. The council will operate a hot-desking arrangement whereby staff will be able to book desks via a booking system. At the end of each day employees should ensure that the hot desk is left empty, clean and tidy. The council will provide personal storage lockers for staff, on request.

Some staff may be allocated a permanent desk if their home environment is not suitable and following approval of their line manager.

Technology and equipment

To assist employees working remotely, the council will provide as a minimum:

- Laptop with built in camera & speakers
- Teams compatible duo or mono wired headset

- Wired keyboard (for home use)
- Wired optical mouse (for home use)
- Laptop riser (for home use)
- Desk and chair (if required as part of a DSE/risk assessment)
- Suitable laptop bag

There may be some variances to this, but this will only be on a business need and where supported by an individual risk assessment which everyone will be invited to complete for their working arrangements.

In an event where technical issues are experienced which prevents the employee from working from home or in a remote location, the manager must be informed. The manager will need to establish the extent of the system failure, the impact on the service and decide on the appropriate course of action. In some circumstances, employees may be required to work at the main office.

Health and Safety

The council is liable if the employee suffers an accident or ill health as a result of working from home, however the Health and Safety at Work Act also places obligations on the employee to 'take reasonable care for the health and safety of himself and of other persons ...' which in this instance, would include those within the household.

The council has limited control over the home therefore to manage the risk employees will complete a homeworking self-assessment which is reviewed every 12 months or sooner if there are any changes. The self-assessment may cover, but is not limited to:

- lone working
- desk area
- display screen
- fire and electrical safety
- stress & welfare
- manual handling
- slip, trips and falls
- security

The assessment will identify any risks and what the manager, working with the employee, can do to mitigate against them. Employees must notify their line manager if:

- You feel any discomfort due to working remotely (such as back pain)
- You believe there are any work-related health and safety hazards
- Any work-related accidents occur in your home

Managers will escalate the matter to the Health and Safety Officer to address what action can be taken.

Data Protection

Employees who are working remotely are responsible for keeping information associated with the council secure at all times and are under a duty to:

- *Practise good computer security* – employees working from home operate through the council's systems so that personal and customer data is adequately protected.

Employees should not send emails to personal email addresses or print documents at home using personal printers. Any printing should be carried out at the council offices.

- *Be mindful when holding confidential/sensitive conversations* – employees may be sharing home working space with other family members or friends or working in public locations. Try to hold conversations where they are less likely to hear you and try and use headphones if possible. Never have confidential conversations in public.
- *Ensure work related information is safeguarded*
 - Employees should position laptops so that others cannot see the screen
 - Never leave laptops unattended in remote locations
 - Keep all hard copies of work-related documentation secure, including keeping documents locked away at all times except when in use
 - Any data/print outs that need to be destroyed should be done so securely

Communication

Hybrid working is based on effective communication and is critical to its success. Communication needs to be managed to ensure good information flow, increase knowledge gaps and enable effective team working.

Team based communication

Communication within hybrid teams needs to be intentional as ad-hoc conversations (where a lot of informal learning and knowledge sharing generally takes place) may be reduced. To redress this, all members of the team should be consulted and encouraged to establish agreed principles of communication such as:

- *Regular team meetings* -. teams can meet either physically, virtually (or both) to ensure that communication is inclusive for everyone.
- *Designated team days* - ideally this could be in the office or located in a mutually convenient location
- *Social gatherings* – this may work for some teams, eating out, coffee breaks etc
- *Group chats* – enabled through various social media channels such as Whatsapp

Individual communication

Managers can maintain contact such as:

- *Regular 1:1 meetings* – mutual dialogue allows managers to pick up successes or any performance issues as well as talking about wellbeing and personal development. This can be done via video call, telephone or face to face.
- *Agree check in procedures* – managers may wish to agree in advance the frequency and method for checking in with employees on a daily basis. Managers should make themselves available by telephone to employees to respond to any questions in a timely manner.
- *Employee wellbeing* – just because employees are not physically present, it doesn't mean that they are no longer part of the team. Keeping in touch with remote workers is important so that they feel informed and included.

The employer has a duty of care to the employee. It is therefore important, given the reduction in office presence that the manager watches out for signs that the employee is unhappy, demotivated or feeling isolated.

Managing Performance and Output

Hybrid working requires a good level of communication, organisation, trust and working together in order to ensure that arrangements put in place do not have an impact upon the quality of work or targets that the service is required to meet. Having an adaptable management style will ensure managers take advantage of opportunities to improve the services offered and support employees with different work arrangements. Managers cannot expect to gain flexibility of employees and then to manage in a strict and rigid way.

The new way of working for managers will provide more focus on managing 'outputs' as opposed to 'presenteeism'. Managing remotely should not be any different when managing staff in a traditional office location. Managing performance is integral to the manager's workload and regular one to ones should take place using mutually agreed methods. Please refer to the 'Managing Performance – Guidance for staff' for more details.

The capability process remains in place to tackle poor performance and if there is a performance issue then this should be discussed with the employee, ideally during a face-to-face meeting. Please speak to HR for support regarding this.

OTHER CONSIDERATIONS OF HYBRID WORKING

Lone Working

As a remote worker employees should follow Lone Working Arrangements located on the intranet and ensure that colleagues know where and when to expect them to be a particular location.

Reasonable Adjustments

Managers should be mindful about employees having a registered disability under the Equalities Act 2020 for which reasonable adjustments should be put in place/or need to be put in place in order for the employee to be able to carry out their duties without them being disadvantaged. This is particularly important when allocating fixed desks.

In most circumstances, managers will already be aware of the employee's disability and any adjustments that have been put into place where relevant.

Where managers are not already aware of an existing disability that has been declared it may be necessary to refer to occupational health /and or carry out a health and safety risk assessment.

Managers should contact Human Resources for advice.

Financial Assistance

Additional costs such as energy costs, broadband and furniture not approved by the council will be met by the employee and not paid by the council. In many cases costs are offset by the reduction in commuting costs.

Employees may be able to claim tax relief for any household expenses incurred as a result of working from home, provided the expenses are solely work related. To claim tax relief, see the Government's guide www.gov.uk/tax-relief-for-employees/working-at-home.

Insurance

Council owned equipment

Items of equipment belonging to the council will be covered by the council's insurance whilst they are in the employee's home and when in transit. Employees must take reasonable care of council owned equipment when taken away from council premises. Employees may wish to contact their home insurance company regarding the nature and extent of the use of their home for work purposes, as home working may have an impact upon the employee's home insurance policy.

Employees working from home are covered by the council's Employer Liability Scheme.

Travel

Employees should always consider the most efficient mean of travel in terms of time and efficiency to meet the council's green agenda.

The designated council location as set out in the contract of employment contract is considered the employee's work base.

*Ordinary commuting is usually travel between an employee's home and their normal place of work, and/or the return journey for which mileage is not claimable. Any mileage claimed in the course of work duties must be reduced by the length of the *ordinary commute journey (known as the lessor rule for tax purposes).

The total mileage can be claimed for journeys relating to approved training, that are in excess of the commute journey.

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RIGHT TO REQUEST FLEXIBLE WORKING POLICY

INTRODUCTION

The council recognises the contribution of all its employees and understands that, at some time in their working lives, employees may wish to work more flexibly. All employees with at least 26 weeks' continuous service have the statutory right to apply for flexible working. Flexible working is about reviewing employees' working patterns or location to see whether it is possible to implement different arrangements. Any arrangements must, however, always consider the need for the council to achieve its core business purpose as efficiently as is possible.

A request for flexible working can be a request to **permanently** change:

- ✓ The number of hours the employee works
- ✓ The times at which the employee is required to work
- ✓ Where the employee works, usually a request to work fully or partly from home.

The request could include shorter working hours, shorter working week, compressed hours, annualised hours and job sharing. Employees should be aware that if they request and are granted flexible working, this represents a **permanent** variation to their contract of employment. In certain circumstances, however, the organisation may agree to the change on a trial basis. If an employee's circumstances subsequently change in relation to the need for flexible working, there is no statutory right for a return to the terms and conditions that applied prior to flexible working being granted.

This policy should not be confused with the Hybrid Working Policy which allows staff, if their job role permits, to work from home or alternative locations where the employment contract does not change.

PURPOSE

The purpose of this document is to provide guidance on handling the statutory right to request flexible working.

SCOPE

This policy applies to all Hinckley and Bosworth Borough Council employees.

EQUALITIES

The council's commitment to equality of opportunity will be always be observed during the operation of this policy. This will ensure that employees are treated fairly and without discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity race, religion or belief, sex, and sexual orientation.

PROCEDURE

Eligibility

To be eligible to make a request for flexible working, a person must satisfy the following conditions. They must:

- ✓ Be an employee
- ✓ Have worked for the council continuously for at least 26 weeks as at the date the application is made
- ✓ Not have made another application to work flexibly during the previous 12 months.

Making a request

An application for flexible working must be in writing and include the following information.

1. The date of the application.
2. The change to working conditions the employee is seeking and when they would like this change to come into effect.
3. The effect, if any, the employee thinks the requested change will have on the council and how, in their opinion, any such effect might be dealt with.
4. A statement that it is a statutory request, and when they have made a previous application for flexible working.
5. If your request relates to something covered by discrimination law (Equality Act 2010), for example to make a 'reasonable adjustment' for a disability you may have.
6. The application should be signed and dated.

Meeting and discussion

7. Following receipt of a valid written request for flexible working, the employee's line manager will arrange a meeting with them to discuss their request and will consider the request reasonably within a reasonable timetable.
8. All requests will be decided, including any appeal, within three months of first receipt of the request, unless an extension of time is agreed.
9. The employee has the right to be accompanied at any meeting set up to discuss their flexible working request by a trade union representative or work colleague.
10. The employee's request will be considered carefully weighing the benefits of the requested changes in working conditions against any adverse business impact of implementing the requested changes.
11. Once the employee's manager has decided on the request, the employee will be informed of this in writing as soon as is reasonably possible.
12. If the request is successful, or subject to certain modifications, the manager will discuss with the employee how and when the changes might best be implemented.

Determining the application

When determining whether the request can be accommodated, the manager will need to carefully consider what the benefits will be to the employee and/or the council and weigh these against any potential adverse impacts. Any concerns the manager may have should be explored with the employee and their response to these issues obtained. It may also be appropriate to discuss alternative arrangements which could be accommodated or the

possibility of either trialling or agreeing to the request on a temporary basis. It is recommended that the trial period should be approximately three months.

There may be occasions where a manager receives several flexible working requests close together, the manager is not required to make a value judgement as to which request is most deserving and should consider each case on its merits, looking at the business case for granting the request and the possible impact of refusing it. Where it is not possible to agree all requests, the manager may wish to ask each employee whether any compromise could be made before coming to a decision. Advice is available from Human Resources.

If several employees already work flexibly and agreeing to a further request would have a negative impact, the manager may ask if anyone would be willing to change their working arrangements so that a new request could be accommodated.

Agreeing to the request

If the request is agreed, then the employment contract needs to be changed. Please inform Human Resources and the relevant paperwork will be drafted.

Rejection of the request

If the request for flexible working is declined, it will be for one or more of the following reasons (as set out in the legislation).

- ✓ A detrimental effect on ability to meet customer demand
- ✓ The burden of additional costs
- ✓ An inability to reorganise work amongst existing staff
- ✓ An inability to recruit additional staff
- ✓ A detrimental impact on quality
- ✓ A detrimental impact on performance
- ✓ Insufficient work for the periods the employee proposes to work
- ✓ A planned structural change to the business

When considering whether to decline a request it is important that managers remember that this should only be done where there is evidence available to support this decision. This evidence will need to be provided as part of the appeal process. Advice is available from Human Resources on the potential risks of declining a request.

The employee should be advised of the outcome in writing as soon as possible and a copy retained on their personal file. Human Resources will draft a letter stating the business reasons above and a detailed explanation as to how these apply to the employee's request. The employee should also be offered a right to appeal.

Appeal

An employee can appeal against a decision to refuse their request for flexible working. Any appeal should be submitted to the HR Manager, in writing, within 10 working days of receiving the decision letter and should include grounds of appeal (i.e. the request has been refused for a reason outside the business reasons above or the decision was made on incorrect information). The appeal must be heard and concluded within three months of the date on which the employee submitted their flexible working application, unless an extension has been agreed with the employee and confirmed in writing including reasons for the delay.

Appeals will be heard by the next level of management and a HR representative. The decision maker will either:

- Uphold the original decision to decline the request. The outcome letter should include the grounds/reasoning on which this decision was reached.
- Overturn the original decision to decline the request. This may result in the implementation of the employee's original request or an alternative which can be accommodated by both parties. The outcome letter should include details of the new working arrangements.

Employees have the right to be accompanied by a work colleague or trade union representative. If the employee is unable to attend on the arranged date, an alternative should be proposed.

If an agreement cannot be reached through the appeal process and you want to take further action, please refer to the council's Disciplinary and Grievance Policy.



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Ethical Governance & Personnel Committee 12 October 2022

Wards affected: All wards

CORPORATE COMPLAINTS 2021-22

Report of the Monitoring Officer

1. Purpose of report

- 1.1 To inform members of complaints received under the council's two-stage complaints process and the outcome of these, and complaints received via the Local Government and Social Care Ombudsman and Housing Ombudsman.

2. Recommendation

- 2.1 The report be endorsed.

3. Background to the report

- 3.1 The council operates a two-stage complaints procedure which deals with complaints about council services (including those carried out on behalf of the council by contractors or partners) and actions or lack of action by the authority or its officers.
- 3.2 At the first stage, a complaint will be sent to the relevant manager for a response, which should be provided within ten working days. The response should usually state whether or not the complaint is upheld and give reasons for the decision. If, due to the level of investigation required, it is not possible to respond within this timescale, the responding officer must contact the complainant to explain the reasons for this and to let them know when they may expect a response.
- 3.3 If a complainant is not satisfied with the response received to their complaint at stage 1, they may request a review of the matter. The review ("stage 2") is

reviewed by a more senior officer or an officer from a different service area who has not been involved in the case.

- 3.4 Should the complainant remain dissatisfied after stage 2 of the process, they have the opportunity to put their complaint to the Local Government and Social Care Ombudsman or the Housing Ombudsman, who will usually contact us to ask for further details of the case, copies of correspondence and later in the process, a response from officers.
- 3.5 The complaints and Ombudsman process is administered by Democratic Services, and a record is kept which includes a summary of the complaint and the outcome in order to monitor patterns and learn from complaints.
- 3.6 Under the constitution, monitoring of the complaints process is the responsibility of the Ethical Governance & Personnel Committee, and as such these reports are brought to the committee annually.

Breakdown of complaints received 2021/22

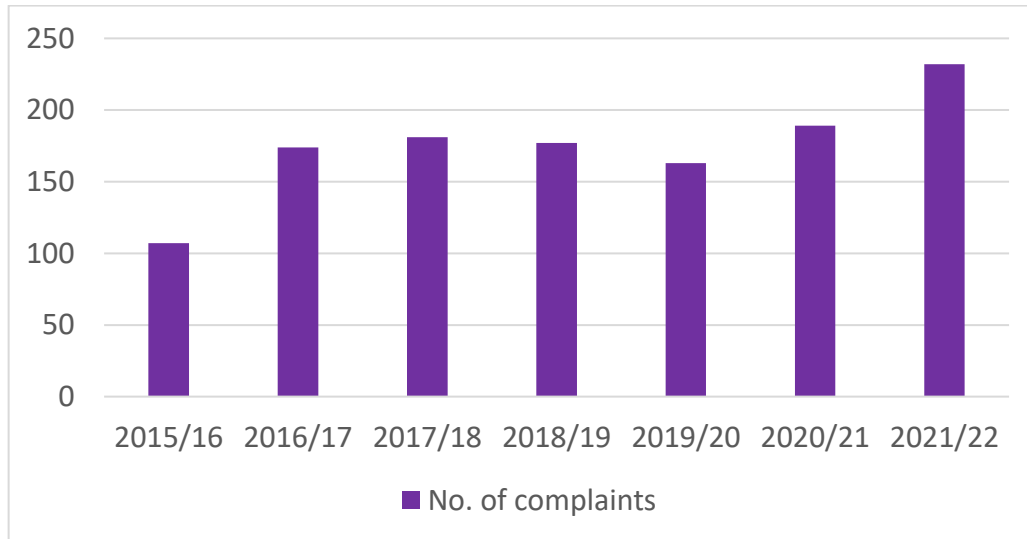
- 3.7 During the period 1 April 2021 – 31 March 2022 a total of 232 complaints were processed under the formal complaints procedure.

The number of complaints in 21 service categories is as below:

Car Parks	3
Clean Neighbourhoods	7
Communications	1
Cultural Services	2
Democratic Services	3
Electoral Services	4
Environmental Health	16
Finance	3
Green Spaces	3
Housing – Allocations	13
Housing – Anti-Social Behaviour	8
Housing – Options	2
Housing – Repairs	17
Housing – Tenancy Management	6
Housing – Private Sector Housing	1
Planning	29
Planning/Environmental Health	1
Refuse & Recycling	77
Revenues & Benefits	36
Total number of complaints	232

3.8 The number of complaints received compares with the previous years as follows:

2021/22	232	2017/18	181
2020/21	189	2016/17	174
2019/20	163	2015/16	107
2018/19	177		



3.9 There has been a 22.5% increase in complaints to the authority this year. In previous years, complaints increased in part due to the introduction of an online complaints form, which made accessibility easier for customers to make a complaint. This led to an increase in complaints that would previously have been dealt with in the course of business following a phone call to Customer Services or the appropriate team.

3.10 Of the 232 complaints processed, the following outcomes were recorded:

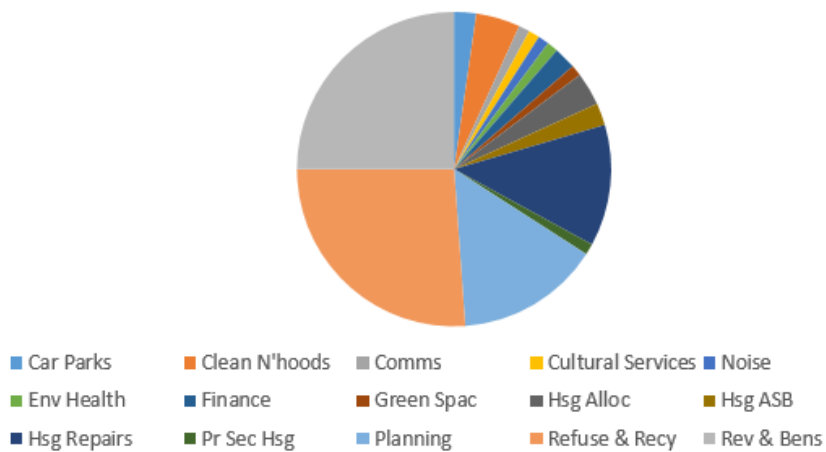
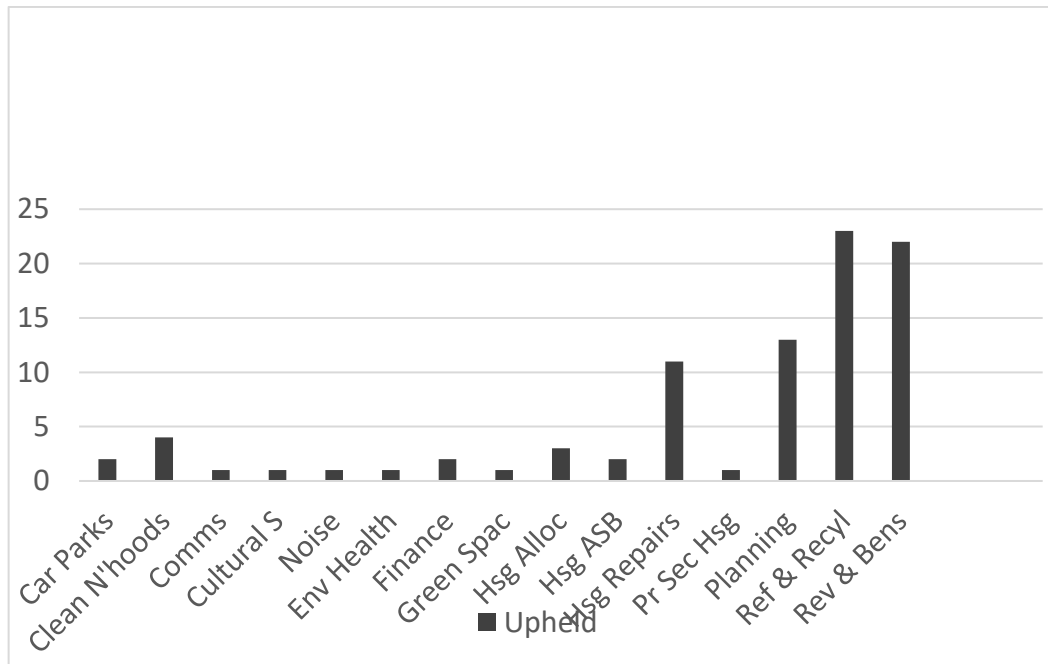
Complaint upheld	72
Complaint upheld in part	16
Complaint not upheld	122
Other/Neither/Withdrawn	22

3.11 In order to learn from complaints and, more importantly, the instances where complaints have been upheld or upheld in part, these can be broken down as follows:

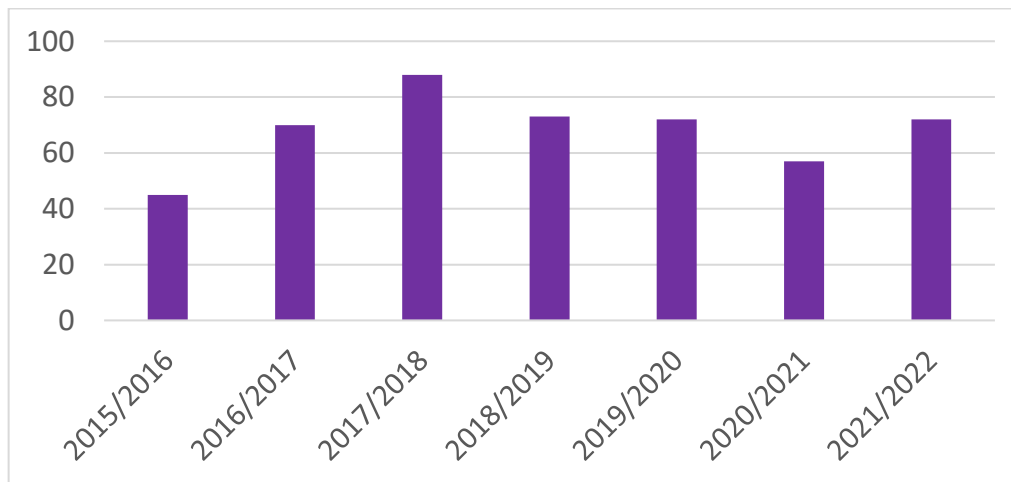
Car Parks	2
Clean Neighbourhoods	4
Communications	1
Cultural Services	1
Environmental Health	2
Finance	2
Green Spaces	1
Housing Allocations	3

Housing Anti-Social Behaviour	2
Housing - Repairs	11
Housing - Private Sector Housing	1
Planning	13
Refuse & Recycling	23
Revenues & Benefits	22
Total upheld or upheld in part	88

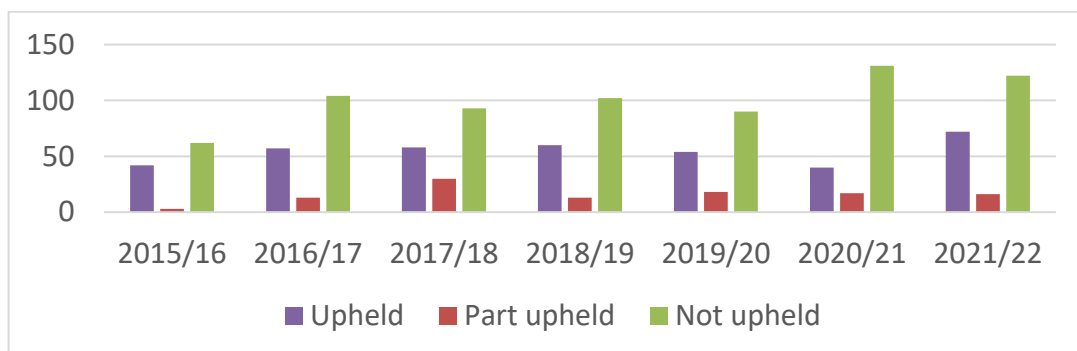
3.12 The following charts show the subject of complaints that have been upheld or upheld in part for 2021/22.



3.13 The following chart shows the number of complaints upheld from 2015/16 to 2021/22.



3.14 The following chart shows complaints upheld, upheld in part and not upheld from 2015/16 to 2021/22.



3.15 Compensation was offered as a result of one stage 1 complaint during 2021/22 with a value of £380.00 which related to a planning fee returned to the applicant due to the length of time taken to deal with a planning application.

3.16 Of the 232 complaints received, 192 went no further than stage 1, suggesting that the complainant was satisfied with the response, and 40 were reviewed at stage 2.

These stage 2 complaints related to the following service areas:

Car Parks	1
Clean Neighbourhoods	1
Democratic Services	3
Environmental Health	10
Finance	1
Green Spaces	2
Housing – Allocations	2
Housing – Anti-Social Behaviour	2
Housing – Private sector	1

Housing – Repairs	2
Housing – Tenancy Management	1
Planning	8
Refuse & Recycling	4
Revenues & Benefits	3
Total	41

Learning from Complaints

- 3.17 The Ombudsman requests that when reporting on local complaints, authorities should focus on learning and on implementing recommendations for improvements that can help prevent the same thing going wrong again. Complaints are a valuable source of information which helps to identify recurring or underlying problems and potential improvements.
- 3.18 All of the complaints where the complaint was upheld and fault has been found have been reviewed to ascertain what action the relevant department has taken, both in remedying the fault, and any wider learning to avoid such issues occurring in the future.

Due to the nature of the complaints that were upheld, measures to resolve the complaint are largely corrective action where we have been at fault for poor service. Corrective action typically consists of both individual redress, for example an apology, carrying out overdue work, reminder to staff of policies and procedures or additional training identified.

Local Government and Social Care Ombudsman (LGSCO) complaints

- 3.19 During 2021/22 eight complaints on this authority were lodged with the LGSCO (not including complaints received by the Ombudsman but dismissed at an early stage without asking us for information). This was two more than the previous year.
- 3.20 Four of the complaints were investigated and no fault or injustice was found. The remaining four were not investigated.
- 3.21 The annual review letter from the LGSCO is attached as an appendix. The data may not align with our own records due to the number of complaints dismissed without having contacted us for any information and the conclusion of complaints from the previous year within the figures.

Housing Ombudsman complaints

- 3.22 One complaint was lodged with the Housing Ombudsman during 2021/22. The outcome is awaited.

Persistent and unreasonable complainant behaviour policy

3.23 The Persistent and unreasonable complainant behaviour policy is in place to address unreasonable behaviour where the frequency or nature of a complainant's contact with the council takes up unjustifiable officer time and resources, making it hard for officers to handle their complaint and/or those of other people, or where their behaviour is offensive or abusive.

3.24 The policy has not been applied to any persons in 2021/22.

4. Exemptions in accordance with the Access to Information procedure rules

4.1 This report is to be taken in open session.

5. Financial implications (IB)

5.1 None.

6. Legal implications (MR)

6.1 None.

7. Corporate Plan implications

7.1 This report supports all aims and objectives by ensuring the public and external organisations have the opportunity to raise issues with the authority which assist in improving services to the public.

8. Consultation

8.1 None.

9. Risk implications

9.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision/project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) risks

Risk description	Mitigating actions	Owner
Failure to provide satisfactory services or service improvements	Ensure service areas learn from complaints	Service managers

10. Knowing your community – equality and rural implications

- 10.1 The complaints process about which this report is written is in place to ensure equality in service provision and to protect the rights of the individual. The process is available and accessible to all customers.
- 10.2 Assistance is offered and provided to support complainants in completing the form and in providing all relevant information, and complaints are accepted in the format that is most appropriate for the individual
- 10.3 Where there is a proposed new service, change of service, or a new or reviewed policy, an Equality Impact Assessment is required and has been undertaken and can be viewed here: None required – this is not a new service or a review of policy.

11. Climate implications

- 11.1 This report is not proposing a new policy or service and therefore has no impact on climate change.

12. Corporate implications

- 12.1 By submitting this report, the report author has taken the following into account:
- Community safety implications
 - Environmental implications
 - ICT implications
 - Asset management implications
 - Procurement implications
 - Human resources implications
 - Planning implications
 - Data protection implications
 - Voluntary sector

Background papers: Previous years' complaints reports

Contact officer: Rebecca Valentine-Wilkinson, Democratic Services Officer
Rebecca Owen, Democratic Services Manager

Executive member: Councillor S Bray

20 July 2022

By email

Mr Cullen
Chief Executive
Hinckley & Bosworth Borough Council

Dear Mr Cullen

Annual Review letter 2022

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2022. The information offers valuable insight about your organisation's approach to complaints. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

Complaint statistics

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

Complaints upheld - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

Compliance with recommendations - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

Satisfactory remedy provided by the authority - In these cases, the organisation upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 27 July 2022. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your

Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

Supporting complaint and service improvement

I know your organisation, like ours, will have been through a period of adaptation as the restrictions imposed by the pandemic lifted. While some pre-pandemic practices returned, many new ways of working are here to stay. It is my continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. Through the lens of this recent upheaval and adjustment, I urge you to consider how your organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery.

I want to support your organisation to harness the value of complaints and we continue to develop our programme of support. Significantly, we are working in partnership with the Housing Ombudsman Service to develop a joint complaint handling code. We are aiming to consolidate our approaches and therefore simplify guidance to enable organisations to provide an effective, quality response to each and every complaint. We will keep you informed as this work develops, and expect that, once launched, we will assess your compliance with the code during our investigations and report your performance via this letter.

An already established tool we have for supporting improvements in local complaint handling is our successful training programme. We adapted our courses during the Covid-19 pandemic to an online format and successfully delivered 122 online workshops during the year, reaching more than 1,600 people. To find out more visit www.lgo.org.uk/training.

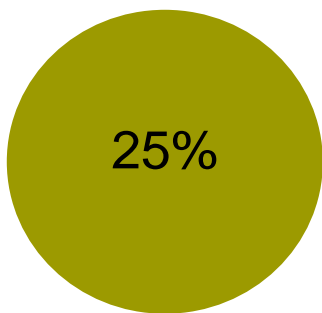
We were pleased to deliver an online complaint handling course to your staff during the year. I welcome your Council's investment in good complaint handling training and trust the course was useful to you.

Yours sincerely,



Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld



25% of complaints we investigated were upheld.

This compares to an average of **51%** in similar organisations.

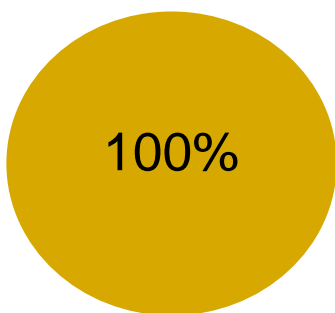
1
upheld decision

Statistics are based on a total of **4** investigations for the period between 1 April 2021 to 31 March 2022

Compliance with Ombudsman recommendations

No recommendations were due for compliance in this period

Satisfactory remedy provided by the organisation



In **100%** of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **20%** in similar organisations.

1
satisfactory remedy decision

Statistics are based on a total of **1** upheld decision for the period between 1 April 2021 to 31 March 2022

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Reference	Authority	Category	Received
21000736	Hinckley & Bosworth Borough Council	Corporate & Other Services	19/04/21
21001281	Hinckley & Bosworth Borough Council	Benefits & Tax	29/04/21
21002815	Hinckley & Bosworth Borough Council	Environmental Services & Public Protection & Regulation	10/06/21
21003477	Hinckley & Bosworth Borough Council	Environmental Services & Public Protection & Regulation	23/06/21
21004574	Hinckley & Bosworth Borough Council	Corporate & Other Services	29/06/21
21005933	Hinckley & Bosworth Borough Council	Housing	26/07/21
21007484	Hinckley & Bosworth Borough Council	Corporate & Other Services	20/08/21
21008493	Hinckley & Bosworth Borough Council	Planning & Development	09/09/21
21015626	Hinckley & Bosworth Borough Council	Environmental Services & Public Protection & Regulation	25/01/22
21016930	Hinckley & Bosworth Borough Council	Housing	16/02/22
21018683	Hinckley & Bosworth Borough Council	Housing	22/03/22

Reference	Authority	Category	Decided	Decision	Decision Reason	Remedy	Service improvement
20006277	Hinckley & Bosworth Borough Council	Planning & Development	26/05/21	Not Upheld	no mal		
20014129	Hinckley & Bosworth Borough Council	Planning & Development	27/10/21	Not Upheld	no mal		
21000736	Hinckley & Bosworth Borough Council	Corporate & Other Services	25/06/21	Closed after initial enquiries	Not warranted by alleged injustice		
21001281	Hinckley & Bosworth Borough Council	Benefits & Tax	29/04/21	Referred back for local resolution	Premature Decision - advice given		
21002815	Hinckley & Bosworth Borough Council	Environmental Services & Public Protection & Regulation	27/07/21	Closed after initial enquiries	Not warranted by alleged injustice		
21003477	Hinckley & Bosworth Borough Council	Environmental Services & Public Protection & Regulation	09/03/22	Upheld	mal & inj - no further action, BinJ already remedied		
21004574	Hinckley & Bosworth Borough Council	Corporate & Other Services	16/03/22	Not Upheld	no mal		
21005933	Hinckley & Bosworth Borough Council	Housing	26/07/21	Advice given	Signpost - go to complaint handling		
21007484	Hinckley & Bosworth Borough Council	Corporate & Other Services	20/08/21	Referred back for local resolution	Premature Decision - advice given		
21008493	Hinckley & Bosworth Borough Council	Planning & Development	09/09/21	Referred back for local resolution	Premature Decision - advice given		
21016930	Hinckley & Bosworth Borough Council	Housing	14/03/22	Referred back for local resolution	Premature Decision - referred to BinJ		
21018683	Hinckley & Bosworth Borough Council	Housing	22/03/22	Incomplete/Invalid	Insufficient information to proceed and PA advised		

Reference	Authority	Category	Decided	Remedy	Remedy Target Date	Remedy Achieved Date	Satisfaction with Compliance
No compliance data recorded during the period							

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