

THE CABINET

Tuesday, 15 March 2011

Agenda Item 13. 2010/11 Budget Monitoring - April 2010 to January 2011 (Pages 1 - 16)

Agenda Item 14. Grievance Resolution Procedure and Home-Working Policy (Pages 17 - 41)

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CABINET**15 March 2011****REPORT OF THE CABINET MEMBER FOR FINANCE, REVENUES AND BENEFITS**

Title: 2010/11 Budget Monitoring - April 2010 to January 2011	For Decision
<p>Summary:</p> <p>This report provides Cabinet with an update of the Council's revenue and capital position for the ten months to the end of January 2011.</p> <p>The Council began the current financial year in a better financial position than the previous year with a General Fund (GF) balance of £8m. The robust budget setting process has resulted in a more meaningful and deliverable 2010/11 budget.</p> <p>During the year, Central Government set an in year savings target of £6.2bn of which the local government sector was required to contribute £1.165bn; this resulted in a further reduction in the Council's funding of up to £5.5m for 2010/11. The Corporate Director of Finance and Resources has ensured that the measures put in place during 2009/10 to contain spending are continued in through the current year. To meet this challenge, Cabinet approved additional in-year savings of up to £8.4m on 28 September to meet the Government savings target and protect the previous year's improvement in the Council's reserves.</p> <p>At the end of January the full year service overspends (taking account of the in-year savings) are projected to be £1.7m; £0.5m less than the £2.2m position forecast at the end of December 2010 (as reported to Cabinet on 15 February 2011). The main reason for this is a decrease in projected overspends in the Children's Services department reflecting the ongoing work to mitigate cost pressures.</p> <p>The 2010/11 budget includes a planned contribution of £3m to further improve GF balances. The current projected service pressures of £1.7m will result in GF balances increasing by only £1.3m to £9.3m and not to the target of £10m.</p> <p>The Housing Revenue Account (HRA) is projected to incur an underspend of £959k indicating that the year end balance would be £4.4m. The HRA is a ring fenced account and cannot make contributions to the General Fund.</p> <p>The Capital Programme is currently projecting slippage in budgeted expenditure of £9.2m. This represents the position on all the schemes in the capital programme approved by members, regardless of whether work has commenced yet or not. Capital budgets cannot contribute to the General Fund revenue position although officers are working to ensure that all appropriate capitalisations occur.</p> <p>Wards Affected: None</p>	

<p>Recommendation(s)</p> <p>The Cabinet is recommended to:</p> <p>(i) Note the current projected outturn position for 2010/11 of the Council's revenue and capital budget as detailed in paragraphs 3 and 5 of the report, and Appendices A and C;</p> <p>(ii) Note the position for the HRA as detailed in paragraph 4 of the report and Appendix B;</p> <p>(iii) Note the position of the Contingency fund as detailed in paragraph 3.1.5 of the report.</p>		
<p>Reason(s)</p> <p>As a matter of good financial practice, the Cabinet should be regularly updated with the position on the Council's budget. In particular, this paper alerts Members to particular efforts to reduce in year expenditure in order to manage the financial position effectively.</p>		
<p>Comments of the Chief Financial Officer</p> <p>This report indicates the assessment that the council continues to face significant pressures in remaining within its 2010/11 budget as reduced by the imposition of the £5.5m in-year reduction in resources arising from the Governments emergency budget. The Corporate Director of Finance and Resources has already implemented actions to control spend and departments resources have been reduced to contribute towards the restricted Council resources.</p>		
<p>Comments of the Legal Partner</p> <p>Previous reports have advised Members of the obligation upon a billing authority to set a balanced budget each year by virtue of section 32 Local Government Finance Act 1992 taking account of required expenditure, contingencies and reserves among other things. Section 43 makes corresponding provision for major precepting authorities. Those sections require the relevant authorities to set an 'appropriate' level of reserves for the year in question. The reserves may be drawn upon during the year even if as a result they fall below the minimum. Members will note the reported position and comments made in relation to reserves and the budget position for this year going forward.</p> <p>Similarly Members are reminded of the Council's ongoing duty under section 28 Local Government Act 2003 to keep its financial position under review and if it appears that there has been a deterioration in its position it must take such action as it considers necessary to deal with the situation. It is to be noted that a robust financial position based on effective past measures is here reported. Members will wish to be satisfied that appropriate actions are being taken to deal with any projected overspends and deliver services in the tougher economic climate the council finds itself in.</p>		
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<p>Cabinet Member: Councillor Geddes</p>	<p>Portfolio: Finance, Revenues and Benefits</p>	<p>Contact Details: Tel: 020 8227 2116 E-mail: cameron.geddes2@lbbd.gov.uk</p>

1. Background

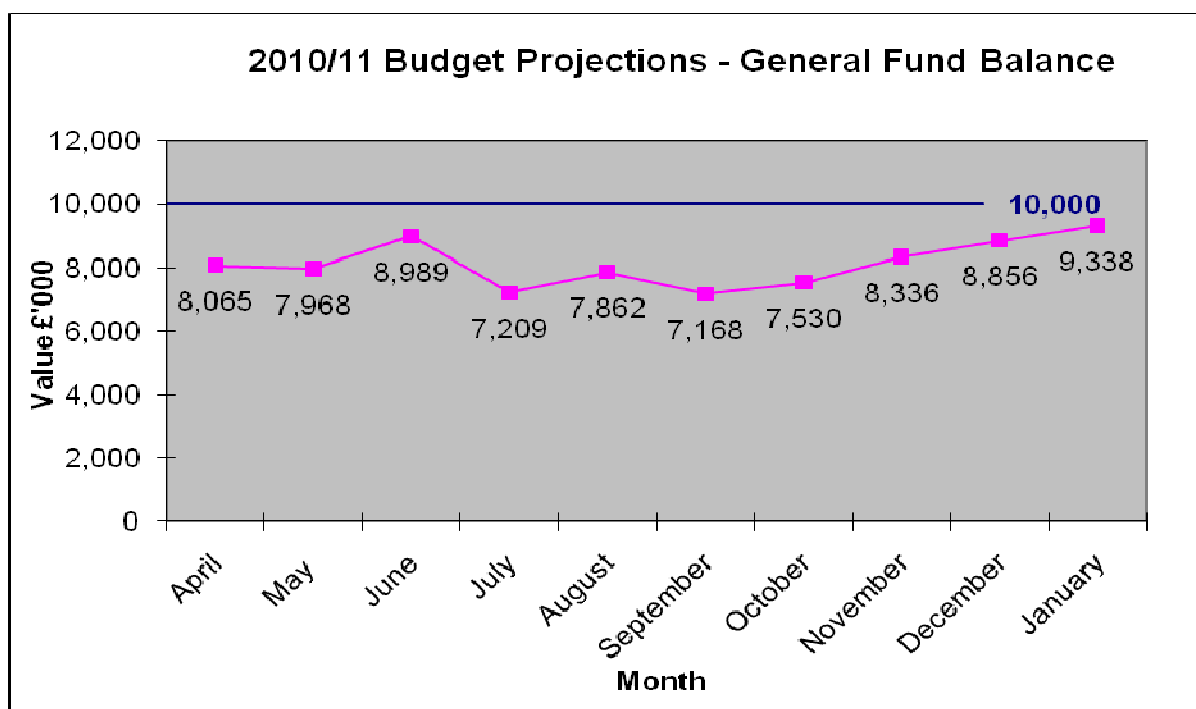
- 1.1 The Outturn report to Cabinet on 8 June 2010 reported that, as at 31 March 2010, general fund balances stood at £8m, an increase of £4.4m on the position twelve months earlier. This position has now been confirmed following completion of the audit of the Council's Statement of Accounts.
- 1.2 This report provides a summary of the Council's General Fund (GF) revenue and Capital positions, HRA and consequent balances based on recurring pressures from last year, risks to anticipated 2010/11 savings, any new pressures and the effect of the reduced in-year resources.
- 1.3 It is important that the Council regularly monitors its revenue and capital budgets to ensure good financial management. This is achieved within the Council by monitoring the financial results on a monthly basis through briefings to the Cabinet Member for Finance, Revenues and Benefits and reports to Cabinet. This ensures Members are regularly updated on the Council's overall financial position and enables the Cabinet to make relevant financial and operational decisions to meet its budgets.
- 1.4 The report is based upon the core information contained in the Oracle general ledger system supplemented by examination of budgets between the budget holders and the relevant Finance teams. In addition, for capital monitoring there is the work carried out by the Capital Programme Management Office (CPMO).

2 Current Overall Position

- 2.1 The current revenue projections indicate an overspend of £1.7m for the end of the financial year indicating that the Council's General Fund balance will increase by the only £1.3m to £9.3m rather than the planned £10m. The Chief Finance Officer has a responsibility under statute to ensure that the Council maintains appropriate balances. Actions have already been put in place to reduce the Council's cash out-goings.
- 2.2 In the report to Members regarding the setting of the 2010/11 annual budget and Council Tax, the Corporate Director of Finance and Resources, after consideration of the factors outlined in the CIPFA guidance on Local Authority Reserves and Balances 2003, set a target GF reserves level of £10m. The current projected balance for the end of the financial year is below this level. Whilst the external auditor has not offered an opinion on a minimum acceptable level of general balances the Local Government Act 2003 requires the Authority to set an appropriate level of reserves.

When setting the HRA budget for 2010/11 the surplus anticipated for 2009/10 was £3.392m leading to estimated balances as at 31 March 2011 of £4.369m. The final 2009/10 outturn surplus was £2.423m giving the current opening balance of £3.4m.

	Balance at 1 April 2010	Projected Balance at 31 March 2011	Target Balance at 31 March 2011
	£000	£000	£000
General Fund	8,065	9,338	10,000
Housing Revenue Account (including Rent Reserve)	3,400	4,359	4,369



2.3 The current projected variance at the end of the year across the Council for the General Fund is shown in the table below.

	January Projected Variance £'000	December Projected Variance £'000	November Projected Variance £'000
<u>Service Expenditure</u>			
Adult and Community Services	0	0	0
Children's Services	1,329	1,769	2,149
Customer Services	398	440	529
Finance & Resources	0	0	51
General Finance	0	0	0
Total Service In-Year Pressures	1,727	2,209	2,729
<u>Corporate Issues</u>			
Budgeted contribution to balances	3,000	3,000	3,000
Total In-Year Pressures	(1,273)	(791)	(271)

2.4 Additional to the risks identified in the tables above are other pressures where the financial consequence is not yet known and where Directors and Head of Services are attempting to manage the issues. If, however, these pressures come to fruition either wholly or in part, then the financial position will worsen.

3 General Revenue Services

3.1 The departmental positions are shown in Appendix A. The key areas of potential overspend and risks are outlined in the paragraphs below.

3.1.1 Adult and Community Services

The department is projecting a break-even position for the year end. It's Adult Care and Commissioning Service budget continues to experience severe pressures at the interface with local hospitals and the PCT. The most significant of the pressures relate to residential placements of people leaving local hospitals but the department has successfully negotiated some 'winter pressures' money from the PCT towards these pressures. In addition, pressures from the increasing number of children with care package arrangements turning 18 years of age and therefore transferring over from Children's Services remain a concern.

There are no significant budget pressures in the other service budgets at present although it seem inevitable the current recession would impact the income generation areas in Leisure and Arts.

The Department and its management team have a track record of dealing with issues and pressures throughout the year to deliver a balanced budget.

3.1.2 Children's Services

The department is projecting a full year overspend of £1.33m, a decrease of £440k from the figure reported in period 9. This reduction reflects further reductions in commitments in Children's Policy and Trust Commissioning (CPTC) (£200k), a small reduction in the projected spend in Safeguarding and Rights (S&R) and a reduction in spend in Other Services (£200k). The projection takes into account additional one-off income (£1.65m) identified through the alternative use of grants.

The projection also reflects the actions taken by the departmental management team to bear down on the overspend in S&R including a spending freeze across the service, a review of the commitments that can be stopped in year and a contribution of underspends in other areas. The level of departmental overspend has gradually reduce as a result, although not by as much as envisaged. It should be noted however, that these savings are current in-year savings and cannot be maintained in the long term.

Previously reported pressures in spending on legal services (£500k) and passenger transport (circa £400k) have now turned into overspends. Children's Services continue to closely monitor spending in these areas to enable remedial action to be taken at the earliest opportunity. In addition the pressures in government cuts in specific grant funding, unresolved claims from the implementation of Single Status and the rapid population growth, also reported previously, continue to exercise management attention.

Dedicated School Grant (DSG)

The main pressure on the DSG remains that of the additional places required and the related increase in children with SEN from September 2010. These pressures are now estimated to have an impact of around £800k in the centrally retained element of

the DSG. This pressure will be managed in conjunction with the Schools Forum. Start up costs on equipment purchases for new schools also present additional pressures to this fund.

3.1.3 Customer Services

The Department is forecasting a full year overspend of £398k, a decrease of £42k from the figure reported in period 9. This positive movement has been achieved in spite of the identification of additional pressures estimated at £500k in Private Sector Leasing (PSL). This new pressure has arisen from the requirement to include the full impact of PSL housing benefit subsidy gap resulting from the changes to the subsidy rules, attributable to housing services budgets. The department continues to carefully monitor and manage the additional pressure of £332k resulting from the gap between bed and breakfast costs and related housing benefit income.

The residual overspend from the transfer of Revenues and Benefits to Elevate is projected to rise from £357k reported in period 9 to £436k. Recent reconciliation work has highlighted a potential significant pressure which is now the subject of an urgent review to establish the precise value. The pressure from not achieving incomes from court costs remain a concern. The Barking and Dagenham Direct service is projected to underspend by £359k, an increase of £2k from the last period.

The Environment & Enforcement division is now projected to underspend by £55k, a positive movement of £538k from the overspend reported in period 9. This reduction has been achieved by the control of equipment purchases and other management actions. The pressures previously reported in income generation in relation trade waste, footways crossings and commercial passenger transport remain a concern.

It is more probable than not that the planned savings from outsourcing of the fleet management contract will not materialise in this accounting period given the delay in sign-off of the contract. Another risk to note is the potential lack of capacity to capitalise revenue costs not previously agreed.

3.1.4 Finance and Resources

At the end of period 10, the department is projecting an underspend of £3m to be used as contribution to its in-year savings target of the same amount. The departmental and divisional management team has done a significant amount of work to contain in-year budget pressures to remain within cash limits and achieve the in-year savings target.

Although there are continuing pressures in some service areas, the underspend has been achieved through the voluntary severance scheme, deleting or holding posts vacant, a tighter control on expenditure, reduction in some spending (Area Based Grant, training and data security, external work on corporate projects) and securing additional revenue/ funding.

The Marketing & Communications and Asset Management and Capital Delivery areas continue to monitor and manage cost and income generation pressures.

3.1.5 General Finance and Contingency

General Finance continues to project breaking-even on its working budget.

The balance on contingency is currently £6.6m. The current level of contingency needs to be considered in relation to the continuing projected departmental overspends and the assumption that all the in-year savings are delivered.

4 Housing Revenue Account

- 4.1 The HRA is projected to underspend by £959k, a negative change of £42k from the last period. Revenue from residential tenants, leasehold service charges and commercial properties are projected to exceed expectation, however on the downside, interest income is forecast to be below expectation because of lower interest rates and a lowering of the credit ceiling rate underpinning the calculation.
- 4.2 The projected overspend related to recharges for supervision and management costs reduced to £1,068k, a decrease of £346k from the last period. The change stems from the reallocation of costs to appropriate categories.
- 4.3 A pressure of £200k of insurance costs outside the scope of the Enterprise repairs and maintenance contract has been mitigated by underspends in the client team and with further income contributions expected from rechargeable work.
- 4.4 The HRA is forecasted to benefit from positive movements on the final HRA subsidy claim and depreciation of non-dwellings.
- 4.5 The detailed HRA position is shown in Appendix B.

5 Capital Programme

- 5.1 As at the end of January, the capital programme is showing a spend of £70.99m which is 61% of the capital programme approved by cabinet. The projected outturn is £106.83m; showing a slippage of £9.2m.
- 5.2 The full departmental analysis of capital projects is provided at Appendix C.

6 Capital Scheme Re-Profiles/Adjustments

- 6.1 A review of all capital projects has been undertaken and re-profiling of a number of schemes is required as shown in Appendix D. This has also been incorporated into the revised budget within Appendix C to enable a much better outturn and projected slippage to be obtained.
- 6.2 Re-profiling for many schemes is required due to project sponsors awaiting funding confirmations from central government. These have only recently been confirmed subsequently schemes have either recently approved five green lights through the CPMO process or have yet to receive them. Consequently, spend projections have changed and budgets need to be re-profiled to accurately these profiles and to account for the delay in delivery.

7 Legal Issues

- 7.1 The legal issues are covered in the section "Comments of the Legal Partner" earlier in the report.

8 Other Implications

- **Risk Management**

The risk to the Council is that if the currently projected overspends are not eliminated the level of balances will fall to a level which is below that recommended by the Corporate Director of Finance and Resources in order to meet potential future financial risks and contributes to the rating of Corporate Risk 07 – Budget Management & Income Realisation.

- **Staffing Issues**

As part of the measures to reduce in-year pressures any recruitment has to be agreed at Director-level. A Voluntary Severance Scheme was instigated in July and over 100 staff will be leaving as a consequence. A further Scheme is now running, with a closing date for applications in early January, although this is unlikely to impact on the 2010/11 financial position.

- **Customer Impact**

As far as possible all restraints have been placed on non-essential services spend. Some cuts may directly or indirectly affect customers but every effort will be made to mitigate any impact on front line services. All departments are required to consider the equalities impacts of their savings plans, and to put in place mitigating actions where necessary.

- **Safeguarding Children**

All actions taken to mitigate the overspend of the placements budget in Safeguarding and Rights will need to be undertaken within a risk management framework to ensure that the safeguarding needs of individual children are not compromised.

- **Property / Asset Issues**

Some non-essential maintenance to properties may be re-phased

9 Background Papers Used in the Preparation of the Report:

– Councils Provisional Revenue and Capital Outturn 2009/10 – Cabinet 8 June 2010, Minute 8

10 List of appendices:

Appendix A – General Fund Revenue Budget Monitoring Statement – January 2011

Appendix B – Housing Revenue Account (HRA) Budget Monitoring Statement – January 2011

Appendix C – Capital Programme Budget Statement – January 2011

Appendix D – Capital Programme Re-profiling

REVENUE MONITORING STATEMENT - JANUARY 2010/11

SERVICES	2010/11				
	Provisional Outturn 2009/10	Original Budget	Working Budget	Projected Outturn	Projected Variance
	£'000	£'000	£'000	£'000	£'000
<u>Adult & Community Services</u>					
Adult Care Services	5,451	5,340	5,601	5,601	-
Adult Commissioning Services	44,371	45,722	46,462	46,462	-
Community Safety & Neighbourhood Ser	3,303	4,119	4,109	4,109	-
Community Cohesion & Equalities	7,461	8,130	8,003	8,003	-
Leisure & Arts	6,443	6,053	5,903	5,903	-
SSR/ Other Services	512	616	461	461	-
	67,541	69,980	70,539	70,539	-
<u>Children's Services</u>					
Quality & Schools Improvement	6,711	9,197	8,659	8,593	(66)
Integrated Family Services	593	1,694	1,574	1,192	(382)
Safeguarding & Rights Services	36,248	31,545	31,798	35,807	4,009
Children's Policy & Trust Commissioning	1,408	6,597	6,030	5,740	(290)
Skills, Learning and Enterprise	1,712	4,366	4,846	4,554	(292)
Other Services	7,623	6,885	6,676	5,026	(1,650)
	54,295	60,284	59,583	60,912	1,329
<u>Children's Services - DSG</u>					
Schools	(2,948)	(14,320)	(13,406)	(14,231)	(825)
Quality & Schools Improvement	7,944	10,920	8,771	9,596	825
Integrated Family Services	2,899	1,560	2,543	2,543	-
Safeguarding & Rights Services	140	-	49	49	-
Children's Policy & Trust Commissioning	1,562	1,070	1,206	1,206	-
Skills and Learning	423	770	770	770	-
Other Services	54	-	67	67	-
	10,074	-	-	-	-
<u>Customer Services</u>					
Environment & Enforcement	21,410	19,520	19,484	19,429	(55)
Housing Services	939	4,616	3,080	3,456	376
Revenues & Benefits	3,723	1,214	1,381	1,817	436
Barking & Dagenham Direct	(15)	(500)	(658)	(1,017)	(359)
	26,057	24,850	23,287	23,685	398
<u>Finance & Resources</u>					
Chief Executive	458	60	819	779	(40)
Marketing & Communication and Other Directorate Costs*	(506)	647	355	(167)	(522)
Legal & Democratic Services	949	827	955	768	(187)
Customer Strategy and Transformation**	(153)	(414)	(615)	(1,115)	(500)
Human Resources	(342)	(181)	74	55	(19)
Asset Management & Capital Delivery	3,747	1,982	2,681	2,074	(607)
Corporate Management	5,205	5,411	5,321	4,946	(375)
Financial Services	951	(144)	(2,509)	297	2,806
Strategy and Performance	(210)	(164)	(98)	(258)	(160)
Regeneration & Economic Development	4,379	5,477	5,012	4,616	(396)
	14,478	13,501	11,995	11,995	-
<u>Other</u>					
General Finance	(33,296)	(27,850)	(25,376)	(25,376)	-
Contingency	-	6,023	6,760	6,760	-
Levies	7,642	7,983	7,983	7,983	-
TOTAL	146,791	154,771	154,771	156,498	1,727

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Housing Revenue Account 31st January 2010	Revised Budget 2010/11	Forecast 2010/11	Variance 2010/11
	£'000	£'000	£'000
Total Income	(90,082)	(91,197)	(1,115)
Repairs and Maintenance	23,338	23,430	92
Supervision & Management	29,431	30,499	1,068
Rent Rates and Other	577	1,178	601
HRA Subsidy Payable	18,385	18,135	(250)
Depreciation	14,169	13,482	(687)
Increase in Bad Debt Provision	800	1,139	339
Corporate and Democratic core Revenue Contributions to Capital Outlay	811	811	-
Total Expenditure	90,082	90,238	156
In Year overspend/(underspend)	-	(959)	(959)

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SUMMARY OF CAPITAL EXPENDITURE - January 2011

	<u>Original Budget</u>	<u>Budget as at Dec 2010</u>	<u>Reprofiles Requested</u>	<u>Revised Budget</u>	<u>Actual to date</u>	<u>Percentage Spend to Date</u>	<u>Projected Outturn</u>	<u>Projected Outturn against Revised Budget</u>
	(1)			(2)				
<u>Department</u>	<u>£'000</u>	<u>£'000</u>	<u>£'000</u>	<u>£'000</u>	<u>£'000</u>	<u>%</u>	<u>£'000</u>	<u>£'000</u>
Adult & Community Services	17,603	19,085	(67)	19,018	13,926	73%	19,047	29
Children's Services	80,499	42,595	(709)	41,886	30,340	72%	37,745	(4,141)
Customer Services	46,953	45,800	(2,423)	43,377	21,963	51%	39,191	(4,186)
Resources	14,977	12,408	(611)	11,797	4,767	40%	10,847	(950)
Total for all Schemes	160,032	119,888	(3,810)	116,078	70,996	61%	106,830	(9,248)

1) Original Budget per Executive 16 February 2010

2) Revised budget takes account of roll forwards/backwards and the effect of the requested reprofiling

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CAPITAL REPROFILE REQUESTS

DETAIL	Budget 2010/11	Budget 2011/12	Budget 2012/13	Total	External Funding	MRA	Section 106	Departmental Borrowing	Corporate Borrowing	Total
	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s
Adult & Community Services - Current Profile										
Pondfield Park	72	-	-	72	-	-	59	-	13	72
Abbey Green Park Development	17	33	-	50	-	-	50	-	-	50
Mayesbrook Park Improvements (Phase 1)	93	747	-	840	790	-	-	-	50	840
Total	182	780	-	962	790	-	109	-	63	962
Adult & Community Services - Proposed Profile										
Pondfield Park	65	7	-	72	-	-	59	-	13	72
Abbey Green Park Development	6	44	-	50	-	-	50	-	-	50
Mayesbrook Park Improvements (Phase 1)	44	796	-	840	790	-	-	-	50	840
Total	115	847	-	962	790	-	109	-	63	962
Children's Services - Current Profile										
Thames View Infants - London TG Agreement	891	420	29	1,340	1,340	-	-	-	-	1,340
Westbury - New Primary School	650	1,750	100	2,500	2,500	-	-	-	-	2,500
Barking Riverside first Primary School	7,010	3,015	179	10,203	10,203	-	-	-	-	10,203
St Georges - New Primary School	630	2,260	110	3,000	3,000	-	-	-	-	3,000
Sydney Russell - Schools For The Future	1,000	24,000	2,350	27,350	27,350	-	-	-	-	27,350
Devolved Capital Formula	4,419	-	-	4,419	4,419	-	-	-	-	4,419
Youth Bus	116	-	-	116	116	-	-	-	-	116
Total	14,716	31,445	2,767	48,928	48,928	-	-	-	-	48,928
Children's Services - Proposed Profile										
Thames View Infants - London TG Agreement	1,248	36	29	1,313	1,313	-	-	-	-	1,313
Westbury - New Primary School	650	1,750	96	2,496	2,496	-	-	-	-	2,496
Barking Riverside first Primary School	4,500	5,525	179	10,203	10,203	-	-	-	-	10,203
St Georges - New Primary School	200	2,690	110	3,000	3,000	-	-	-	-	3,000
Sydney Russell - Schools For The Future	3,874	13,069	10,406	27,350	27,350	-	-	-	-	27,350
Devolved Capital Formula	3,419	1,000	-	4,419	4,419	-	-	-	-	4,419
Youth Bus	116	-	-	116	116	-	-	-	-	116
Total	14,008	24,070	10,819	48,897	48,897	-	-	-	-	48,897
Customer Services - Current Profile										
Lifts replacement	523	1,810	-	2,333	-	1,810	-	523	-	2,333
SAMS formerly remote concierge	265	-	-	265	-	-	-	265	-	265
External Enveloping Work	1,612	3,000	-	4,612	-	4,612	-	-	-	4,612
Colne & Mersea Blocks	6,941	4,269	-	11,210	3,809	7,401	-	-	-	11,210
Oldmead & Bartlett Remedial Works	-	-	-	-	-	-	-	-	-	-
Private Sector Households (105)	938	-	-	938	-	-	-	-	938	938
Private Sector Households	950	800	643	2,393	1,436	-	-	-	957	2,393
Highways Structural Repairs	2,105	-	-	2,105	-	-	-	-	2,105	2,105
Land Quality Inspection Programme	71	80	-	151	-	-	-	-	151	151
SNAPS	1,285	-	-	1,285	-	-	-	1,150	135	1,285
Environmental Improvements - On Street Waste Receptac	615	630	-	1,245	-	-	-	-	1,245	1,245
One B & D Availability & Reliability	32	-	-	32	-	-	-	-	32	32
One B & D Connectivity & Information Assurance	23	-	-	23	-	-	-	-	23	23
One B & D Ict Main Scheme	97	-	-	97	-	-	-	-	97	97
ICT Infrastructure	6,380	1,150	-	7,530	-	-	-	-	7,530	7,530
Respond	9	-	-	9	-	-	-	-	9	9
Total	21,845	11,739	643	34,227	5,245	13,823	-	1,938	13,221	34,227
Customer Services - Proposed Profile										
Lifts replacement	123	2,210	-	2,333	-	1,810	-	523	-	2,333
SAMS formerly remote concierge	342	-	-	342	-	77	-	265	-	342
External Enveloping Work	1,512	3,000	-	4,512	-	4,512	-	-	-	4,512
Colne & Mersea Blocks	4,598	6,535	-	11,133	3,809	7,324	-	-	-	11,133
Oldmead & Bartlett Remedial Works	100	-	-	100	-	100	-	-	-	100
Private Sector Households (105)	1,138	-	-	1,138	200	-	-	-	938	1,138
Private Sector Households	950	950	643	2,543	1,526	-	-	-	1,017	2,543
Highways Structural Repairs	3,020	-	-	3,020	-	-	-	300	2,720	3,020
Land Quality Inspection Programme	114	80	-	194	43	-	-	-	151	194
SNAPS	985	-	-	985	-	-	-	850	135	985
Environmental Improvements - On Street Waste Receptac	-	630	-	630	-	-	-	-	630	630
One B & D Availability & Reliability	-	-	-	-	-	-	-	-	-	-
One B & D Connectivity & Information Assurance	-	-	-	-	-	-	-	-	-	-
One B & D Ict Main Scheme	97	-	-	97	-	-	-	-	97	97
ICT Infrastructure	6,444	1,086	-	7,530	-	-	-	-	7,530	7,530
Respond	-	-	-	-	-	-	-	-	-	-
Total	19,422	14,490	643	34,555	5,578	13,823	-	1,938	13,217	34,555

DETAIL	Budget 2010/11	Budget 2011/12	Budget 2012/13	Total	External Funding	MRA	Section 106	Departmental Borrowing	Corporate Borrowing	Total
	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s
Finance & Resources - Current Profile										
	-	-	-	-	-	-	-	-	-	-
Backlog Capital Improvements	800	375	-	1,175	-	-	-	-	1,175	1,175
CMRP DDA for Buildings	75	-	-	75	-	-	-	-	75	75
Wind Turbines	198	-	-	198	-	-	-	-	198	198
TFL - LIP Funding Programme 2010-2011	100	-	-	100	100	-	-	-	-	100
Bus Priority 2010-11 (TFL)	50	-	-	50	50	-	-	-	-	50
Cycling on Greenways (TFL)	62	-	-	62	62	-	-	-	-	62
Area Based Schemes (Shopping Parades)	1,076	-	-	1,076	250	-	15	-	811	1,076
Demolition & Refurbishment to 23-25 East Street	161	-	-	161	61	-	-	-	100	161
Barking Town Centre - Low Carbon Emission	117	85	-	202	202	-	-	-	-	202
BTC Public Realm - Tsq & Abbey	356	103	-	459	459	-	-	-	-	459
Total	2,994	562	-	3,556	1,184	-	15	-	2,358	3,556
Finance & Resources - Proposed Profile										
Backlog Capital Improvements	600	575	-	1,175	-	-	-	-	1,175	1,175
CMRP DDA for Buildings	45	30	-	75	-	-	-	-	75	75
Wind Turbines	-	-	-	-	-	-	-	-	-	-
TFL - LIP Funding Programme 2010-2011	-	-	-	-	-	-	-	-	-	-
Bus Priority 2010-11 (TFL)	8	-	-	8	8	-	-	-	-	8
Cycling on Greenways (TFL)	87	-	-	87	87	-	-	-	-	87
Area Based Schemes (Shopping Parades)	1,115	-	-	1,115	289	-	15	-	811	1,115
Demolition & Refurbishment to 23-25 East Street	67	-	-	67	-	-	-	-	67	67
Barking Town Centre - Low Carbon Emission	115	85	-	199	199	-	-	-	-	199
BTC Public Realm - Tsq & Abbey	346	103	-	449	449	-	-	-	-	449
Total	2,383	792	-	3,175	1,033	-	15	-	2,127	3,175

CABINET

15 MARCH 2011

REPORT OF THE CABINET MEMBER FOR CUSTOMER SERVICES AND HUMAN RESOURCES

Title: Grievance Resolution Procedure and Home-Working Policy		For Decision
Summary:		
<p>The Human Resources Service is carrying out a review of key employment policies and procedures to bring them in line with the latest employment legislation and best practice.</p> <p>The most recent policies and procedures to be finalised are the Grievance Resolution Procedure, which was previously identified as priority for review and the Home-Working Policy, which is a new policy and is being introduced as part of "Modern Ways of Working". These have been subject to extensive consultation with managers and trade unions and their comments and feedback taken into account in the final documents, which are attached at Appendices A and B.</p> <p>Both documents have been considered by the Employee Joint Consultative Committee, which agreed to recommend them to Cabinet for approval.</p> <p>Wards Affected: None</p>		
Recommendation(s)		
<p>The Cabinet is recommended to agree the Grievance Resolution Procedure and Home-Working Policy, as set out at Appendices A and B respectively; to be implemented with effect from 1 May 2011.</p>		
Reason(s)		
<p>To ensure that the Council is compliant with the latest ACAS guidance, employment and equalities legislation and "best practice", as well as help contribute to developing a highly effective, motivated workforce.</p>		
Comments of the Chief Financial Officer		
<p>The relevant considerations appear at Section 3 of the Report.</p>		
Comments of the Legal Partner		
<p>The relevant considerations appear at Section 4 of the Report.</p>		
Head of Service: Martin Rayson	Title: Head of Human Resources and Organisational Development	Contact Details: Tel: 020 8227 3113 E-mail: martin.rayson@lbbd.gov.uk

Cabinet Member: Councillor John White	Portfolio: Cabinet Member, Customer Services and Human Resources	Contact Details: Tel: 020 8724 8013 E-mail: john.white@lbbd.gov.uk
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1. Background

- 1.1 The Human Resources Services is carrying out a review of key employment policies and procedures, in consultation with managers and trade unions.
- 1.2 The Grievance Resolution Procedure was previously identified as priority review and the Home-working Policy is a new policy which sets out the principles and requirements that will apply; home-working is on a voluntary basis only.
- 1.3 The Policy and Procedure have been considered by the Employee Joint Consultative Committee, which agreed to recommend them to Cabinet for approval.

2. Proposal

- 2.1 The Grievance Resolution Procedure brings together the arrangements for dealing with workplace grievances under one procedure which is clearer and easier to follow. The emphasis is on grievance resolution and trying to resolve issues as quickly and as fairly as possible, in accordance with ACAS guidance etc.
- 2.2 The Procedure also sets out the Council's commitment to providing a working environment where individuals are treated with fairness, dignity and respect and free from all forms of bullying and harassment; this includes both the managers and employees personal responsibility for their own behaviour.
- 2.3 The Home-working Policy is a new policy and is being introduced as part of the "Modern Ways of Working" programme, which involves looking at new approaches to how and where employees work. These will support the delivery of excellent services and help employees to manage their work-life balance
- 2.4 The Policy provides a framework and guidance as to when home working may be considered, and the principles that will apply to help to ensure a consistent approach across the Council. The emphasis is on managers planning ahead and reviewing with their employees how work is organised within teams.
- 2.5 The Policy and Procedure have been equalities impact assessed and there is no adverse impact for any groups of employees; the new arrangements are objective, fair and easier to follow. The application of these will be monitored closely to ensure that these are applied fairly and consistently across the Council and in departments.

3. Financial Issues

- 3.1 There are no specific financial implications associated with this proposal.
- 3.2 The new grievance arrangements, and the emphasis on resolving issues at the lowest possible level where possible, should lead to a reduction in both the amount

of time spent on grievances as well as a general reduction in the number of formal grievances arising. The benefits arising from these changes are likely to include both a reduction in sickness absence through stress etc (which will increase overall service productivity) and a potential reduction in the number of grievances escalating to become Employment Tribunal cases. Currently any costs associated with ET's are funded from existing budgets and therefore any reduction in these cases will result in less being spent on such activities.

- 3.3 The new home-working arrangements will create a more flexible workforce which is likely to see increases in work productivity as well as being an aid to recruitment and retention. The potential benefits are likely to include improved sickness absence (by helping employees back into work), reduced accommodation needs and reduced travelling for staff. There may be some initial increased costs with home working arrangements e.g. IT equipment etc and these will need to be funded within existing service budgets.
- 3.4 At this stage it is difficult to assess what the full financial benefits of these new arrangements would be until the scheme has been fully implemented and been in operation for a period of time. Officers will therefore need to monitor the new arrangements and report back accordingly on the quantitative benefits that have arisen.

4. Legal Issues

- 4.1 There are no specific legal implications associated with this proposal. However, the report includes a significant move towards home working which necessitates careful attention to risk management and data protection compliance. The draft Home-working Policy addresses issues of such compliance. Members will wish to be satisfied that risks associated with home working have been properly addressed in the policy.

5. Other Implications

- 5.1 **Risk Management** – The Grievance Policy and Procedure follow ACAS guidance, employment legislation and “best practice” and as such should help reduce the number of tribunal claims by encouraging workplace resolution of issues in a more efficient way.

Employees working from home are required to comply with the Council's rules with respect to information protection and security; this includes the purchasing and use of IT equipment and software, as well as e-mail usage and internet access and the storage of electronic/non electronic information etc. Employees will be made aware of their contractual responsibilities in regard to the Data Protection Act and that failure to follow these rules may result in disciplinary action being taken.

- 5.2 **Staffing Issues** – The trade unions (and staff support networks) have been consulted on the proposals and their comments and feedback taken into account in the final documents; they will be consulted on the arrangements for communicating and implementing these if agreed.

6. Background Papers Used in the Preparation of the Report:

None

7. List of appendices:

Appendix A – Grievance Resolution Procedure

Appendix B – Home-working Policy

Grievance Resolution Procedure

(incorporating allegations of bullying and harassment)



1. Introduction

Council Policy

The Council is committed to providing a working environment where individuals are treated with fairness, dignity and respect; this procedure allows employees to raise genuine workplace grievances and have them dealt with fairly, consistently, promptly and objectively and with a view of trying to achieve an agreed resolution.

The Procedure applies to all employees employed directly by the Council and follows the guidance contained within the ACAS statutory Code of Practice for Disciplinary and Grievance Procedures, and ACAS guidance on Bullying and Harassment at Work (effective from 6 April 2009).

The Procedure is not intended to punish employees, but to try and resolve any grievances as quickly and as fairly as possible, at the lowest appropriate level in the Council and to avoid minor issues developing into more serious matters. It is not to be used to pursue malicious or vexatious complaints and to do so will be considered a disciplinary matter that may lead to dismissal.

Grievances - Definition

The ACAS Code of Practice defines grievances as concerns, problems or complaints that employees raise with their employer.

Grievances may be concerned with a wide range of issues such as the allocation of work, physical working environment, working hours, health and safety, working relationships or general treatment at work.

Bullying and Harassment - Definition

The ACAS guide “Bullying and Harassment at Work” defines bullying and harassment as follows:

Bullying, as “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient”.

Harassment, as “unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient”.

Appendix 1 sets out the Council’s policy on bullying and harassment, including allegations of a sensitive sexual, homophobic or racial nature etc.

Advice and Support

Human Resources will support and advise managers considering grievance matters raised through the Procedure. They will also monitor all formal grievances raised to ensure they are dealt with in accordance with the Procedure, employment and equalities legislation, and “best practice”.

Employees are entitled to be accompanied by a trade union representative or a fellow work colleague at any meetings under the “Formal Resolution” process of the Procedure. Further details of the additional advice and support available to employees are attached at Appendix 2.

Whistle-Blowing

The Council has a Whistle-Blowing Procedure, for raising concerns about any alleged wrongdoing in the workplace e.g. fraud or corruption, unlawful acts or dangers to health and safety. Matters raised under the Whistle-Blowing Procedure may be dealt with as a grievance.

The Corporate Director of Resources, or nominated officer acting on the advice of the Head of Human Resources, will decide whether allegations are more appropriately dealt with under the Whistle Blowing or Grievance Procedure. There is no right of appeal against that decision.

Work colleagues not directly employed by the Council

Managers must seek advice from Human Resources on dealing with any grievance or bullying and harassment matter raised by agency workers or work colleagues not directly employed by the Council.

2. Matters outside the scope of the Procedure

This Procedure is available to all employees directly employed by the Council, except in the following circumstances: -

- Complaints about the Council’s statutory responsibilities as an employer.
- In response to being subject to another formal investigation or hearing under the Disciplinary, Managing Performance, Grievance or Sickness Absence procedures etc.
- To restart the procedure within 12 months of the completion of action in respect of the same or a similar grievance, (unless agreed recommendations have been broken or ignored).
- Any issues for which there is a separate appeals procedure e.g. grading, disciplinary or redundancy.

- Any personal matter not directly related to the member of staff's employment or conditions of service over which the council has no control.
- Collective disputes or matters, which are properly the subject of collective bargaining between the Council and trade unions, e.g., pay issues.
- To pursue malicious or vexatious complaints, (to do so will be considered a disciplinary matter, that may lead to dismissal).
- A matter that occurred more than 3 months ago.
- As a response to a grievance taken out by another member of staff.

3. Informal Resolution

It is in everyone's interest for work place concerns to be dealt with on an informal basis and both employees and managers have a responsibility to resolve concerns at the lowest possible level.

Employees Responsibility

Employees must first try to resolve the matter informally by talking to their immediate line manager, (if the line manager is the subject of the grievance, they should speak to their manager's manager). The employee should:

- Explain the nature of their concern(s) and what action they feel should be taken to enable a resolution to be met
- Agree, where possible, any appropriate action necessary to resolve their grievance

Managers Responsibility

Managers must arrange a confidential time and place to meet with the employee, as soon as possible, to discuss the matter. The manager should:

- Consider the grievance seriously
- Ensure that the employee is given a full opportunity to explain their grievance
- Ensure they have a full understanding of their grievance and how the employee thinks it should be resolved
- Seek a means of resolving the grievance to the employee's satisfaction if this is possible, taking into account Council policies, procedures, rules and the need for consistency and fairness

Most issues should be resolved within 20 working days. Managers and employees should keep a written note of informal discussions.

To conclude the informal process, managers should provide the employee with a brief written summary of the outcome, including any actions agreed.

4. Formal Resolution

This is only available on completion of “Informal Resolution” process at Section 3; employees cannot go directly to the “Formal Resolution” process.

Grievance Hearing

Where the grievance has not been resolved informally, the employee should write to Human Resources, using the pro-forma at Appendix 3.

The employee should outline clearly the reason(s) for their grievance with details of any events/actions (including dates, times and any witnesses), that triggered the complaint and how they would like it resolved. If the grievance or desired outcome is unclear, the employee may be asked to clarify their grievance before any meeting takes place.

Human Resources will acknowledge receipt of the grievance in writing, normally within 5 working days. Human Resources will also liaise with the employee’s department to enable an officer to be nominated who will hear the grievance and undertake a detailed investigation. The nominated officer will then arrange a meeting with the employee to discuss their grievance.

Ideally a grievance hearing will be arranged within **10 working days** of receipt (in Human Resources) of the grievance. If this is not possible, the nominated officer must write to the employee to explain the reason for the delay and give an indication of when the hearing can be expected; this will be within a maximum 20 working days from the date the grievance was received.

The nominated officer is responsible for the “conduct” of the hearing which will vary depending on:

- The nature of the grievance
- Whether evidence is readily available to clarify the facts of the case
- The form of resolution being sought

The nominated officer will notify the employee in writing of their decision and any action that is proposed to resolve the grievance raised, within 5 working days of the grievance hearing. The timescale may be extended, (up to a further 10 working days or in some cases longer with the employee’s agreement), if further investigations are necessary.

Appeal

If the employee is dissatisfied with the outcome of the grievance hearing they have the right of appeal. The employee should write to Human Resources within 10 working days of receipt of the outcome decision letter*, using the pro-forma at Appendix 4.

***Employees must register their appeal within this period otherwise they will be deemed to have accepted the decision at the Grievance Hearing; appeals will not be accepted after this period.**

The appeal pro-forma must be completed clearly stating:

- Why the employee is dissatisfied with the outcome decision
- What alternative solution they are seeking to resolve their grievance

No new evidence, i.e. evidence that was not raised and submitted previously at the grievance hearing, by either party can be presented at the appeal.

On receipt of the appeal pro-forma Human Resources will liaise with the employee's department to enable a more senior officer to be nominated to hear the appeal, normally at least Group Manager level.

The nominated officer will contact the employee within 10 working days of receipt (in Human Resources) of the appeal to arrange an appeal hearing. If this is not possible, they will write to the employee to explain the reason for the delay, and give an indication of when the hearing will be held; this will be within a maximum 20 working days from the date the appeal was received.

If the nominated officer cannot arrange an appeal hearing within the timescale i.e. within 20 working days from the date the appeal was received, they must notify Human Resources and another officer may be appointed.

The purpose of the appeal hearing is to consider the grounds that have been put forward and to assess whether or not the conclusion reached at the grievance hearing was appropriate. The appeal is not a rehearing of the original grievance, but rather a consideration of the specific areas of which the employee is dissatisfied in relation to the original grievance.

Following the appeal hearing, the nominated officer will notify the employee in writing of their decision and any action that is proposed to resolve the grievance raised, within 5 working days of the appeal hearing. The timescale may be extended, (up to a further 10 working days or in some cases longer with the employee's agreement), if further investigations are necessary.

This is the final stage; there is no further right of appeal.

Human Resources will automatically update the Procedure to comply with any changes to legislation and / or ACAS guidance and notify employees of the amendments.

Appendix 1:

Allegations of Bullying and Harassment

Policy

The Council is committed to providing a working environment for all its employees that is comfortable and free from all forms of bullying and harassment. Any employee who is found to have bullied and/or harassed a work colleague or customer of the Council will be subject to disciplinary action, up to and including summary dismissal.

Employees are encouraged to report any incidents of bullying and/or harassment they experience or witness so that the Council can investigate and resolve the matter. The Council will take all such complaints seriously and an employee who makes a genuine complaint of bullying and/or harassment will be protected and not be penalised or victimised in any way.

Note: The Council will also instigate an investigation into alleged bullying or harassment if it has grounds to believe that an employee may have been bullying and/or harassing another work colleague or customer, whether or not there has been a formal complaint.

Managers and Employees Responsibilities

Managers are responsible for implementing and raising awareness of this Policy. **All managers and employees** have personal responsibility for their own behaviour and for ensuring that they comply with this Policy.

Bullying and Harassment – Definition

ACAS defines bullying and harassment as;

Bullying as offensive, intimidating, malicious or insulting behaviours, an abuse or misuse of power through means intended to undermine, humiliate, or injure the recipient.

Harassment as unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Examples of unacceptable behaviour may include:

- Picking on someone or setting them up to fail
- Inappropriate behaviour or language at meetings
- Spreading malicious rumours, or insulting someone (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or

belief); this includes postings on notice boards and social networking sites

- Copying and/or circulating memos/letters/e-mails/texts/reports or any other written or electronic communications that are critical about someone to others who do not need to know
- Exclusions or victimisation
- Unwelcome jokes or comments of a sexual or racial nature or about and individual's age, disability, faith and gender etc
- Unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decision on the basis of sexual advances being accepted or rejected.

Dealing with Allegations of Bullying and Harassment

General

Bullying and harassment are potentially serious disciplinary offences and the Council will use the Disciplinary Procedure to address such issues where, in its view, that is the appropriate course of action. The alleged victim(s) will be consulted but will not have a veto over the course of action decided upon.

Bullying must be distinguished from the right of, and obligation placed on managers, to exercise proper direction and supervision of employees in the course of their duties. The Council will not tolerate the abuse of this Procedure to challenge and undermine managers exercising legitimate authority. Such instances will be dealt with as disciplinary offences.

Working Arrangements During Investigations

Allegations of bullying and/or harassment can place particular stresses on both the alleged victim and alleged perpetrator. As such, they must be dealt with promptly and, wherever possible, in ways that seek to minimise the stress on the parties involved.

Whilst individual circumstances and service needs must always be taken into account, the presumption is that working arrangements will be adjusted whilst complaints under this procedure are being investigated so that the alleged victim and alleged perpetrator are separated. Reporting arrangements may be changed and either or both parties required to work at a different location.

Human Resources will advise on the options and the Head of Service will take account of the wishes of the parties involved and service needs in reaching their decision; decisions will make no inferences regarding relative guilt and no such inferences may be drawn.

Other considerations

In very exceptional circumstances, where the alleged victim can demonstrate plausible grounds for feeling particularly intimidated or threatened by the alleged perpetrator, and on the advice of Human Resources, it may be necessary to offer a degree of anonymity and/or make arrangements to ensure that the parties do not have to meet directly at meetings or hearings called under this or any other Council procedure.

Procedure

The procedural arrangements for dealing with allegations of bullying and/or harassment are the same as detailed for grievances. However, there are four possible outcomes for allegations of bullying and/or harassment made;

1. The investigation of the allegation(s) demonstrates sufficient preliminary evidence to justify referring the matter directly to be dealt with under the Disciplinary Procedure. Then a disciplinary investigation will be set up and all further action will be taken under that procedure. No further action will be taken under the Grievance Procedure.
2. In exceptional cases there may be a recommendation of transfer, (unless provided for in the employee's terms and conditions if they suffer a detriment by it, for example additional expense or a less responsible role).
3. There is substance to the allegation(s) and informal means, such as mediation, conciliation, coaching, counselling, training, should be used to address the issue.
4. The allegation(s) was unfounded.

Appendix 2:

Additional Advice and Support

Occupational Health – Any employee that is involved in a claim of bullying and/or harassment may find it helpful to talk to the Occupational Health Adviser and therefore will be given the option of a referral.

Counselling – The Council provides a confidential external service for staff through our Occupational Health Service.

EAP – Employee Assistance Programme - is a welfare initiative available by telephone to give counselling, information, signposting and support.

Note: To include contact details

Trade Unions – The Council recognises the important role that trade unions have in resolving and supporting such issues and encourages employees to approach their TU Representatives for support in addressing unacceptable and inappropriate behaviours. The recognised trade unions are as follows:

Non-Teaching:

- APEX
- GMB
- Unison
- Unite

Teaching:

- ATL
- NAHT
- NASUWT
- NUT

Note: To include contact details

Staff Support Networks - The Council has well established support networks that provide valuable support, including confidential advice, on both work related and personal matters. The staff support networks are as follows:

- BME Staff Support Network
- Disabled Staff Network
- LGBT Staff Support Network

Note: To include contact details

Other Support

Note: To include contact details

Grievance Pro-Forma – Formal Resolution

Section 1: Employee Details

Name: Contact No:

Post: Location:

Department: Section/Service:

Section 2: Employee Representative Details

Please detail the name of your representative. (You are entitled to be represented by a trade union representative or a work colleague at any stage of the formal procedure).

Name: Contact No:

Name of trade union (if applicable):

Section 3: Grievance Details

Please detail your grievance overleaf giving full details of dates, incidents, parties involved, witnesses, circumstances, etc. Additionally, where possible, please ensure that you include or reference the following specific details:

- The date that this issue commenced
- Whether this is a one-off issue, or part of a sequence of events
- Which policies, procedures or employment terms do you believe have been breached
- What action/steps you have taken to resolve the issue informally, when and who with?
- Copies of any relevant documentary information
- What you are looking for as a satisfactory outcome

Please note that the procedure is not intended to punish staff, but to try and resolve any grievances as quickly and as fairly as possible, at the lowest appropriate level in the organisation and to avoid minor issues developing into more serious matters. It is not to be used to pursue malicious or vexatious complaints and to do so will be considered a disciplinary matter that may lead to dismissal.

Please state your grievance:

(Please continue onto a separate sheet if necessary)

B) Please state what you are seeking as a satisfactory outcome to your grievance

Signed:..... **Date:**.....

Name (Please Print):

.....

Grievance Pro-Forma – Appeal

Section 1: Employee Details

Name: Contact No:

Post: Location:

Department: Section/Service:

Section 2: Employee Representative Details

Please detail the name of your representative. (You are entitled to be represented by a trade union representative or a work colleague at any stage of the formal procedure).

Name: Contact No:

Name of trade union (if applicable):

Section 3: Appeal

Where you are appealing against the outcome at the Grievance Hearing; ensure that you detail the specific reason(s) why you are dissatisfied with the Nominated Officer's decision.

A) Please state you reasons for appealing against the outcome at the Grievance Hearing:

(Please continue onto a separate sheet if necessary)

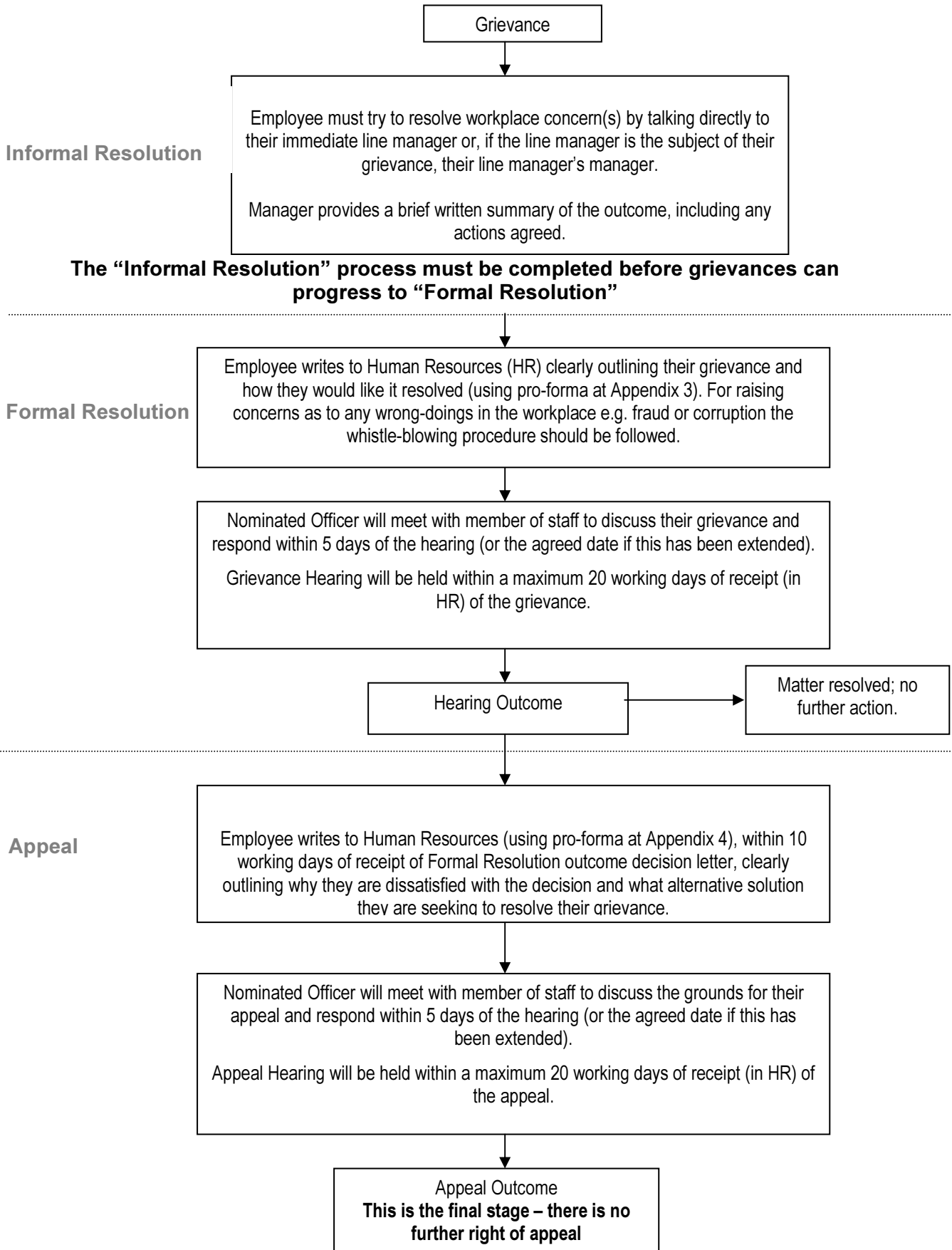
B) Please state what you are seeking as a satisfactory outcome to your grievance:

C) How the Nominated Officer's reasons for rejecting the alternative solution might be addressed (if applicable)

Signed:..... **Date:**

Name (Please Print):

Grievance Procedure - Flowchart



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Modern Ways of Working

Home-Working Policy



1. Introduction

Council Policy

The Council is committed to providing a modern, flexible work environment to support the delivery of excellent services.

“Modern Ways of Working” involves looking at new approaches to how and where employees work, and moving away from the traditional concept of a permanent base and/or desk for all employees. These will support the delivery of excellent services and help employees to manage their work-life balance.

Home-working may be considered where this will meet the needs of the Council, its customers and employees.

Benefits

Home-working, as part of an agreed flexible working arrangement, can provide a range of benefits for the Council and its employees, including:

- Reduced costs / accommodation needs
- Reduced travelling for employees
- Greater flexibility as to the hours times worked (“work life balance”)
- Greater flexibility to cover emergencies e.g. transport disruptions
- Increased productivity

Key Principles

The introduction of Modern Ways of Working is an opportunity for managers and staff to review how work is organised within teams and at new ways of working; the key principles that will help enable a successful outcome are to:

- i) Consider the needs of your internal and external customers;
- ii) Involve all team members when reviewing how work is organised;
- iii) Be open to new ideas and to give these a chance to succeed;
- iv) Think about what support is needed and take advice;
- v) Review the situation if arrangements do not work as expected.

It is important to consider the potential impact of home working arrangements on the service and other employees e.g. maintaining cover and taking leave etc and the following principles will also apply:

- i) There are subject to the needs of the service and will be reviewed regularly, (not agreed on an open ended basis)
- ii) These will be subject to an initial trial period to ensure there is no adverse impact on service delivery or to other employees
- iii) Employees are not required to work from home and do so on a voluntary basis, (they will not be paid for electricity/telephone etc)
- iv) Employees must demonstrate that they can provide a safe and secure working environment at home

2. Home-working - Planning

General

Home-working is different to other forms of flexible working; it is reliant on the information technology available and a different approach to managing work, monitoring performance and maintaining relationships with colleagues.

The main consideration is how home-working impacts on service delivery and team working and it may not be suitable for some areas / job roles. Home working is on a voluntary basis only and is subject to regular (annual) review.

Planning

Managers should regularly review with staff how work is organised and the cover required at peak periods, as well as the arrangements for emergencies such as transport disruptions etc. (These should be set down in writing and included with the induction for new employees).

Employees need to know in advance when home-working may be considered e.g. what work can be done from home and IT needs etc. This information will also be helpful when considering applications under the statutory right of parents and carers to request flexible working.

Job Roles / Work

The most suitable job roles where home-working may normally be considered include those which:

- Work independently, have a high level of self-management and do not require close supervision
- Work out of the office / workplace each day (at meetings, site visits, with customers or working at other locations)
- Do not require constant access to files, IT databases or other confidential information

Examples of the situations when home-working may normally be considered include:

- As part of an agreed flexible working arrangement when moving into open plan / shared work accommodation
- To complete specific pieces of work (to meet urgent deadlines)
- As a reasonable adjustment for disabled staff
- As part of phased return to work from long-term sickness (to meet the new 'Statement of Fitness to Work from the DWP')
- During office moves
- There is disruption to public transport (bad weather or industrial action)
- Other disruptions to public services (pandemic flu)
- As part of an agreed flexible working arrangement (dependent on the job role) e.g. under the statutory right to request flexible working

3. Home-working – Implementation

Managing Employees

Managing employees working away from the workplace requires a different approach with performance measured by result rather than by attendance.

Employees working from home are still subject to the same performance measures, processes and objectives that apply to their colleagues. To ensure that this is applied fairly and consistently, it may be helpful to break down the duties and tasks of the job and / or look at output as defined pieces of work.

It is important to be clear from the outset as to what is required in terms of the work to be completed and timescales for doing so and remaining in contact.

Practical Considerations

There are a number of practical considerations that managers and employees need to consider and must be agreed from the outset, including the:

- Work to be undertaken and timescales for completion
- Arrangements for maintaining contact with the manager/colleagues and attendance for;
 - team meetings
 - 1 to 1's / supervision
 - training or development
- Times where employees can be contacted at home, which may be different to normal office hours, (and times they cannot be contacted)
- Employee's responsibility for complying with IT security and data protection requirements, and e-mail and internet usage guidelines
- Employee's responsibility for completing and returning the "Safety Self Assessment for Homeworking"* to their manager for a risk assessment, (* see the links to the Health and Safety Intranet pages at Section 4)
- Employee's responsibility to check and ensure that they are "covered" on their household insurance for working from home.
- Arrangements for reporting illness/accidents
- Arrangements when home-working may be suspended/cancelled

The arrangements should be confirmed in writing and subject to a pilot period after which the manager should review the outcome with the employee.

Pilot Period

It is important to be clear from the outset as to purpose and arrangements i.e.:

- Duration of the pilot period
- Arrangements being piloted
- Any support to be provided (e.g. a work lap-top / phone etc)
- Arrangements for reviewing the outcome and measuring "success"

The timescale should be sufficient to give the arrangements a fair chance to succeed e.g. 4-6 weeks, but must not be left “opened ended” so they become accepted practice by default.

Alternatively, if it is clear that the arrangements are not working or need adjusting, then this needs to be addressed promptly and should not be left to the end of the pilot period.

Managers must review the outcome, (including any impact on the service and colleagues), with the employee before agreeing any arrangements, which will be for a fixed period only.

Monitoring

Home-working arrangements should only be agreed for a fixed period of up to 12 months only after which period they must be reviewed.

Any extension beyond 12 months will need the approval of the Head of Service following consultation with the Head of Human Resources.

Statutory Right to Request Flexible Working

The statutory right to request flexible working applies to employees, (not agency workers), who have worked for the employer continuously for 26 weeks before applying and:

- have or expect to have parental responsibility of a child aged 18 (from April 2011) or under
- are the parent/guardian/special guardian/foster parent/private foster carer or as the holder of a residence order or the spouse, partner or civil partner of one of these and are applying to care for the child
- are a carer who cares, or expects to be caring, for an adult who is a spouse, partner, civil partner or relative; or who although not related to you, lives at the same address as you

There is no right to flexible working or to work from home but any requests should be consider sympathetically, subject to the needs of the service and implications for other employees.

4. Advice and Support

Guidance on risk assessments and the Statutory Right to Request Flexible Working” Policy can be found on the HR Intranet pages at:

<http://lbbd/hr/health-and-safety/risk-assessment.htm>

<http://lbbd/hr/health-and-safety/display-screen-equipment-vdu.htm>

<http://lbbd/hr/hours-of-work/docs/right-to-request-flexible-work.doc>

Human Resources will automatically update the Procedure to comply with any changes to legislation and / or ACAS guidance and notify employees of the amendments.

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