

Notice of KEY Executive Decision (Special Urgency)

Subject Heading:	Havering Recovery Plan – Phase 1
Cabinet Member:	Councillor Damian White Leader of the Council
SLT Lead:	Andrew Blake-Herbert Chief Executive
Report Author and contact details:	Mark Butler Director of Asset Management mark.butler@onesource.co.uk 01708 432947
Policy context:	This decision is made in the context of public health and government guidance protection measures necessitated by the COVID 19 outbreak
Financial summary:	The report proposes the allocation of underspend of £0.435 million from the original Smart Working Programme budget allocation to fund the Programme Team until September 2020. The report further requests additional capital funding of £0.575m from capital contingency to fund the upgrade of the Council's ICT infrastructure supporting Smart Working.
Reason decision is Key	Grounds for decision being Key: (c) Financial impact exceeding £500k
Date notice given of intended decision:	<i>This is a decision pursuant to para 11 of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, made under "special urgency" with the consent of the Chair of the Overview and Scrutiny Board.</i>

Key Executive Decision

Relevant OSC:	Towns and Communities OSC
Is it an urgent decision?	<i>Yes</i>
Is this decision exempt from being called-in?	<i>Yes, due to Special Urgency</i>

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input checked="" type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

As the Council enters the recovery phase of the Covid-19 emergency, Government and Public Health England Guidance on removing lockdown restrictions and opening up work spaces require changes to the way the council organises its offices in order to maintain social distancing requirements, maintain infection control and thus reduce the number of new Covid-19 cases and deaths in the work-force and community at large.

Whilst these measures are necessary to adhere to the Government guidance, they are also in-line with changes necessary for our Smart Working programme to be fully adopted to provide modern working practices and a better service to residents as well as achieving savings that will assist in mitigating the enhanced budget pressures from the Covid-19 response.

Approval is sought to implement the following measures pending a more detailed report to Cabinet in July :

- To agree the principle that office-based Council staff remain at home until further notice
- That access to Mercury House is restricted to staff working in the MASH, the CCTV unit, Smart Working project team and Asset Management
- That access to the Town Hall is limited to Democratic Services, Cabinet Members, the Smart Working project team, ICT officers supporting infrastructure and Asset Management
- That access to River Chambers is limited to Community Wardens/ Enforcement teams
- All public meetings will for the time being continue to be facilitated virtually as permitted under The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.
- That, subject to the above exceptions, the following administrative buildings will remain closed to staff and public until further notice:
 - Mercury House
 - Central Library offices
 - River Chambers
 - The Hermitage
 - Offices within the former Stable Block, Langtons
- To agree the drawdown of £0.575m capital funding from capital contingency to fund the ongoing Smarter Working programme under the delegated powers of the Chief Financial Officer)

AUTHORITY UNDER WHICH DECISION IS MADE

Powers delegated within the Council's Constitution to the Chief Executive:

Key Executive Decision

Section 3, para 3.2 Powers of the Chief Executive

- (d) To undertake those functions assigned under:
- (i) Part 3, section 4 of this constitution: functions not to be the responsibility of an authority's Executive

STATEMENT OF THE REASONS FOR THE DECISION

This decision is required under "Special Urgency" to allow the Council to plan and undertake effective strategies for working and service delivery during the current Covid 19 outbreak.

Challenge

As the Council enters the recovery phase of the Covid-19 emergency, Government and Public Health England Guidance on removing lockdown restrictions and opening up work spaces require changes to the way the Council organises its offices in order to maintain social distancing requirements, maintain infection control and thus reduce the number of new Covid-19 cases and deaths in the work-force and community at large.

These changes are therefore needed to follow the guidance and will therefore be necessary from a Health and Safety perspective. The contraction of Covid-19 at work is notifiable and could therefore lead to investigation by the Health and Safety Executive a possible outcome of a finding of corporate manslaughter. It is therefore essential that these changes are implemented for the health and safety of our staff and to withstand any future challenge from investigation.

Whilst these changes are necessary to adhere to the Government guidance, they are also in-line with changes necessary for our Smart Working programme to be fully adopted to provide modern working practices and a better service to residents as well as achieving savings that will assist in mitigating the enhanced budget pressures from the Covid-19 response.

The impact of social distancing guidance within the workplace is clearly illustrated below, reducing office capacity to approximately 25% of the pre-Covid level.

Building	Current capacity	Revised capacity with social distancing	Capacity
Havering Town Hall	367	105	28%
Central Library Offices	168	39	23%
Mercury House	863	219	25%
River Chambers	85	16	18%
Total	1,483	379	25.5%

Since late March the Council has radically changed its operating arrangements in order to control the risks posed by Covid19 and to protect staff, residents and services. Business Continuity Plans have been implemented by all services and, supported by

Key Executive Decision

the rollout of smart technologies, the Council has been able to both successfully sustain front line services whilst at the same time extending its reach to provide critical support (e.g. Shielding Contact Centre, Distribution Hub, Small Business Grant payments) to the most vulnerable individuals and organisations within our communities.

Proposals

Given the continued risks presented by Covid-19 to staff and public, coupled with the restricted capacity in Council office buildings, it is recommended that office-based Council staff remain at home until further notice.

For the time being, given the limited capacity outlined above it is proposed that space should be prioritised as follows:

Priority 1 – Front Line. Services or functions that cannot be provided through home working due to their frontline nature.

Priority 2 – Productivity. Services or functions that cannot be provided through home working due to the significant drop-in productivity when operating from home.

Priority 3 – Temporary Need. Cyclical or intermittent need to provide the services or functions on-site due to the nature of the provision.

Priority 4 – Personal Circumstances. Need to provide on-site space for individuals unable to work at home

Mercury House accommodates both the MASH and the CCTV unit and it is therefore proposed that access to the building be limited to staff working within these units, supplemented only by the necessary Asset Management personnel required to open/close and ensure the working environment is safe and compliant and Smart Working colleagues supporting remote working by the majority of council staff.

Similarly, it is proposed that access to Town Hall is limited to Democratic Services, the Smart Working project team, ICT officers supporting infrastructure and Asset Management personnel. All public meetings can be facilitated virtually for the time being.

River Chambers continues to be used as a touchdown facility for the Community Wardens/Enforcement teams at the beginning and end of each shift and it is proposed that this continues in the short-term, albeit limited to their use only.

Risk control measures are being implemented within these buildings in accordance with government guidance (Working Safely during Covid 19 in Offices) to include, as appropriate: social distancing signage and floor stickers, including lifts, stairs and washrooms; reconfiguration of break-out spaces; 'disablement' of desks, one way systems within buildings, extension of parking access to staff (assuming those that need to come in will wish to avoid public transport where possible), increased cleaning regime, hand sanitiser dispensers and anti-bac wipes. PPE will be made available to staff, where appropriate.

Key Executive Decision

These measures will be supported by a formal risk assessment for each building.

Beyond these exceptions, it is proposed that the following administrative buildings will remain closed to staff and public until further notice:

- Mercury House
- Central Library offices
- River Chambers
- The Hermitage
- Offices within the former Stable Block, Langtons

It is acknowledged that for a number of services the current delivery arrangements would by no means be considered 'optimal' in the longer term and will therefore require further review and refinement. The review will be undertaken on a quarterly basis taking into account the latest Government Guidance which may impact these proposals.

Support to Remote Working staff

ICT support

The rollout of the Smart Working programme in 2019 has proven to be a critical enabler to the Council's business continuity planning, facilitating most services and over 2000 staff to quickly revert to remote working whilst retaining the ability to deliver front line and back-office support services. It should be borne in mind that this agility has been achieved largely through a limited first phase i.e. the issuing and configuring of laptops to Council staff, but in advance of the further organisational resilience and flexibility offered through the rollout of supporting technologies, primarily delivered through the rollout of Cloud-based Office 365, with appropriate training and support.

In order to continue to enhance Smart Working it is critical for the Council to immediately address a number of infrastructure problems such as:-

- the separation of Council's Microsoft 365 Joint Tenancy shared between Havering, Newham and oneSource
- a Wi-Fi Network Refresh
- an organisation-wide Exchange and SharePoint online migration to the cloud.

This Executive Decision seeks approval to transfer the current underspend of £434,500 from the Smart Working Phase 1 Programme to provide continuation funding for the Programme Team in order to allow the Programme to continue at pace whilst Havering's Recovery Plan is being finalised.

The programme also requires £575k in additional capital funding to resource the Microsoft tenancy transfer and Office 365 rollout. It is proposed this is drawn down from capital contingency as an additional capital allocation under the delegated powers of the Chief Finance Officer.

Key Executive Decision

Reopening front line services

As the Council enters the recovery phase of the Covid-19 emergency, Government and Public Health England guidance on removing lockdown restrictions and opening up work spaces require changes to the way the Council organises its services in order to maintain social distancing requirements, maintain infection control and thus reduce the number of new Covid-19 cases and deaths in the work-force and community at large.

Many services have continued to operate at a near full level of service delivery throughout the crisis but some services have had to be withdrawn during the government's lockdown period. A number of the withdrawn services will begin to be reopened in the near future. The actual arrangements for re-opening will be subject to individual Executive Decisions. The services that are expected to be first to be re-opened are:-

- Romford Market
- Schools and schools catering (phased)
- Housing lettings
- Housing services such as repairs and estate cleaning.

A full Recovery Schedule will be submitted to Overview and Scrutiny Board and then to Cabinet in June 2020.

HR Support to staff

The continuance of remote working for many of the Council's staff poses a series of broader considerations. Whilst not necessarily an exhaustive list, the following serves to highlight the work already in place/in progress in this regard:

Heads of service/managers to review which staff will be unable to sustain remote working (will determine capacity required in offices) – initial Recovery Plans have already been drafted by each service and these are in the process of refinement, supported by a questionnaire to individual staff members to offer a more granular assessment of how individuals are managing the transition to remote working.

Equipment requirements – as the period of remote working extends, there is a need to ensure that employees are adequately equipped to work away from the office for a prolonged period. Equipment needs may include supplementing laptops with larger monitors and the provision of appropriate chairs, requisitioned from empty offices. A protocol is being developed to ensure that this occurs in a managed way based upon prioritised needs.

Guidance on workstation assessments – already in place for the Smart Working programme, staff are able to access online guidance to advise on the appropriate DSE regulations for workstation set-up.

Key Executive Decision

Health and wellbeing support for staff – there are a series of measures in place to support the physical, emotional and psychological wellbeing of staff in these circumstances embedding the ICARE values. Greater work is required on bereavement and mental health support for staff.

Encouraging use of annual leave: both to ensure that individuals who have been working extended hours/days have the opportunity to rest and to avoid an excessive build-up of leave that might present operational risks to cover at a later date. An annual leave policy is needed up to 2022 in line with government guidance.

Impact of changes on terms and conditions of employment: whether there are contractual changes presented by some employees potentially being regarded as home workers rather than flexible workers.

Policy development to support new ways of working: reviewing existing policies to accommodate the revised working practices of the Council e.g. flexitime policy.

Leadership and management in a new environment : developing and embedding new skills within the senior tiers to reflect new styles of working

Other HR considerations : Transitioning redeployed staff back into their roles; how we respond to staff who refuse to return to work (those who are unable to work from home; at home with those shielding); ongoing approach to furlough.

Staff returning to the front line: Where staff are being brought back into front line services, full risk assessments must be undertaken by managers in collaboration with staff and the trade unions. The risk assessments will cover the following:-

- Personal Protective Equipment (PPE) requirements will need to be agreed. Distribution of PPE has been systematised through 'local PPE Guardians' to manage the appropriate allocation to staff groups including contractors (e.g. Housing repairs)
- Social distancing protocols need to be agreed (e.g. floor markings)
- Increased cleaning arrangements in essential office spaces including schools
- Physical screen protection is required for front facing essential services
- Individual assessments may be required for staff who are a higher risk from Covid-19 than is usual
- Improved personal consideration is required to sickness in general (the message is to stay home if you feel unwell).

Key Executive Decision

OTHER OPTIONS CONSIDERED AND REJECTED

Do Nothing – the current circumstances effectively preclude a ‘Do Nothing’ option as a return to ‘normal’ is not feasible given the ongoing requirements for social distancing and the need to protect both staff and public from potential exposure to Covid-19

PRE-DECISION CONSULTATION

Consultation with Cllr Damian White, Leader of the Council

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Mark Butler

Designation: Director of Asset Management

Signature:



Date: 27th May 2020

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

As an employer, the Council has a legal responsibility to protect workers and others from risk to their health and safety which involves doing everything reasonably practicable to minimise the risks of exposure to COVID-19.

Careful consideration must be given to the recommendations set out in the Home Office Guidance 'Working Safely during COVID-19 in offices and contact centres' published on 11th May 2020, and the Health and Safety Executive Guidance documents 'Working Safely during the Coronavirus Outbreak' and 'Talking with your workers about working safely...' before delivering the proposals. This will include undertaking a risk assessment to identify sensible preventative measures to control the risks such as keeping people 2 metres apart wherever possible. Employees must also be consulted on health and safety to ensure their views are considered when assessing workplace risks. Particular regard must be given to those vulnerable to COVID-19 in line with HR Guidance. Failure to take action may result in the Health and Safety Executive giving specific advice, warnings or as a last resort issuing enforcement notices to ensure compliance.

From an employment law point of view, the proposals appear to be lawful and reasonable on the face of it.

Points to consider in the implementation are:

1. Good communication with employees, unions and their health and safety representative is important – setting out the reasons and inviting feedback;
2. Keeping office staff is maintaining the temporary status quo so there is no contractual issue with this;
3. If these changes form part of a push to change the way the Council operates permanently in the future it would be prudent to communicate this to unions with their health and safety representative and employees;
4. Any steps taken should be done sensitively and give consideration to individual circumstances; e.g. there may be further reasonable adjustments to be made for disabled employees;
5. There should be continued emphasis on the pastoral care towards staff wellbeing;
6. It would be worthwhile setting a review date with criteria for change.

FINANCIAL IMPLICATIONS AND RISKS

The report highlights the intention to refocus the current Smart Working programme based on the experience and knowledge gained in responding to COVID19 .

The original approval for the Smart Working programme approved by Cabinet in September 2019, allocated capital and revenue budgets. With the arrival of the COVID19 pandemic, the programme has been refocused as outlined in the body of the report

The table below outlines the position on the approved capital budgets for the Smart Working programme, and the remaining programme budget for 2020/21 assuming the slippage from 2019/20 is rolled forward.

<u>Existing Capital Budgets</u>	Original approval for Smart Working programme included in 2019/20 capital programme £m	Budget 2020/21 - including slippage from 2019/20 £m
Smart Working programme		
Buildings & assoc fees	3.450	3.162
ICT	1.187	0.832
	4.637	3.994
ICT core budgets		
Sum available to fund SW programme	0.813	0.434
	5.450	4.428
Total planned budgets		
Buildings	3.450	3.162
ICT	2.000	1.266
	5.450	4.428

In addition to this sum, an additional capital allocation is required to fund the supplementary work needed to enhance the resilience of the ICT to support the remote working supported during the COVID19 arrangement and maximise the benefit of the original planned investment going forward. This is highlighted in the body of the report. The estimated cost of the additional work is £0.575m.

This cannot be contained from within the original budget allocation to the Smart Working programme and therefore an additional capital allocation is sought to cover this work. The Chief Financial Officer has the delegated authority to approve allocations from the capital contingency provision approved within the capital programme as part of the

Key Executive Decision

budget setting by Council in February 2020. This is proposed as a way of funding this additional cost.

The original approval of the Smart Working budgets approved revenue funding of some £0.577m for the programme team and ICT costs until March 2020. The estimated requirement for the programme team and associated revenue resources to deliver the Smart Working programme over the first 5-6 months of 2020/21 is £0.450m. This will be contained within the programme budget from the underspend of £0.434m in the original ICT programme budgets referred to in the body of the report.

Any costs resulting from restarting existing services are expected to be met from within the service budgets, from within the corporate PPE budget allocation or from the corporate landlord budgets.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

Given the Coronavirus outbreak, the paramount consideration of the Council is the health and wellbeing of Members and officers. All employees directly affected by the proposals contained in this report will be managed in accordance with the Council's published COVID-19 Managers Guidance.

In the short term the Council has, by necessity, succeeded in transitioning the majority of its workforce to remote working where roles enable this mode of work.

It is nonetheless recognised that a more permanent transition to remote/home working is a different proposition requiring a detailed set of considerations for many within the Council's workforce, including the following aspects:

- The physical ability for employees to adopt remote working on a longer term basis i.e. physical set up at home or other working environments and the ability to comply with DSE regulations.
- Whilst the role may be appropriate for home working, the personal domestic arrangements for some employees may dictate otherwise.
- The need for social and operational interaction to sustain the wellbeing of staff
- The ability of managers to manage remote teams and technological proficiency to use tools to support remote working. Many teams have mastered immediate technologies around conference calls and virtual meetings, but adopting the new operating model requires a new skills set around use of the Office 365 suite
- Potential contractual considerations if some employees are likely to be considered as home-workers rather than agile workers.
- Changes to HR policies to support agile/remote working e.g. flexitime policy – will 'core hours' be redundant? etc.
- Consultation with unions on proposed changes resulting from above.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EqHIA (Equality and Health Impact Assessment) is usually carried out when a proposed or planned activity is likely to affect staff, service users, or other residents. Where managers are already clear that particular groups/users will be impacted negatively by the closures, this will be noted in the next paragraph and/or put into draft EqHIAs. Where the impact of the closure can be mitigated, this too should be set out.

The Council seeks to ensure equality, inclusion, and dignity for all in all situations.

The Equality Impact Assessment also applies to staff and considers the particular circumstances of those with different protected characteristics. Workplace proposals will need to involve and communicate appropriately with workers whose protected characteristics might either expose them to a different degree of risk, or might make any steps we are considering inappropriate or challenging for them.

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

As highlighted elsewhere in this Executive Decision, the health and wellbeing of staff is a principal consideration in bringing the proposals forward. Key considerations include:

- Monitoring the wellbeing of people who are working from home and helping them stay connected to the rest of the workforce, especially if the majority of their colleagues are on-site.
- Keeping in touch with off-site workers on their working arrangements including their welfare, mental and physical health and personal security.
- Providing equipment for people to work at home safely and effectively, for example, remote access to work systems.

The Government Recovery plans says that the “only feasible long-term solution lies with a vaccine or drug-based treatment”. The implications are that “for the foreseeable future, workers should continue to work from home rather than their normal physical workplace, wherever possible. This will help minimise the number of social contacts across the country and therefore keep transmissions as low as possible. All those who work are contributing taxes that help pay for the healthcare provision on which the UK relies. People who are able to work at home make it possible for people who have to attend workplaces in person to do so while minimising the risk of overcrowding on transport and in public places.”

<https://www.gov.uk/government/publications/covid-19-guidance-for-commissioners-and-providers-of-services-for-people-who-use-drugs-or-alcohol>

BACKGROUND PAPERS

None.

Key Executive Decision

Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed:



Name: Andrew Blake Herbert

Cabinet Portfolio held:
CMT Member title: Chief Executive
Head of Service title
Other manager title:

Date: 28.05.2020

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Committee Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____