

REPORT TO: East Lothian Council

MEETING DATE: 29 March 2022

BY: Executive Director for Council Resources

SUBJECT: Review of Homeworking and Worksmart Policies

1 PURPOSE

- 1.1 To seek approval from Council on amendments to the Homeworking and Worksmart Policies.

2 RECOMMENDATIONS

Council is asked to:

- 2.1 approve the amendments to the Homeworking Policy, as set out in Appendix 1;
- 2.2 approve the amendments to the Worksmart Policy, as set out in Appendix 2; and
- 2.3 note that these policies enhance flexible working options for those employees whose roles can be undertaken from home to support the progress of the asset rationalisation plans whilst also supporting employees to consider flexibility as they prepare for a return to workplaces post-pandemic. These arrangements will also support the attraction and retention of employees.

3 BACKGROUND

- 3.1 In June 2021, Council approved the newly developed Homeworking Policy, along with revisions to the Worksmart and Flexible Working Hours (Flexitime) policies, to be implemented in September 2021. A commitment was made that these policies would be reviewed by CMT within the first year, recognising a changing landscape of working styles and that revisions may be required post pandemic.

- 3.2 Pandemic homeworking largely continues for those employees whose roles can be undertaken from home. At the height of the pandemic circa 800 employees, excluding school employees, were able to work from home. Since implementation of the Homeworking Policy on 1 September 2021, there have been circa 176 applications for contractual homeworking under the new policy, with 116 approved to date.
- 3.3 Flexible working needs and benefits continue to evolve as was anticipated, and the call from managers and employees for more flexibility has coincided with recent Scottish Government advice regarding the return to offices, advising employers to seek to offer flexible working practices including hybrid working. These views have also intensified during the current Penston House Office Rationalisation Project, which will see workplaces being affected from March 2022 onwards.
- 3.4 Hybrid working can take many forms and is defined as a type of flexible working where the employee divides time between the workplace and working remotely, i.e. at home. Due to the many definitions and interpretations of hybrid arrangements, it is proposed that the Council refers to Hybrid Working, rather than Hybrid Homeworking, to avoid confusion with the current Homeworking policy.
- 3.5 Recent benchmarking with 26 local authority respondents indicates that wholesale hybrid working remains aspirational, although the majority of authorities are considering and/or developing this style of working as a concept. Successful hybrid working implementation is reliant upon a stable infrastructure of support, integration and co-ordination by Council services including IT, Asset Management, Facilities, HR, Health & Safety and Organisational Development. We will continue to review and evolve our policies with staff and the Trade Unions as our work on asset rationalisation progresses and a booking system is delivered.
- 3.6 Given the Council's responsibilities as an employer, which include duties in regard to employee health, safety and welfare and the employer's duty of care, there are a number of considerations in safely supporting flexible working within and outwith offices and other Council workplaces.
- 3.7 Identified areas of risk associated with the proposed changes to the Worksmart policy in regard to hybrid working, including those relating to health, safety and wellbeing, contractual and policy implications; and communications will be mitigated by a clear application process, risk assessments and ongoing support from line managers.

Proposal for Council Approval

- 3.8 Reflecting the need for flexible working practices to evolve once the supporting infrastructures are place, whilst also meeting the current needs of managers and employees on an interim basis, we are proposing the revisions to the Worksmart Policy and Homeworking Policy which are outlined below. These changes reflect the continued primacy of the Homeworking Policy as a contractual offer to employees but supplement this with a non-contractual offer of hybrid working for those who are not yet

able to consider a contractual commitment to work from home. It is anticipated that, should managers and employees find that the non-contractual hybrid arrangements are working successfully, consideration will be given to transitioning to a contractual arrangement under the Homeworking Policy. However, the decision to apply for either Hybrid or Homeworking remains entirely voluntary.

- 3.9 The Homeworking Policy (Appendix 1) – the main change proposed is that Section 1.3, which states: “This policy outlines Homeworking as an ongoing contractual work arrangement whereby, normally for at least 80% of the employee’s contractual hours, the employee’s home is their contractual work base” be amended from 80% to 60% of hours working at home, thus offering more flexibility for employees on a contractual basis. It is proposed that the same flexibility be offered to those employees who are already contractual homeworkers without the need for them to submit a fresh application.
- 3.10 The Council’s Worksmart Policy has offered the option of ‘Ad Hoc Homeworking’ for several years but this was intended to be only an occasional arrangement. The amended Worksmart Policy (Appendix 2) now refers to Hybrid Working arrangements, rather than Ad Hoc Homeworking. The arrangements outlined provide scope for more flexibility with the non-contractual terms agreed locally within a Hybrid Working Agreement between the employee and their manager. These can be variable arrangements or more fixed in nature, taking account of the needs of the service involved.
- 3.11 The proposed changes have been the subject of consultation and discussion with the Joint Trades Unions and a number of changes have been made as a result of their comments and feedback. As part of that consultation process, a request was made to keep these policies under review over the coming months as the working environment changes post-pandemic.
- 3.12 Should the proposals at 3.9 and 3.10 above be approved, given the relatively small changes suggested and the beneficial nature of the hybrid changes for employees and managers in offering more flexibility on a voluntary, consensual basis, it is proposed that these changes be communicated and implemented with effect from 1 April 2022.

4 POLICY IMPLICATIONS

- 4.1 These interim changes to both Homeworking and Worksmart policies will enable further flexibility on a contractual (Homeworking) and non-contractual (Hybrid Working) arrangements for employees and their managers. This in turn supports meeting the aims of organisational strategies including Climate Change Strategy and the Asset Management Plan, supporting employee retention and attraction.

4.2 Both policies will be kept under consideration with further reviews aligned with the ongoing development of infrastructure to support flexible working and progress with the Council’s Asset Management Plan.

5 INTEGRATED IMPACT ASSESSMENT

5.1 An Integrated Impact Assessment has already been carried out for the Homeworking and Worksmart Policies.

6 RESOURCE IMPLICATIONS

6.1 Financial – the changes proposed within both policies have no substantial costs attached.

6.2 Personnel – further management guidance to be developed to support line managers of home and hybrid workers.

6.3 Other – proposals require ongoing cross-service engagement to ensure new ways of working are accomplished. Clear communications to ensure shared vision regarding post pandemic ways of working is required.

7 BACKGROUND PAPERS

7.1 Appendix 1 –Homeworking Policy

7.2 Appendix 2 – Worksmart Policy

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Homeworking Policy

This policy outlines arrangements for Employees who are contracted to work from home

22 June 2021

This is an East Lothian Council Policy which has been subject to consultation with the Joint Trades Unions. Any review or amendment by the council will be following consultation with the Trades Unions.

Policy Title	Homeworking Policy
Policy Section	HR Policies
Prepared By /Policy Author	Human Resources
Version Number	V 1.0
Equality Impact Assessment	Completed March 2021
Links to other Council Policies/ processes	Code of Conduct for Employees Policy Data Protection Policy Equal Opportunities Policy Flexible Working Hours Policy IT Acceptable Use Policy Information Security Policy Information and Records Management Policy Social Media Acceptable Use Policy The East Lothian Way Worksmart Policy Health & Safety Documentation (updated September 2021)
Corporate Strategy	East Lothian Council Plan 2017-2022 The Workforce Plan 2018 - 2022 Climate Change Strategy 2020 - 2025 Council Asset Strategy and Management Plan 2018-2023
Approved By	Council
Date Approved	22 June 2021
Review Date	August 2021
Date of next Review	September 2022
Policy Lead	HR Business Partner, HR & Payroll

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1. Introduction

- 1.1 As part of the council's vision to embrace cultural change and new ways of working to deliver the highest levels of service to our customers, the council aims to support contractual homeworking arrangements for employees wherever possible.
- 1.2 Homeworking forms part of the council's range of flexible working policies and potential benefits include flexibility of working times; improved service delivery; increased productivity, motivation and morale; potential for employee retention and recruitment; reduced travel time and costs; savings on office space and servicing all of which help achieve the aims of the East Lothian Council Plan [here](#) the Council Asset Strategy and Management Plan [here](#) and the Climate Change Strategy [here](#) .
- 1.3 This policy outlines Homeworking as an ongoing contractual work arrangement whereby, normally for at least ~~60~~80% of the employee's contractual hours, the employee's home is their contractual work base. All homeworkers will also have a designated administrative office base, although will not have a designated office desk or workspace. Access to shared office desks or workspace (e.g. hotdesking) will be available.
- 1.4 This policy does not cover arrangements for ad hoc homeworking i.e. situations where an employee has a confirmed contractual office base but occasionally works from home with their manager's permission. These ad hoc homeworking arrangements are set out in the council's Worksmart policy.

2. Scope of Policy

- 2.1 Contractual homeworking may be approved for full or part-time employees, at all grades, provided that full Health & Safety and homeworking assessments have been undertaken and all requirements are met within the council's budgetary constraints.
- 2.2 It is recognised that contractual homeworking will not be suitable for all types of job roles and types of work undertaken by the council, e.g. remote/mobile workers where jobs are predominantly carried out in the field (e.g. visiting customers' homes or businesses) nor will it be suitable for every employee or within every home setting.
- 2.3 The requirements of the role, employee health and wellbeing, needs of the service, impact on customers, service users and colleagues must all be considered by the line manager when assessing homeworking requests and arrangements with employees.
- 2.4 In the spirit of fairness and equality of access, there is no minimum continuous service requirement for employees who wish to request

homeworking arrangements under the terms of this policy. However, only one request every 12 months is permitted.

- 2.5 Contractual homeworking will normally be at the request of the employee. However, there may be circumstances whereby the line manager or the council may offer employees the opportunity for contractual homeworking to support new ways of working and achievement of corporate strategies. All requests should be considered, discussed and responded to by the manager within 28 days of the request being made.
- 2.6 To apply for homeworking, the Homeworking Request Form must be completed (see Appendix 1) along with H&S risk assessment forms as outlined in Section 16 and Appendix 2 below. The Homeworking request e-form is available [here](#) .

The outcome of the risk assessment process will be a key consideration as to whether contractual homeworking arrangements can appropriately and safely be approved.

- 2.7 All contractual homeworking arrangements will be subject to a minimum of 3 month and maximum of 6 months trial period in the first instance to ensure delivery and performance meets service needs and working effectively for all parties.
- 2.8 The council reserves the right to withdraw homeworking arrangements at any time with the provision of a minimum of 12 weeks' notice.
- 2.9 Contractual homeworking arrangements will be reviewed regularly and may be withdrawn without notice in full discussion with the employee if it is demonstrated that:
- The performance of an employee suffers as a result of homeworking;
 - The effectiveness of the team in which the employee works is compromise
 - The business needs are not being met;
 - There is a detrimental impact on work due to repeated failures in technology which cannot be resolved.

3. Principles & Aims

- 3.1 The principles and aims of this policy include:
- To contribute to the reduction of the council's Carbon Footprint, improving sustainability and meeting our commitment to becoming a net zero council.

- To support the reduction of the council's property and asset bases for savings and efficiency purposes; reducing maintenance, operational and refurbishment costs.
- To maximise IT capabilities and the use of digitised processes to enable new ways of working in delivering excellent services to our customers.
- To support our employees to achieve flexibility, within and outwith work whilst making best use and of the council's assets, property and resources.
- To foster effective working relationships that build trust and support for employees to work remotely.
- To enable managers, through training and development/guidance, to manage and support employees to ensure effectiveness and productivity whilst working from home, encouraging positive health and wellbeing.
- To support homeworking arrangements as far as possible, whilst prioritising the needs of service users and providing customers and service users with continuously improving services.
- To ensure homeworkers are supported with ongoing personal and career development opportunities.

4. Homeworking Ethos

- 4.1 ***Supporting flexibility for personal needs;*** where, employees need to block time in their calendars during their working day to focus on pressing household needs, that's acceptable, provided it is in their diary with meetings and availability planned around it and it is reflected in a record of their working time.
- 4.2 ***Supporting non-camera ready moments;*** video calls are encouraged at all times and particularly helpful to connect with our colleagues, however if this is not possible on occasion due to home circumstances, then audio only is acceptable.
- 4.3 ***Being kind and considerate;*** as business meetings will take place in employees own homes, no adverse comments should be made about the surroundings or relating to family members.
- 4.4 ***Setting boundaries and preventing video fatigue;*** face to face meetings in person will not be expected to take place in the home; these should be conducted virtually, via the platforms made available by the council (e.g. Business Skype, Microsoft Teams etc.). Full or half day meetings should be avoided where practicable, with the recommended

maximum unbroken duration being 1.5 hours. Where longer meetings are required regular comfort breaks are recommended for all participants.

- 4.5 ***Know when to step away from your desk;*** whilst all employees are required to work their contracted hours, employees are encouraged to be clear about when their working day begins and ends and to take breaks to refresh. When the working day is over it is important that employees switch off and rest.
- 4.6 ***Taking care of ourselves;*** employees are encouraged to take care of their physical and mental health, take regular breaks and exercise regularly (see section 9).
- 4.7 ***Staying connected at work;*** employees are encouraged to interact with co-workers via the virtual platforms made available by the council to stay in touch and feel connected (e.g. Business Skype, Microsoft Teams etc.).

5. Factors for Success

- 5.1 Homeworking requires employees to utilise a number of skills to work effectively from home including time management, self-motivation, self-discipline, ability to work independently, meeting performance goals within set timescales and effective communication skills, all of which will be assessed as part of any homeworking arrangement being considered.
- 5.2 Managers must put in place any additional arrangements as required to ensure that homeworking colleagues are fully supported professionally and personally to deliver goals and outcomes.
- 5.3 Mutual trust, understanding and accountability between the employee and their line manager is essential for homeworking to be successful. Demonstration of core values as outlined in the East Lothian Way [here](#) , including integrity, trustworthiness and honesty are essential.
- 5.4 Contractual homeworking arrangements should, with the manager's approval, support employees to work flexibly during their normal working day. For example, by staggering their daily hours work pattern or 'signing off' for agreed short period(s) during the working day to attend to domestic matters or undertake minor elements of carer responsibilities, where not routinely required. Section 7 below outlines further information relating to caring responsibilities.
- 5.5 Measures should be in place to record and monitor hours worked in line with service needs and/or the council's Flexible Working Hours policy (where applicable). These must comply with the requirements of the Working Time Regulations.

- 5.6 New recruits, or those employees returning from extended periods of leave e.g. maternity, secondment, long-term sickness etc. who are contracted to work from home will require a robust induction/re-orientation plan, including completion of all H&S risk assessments (see Appendix 2). Consideration should be given to including scheduled time in the office upon commencement or return to connect in person with colleagues. Further induction guidance for homeworkers is available for managers on the Intranet [here](#) .

6. Measuring Success

- 6.1 The effectiveness of any working arrangements, particularly homeworking, should be measured in terms of outputs including meeting customer needs, delivery of key objectives and effective communications and relationships. This ensures a common understanding of the required quality and quantity of work, how that will be produced and in what timeframe.
- 6.2 An assessment can then be made as to how well the homeworking arrangement is operating, allowing for any additional support and adjustments to be put in place. As with all council employees, the need for ongoing and proactive use of the council's Performance Review and Development (PRD) framework alongside planned, regular one-to-one meetings; support and supervision meetings are essential in agreeing goals and measuring the employee's outputs, ongoing performance and general wellbeing.

7. Caring Responsibilities

- 7.1 Homeworking must not be seen as an alternative to making the usual day care arrangements for childcare and dependant responsibilities. Any arrangements that an employee would normally require to have in place to enable them to attend an external workplace e.g. office/site must remain in place throughout the homeworker's hours of work. Carer responsibilities for short periods may be undertaken during the working day with the line manager's permission, which would require the homeworker to sign off and record non-working time (see section 5.4).
- 7.2 Employees requiring time off to undertake substantial carer responsibilities should request time off under the appropriate policy including Family leave, Special Leave, annual leave or other leave provisions as appropriate.

8. Keeping in Touch – Communications and Meetings

- 8.1 It is important to agree the methods and timing of communications between the homeworking employee and the line manager and/or colleagues in order to ensure that workflow is smooth, timescales are met and the employee does not feel isolated or cut off from the rest of the team.

- 8.2 A variety of communication methods might be used in line with the IT Acceptable Use and Data Protection policies (e.g. virtual calls and meetings, telephone, email, text messages etc.). However, homeworking employees should be prepared with reasonable notice and as required, taking into account their home and administrative base locations, to attend face to face meetings or attend training/development courses i.e. within council offices/sites or externally as appropriate to their job role. In person business meetings at home should not take place with the possible exceptions relating to reasons of Health and Safety and/or health and wellbeing and absence management.
- 8.3 The council actively supports employees to ensure they are protected from harassment and abuse from co-workers and service users. The council's Domestic Abuse Workplace policy also outlines additional support available to our employees. Employees should discuss concerns in this regard with their manager or HR.
- 8.4 Line managers should be aware that misuse of communication tools, such as video-conferencing and instant messaging could facilitate forms of bullying, harassment and potentially sexual harassment. Line managers should therefore make every effort to ensure employees understand the conduct that is acceptable over these forms of communication, in line with the council's Code of Conduct for Employees policy which can be found [here](#) and the East Lothian Way [here](#) .
- 8.5 All participants should behave appropriately and professionally during virtual meetings with covert recording, screenshots or photographing of the meeting and/or participants strictly prohibited for personal or business use, unless prior consent is provided by all participants.
- 8.6 Formal requests regarding any type of covert surveillance must be submitted and approved in line with the Council's Regulation of Investigatory Powers (Scotland) Act (RIPSA) Policy and associated procedures.

9. Health & Wellbeing

- 9.1 It is recognised that homeworking can lead to loneliness and feelings of isolation if carried out for prolonged periods of time, which, if overlooked, can lead to feelings of stress and anxiety. Therefore, line managers play a key role in ensuring that they regularly check in with employees. Inclusion of a health and wellbeing goal or development of a Wellness Action Plan, which can be found [here](#) as part of the annual PRD process is encouraged to support this.
- 9.2 Additional health and wellbeing support is available for all employees and information can be found on the council's Well at Work page on the Intranet

[here](#) with details of the council's Employee Assistance Programme available [here](#). Your line manager and HR Adviser can also advise.

- 9.3 Whether contractual homeworking is at the request of the employee or the manager/council, consideration must be given to the type of home environment employees will work in. Caring responsibilities, multigenerational households, space constraints and noise levels are just some of the considerations that need to be taken into account when reviewing the Homeworking Request Form (see Appendix 1) and carrying out the homeworking H&S risk assessments for every employee.

10. Responsibilities

10.1 Key Responsibilities of Managers Include:

- The health, safety and welfare of all employees as far as is reasonably practicable.
- Regular communication and information sharing, one-to-one meetings and support and supervision meetings undertaken.
- Robust annual Performance Review and Development processes, including provision of appropriate training and development.
- All appropriate risk assessments are to be effectively carried out, putting in place appropriate controls and remedies as required and prior to homeworking commencing.
- Seeking advice from Health and Safety and Human Resources to deal with problems identified in the risk assessment.
- Ensuring regular, appropriate contact to ensure that standards of health and safety are being maintained in line with risk assessment arrangements.
- Maintaining regular contact during the working week with homeworkers.
- Taking action or seeking advice to support homeworkers displaying symptoms or behaviours that may be indicative of physical health, mental health and/or wellbeing challenges.

10.2 Key Responsibilities of Homeworking Employees Include:

- To work in a way that aligns with our Code of Conduct for Employees which can be found [here](#) , and uphold and demonstrate the council's values and behaviours as outlined in the East Lothian Way which can be found [here](#) .
- To be contactable for service users, colleagues and customers during the working day; keeping electronic calendars up to date to show availability.
- To undertake all training and direction received and to actively engage in regular, robust support and supervision meetings and Performance Development and Review processes.
- To work in line with the Data Protection Act 2018 the General Data Protection Regulations; keeping confidential and secure all council

information electronically or in hard copy; ensuring sensitive and confidential video calls/meetings and conversations cannot be overheard.

- To ensure that all council records are managed and stored in approved council systems. This applies to all recorded information created and received in the course of council business.
- In line with the Health and Safety at Work Act 1974, ensure health, safety and welfare of self and others whilst working at home, see section 14 below.
- To report any problems immediately to the line manager where unable to continue to follow the agreed homeworking arrangements, training and direction.
- Maintain regular contact with the line manager and colleagues.
- Follow all council policies and procedures under which all employees will be held accountable.

11. Technology and Equipment

11.1 Homeworking Technologies

- Employees should only use council-issued devices for homeworking. Use of personal devices is not permitted, except in exceptional circumstances and with the agreement of the Head of Service. Please refer to the council's IT Acceptable Use and Information Security Policies for more details.
- IT Services offer a number of evolving hardware and software solutions to support employees who are homeworking and already have suitable broadband connectivity at home. Full details can be discussed with your line manager and IT and include:
 - Accessing the full functionality of the corporate and schools networks, as required, over home broadband:
 - Connecting a council laptop over direct access - this is available to all laptop users
 - Video conferencing through the council's approved telecommunications systems for licenced employees
- All equipment provided must be used in accordance with instructions, safe methods and systems of working and must be returned at the end of employment, or at the end of the homeworking arrangement.
- Equipment provided by the council to homeworkers should only be used for work purposes by the employee and should not be used for household or personal purposes.

11.2 Workspace equipment

- The council is committed to providing employees with the necessary IT equipment to facilitate homeworking e.g. laptop, mouse, docking station, large screen, earphones etc.
- Where, as part of the risk assessment process, homeworkers do not have their own suitable workstation at home i.e. desk and chair that meets H&S assessment criteria requirements, a chair and/or desk will be provided by the council.
- Homeworkers should ensure that all provided equipment is well maintained.

11.3 Electrical Testing of Equipment

- All homeworkers must ensure that their council provided electrical and IT equipment is made available for PAT (portable appliance testing) as required.

12. Working Securely

- 12.1 Homeworkers will require access to the council's networks when working from home and it is the responsibility of the employee to provide and pay for a suitable internet connection.
- 12.2 In the event that the employee's internet connection ceases to work then the employee will be required to work from another suitable location, most likely the administrative base stated in the employment contract or alternative council office or site. Where this is not possible, the employee will need to discuss alternative non-pc work options and/or leave arrangements with their line manager.
- 12.3 In the event that there is a problem with a homeworker's council supplied hardware then the employee is responsible for reporting the fault to the IT Service Desk and may be required to take the hardware into the office to be fixed. Where it is not possible to fix the faulty equipment or immediately provide a suitable replacement the employee will be expected to work from the administrative base stated in their contract or another agreed location, until such time as a working device can be provided.
- 12.4 Personal/home telephone numbers and/or contact details of homeworkers must not be given out to service users or members of the public for use relating to work and council business. Homeworkers requiring support to enable them to make calls via council devices and systems, should discuss this with their manager and contact the IT Service Desk.

13. Data Protection (GDPR)

- 13.1 Employees working from home must continue to actively observe the principles of the Data Protection Act and General Data Protection Regulations (GDPR). Changes in the way information is being processed and accessed introduces privacy risks to our service users and employees personal data.
- 13.2 Employees must consider the same kinds of security measures for homeworking that they would use in normal circumstances and make themselves aware of their responsibilities as outlined within the Data Protection Policy and Information and Records Management Policy. Further information can be found on the Intranet [here](#) and [here](#) respectively.
- 13.3 It's essential that all data breaches continue to be immediately reported to the Data Protection Officers mailbox at DPO@eastlothian.gov.uk or the IT Service Desk within 24 hours, as there is a requirement to report certain incidents to the Information Commissioner within 72 hours. It's also important that the council responds to requests for information from the public by following our Subject Access and Freedom of Information guidelines.

14. Health & Safety Requirements

- 14.1 All employees have a duty of care regarding their own health & safety and that of others, therefore must:
- Complete a Display Screen Equipment (DSE) personal work station assessment, with their manager's support (see 15.2 below).
 - Comply with all Health & Safety practices relating to their role and working environment.
 - Ensure that they follow all procedures related to their work activities.
 - Act in such a way as not to put themselves or anyone else affected by their work at home at risk (see 16.3).
 - Take reasonable care of their own safety and that of others and must cooperate with the council so far as necessary to enable them to meet their own obligations.
 - Ensure that they report all faults or hazards which may put them and others at risk.
 - Ensure that they report all accidents and near misses.
 - Notify their line manager should any musculoskeletal, health, or mental health and wellbeing issues arise during or as a result of homeworking.

15. Display Screen Equipment (DSE) Assessment

- 15.1 Assessments will be required for all homeworkers who use display screen equipment. This must cover all display screen equipment used at their homeworking location for work purposes including the use of any portable devices used such as laptops.

- 15.2 Homeworkers should complete the council's DSE Personal Assessment Form which can be found [here](#) . Further helpful information regarding DSE and homeworking can be found on the Health & Safety Executive site [here](#) .
- 15.3 DSE Assessments may require photographs of workstation set up to be taken for review by local DSE Assessors.

16. Risk Assessment

- 16.1 All Risk Assessments should be undertaken and discussed between the employee and line manager.
- 16.2 The council is required to assess the risks of work activities carried out by homeworkers (see 14.1) including lone working in line with the Health & Safety Management Arrangements – Lone Working the form for which can be found by logging on to the Sphera system [here](#) .
- 16.3 Employees who homework also have a duty to take reasonable care for their own health and safety and that of others. This includes other people in the home workplace such as family members, neighbours and visitors.
- 16.4 Homeworkers must complete the H&S Assessment Checklist which can be found [here](#) and return this to their line manager for review and discussion.
- 16.5 In some circumstances, a home visit by the manager or H&S specialist as part of the risk assessment process may be required and would be arranged in consultation with the employee.
- 16.6 These risk assessments should be revisited as required, and should there be any changes to ongoing homeworking arrangements. These must always be signed off by both the employee and their line manager.
- 16.7 The council is committed to its duty to fulfil the requirements of the Equality Act 2010. Where reasonable adjustments are already in place, e.g. at an employee's workstation, such as ergonomic and/or personalised equipment, that same help, support and protection shall be afforded to homeworkers.
- 16.8 Additionally, line managers should consider whether further assessments are required via Sphera Cloud, the council's Health and Safety Management System. Further information on Sphera Cloud can be found [here](#) .

17. Working Time

- 17.1 For the purposes of health and wellbeing, it is essential that the limits of working time are established to ensure that employees do not work in excess of their maximum working hours, also that they take minimum work breaks as set out under the Working Time Regulations 1998. Working time

should be recorded on the appropriate Flexi Recording Sheet [here](#) , or other appropriate record sheet.

- 17.2 A minimum break of 30 minutes must be taken by all employees who work more than 6 hours per day.
- 17.3 Line managers are required to make it very clear to their homeworking employees that employees are responsible for regulating their own working time and taking appropriate breaks.
- 17.4 Click [here](#) for further information on the Working Time Regulations 1998.

18. Important Terms and Conditions

- 18.1 The contract of employment for homeworkers, will reflect two bases; the employee's normal place of work i.e. their home address, and an administrative base i.e. the council office address which will be used for the purposes of business travel expense claims, any remote working/hot-desking as required and for any postal mail.
- 18.2 Employees whose normal place of work is at home, will be expected to attend council offices or other work settings from time to time as required (e.g. to attend work related and/or team meetings, training etc.).
- 18.3 In line with council policy, business journeys should be kept to a minimum and alternatives actively considered such as virtual meetings using IT platforms provided e.g. Business Skype, Microsoft Teams etc.
- 18.4 Travel expenses incurred for journeys from home to the designated administrative office base, where required, cannot be claimed as travelling expenses as this is regarded for tax purposes as personal commuting. Any additional costs of approved business journeys to other work locations will be reimbursed in line with relevant Council travel and subsistence policies; see [here](#) . Work bases are determined in relation to the place where the service and fixed based colleagues work from.
- 18.5 It is recognised that contractual homeworkers may incur additional one-off or ongoing household costs as a result of their contractual homeworking arrangements. Therefore, employees who are contracted to work from home can claim £156 tax free per year (pro-rata) directly from the council towards homeworking expenses. This will normally be paid in monthly instalments.
- 18.6 All homeworking arrangements must be regularly reviewed to ensure mutual benefit to the council, service users and the employee and arrangements may be withdrawn with the provision of 12 weeks' notice by the council (see 2.8).

- 18.7 Homeworkers who wish to cease contracted homeworking arrangements must make an application under the council's Worksmart policy for consideration, understanding that any such request may not be supported and reverting to or commencing office based working cannot be guaranteed.
- 18.8 Employees can make applications for contractual homeworking using the form in Appendix 1 which should be completed using the e-form [here](#) . All other flexible working requests e.g. compressed hours, part-time working or ad hoc homeworking etc. should be made via the Worksmart Policy.
- 18.9 All other terms and conditions of employment as outlined in employment contracts remain unchanged by homeworking arrangements.

19. Carbon Footprint

- 19.1 The council encourages home workers to consider their home energy use and carbon footprint. The following links provide information on saving energy and reducing home energy costs, as well as additional ways to reduce your carbon footprint:
- [Home Energy Scotland](#)
 - [Net Zero Nation](#)

20. Insurance

- 20.1 Prior to commencing contractual homeworking, employees are advised to notify their household insurers for buildings and contents, as it may be a 'material fact' that the insurers need to know about their policy-holders working from home arrangement. Employees should make clear that they are homeworking and not running a business from home. Additional premiums may be incurred, but, in the main, this is unlikely. Any additional costs will be the responsibility of the employee.
- 20.2 Homeworkers will not be asked to insure any council equipment provided and must adhere at all times to the relevant guidance issued to ensure that council equipment and data is secure at all times. Damage to council equipment will normally be covered by the council's own insurance.

21. Mortgage, Lease or Tenancy Agreements

- 21.1 Homeworking sometimes has implications for mortgage, lease or tenancy agreements. In most cases there is no issue, however it is the homeworker's responsibility to check if there are any restrictions that might prevent them from working from home, prior to commencing homeworking.

22. Moving Home

- 22.1 Homeworkers must give advance notice to advise their line manager if they are moving home, due to the home address being named as the contracted place of employment. The line manager will then decide if the homeworking arrangement can continue from the new location subject to new risk assessments being satisfactorily completed.
- 22.2 Where agreement is reached to continue homeworking the employee is expected to take due care in moving and re-installing any equipment provided. Any costs connected with moving the equipment would be the responsibility of the employee.

23. Planning Permission

- 23.1 Planning permission may need to be considered by homeworkers in relation to working from home. There may be a planning condition imposed on the original planning permission for the property, which could prevent homeworking that the employee needs to check prior to commencing homeworking.
- 23.2 Otherwise, planning permission would only need to be sought if the change of use to working from home would change the overall character of the property e.g. a marked rise in traffic or people calling, or disturbance to neighbours at unreasonable hours. All of these situations are highly unlikely given the nature of council roles suitable for homeworking and where the guidance in this policy is adhered to.

24. Tax & HMRC

- 24.1 The council pays an annual amount equivalent to 50% of the HMRC maximum allowance for homeworkers which is currently £156 (pro rata for part-time employees) in recognition of homeworking expenses i.e. additional costs such as heating, lighting, home contents insurance or new broadband connection, which is non-taxable. This payment will be reviewed in line with any increases made by HMRC.
- 24.2 HMRC state the employees cannot claim tax relief if they choose to work from home. For further detailed information regarding homeworking and tax relief visit: <http://www.hmrc.gov.uk/incometax/relief-household.htm> .
- 24.3 Employees are advised to contact HMRC in regard to queries relating to their personal homeworking arrangements and tax implications.

25. Appeals Process

- 25.1 The employee may formally appeal against the Homeworking application decision [or decision to terminate the working arrangement](#) in writing to their Head of Service within 14 days of receiving the notification of the decision from their manager. The reasons for any appeal should be clearly outlined.

- 25.2 A hearing will normally be convened within 14 days of the appeal being received. The Appeal Panel will normally consist of a manager more senior than the line manager who made the original decision and a member of the HR Team, neither of whom should have been involved in the original decision making.
- 25.3 The employee may be accompanied by a work colleague or Trade Union Representative at the hearing. The hearing will be chaired by Head of Service (or their nominated senior manager representative).
- 25.4 The final decision will be given in writing within 14 days of the appeal being heard. Following which, there will be no further right of appeal.

26. Review

- 26.1 This Policy is a formal council policy and may be reviewed by the council, in consultation with the Trade Unions, at any time and in the light of operational requirements.

Head of Corporate Support August 2021

Appendix 1



This application form should be completed using the e-form [here](#)

HOMEWORKING REQUEST FORM

This form should be completed by the employee and discussed fully with the line manager. In line with the council's Homeworking Policy full consideration will be given to each application and a response will be provided within 28 days.

Section 1 Employee Details			
Name		Job Title	
Payroll No.		Dept./Division	
Business Unit		Line Manager	
Weekly Hours		Temp or Perm	
Section 2 Employee Information (to be completed by employee)			
1.	<p>Describe how your job role, and ability to effectively deliver work performance goals would be suited to homeworking?</p> <p>Give examples of how you have ensured the following in your working day: time management, self-motivation, self-discipline, ability to work independently, meeting performance goals within set timescales and effective communication skills.</p> <p>How will you ensure your ongoing positive health and wellbeing whilst homeworking. Are there any underlying health and wellbeing concerns that you require support with e.g. reasonable adjustments? (Consider OH referral)</p>		

2.	What arrangements, if any, will you make to ensure that there are no competing demands on your home and work responsibilities?
3.	Is there adequate/suitable/confidential space within the home office, which meets with health and safety standards for home-working? Please describe the space available.
4.	How will you have the ability to manage the technology required, on a day to day basis, and to deal with minor problems?
5.	Do you have a broadband connection at home? Does your broadband ever crash – if so, how often and for how long?
6.	Is there anyone else at home who will be accessing your broadband during your normal working hours, if so, how often and for how long?
7.	Your attendance may be required from time to time at Council Offices or other locations for essential interaction with colleagues, meetings or any training/development courses. Please indicate if there would be any difficulties in you being able to get to other work locations during your normal working hours within a reasonable journey time

I wish to work my normal contracted hours and work pattern Yes/No OR I wish to request a change to my work pattern as follows:

Day	Monday	Tuesday	Wednes day	Thursday	Friday	Saturday	Sunday
A.M.							
Total Hours							
P.M.							

Total Hours							

Section 3 Suitability of The Post/ Employee/Management Arrangements (to be completed by the line manager)

1.	Is face to face contact with customers' core to the role? If so, can this face to face continue via homeworking? If not what arrangements could be put in place to ensure good service to customers?
2.	What impact would there be to the cost and/or level of service?
3.	Does this job have clearly defined areas of individual work – what are they?
4.	What type of sudden changes in priorities could apply to this job where homeworking would have an adverse impact on service provision?
5.	What objectives and measurable outputs have you or will you establish with the employee if the application is successful? Note Performance Review Development and regular support and supervision arrangements must be in place prior to homeworking being approved.
6.	What arrangements would be in place for providing supervision and guidance?
7.	Is information available electronically and can systems be remotely accessed whilst homeworking?
8.	If applicable, what arrangements would you make to enable access to physical resources that are necessary to perform duties, particularly where those resources are shared and/or confidential?

9.	Is the employee currently involved in any ongoing disciplinary proceedings, not yet concluded, relevant to their performance or conduct? If so please outline the key issues.
10.	Has the employee got any "live" disciplinary warnings on their personnel record? Please outline.
11.	What security and confidentiality issues have been considered, discussed and addressed with the employee (for both manual and computerised information and if relevant in relation to the GDPR, Data Protection Act and Freedom of Information Act)?
12.	What arrangements will be in place for the employee to record hours worked?
13.	What arrangements will be put in place for employees who live a significant distance from local authority offices should the homeworking arrangements break down e.g. broadband, electricity outage, etc.
14.	Have training needs been identified and arranged (e.g. homeworking induction; time management, communications), that should take place before the employee can undertake this role at home?
15.	Have you considered any non-office related responsibilities of the employee that need to be re-assigned, e.g. fire warden, first aider duties?
16.	Can you confirm that there is no overall increase in workload for any other colleagues as a result of the employee working from home?
17.	Have other team members been consulted with regard to the impact that a successful application would have for them/the service? What response did you receive?
18.	Would the Flexible Working Hours (Flexitime) Policy be applicable to this post if the homeworking application is approved?

Employee Declaration and Signature

I have fully read and understood the council's Homeworking Policy. I confirm my understanding that should my application for contractual homeworking be successful, this will be a permanent arrangement resulting in the issue of a variation of employment contract.

I understand these homeworking arrangements may be subject to change (e.g. change of contractual base) by provision of 12 weeks' notice by the council **or** a successful application by me to cease contractual homeworking arrangements via the council's Worksmart Policy.

Name:

Designation:

Signed:

Date:

Application Recommended for Approval by Line Manager:

YES/NO (please circle)

Name:

Designation:

Signed:

Date:

Reasons for Decision:

Application Approved by Service Manager:

YES/NO (please circle)

Name:

Designation:

Signed:

Date:

Reasons for Decision:

Appendix 2

Health and Safety Information and Forms for Homeworkers

- East Lothian Council's Health and Safety policy can be found [here](#)
- Full access to all Health and Safety forms, guidance and information relating to homeworking can be found [here](#)
- Access to Sphera Cloud - this can be accessed by managers via Sphera Cloud by logging on [here](#)

All other Health and Safety information, including guidance, forms and risk assessments can be found [here](#) including:

- (1) Health & Safety Management Arrangements – Display Screen Equipment: DSE Workstation Assessment Form is here [here](#)
- (2) Health & Safety Management Arrangements – Lone Working: Sphera this can be accessed by managers via Sphera Cloud by logging on [here](#)
- (3) Health & Safety Management Arrangements – Incident reporting and investigation [here](#)
- (4) Health & Safety Management Arrangements – Assessing risk [here](#)
- (5) DSE Personal Assessment form [here](#)
- (6) Management Arrangements for DSE Equipment – [here](#)
- (7) H&S Induction Checklist for new employees [here](#)



Worksmart

This policy applies to all Employees including Teachers and outlines a range of Flexible Working Options

Approved: 22 June 2021

This is an East Lothian Council Policy which has been subject to consultation with the Joint Trades Unions. Any review of amendment by the council will be following consultation with the Trades Unions.

Policy Title	Worksmart
Policy Section	HR Policies
Prepared By /Policy Author	Human Resources
Version Number	V 2 1.0
Equality Impact Assessment	yes May 2021
Links to other Council Policies/ processes	Code of Conduct Policy Equal Opportunities Flexible Working Hours Policy Health and Safety legislation Homeworking Policy Managing Attendance Policy Recruitment and Selection Policy The East Lothian Way Working Time Regulations
Approved By	Council
Date Approved	22 June 2021
Review Date	May 2022
Date of next Review	June 2022
Policy Lead	Team Manager -HR Operations, People and Council Support

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1 Introduction

- 1.1 East Lothian Council recognises the mutual benefits of having a flexible, effective workforce to deliver the best services to our customers, whilst enabling employees to balance their personal, home and work responsibilities more effectively, with a view to achieving greater job satisfaction, motivation, morale and productivity.
- 1.2 This Policy, refers to types of contractual flexible working arrangements regarding a change to the employee's work pattern, hours or location of work which is different from their existing one, appreciating that homeworking arrangements can be [either permanent](#), contractual (see Homeworking Policy) ~~or~~ [hybrid working](#) (see Appendix 1) ~~ad-hoc~~, [which is a flexible, non-contractual working arrangement recognising that certain job roles may require this additional flexibility](#) and that employees may not want, or be ready to commit to a contractual homeworking (this Worksmart Policy).
- 1.3 This Policy also refers to the concept of hot-desking. Hot-desking arrangements will be made available subject to local arrangements [and to support both contractual homeworking \(when an employee may be required to come into the office base\) and non-contractual hybrid working](#). Trade Union colleagues should be consulted as early as possible where service changes involve hot-desking arrangements being planned.
- 1.4 This policy outlines how the council will manage employee requests for flexibility in working arrangements, taking into account of the demands of the service, customer needs and job roles requirements and limitations.
- 1.5 [Requests for all flexible working arrangements, whether contractual or non contractual i.e. Hybrid Working must be made on the Application Form at Appendix 3.](#)

2 Scope

- 2.1 This policy applies to all current and new council employees including those posts covered by the Scottish Negotiating Committee for Teachers, regardless of length of service, who, in line with the Flexible Working Regulations 2014, are entitled to make a written request to work flexibly, with only one request every 12 months permitted.
- 2.2 In the spirit of fairness and equality of access, there is no minimum continuous service requirement for employees who wish to request flexible working.
- 2.3 All approved arrangements will be reviewed as required to ensure the needs of the service continue to be met, as well as the employee's, and may be subject to change giving 12 weeks' notice either by the council or employee [for contractual arrangements; and 4 weeks' notice either by the council or employee for non-contractual arrangements i.e. Hybrid working.](#)

3 Purpose and Aims

- 3.1 The purpose of this policy is to outline the range of flexible working options aimed at retaining, attracting and supporting a skilled, effective workforce to deliver all East Lothian Council services.
- 3.2 The aims of this policy are to enable continuous improvement and promote new ways of working which align with the East Lothian Council Plan, the Asset Strategy and Management Plan and Climate Change strategy. For example reducing office accommodation costs through home working and hot-desking, which may also reduce travel and heating/lighting costs.

4 Legislation

- 4.1 Under the under the statutory right in the Employment Rights Act 1996 and Flexible Working Regulations (2014), all employees have a statutory right to request flexible working; not only those who are parents and carers.
- 4.2 Additional legislation relating to flexible working includes Health and Safety at Work Act 1974; Management of Health and Safety at Work Regulations 1999 (SI 1999/3242), Working Time Regulations 1998 (SI 1998/1833) and The Working Time Regulations 1998.
- 4.3 [The Equality Act 2010 legally protects people from discrimination in the workplace and employees with protected characteristics including age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race or ethnicity, religion or belief, sex or, sexual orientation will be supported in accessing this policy.](#)

5 Principles

- 5.1 This policy will be applied fairly and transparently to all employees, and all requests fully and objectively considered in relation to the employee, colleagues and service users. The approach will focus on how services can be maintained or improved through the specific Worksmart arrangement requested, with due consideration given to the reason for the request.
- 5.2 [With the exception of non-contractual hybrid working](#) all flexible working arrangements can be approved on a temporary (e.g. 6 or 12 months) or permanent basis, and will be subject to a trial period of up to a maximum of 12 weeks.
- 5.3 There is no contractual entitlement for employees to have their request approved. Where however a [contractual flexible working](#) request is approved, the agreed changes will constitute a variation to the employee's contract of employment, [with the exception of Hybrid Working, the terms of which will be agreed in the Hybrid Working Agreement \(see Appendix 4\).](#)
- 5.4 The line manager will be responsible for deciding whether a request for Worksmart arrangements can be supported on a temporary or permanent basis, taking into account such factors as the employee's role and performance, the line manager/supervisor's support, and the operational

needs of the service. If [a temporary or](#) permanent change cannot be supported, the line manager should consider if the request can be supported on a trial basis. If successful, this may subsequently be made [temporary or](#) permanent by agreement between the employee and line manager.

- 5.5 Any [contractual](#) flexible working arrangement approved on a trial basis should not be extended beyond 12 weeks.
- 5.6 Any flexible working arrangement approved on a temporary basis should not be for a period of less than 12 weeks or more than 12 months, following which the employee will normally revert to previous contractual arrangements. A temporary arrangement [can also be agreed on a permanent basis or can be refreshed as a temporary arrangement, providing the overall period does not exceed 12 months.](#)
- 5.7 All individual Worksmart contract variations will be subject to review in light of changing operational service needs or if the working arrangement is becoming detrimental to service delivery. At such time, the council will reserve the right, following employee consultation and a minimum of 12 weeks' notice, to end the existing arrangement and may explore other possible working arrangements.
- 5.8 Regular supervision and support and Performance Review and Development arrangements must continue to be in place to ensure satisfactory work performance is maintained, employees are supported, and that appropriate training and development is undertaken.

6 Responsibilities

- 6.1 The ***line manager*** is responsible for:
 - 6.1.1 Fostering a culture of trust in working relationships.
 - 6.1.2 Fully, fairly and objectively considering all flexible working requests and seeking to accommodate employees wherever possible, subject to service provision requirements and implications for customers, department, team and co-workers.
 - 6.1.3 Ensuring frank, open and honest discussion in relation to flexible working requests, to reach mutual understanding and beneficial solutions.
 - 6.1.4 Considering alternative options which may provide some level of flexibility requested by the employee in cases where the original flexible working request cannot be justifiably supported.
 - 6.1.5 Seeking approval from the Service Manager in relation to their decision to support or deny a request.

- 6.1.6 Providing a written response to the flexible working request within 12 weeks, earlier if possible, providing a clear and detailed explanation of the reasons for the decision, whether approving or denying the request.
- 6.1.7 Ensuring robust management arrangements are in place for employees who work flexibly ensuring inclusion in communications, business and team meetings as required.
- 6.1.8 Advising employees of any difficulties arising from their Worksmart arrangements, so that these can be addressed.
- 6.2 The **employee** is responsible for:
 - 6.2.1 Working with management to facilitate a culture of trust.
 - 6.2.2 Outlining and discussing flexible working requests frankly, openly and honestly with their manager to reach mutual understanding and beneficial solutions.
 - 6.2.3 Fully considering the implications of any flexible working request in relation to effective service provision and impact on their own and their team's performance.
 - 6.2.4 Actively engaging in team, individual and corporate communications, regular one to one support and supervision meetings, Performance review and Development meetings and attending regular team and business meetings as required.
 - 6.2.5 Advising their manager of any difficulties arising from their ongoing approved flexible working arrangement, so that these can be addressed and remedied.
 - 6.2.6 Making themselves aware of the terms of this policy recognising flexible working arrangements may require to be amended/ withdrawn subject to the needs of the Service, and following full discussion and notice.

7 Requesting Flexible Working

- 7.1 All Requests for flexible working must be submitted in writing by the employee, by completing the Flexible Working Request Form at Appendix 3.
- 7.2 The line manager will be responsible for deciding whether a request for flexible working can be supported taking into account factors, as outlined in Appendix 2, including requirements of the employee's job role, employees performance within their role, supervision and support available by the line manager, impact on co-workers and service users and operational needs of the service.
- 7.3 All flexible working requests supported by the line manager will require to be formally approved by the Service Manager.

- 7.4 Employees have the right of appeal against the line manager's decision. Any appeal against a refusal to agree to a flexible working request will be to the Head of Service who may nominate another senior manager e.g. Service Manager or Head of Service not previously involved to hear the appeal on their behalf.
- 7.5 All individual contract variations made under the terms of this policy will also be subject to review in light a service review or changing operational service needs or where the flexible working arrangement is becoming detrimental to service delivery and the needs of the service.
- 7.6 At such time, the council will reserve the right, following discussion with the employee and up to a maximum of 12 weeks' notice, to end the existing [contractual](#) arrangement, and to explore other possible working arrangements, which may involve the redeployment process.

8 Procedure

- 8.1 This procedure will apply to all [new and existing](#) employees requesting a flexible working arrangement. The specified timescales may only be varied by mutual agreement with both parties.
- 8.2 The employee/[new start](#) will outline the request, in writing, completing the Flexible Working Request form (as attached at Appendix 3) and submit this to their line manager.
- 8.3 The line manager will arrange for the request to be initially discussed with the employee within 28 calendar days of receipt of the request; and concluded at this point, wherever practicable.
- 8.4 The Line Manager will provide a written response to a request within 14 days of the final meeting. This notification will advise: -
- 8.4.1 Support of the request or modifications (as discussed with the employee) along with details of the conditions attached to the offer of alternative working arrangements; or
- 8.4.2 Not supporting the request when the Line Manager will provide an explanation of the following business reasons for the request not being supported.

These may include:

- Burden of additional costs
- Detrimental effect on ability to meet service need and customer demand
- Inability to re-organise work among existing employees
- Detrimental impact on work colleagues
- Inability to recruit additional employees e.g. backfilling reduced hours
- Detrimental impact on work quality and/or performance

- Insufficiency of work during the period the employee proposes to work
 - Proposed or planned structural changes (e.g. where a service review is about to commence)
- 8.5 There may be circumstances where a line manager requires more time in order to make a decision with regard to an application request e.g. where a service review is imminent or underway or where there are multiple requests or changes to staffing. Having been discussed and agreed with the employee, any delay will be confirmed in writing by the manager outlining the revised timescales [which must be kept under regular review](#) for the decision and notification arrangements.
- 8.6 Should an employee's request be refused, by both the line manager and Service Manager, before progressing to formal appeal, the manager and employee can seek advice on resolving the matter from an appropriate member of the HR Team.

9 Appeal Process

- 9.1 The employee may formally appeal against decisions [in regard to refusing the flexible working application or decisions relating to ending the flexible working arrangement](#) in writing to their Head of Service within calendar 14 days of receiving the notification of the decision from their manager. The reasons for any appeal should be clearly outlined.
- 9.2 A hearing will normally be convened within 14 days of the appeal being received. The Appeal Panel will normally consist of a manager more senior than the service manager who made the original decision and a member of the HR Team, neither of whom should have been involved in the original decision making.
- 9.3 The employee may be accompanied by a [current](#) work colleague or [accredited](#) Trade Union Representative at the hearing. The hearing will be chaired by a Head of Service (or their nominated senior manager representative).
- 9.4 The final decision will be given in writing within 14 days of the appeal being heard. Following which, there will be no further right of appeal.

10 Withdrawal of Application

- 10.1 The council will treat an application as withdrawn if the employee has:
- Notified their line/service manager in writing that their application is being withdrawn;
 - Failed, without reasonable cause, to attend a meeting/Appeal Hearing convened under the procedure on more than one occasion; or
 - Refused, without reasonable cause, to provide information which the line manager considers necessary to assess whether the employee's request to work flexibly can be granted.

- The line manager will confirm the withdrawal of the application in writing to the employee, unless the employee has provided written notice of the withdrawal.

11 Review of Policy

11.1 This is a Council Policy which is subject to review and amendment by the Council following consultation with the recognised Trade Unions.

Head of Corporate Support

[March 2022](#)

[June 2021](#)

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TYPES OF FLEXIBLE WORKING

1 Annualised Hours

- 1.1 Annualised hours refers to all contracted hours, full or part-time, being worked over a whole year rather than per week. The hours may be varied across 52 weeks of the year or hours may be reduced to zero in some weeks with additional hours worked in other weeks.
- 1.2 Salary will normally be paid in equal monthly or weekly payments by averaging the annual salary over the year, with annual and other forms of leave calculated on an annual basis, according to hours to be worked.
- 1.3 Approved overtime working would apply only once the contractual hours for that particular time period having been worked.
- 1.4 Should the employee leave the post held during the working year, their working hours, leave provision and other relevant conditions of service will be reconciled based on the actual hours worked during the period and any monies will be adjusted accordingly.

2 Compressed Hours

- 2.1 Compressed hours is defined as a working pattern that reallocates the normal weekly hours of work and 100% of the work activity into fewer, longer blocks of time, taking account of health and safety and Working Time Regulations.
- 2.2 The nature of the employee's work activity, the operational needs of the service and service users, the impact on other employees and the impact on the employee's health, safety and wellbeing as a consequence of working longer periods of time are all key considerations.
- 2.3 The pattern of work will be agreed by the Line Manager to meet the needs of the service and must not result in increased cost to the council in terms of allowances for unsocial hours, overtime payments etc.
- 2.4 Annual and other forms of leave will be calculated on the basis of hours/minutes to accommodate variations in the length of the working day and the number of days worked.
- 2.5 Employees working or seeking to work compressed hours may request to work flexibly in accordance with the Council's Flexible Working Hours Policy either at the time of application under the terms of this Policy or at a later date, by submitting an application under this Policy.

3 Variation in Hours

- 3.1 This arrangement adjusts the normal contractual hours of work and/or varies an existing work pattern (e.g. adjust the start/finish times), depending on the operational needs of the service, with costs of any

increase in working hours to be contained within the existing staffing budget.

- 3.2 Where contractual hours are reduced or increased, the employee's salary, terms and conditions e.g. annual and other types of leave and will be applied pro-rata from the date the revised working hours are implemented.
- 3.3 Employees working specific fixed hours as a result of an agreed variation in hours will not normally be eligible to participate in the Flexible Working Hours Policy.

4 Part-time working

- 4.1 A part-time worker is someone who works fewer hours than a full-time worker. There is no specific number of hours that makes someone full or part-time, but a full-time worker within the council will usually be contracted to work 35 or 37 hours per week depending on terms and conditions of service. Part-time working hours vary substantially and these can be arranged into work patterns that suit service delivery needs.
- 4.2 All conditions of employment, including salary, annual and other forms of leave will be applied pro-rata dependent on the number of hours worked.

5 Contractual Homeworking

- 5.1 Contractual homeworking is a flexible working arrangement whereby employees have an employment contract stating home as their base of employment. It is a work arrangement whereby the employee conducts most of their work from home, recognising the need for occasional remote working at alternative council offices, work locations and the need to attend external meetings as required.
- 5.2 Contracted homeworkers do not therefore have a designated office desk or workspace, however may arrange access to shared office desks with the approval of their line manager.
- 5.2 The option to be contracted to work from home may be also confirmed at recruitment stage, and can be requested by the employee or suggested by the manager as part of new ways of working to align with the East Lothian Council Plan, the Asset Strategy and Management Plan and the Climate Change strategy.
- 5.3 The Homeworking policy, outlines the process and arrangements specifically for *contracted* homeworkers.

6 Hybrid Ad-hoc Home Working

- 6.1 [Here at East Lothian Council, hybrid working is defined as a type of non-contractual flexible working arrangement where the employee divides time between the workplace and at home or in the field. Unlike contractual homeworking there is no ongoing right or entitlement to be permanently based at home, there is no homeworking allowance paid for working from home and no additional workstation equipment will be provided at home.](#)

- 6.2 This non-contractual flexible working arrangement refers to employees who have a contracted council office base however are authorised to work more flexibly at home on a non-informal, ad hoc hybrid basis for periods of their contracted working hours, up to a maximum of 60% of their contracted working hours subject to agreement with the line manager. Where hybrid working arrangements result in employees regularly working mainly from home for more than 80/60% of their contracted working hours, the council's Homeworking policy, which outlines contractual homeworking arrangements, should be considered.
- 6.3 Under this hybrid arrangement, working patterns and days may be fully flexible either on an as and when required/workable arrangement, or alternatively work patterns could be more fixed e.g. set days working out of the office and from home, subject to the needs of the service, line management agreement and consideration of optimisation of availability of shared/bookable desk arrangements. This should all be discussed and agreed at application stage.
- 6.4 Hybrid working arrangements can only be considered for employees who have a council supplied laptop and appropriate workspace at home that meets hybrid working H&S risk assessment requirements. Broadband access at home will also be required.
- 6.5 Where employees do not have the required workspace and equipment to work safely at home, hybrid working arrangements are unlikely to be supported due to H&S requirements.
- 6.6 This hybrid working arrangement will require an initial H&S risk assessment, with periods of hybrid homeworking being considered and agreed locally by the relevant line manager on a day by day or week to week basis, taking account of impact on colleagues and service delivery. The Health & Safety Assessment checklist can be found [here](#) .
- 6.7 No variation of employment contract will be required to accommodate hybrid working issued in relation to the employee's contractual terms and conditions of employment. However, a Hybrid Working Agreement will be required which outlines the local working arrangements agreed between the manager and employee (see Appendix 4) and outlines requirement for a minimum of 4 weeks' notice to end the arrangement.
- 6.7 Employees who are supported by their line manager to undertake any hybrid ad hoc homeworking must all complete the DSE Personal Assessment Form and return to their line manager prior to undertaking any ad hoc hybrid homeworking. The DSE Personal Assessment form can be found [here](#)
- 6.8 Where H&S or performance issues arise during hybrid working arrangements, employees may be asked to return to their office base for

[all contractual hours, to ensure support is put in place until such times as issues are resolved.](#)

- 6.9 Additionally, line managers should consider whether further assessments are required via Sphera Cloud, the council's Health and Safety Management System, for example lone working assessment. Further information re Sphera Cloud can be found [here](#)

7 Flexible Working Hours (Flexitime)

- 7.1 The Flexible Working Hours Policy [here](#) outlines Flexitime arrangements that provides flexibility by enabling eligible employees to vary their daily working hours and by allowing them, subject to the needs of the service and with the agreement of their line manager, to take time out of their normal working day to deal with personal matters.

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Flexible Working Requests - Considerations for Managers

This list is not extensive-comprehensive but includes:

- 1 Service Users & Customer Factors** (including other teams/sections, and service users)
 - Can customer service focused provisions be maintained or improved by implementing the requested flexible working arrangements?
 - Is customer demand tied to certain hours of the day?
 - Does the proposal fit with current and foreseeable needs of the service?
- 2 Employee Related Factors**
 - Is work performance satisfactory, personal motivation to deliver under new arrangements, commitment, morale and productivity; initiative;
 - Time/workload management; communication, supervision arrangements and implications for monitoring of work performance;
 - Performance related issues previously discussed between employee and their manager; social isolation; lone working; reduction in travel time and or costs;
 - Requirement for on-the-job training;
 - Health, safety and wellbeing issues that may apply to the employee such as lone working, working pattern and length of work periods/rest breaks, suitability of work station.
- 3 Team Factors**
 - Including morale and impact on other team members;
 - Productivity;
 - Whether sufficient team members are available at all times;
 - Requirement for regular joint working;
 - Requirement for regular informal supervision.
- 4 Job/Location Factors**
 - Can all of the duties be performed effectively from the location/in the work pattern envisaged?
 - Are there information security issues, for electronic/non- electronic data?
 - Is access to specialist information/equipment/reference materials or significant face-to-face contact with colleagues or customers required?
- 5 Cost/Saving and Service Improvement Factors**
 - Including those associated with ICT equipment; travel time/expenses; workplace properties;
 - Increased service availability to customers
- 6 Environmental Factors**
 - Reductions in energy consumption, carbon footprint (e.g. through reduced travel).



FLEXIBLE WORKING REQUEST FORM

***Please Note:** As only one request every 12 months permitted, there should be at least 12 months between subsequent applications (see 2.1 above)

Full Name of Employee:	
Employee Number	
Job Title and Work Location	
Line Manager Name and Title	
Business Unit and Department	
Start date with East Lothian Council:	
Date request submitted:	
<p><i>Please give details of the following in support of your application:</i></p> <p>1. Your current work pattern/arrangement:</p> 	
<p>2. The date on which you are requesting that the change take effect:</p> 	

3. The benefits of this new working arrangement:

4. How any detrimental implications of this requested change could be mitigated:

5. Effects the changes requested may have on your Team /Department

6. The change being requested i.e. the pattern of working you wish to apply for:

7. How any such effect might be dealt with by your Business Unit/Department:

Statement of Line Manager (providing a clear and detailed reasons for the decision):

Where application supported: confirm whether the Flexible Working Hours (Flexitime) Policy will be applicable to the new arrangements:

Name of Employee: Designation:	
Signature of Employee: Date:	
Application Recommended to be supported by Line Manager	
YES/NO (please circle)	
Name:	Designation:
Signed:	Date:
Reasons for Decision:	
Application Approved by Service Manager:	
YES/NO (please circle)	
Name:	Designation:
Signed:	Date:
Reasons for Decision: <i>(Note: Written response to the employee is also required - see 6.1.6)</i>	

Line Managers must forward a copy of this signed form, whether approved or not to Human Resources at hr@eastlothian.gov.uk for retention on the employee's file.

A Change of Contract form will be required for all contractual flexible working.

No Change of Contract is required for an agreed Hybrid Working Arrangement, however the Hybrid Working Agreement (Appendix 4) must be completed by both the employee and line manager and sent to HR.

HYBRID WORKING AGREEMENT
 TO BE COMPLETED BY EMPLOYEE AND LINE MANAGER

Department:	
Division:	
Business Unit:	

Employee Details

Employee Name	
Job Title	
Contracted Place of Work	
Total Weekly Hours of Work	
Details of hybrid working days/hours to be worked from home e.g. set number of hours or days per week or extent of flexibility (Note - Use this section to outline any specific provisions/constraints agreed)	
Details of workspace arrangements at home (e.g. desk, chair, broadband etc)	

The hybrid working arrangement will commence with effect from *date (*insert end date where appropriate), will be reviewed 6 monthly and is subject to 4 weeks' notice of ending by the line manager or employee.

I understand that this is a non-contractual flexible working arrangement under the terms of the council's Worksmart Policy and that approved arrangements will be reviewed as required to ensure the needs of the service continue to be met.

I have undertaken a health and safety risk assessment and DSE assessment as required on my home workspace. I agree to inform my line manager immediately of any issue or conditions, which may affect the health, safety and welfare of myself or others.

Where H&S or performance issues arise during hybrid working arrangements, employees may be asked to return to their office base for all contractual hours to ensure support is put in place until such times as issues are resolved.

I confirm that I have a council supplied laptop and appropriate workspace at home that meets hybrid working H&S risk assessment requirements, including suitable broadband access.

I understand that hybrid working arrangements are voluntary and will not attract any homeworking allowance payment by way of expenses.

I agree to allow access to my home, at a mutually convenient time, as is reasonable during work time to designated council employees where essential or required e.g. my line manager, risk assessors and IT.

I will operate in accordance with the Council's Health and Safety Policy, which I have read and understood.

I will operate in accordance with the council's Data Protection Policy and Information and Records Retention Policy, and agree to ensure that any work related information used in the course of hybrid working will be appropriately protected. I am aware that I have a legal responsibility for the information and can be held personally responsible for any misuse.

I have informed my landlord/mortgage/insurance company that I intend to use my home for business purposes and obtained any authorisation required.

I understand when working at home, childcare or other caring/domestic responsibilities cannot be undertaken at the same time as I am working. Should the need for these responsibilities arise during my working time at home, I will inform my manager and arrange appropriate time off.

I understand that the Hybrid Working Agreement does not affect my status as an employee.

I understand the arrangement for ending the Hybrid Working Agreement by myself or by the Council i.e. by providing 4 weeks' notice.

Please sign to signify that you have read, understood and agree to the conditions above relating to Hybrid Working.

Employee Name (print):	
Job Title:	
Employee Signature:	Date
Manager's Name (print):	
Job Title:	
Line Manager's Signature:	Date

Business Unit Manager should ensure a copy of this form is forwarded to Human Resources at hr@eastlothian.gov.uk for retention on the employee's file.