

# Agile Working Policy

## 1. Purpose

- 1.1 This document sets out the policy and procedures for agile working within Lewes District Council (LDC). This Agile Working Policy incorporates (and replaces) the previous Home Working Policy.

## 2. Scope

- 2.1 This policy applies to all employees and will be applied fairly and consistently to all staff employed in the Council to ensure that our approach promotes and protects equality of opportunity in both service delivery and employment at all times, in line with corporate policies and training.

## 3. Review

- 3.1 Changing the way the Council works under Programme Nexus has had an impact on the culture of our organisation and it is important that the working arrangements are kept under regular review and revised as necessary.

## 4. Legal Obligations

- 4.1 The right to request flexible working was introduced in 2003 and subsequent legislation has extended the rights to certain employees. This right includes the request to work at home. It is advised that this policy should be read in conjunction with the Corporate Flexible Working Policy which provides further information on these rights.

## 5. What is Agile Working?

- 5.1 Agile working is the term used to describe how employees can work flexibly from any location, whether it is from a Council building, in the Community, from home or a combination of these. It is about allowing individuals to work in an environment that best suits them as well as the job role so that the work is completed in the most appropriate place, at the best time, and in the best way, to deliver the service to our customers.
- 5.2 The Agile Working Programme was agreed by Cabinet in November 2011 with commitment about using building space, technology and processes to find the most appropriate and effective way of working to carry out our tasks. It is working within the guidelines (of the task) but without boundaries (of how you achieve it). Organisations implement agile working in various ways with varying objectives and requirements. For LDC it's about using our office space more efficiently, reducing our overheads and carbon footprint, releasing capital to fund regeneration and to protect jobs and services. But it is also about thinking how and where we can provide the most effective services to our customers as well as the work/life balance of our staff.

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### 5.3 In LDC we have four defined work styles:

**Fixed** – your role requires you to work in a fixed location all the time. You may need a desk in a fixed location e.g. in a reception area. You may share that desk. You may need to use specialist equipment which cannot be moved.

**Flexible** – you may spend more than half your time in the office but work one or two days a week at home or out and about. You could work occasionally from any office or from home given the right equipment and access to systems.

**Field** – you have an office base but spend more than half your time out on site either visiting customers, residents or businesses at various locations. You are able to work from a variety of locations, which may include Council and non Council sites or from home and will need access to relevant IT applications irrespective of your location.

**Home-based** – you spend at least 90% of your working time working from home rather than on Council premises and your home is your contractual place of work. Home based working must save costs for the Council and meet the needs of the service. It is not offered as a right, but is based on whether your post, you and your set up at home are suitable. Home-based working must be agreed by the Senior Head of Service in consultation with HR and IT who will advise on the requirements.

If home-based working is agreed your contractual work base will remain as the Council offices. You will be required to attend the Council offices when asked to do so by your manager e.g. for meetings, supervision and appraisals.

Flexible, field and home based workers will not be allocated a fixed desk due to the nature of their role but when working at the office will have access to a 'hot desk'.

## 6. Equality and Diversity

- 6.1 If a staff member has a disability or medical condition and requires reasonable adjustments to work in the office or as a flexible or field worker (and if their role is considered as suitable) reasonable adjustments and special arrangements will be made where practicable. This may be done in consultation with the Council's Occupational Health Advisors in order to obtain professional medical advice and understand how best to put support measures in place where appropriate. The Council can only seek this information with the employee's consent and it is therefore important that staff

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advise their manager or HR of any condition which may impact on their ability to work either in the office, flexibly in the field or at home.

### **7. Home Based Working**

- 7.1 All of the work styles listed in 5.3 may include some home working depending on the nature of the role. For example, customer service advisors will be required to always be in the office greeting visitors personally.
- 7.2 Home based working involves working at home for part or most of an employee's contracted working hours instead of working in the office. This is different from working from home which involves employees who are mobile for periods of their working time and use their home as a base.
- 7.3 Home working can be classified in the following ways:

Home working – the employee works at least 90% of their contracted hours from home.

Partial home working – the employee regularly completes work at home as the work style of their role is flexible.

Working from home involves the employee using their home as a base from which journeys are undertaken and for completion of occasional work (field workers)

Occasional home working – the employee spends most of their time in the office and occasionally works at home. There may be agreement to work from home occasionally on an ad hoc basis.

### **8. Policy**

- 8.1 It is the policy of the council to ensure that:
  - Agile working delivers the business needs of the service as well of those of the individual. It is a formal, contracted arrangement entered into jointly by the Council and the employee.
  - All relevant jobs are assessed to determine the most suitable work style by completion of a role analysis exercise to determine whether the job is considered as fixed, flexible, field or home based.
  - Existing employees will be offered the opportunity to work from home if the employee's job, personal circumstances, qualities and skills are compatible with a home working arrangement.
  - Home working is not offered as a right, but the decision is based on the suitability of the post/environment/person(s) concerned and must be

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agreed between management and the individual in each case. It is subject to agreement by the Senior Head of Service in consultation with HR.

- No existing employees will be obliged to work from home, however for new employees home working may be a contractual requirement.
- Home working arrangements are not normally approved until the employee has successfully completed his/her induction period.
- Employees are provided with appropriate IT support, equipment, software, training and technical support and advice, as appropriate to their work style.
- All working environments (including the home 'office') are subject to a risk assessment to ensure the health and safety of relevant employees.
- The council has adequate arrangements in Southover House for 'hot desks' for employees who work in an agile way, which includes laptop docking stations, workstations and meeting spaces.
- All employees working at home have suitable child care/dependant care arrangements in place when appropriate.
- All equipment provided to support the employee working in an agile way is for the exclusive use of that employee (i.e. not for use by family or friends).
- Managers and employees are provided with procedures, training and support, as necessary, to ensure that performance and conduct can be managed for agile workers.
- Home working will be reviewed regularly and may be withdrawn if there is evidence that the arrangements are not working effectively. Reviews will also take place annually as part of the performance appraisal.
- Line managers, under the overall direction of Senior Heads of Service, are responsible for:
  - The day to day management of agile working
  - Ensuring compliance with published agile working standards, procedures, working practices and technology changes
- All relevant staff are responsible for familiarising themselves and ensuring that they comply with this procedure and standards.

### 9. Criteria for an agile working style

- 9.1 Managers will identify posts available for either fixed, flexible, field or home-based working styles with the following considerations;

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- Ability to identify measurable outputs for the post
- Ability to control and schedule workflow
- Colleagues are able to resolve issues or assist with enquiries relating to workload
- Information systems and resources required to perform the required duties can be accessed/shared away from the office
- The post could vary working hours, as there is coverage across the service to maintain service hours of business
- The post would be able to meet client and related services expectations around service availability
- Systems either exist or could be put in place to ensure effective communication
- Supervision provided to and by the post can be delivered effectively
- It is possible to communicate changes to a post's work plans in the event of an unexpected emergency
- Confidential and sensitive data can be handled securely
- The post can be carried out 'flexibly' without a negative impact on the team
- Adopting agile working is likely to improve productivity to optimum level
- The post is largely autonomous, not reliant on data or support from other teams or services

### **10. Procedure for approving home working arrangements**

- 10.1 Successful home working is dependent on a number of factors including the suitability of the role, the individual and the home work environment.
- 10.2 Where the post has been identified as a flexible, field or home based work style which will involve working at or regularly from home the manager will discuss this option with the employee and ask the individual to complete a home working self-assessment. The manager will review the individual's answers and comments and then complete the manager section of the home working self assessment form.
- 10.3 The success of home working depends on the employee holding the right personal qualities and skills and with appropriate monitoring and support systems being in place.
- 10.4 The manager will assess whether the individual meets their performance and development objectives, organises their time and communicates effectively.
- 10.5 Childcare should be in place during the time which home working employees spend working at home. Home working provides a flexible way of working to fit around child care commitments or other responsibilities but it should not be used as an alternative to child care.
- 10.6 The final decision about whether an individual works at or regularly from home will rest with the manager and will take account of the plans for the service

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area and a satisfactory outcome of a home risk assessment for health and safety purposes. Further advice on which form should be completed can be obtained from the Council's Health and Safety Officer.

- 10.6 It is the responsibility of managers to ensure that a formal agreement is set in place prior to home, flexible or mobile working commencing.
- 10.7 If home working is approved, the employee will continue to be subject to performance management, corporate standards and objectives applying to office based employees.
- 10.8 Managers must agree working hours and patterns, contact time and availability with the employee in advance. Unless otherwise agreed working hours will remain the same when employees commence home, flexible or mobile working.
- 10.9 Any employee concerns about working arrangements must be brought to the attention of their manager without delay.
- 10.10 Managers are responsible for advance discussion with Human Resources to ensure that any employee relations' issues are considered and revisions to contracts of employment are issued if necessary.
- 10.11 Pay and benefits are not affected where the pre-existing hours of work are still being undertaken.

### **11. Declining Requests**

- 11.1 If a manager considers a home working arrangement would be unsuitable for an individual then the employee will be given a clear explanation for the decision.
- 11.2 An employee whose request has been refused has the right to work at home may appeal within 14 days after the date on which they were notified of the decision. The appeal must be in writing and set out the grounds of their appeal.
- 11.3 An appeal meeting must be held between the employee, the Head of Service or Senior Manager and a HR representative within 14 days of the appeal.
- 11.4 The decision on the appeal must be given in writing within 14 days of the appeal meeting. If the appeal is upheld that letter must include details of the agile working arrangement and any changes to terms and conditions of employment.
- 11.5 If the appeal is dismissed sufficient explanation should be given as to why by either the Senior Manager or Head of Service.

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### **Right to be accompanied**

Employees may be accompanied at both the initial meeting and the appeal meeting by someone who also works for the Council. That may or may not be a trade union representative. Trade union representatives who are not employed by the Council are not entitled to be present.

If the companion is not available at the time of the initial or appeal meeting, the meeting must be re-arranged at a suitable time, not more than 5 days later than the original date set.

### **Extension of Time Limits**

The time limits for:

- arranging a meeting to discuss the request (28 days)
- notifying the employee of the decision following the meeting (14 days)
- arranging the appeal hearing (14 days)
- notifying the employee of the appeal decision (14 days)

may be extended by agreement as long as the agreement is recorded in writing, dated, specifies what time limit the extension applies to, specifies the date on which the extension is to end and is sent to the employee.

- 11.2 Employee initiated requests for occasional or temporary home working may be declined where it is considered that either the post/environment/cost of equipment/employee makes it unsuitable to undertake work at home.
- 11.3 A further request will not normally be considered until at least 12 months have elapsed since the previous request.
- 11.4 In the event that the Council has asked the employee to work at or from home, the employee is entitled to decline such a request, but will be expected to provide reasons if asked to do so.

### **12. Sickness**

- 12.1 If an employee is unable to work due to personal sickness on a day that s/he should be working at home, s/he must inform his/her/line manager by telephone and follow the Council's sickness reporting procedure. Arrangements for return to work interviews should be put in place. Occupational Health may be consulted for advice about the suitability of home working for an individual member of staff.

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### **13. Home Working – Termination of Arrangements**

- 13.1 Once the arrangement is in place to work at home in the ‘home worker’ style there isn’t an automatic right to revert to a fixed desk office based working arrangement. This is because of the significant up front investment required to initiate home working.
- 13.2 A review will take place at regular intervals (at least every 6 months), to ensure that the working arrangements are meeting the performance needs of the Council and any personal needs of the employee.
- 13.3 Wherever possible we will work with employees to support home working. There will be circumstances, where the arrangement will require review and the Council reserves the right to require a home worker to revert back to an office based work style.
- 13.4 Managers will only terminate home working arrangements for sound business or performance reasons and after fully consulting with the employee. Although not an exhaustive list the reasons could include:
  - If the employee’s role changes, so that the eligibility requirements are no longer met.
  - Where feedback indicates the arrangement has had an adverse effect on the work within the team and the service provided.
  - If the employee’s performance or conduct is no longer satisfactory or is subject to review under the Council’s Performance Management Procedure.
  - If the employee’s personal circumstances change so that it is no longer practical or desirable to undertake home working.
- 13.5 Normally, at least 30 calendar days’ notice will be given to the employee to end the arrangement, business needs permitting.
- 13.6 Where the employee’s role is designated as ‘home worker’ and he/she wishes to cease home working he/she must put the request in writing to the line manager giving the reasons and providing at least 30 calendar days of notice when he or she wishes the request to take effect.
- 13.7 We will try to accommodate requests wherever possible. The decision will be made by the head of service, with the advice of the line manager and, if appropriate, will depend on the availability of fixed desk workspace.
- 13.8 There is no automatic right to return to office based working and any agreement to revert must be based on sound reasons that affect the employee’s ability to work flexibly.
- 13.9 The service area will incur any cost associated with the transfer to fixed desk arrangements and all relevant equipment will need to be returned by the employee to the service

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### **14. Home Working – Moving Home**

- 14.1 Employees who are intending to move home should give as much notice as possible to their manager. Continuation of home working will be subject to the location and the completion of a risk assessment to determine the suitability of a home working environment.
- 14.2 Employees will normally be responsible for any costs incurred when moving home with regard to the move of LDC equipment. However where these costs are significant, itemised costings should be submitted to your line manager who may make a contribution to these costs depending on circumstances.
- 14.3 Where problems occur the home working arrangement may be withdrawn temporarily or permanently. The employee will use the hot desk facilities instead of working at or from home.
- 14.4 In operational emergencies e.g. lack of cover to meet service requirements, or in the case of poor performance, the arrangement may be suspended or terminated with immediate effect.

### **15. Fixed workers**

- 15.1 Where an individual is a fixed office based worker and the role is categorised to another work style due to changes in tasks or development of technology then the individual will be consulted with regarding the proposed change of work style.

### **16. Equipment**

- 16.1 The IT, telephone and communications equipment needed for home or flexible/field working will be determined by the IT Unit who may, if appropriate, arrange for its installation and removal when needed. Employees will be required to sign an "Acceptable Use Agreement" setting the rules regarding its use. But the main points will be:
  - Council supplied equipment must not be used for non-work purposes
  - Council supplied equipment must not be used by family or friends
  - Non-Council equipment must not be connected to Council equipment
- 16.2 For staff who are categorised as home workers furniture such as a desk, chair, lockable drawers etc. will also be provided by the Council where needed. This will usually be decided after the Health and Safety risk assessment has been carried out.
- 16.3 Any equipment will remain the property of the Council who will bear the cost of installing, maintaining and/or moving it. Where equipment is provided employees must take reasonable care of it, use it only in accordance with any operating instructions and return it to the Council when requested or when employment ends.

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- 16.4 The cost of business phone calls will be met by the Council. How this will be calculated or how to claim will be agreed before homeworking starts.
- 16.5 Employees must have their manager's written agreement before any personal item of equipment is used. The Council is not responsible for maintenance costs, replacement or repair in the event of loss or damage to any personal equipment that the employee uses.
- 16.6 IT support will be available for home, flexible or field workers, but only during normal office hours. If equipment has to be serviced in the IT offices then the home worker may be required to bring it in rather than IT collect it. The exact arrangements will depend on the circumstances.

### **17. Health and Safety**

- 17.1 Employees who work from home or choose to work agilely at home have statutory duties and responsibilities under the Health & Safety at Work Act. In addition, they are required to take reasonable care of their own health and safety and that of anyone else who might be affected by their actions and omissions.
- 17.2 Employees are expected to co-operate with their line manager in ensuring a safe and healthy working environment at home.
- 17.3 When working at or from home, employees must ensure they have an appropriate workspace with adequate security, storage and screening from activities and noise in the rest of the home. There must also be adequate ventilation, lighting (including some natural lighting), toilet facilities with running hot water and somewhere to hang clothing (including wet clothing or personal protective equipment).
- 17.4 Prior to commencing home or agile working employees must undertake a home workplace risk assessment and complete and return the form to their Manager. Only if any identified risks can reasonably be removed will working from home be agreed. The Council retains the right to check the employee's home based work areas for health and safety purposes. The need for such inspections and their frequency will depend on the level of home based working and the nature of the work being undertaken. If an employee's circumstances change (for example with expectant mothers) an updated risk assessment should be carried out.
- 17.5 Employees working with Display Screen Equipment (whether supplied by the Council or their own) must also carry out a DSE self-assessment checklist.
- 17.6 Employees must not have meetings in their home with clients, customers, or officers from other agencies, or divulge their home address or telephone number to them.

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- 17.7 Managers and colleagues will be expected to meet regularly with agile working staff to discuss work issues, and with the agreement of both the employee and their manager these meetings can be conducted in the employee's home. Otherwise those meetings will have to take place on Council property.
- 17.8 In order to ensure the safety of staff working alone or at remote locations they must comply with normal lone working procedures to ensure that their whereabouts are known.
- 17.9 One of the bonuses of working from home is that employees can operate outside of standard working hours. However, this also brings with it the potential to work extended hours. It is important that working patterns and level of hours is not detrimental to health and wellbeing. It is part of an employee's responsibility to ensure that their manager is informed about the number of hours they work and to comply with the Working Time Regulations. It is part of an employee's responsibility to ensure that their manager is aware of the number of hours they work to comply with the regulations.
- 17.10 The main points to be aware of are:
  - Maximum weekly working time is not to exceed 48 hours per 7 day period when averaged out over a 17 week period
  - A rest break of at least 20 minutes should be taken when working more than 6 hours per day
  - Length of daily rest break (overnight) of 11 hours per 24 hours
  - Length of weekly rest break (weekend), usually 24 hours rest in each 7 day period
- 17.11 Employees must report any health and safety concerns, related to either working in the office, working from home or working agilely to their manager at the earliest opportunity.
- 17.12 For Health and Safety and Insurance purposes, any work related injury, accident, sickness or disease must be reported immediately using the Council's procedures regardless of whether the member of staff works in the office, is home based or works agilely.
- 17.13 Lewes District Council retains the right to check the employee's home based work areas for health and safety purposes. The need for such inspections will depend on the employee's work style and the nature of the work to be undertaken. Unison Members are able to have a Unison Health and Safety Representative available at this inspection if they wish.
- 17.14 In order to ensure standards are maintained for employees working at home, occasional checks may be completed by the Health and Safety Officer by prior arrangement. Unison Members are able to have a Health and Safety Representative available at this inspection if they wish.

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### **18. Security Information**

- 18.1 All information and equipment must be kept secure at all times. Managers must be satisfied that adequate precautions are in place to maintain confidentiality of material in accordance with the Data Protection Act and Council guidelines, policies and procedures.
- 18.2 Employees must keep all information confidential and secure and must report any loss of information and any potential risks to that information e.g. a break in or attempted break in. Employees must not show (or allow to be shown) any data to any members of their family or visitors to the household.
- 18.3 It is important that confidential waste be shredded or returned for disposal.

### **19. Insurance**

- 19.1 Using a domestic home officially as a workplace is a "material fact" as far as household buildings and contents insurers are concerned. Employees must inform their insurers and make any arrangements necessary to cover the new circumstances before commencing home working. Those arrangements are to include confirmation from the home contents insurers that they will agree to continue to provide "personal liability cover" for domestic activity in the home when it contains a workplace. Personal liability cover is routinely included in most comprehensive contents policies. Any resistance by an insurer to confirm this should be referred to the Council's Insurance Officer immediately.
- 19.2 Equipment belonging to the Council will continue to be covered by the organisation's insurance arrangements, provided it is stored securely whether in the office or in the employee's home. Employees are required to take all reasonable care of the things provided and if any have to be transported in an employee's vehicle they should be carried securely in the boot or an obscured compartment and never at any time left unattended in a vehicle or anywhere else away from the employee's home.
- 19.3 Home workers will continue to be covered by the Council's other general insurances including employer's liability and public liability which provide indemnity in respect of injury or harm in circumstances where the Council is legally liable. In the event of an accident or injury at home, it may, however, be very difficult to prove negligence on the part of the Council, because the officer working at home would be primarily responsible for their own working environment. Any accidents must be reported immediately using the Council's procedure, if the employee is incapacitated the manager must complete the accident form on the individual's behalf.

### **20. Mortgage and Tenancy Arrangements**

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- 20.1 Employees working at or from home on a regular basis must inform anyone with an interest in the property of their intentions.

### **21. Tax Liabilities**

- 21.1 Specific advice should be sought from the Inland Revenue by the employee prior to commencing working from home.
- 21.2 Generally, working at or from home is viewed by the HMRC as being a matter of choice, and it is therefore unlikely that expenses will be allowable for income tax relief unless the particular job requires the employee to perform duties at home rather than elsewhere. Further advice should be sought from the HMRC.
- 21.3 Working from home may affect an employee's capital gains tax liability if they sell, or otherwise dispose of their home. This generally will only apply if part of the house has at some time been used exclusively for employment purposes.
- 21.4 If, however, no part of the home has been used exclusively for business then, depending upon individual circumstances, full relief could be available.
- 21.5 Working at or from home will not attract business rates.

### **22. Mileage claims**

- 22.1 Employees may claim the additional expenditure incurred beyond the cost of commuting to the office base. Claims may only be made for journeys which are essential to their performance of the job as agreed with the line manager. The manager and the employee will need to agree the detail of this provision in each individual case to ensure that it is reasonable. All arrangements must comply with the Council's guidelines and procedures.
- 22.2 Home workers or those working from home agilely cannot claim travel expenses for the regular commute from home to the office e.g. for attending regular one to one meetings and team meetings on a weekly, monthly, quarterly or annual basis.
- 22.3 Mileage or other travel costs will be payable on business journeys from home less the cost or mileage in excess of travel to the normal place of work (e.g. Southover House or Robinson Road, Newhaven).
- 22.4 The Council will meet mileage and/or public transport costs arising on official business within the District less the cost or mileage for commute from home to office.

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- 22.5 Examples of mileage to be claimed when business travel starts or ends at home:  
Helen lives 20 miles from the office base in Southover House but goes directly to her first appointment.

Home to first appointment = 10 miles

First appointment to office = 15 miles

She can claim 5 miles business for this journey as that is the excess mileage over her normal commute to work.

Dave lives 5 miles from the office base in Southover House and goes home direct from his last appointment.

Final appointment to home = +15 miles

He can claim 10 miles business travel for this journey.

Sue lives in Brighton and travels to Lewes by train. She has an appointment in Hastings all day for a meeting. She can claim the return train fare from Lewes to Hastings.

### **23. Allowances**

- 23.1 Home workers, where the home is their main work base, will be paid a contribution, through their salary towards the cost of heating/lighting and any other overhead expenses incurred through undertaking work from home.
- 23.2 Flexible and field workers are not eligible to receive the tax free allowance under HM Revenue and Customs Regulations.

### **24. Office Stationery**

- 24.1 Office stationery should be ordered and purchased by Corporate Support in the normal way for work use at home.