

# Smarter Flexibility

## Flexible Working and Workspaces Guidance



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# **1. GENERAL GUIDANCE FOR EMPLOYEES**

1.1 All employees are encouraged to work flexibly wherever possible.

1.2 Flexible working can have the following benefits for employees :

- Reduction in unnecessary travel and ability to travel outside peak periods – saving money and time and reducing stress
- Greater flexibility, to better enable individuals to blend and balance home and work demands
- Ability to work without interruption thereby improving productivity (although staff must take a break in any working day longer than six hours for their own safety and wellbeing)
- Opportunity to demonstrate high level of responsibility and ability to work without constant supervision
- Ability to organise the working environment to suit personal circumstances

1.3 However it can also have the following impact:

- Remote working can be lonely - systems need to be in place to make sure you're included in your team's work and social set up as well as made to feel part of the organisation (e.g. team building events, buddy system)
- If working at home there may be competing demands for working space from partners or from those studying at home. If your dependents are being cared for in the home you should ensure that they're being cared for away from your work area in order to avoid interrupting work or upsetting you by a visible lack of attention.
- In practice achieving a good balance between home and work life can be difficult. Not 'going to work' can lead to feeling as though you haven't 'come home from work'. Many people find that they need to create a clear division between working and not working and that this can blur when working at home.
- Hot-desking can lead to feeling that you're not so familiar with your "neighbours" in the office or can make it more difficult for colleagues to find you, thus reducing face-to-face interaction.
- Some people are accustomed to personalizing their desk space and may find it difficult to adapt to both a lack of their "own" space and the mobile technology required to enable flexible working (such as laptops or mobile phones).
- If working at home you may encounter resentment from partners and/or dependents.

## **Types Of Request**

1.4 Existing flexible working arrangements may be wholly or partly contractual. The Smarter Flexibility Policy doesn't alter existing arrangements if they are contractual.

Managers seeking to change existing arrangements should therefore obtain advice from Human Resources before proceeding.

- 1.5 Employees and their manager may discuss the local flexible working arrangements as a team and these may be approved by the relevant manager. This would constitute a local and voluntary team arrangement, which can be varied or amended by employees or management giving 28 days notice.
- 1.6 If as an individual you want to request a type of flexible working that is not already available through your team's locally agreed arrangements you can make an individual request to suit your circumstances. This can be either a **statutory request** under the [Flexible Working Regulations \(2014\)](#), or a local **informal request**.
- 1.7 A **statutory request** that is agreed will result in a permanent change to your terms and conditions of employment, which can only be varied or ended with your agreement. An **informal request**, however, might be formally confirmed in writing but it can be varied or ended by you or your manager, by giving 28 days notice.
- 1.8 Note that the statutory regulations require you to have 26 weeks service to make a statutory request, but if you have less service we can still accept an informal application from you.
- 1.9 You can only make one statutory request for a particular flexible working arrangement within every 12 months. You should therefore consider whether making a statutory request is best suited to your requirements. It may be preferable for you to request and agree an informal arrangement with your manager, especially if you think that your requirements may change again.
- 1.10 If you have had a statutory request agreed you cannot make any subsequent statutory requests for 12 months.

### **Other Guidance (Employees)**

- 1.11 Regardless of your particular working arrangements, you should always be contactable throughout the working day.
- 1.12 Lambeth ICT equipment is to be used for business use only.
- 1.13 Before commencing any computer-based work from a non-office-based location you should ensure you've completed the Council's flexible working E-learning module.
- 1.14 You must always ensure that you take adequate breaks and rest periods.
- 1.15 You must not hold business meetings at your home.
- 1.16 You must ensure that wherever you're working you always comply with Lambeth's ICT and data security policies.

- 1.17 You could be recalled to the office at short notice at your manager's discretion where it's reasonable to do so. This will be where exceptional circumstances or the needs of the service warrant it.
- 1.18 You should be mindful that there will be variations in the flexible working patterns available in different services across the Council.

## **2. GENERAL GUIDANCE FOR MANAGERS**

2.1 Managers will facilitate flexible working and enable employees to work from other locations wherever this is practical and appropriate for the needs of the service.

2.2 Flexible working can have the following benefits for the Council:

- More motivated employees - lower stress, more attractive working conditions, better morale, employee loyalty and reduced costs due to sickness and absence
- Improved staff retention and reduction in costs associated with recruitment and training of new staff
- More operational flexibility – better able to respond to customer requirements
- Reduced accommodation costs
- Improved equal opportunities and family friendly policies - socially excluded groups who of necessity have to prioritise home life (e.g. because of caring responsibilities) are better able to gain access to employment opportunities
- Able to attract staff with required skills and competencies from distant locations without the need for them to relocate
- Environmental e.g. reduced use of cars and time spent in traffic congestion when employees work at home.

2.3 However it can also bring the following challenges:

- Technical problems e.g. managing remote access applications
- Maintenance of quality control
- Different challenges in terms of tracking progress and communicating with employees working away from the office or working flexible hours
- Adapting work processes for flexible working
- Modifying the approach to performance management
- Danger of permanently office-based staff gradually taking on more responsibility by virtue of being around more

2.4 Managers should ensure that all employees have equal opportunities to benefit from flexible working.

2.5 Managers must make any reasonable adjustments that may be required in accordance with the Equality Act 2010 or other legislation.

- 2.6 Managers must ensure that they don't agree any working pattern that breaches the Working Time Regulations.
- 2.7 Managers must ensure that any flexible working arrangements don't contravene the contractual entitlements of any employee. If in doubt managers should seek advice from Human Resources.

### **Other Guidance (Managers)**

- 2.8 Managers will agree all individual statutory flexible working requests unless there is a specific business or health and safety reason not to (see para. 4.3.4 for guidance).
- 2.9 Approval of an employee's statutory flexible working request (under the Flexible Working Regulations 2014) constitutes a change in terms and conditions for the employee and can only be changed subsequently if both employee and manager agree to the changes.
- 2.10 Managers can agree informal requests with an employee and manage this through regular conversations and 1:1s. Informal agreements must be documented through email or supervision notes. Changes arising from informal requests can be varied or ended by either side with 28 days notice (*see section 6 for more details*).
- 2.11 If an informal arrangement has continued for more than 6 months managers should ask the employee to consider making a statutory request to formalise the arrangement; it will be for the employee to decide whether or not to make such a request.
- 2.12 Managers should consider offering a trial period to employees if they are unsure about the impact on business of agreeing a statutory request. Trial periods are typically 3 months or 6 months and the manager should agree how the arrangement will be monitored and reviewed with the employee.
- 2.13 Managers should ensure there is a suitable communication plan in place when their employees are working flexibly.

## **3 FLEXIBLE WORKING OPTIONS**

### **3.1 Compressed working week(s)**

- 3.1.1 Compressed working weeks are where working time is reorganised so that the same weekly basic hours are worked, for example, for four days in a week. The effect of compressed weeks is to accommodate the diverse needs of staff to create more time for external activities, personal or career development and personal commitments, while facilitating the provision of extended service hours.

## 3.2 Flexitime

- 3.2.1 Flexitime schemes permit employees to have some flexibility over their start and finish times, within a core of given hours, and they also permit staff to work additional hours and take these as flexileave after they have been accrued and agreed.
- 3.2.2 The decision to operate a flexitime system can be made at a local team level according to service characteristics. Flexitime will be applicable to employees up to, but not including, SMG grades. Flexitime accounting will follow the Council's standard process, but the "bandwidth" and "core time" may be determined locally according to the following guidance.
- 3.2.2 "Bandwidth" is the period of working hours during which it is permissible for employees to be working and therefore accruing flexitime. In Lambeth we recommend that the bandwidth period should be 08.00 to 18.00 hours, however this may be varied at Cluster/Business unit level according to service characteristics, in consultation with trade union representatives, and at the discretion of the individual Director.
- 3.2.3 "Core time", is the period of working hours when employees have to be present at a workplace; in Lambeth we recommend that the core time period should be 10:00 to 12:00 and 14:00 to 16:00 hours, however this may be varied at Cluster/Business unit level according to service characteristics, in consultation with trade union representatives, and at the discretion of the individual Director.
- 3.2.4 Flexitime (where operated) includes the ability for staff to carry forward a surplus (credit) or deficit (debit) of hours from one accounting period to the next.
- 3.2.5 Employees will be required to keep daily records of their working hours to support the flexitime arrangements.
- 3.2.6 The accounting period for flexitime is 4 weeks. Employees may accrue and carry forward up to **14 hours** of flexitime as a credit, or up to **7 hours** as a debit, from one accounting period to the next.
- 3.2.7 The maximum amount of flexileave which can be taken in any accounting period is **7 hours**.
- 3.2.8 All requests for flexileave will be considered in the light of service and resourcing needs and will be granted where there is no adverse impact on service delivery.
- 3.2.9 Managers will monitor employees' flexitime records to ensure that credits and debits are appropriately recorded and that flexileave requests are evidenced. Employees should note that deliberate falsification of flexitime records will be deemed to be a disciplinary offence.

### **3.3 Part-Time Working**

- 3.3.1 Although there are a number of definitions for part-time working, including statutory ones, in effect any employee who works less than the standard working week, which for Lambeth is usually thirty-five hours, works on a part-time basis.

### **3.4 Staggered Hours**

- 3.4.1 Staggered hours working allows for flexible start and finish times for work. It's not intended to reduce the number of working hours from normal full-time hours and the implementation of it means that staff working under it do not accrue "extra" hours. Contracted hours and employee benefits remain unchanged.
- 3.4.2 Using staggered hours working may be useful in service areas where, for example, an extended hour's service needs to be provided to meet the needs of service users.
- 3.4.3 As examples only, the following staggered hours working patterns might be considered relevant for different staff within services:
- 08.30 -16.30 hours
  - 08.45 -16.45 hours
  - 09.00 -17.00 hours
  - 09.15 -17.15 hours

### **3.5 Term Time Working**

- 3.5.1 Term time working is a way of working where employees work during the school terms, i.e., they have all school holidays away from work, taking their annual leave entitlement during these periods.
- 3.5.2 Employees who work term time only will have their annual leave entitlement taken into account when calculating their salary. As with those employees who already work a contractual term time only pattern, they will then have their total level of remuneration proportioned to the number of days they are required to work over the year, allowing them to continue to receive a monthly salary that is equal all year round.

### **3.6 Job Sharing**

- 3.6.1 This is when you share one post with one or more people. For example - there is one full-time post with two people filling it. Between the two of them they work the 35 hour week.



### 3.7 Home-Based Working

- 3.7.1 This is where somebody works some or all of their contracted hours at home. They may come into the office for meetings but otherwise their main place of work is their home. **“Home-based working” has an agreed and regular pattern of days spent at home.** *Where there’s an irregular requirement to work at home for an occasional day here and there (with no set pattern), that is classed as “ad hoc” home working and should be agreed with your manager locally on each occasion.*

### 3.8 Remote or Mobile Working

- 3.8.1 This involves working from any location, on a mobile device, that is not on Council premises nor your own home.

## 4 THE PROCEDURE FOR MAKING AND MANAGING FLEXIBLE WORKING REQUESTS

- 4.1 All employees with at least 26 weeks of service have the legal right to request flexible working - not just parents and carers. This is known as ‘making a statutory application’. The regulations require you to have worked for your employer for at least 26 weeks to be eligible. However in Lambeth we will accept requests from all staff regardless of length of service, so if you have less than 26 weeks of service you can still make an informal request for flexible working. The difference is that a statutory request (if approved) results in a permanent change to your terms and conditions of employment which can only be varied or ended with your agreement, whereas an informal request results in a change which can be amended or varied by you or your manager by giving 28 days notice.

### 4.2 Making An Informal Request

If you want to make an informal request, you should complete a Flexible Working Application form and submit it to your manager. The application must make clear:

- the date
- a statement that this is an informal request
- details of how you want to work flexibly and when you want to start
- an explanation of how you think flexible working might affect the business and how this could be dealt with, e.g. if you’re not at work on certain days

### 4.3 How To Make A Statutory Application for Flexible Working

- 4.3.1 The basic steps are:

- You submit a written request.

- The Council considers the request and makes a decision (this must be within 3 months - or longer if agreed with you).
- If the Council agrees to the request, we must change the terms and conditions your contract of employment.
- If we don't agree the request, we must write to you giving the business reasons for the refusal.
- You can only make one statutory application for any particular flexible working arrangement a year.

#### **4.3.2 Your Written Statutory Request**

You should complete a Flexible Working Application form and submit it to your manager. The application must make clear:

- the date
- a statement that this is a statutory request
- details of how you want to work flexibly and when you want to start
- an explanation of how you think flexible working might affect the business and how this could be dealt with, e.g. if you're not at work on certain days
- a statement saying if and when you've made any previous applications

#### **4.3.3 Withdrawing A Statutory Application**

You should tell us in writing if you want to withdraw your application. The Council can treat an application as withdrawn if you miss 2 meetings to discuss your application or appeal without good reason, e.g. sickness.

We must confirm to you that we're treating the request as withdrawn.

#### **4.3.4 Considering The Statutory Application**

4.3.5 We encourage Council managers to agree statutory requests, however they can refuse an application if they have a good business reason (see para. 4.3.9).

4.3.6 We must consider flexible working requests in a 'reasonable manner', and should usually make a decision within 3 months of the request (or longer if agreed with the you).

4.3.7 If we agree your application we'll write to you with:

- a statement of the agreed changes
- a start date for flexible working

4.3.8 We'll also change your contract to include the new terms and conditions. This will be done as soon as possible but no later than 28 days after your request was approved.

4.3.9 If we reject your application, we will write to you with the reasons for rejecting it. This could be for any of the following reasons:

- extra costs that will damage the business
- the work can't be reorganised among other staff
- people can't be recruited to do the work
- flexible working will affect quality and performance
- the business won't be able to meet customer demand
- there's a lack of work to do during the proposed working times
- the business is planning changes to the workforce

You can download '[Acas code of practice for handling requests in a reasonable manner](#)' (PDF, 175KB) [here](#).

## **4.4 Appeals Against Statutory Application Decisions**

4.4.1 If you're unhappy with your manager's decision regarding your statutory request you can ask for this to be reviewed by the Director responsible for your service area.

4.4.2 You should submit your appeal in writing stating your reasons and send this and any supporting documentation to the relevant Director.

4.4.3 The Director will consider the appeal and take advice where needed. Your appeal will be processed within 3 months of the date of your original request.

4.4.4 Your Director will inform you and your manager of the outcome of the appeal.

## **5. OTHER INFORMATION**

### **5.1 Occasional or Ad-Hoc Homeworking**

5.1.1 Occasional or ad-hoc homeworking, when, for instance, you work from home for a day or part of a day in order to finish a report, or on a short term temporary basis for some other reason etc., is outside of the main scope of this policy and guidance. Local arrangements should be made between you and your manager on each occasion.

5.1.2 We won't provide any general or information technology specific equipment in your home for the purposes of occasional homeworking. This doesn't exclude, however, the loan of shared equipment such as laptops etc. where these are available.

### **5.2 Health and Safety**

5.2.1 The Health and Safety at Work Act 1974 (HSWA) places duties on both employers and employees.

#### 5.2.2 **Employer's Responsibilities:**

Employers have a duty to protect the health, safety and welfare of their employees, this includes mobile workers and staff working from home. Wherever the employee is working, their manager has to agree safe working arrangements and provide any necessary information, instruction, training and equipment. The manager is also required to actively seek confirmation of safe working practice by communicating regularly and effectively about health and safety issues.

5.2.3 Employers also have a duty to consult with trade union safety representatives concerning a range of matters, including the implementation of flexible working arrangements and Smarter Flexibility.

5.2.4 The council commits itself to continue to approach health and safety issues jointly with recognised trades unions.

#### 5.2.5 **Employees' Responsibilities:**

Employees also have a legal responsibility to take reasonable care of themselves and others affected by their acts or omissions; to report all faults which may be a hazard to their own or others' health or safety; and to co-operate with their employer to enable compliance with health and safety regulations. This applies wherever the employee is working, be it at a London Borough of Lambeth premises, their home or any other location. The employee is also required to co-operate with any measures which are introduced to establish a safe system of work and to follow advice from their line manager or Lambeth's Health and Safety specialists regarding their working environment

#### 5.2.6 **Risk Assessments**

In order to comply with the Health and Safety at Work Act 1974, the Health and Safety (Display Screen Equipment) Regulations 1992 as amended by the Health and Safety (Miscellaneous Amendments) Regulations 2002 and other relevant legislation such as Manual Handling regulations, a risk assessment of the flexible working arrangements must be undertaken prior to commencement of the arrangements. The council confirms that such risk assessments will only be undertaken by competent persons. Where the flexible working agreement allows for an employee to work at home a risk assessment must be completed for the designated work area and both the manager and the employee must be satisfied that health and safety requirements will be adhered to.

5.2.7 Risk assessments will be, where appropriate, undertaken by the affected employee, using a self-assessment model, following appropriate learning and development activity being applied in order to comply with the requirement that only competent persons carry out risk assessment activity. In order that managers are enabled to maintain an appropriate overview, they will also be subject to appropriate learning and development activity.

5.2.8 It may also be necessary for the Manager or other representatives of the council or recognised trade union Health and Safety Representatives to visit the employee's

home to carry out a health and safety risk assessment on the designated work space and employees should be aware that they are required to allow access to their premises for this reason. Any designated person having to undertake such visits will give reasonable notice.

- 5.2.9 A copy of any risk assessments should be kept by both the manager and the employee and the originals should be sent to the Corporate Health and Safety Adviser and to the Human Resources Support Section, so that these can be stored on the employee's personal file. Subsequently, the employee must check their working arrangements from a health and safety perspective every six months. If there are any changes to the flexible working arrangements or to the designated work area in the home, a new risk assessment must be completed. Managers should ensure that they are satisfied with the work undertaken on risk assessment generally and specifically ensure that any presenting issues are appropriately addressed.

#### **5.2.10 Other Health and Safety Considerations**

##### **Employees Working In Transit**

- 5.2.11 Managers should be aware that the use of mobile phones and laptops pose particular health and safety issues. Laptop computers can cause postural problems because it is difficult to adopt a comfortable working position (due to the proximity of the keyboard to the screen). As laptops are often used in ad hoc places – such as balanced on the knee or while on the train, the risk of postural damage is greater than with conventional computer equipment. In addition, many laptops are heavy and can potentially cause shoulder and arm problems when they are carried.

##### **Employees Working Outside Office Hours**

- 5.2.12 Employees working flexible hours at Lambeth premises will benefit from the same attention to health and safety as mainstream office staff. However, they may suffer from an absence of the usual support mechanisms (e.g. IT Helpdesk, first-aiders, fire safety officers etc.). Procedures need to be specified to deal with emergency situations, means of escape and equipment failure as the usual support staff may not be on the premises.
- 5.2.13 Procedures should be in place for occasions when personnel fail to respond to communications, do not contact their main office as expected, exceed their estimated time of return or fail to return to their base or home.

##### **Health and Safety Regulations**

- 5.2.14 Employers are responsible for ensuring compliance with Health and Safety at Work regulations, including where employees work away from the office. However, there are limits to the extent to which this is possible because of the limited control employers can exert e.g. over home offices. Co-operation by employees is therefore essential and a legal requirement.

##### **Provision of Furniture and Equipment**

- 5.2.15 Provision of furniture and equipment for use in the employee's home will comply with Health and Safety requirements (e.g. desk, chair, footrest).

### **Electrical Equipment**

- 5.2.16 If an employee uses Lambeth equipment their domestic electrical installation will need to be checked to ensure that the power supply is safe. This is a sensible precaution for all homes, particularly if your home has not been electrically checked in the last 10 years.
- 5.2.17 Testing of portable electrical equipment (PAT testing) will be carried out prior to provision of equipment.
- 5.2.18 Employees must not use untested items, e.g. extension leads or surge protectors unless purchased through LIT.
- 5.2.19 Lambeth has responsibility for maintaining records of portable electrical equipment used by staff and dates for PAT testing. Arrangements should be made with staff to bring equipment due for testing into the office on agreed scheduled dates and, where possible, in line with the testing schedule in the employee's Council workplace.

## **5.3 Accident and Injuries**

- 5.3.1 Accident reporting and insurance cover for flexible workers will be in line with existing arrangements, subject to full compliance with procedures by the employee undertaking flexible working – if an accident is recognised as 'arising out of or in connection with work activities' it is a work accident, even if it takes place outside of Lambeth premises. The employee must follow the same procedure as if they were in the normal working environment i.e. the council must be informed as soon as possible after an accident has occurred, appropriate medical help should be sought, and actions recorded via the council's normal accident procedures. Similarly, the employee must report any health problems, or illnesses which may be attributable to, or aggravated by, their working conditions in line with Council procedures.
- 5.3.2 Reporting of accidents and injuries at work is covered by the Reporting Of Injuries, Diseases And Dangerous Occurrences Regulations 1995 (RIDDOR 95). These Regulations place a duty on the employer to report and keep a record of certain work-related accidents, injuries, diseases and dangerous occurrences. Employers have a duty to ensure that they find out about accidents, injuries, diseases or dangerous occurrences arising from work-related activities, but this is reliant on information being provided by employees to their managers on a timely basis.

## **5.4 Finance and Reimbursement**

- 5.4.1 Funding for all flexible and Smarter Flexibility applications will come from individual Business Units. Managers and employees should also be aware that:
- any computer and other relevant equipment that needs to be provided for workers who work permanently from home will be purchased by the council.

- for employees who are permanent home workers spending at least 80% of their working week working from home, the council will reimburse the cost of their broadband internet subscription up to a value of £15 per month, this figure to be reviewed and adjusted up or down annually on 1 April by the council's Director, Cooperative Business Development (HR and OD).
- travel over and above home to office and return journeys will be reimbursed in the normal manner.
- costs of business calls only on land lines, and, if it is the only way of communicating, on employees own mobile telephones will be reimbursed, if itemised proof of expense is provided.
- stationery should be ordered in the normal way and provided in appropriate circumstances for those undertaking work at home. No reimbursement will be made for any stationery ordered outside of these arrangements.
- no contribution will be made to the employee in respect of heating, lighting and electricity given the voluntary nature of flexible working applications.

### **Potential Tax Liabilities**

- 5.4.2 Any computing and telecommunications equipment and reimbursement for broadband use and installation provided by the council is intended solely for business use. It is essential that tax issues are considered for each working arrangement.

**IT equipment:** Under HM Revenues and Customs' current rules, where an employer such as Lambeth makes an asset available for private use by their employee, a taxable benefit in kind arises. All IT equipment provided by Lambeth for homeworking are for business use only. Where private use occurs, a taxable benefit will arise on the value of the private use. The value of this benefit is usually based on 20% of the value of the asset when it is first provided to the employee. As an example, if a laptop is provided new, tax/NIC liability, will be calculated (each year) on 20% of cost of the equipment as new.

Managers issuing IT equipment to their employees have a responsibility to ensure that effective arrangements are in place to record and monitor private use, where this occurs. Further guidance for this is provided in the Expenses and Benefits Guidance Notes on the intranet.

- 5.4.3 Reimbursement of Household Expenses: For HMRC's tax purposes, payments or reimbursements of household expenses by an employer may qualify for tax-free treatment only where the working from home arrangement is due to the nature of the job and not choice. The nature of the job must be such that the employee is necessarily required to work from home (i.e. must be part of the duties of the office or employment). So, for instance, if the nature of the job is such that the employee would normally work from the office but a Manager agrees local arrangement with an employee to work from home, any payments or reimbursement will be subject to tax and NIC deduction.

As Lambeth's Smarter Flexibility initiative is largely a voluntary scheme (employees opt to work from home at manager's discretion), HMRC would, under existing guidance, take the view that working from home is by choice rather than being driven by a requirement of the nature of the job. **In these circumstances, all payments and reimbursements must be treated as taxable and NI-able and must be paid through Payroll to enable appropriate deductions to be made.**

#### **Potential Business Rates Liability**

- 5.4.4 In some rare cases, if a room in the house is used for business purposes it could attract business rates; but rating authorities have generally been guided by the principle that if the room is available for domestic purposes when not being used for work, no charge need apply. This means that for the vast majority of home workers, business rates should not be an issue. Employees encountering any problems should inform their Manager.

#### **Potential Capital Gains Tax Implications**

- 5.4.5 An employee's capital gains tax liability may be affected if they sell, or otherwise dispose of their home, if part of the home has at some time been used exclusively for employment purposes, although the point made in the preceding paragraph is also likely to be relevant here.

### **5.5 Insurance Issues**

- 5.5.1 The council will provide insurance cover for employees and for the equipment it has supplied to an employee for their flexible working arrangement. The employee must make all reasonable efforts to ensure the council's equipment is secure and safe. The council will cover equipment and personal insurance in respect of employees undertaking Council business within their home or in transit.
- 5.5.2 The council could potentially be liable for loss, damage or injury caused by equipment that it has installed in the home, irrespective of who has suffered the loss.

### **5.6 Loss**

- 5.6.1 If an employee or third party suffers any loss or damage to personal property or claim for death or injury resulting from the presence of Council equipment within the employee's home the employee should in the first instance report this matter to their household insurer.
- 5.6.2 In the event of a claim from the household insurer against the council this will be dealt with under the council's public liability insurance policy.
- 5.6.3 The council will not be liable for any loss, injury, or damage, which is not directly connected with the equipment that it has installed.



## **5.7 Accidents At Home**

- 5.7.1 In the event of an accident happening while at home or while travelling to or from home on Council business, employees will be covered by the council's Personal Accident Insurance Scheme as if they were at work, provided that the incident occurred, in the council's view, while they were undertaking work on behalf of the council.
- 5.7.2 In the event of accident or injury at home, it may be difficult to prove negligence on the part of the council because an officer working at home would be primarily responsible for their own working environment. Accidents must be reported immediately. Any absence from work arising from an injury while working is classified as an industrial injury regardless of whether the Council was negligent.

## **5.8 Theft Of or Damage To Council Equipment**

- 5.8.1 As well as informing your manager at the earliest opportunity, all incidents of theft of Council equipment must be reported to the Police and a Crime Reference Number obtained.
- 5.8.2 Where Council equipment is damaged, this must be reported to your manager as soon as practicably possible.
- 5.8.3 The manager will be responsible for providing all necessary information about theft and damage to property to the council's Risk and Insurance Services Section of the Finance Department.

## **5.9 Notifying Mortgage Company or Landlord**

- 5.9.1 Although covered by the council's Employer's Liability Policy employees working at or from home are advised to ensure their home contents policy has public liability cover for at least £1 million (standard clause in most home insurance policies). Employees should provide their manager with evidence of this cover. If no such cover exists, the employee must notify their manager who should seek advice from the Insurance Section.
- 5.9.2 If an insurance company/mortgage provider tries to increase premiums or mortgage payments because of the impact of homeworking the employee should firstly reject the company's proposal. If this is still not satisfactory the local manager will support the employee either through letters to the company or, exceptionally, discussing the potential for financing the increase. In these circumstances, the employee and their manager are advised to bring this matter to the attention of the Human Resources Team.

## **5.10 Unauthorised Use of Council Equipment**

- 5.10.1 Employees must take all reasonable steps to prevent unauthorised use of Council equipment and residents of and all visitors to the home must be supervised for this purpose.

## **5.11 Homeworking and Caring Responsibilities**

- 5.11.1 Homeworking is not meant to be used as an alternative childcare or other care arrangement. If you are intending to work from home you will need to ensure that you make proper care arrangements.
- 5.11.2 If you have young children or other people at home, you will need to consider their safety as well as your own. If they are present during your working hours they must be cared for by a responsible person.

## **5.12 Working Time Regulations**

- 5.12.1 The Working Time Regulations are a health and safety at work measure and include basic entitlements and limitations concerning how time spent at work is organised. These Regulations apply to all workers who have a contract with the council, including those with flexible working agreements. The main points of the regulations for the purpose of this policy are that an employee may work a maximum of 48 hours work per week averaged over 17 weeks.

Employees are entitled to:

- a break of at least 20 minutes where the working day is 6 hours or more
- an 11 hour break in each 24 hour period
- a 24-hour break in each 7-day period or a 48-hour break in each 14-day period.

- 5.12.2 The Working Time Regulations above are legal requirements designed to protect the employee. However, employees need to advise their manager if work time is likely to significantly extend beyond the period agreed in their flexible working agreement, even if the working hours do not breach Working Time Regulations.

## **5.13 Performance Management**

- 5.13.1 Given that Smarter Flexibility will provide challenges in respect of performance management, managerial approaches will need to be adjusted to suit the circumstances brought about by the diverse ways in which service may be provided.

## **5.14 Learning and Development**

- 5.14.1 Learning and Development support will be provided for all employees approved to take up partial or full homeworking arrangements, together with their managers. Any relevant learning and development activities must be undertaken before the employee starts homeworking. This will include health and safety issues, personal

safety and security, looking at the implications of working at home and how best to manage these.

- 5.14.2 Learning and development needs should be agreed between the manager and staff member and added to Personal Development Plans as necessary
- 5.14.3 Employees working at home must have the same access to training and development as their team colleagues. This will be in line with their plans arising out of their appraisal.
- 5.14.4 Smarter Flexibility will demand high levels of personal organisation and management skills, learning and development activity will be arranged around presenting issues. If an employee or manager has particular issues in relation to managing service or staff within the context of Smarter Flexibility, such issues need to be discussed in the normal way as part of the performance management and/or appraisal process, via discussions with line managers

## **5.15 Security**

### **General Security**

- 5.15.1 Failure to comply with the requirements set down for security is a breach of employee's obligations and may be dealt with, at an appropriate level, by use of relevant Council procedures.
- 5.15.2 Council equipment used outside of standard London Borough of Lambeth offices will be detailed on a departmental inventory and will be tagged appropriately. A copy of this inventory will be signed by both the manager and employee and will form part of the flexible working agreement.
- 5.15.3 An employee who removes tagging devices will face disciplinary investigation and, if the case is considered proven, appropriate action.
- 5.15.4 Employees are responsible for the security of their home and any Council property contained within it. The employee must notify the Council immediately and seek advice if events occur which reduce or endanger the security of any Council property contained in their home. Where there is subsequent loss of, or damage to, Council property because of the employee's actions this may lead to investigation under the council's Disciplinary Procedure and/or recovery of appropriate costs.
- 5.15.5 An assessment is required to consider security measures for the purposes of the protection of computer and other equipment, electronic data and manual data held and used in the home office. This will occur as part of the initial Health and Safety self assessment and will continue to take place on a six monthly basis.

## **ICT and Data Security**

- 5.15.6 Lambeth IT security procedures and standard build must be used at all times except where Lambeth-approved facilities are made available for browser-based access to calendar, contacts, e-mail and tasks or other Lambeth systems from any Internet-enabled computer.
- 5.15.7 The council is responsible for ensuring that all data connections into the council's computer network are secure from hacking and from virus attack.
- 5.15.8 Mobile employees and those employees working at home must comply with the Data Protection Act and be compliant with LBL data protection policy and procedures as they would if they were working in a Council office. In order to ensure that the council's confidential data is secure and safe while travelling, working off-site or working at home employees must ensure that:
- all confidential electronic data is protected by a password
  - all confidential paper data is secured in a locked cabinet or case, when not in use
  - confidential waste should be returned to the office for shredding unless a shredder has been provided.
- 5.15.9 Employees and managers must ensure that information and equipment are kept securely in the home. Private and confidential information must be kept securely at all times. Line managers must ensure that all reasonable precautions are taken to maintain confidentiality of material in accordance with Council policy including, where necessary, the provision of secure storage facilities.
- 5.15.10 Homeworkers and Mobile Workers must follow procedures for the back up of data, as instructed by their line manager.

## **Personal Security**

- 5.15.11 Terms for visiting employees at home must be agreed at the start of the flexible working arrangement.
- 5.15.12 The home address of the employee must remain confidential and any post should be addressed to the usual Council address and then re-directed.
- 5.15.13 Council employees must not hold meetings with clients at their home, but should book meeting space at Council premises or other safe and appropriate venue.
- 5.15.14 Managers must put in place arrangements for occasions when personnel fail to respond to communications, do not contact their main office as expected, exceed their estimated time of return or fail to return to their base or home.
- 5.15.15 The physical security of remote workers and employees working outside of "core hours" should be considered in detail by staff member and manager, an issue that

must be considered as part of the initial and ongoing application process as part of flexible working.

### **Security of Council Equipment**

- 5.15.16 Reasonable precautions must be taken when using and when in charge of IT and other Council equipment and any specific guidance issued must be fully complied with.
- 5.15.17 No items should be left unattended generally and specifically in public places.
- 5.15.18 Items should not be left in vehicles, although where this is unavoidable, they should be locked in the boot of the vehicle and not visible.
- 5.15.19 When left unattended in office environments, laptops should be secured to an appropriate immovable structure – a desk would be acceptable - using a suitable locking device, to be provided by the Council, and the key removed from the immediate area.
- 5.15.20 While in the home an employee should ensure that they take all reasonable steps to protect Council equipment by locking doors and windows While not in the home etc.

## **6. CESSATION OF FLEXIBLE WORKING**

- 6.1 Some “Smarter Flexibility” opportunities are voluntary; local arrangements agreed within teams can be subject to change, or individual informal arrangements may need amending or ending, therefore either party can end the flexible working arrangement. The business unit may have decided that flexible working is no longer appropriate, or the employee’s circumstances may have changed. This section sets out arrangements to ensure:
  - a smooth transition from flexible working to standard office based working,
  - that equipment, furniture and records are recovered
  - that no unnecessary costs are incurred (e.g. connections, service agreements and licences are ended or transferred in a timely fashion)
- 6.3 The period of notice required to terminate informal flexible working agreements is 28 days on either side. Flexible working arrangements can be ended by either party and alternative working arrangements agreed. There must be valid operational reasons, from you or your manager, as to why the arrangement needs to be terminated, e.g. personal circumstances, effect on service provision, performance or misconduct.
- 6.4 In certain circumstances such as in operational emergencies, e.g. lack of cover to meet service requirements, the arrangement may be suspended with immediate effect.

- 6.5 Where you've made a **statutory individual request** and it's been agreed this results in a formal change to your terms and conditions which can subsequently only be changed with your agreement. However you can later request to change back to your previous work pattern or request a new arrangement (subject to the statutory time limits).

## **7. REVIEW OF THIS GUIDANCE**

- 7.1 This document is a working document which is being kept under continuous review. The guidance will also be reviewed periodically in line with any reviews of the Smarter Flexibility Policy. If you have any comments or feedback regarding the contents of this guidance document please email them to your relevant HR Advisor.

<b>Appendix 1</b>	<b>Links to Guidance and Documents</b>
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- [Health and Safety Policy](#)
- [Flexible Working E-Learning](#)
- [ICT Policy](#)