

Hybrid Working Policy Framework

Purpose of report

1. To provide background and context to support an opportunity for policy development scrutiny of the Council's approach to developing a Hybrid Working Policy.

Structure of the Papers

2. Attached to this cover report to support Member's preparations for this scrutiny are:

Appendix 1: Cabinet Report titled Hybrid Working Policy Framework.

Appendix 2: Presentation prepared for this Committee titled Hybrid Working Policy Development.

Background

3. The Committee's Terms of Reference include responsibility for scrutiny of all human resource matters, specifically where the Council is developing policy that impacts on its employees.
4. The Corporate Plan 2023-26 commits the Council to supporting a highly skilled and productive workforce with the well-being of staff at its core. One of the steps to achieving this priority is 'to progress the transition to hybrid working, *supporting service delivery and promoting the wellbeing of staff*, by implementing the Hybrid Working HR policy.' The Lead Member for this priority is the Cabinet Member Finance Modernisation and Performance, and the Lead Directorate the Resources Directorate.

5. In March 2023 Cabinet agreed the report attached at **Appendix 1**. It proposes a framework for the Hybrid Working Policy, and delegates detailed development of the policy to the Head of Paid Services, in consultation with the Cabinet Member for Finance, Modernisation and Performance.
6. The Hybrid Working model is part of a co-ordinated *transformation programme* for the Council that links accommodation use, the impact on employees, the use of technology and the impact on customers and residents.
7. This report to scrutiny focusses on the employee aspects of the transformation programme. The Core Office Strategy, currently under-development and programmed for Cabinet and Scrutiny consideration in June 2023, will be key in considering how the Hybrid Model is developed. In addition, a refresh of customer care training is also currently underway.

Issues

8. The Cabinet report explains that since the COVID-19 pandemic the Council has functioned effectively with a substantial proportion of non-frontline staff working from home, with productivity being maintained, management by outcome over 'presenteeism' and the benefit of an improved work/life balance.
9. Hybrid working reduces reliance on buildings and estates and promotes further digital tools to ensure that work can be managed collaboratively from a range of locations. It also offers the benefit of reducing commuter and business journeys. The Council's challenge now is to ensure that the shift is a sustainable one which works best in the interests of the employee and the employer in the long-term.
10. Four generic work styles have been identified against which all roles within the Council will be assessed as follows:

A	Fixed location	Employees who need to be at the same location or desk every day, including frontline workers who commence from a set base.
B	Hybrid	Employees who will have an office base but may work from home or spend time out of the office base, meeting service users. The amount of time out of the office will vary, Hybrid workers could be in the office for one or two days a week, but not necessarily full days. These days should be flexible, depending on work requirements.

C	Home based	Employees who commence and end their work at their home but are mobile throughout the day.
D	Home	Employees who perform 100% of their duties from their home but may be required to attend the office or other work location on a very ad hoc basis e.g., face to face meeting, training or team building activities

11. The Hybrid Working Policy will provide a framework that aims to:
 - provide guidance and good practice to enable employees to work from home or other locations effectively and safely.
 - assist both managers and employees in implementing work styles which are not fixed locations by highlighting areas for consideration and providing practical advice and information.
 - be considered alongside the Council's other corporate strategies and policies, in particular those relating to Human Resources, ICT, Health and Safety and Information Governance.

12. All employee roles will be assigned a category. Contractual terms and conditions and workstyle will be recorded on the HR system. Any arrangement for working style will be by mutual agreement between the service area and the employee but is at the discretion of the manager. It is proposed to develop a process by which employees can request a change of work style between categories.

13. The report lists the responsibilities of managers and employees (**Appendix 1** point 16) and the principles that the policy will address on a number of issues (**Appendix 1**, point 18), also listed in the *Scope of Scrutiny* section below.

14. The legal advice in **Appendix 1** clarifies that the mechanism for policy implementation will require further advice as it will result in contractual changes to employment contracts. It states that any variation to an employee's contract should ideally be by mutual consent and will therefore require employees to be consulted upon, and to agree, any proposed contractual variation because any perceived unilateral variation of contract

constitutes a litigation risk. It also advises full consultation with Trade Unions through the corporately agreed processes.

15. The Cabinet report states that following development there will be a full communication process for employees and managers to ensure that they fully understand the implications of the Hybrid Working Policy, prior to any individual decisions being made.

Previous Scrutiny

16. The Committee was briefed on early development in respect of hybrid working in May 2021. Following a post pandemic staff survey the HR service identified a number of challenges with homeworking. Meetings which require creative thinking can prove more challenging; it can be more difficult to build relationships and for staff to build the networks that enable effective working; continuous Teams meetings should be avoided; home environments must be both safe and appropriate for work; and there is a danger of 'blurring of the lines' between work and home lives.
17. The Committee was advised that the organisation was exploring the possibility of introducing a Hybrid Working Model, and following the scrutiny made two recommendations it would like incorporated as plans were developed, both of which were accepted by Cabinet.

- **That Cabinet proposals factor in an assessment of the employee's individual needs/ choices when allocating the hybrid working category to a role.**

Cabinet responded that the process for assessing and allocating roles would be done in consultation with individual employees, taking into account service delivery requirements, and the individual's needs and preferences. In circumstances where mental and/or physical health, or appropriateness and safety of the home working environment are factors, these issues will be paramount in the consultation process. 'Managers will have the ability to organise for appropriate arrangements to be put in place for those employees who, for a variety of reasons, find home working challenging.'

- **That Cabinet builds flexibility into the hybrid working proposals and includes wording to stress that, in negotiating arrangements with staff members, individual circumstances and preferences will be taken into account.**

Cabinet responded that a programme of trade union and staff engagement on the introduction of a 'hybrid working' model would be launched imminently, to give staff an opportunity to raise any concerns, discuss the opportunities and help shape their new working environment going forward. Work was ongoing on a comprehensive staff questionnaire which would help canvass the views of officers on a range of issues. The Leader stressed that the well-being of staff would be a central consideration as this work was developed.

Home & Agile Working Inquiry Recommendations

18. The Committee's work programme for 2021-22 included an in-depth review of the Council's approach to capturing the benefits of homeworking developed as an emergency response to the pandemic. Published in March 2022 and considered at an early Cabinet meeting of the new Administration held on 14 July 2022, a response to the Committee's work was agreed in January 2023 and considered by this Committee at its meeting on 22 March 2023.
19. Members are reminded that Cabinet accepted 6 of this Committee's 9 recommendations, whilst 3 were partially accepted.
20. *It was accepted that Cabinet:*
 - Communicate with all staff a refreshed set of Council values setting out how hybrid working will be introduced and embedded.
 - Refresh and update the Council's HR policy framework to reflect new working styles, particularly policies affecting such areas as terms and conditions, organisation structure, job roles and responsibilities, PPDRs as well as sickness absence and well-being policies.

- Clearly sets out its expectations on the levels of communication and consultation between managers and their hybrid/office-based and homeworking staff.
- Introduces a framework for the continual sharing of service area hybrid working processes, experiences, and best practice, to benchmark and ensure consistency of culture, management, and staff experience across the Council.
- Explores the experiences of other Councils which have successfully introduced new ways of working well before the pandemic.
- Invests in training to support the successful introduction of a new style of working. Specifically training in Management *skills* – in coaching and mentoring; managing home/hybrid worker performance and identifying and dealing with staff wellbeing needs. *Induction* – enhanced induction for home/hybrid working new starters; and IT *self-sufficiency*.

21. Those recommendations that were partially accepted request that in the medium-longer term, Cabinet:

- Undertakes a full review of the leadership expectations and capabilities of managers at all levels.
- Requires each Directorate to develop and implement an action plan setting out what it expects in terms of people management and preferred leadership styles.
- Requires the Senior Management Team to undertake regular reviews, at least annually, of the quality and consistency of hybrid working, its effectiveness in the delivery of council services and the embedding of the agreed and implemented recommendations in the committee's report.

Scope of the Scrutiny

20. Members are invited to offer ideas as to the content of the Hybrid Working Policy, with a focus on the following broad principles, and to identify additional areas for research when developing the policy.

- Classification of 'home'
- Working outside of the UK
- Availability of the employee and the manager

- Financial considerations, including insurance
- Travel expenses
- Claiming of travel time
- Personal security and wellbeing
- Data Security and Information Management
- Team and performance management
- Management accountabilities

Way Forward

16. Councillor Chris Weaver, Cabinet Member – Finance, Modernisation & Governance, Chris Lee, Corporate Director Resources, and Tracey Thomas, Chief HR officer have been invited to present the policy developments to date.

Legal Implications

17. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

18. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However,

financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

Recommendations

The Committee is recommended to:

- I. Note the presentation to Committee on the Hybrid Working Policy;
- II. Offer its ideas, observations and comments on hybrid working to inform further policy development.
- III. Consider whether the Committee's previous research and recommendations on Homeworking have informed the policy framework developed to date.

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10 May 2023