

HYBRID WORKING POLICY FRAMEWORK

**FINANCE, MODERNISATION & PERFORMANCE
(COUNCILLOR CHRISTOPHER WEAVER)**

AGENDA ITEM: 6

Reason for this Report

1. To seek the approval from Cabinet for the Hybrid Working Policy Framework set out in the report and to delegate the detailed development of the Council's HR Hybrid Working Policy to the Head of Paid Services in consultation with the Cabinet Member for Finance, Modernisation and Performance, based on said framework.

Background

2. The COVID 19 pandemic saw a significant change in the ways of working. It fundamentally changed the perceptions around hybrid working, the approach of organisations and businesses and enabled many workers, who previously were unable to work in an agile and flexible way to have improved work-life balance.
3. During the height of the pandemic the Council was able to demonstrate that it was able to function effectively through fully remote working for many employees. This had a powerful impact and evidenced that staff can be effective and productive working away from the office.
4. In 2021 the Council developed a road map to progress a Hybrid Working model. This included a staff survey, service level change management exercise, focused engagement workshops, the creation of the Hybrid Working Touchdown & Collaboration Hub and the introduction of Smartway2 room and desk booking system.
5. Hybrid working can offer advantages and opportunities, but there is also a challenge for employers to ensure that the shift is a sustainable one which works in the best interests of the employee and the employer in the long-term. However, it is also recognised that for a significant number of employees within the Council, hybrid working is not achievable given the nature of their role. Some employees will continue to be required to work in a designated location, however full consideration should be given to hybrid working across the organisation, so it does not become a benefit perceived only to be available for certain obvious roles.

6. Hybrid working can mean different things to different organisations, but the overriding principles are that it can reduce reliance on buildings and estates and help to further promote a suite of digital tools to ensure that work can be managed collaboratively from a range of locations – whether that be in the office, from home or a remote working hub.
7. One clear benefit of hybrid working with a greater number of people working from home and the use of virtual meetings has been the reduction in commuting and fewer business journeys. However, there are differing views whether energy consumption associated with non-traditional ways of working is reduced or may indeed be increased.

Issues

8. The development of the Hybrid Working model at the Council is focussed on ‘what we do’ that supports the delivery of excellent service, rather than ‘where we do it’. It 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.
9. Future reports setting out the Core Office Strategy will be presented to Cabinet in the coming months. This will be key in considering how the Hybrid Model is developed and employee policy arrangements are finalised. In terms of the customer perspective, a refresh of customer care training is currently underway and whilst hybrid offers flexibility in terms of for example, a work life balance, the overriding aim continues to be the delivery of service improvement. As such, service delivery and service operating models take priority in any hybrid arrangements considered.
10. This report focusses on the employee aspects of this transformation programme, that is, from a workforce policy framework perspective.
11. In May 2021 Cabinet identified four broad categories of work style against which all roles within the Council would be assessed. Further clarity has been given to these four generic work styles that will be assigned to all employees and recorded on our HR system as follows:
 - **Fixed location:** Employees who needs to be at the same location or desk every day, including frontline workers who commence from a set non home base. This could be an office; depot; school; or frontline location.
 - **Hybrid:** Employees who will be office based but may work from home or spend time out of the office, meeting service users or partners. 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
 - **Home-based:** Employees who commence and end their work at their home but are mobile throughout the day.

- **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
12. All staff will be identified with one of these work styles and provided with an update to their contractual terms and conditions and the style will be recorded on our HR system to provide management information to the organisation and for external requests.
13. The aims and objectives of the Hybrid Working Policy is to:
- provide guidance and good practice to enable employees to work from home or other locations effectively and safely.
 - to 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.
14. The policy will provide a framework for non-fixed working styles where this is both feasible and desirable. Any arrangement for working style should be by mutual agreement between the service area and the employee but is at the discretion of the manager. It is critical that any arrangement does not impact detrimentally on the quality and continuity of service provision in all the functions and activities of the Council. The key to success is mutual understanding and trust, leading towards mutual benefit.
15. The values & principles set out in the policy will:
- Link to the values review as part of the Workforce Strategy 2023-2027
 - Balance between the needs of the customer, service and individual
 - Support the effectiveness of hybrid working for a modern employer in helping us recruit and retain diverse and talented people
 - Not compromise service delivery. If employee presence within corporate accommodation is necessary to provide effective service delivery, then they will be required to attend.
 - Identify that we won't have a single, set working pattern for everyone. The hybrid working model needs to flex by team, role and individual.
 - Ensure that no one will be forced to work from home. Staff will always have a choice to come in, if that's what works best for them.
16. There will be responsibilities for both managers and employees set out in the policy and these will include:

For manager's ensuring:

- All staff have any reasonable adjustments in place and any other appropriate assessments e.g., if staff are carers
- appropriate contact details are available for staff
- regular check ins, team communications and 1:1s
- new starters and all staff have appropriate training
- the management of productivity / outcomes remotely
- employees are supported to always ensure confidentiality of service users
- proper procedures and policies are still followed e.g., sickness when too unwell to work or ensure appropriate probationary period support / monitoring for new employees

For employees ensuring:

- they have an appropriate place to work, not just workstation but in terms of confidentiality if working with others in a room
- appropriate contact details are available for managers
- access to a reliable internet connection that means they can sustain working from home for a number of hours or a full working day
- Working time/days/hours – normal working arrangements in place unless otherwise agreed with manager
 - This includes ensuring taking regular breaks
 - Still log and complete hours on flexi system etc
- They have the arrangements in place for Information Governance considerations
- proper procedures and policies are still followed e.g., sickness

17. As part of the development of the policy, due regard will be made to the process by which employees can request a change of work style between categories whether that be individually or as part of a group and the escalation process should agreement between the employee and manager not be reached. There will also be clarity in the policy, linked for example to the restructure process, of the procedure the employer will follow if a work style needs to be changed by the employer for whatever reason.

18. The policy will also set out principles and details regarding, but not limited to, the following:

- 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

19. The Policy will also link to other strategies and policies with regards to:

- Core accommodation
 - Health and Safety
 - ICT
 - Information Governance
20. The development of the policy will include research on best practice including reviewing policies where available across Core Cities and Local Authorities in Wales as well as the private sector where available. There will also be consultation during the policy development with:
- Trade Unions
 - Employee Equality Networks
 - Policy, Review and Performance Scrutiny Committee
 - Manager groups

Reasons for Recommendations

21. To seek the approval from Cabinet for the Hybrid Working Policy Framework set out in this report and to delegate the detailed development of the Council's HR Hybrid Working Policy to the Head of Paid Services in consultation with the Cabinet Member for Finance, Modernisation and Performance, based on the said framework.

Financial Implications

22. In developing the Hybrid Working Policy, consideration will need to be given to the financial costs and opportunities (where applicable) arising and identify the sources of funding prior to implementation where it is identified as a net financial cost.

Legal Implications

23. This report seeks approval to delegate the full development of a Hybrid Working Policy to the Head of Paid Services. Whilst this report and the report presented to Cabinet on 24 February 2022 sets out an overall framework for the Policy, the content of the Policy will require further detailed advice as it develops. In addition, the mechanism for Policy implementation will require further legal advice particularly as it is set out that the implementation will result in contractual changes to employment contracts.
24. 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.
25. In considering this matter, Members must have regard to the Council's public sector equality duties under the Equality Act 2010. Pursuant to these legal duties Councils must, in making decisions, have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. Protected characteristics are: (a) Age, (b) Gender reassignment, (c) Sex, (d) Race – including ethnic or national origin,

colour or nationality, (e) Disability, (f) Pregnancy and maternity, (g) Marriage and civil partnership, (h) Sexual orientation, (i) Religion or belief – including lack of belief.

26. When taking strategic decisions, the Council also has a statutory duty to have due regard to the need to reduce inequalities of outcome resulting from socio-economic disadvantage ('the Socio-Economic Duty' imposed under section 1 of the Equality Act 2010). In considering this, the Council must take into account the statutory guidance issued by the Welsh Ministers (WG42004 A More Equal Wales The Socio-economic Duty Equality Act 2010 (gov.wales) and must be able to demonstrate how it has discharged its duty.
27. The Well-being of Future Generations (Wales) Act 2015 requires the Council to consider how its decisions will contribute towards meeting its well-being objectives (set out in the Corporate Plan). Members must also be satisfied that the Council's decisions comply with the sustainable development principle, which requires that the needs of the present are met without compromising the ability of future generations to meet their own needs.
28. The Council must also be mindful of the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards and consider the impact of its proposals upon the Welsh language.

HR Implications

29. This report recommends the development of a Hybrid Working Policy which will require full consultation with Trade Unions through the corporately agreed processes. Following its development there will be a full communication process for employees and managers to ensure that they fully understand the implications of the Policy prior to any individual decisions being made.
30. An Equality Impact Assessment of the policy will be carried out to ensure there are no adverse impacts on any specific groups.

Property Implications

31. The report does not make specific recommendations relating to property. However adoption of the Hybrid Working model impacts the Council's use and requirement of operational property. This is particularly relevant in core offices, which are under review at present, and the formal implementation of hybrid working will have a significant influence on the size and type of office environment the Council requires going forward. This in turn feeds directly into the Carbon, Financial and Service objectives of the Corporate Property Strategy. Hybrid working is therefore an interdependency on future operational property planning.
32. Suitable environments are critical to deliver hybrid working and any property solutions will need to be planned and operate hand in hand with IT and HR policy and arrangements.

RECOMMENDATION

Cabinet is recommended to:

1. approve the Hybrid Working Policy Framework set out in the report;
2. delegate the detailed development of the Council's HR Hybrid Working Policy to the Head of Paid Services in consultation with the Cabinet Member for Finance, Modernisation and Performance, based on the said framework.

SENIOR RESPONSIBLE OFFICER	Chris Lee Corporate Director Resources and Section 151 Officer
	17 March 2023

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