

A Consultation on the NHSScotland 'Once for Scotland' Workforce Policies

Homeworking Policy

June 2021

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Background and responding to this consultation

Vision

The 'Once for Scotland' Workforce Policies Programme is designed to review and transform existing workforce policies (previously known as Partnership Information Network (PIN) Policies) in line with our vision:

'Once for Scotland Workforce policies will promote NHSScotland as a modern, exemplar employer; showcasing our core values, and promoting consistent employment policy and practice that supports the implementation of the Staff Governance Standard and effective recruitment and retention.'

Principles

The Scottish Workforce and Staff Governance (SWAG) Committee agreed that the following principles would govern the development work and future model:

1. The overriding purpose of future policy review exercises will be to create single, standardised policies that will be used consistently and seamlessly across NHSScotland.
2. Policies will be presented in a refreshed and reinvigorated format on a digital platform in a more user friendly and meaningful way, with staff and managers at the centre, whilst still being accessible to all groups of staff in alternative formats.
3. Policies will be developed and reviewed more quickly and efficiently, with accountability for delivery shared between employers, staffside and professional organisations and the Scottish Government.
4. There will be collective responsibility for each PIN Policy in terms of providing governance and leadership around future policy development or review.
5. Existing national PIN policies set good practice standards that have been negotiated and agreed in partnership and the starting presumption should be that these standards will apply at the core of future Once for Scotland policies.
6. Where a national PIN policy has been recently reviewed and is legally compliant, the expectation is that there should be minimal changes in relation to policy standards and therefore the focus is adopting that version to the Once for Scotland policy style.

7. Policies should be developed with robust engagement and take account of good practice locally and within other employers.
8. A new model for PIN policy review will be developed that improves the timeframe and efficiency of PIN policy review.
9. Once policies are agreed, they will be implemented consistently and fully across NHSScotland.
10. In future policies will be more focused on key standards and information and implemented across NHSScotland. The implementation will be supported by processes and procedures that will be nationally or locally agreed as appropriate.

Homeworking Policy

NHSScotland recognises that the working environment has altered in last 18 months as a result of the coronavirus (COVID-19) pandemic.

The refresh of the Homeworking Policy within the extant Supporting the Work-Life Balance PIN has been prioritised ahead of the other policies in this suite. It will sit alongside the other elements of the Supporting the Work-Life Balance PIN to be refreshed when the 'Once for Scotland' Workforce Policies Programme formally restarts in August 2021.

It is recognised that agile working, as an approach, is becoming more common place. The draft policy for consultation is intended to support employees and managers in considering and agreeing options for flexible work locations. This is not a COVID-19 specific policy. The policy has been refreshed and modernised to reflect the changed working environment. Changes proposed by the employer are covered by the [Staff Governance Standard](#) which require full engagement and involvement with affected staff. The NHS Board's Organisational Change Policy will apply where the employer seeks a change in work locations. This will ensure the protection of terms and conditions and no detriment to the employee.

Engagement Model

The emphasis is on moving to more dynamic and interactive engagement within a quicker process and with more direct feedback. The 4 week consultation period will run from 28 June to 26 July 2021 inclusive with necessary flexibility to ensure maximum feedback. The consultation follows the regional engagement events pre-policy (January 2020) and mid-policy development (March 2020). The approach, agreed by the Scottish Workforce and Staff Governance (SWAG) Committee, minimises the need for the traditional 2-3 month formal consultation process. The consultation reflects this new model of engagement, and recognises that the extant PIN policies have already been agreed in partnership.

What is included within the consultation?

The consultation focuses on the Homeworking Policy. This includes the following sections:

- Aim
- Scope (Who it applies to and What can be raised under the policy)
- Definitions
- Roles and responsibilities (specific to the policy and in addition to standard roles and responsibilities)
- Procedure

The policy references supporting documents, each with a descriptor on what this entails, for your consideration.

Please note: supporting documents are not part of the consultation. These will be drafted following the consultation when responses have been analysed and the policy is developed in a final draft.

Standard sections that apply to all policies, for example, Principles and Values, Employee Support, Roles and Responsibilities are available on the [NHSScotland Workforce Policies](#) website.

The questions set out in the consultation seek to understand if the refreshed policy reflects our vision for NHSScotland workforce policies to be user-friendly and supportive, and updated to reflect changed working practices. The consultation also includes an equalities section to gather views on the potential impacts of this policy on protected characteristics equalities groups.

Responding to this Consultation

We are inviting responses to this consultation by Monday 26 July 2021.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at <https://consult.gov.scot/health-workforce/nhs-homeworking-policy>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of Monday 26 July 2021.

If you are unable to respond using our consultation hub, please complete and return the Respondent Information Form to:

'Once for Scotland' Workforce Policies Programme
Scottish Government
GR, Workforce Practice Unit, Health Workforce Directorate
St Andrew's House
Regent Road
Edinburgh EH1 3DG

Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy:
<https://www.gov.scot/privacy/>

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses may be published where we have been given permission to do so.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at Lynn.Hunter@gov.scot

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. This will enable us to finalise the NHSScotland Workforce Policies for Scottish Workforce & Staff Governance (SWAG) Committee approval and Cabinet Secretary agreement.

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

Flexible Work Location Policy

1. Flexible Work Location Policy

1.1. Aim

1.1.1. To provide a framework to support organisations and employees to consider and agree options for flexible work locations.

1.2. Scope

1.2.1. This policy applies to all employees. It also applies to bank and sessional workers.

1.2.2. If the arrangement is about a change to working hours or patterns, please refer to your Board's local flexible working policy. It will be updated on publication of the NHSScotland flexible working policies, as part of the refresh of the 'Supporting the Work Life Balance' PIN policy.

1.2.3. This policy is compliant with current legislation and will meet the aims of the [Public Sector Equality Duty](#) of the [Equality Act 2010](#).

1.3. Definitions

1.3.1. **Agile working** is the approach. The aim of agile working is about finding the most appropriate and effective way of working by bringing together:

- people
- processes
- connectivity
- technology
- time
- place

1.3.2. There are a number of roles which may be suitable for agile working. There will need to be initial consideration of some or all elements of a role can be performed in an agile way.

1.3.3. There are 3 categories of work location:

1.3.4. **Fixed** – where roles and duties have to be undertaken at one or more specified locations and not at home.

1.3.5. **Home** – where roles and duties are undertaken at home. The employee may also be required to attend specified locations, for example, for training.

1.3.6. **Hybrid** – where roles and duties have a combination of home and specified locations.

1.4. Roles and responsibilities

There is a range of standard expectations which underpin all policies. Read more about standard [roles and responsibilities](#). In addition, the following specific responsibilities apply to this policy.

1.4.1. Employer

The employer should:

- provide equipment and technology to allow employees to carry out their work
- provide support to set up any new equipment or technology

1.4.1.1. For both the manager and employee, roles and responsibilities are largely based on the working from home element of this policy and what needs to be in place.

1.4.2. Manager

The manager should:

- assess roles and duties to establish suitability for agile working in response to organisational need or request from employee
- agree and maintain regular communication to offer the employee support and guidance
- make arrangements for effective team working
- make arrangements for equipment, information storage and security
- make sure workplace and risk assessments are completed and acted upon to help ensure a safe working environment
- review working arrangements at least annually with the employee
- seek confirmation that domestic arrangements such as caring arrangements are in place throughout the hours of work

1.4.3. Employee

The employee should:

- make sure infrastructure is adequate to support efficient working, for example, internet connectivity
- attend workplaces with reasonable notice as necessary, for example, to attend meetings and training
- be available during the agreed period of work
- undertake the necessary workplace assessments
- keep all work equipment provided by the organisation in good condition and report any damage or malfunction to the line manager
- not allow work equipment to be used by other household members
- take necessary steps to make sure that confidentiality is maintained at all times
- maintain contact with their manager
- inform the tax office of their working from home arrangements if claiming tax relief
- inform home insurer that working from home is being undertaken
- make sure domestic arrangements such as caring arrangements are in place throughout the hours of work

1.5. Procedure

1.5.1. Home or hybrid working arrangements can be temporary, long-term or permanent. They offer flexibility about where, or how a role is carried out.

1.5.2. These working arrangements must balance the needs of the individual and their role with the following organisational factors:

- patient or service user experience
- staff experience
- service delivery and service capacity

1.5.3. Eligibility

1.5.4. The scope outlines who can apply as well as situations in which home or hybrid working arrangements may be suitable. When considering eligibility, please refer to:

- Manager guide (guide to help managers use and understand the Flexible Work Location Policy. This will include the areas that must be considered by all parties as part of a flexible work location review or as part of a request)

- Employee guide (guide to help employees use and understand the Flexible Work Location Policy. This will include the areas that must be considered by all parties as part of a flexible work location review or as part of a request)

1.5.5. **How to apply**

1.5.6. The procedure for home or hybrid working arrangements is outlined in the Flexible Work Location Policy flowchart (visual and text alternative flowcharts outlining the key steps in the Flexible Work Location Policy).

1.5.7. **Request by employee**

1.5.8. Employees who request home or hybrid working arrangements should have a discussion with their manager in the first instance.

1.5.9. Discussions should consider the needs of the service and the health, safety and wellbeing of the employee. The issues that must be considered by both parties are outlined in the:

- Manager guide (guide to help managers use and understand the Flexible Work Location Policy. This will include the areas that must be considered by all parties as part of a flexible work location review or as part of a request)
- Employee guide (guide to help employees use and understand the Flexible Work Location Policy. This will include the areas that must be considered by all parties as part of a flexible work location review or as part of a request)

1.5.10. The discussions should also consider what parts of the job can be done at home and what, if any, parts of the job must be done on work premises.

1.5.11. The employee should complete:

- flexible work location request form (form to request a move to home or hybrid working arrangements)
- health and safety self-assessment (self-assessment form to identify and assess risks to home or hybrid working arrangements)

1.5.12. These will be sent to and discussed with their manager to ensure that relevant health, safety and wellbeing issues are considered.

1.5.13. Having received the documents, the manager must acknowledge them within 7 calendar days and arrange a meeting to discuss them within 28

calendar days. If necessary, this time period can be extended by agreement of all parties.

1.5.14. When the manager and employee agree to a change under this policy, both parties should sign a flexible work location agreement (template for written agreement for flexible work location to be agreed and signed by both parties).

1.5.15. If the agreed change results in a change of work location then the written agreement should confirm the employees designated base. For contractual purposes this will be the location where the majority of the working time is spent.

1.5.16. The arrangements should be reviewed at least once a year, including the health and safety self-assessment (self-assessment form to identify and assess risks to home or hybrid working arrangements) or when circumstances or requirements change for the employee or manager. For medical and dental staff, this could form part of the job planning process. For all other employees, this could form part of the appraisal process.

1.5.17. Refusal of the request

1.5.18. An employee's request for home or hybrid working should be supported where possible. A manager should only refuse a request for valid service or organisational reasons, where one or more of the following apply:

- adverse impact on service delivery and quality
- adverse impact on work colleagues
- outcome of the health and safety self-assessment (self-assessment form to identify and assess risks to home or hybrid working arrangements)

1.5.19. If the request is refused, the decision including reasons for that should be confirmed in writing within 7 calendar days.

1.5.20. Appeal process

1.5.21. The employee will have a right to appeal within 14 calendar days against the decision to refuse the request. When exercising this right, the employee must identify the reason for their appeal.

1.5.22. The appeal panel Chair, in accordance with the [scheme of delegation](#), will be responsible for identifying membership of the appeal hearing panel.

1.5.23. The Chair will also be responsible for ensuring that all parties are advised in writing of the arrangements, no later than 14 calendar days prior to the hearing.

1.5.24. **Outcome**

1.5.25. Following the hearing, the Chair will write with the outcome of the appeal hearing to the employee. This should include the rationale behind any decision taken in response to the employee's grounds for appeal. The letter will be issued within 7 calendar days following the appeal hearing.

1.5.26. **Request by employer**

1.5.27. Where a manager or organisation would like employees to change their work location, they should have a conversation with these employees in the first instance.

1.5.28. Proposed changes like this are covered by the [Staff Governance Standard](#) which require full engagement and involvement with affected staff.

1.5.29. The Board's Organisational Change Policy gives more information on the process to be followed. The local policy also ensures protection of terms and conditions and no detriment to the employee.

1.6. Supporting documentation

1.6.1. It is proposed that the supporting documents listed below will be developed to support the policy. Supporting documents are not part of the consultation. These will be drafted following the consultation when responses have been analysed and the policy is developed in a final draft.

- **Employee guide**
Descriptor: guide to help employees use and understand the Flexible Work Location Policy. This will include the areas that must be considered by all parties as part of a flexible work location review or as part of a request
- **Manager guide**
Descriptor: guide to help managers use and understand the Flexible Work Location Policy. This will include the areas that must be considered by all parties as part of a flexible work location review or as part of a request
- **Flexible work location policy flowchart**
Descriptor: visual and text alternative flowcharts outlining the key steps in the Flexible Work Location Policy
- **Flexible work location request form**
Descriptor: form to request a move to home or hybrid working arrangements
- **Health and Safety self-assessment**
Descriptor: self-assessment form to identify and assess risks to home or hybrid working arrangements
- **Flexible work location agreement**
Descriptor: template for written agreement for flexible work location to be agreed and signed by both parties
- **Examples of flexible work location personas**
Descriptor: real life examples of roles and duties which may be suitable for flexible work locations

Consultation questions

We are inviting responses to this consultation using the Scottish Government's consultation hub. The following questions are set.

In your response, all questions have the option to answer yes or no. You are invited to provide further comment in a free text box for questions 1-6 and question 10. If you wish to make specific reference to a section of the policy, please quote the relevant numbered line in this consultation document.

1. Do you feel there are any gaps in the policy?
2. Do you feel there are any gaps in the proposed list of supporting documents?
3. Do you feel that the policy has been updated to reflect changed working practices?
4. Do you feel that the title "Flexible Work Location Policy" reflects changed working practices?
5. Is an annual review that will be linked to the Health and Safety self-assessment required?
6. Do you have any other comments to make on the policy?
7. Have you used the [NHSScotland workforce policies](#) website?
8. Does the language of the policy reflect our vision for policies to be user-friendly and supportive reflecting NHSScotland core values?
9. Does the format of the policy, together with the proposed supporting documents and website links, assist in ease of use?
10. Do you have any views on the potential impacts of this policy on equalities groups?

It is against the law to discriminate against someone because of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. These are protected characteristics under the Equality Act, 2010.



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RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:
<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

- Publish response with name
- Publish response only (without name)
- Do not publish response

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
- No



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