

CORPORATE NEWS

Hybrid working update

The terms and conditions of employment that applied to Scottish Government staff before the Covid pandemic remain fit for purpose now we are a hybrid-working organisation, a review has concluded.

The Executive Team confirmed in April 2023 that it had reached a two-year settled position on hybrid working. Updated guidance was published at that time setting out the expectations of staff and managers, and HR colleagues began a review of existing employment terms and conditions in partnership with the Council of Scottish Government Unions.

Now complete, the review has concluded that our terms and conditions remain fit for purpose. The guidance on hybrid working terms and conditions now includes examples which make it clearer how contractual location, travel and subsistence and excess fares apply. Budget holders are reminded to apply their judgment and to ensure that only truly essential spend proceeds whilst current spending controls remain in place.

All staff in core Scottish Government are asked to read and follow the hybrid working guidance. As arrangements may vary in executive agencies, non-ministerial offices and non-departmental public bodies, staff in these organisations should follow local guidance.

Focus on learning and assurance

As we approach the halfway point of the current hybrid working policy, the Executive Team has asked directors and deputy directors to role-model and share examples of good practice, and ensure the guidance is understood and being followed.

Colleagues should continue to combine working from home with a presence in a workplace (and for some roles, with stakeholders and in communities) each week.

The Executive Team will next review our approach to hybrid working by April 2025.

DG Corporate, Lesley Fraser, said:

“We have been a hybrid working organisation for several years now, and the Permanent Secretary has made clear that it is here to stay.

“We recognise that hybrid working can increase work satisfaction and productivity and help us to attract and retain talent. But we also know that hybrid working can have negative impacts on collaboration, connection and innovation – and that there can be both positive and negative impacts on wellbeing.

“Finding a balance between working from home and a regular presence in a workplace will mean we can optimise the positive and reduce the negative impacts and continue to offer flexibility for the long term, and we know this is a priority for our emerging diversity and inclusion strategy.

Finding a balance

“The Executive Team sees hybrid working as a huge opportunity to enhance the quality of our work and nurture our long-term organisational health and development. As we approach the mid-point of our current policy, we have agreed to increase our collective efforts to strengthen connection across SG.

“That means agreeing a hybrid mix that works well for your team, ensures business needs are met and balances the flexibility and convenience of home working with the sense of belonging and community that comes from colleagues coming together, in-person, each week.

“This is not a change – it has been our position for almost a year and will remain so until we review the policy by April 2025.

“This applies to the vast majority of our staff. There is of course a small number of colleagues for whom working from home is not an option.

Role of managers and leaders

“Managers and leaders are key to making hybrid working a success. That is why I have asked all directors to regularly review hybrid working through the year ahead and share good practice and learning. Line managers should be supported to have open conversations with colleagues who have not yet built time in the workplace and with stakeholders into their weekly patterns.

“Any individual adjustments - to support those with health conditions or commitments that are impacted by expected hybrid patterns - should be agreed through the employee passport process to support a fair and

consistent approach. Colleagues are asked to review these with their manager every six months.

Improving workspaces

“Our work continues on an estate strategy that will see us make the best use of our buildings to support both independent and collaborative working. We are already consolidating and improving our main buildings in Glasgow and Edinburgh and will continue to adapt our estate to get us to the point where we have the right amount of space, set up and equipped to suit our modern flexible ways of working.

"While we know that this will take time and change can be hard, we are already seeing good examples of colleagues using our workspaces to collaborate and innovate together.

“We’ll continue to listen to your feedback and will update you on progress and examples of good hybrid working, and the improvements we are making to support it across our estate in the months ahead. We will also continue to monitor how our buildings are being used.

“This data, along with the results of the People Survey, our engagement with staff networks, the insight we gather through internal communications and at staff events, and through our partnership work with the trade unions, will provide evidence to inform our review of the current policy next year.

“In the meantime, thank you for your part in helping to get the very best from hybrid working in the Scottish Government.”

GUIDE

Hybrid working - terms and conditions

Contractual place of work

These pages set out the terms and conditions that apply to hybrid working.

All colleagues have a contractual location which is usually the location stated in your contract of employment and is listed on eHR. If you have moved roles internally and changed location, this should be confirmed on appointment and updated on eHR as part of the internal recruitment process. It is a legal requirement for all colleagues to have a stated contractual location.

We won't issue contracts that have a colleague's home as their contractual place of work, and working from home will be on a voluntary basis as part of a hybrid working arrangement.

There may be circumstances where it's appropriate for a homeworking arrangement to be put in place as part of an adjustment under equality legislation. In the majority of these cases, adjustments are agreed between the colleague and their manager and recorded on the employee passport. Where requirements are more complex, managers should seek advice from their HR People Advice Manager.

Working at a different location from your contractual place of work

For roles suited to hybrid working, you won't be prevented from agreeing informally with your manager to work from another Scottish Government location outwith your contractual location. This will be subject to ensuring suitable hot desk availability and booking as per building guidance. Not all buildings are able to provide hot desks and facilities such as meeting rooms and catering may not be available. You can check which buildings have hot desk and touchdown facilities.

Your contractual location will remain unchanged and, if your manager agrees, you may choose to hot desk on a regular basis from another Scottish Government location more convenient to you. This will be an informal arrangement between you and your manager. You will still need to attend your contractual work location when required and won't be able to claim expenses to attend that location.

Changes to contractual place of work

Every directorate is allocated a location or locations within the Scottish Government estate. The locations available to teams from these allocations (for example, where there is more than one location), are determined by the director, based on work requirements.

If you think your work location on eHR is incorrect, you must get confirmation from your director on the agreed correct location. If the location is outwith your directorate's allocated locations, your director also needs to get agreement from the Workplace Division.

Travel and subsistence expense claims must start from the contractual location (unless your home is nearer to the place visited than your contractual location).

Contractual locations cannot be changed to suit personal preference nor to claim what HMRC would view as commuting costs.

Where a director wishes to add an additional location base for their directorate, they must first consult with the Workplace Division to confirm availability and agree any building induction requirements. Any change will be subject to consideration by the accommodation review group.

For any of the location changes stated on this page, directors must ensure when making any changes they are satisfied these conform to the travel and subsistence rules and guidance. They should also meet HMRC rules regarding taxation on 'benefits in kind' and 'dual workplace' related to travel for work purposes.

Workplace attendance

The Executive Team is clear that all colleagues can and should have opportunities for fulfilling and rewarding careers within the Scottish Government. The flexibility our hybrid working policy offers can reduce the need to attend your contractual location. This is due to offering the options of hot desking from a Scottish Government building closer to home and some home working, subject to agreement with your manager.

While every effort will be made to accommodate your personal choice, it must always be weighed against business and operational needs. The Executive Team expects colleagues who have a hybrid work style to combine working from home with a presence in a workplace (and for some roles, with stakeholders and in communities) each week. This expectation means you may have to come into a workplace to do certain tasks, functions or take part in certain events.

Examples might include:

- your role is in a specific location working with specific equipment (for example, working within a security control room, on a ship, or because you need confidential printing)
- you work closely with ministers on a day-to-day basis (for example in the same office) - having formal meetings and informal discussions between meetings is easier and more effective if you're together for at least some of the week
- your colleagues are planning to get together for a group session, white board exercise, or just to check in - this may be ad hoc or you have agreed regular get togethers in person around once a week or month are beneficial for colleagues
- you're working closely with a colleague on a task where you agree working face-to-face would be easier
- training sessions or group events where, because of the nature of the course or subject, having one or some of the team in a room and some online would reduce the quality of the experience for everyone
- you're inducting a new colleague or you're learning something new or helping someone learn - in this case, being beside someone and enabling them to ask questions throughout the day would be beneficial
- you're about to start working with a new process or technology that has just launched - there will be collective learning where face-to-face conversations throughout the day may be helpful
- you're meeting with external parties that aren't set up effectively for online working

- you've been asked to work on-site to provide support to other less experienced colleagues who are working on-site
- you're interviewing job applicants
- a large all staff event is happening that involves presentations, break-out sessions and networking opportunities
- where people work on issues with a **security classification above OFFICIAL-SENSITIVE**, as you may need to work on material or have conversations above that level in an appropriately secure location
- you attend a building in person to collect your kit (laptop, homeworking equipment and security pass) – this includes colleagues who are new to the organisation
- where you need to replace a laptop, phone or other kit
- where you need to print out documents (work documents should not be printed using personal printers)

Remote working

In a role with a hybrid work style, you can work from home remotely. If you plan to do this, you should read the [guidance about working from home](#). You can work remotely on the understanding you're still able to attend your contractual work location in line with the hybrid working arrangement agreed with your manager.

Capacity to attend a specified Scottish Government work location will remain a contractual requirement. Our expectation, therefore, is you'll be able to attend your Scottish Government work location as and when needed. This aligns with the Executive Team's and ministers' expectations that colleagues combine working from home with presence in a workplace (or for some roles, with stakeholders and in communities) each week.

This means you can choose to live some distance from your contractual work location, but in doing so you accept travel to and from home will be in your own time and at your own expense. Commuting costs can't be paid for by the Scottish Government.

Working abroad

We're unable to support remote working abroad, unless there's a genuine requirement to do so in the role. Specific examples of a genuine role requirement would be official business travel overseas to attend conferences, meetings and networking opportunities. It could also be required if the role is attached to working from one of our overseas Scottish Government offices.

These conditions are in line with the position agreed across the UK Civil Service. The position reflects significant issues of compliance related to employing individuals resident in another country. This includes immigration or the right to work in that country, security, taxation, pensions, social security and employment law.

If you live overseas and successfully apply for a Scottish Government position, you must become resident in Scotland, or be within commuting distance of your contractual work location.

Short-term requests to work abroad

Very short-term requests to work abroad may be possible. An international travel request form must be completed and approved, all compliance measures must be met and there can't be any cost to the public purse. The maximum period that can be supported in these circumstances is four weeks in a rolling twelve-month period. Further information is available in the international travel guidance.

Security considerations when working remotely

It's important to make sure when working from any location that conversations can't be overheard and screens can't be read by others. You should also never leave mobile phones and laptops unattended.

Expenses and hybrid working

Home working under a hybrid model is voluntary so you won't be eligible for any specific allowances. However, business expenses like phone calls may be reimbursed. There won't be a home working allowance to cover costs such as home insurance, broadband, heating or lighting.

The base location set out in your contract (for example St Andrew's House, Saughton House, Atlantic Quay) is seen as your ordinary commute. This is regardless of how frequently that journey is made. You can only claim travel and subsistence expenses for journeys to another location that are in excess of that commute. Business areas are allocated to a building and contractual work locations reflect that. You can't amend these to another building to suit your personal preference. However, you may be able to hot desk from another suitable Scottish Government building on an informal basis, subject to agreement with your manager and following local building procedures.

Working at a different location from your contractual location

You cannot claim expenses where you choose to work from a different location on a regular basis rather than your contractual permanent location. This is even if you have an informal or local agreement with your manager to work from another building. For example, you may have an informal agreement with your manager to work from Atlantic Quay in Glasgow, as it is closer to your home, but your contractual permanent workplace is St Andrew's House in Edinburgh. You cannot then claim expenses for travel to St Andrew's House, as this is your contractual permanent workplace.

HMRC rules are clear that you as an employee are responsible for any ordinary commuting costs and these cannot be reimbursed by the Scottish Government. The Civil Service Management Code also states departments and agencies must not reimburse the costs of home to office travel except in limited circumstances (for example, where you may have been asked to work late outside of normal working hours).

Dual workplace (having two contractual workplaces) and expenses

Expenses claimed for travel on official business are exempt for tax purposes. Where an employee attends a contractual workplace regularly, this workplace is not classed as travel on official business and so expenses cannot be claimed.

Where an employee attends two workplaces (a dual workplace) on a regular basis, expenses for travel to the second workplace are not exempt for tax purposes and so can't be claimed through iExpenses. They can however be claimed via payroll. Attendance is deemed to be regular when it is:

1. Frequent (fortnightly or even less frequent travel is capable of being classed as 'frequent' by HMRC).
2. Follows a pattern.
3. Is for all or almost all of the period of employment.

Dual workplace example

A colleague has a contractual location of Dundee which they attend twice a week. They attend Saughton House twice per month to meet their team who are based there and carry out normal duties while there. For the remainder of their time, they work from home. The Saughton House location is also deemed a contractual location by HMRC and so the employee has a 'dual workplace'. If they claim travel and subsistence expenses for the journey to Edinburgh, this is liable for tax and National Insurance as it is classed as 'ordinary commuting' and so must be processed via payroll. To claim this or if you're unsure if you have a dual workplace, raise a query with the travel and subsistence team via HR Online.