

General

Introduction

1.1 Recruiting and retaining a diverse workforce with appropriate skills is fundamental to the ability of the NHS to support the evolving healthcare needs of the population. In this context it is essential that the NHS adopts and promotes flexible working arrangements that help employees in a manner which best suits their personal needs and preferences. In this context it is essential that the NHS adopts and promotes flexible working arrangements that help employees to support;

- the re-organisation of work (service delivery change) by employing organisations,
- the employer requires the employee to work from home; or
- the employee requests to work from home.

1.2 By providing working arrangements which are adaptable and flexible both to employees and employers we will ensure that the NHS continues to have the workforce it needs to deliver excellent patient care now and in the future.

1.3 The following national principles have been established to support employing organisations develop, monitor and review their local policies in partnership with their trade unions.

1.4 Definitions:

Contractual Homeworker: an individual who performs the majority duties from their home. They may travel to a work base or attend events on an ad-hoc basis. Their home is classed as their contractual base.

Agile/Hybrid worker: an individual who performs their duties across more than one location which may include their home address. They may be required to attend events or travel to other bases on an ad hoc basis. Their designated contractual base will be at one of the employer's sites.

NB for the purposes of this framework the terms agile/hybrid are interchangeable.

Scope

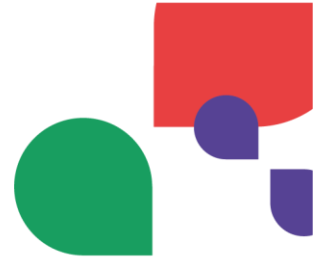
1.5 Local homeworking policies should signpost and link to flexible working and reasonable adjustment policies and procedures and vice versa so that employees are clear about how they can make and get support with requests.

1.6 Requests for homeworking may be combined with requests for other forms of flexibility for example on working hours or may be stand-alone.

1.7 Homeworking may also be agreed as a reasonable adjustment for a disabled worker, as part of a wider consideration of how to reduce barriers experienced in the workplace.

1.8 Homeworking may be an organisational requirement for all or part of a role.

1.9 This framework agreement is not intended to apply to any home-working arrangements outside the United Kingdom.



Principles

1.10 The following principles should apply whether homeworking is being considered as a s.33 flexible working request initiated by an employee; as a reasonable adjustment; or as a new or changed employment model initiated by the employer. It is recognised that not all roles will be suitable for homeworking. It is also recognised that not all employees will either want, or be able to, work from home.

1.11 Local homeworking policies should be developed or updated in line with the provisions in this section through a process of consultation with staff and agreement with trade unions through local partnerships.

1.12 All policies, procedures, behaviour standards and organisational values should apply equally to all employees regardless of their homeworking status.

1.13 Employees who work all or some of their time at home should all be treated fairly and equitably; and supported to work safely and effectively in their teams. Employees in posts which are deemed not suitable for homeworking should also be treated fairly and equitably and should be encouraged to discuss and consider other forms of flexible working that may meet their needs.

1.14 Local partnerships should design their policies to maximise the potential benefits and address any potential challenges of homeworking.

Potential benefits include:

- Improved work/life balance
- Increased productivity
- Reduced travel – cost and environmental benefits
- Ability to recruit from a wider geographical pool.

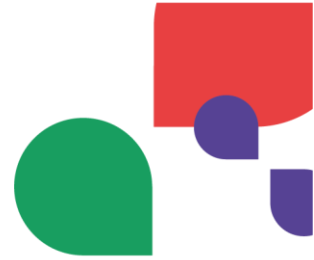
Potential challenges include:

- Mental health and isolation impacts
- Impact to physical health
- Work intensification
- Loss of team networking and peer support
- Health and safety risks
- Impact on career Implications due to lack of 'visibility'.

1.15 Policies should encompass provisions for a range of homeworking situations, including:

- Occasional or temporary ad hoc homeworking – agreed informally as and when with the line manager.
- Agile/Hybrid working where part of the contractual hours are undertaken at home.
- Contractual homeworking where the work base is home.

1.16 Policies should be communicated to all employees and reference to the option of homeworking should be included in recruitment and selection material where relevant.



1.17 Local homeworking policies should set out clear, consistent and objective criteria for considering whether and how a role could be successfully carried out at home and in what proportion.

1.18 Employers and local unions should work together to agree procedures for assessing existing and new posts against the criteria to ensure consistency and fairness in decision-making.

Procedure

1.19 All NHS employees covered by this section/annex and who are employed by an organisation listed in [Annex 1](#) have the contractual right to request flexible working as set out in s 33 of the Handbook.

1.20 Such requests may include requests to work from home for all or some of the employee's contractual hours and should be considered in line with the processes set out in s33 of the Terms and Conditions and in the organisation's flexible working policy.

1.21 Employers seeking to change the designated work base of posts or create new posts which are designated homeworking or agile/hybrid working should follow their usual management of change processes including consultation with recognised trade unions. In some cases, a change of work base will be a potential redundancy situation requiring relevant consultation processes and efforts to find suitable alternative employment.

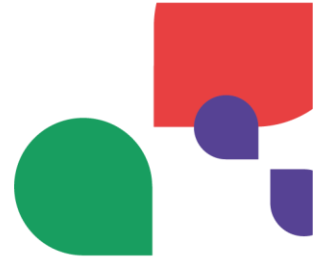
Contractual considerations

Work base

1.22 All employees, regardless of work pattern, should have a designated contractual work base either home, or an office/site.

1.23 The designated contractual work base may have different implications for travel costs, HCAS, subsistence and on tax arrangements that will need to be clear. Employees designated as 'contractual homeworkers' will require the fact that their home is their work base to be clearly reflected in their contract. For existing employees this will require a process of contractual change whether that comes about as a result of an individual request or because an employer moves to designating certain posts as contractual homeworking.

1.24 Employees designated as 'agile/hybrid workers' will in most instances retain the employer site as the designated work base with terms and conditions reflecting this. Formal contractual variation may not therefore be required except in instances where both parties agree that the hours to be worked at home should be captured as a contractual term.



1.25 Local policies for homeworking should set out clear principles and processes for agreeing and processing contractual variation/change. These should be in line with wider policies and procedures, including:

- Processes to create new posts or redesignate existing posts as ‘homeworking’ need to follow normal joint consultative and partnership provisions.
- Employees should have access to advice and support via their Trade Union representatives and via HR Departments.

1.26 For any process that is likely to involve a change to the employee’s work base the employee should be provided with adequate and clear information on how this will affect their terms and conditions – see sections below.

1.27 Regardless of homeworking status, all employees should have a clear understanding, set out at the commencement of contractual homeworking or agile/hybrid working, about when and under what circumstances they can be required to attend sites or locations other than their work base to meet operational needs.

1.28 The principle of reasonable notice should be applied, and employees should have the opportunity to raise and discuss any concerns or difficulties they may have around attending.

Hours

1.29 For agile/hybrid arrangements, policies should encourage consideration of options for:

- Hours/days when work will be undertaken from home to be agreed flexibly and informally between employees and managers.
- More formalised arrangements where employees can request to have fixed homeworking days /hours agreed which can only be varied on request with notice by the employer.
- Rostered shift patterns which clearly identify homeworking and site working shifts in advance.

1.30 Where the employer *requires* part of the contracted hours to be fulfilled from home, the details of this should be clearly specified.

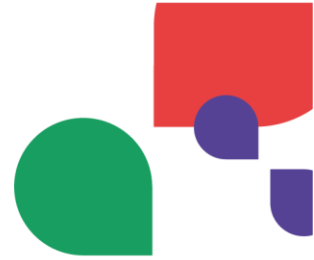
Terms and conditions implications

HCAS

1.31 The contractually designated work base will determine eligibility for HCAS in line with Annexes 8-9 of the national terms and conditions. Where the employee is a contractual homeworker allocation to HCAS zones will be based on the postcode of the home address.

Reimbursement of travel costs

1.32 Section 17.15 of the terms and conditions sets out that mileage will be reimbursed for miles “in excess of the home to agreed work base return journey”. For employees who are designated as ‘contractual homeworkers’ this means any required business mileage from home to another location will be reimbursed as the home and the work base are one and the same (so Table 8 does not apply).



1.33 Section 18.11-13 make provision for meal allowances where employees are absent from home and more than 5 miles from their base. Where the base is the home, this may apply in cases where the employee is required to attend the employer's site or other sites (unless free meals are provided, or the employee does not have to spend more money than they would have at home).

Unsocial hours

1.34 Section 2.1 provides that "where staff are required to work to cover services in the evening, at night, over weekends and on general public holidays, the NHS Staff Council has agreed that they should receive unsocial hours (USH) payments."

1.35 This provision applies to employees working from home where their work is *required* to be done during hours which attract unsocial hours payments.

Support for homeworking costs

1.36 Local policies should set out what support will be made available in respect of -

- Set-up costs for enabling work to be done from home.
- Ongoing expenses associated with working from home.

1.37 Support for set-up costs and responsibilities may differ depending on the type of homeworking (e.g. contractual homeworking or agile/hybrid and employer led, or employee led request) and taking into account specific needs, for example reasonable adjustments.

1.38 Provisions for ongoing financial support with the costs of homeworking should take account of whether employees have the option to work from an employer site.

1.39 Where payment of homeworking allowances is factored into local policies to support the employee with set-up costs and on-going expenses, the local policy should clarify:

- Eligibility criteria
- Amount payable
- Mechanism for review and any criteria for uprating

1.40 Where a homeworking allowance is provided this should be set at least at the tax-exempt level the HMRC permits employers to pay without any justification requirements.

1.41 Employers should ensure they provide all equipment, expenses and allowances in the most tax-efficient way possible, supporting employees to understand and benefit from all relevant tax relief.

IT and technical support

1.42 Employers will need to consider IT requirements and support to include in policies. It is important to outline what will be provided by employers and what the employee is expected to provide themselves. This may include:

- Considering IT equipment needs and what will be provided e.g. laptop and mobile phone and any additional equipment as identified in the DSE assessment;

- Clearly outlining employee requirements to ensure they have required reliable broadband access at home;
- Ensuring remote workers have access to adequate guidance and advice to support workspace risk assessments;
- Ensuring remote workers have and are aware of access to IT support, and are, signposted to other relevant local policies related to IT support.

Business continuity arrangements and critical events

1.43 Employers will need to ensure that relevant and suitable measures are put in place and clearly communicated to staff, to factor in any planned or unplanned business critical events and any requirements to temporarily change working arrangements/location in these circumstances should be clearly outlined in local policies. This will include circumstances where the planned or unplanned event occurs only at the employee's home and interrupts the employee's ability to carry out their duties at home e.g. internet outage.

Health, safety and wellbeing

1.44 Employers will need to consider the health and safety implications of homeworking. This includes:

- Regular assessments of the risks of the physical work environment and interaction with any lone-working issues.
- Consideration of safety and suitability of display screen equipment and workstation set up.
- Assessment of the risks to mental health from work related stress including Isolation and workload.
- Reporting and monitoring arrangements.
- Supervision and support mechanisms.
- Consultation with staff and health and safety representatives on arrangements to support the health, safety and wellbeing of home/agile/hybrid workers.

Governance, confidentiality, data protection

1.45 All employees must comply with The General Data Protection Regulation (GDPR) as it applies in the UK, informed by the Data Protection Act 2018. Policies should set out clear principles and processes. Specifically, remote workers are under a duty to observe security and confidentiality practices in relation to equipment and data in line with GDPR, Data Protection legislation, and local Policies & Procedures. Employers need to ensure provisions are in place for the secure storage, use and disposal of confidential information from the home base.

Line management, support & performance

1.46 Local policies will need to consider the areas of management responsibility in relation to homeworking including:

- Ensuring any requests for flexible working are considered on a fair and equitable basis.
- Ensuring all employees are fully aware of their responsibilities and are clear on any agreed requirements to attend the workplace as needed.

- Ensuring employee health and wellbeing is monitored and reviewed on a regular basis considering relevant health and safety laws as outlined above.
- Ensuring employee has access to the relevant IT and office equipment required to undertake their duties.
- Ensuring regular contact and opportunities for check ins and collaboration with other team members.
- Managing Performance and ensure processes are in place for reviewing progress and offering support.
- Ensuring opportunities for development and progression are available in the same manner for both remote and non-remote workers.

Equalities

1.47 Employers will need to consider the implications of homeworking on equalities. This will include:

- Considerations in relation to reasonable adjustments under the Equality Act 2010.
- Consideration of duties related to pregnancy and maternity.
- Considerations of the impact on an ageing workforce.
- Equality impact assessment and monitoring.
- Policies should include a commitment to ensuring employees who work from home do not suffer any disadvantage or less favourable treatment.