Home Working Policy

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## CHANGE RECORD

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Uncontrolled when printed
1. **INTRODUCTION**

This policy applies to any post where work is performed at or from home instead of at or from the employer’s premises for a significant proportion of the contractual working hours.

2. **AIM, PURPOSE AND OUTCOMES**

There are a number of reasons why homeworking, and working at home are desirable, including:

- providing greater flexibility;
- increasing scope to meet NHS Lanarkshire’s commitment to equal opportunities, e.g. it may enable a person with disabilities to do a job they otherwise would not be able to do so;
- reducing energy consumption and pollution form unnecessary car journeys;
- broadening the traditional recruitment market and gaining access to alternative labour markets;
- attracting and retaining staff;
- providing a working environment which enables work to be carried out effectively and efficiently

Key points to bear in mind are that:

- Staff should not lose out financially in terms of job satisfaction or in terms of career prospects.
- Those working from home/teleworking have the same employment rights as office-based workers.
- It should be possible to review the practice regularly and, if necessary, to revert to previous arrangements.

3. **SCOPE**

The policy applies to all staff irrespective of age, sex, disability, ethnicity/race, marital or civil partnership status, sexual orientation, religion or belief, pregnancy or maternity or gender reassignment.

This policy should be read in conjunction with NHS Lanarkshire’s Equality, Diversity & Human Rights policy.

NHS Lanarkshire is committed to promoting and practising equal opportunities in employment. This includes giving wherever practicable staff the opportunity to work more flexibly.

NHS Lanarkshire will review the composition of homeworkers as a proportion of the workforce to ensure no direct or indirect discrimination on grounds of race, gender, religion or disability.
Home Working Policy

NHS Lanarkshire takes care to ensure your personal information is only accessible to authorised people. Our staff have a legal and contractual duty to keep personal health information secure, and confidential. In order to find out more about current data protection legislation and how we process your information, please visit the Data Protection Notice on our website at www.nhslanarkshire.scot.nhs.uk or ask a member of staff for a copy of our Data Protection Notice.

3.1 Who are the Stakeholders

All directly employed staff of NHS Lanarkshire

4. PRINCIPAL CONTENT

Working at home

Definition

'Working at Home' occurs when an employee wishes, with the approval of their manager, to work at home for part of their working time, even though their contract of employment requires them to be based on work premises.

Guidance for working at home:

- Working at home should be used to undertake specific work activities.
- Frequency and duration of working at home should be agreed with the manager and relevant colleagues.
- Reasonable notice of a wish to work at home must be given.
- Once there is an agreement that an individual is to work at home for a part of a day, given day or given period of days, the arrangement should be respected in so far as possible.
- Staff working at home may be recalled to work premises at short notice.
- In cases where staff working at home are frequently recalled to work premises at short notice, working arrangements should be reviewed.
- Individuals and colleagues/managers should jointly monitor the impact of time spent working at home.
- Staff working at home are required to carry out their work duties during their normal hours of work. Any domestic arrangements such as childcare/carer arrangements must remain in place throughout the hours of work.
- Perceived problems caused by staff working at home should be addressed within departments and/or teams.
- Staff working at home must be contactable by telephone.
- Where an employee works at home more than 50 days in any one calendar year, that employee's manager shall actively review ways of working with particular regard to location of the workplace.
Home Working Policy

**Working from home (Homeworkers/Teleworkers)**

**Definition**

Staff are referred to as 'homeworkers' where they are required in their contract of employment to have their office based in their home, even though they may be other than at home for part of their working time.

**Criteria to determine suitable posts**

The manager and HR representative will agree the number and type of jobs to be operated in line with this policy. If a current member of staff requests to work from home they will participate fully in these discussions.

Selection is undertaken in the following stages:

**Stage 1: The Nature of the Role**

- The role requires a high degree of personal concentrated work with very limited interaction and can be done at home in isolation from colleagues.
- The role effectively has no need for or would derive limited benefit from an office base.
- There is no ‘face to face’ service at the work base (the home).

**Stage 2: Health and Safety Assessment**

Individuals who are planning to work from home should complete the attached self assessment form (Appendix 1) to ascertain whether the home needs to be assessed by an Occupational Health Adviser. The purpose of any such assessment is to establish the suitability of the home for working against Health and Safety standards and the requirements as specified within Appendix 2.

**Stage 3: Capability, Personal and Role Development**

Selection must be in accordance with the competencies and criteria which have been identified as essential to being able to work productively and competently in the home environment i.e.:
- competency to deliver the role effectively without supervision;
- understanding of the impact of homeworking on the home environment;
- self-motivation, self-discipline and possession of good time management skills;
- clarity of role, deadlines and objectives with feedback;
- clarity of personal development plan and monitoring arrangements.

The above selection criteria will be reviewed according to the needs of the service, and may vary dependant on the specific job roles.

**Regular Information/Support/Communications**

The following provides guidance to managers and staff to ensure that those who work from home form an integral part of a team.
The manager should ensure that each homeworker has the opportunity to meet and discuss ideas at least once a week.

In addition to regular and detailed team briefings, line managers will ensure that there are regular communications, as appropriate, made between the office-based team and homeworkers.

Homeworkers and their managers should meet on a regular basis to evaluate and develop effective communication links.

Homeworkers should receive all relevant information, briefing papers and internal departmental communications.

Clear objectives are required with specific targets and the organisation of work into a series of a 'deliverable' segments.

Homeworkers should be allocated a work area using principles of 'hotdesking', if appropriate, within work premises for the time they are expected to attend.

Homeworkers shall be supplied with relevant I.T. support e.g. e-mail, telephone conference facilities, computer etc to allow them to work effectively.

**Terms and Conditions of Employment**

The terms and conditions set out below must be agreed before homeworking begins.

**Place of Work**

- The contract will define the normal place of work as the employee's home. Should the individual move to a different home address, then the suitability of those premises will be assessed and homeworking will only continue with the employer's express agreement.
- The contract shall provide that the employee is required to attend work premises at reasonable notice and for whatever periods may be necessary. Purposes may include meetings, reporting sessions, submission of completed work, and training.
- At the determination of NHS Lanarkshire the employee will be required to live within a reasonable travelling distance of work premises for meetings, briefings, training etc. in line with arrangements for office-based staff. This requirement will be specified at the time of advertising and when notifying staff of homeworking.
- There may be occasions, as a result of system or equipment failure, when the employee will be required to work from work premises. Arrangements will be agreed between the line manager and employee prior to commencement of homeworking.
- NHS Lanarkshire, by prior appointment, has the right to enter the employees home to inspect equipment and methods of storage, including a right of access to filing cabinets and to computer files relating to NHS Lanarkshire’s activities.
Hours of Work

Hours of work will be as for staff based in work premises.

Domestic Arrangements

Homeworkers are required to carry out work duties during their normal hours of work. Any domestic arrangements such as childcare/carer arrangements must remain in place throughout the homeworker's hours of work.

Reimbursement of Expenses

Reimbursement of business travel costs will be based on the home address as the normal place of work and will be in line with Agenda for Change terms & conditions of employment.

Equipment and Workstation

- NHS Lanarkshire will provide, for homeworkers, equipment as outlined and agreed as above. NHS Lanarkshire will be responsible for installation, maintenance, repair and removal as required. Stationery and similar office materials will be supplied by the employer.
- NHS Lanarkshire will, at its discretion and up to specified limits reimburse the homeworker for the previously agreed purchase of essential equipment e.g. desk, chair, filing cabinet.
- The homeworker is responsible for keeping all such equipment in good condition, reasonable wear and tear accepted, and for reporting any damage or malfunction to the line manager.
- The homeworker shall be responsible for ensuring that equipment and furniture purchased meets health and safety requirements as outlined within (Appendix2).
- On termination of the contract of employment the employer will have the right to enter the homeworker's home immediately to recover all its property including equipment, software and copy documents and files. Without prejudice to NHS Lanarkshire’s legal right, entry should always be by mutual agreement. Alternatively, the homeworker may opt to keep the equipment and/or furniture in exchange for a payment equal to the original cost, less 3% of the value per month of service since its purchase, otherwise the employer will have the right to remove the equipment.
- The homeworker shall arrange for a business telephone line to be installed solely for business usage, as applicable, and all call and rental charges will be invoiced to the employer.
- Additional and/or specialist equipment may be required, due to a homeworker's disability. On such occasions it may be appropriate to have the workplace assessed by the local Disability Employment Adviser to advise on equipment available under the access to work scheme.
Taxation and Insurance Arrangements

Based on current legislation, it is not expected that there should be any additional personal taxation or Benefit in Kind implications on the homeworker as a result of working from home.

It is not expected that there will be any Capital Gains Tax implications if the room used for working from home is dual purpose (i.e. occupies under 10% of the employee’s home). However, homeworkers may contact the Inland Revenue to confirm their individual circumstances.

Insurance arrangements are a joint responsibility between the employee and the employer. Homeowners must provide evidence of adequate insurance cover prior to commencing homeworking.

Withdrawal from Homeworking

‘Homeworking’ is regarded as a long term commitment both for NHS Lanarkshire and staff. Notwithstanding this, homeworkers may seek to discontinue the arrangements and request to be based in work premises. NHS Lanarkshire will agree where it deems this practicable. The line manager will take a compassionate approach to requests made due to exceptional personal circumstances. Homeworkers will be required to co-operate in enabling NHS Lanarkshire’s property to be removed upon termination of employment.

5. ROLES AND RESPONSIBILITIES

Employees must
- Ensure they are familiar with the policy and procedures
- Comply with the policy
- Attend training as necessary

Managers must
- Ensure they communicate with staff about the policy
- Consistently implement the policy at their local level
- Keep accurate records

Staff Side Representatives must
- Support the principles and procedures in the policy
- Act in accordance with NHS Lanarkshire’s Partnership Agreement
- Undertake training as appropriate

Human Resources Staff must
- Provide awareness training as appropriate
- Provide expert advice and support on the application of the policy
- Monitor and review the policy
6. **RESOURCE IMPLICATIONS**

Possible costs associated with adaptations to an individual's home where the individual is working from home.

7. **COMMUNICATION PLAN**

This policy will be launched using the weekly staff briefing and it will be available on Firstport.

This policy will also be discussed at the appropriate management team meetings and local partnership fora.

8. **QUALITY IMPROVEMENT – Monitoring and Review**

This policy will be reviewed every 3 years by the Joint Policy Forum.

9. **EQUALITY AND DIVERSITY IMPACT ASSESSMENT**

This policy meets NHS Lanarkshire’s EDIA.

10. **SUMMARY**

This policy distinguishes between working from home and working at home. It provides guidance on how to enable staff to work as productively and flexibly as possible.

11. **REFERENCES**

   - General Data Protections Regulations 2018
   - Partnership Information Network (PIN) Work/life Balance

12. **APPENDICES**

   - Appendix 1 – Health & Safety Audit: Homeworker’s Self Assessment
   - Appendix 2 – Homeworking Health & Safety Issues
   - Appendix 3 – Homeworkers’ Intellectual Property and Data Protection
Health and Safety Audit: Homeworker’s Self Assessment

This form must be completed by the individual planning to work from home and be counter-signed by their manager. The purpose of this form is to ascertain whether a full health and safety assessment should be undertaken on the individual’s home environment by an Occupational Health Adviser. This form should be completed and returned to HR before NHS Lanarkshire agrees to a member of staff to work from home.

| Name |
| Address |
| Telephone No |
| Department |
| Job Title |

Please forward a copy of your job description with this completed form

| Please tick appropriate box |
| Do you anticipate spending more than 20% of your time working at your homebase? |
| Yes | No |
| If yes, do you anticipate spending more than 50% of your time working at your homebase? |
| Yes | No |

| Do you have a room at home which will be used specifically as an office base? |
| Yes | No |
| If you answered no to this question, within which room in the home will the work be undertaken? |
| How much space in this room will be required to carry out your role effectively? |
| Is there sufficient space within this room to carry out your role effectively? |
| Yes | No |
| Is there adequate ventilation, reasonable temperature, and suitable lighting within the home to perform the role effectively and in comfort? |
| Yes | No |

| Will you be using your PC continuously for an hour or more at a time? |
| Will you be using your PV every day? |
| If not, how often will you be required to use your PC at your homebase? |
| Yes | No |

| Do you have adequate first aid provisions in the home? |
| Yes | No |

| Are you likely to have to carry or move heavy loads in the home as part of your role? |
| Yes | No |
| If yes, what manual handling activities will be undertaken in the home? |
| Is your current electricity supply adequate for homeworking? E.g. are there sufficient sockets, etc? (consult a qualified electrician if necessary) |
| Yes | No |

If you believe there is additional information we may require in relation to health and safety issues of working at home, please set this out below.
Homeworking Health and Safety Issues

In accordance with Section 2(1) of the Health & Safety at Work etc. Act 1974 ("HASAWA") there is a duty on every employer "...to ensure, so far is reasonably practicable, the health, safety and welfare at work of all its employees".

In particular, the employer is responsible for:

(a) the provision and maintenance of NHS Lanarkshire’s equipment and systems of work that are safe and without health risks;
(b) ensuring safety and absences of health risks in the use, handling, storage, and transport of articles; and
(c) the provision of information, instruction, training and supervision necessary to ensure health and safety.

The employer will make a suitable and sufficient assessment of all the risks to the health and safety of their homeworkers by identifying any hazards in the home, assessing the risks those hazards might pose to the homeworkers, and other occupants of and visitors to the home, and taking appropriate action to remove those risks or reduce them as far as possible. The homeworker is required to assist in that process by completing a preliminary Health and Safety Self Assessment Audit (Appendix 1). This assessment should take place before a new employee, or existing member of staff is designated a homeworker and then reviewed on a regular basis.

Homeworkers are required to take reasonable care for their own health and safety and that of other persons who may be affected by their acts and omissions at work in the home. Without prejudice to NHS Lanarkshire’s duties as employer, the homeworker's duties in this regard are likely to be significant because the working environment is not under the employer's control.

Risk Assessments should take into account the following issues:

1 **Display Screen Equipment**
A homeworker will not be permitted to carry out a significant amount of work at a home based work station until such risk assessment has been carried out and any recommendations implemented. Such assessments shall be conducted by someone who has received relevant training. The "workstation" as defined in the Health and Safety (Display Screen Equipment) Regulations 1992 includes the display screen, the software, the keyboard, disk drive, telephone, modem, printer, documents holder, work chair, work desk, work surface, any other items peripheral to the display screen equipment, and the immediate environment around it.

2 **Work equipment**
The Provision and Use of Work Equipment Regulations 1992 (PUWER) do apply to the home. Other equipment not comprising part of the "workstation" as defined above provided by the employer will nevertheless be suitable and sufficient for its purpose with proper information and training being given on how to use that equipment properly and safely. Particularly important will be proper storage facilities for paper files.
3 Handling Loads
Homeworkers should be warned of the hazards of handling loads. Steps will be taken to avoid the need for any hazardous manual handling by homeworkers of loads relevant to their work in the home either altogether or, until risk assessments have been carried out.

4 Workplace
The Workplace (Health, Safety and Welfare) Regulations 1992 do not apply to the home but the standards they require provide a useful benchmark in carrying the overall risk assessment. The home workplace should have adequate ventilation, a reasonable temperature, suitable and sufficient lighting, sufficient space, and the floor should be kept free from obstructions or from articles or substances which could cause a homeworker to slip, trip or fall. If the employer approves the home as suitable it will be the homeworker's responsibility to maintain that safe and healthy working environment.

5 Electrical equipment
The Electricity at Work Regulations 1989 require electrical systems to be constructed and maintained, so far as is reasonably practicable, to prevent danger. Duties under the regulations fall on employers and employees insofar as they relate to matters under their control. The employer only responsible for electrical equipment which it supplies. However, before allowing a homeworker to work from home the organisation will ensure that the homeworker's own electrical wiring is adequate for the purposes intended. Maintenance of the wiring is the homeworker's responsibility.

6 Substances and materials
The employer is only responsible for substances and materials it provides to homeworkers. Procedures under the Control of Substances Hazardous to Health Regulations 1994 should be complied with. (Please refer to NHS Lanarkshire Health and Safety Policy.)

7 Security
Staff who undertake to meet with members of NHS Lanarkshire or members of the public in the course of their employment should make appropriate arrangements to meet at the local work office or in a public building.

8 First Aid
In accordance with paragraph 3 of First Aid at work the Approved Code of Practice and Guidance to the Health and Safety (First Aid) Regulations 1981, the employer will ensure that the homeworker has adequate and appropriate first aid provisions in the home. It shall be a contractual obligation on the part of the homeworker to allow managers to have reasonable access to the home, by appointment, in order to carry out inspections for health and safety purposes. The homeworker will be given sufficient training and information to enable the employer to comply with its duty to report and record the work related accidents, injuries and diseases referred to in the Reporting of Injuries Diseases and Dangerous Occurrences Regulations 1995.
Homeworkers’ Intellectual Property and Data Protection

Employees do not own the copyright in work produced in the course of employment with NHS Lanarkshire unless there is a written agreement to the contrary.

It is the duty of the homeworker to take all reasonable precautions to protect confidential information relating to employment with NHS Lanarkshire which is stored in the home and, in particular, from other people residing in or visiting the home. Information is confidential where it is expressly stated to be confidential. Information can also be confidential where its nature or quality attracts confidence by implication, or where it is covered by the data protection legislation.

Information held on computer which contains data about any identifiable living individuals is likely to be subject to the Data Protection Legislation 1998. Homeworkers, as employees, do not need to register separately under this Act; they are covered by NHS Lanarkshire’s Register entry. However, homeworkers will need to know and understand their obligation to keep data about any identifiable living individuals confidential and secure, to operate within the terms of the organisation's Data Protection Register entry, and to comply with the eight Data Protection Principles.

In practice, the homeworker’s obligations as set out above are best observed by keeping work life and domestic life separate. In particular, where there is a risk that other household occupants, might gain access to work-related computer files these should be password protected. Great care should be taken not to inadvertently disclose passwords.

Computer files which are not contained in NHS Lanarkshire networked drives should be regularly backed up onto disc and stored away from the home. Managers are responsible for agreeing and monitoring procedures for ensuring the security of work, information, and data and files under the homeworker’s control. Homeworkers should comply with NHS Lanarkshire system’s department procedures on virus checking and logging off when a computer is not in use.