



Agile Working Policy

BDC

November 2020



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CONTROL SHEET FOR AGILE WORKING POLICY

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	BDC Agile Working Policy
Current status – i.e. first draft, version 2 or final version	Final Version
Policy author (post title only)	HR & OD Manager
Location of policy (whilst in development) – i.e. L-drive, shared drive	S Drive HR folder
Relevant Cabinet Member (if applicable)	Councillor McGregor
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e. Joint Strategic Alliance Committee, Cabinet/Executive/Council	Council
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	

BDC AGILE WORKING POLICY

What is Agile Working?

Agile working is about bringing people, processes, connectivity and technology, time and place together to find the most appropriate and effective way of working to carry out a particular task. It is working within guidelines (of the work activity) but without boundaries (i.e. how this is achieved).

While agile working and flexible working may have similar aims:

- Agile working focuses on the impacts on the business
- Flexible working focuses on the employee

Agile working is not prescriptive and there is no one size fits all for the Council. There are common elements but it is individual to the job role, service requirements, manager and postholder – it involves choices in the how, what, where and when of working. Agile working embraces both the physical and digital “workplace” in empowering and supporting employees to work where, when and how they choose to maximise their productivity, performance, creativity and primarily delivering best value to the Council and it’s customers.

This Agile Working Policy, includes flexible working, homeworking and all other potential forms of working arrangements.

Policy Aims

- To simplify the process for managers and employees this policy incorporates all forms of agile working, including flexible working and homeworking.
- To be a one stop shop policy for all forms, options and considerations regarding working arrangements.
- To provide a framework for considering agile working from an employer and employee perspective
- To support managers and employees to work together to implement effective working arrangements as quickly as possible to the benefit of service performance
- To promote a culture of agile working that meets organisational needs and supports wherever possible employee wellbeing.

In the implementation of this policy, due regard will be given to the Equality Act 2010 covering age, gender, disability, pregnancy, race, religion, belief and sexual orientation.

Why adopt Agile Working?

- Increased productivity, performance and efficiency
- Effective workplace utilisation
- Increasing creativity
- Attracting and retaining talent
- Improve sustainability
- Facilitating adaptability and change
- Supporting work life balance

- Supporting employees who have a disability or who have complex caring commitments

Key Values for Agile Working

- Adopting a positive and constructive approach to new and different ways of working that meet service needs and improve performance
- Focusing on work activity outputs rather than inputs
- Focusing on balancing monitoring and supporting employees with trust and confidence in employees to self-manage in line with corporate expectations and within the remit of their job role.

Responsibilities

Employer

- To promote a culture of agile working that facilitates increased productivity, performance and efficiency
- To provide a framework for consideration and implementation of agile working
- To create a productive, safe and healthy working environment

Managers

- Must be proactive in promoting agile working within the workplace that meets service needs, high performance and wherever possible supports employee wellbeing.
- To determine the potential agile working options available for posts within their service area in consultation with the Head of Service and HR.
- Have a duty to consider agile working requests from team members
- Must ensure a safe and healthy working environment
- Must have in place the following for all team members, in line with Council policies and objectives:
 - Agreed communication and contact arrangements
 - clear working hours
 - structured ways of measuring work output
 - precise methods of measuring work performance
- Must ensure effective communication throughout their team regarding working arrangements
- Must adhere to all relevant Council policies and procedures.

Employees

- Must co-operate fully with the application of this policy
- Should be open to agile working arrangements and be proactive in suggesting possible solutions to any issues arising from agile working
- Should undertake their work in the most effective and efficient way possible to meet service needs and organisational performance.
- Must when applying for agile (flexible) working set out how their proposed working arrangement will meet service needs

- Must visit the workplace as required for planned or unplanned events such as meetings, cover for colleagues, surge in workload or as required by the manager
- Have a duty to assist in the creation of a safe and healthy working environment, by adhering to all relevant Council policies and procedures.

What Key Factors Influence Agile Working?

- Service needs
- Job role
- Employee
- Manager

Successful agile working is about finding the right combination of working arrangements to meet service delivery needs and enable the employee to perform at their best.

What Type of Agile Working Arrangements are there?

<u>Working Arrangements</u>	<u>Definition for the Purposes of this Policy</u>
1. Workplace/Office based working	An employee who works whole time from a Council workplace/office location
2. Homeworking	An employee who works whole time from home with attendance at the workplace as required such as for meetings, provision of cover or as requested by their manager etc.
3. Hybrid Working	An employee who splits their working time between working remotely at home and working in the office/workplace. This can be structured to a particular number of days a week or be flexible to fit the requirements of the job role and service needs.
4. Flexible Working hours	Comprises two elements <ul style="list-style-type: none"> • An employee has flexible start, break and finish times within the Council's flexi-time bandwidth • An employee has the ability to accrue additional hours if agreed in advance by the manager due to service needs. The employee can then request to take flexi leave based on the additional hours accrued
5. Part-time Working	An employee who works fewer hours than a full-time employee i.e. works less than 37 hours per week.
6. Job share	An employee who works is an arrangement where typically two people work on a part-time or reduced-time basis to perform a job normally fulfilled by one employee working full-time.
7. Mobile Working	An employee who is not tied to a physical location and works out on the District using technology to connect the employee to the services and networks required to do their job effectively. The employee will be

	required to attend the workplace for example to collect supplies, meet with their manager, undertake repairs to their works vehicle or their work equipment such as mobile phone, tools etc
8. Staggered starts/hours	An employee who works fixed hours every day with start, finish and/or lunch times specific to an individual or team. It enables the work of that service to be covered for a longer working day and can enable managers to improve the service they offer.
9. Shifts/Rota	An employee who works on a schedule outside of the traditional 9am – 5pm day. It can involve evening or night shifts, early morning shifts, weekends and rotating shifts.
10. Term-time working	An employee works only during school term times and is absent from work out of term time. The non-working time is scheduled at regular, planned periods which are accounted for by a combination of annual leave and unpaid leave.
11. Annualised Hours	Comprises two elements <ul style="list-style-type: none"> • An employee works a certain number of hours over the whole year, but with flexibility about when those hours are worked to meet service needs • An employee whose salary is annualised, it means that an employee takes home a fixed and equal amount of a predetermined annual salary each month. This method ensures a regularly distributed pay and supports the employee in managing their personal finances
12. Casual Hours	An employee who usually works irregular hours and does not have a firm commitment in advance about the days or hours they will work. The Council is not obliged to offer the employee work and the employee is not obliged to accept the hours offered.
13. Compressed Hours	An employee works their weekly hours in a shorter time span. For example, 37 hours are worked within four days rather than five days or an employee may arrange their working time over a nine day fortnight.

What is the impact on an Employee's Contract of Employment?

The changes to terms and conditions of employment will be determined by:

- the working arrangements agreed between the manager and the employee to meet service needs
- the existing terms and conditions included in an employees contract of employment.

As part of the process, it is important to define whether a working arrangement is

- Ad hoc - Unplanned and infrequent working arrangement. This arrangement would not be reflected in an employee's contract of employment. For example, working from home one afternoon on occasion to finish an unexpected and

urgent report because the office environment that day is not conducive to effectively completing that task.

- Formalised: A clearly defined and/or structured working arrangement that is regularised. This arrangement would be reflected in an employee's contract of employment. For example, if it was agreed an employee can adopt a hybrid working arrangement, their "Home" would be included in their contract of employment as a place of work.

Generally, only one type of agile working arrangement can be implemented in terms of workplace and working hours. Adopting multiple working arrangements for one postholder is unlikely to be feasible in practice to meet service needs or employee wellbeing.

Managers should seek advice from the HR Team regarding the implications of any proposed working arrangements from an employment contract perspective. This will support the managers in assessing and communicating this information to employees and will support consistency in application across the workforce.

Implementation/Application of Agile Working

1. How to Implement or Apply for Agile working?

There are two scenarios:

- Agile working is implemented by the **manager** to meet service and organisational needs
- An **employee** submits a request for agile working

Managers Implementing Agile Working?

- Managers should be clear on the service, financial and/or performance needs that make the changes necessary. For example, this could be outlined in a business case prepared as part of a service review or circumstances may have evolved naturally due to the changing needs of the job role or service.
- Managers should consider the potential agile working arrangements that could be applied to posts within their service.
- Managers should consult with relevant postholders or communicate this to candidates during the recruitment process. The length of consultation required will be dependent on the circumstances of each case and managers should consult HR for advice.
- Managers should communicate the rationale for the change in working arrangements and ask employees for their feedback as part of the consultation.
- Following consultation, employees will be informed of the outcome and any changes. It will be confirmed to employees if change is a contractual change to their terms and conditions of employment or an ad-hoc arrangement.

Employees Applying for Agile Working (including Flexible Working)?

- All employees are welcome to apply for agile working (including flexible working) in accordance with employment legislation.

- Employees must submit their application in writing to their manager and include the following:
 - The date of the application
 - A statement that it is a statutory request if applying for flexible working
 - Set out proposed working arrangements in detail and when it is proposed they start
 - The reason for the application
 - How the proposed working arrangement will meet service needs i.e. how will the application affect the Council and how could this be dealt with
 - A statement saying if and when a previous application has been made
 - The template at Appendix One can be used, but other forms of application are acceptable.
- Employees can only make one application for agile/flexible working a year in accordance with employment legislation.
- Managers must assess the advantages and disadvantages of the application
- Managers must hold a meeting with the employee to discuss the application (this discussion can take place via telephone or virtually). The employee is welcome to be accompanied at the meeting by a work colleague or TU Representation.
- It is expected managers will make a decision as soon as reasonably possible (within three months maximum) – this can take longer if agreed with the employee. Manager are advised to seek advice from HR at this stage.

Agreeing the Application

- Managers should complete a Notification of Change form and confirm to the employee their request has been accepted. If it is an ad-hoc arrangement, a Notification of Change form should still be completed for the record.
- Managers have the option of agreeing to the agile/flexible work arrangements on a trial basis for up to a maximum of six months before agreeing to the arrangements on an ongoing basis.
- The HR Team will write to the employee confirming the change to the employee's contract of employment as appropriate.
- This will be completed no later than 28 days after the request was approved.
- A risk assessment may be required if working from home, please see Appendix Two.
- A checklist is available at Appendix Three to support managers.

Refusing the Application

- The manager has the right to refuse the request if there is a good business reason for doing so. If the manager is refusing the request, this must be confirmed in writing to the employee including the reasons for refusing the request.
- Managers are advised to seek advice from HR before responding to the employee.
- Managers can reject an application for any of the following reasons in line with employment legislation:
 - the burden of additional costs
 - an inability to reorganise work amongst existing staff

- an inability to recruit additional staff
- a detrimental impact on quality
- a detrimental impact on performance
- a detrimental effect on ability to meet customer demand
- insufficient work for the periods the employee proposes to work
- a planned structural change at the Council
- If an employee remains dissatisfied they can raise a formal grievance under Stage Two of the Council's Grievance Procedure.

Withdrawing the Application

- Employees should tell their manager in writing if they wish to withdraw their application.
- Managers can treat an application as withdrawn if the employee misses two meetings to discuss the application without good reason
- Managers must tell the employee they are treating the request as withdrawn.

It is important to note not all outcomes will be the same and a one size fits all approach cannot be applied. The final decision will be based on the impact the agile working arrangement has on the Service.

2. Key Principals of Agile Working

Communication

- Employees must be contactable at all times while working.
- Regular team meetings and one to ones as appropriate must continue to take place
- Employees must not give their personal contact details such as home address or personal email to service users or customers.

Performance Management

- Managers must ensure the following is in place:
 - Regular communication and contact arrangements are agreed
 - Clear working hours
 - structured ways of measuring work output
 - precise methods of measuring work performance such as use of a work tracker or home reconciliation sheet (See Appendix Four)
 - suitable monitoring of arrangements and practices
- Employees have a duty to effectively perform their job duties, support delivery of service needs and be flexible in responding to requests from their manager
- Employees must make themselves available for meetings, engagements and training as requested by their manager.

Conditions of Service/Policies and Procedures

- All terms and conditions of employment still apply such as sickness reporting, Code of Conduct etc. All policies are available on the Extranet, S Drive or from managers.

Health & Safety

- The manager must consider the health and safety implications of any agile working arrangements.
- The employee has a responsibility to take reasonable care for their own health and wellbeing and that of others who may be affected by their work activities.
- A risk assessment of the agile working arrangements must be undertaken. Managers and employees are welcome to seek advice from Health and Safety or HR.
- Employees must comply with the health and safety requirements identified in respect of their work area and activities such as lone working when undertaking site visits. Please see Appendix Two
- Employees must advise their manager of any changes in the work area/activity or any issues relating to their health, wellbeing or safety.

Data Protection

- Employees must ensure they are familiar with and comply with data protection legislation (General Data Protection Regulation – GDPR and the Data Protection Act – DPA), the Council's Data Protection Policy and ICT Security Policies including protocols for video conferencing and use of apps. Advice should be sought from their manager if they have any concerns or queries.
- All Council data and records (in all formats) must be stored and disposed of securely in accordance with the Council's Record, Retention and Disposal Schedule.
- All personal data breaches must be reported to the Data Protection Officer or deputy promptly.

Council Equipment

- If employees need any equipment or materials, employees should notify their line manager who will work with team members to ensure they have all the equipment and materials necessary to facilitate agile working
- Laptops, mobile phone and other items of equipment provided by the Council are covered by the Council's insurance policy
- Employees have a duty of care to take all reasonable steps to safeguard equipment from loss or damage. Items should not be left unattended e.g. in the car. Failure to keep equipment or information secure will be considered a serious matter and may result in disciplinary action.
- Employees must not take equipment home from the Council office without approval from their manager and the ICT Team, Facilities Team or other relevant team as appropriate.
- Any loss of or damage to council equipment needs to be reported promptly to comply with and enable internal protocols including the protection of Council records especially personal data.

Other Expenses

- If an employee wishes to purchase equipment themselves essential to undertaking the job, they must discuss and seek approval in advance with their manager. Managers should consult HR.

Working Time

- Domestic issues should not impact on times when employees are working
- Employees must dedicate their whole working time to undertaking their job duties.
- Failing to follow the Council's working time arrangements is a very serious matter and could result in disciplinary action. Falsification of working time records is considered gross misconduct.
- Employees to meet requirement of their contracted hours of employment and working time directive.

Travel and Working Time

- The Council will not reimburse any expenses for travelling or time taken to travel to the office location in the undertaking of their job duties.
- Expenses will only be paid for travel in excess of the employee's home to office or first location or last location.
- Employees working from home must not claim expenses they would not have otherwise claimed, if working from the office.
- Travel time between an employee's home and the Council office is not reimbursable.
- All employees must manage their travel and time effectively to limit the environmental impact and cost to the Council of undertaking the job role. Where possible, ICT should be used to reduce the need for travel.
- The Council's Mileage and Expenses Policy apply to all employees.

Network Availability

- If there is disruption to the network connection to an employee's home, employees will be required to come into the office to work. If the system goes down or is otherwise unavailable and no other work option is feasible the employee will have the option to either attend the workplace or make the time up when the system is available at the discretion of the manager.
- In very exceptional circumstances, where a corporate decision is taken, employees may be able to record their normal working time for that day.

Insurance

- Working from home and other working arrangements may affect employees Home and other insurance policies. Employees are responsible for ensuring appropriate arrangements are in place. The Council will not reimburse any increase in premium.

Tax Relief for Household expenses incurred from working at home

- Employees may be able to claim tax relief for any household expenses incurred as a result of working from home, provided the expenses are solely work related. For further details about claiming tax relief, please visit the HMRC website, <https://www.gov.uk/tax-relief-for-employees/working-at-home>
- Employees are responsible to submitting any claims they wish to make to the Tax Office. If you have any questions, please contact your line manager, the HR Team or Payroll Team.

3. Agile Working Arrangements Review

Regular reviews must take place between the manager and the employee. The manager or the employee can request an overall review of the agile working arrangement at any point. A review must take place on a six monthly basis in line with the Council's Appraisal process.

It may be necessary to terminate the agile working arrangement as soon as reasonably practicable e.g. due to ICT issues, performance concerns or service delivery needs reasons. This will take place within a maximum of four weeks but could take place earlier depending on the circumstances. Managers must consult with HR should this situation arise.

Disputes

It is expected employees and managers will endeavour to resolve any issues informally. If an employee remains dissatisfied with a decision taken in relation to this policy they can raise a formal grievance under Stage Two of the Council's Grievance Procedure.

EXAMPLE FORM

AGILE WORKING/FLEXIBLE WORKING REQUEST FORM



To be completed by the employee and submitted to their manager

Employee Name	
Post Title	
Service	
Manager's Name	
Date of Application	

Please set out below the following details

1. A statement that it is a statutory request if applying for flexible working
2. Set out proposed working arrangements in detail and when it is proposed they start
3. The reason for the application
4. How the proposed working arrangement will meet service needs i.e. how will the application affect the Council and how could this be dealt with
5. A statement saying if and when a previous application has been made

Signed Employee: _____ **Date:** _____

Approved: Yes / No Signed Manager: _____ **Date:** _____

APPENDIX TWO

WORKPLACE RISK ASSESSMENT		
Employee must complete the assessment of their workplace and return to their manager		
Employee Name:	Date of Assessment:	
HEALTH AND SAFETY POLICIES	YES	NO
I have read the Council's relevant Health and Safety Policies		
WORKING AREA		
There suitable lighting (natural or artificial) to make my work area safe and to enable the screen to be read easily?		
There is enough space to enable me to carry out my work safely?		
There is adequate storage space for work materials and equipment?		
There are cables, floor coverings or other items which create tripping hazards?		
IT EQUIPMENT		
Is the internet broadband connection sufficient for undertaking job duties?		
Is the screen clear and readable, without flicker, glare and reflections?		
Is the screen and computer clean; is it free from dust and dirt?		
Are the monitor 'brightness' and 'contrast' controls properly adjusted to prevent eyestrain?		
Is the keyboard placed to allow you to work comfortably?		
Can your chair be adjusted to a comfortable height?		
Is the computer placed at the right angle on the desk to allow work to be done comfortably, for example without having to stretch or twist?		
There is enough space under the desk to allow free movement?		
ELECTRICAL EQUIPMENT		
Is electrical equipment provided by the Council inspected regularly?		
Is there a system for ensuring that repairs & maintenance are carried out?		
MANUAL HANDLING	YES	NO
Will working from home involve you in carrying out manual handling over and above that which you do in the office?		
If yes to the above question, have you assessed the manual handling and reduced this to a minimum?		
I have been trained to lift and handle things properly?		
FIRST AID AND INJURY REPORTING		
I am aware of the Council's accident reporting procedure?		

PERSONAL SECURITY		
I am aware how to summon for help in an emergency (either at home or when travelling)?		
I am aware of the procedures for letting my manager know my location at all times?		
COMMUNICATION		
I am aware of arrangements in place to maintain regular contact with my manager and colleagues?		
DATA AND INFORMATION SECURITY		
I am aware of the GDPR Regulations, the DPA and the Council's policy on Data Protection?		
I have considered how I will ensure data and information is kept secure at all times?		
I know how to report a data protection breach?		
HEALTH AND WELLBEING		
I am aware of the need to take regular breaks and support my own wellbeing		

IF YOU HAVE ANY OTHER HEALTH AND SAFETY CONCERNS, PLEASE NOTE BELOW

ACTION PLAN (MANAGER TO LIST ACTION TAKEN TO ADDRESS ANY ISSUES)

APPENDIX THREE – HOMEWORKING CHECKLIST

To be completed by the Manager in consultation with the Employee

Checklist	Yes/No	Date completed	Notes
1. Employee has a suitable area at home to work			
2. Employee has appropriate equipment			
3. ICT notified and ICT equipment provided			
4. Is Internet connection fit for purpose?			
5. Employee checked with their home insurance, landlord and mortgage provider			
6. Manager has checked insurance covers business equipment used by homeworker			
7. Health and safety risk assessment carried out			
8. Keeping in touch arrangements agreed			
9. Employee notified of workplace attendance requirements			
10. Agreed communication and contact arrangements are in place			
11. Working hours expectations in place			
12. Performance monitoring in place			
13. Mileage and expenses expectations discussed			
14. Reviews of arrangements in place			
15. Employee has read and is familiar with Agile Working Policy			
16. Appropriate forms sent to HR			

APPENDIX FOUR



WORKING FROM HOME RECONCILIATION SHEET - EXAMPLE

Employee Name: Date:	
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Work Completed	Hrs per Task	Date/ Total Hrs