

Staffordshire County Council			HR Policy Handbook				
Reference Number	HR 21	Approved By		Issue	02	Date	Nov 04
Policy Title	Homeworking						

Legislative Framework

1. Health & Safety at Work Act 1974
2. Management of Health & Safety at Work Regulations 1999
3. Display Screen Equipment Regulations 1992 as amended 2003
4. Tax and National Insurance Regulations - S156A, ICTA 1988
5. Tax and National Insurance Regulations - Section 155ZA; SE32775; SE32785

Policy Statement

The general aim of Staffordshire's modernising strategy is to significantly improve the accessibility, responsiveness and quality of council services to the public by changing the way we work, investing in ICT, applying best practice in service delivery, reducing the costs of administration and diverting resources to the front line.

Homeworking can be initiated by management, individual staff or teams acting together. Approval will be given only if all the implications can be managed satisfactorily according to the legislative framework and key principles contained within the policy.

Homeworking definitions

There are three types of homeworker:

- **Office-based:** those whose permanent workplace is a County Council office, even if they sometimes work at home
- **Home-based (fixed):** those who work mainly at home but also have regular recourse to shared facilities at a team base

- **Home-based (mobile):** those whose permanent workplace is their home and who have no recognised team base they can use.

There are implications for allowances payable and other provisions, dependant upon which of the above types apply – see appendix A.

Guidance On How To Apply The Policy

Homeworking principles

These principles are key:

- Homeworking requires the agreement of both the employee and manager. Either party can terminate the agreement by giving reasons and proper notice, but homeworking involves a change to the employment contract so terminating the agreement also terminates the contract.
- Before homeworking can start a health and safety risk assessment must be carried out of the employee's intended workspace at home, and improvements agreed/implemented if need be. Homeworking will be disallowed where no agreement is reached.
- Some homeworkers will be paid an annual allowance to cover the costs of using their home as a work base. A proportion of this allowance is a tax free benefit if you regularly work from home. (see appendices B/E).
- Some homeworkers can claim business mileage starting from home, and in some cases this will not be taxable.
- Homeworkers will have a dedicated work telephone line provided and paid for by the council.

How to Apply

Homeworking can be initiated by:

- Managers
- Individual staff
- Teams acting together

If the initiator is an individual employee, the implications for their team must be worked through first. Approval will be given only if these implications can be managed satisfactorily.

Issues for Managers to consider

Homeworking cannot be imposed on current staff because it requires a change to the employment contract and contracts cannot be changed by one party without the consent of the other. New staff can be conditioned to homeworking provided, of course, that both they and their job are considered to be suited to it.

Before agreeing to homeworking managers must consider whether the individual can work effectively at home. Some pointers to suitability are:

- The employee has the biggest adjustment to make and this will be easier for some than for others. However, homeworking requires the agreement of employee and manager and it makes sense if they consider suitability jointly. See Form A attached.
- Managers need to consider how to manage the performance of the homeworker. The suggested system and structure would be the Investors in People (IIP) model. IIP requires everyone to have objectives with measurable targets that relate to the business plan, and to review progress at least twice a year against these targets. These basic principles of performance management can help provide a structure within which to manage staff who work with little direct supervision.
- Managers must also consider the costs involved, bearing in mind that costs have to be met by the business unit concerned.

Issues for the Employee to consider

An employee who wants to be home-based needs the agreement of the manager. They must think about the equipment and furniture needed to create a safe workspace at home, then discuss with the manager what the Council can provide. But before embarking on this the employee should consider carefully what is different about homeworking.

The 'standard' office is a highly structured environment – the product of hierarchy, rules, traditions, interaction with other parts of the organisation and the expectations of customers, both internal and external. New staff are soon socialised into 'the way we do things round here'. Homeworking isn't like that. Home-based workers are 'empowered' in the sense that they have much more control over their time, and it may take a while to get used to this freedom and develop the discipline and organisation needed to get the work done. And if there are children or other family members at home they will take time to adjust to the change. Homeworking is no different to office working where safety is concerned, and the individual needs to maintain an awareness of risks.

Then there is working time, which is regulated now, regardless of where the work is done. Especially at first, it is not uncommon for home-based workers to work more hours than they did before given the absence of imposed structures and boundaries like, for example, the journey home. Part of the discipline of home-based working is logging one's hours and guarding against the tendency for work and home life to blend together.

'Conventional' working involves social interaction, and there will be less of that – less hassle maybe, but less stimulation also. Contact with colleagues and managers, still necessary, becomes more structured and less spontaneous. There is also the question of where to meet people, colleagues and clients, because Staffordshire discourages meetings in the home, especially with clients.

Other important considerations are tax and insurance (see Appendix D).

These are:

- A homeworker who has no dedicated space in a council office, but who may use council premises to, say, access client files or for team meetings, can be provided with council equipment for use at home without a taxable benefit arising

- Home-based workers are not as a rule liable for business rates or Capital Gains Tax, but to avoid the chance of liability arising it is best to avoid having a room dedicated solely for work.
- Insurance is more straightforward. The council insures/self-insures the equipment located in the employee's home and also protects the employee and itself against any legal liability which may attach as a result of the employee working from/at home on council business. Work related meetings should not take place in the home. It is most unlikely that household insurance premiums will be affected but insurers should be informed.
- Any equipment supplied by Staffordshire County Council for use at home remains the property of the council and will be security marked. The equipment will be recovered if the employee leaves the council or moves to a job which is office based.

After both parties have considered all the issues the manager and employee will be in a position to make a decision either to continue with the home-working proposal, or not, as the case maybe.

If the manager and employee agree to continue with the home-working agreement **the manager will need to:**

- Ask the HR Shared Service Centre to issue an amended contract, incorporating as appropriate the conditions set out in Appendix A
- Arrange a health and safety risk assessment (see HR 39 – Risk Assessment and Appendix B) at the employee's home following which the employee will receive a copy of 'The Homeworker's Guide to Health & Safety'.
- Agree what equipment and furniture the council will provide (see Appendix C), make a record of this and arrange for it to be installed, and provide the employee with copies of the 'Email and Internet Use' and 'IT Security' policies.

- Agree with the employee a pattern of working, including attendance at team meetings and any core times they would be expected to be working/available.
- Agree arrangements for managing and monitoring the employee's performance.
- Agree a period after which there will be a joint assessment of whether homeworking is still the best option for the employee and the work they do (but remember, terminating the homeworking agreement also terminates the employment contract).
- As appropriate, arrange for the home-based worker allowance to be paid and ensure that the employee understands the basis on which business mileage can be claimed (see HR 42 – Subsistence/Mileage).

If both the manager and employee mutually agree not to continue with the proposal, no further action is required. However, the manager and employee may wish to consider alternative working arrangements as appropriate. See

- HR 15 – Flexible Working
- HR 16 – Flexible Working Hours
- HR 25 – Job Sharing

If the employee's application is rejected the manager will issue a letter giving reasons and setting out the appeal procedure. The only grounds for rejecting a request are:

- Additional costs which are excessive.
- Detrimental effect on ability to meet customer demand.
- Detrimental impact on service quality.
- Detrimental impact on performance.
- Insufficiency of work during the periods the employee proposes to work.
- Planned structural changes.

Managers should seek advice from their departmental HR Manager at all stages of the process.

Joint Assessment

Managers and employees should agree a period after which there will be a joint assessment of whether homeworking is still the best option for the employee and the work they do.

If the manager feels that homeworking is not working appropriately, they can terminate the agreement. However since this means terminating the employment contract:

- Proper notice is required (see HR 30 – Notice Periods)
- Reasons must be given
- If aggrieved, the employee must have recourse to a more senior manager (See HR17 Grievance and HR37 redeployment Procedure)
- The employee must have access to the Council's Redeployment Procedure and 'Headstart' services (see HR37 – Redeployment and HR64 - Headstart)

Accountabilities

Employees responsibilities

- To make a fully completed application to their manager
- To be available to discuss their application in more detail if required
- To make homes accessible for H&S audits.

Managers responsibilities

- To consider all requests objectively and with sensitivity
- To be consistent
- If you turn down a request, explain why you are doing so in writing, giving clear business reasons
- Ensure all equipment and furniture is ordered for the employee, security marked and placed on an inventory listed on SAP.

Further Advice and Information

If you need any further advice on how to apply this policy please contact your departmental HR Manager.

Further background information on this topic is available on the following Websites:

www.dti.gov.uk

www.acas.org.uk

www.lg-employers.gov.uk

See also national conditions of service and local agreements before determining or issuing advice.

Related Factsheets

HR 15 – Flexible Working

HR 16 – Flexible Working Hours

HR 17 - Grievance Procedure

HR 25 – Job Share

HR 30 – Notice Periods

HR 37 – Redeployment

HR 39 – Risk Assessment

HR 42 – Subsistence/Mileage

HR 64 - Headstart

Standard Documents

Appendix A Homeworking Assessment Sheet

Appendix B Homeworker Terms and Conditions

Appendix C Homeworkers Guide to Health and Safety

Appendix D Homeworkers Equipment – Provision and Security

Appendix E Tax and Insurance Guide

Appendix F Application to Homework

Appendix G Approval to Homework Application

This information can be made available in a range of formats and languages, including Braille and large print. If this would be useful to you or someone you know, please contact your Directorate HR Manager.