

EMPLOYMENT MATTERS COMMITTEE

1 SEPTEMBER 2021

OUR WAYS OF WORKING (FLEXIBLE WORKING)

Report from: Samantha Beck-Farley, Head of HR
Author: Nick Morgan, HR Policy Manager

1.0 Summary

1.1 The current suite of flexible working policies has recently been reviewed, updated, combined into one policy and rebranded as the Our Ways of Working Policy and the proposed revisions have been consulted upon.

2.0 Background

2.1 As a result of the pandemic the way we work was forced to change dramatically in a short space of time with both employers and employees having to make immediate changes to how, when and where they work to continue operating. This accelerated and forced change has altered the landscape of work, especially for those in office-based roles as organisations found that employees can still work collaboratively using digital tools effectively demonstrating that the work can be completed outside of the office environment without a detrimental impact.

2.2 It must be noted that working from home during the pandemic has not been a normal flexible working practice. Everyone has had different circumstances, those with families have been home schooling, employees may have had increased caring responsibilities, coupled with isolation from family, friends and the social interaction at work and having a suitable area and space to work has caused pressure for many. All of these elements, plus living through a global pandemic with the uncertainty and resulting compounding stress that this can lead to means that not all of the benefits of true flexible working have been realised.

2.3 Medway Council has embraced the new way of working and has no plans to revert to the working practices pre-pandemic. There are benefits that can be realised to both the employee and organisation (save on commuting time/costs, reduced environmental impact of buildings etc) but also unintended consequences which managers and employees should be aware of such as impact on mental and physical health, risk of burnout and increased stress, inclusion and equality issues e.g. in career development.

2.4 Medway Council's recent Flexible Working Survey results showed that currently 53% of employees have remained working at home full time when they would ordinarily have been based in a Council building. In addition, 40% of employees have had a hybrid approach of working between both their home and the workplace. Importantly the survey results showed that looking to the future 63% of employees would like to take a hybrid approach to work, with 95% agreeing that they could take a hybrid approach to their role. 65% of employees also reported that they could work from home in the long term.

2.5 According to data from the [Office of National Statistics](#), prior to COVID-19 only around 5% of the workforce worked mainly from home. The Chartered Institute of Professional Development (CIPD) '[Embedding new ways of working post-pandemic report](#)' (CIPD, 2020) shows that some 40% of employers have said they expect more than half their workforce to work regularly from home after the pandemic has ended which aligns with the response from our internal workforce. According to CIPD research, before the pandemic, 65% of employers either did not offer regular working from home at all or offered it to 10% or less of their workforce. After the crisis, that 65% is expected to fall dramatically to 37%. These findings are also reinforced by a recent [YouGov survey](#) which shows that most workers want to continue working from home after the pandemic. These results represent a significant shift in ways of working.

2.6 What is Hybrid Working?

2.6.1 Hybrid working describes a flexible working arrangement whereby an employee can undertake their work either in the office and/or partially or mainly from home on a temporary or permanent basis.

2.6.2 Whilst working from home, employees will have the same contractual terms and conditions as they would do normally whilst working in the office. This includes terms and conditions such as core working hours, pay and a requirement to adhere to Council policies.

2.6.3 During a hybrid working arrangement some employees may be based at their home and travel to other sites as and when required as part of their duties.

2.7 Hybrid working may have several advantages for both employees and Medway Council.

2.7.1 The benefits of hybrid working for employees could include:

- reduced travel expenses and commute time
- a better work/life balance
- greater flexibility for caring responsibilities
- greater flexibility over working time

2.7.2 The benefits to Medway Council could include:

- positive impact on recruitment and retention
- improved staff engagement and motivation
- actively supports equal opportunities and inclusivity
- supporting the green agenda by reducing the environmental impact of buildings/vehicle usage.

2.7.3 There are also additional benefits to the community from reduced pollution and congestion due to less staff travelling into the workplace when working from home.

2.8 Medway Council's recent Flexible Working Survey results showed that 85% of employees that have had a hybrid approach to working recently have had a reduced commute time which is allowing them to have a better work life balance. 72% reported greater flexibility since working from home and 62% reported being more focused on work. 79% also reported a better benefit to the environment.

3.0 Key Changes

3.1 The current Flexible Working Policy has been reviewed to make sure it is fit for purpose to support our ways of working following changes to working practices due to the pandemic. A key change is that it now includes reference to hybrid working aligning the policy to the Flexible Working Survey results and introduces the two models of how flexible working can be introduced.

3.2 There are two main ways that flexible working can be implemented, prescriptive – which is a fixed permanent arrangement, and flexible - which is voluntary and more versatile as it can be managed based on the needs of both individual and the service.

3.3 Prescriptive Model: A prescriptive arrangement is fixed, detailing the days/hours that individuals are expected to be available, when they would be expected in the office, work from home, or other locations and would result in a contractual change confirming the fixed arrangement.

3.4 This arrangement could be put in place either by a service, for example to ensure that there is cover in the office where required, or individually as a flexible working request, for example to ensure that they can manage caring responsibilities.

3.5 Flexible Model: A flexible arrangement would not require a new contract, this is a voluntary arrangement where, depending on service need, individuals agree to work in a different way, for example a hybrid working approach.

3.6 The policy also allows access for 'day one' requests for flexible working which will be considered without having to complete the current requirement of 26 weeks continuous service. Although not a legal right this is a campaign cited as good practice from the CIPD and aligns with being an employer of choice which could also have a positive impact on recruitment practices and the council's employee benefits offer.

- 3.7 Service areas must continue to discuss with their HR Consultant or HR Business Partner before looking to proceed with any review to the Ways of Working for roles within their area.
- 3.8 Any review will also continue to be carried out in accordance with the Council's Organisational Change Policy.
- 3.9 Employees surveys have provided data on the workforce that 95% could take a hybrid approach to their role and 65% reported they could work from home long term. A policy that is supportive of this whilst ensuring that service need is the priority is required to ensure consistency of approach across the organisation.
- 3.10 The policy has been rebranded as the 'Our Ways of Working Policy', a title which aligns to other organisations and strategies to communicate different ways of working within an organisation promoting principles of how we work.
- 3.11 The policy has been reviewed in line with Plain English principles with the aim to make the policy, process and resulting guidance, for example right to apply for flexible working, accessible to all which will help provide a consistent message and approach across the organisation.
- 3.12 Current guidance documents planned to support the policy include:
- Our Ways of Working: Requesting a Permanent Change (right to apply)
 - Our Ways of Working: Flexi Time Principles (no change to current organisational standard)
 - Our Ways of Working: Hybrid Working Practical Arrangements (equipment, risk assessment, insurance, wellbeing, communication, expectations, hours etc)
 - Our Ways of Working: Employee guidance on effective hybrid working
 - Our Ways of Working: Managing a remote team effectively (Performance, Communication, Inclusion, H&S, wellbeing – both mental and physical)
- 3.13 Work is also being carried out in collaboration with the Workforce Development Team to identify additional training requirements to help support managers regarding managing a remote workforce.
- 3.14 Medway Council HR are committed to continuously reviewing HR policies to ensure that as an employer the Council is up to date with legislation and ACAS/CIPD guidance and adopting best practice. The draft Our Ways of Working Policy is set out in Appendix 1 to the report.
- 3.15 A Diversity Impact Assessment has been undertaken in relation to the draft policy, this is set out in Appendix 2.

4.0 Advice and analysis

- 4.1 The HR Policy Manager has undertaken a desk top review of the way other organisations structure their flexible working policies as a learning exercise for Medway and also incorporated good practice from ACAS and the CIPD alongside any additional aspects from benchmarking against model policies and guidance from XpertHR.

- 4.2 There is an opportunity for the Council to build on what has been learnt during the change of working practices during the pandemic and to do more to provide flexibility for the benefit of both employees and the council. A clear and robust policy and guidance allows the managers and employees to identify clearly where flexibility can be crafted into a role and establish clearly reasons why some elements may not be suitable.
- 4.3 The direct business benefits include savings on office space, for example, using technological advances to allow remote working and hot desking. Flexible working may also allow a better match between business resources and demand.
- 4.4 Indirect business benefits are achieved through improved employee job satisfaction and wellbeing. Research shows that flexible workers have a higher level of job satisfaction, commitment and are more likely to increase discretionary effort compared to those who do not work flexibly. Flexible working can also reduce absence rates and allows employees to manage disability and long-term health conditions, as well as supporting their mental health and stress, as shown in a CIPD (2021) health and wellbeing at work survey.
- 4.5 Flexible working options can also be attractive to employees and new recruits, especially as employee expectations change in relation to their jobs, careers and work-life balance, and demographic changes affect employees' needs to balance their job with other responsibilities such as caring.
- 4.6 The CIPD reports a lack of equality of access to flexible working, this may not be reflective of practice at Medway Council however is an issue that should be highlighted. Among employees who have no access to flexible working, about 80% would like it. More than half the workforce would like to work flexibly in at least one form that is not currently available to them. Negative effects of flexible working for those employees who have flexible working arrangements that reduce their hours are more likely to indicate negative career implications. This has implications for equality, as these arrangements are more likely to be used by women e.g., due to caring responsibilities.
- 4.7 There's also an inclusion risk as the gap is set to grow between home working and other employees who have to go to the physical workspace and have little flexibility. It's often essential workers and lower-paid front-line staff who are not able to work from home and it is crucial that these workers are not left behind when we think about flexible working.

5 Risk management

- 5.1 Risk management is an integral part of good governance. The council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community.

5.2 As a local authority it is good employment practice to have clear and robust policy and guidance for flexible working and how this works in practice. Having this in place can help to mitigate risk to the organisation.

Risk	Description	Action to avoid or mitigate risk		Risk rating
Leaving the policy as is could mean missing out on opportunities to realise benefits from flexible working and also present a risk where the council has not adapted its policies and guidance to new ways or working.	Provide support to managers and employees on new ways of working, ensuring that a fair and consistent approach is supported through up-to-date guidance and clear information and processes.	Consider the good practice gleaned from elsewhere and utilise within the policy and accompanying guidance. The new policy to be communicated and promoted effectively across the organisation.		D3

6 Consultation

6.1 This policy has been consulted upon with the following stakeholders:

- Trade Unions
- Chief Legal Officer
- Chief Finance Officer
- Staff Forums

6.2 Consultation responses received have been attached as Appendix 3.

7 Financial implications

7.1 The cost of a communications campaign would be negligible and could be minimised by the use of digital media. More importantly the move to a more flexible policy, facilitating a hybrid approach and greater opportunity for home-working, should generate efficiencies in terms of a smaller footprint for our office accommodation requirements, improved recruitment and retention of staff and savings in travel expenses.

8 Legal implications

8.1 The policy in is line with current legislation regarding flexible working, the main legislative consideration being the legal right to request flexible working as under the Right to Apply implemented via the Employment Act 2002.

9.0 Climate Change implications

- 9.1 Flexible working has the potential to have a significant impact on supporting the green agenda, a reduction in those commuting to an office space as work can be completed successfully at home may result in a reduction of the use of vehicles and buildings which contribute to emissions.

10.0 Recommendation

- 10.1 Members are asked to approve the revised draft Our Ways of Working Policy and agree its implementation.

Lead officer contact

Nick Morgan, HR Policy Manager, Gun Wharf, 01634 332955
e-mail: nicholas.morgan@medway.gov.uk

Appendices

Appendix 1: Draft Our Ways of Working Policy
Appendix 2: Diversity Impact Assessment
Appendix 3: Comments from consultation

Background papers

None