

## REMOTE WORKING POLICY

Date policy adopted: 01/06/2021

Date of last review: 01/06/2021

### 1. Table of Contents

1.	Table of Contents .....	1
2.	Purpose and Scope.....	2
3.	Implementation, monitor and review of the Policy .....	2
4.	What is Remote Working?.....	2
	Definition .....	2
	Benefits of Remote Working .....	2
	Types of Remote Working.....	3
	Occasional Remote Working .....	3
	Regular Remote Working .....	3
	Permanent Remote Working .....	4
	Suitability of Remote Working.....	4
	Job Role .....	4
	Employee Characteristics .....	4
5.	Requests to Work remotely.....	5
6.	ESC requesting or requiring employees to work remotely .....	5
7.	Practical Arrangements of Remote Working Agreements.....	6
	Communication with and Management of Remote Working Employees.....	6
	Provision of Equipment.....	6
	Insurance and Property considerations.....	6
	Health and Safety Considerations .....	7
	Data Security .....	7
	Working Hours .....	7
	Visits to the remote Worker.....	7
	Contractual Terms .....	8
	Expenses .....	8
	Review of a Remote Working Agreement.....	9
	Termination of a Remote Working Agreement.....	9
8.	Appendix 1 - Remote Working Agreement.....	11

## 2. Purpose and Scope

The Ethical Standards Commissioner (ESC) is committed to facilitating flexible working in cases where this will allow employees to accommodate personal circumstances whilst undertaking effective and efficient working. It is also recognised that there may be times when it is preferable or required (for example due to business continuity purposes) that employees work at an alternative location to the main office. This policy outlines the circumstances under which ESC will allow, request or require employees to work at a location away from the main office which will usually be the employee's home (remote working). It will be utilised in conjunction with the supporting work / life balance policy.

This policy applies to all employees regardless of working pattern or nature of employment contract. It will not apply to others carrying out work on behalf of ESC (agency staff, contractors etc) who will be governed by the contract under which they have been employed or contracted.

## 3. Implementation, monitoring and review of the policy

Overall responsibility for policy implementation, monitoring and review lies with ESC. Everyone covered by the scope of the policy is obliged to adhere to, and facilitate implementation of, the policy. Appropriate action will be taken to inform all new and existing employees and others covered by the scope of the existence of the policy and their role in adhering to it. The policy will be reviewed at such times as legislation or a change to the ESC policy position requires it. The policy will be made available to the general public.

## 4. What is Remote Working?

### Definition

Remote working is defined as any time and place where an employee is working at a location which is not the main office base. This will usually be the employee's home but could include a different office space, public space such as a library or community hub or any other location which is not the main office of ESC.

Remote working may take place on an occasional basis for working for short periods of time or may take place on a longer term or even permanent basis. It can cover part of the employee's working hours or all of them. It can be requested by the employee or may be a request or requirement of ESC. Remote working, when requested or required by ESC, will only take place following full consultation with employees, other than in cases of emergency business continuity, where as much consultation will take place as is possible in the circumstances.

### Benefits of Remote Working

There are many benefits to remote working. For ESC these include:

- Contributing towards the reduction of ESC's CO2 emissions by reducing unnecessary employee commuting;
- The retention of valued and skilled employees for whom the ability to work remotely is the preferred option;
- Motivated employees who feel that they work for an organisation that is prepared to be flexible and which trusts them;
- Potentially increased output and quality of work due to fewer distractions than working in the main office environment;

- Accommodation of the requirements of disabled employees, employees with temporary health conditions or employees with caring responsibilities;
- Promotion of a positive image as a good employer;
- Potential to reduced costs in terms of travelling allowances;
- Potential for reduced accommodation costs and better use of existing premises and resources.

For the employee these include:

- Increased discretion in the management of their work and personal time;
- Increased motivation;
- A saving of travel time and costs;
- The ability to work without distraction;
- Improvements in work-life balance issues.

While there are many advantages to remote working, a detailed assessment will need to be made, by both the employee and ESC, as to whether the circumstances for remote working are appropriate.

## Types of Remote Working

There are various ways that remote working may operate, ranging from rare occasions that arise and do not form a routine, to formal arrangements that are identified as a contractual commitment:

### Occasional Remote Working

Taking work home or to another location that is away from the main office occasionally, on an ad hoc basis, to concentrate on a particular project or task may be suitable in the following circumstances:

- Where a specific task needs dedicated and focussed input and/or could be dealt with more efficiently at home or another remote location e.g. through saved travelling time and lack of interruptions;
- Where it is difficult for employees to get in to work e.g. adverse weather, a short but unavoidable commitment at home, or attendance at a work-related meeting or event means that working at one or both sides of the event would be more efficiently and effectively carried out from a remote location.

### Regular Remote Working

Working from home or another location that is away from the main office for a percentage of the time on a regular basis, the individual would come into the main office for the balance of time. This may be suitable in the following circumstances:

- Where the job role requires little face to face contact with colleagues and/or complainants and/or others who have direct contact with the office;
- To facilitate a more flexible work pattern, perhaps to accommodate aspects of work / life balance or as a reasonable adjustment to facilitate a disability or health condition;
- Where an individual plans their work arrangements to enable the achievement of defined outputs each week/month from home;
- The job involves frequent/regular outside visits.

## Permanent Remote Working

Working from home or another location which is away from the main office for the majority of the time. This would not preclude (and may even require) occasional and / or regular visits to the main office for specific events such as meetings, training or communication events for example. Permanent remote working may be suitable in the following circumstances:

- Where the job can be done just as effectively and efficiently from a remote location;
- Where ICT systems exist, or can be created, to support the job at the remote location;
- Where communications systems exist, or can be created, to support the job, and the employee effectively;
- The job involves frequent/regular outside visits: and / or
- When required for a short to medium term for business continuity when the main office is not accessible.

## Suitability of Remote Working

### Job Role

Most job roles within ESC's office can be considered for remote working.

Aspects which should be considered when deciding on the suitability of remote working include:

- The percentage of the role made up from achieving defined output tasks;
- The percentage of the role involving discrete projects or functions;
- Level of autonomy in the role;
- The amount of ad hoc communication with other employees required in the role;
- The level of high periods of concentration required;
- Whether the role requires attendance at off site meetings, interviews, hearings etc.
- Whether and how often the role requires regular face-to-face contact with onsite employees, contractors and members of the public

### Employee Characteristics

Having established the suitability of the job for remote working the suitability of the employee needs to be considered. Remote working does not suit everyone. A trial period may be appropriate in order to gauge suitability before any longer term arrangements are put in place.

Helpful personal qualities are likely to include:

- Self-motivated;
- Self-disciplined;
- Enjoys the challenge of working on their own;
- A flexible approach;
- Able to organise working time effectively;
- Able to work without direct supervision;
- Confident to work away from the office environment;
- Able to work on their own without day to day social interaction with colleagues;
- Able to travel to meetings and site visits;
- Able to "switch off" from work and maintain a proper balance between working and non-working hours.

## 5. Requests to Work remotely

Employees wishing to request to work remotely on an occasional basis should discuss this with their line manager and if it would be helpful to have any of the arrangements in writing should jointly complete a remote working agreement (appendix 1).

Employees wishing to request to work remotely on a regular or permanent basis should do so using the process outlined in the right to request flexible working within the supporting work / life balance policy.

When the employee is making a case for remote working and the line manager is considering the request to work remotely, the following points should be taken into consideration:

- The suitability of the role to remote working as described above.
- The suitability of the employee to remote working as described above.
- What will be the effect on the functions of the office?
- Can the work readily be undertaken at a location away from the main office?
- Where will the remote working location be? If the remote location is not the employee's home, how will the work be conducted securely and confidentially?
- How can the work be monitored?
- How should contact be made?
- What equipment would be required?
- What costs would be incurred?

Requests for remote working will be viewed in a positive light and will be agreed wherever possible and practicable. If the request is accepted in principle, a health and safety assessment of the remote location environment must be carried out (see section titled "Health and Safety Considerations") before a final decision is reached. The final decision will be communicated to the employee in line with the right to request flexible working within the supporting work / life balance policy and, if accepted, may require an amended contract of employment to be issued. In addition to the amended contract of employment, the line manager and employee should jointly complete and sign the remote working agreement as outlined in Appendix 1 which provides the opportunity to detail some of the practical aspects required for remote working over and above the contractual changes. In all cases, it is open to the line manager and employee to agree a trial period for the remote working arrangement in advance of any permanent arrangement taking effect. This is particularly recommended for cases where a permanent remote working arrangement is being proposed. Any trial details should be confirmed within the remote working agreement.

## 6. ESC requesting or requiring employees to work remotely

On some occasions, there may be a need for ESC to request that an employee or employees work remotely. Examples of when this may be appropriate include (but are not limited to) situations where:

- a specific role would be more suited to this type of working arrangement. For example, if the job description requires the employee to attend a lot of investigation interviews and / or hearings such that having a main base at home or another remote location would make more logical sense than the main office base.
- A review of working arrangements in response to organisational change and business transformation. For example, a business case is provided that shows that having one or

more sections of the organisation working remotely could provide cost efficiencies without impacting on services provision.

- An urgent emergency is presented which requires business continuity measures to be invoked. For example, a global pandemic results in the main office space being an unsafe environment for employees or where travelling to it also presents risks.

Remote working will not be imposed on any existing employee without proper assessment, consultation and a reasonable period of notice. Posts advertised as “remote based” will be exempt from the need for such consultation but will be subject to assessment.

In cases where the reason for a move to remote working is an emergency under business continuity measures, the consultation and notice period may be limited and the Health and Safety assessment may be completed after the move to remote working has happened, although this will be of immediate priority following the move.

## **7. Practical Arrangements of Remote Working Agreements**

This section highlights some of the main practical considerations which will need to be considered under a remote working arrangement.

### **Communication with and Management of Remote Working Employees**

Clear communication systems with remote workers are just as important, if not even more so, as for the office based worker. ESC has a number of electronic communication methods which are available and the line manager and remote worker will need to consider how these can be best utilised to provide an effective communication process which suits their working relationship best. In any cases where formal HR procedures are being undertaken (e.g. performance appraisal procedure, discipline, resolution policy, absence policy) these will be undertaken in the main office base where possible. If a short delay in arranging a meeting under any formal HR policy would allow this to take place in person in the main office base, then this should be accommodated. Electronic communication will not be used in these circumstances, unless this is the only practicable way that such a meeting can be undertaken.

### **Provision of Equipment**

Where appropriate, ESC may provide, install and maintain equipment to assist with remote working. Factors taken into consideration in determining appropriateness may include the frequency of remote working and whether the need for remote working has been generated by ESC or the employee and whether any equipment is required as part of a reasonable adjustment to accommodate a disability.

Further information about provision of equipment and maintenance is available in the Information Security Policy. Upon the termination of the remote working agreement, employees must return all equipment provided by ESC.

### **Insurance and Property considerations**

ESC will provide third party insurance for employees working remotely. It will also provide insurance cover for any ESC equipment located at the remote location. Whilst working remotely is unlikely to have an impact, employees whose remote location is their home, should contact their insurance company to ensure that their domestic insurance policies are not invalidated by the storage and use of ESC equipment in the home, or by using their home as a



workplace. They should also contact their mortgage provider or landlord to advise that the home is also being used as a workspace.

## Health and Safety Considerations

An employee who works from a remote location is afforded the same protection under health and safety legislation as an employee who is office based. It is therefore vital to ensure the remote working environment is suitable before any remote working agreement is reached. The employee needs to take personal responsibility for the health and safety aspects of remote working. An employee needs a working environment which offers the following:

- Suitable “office” space, ideally a separate room but at least a dedicated space and as close to a full sized workstation as possible;
- Freedom from interruptions and distractions;
- Security and confidentiality (this will be particularly important in any remote working location which is not the employee’s home);
- Ability to meet Health and Safety requirements;

If an application for remote working has been accepted in principle by the line manager, the employee should read the following policies:

- Health and Safety Policy
- Display Screen Equipment Policy

And complete the following forms:

- Remote Worker H&S Risk Assessment Form
- DSE Self Assessment Form

If these assessments identify any particular risks it will be the responsibility of the line manager and employee to discuss ways in which the risks may be minimised or eliminated. The remote environment must be deemed to be safe to work in before a remote working agreement can be drawn up.

## Data Security

Employees who work remotely are required to comply with all IT security and confidentiality requirements of ESC. This includes acceptance and adherence to the Information Security Policy. The remote worker will have a direct responsibility for all ESC information held at their home or any other remote location and must ensure that it is not accessible to non-authorised people (e.g. other members of the household or members of the public in the remote location).

## Working Hours

The flexible working hours scheme will apply to employees working remotely in the same way that it does to office based employees. Any change in working pattern should be requested using the right to request flexible working within the supporting work / life balance policy. In cases where ESC has requested or required the employee to work from a remote location, any requests to work a flexible working pattern as part of this change, will be considered sympathetically and adopted unless there are specific reasons why they could not be allowed.

## Visits to the remote Worker

On occasion it may be necessary for an employee working for ESC to visit the remote worker at their remote working location for purposes connected with work. This will be by prior arrangement and at a mutually convenient and reasonable time. Due to the health and safety

risks, ESC would not expect or advise employees to allow members of the public to visit them whilst working remotely.

## Contractual Terms

If the employee is an occasional or regular remote worker, there will be no requirement to issue a variation to the substantive contract of employment. The contracts of employment for permanent remote workers will need to reflect the location of their normal place of work. It should be noted that remote workers may still be expected to attend the ESC main offices from time to time (e.g. to attend team meetings). Any subsequent change to the remote location would constitute a further contractual change and therefore would need to be agreed before enacting. e.g. if the remote working location is the employee's home and they decide to move house, this will need to be discussed as to the suitability of the new home for remote working and if agreed, a further new variation to the contract of employment issued.

Unless additional changes to contractual terms (e.g. working hours) have been made in the same request for flexible working, all other terms and conditions will remain unchanged on agreement of a request to work remotely. This includes applications of relevant policies which means that employees working remotely should (by way of example) follow the same procedures for notifying their line manager about sickness absence or for booking holidays.

## Expenses

In general, ESC will not reimburse the employee for additional costs incurred by working remotely (cost of additional heating, lighting, broadband charges, office space rent etc) as it is considered that the reduction in commuting costs will compensate for these. However, if an employee has a specific concern or request relating to an aspect of remote working, this can be discussed and considered as part of the remote working agreement.

For occasional and regular remote workers when required to travel for a work related meeting, expenses will be paid from the place that they left to travel from (i.e. the remote working location or the main office). The out of pocket expenses policy should be referred to for guidance about ESC policy positions on methods of travel. For occasional and remove workers expenses will not be paid for travelling between the remote working location and the main office.

For permanent remote workers when required to travel for a work related meeting, expenses will be paid from the remote working location. This will include any occasional trips which are needed to be made to the main office. The out of pocket expenses policy should be referred to for guidance about ESC policy positions on methods of travel. .

Stationery should be ordered through the usual channels and collected from ESC premises by the remote working employee, other than in the case of remote working brought about by business continuity circumstances where it is not possible to visit ESC premises. In these circumstances, stationery will be reimbursed on production of receipts.

## Dependant Care

In most circumstances where remote working is being considered as a long term option, it is not considered appropriate to combine remote working with dependant care. Employees may



be asked to demonstrate that they do not have dependant care responsibilities within their contracted working hours.

Any changes to dependant care arrangements that will impact on an employee working from home must be reported to the line manager immediately and could lead to a review of the agreement.

It is understood that occasional remote working may be requested in order to balance aspects of home and working life such as working around appointments for elderly relatives or children or occasional working from home during adverse weather when schools are closed. It is also recognised that when the move to remote working has been requested by ESC and in particular if the reason for the request is for emergency business continuity purposes that combining work and dependant care may be a necessity. In such cases, requests to alter working hours will be considered favourably wherever feasible, in order to assist with managing work / life balance.

### Review of a Remote Working Agreement

Any remote working arrangement will be reviewed periodically (generally once a year as part of the performance management review arrangements). This will allow both parties to assess whether the arrangement is still appropriate and make any alterations as required.

### Termination of a Remote Working Agreement

A remote working agreement can be terminated, by either party, by giving three months' notice. This notice period may be varied in exceptional circumstances. Where the agreement relates to occasional or regular remote working, the employee will either return to office based working on termination, or an alternative remote working agreement (e.g. at a different location) may be established.

## Equality Impact Assessment

Does this policy comply with the general Public Sector Equality Duty (s149 Equality Act 2010)?

This policy applies to all employees who work for ESC. Its impact was considered when drafting and it has a positive impact for any employee who has difficulty in travelling to an office base on a regular basis, whether that be due to a disability, caring responsibilities or any other reason. The policy was deliberately enlarged from “home” working to “remote” working in order to allow a broad range of employees to make use of it. We consulted with all employees prior to publication to identify and address any issues.

## Data Protection Impact Assessment

Have we considered any effect the policy may have on the collecting, processing and storing of personal data?

The records generated by this policy will contain personal data and may contain sensitive and special category personal data. Suitable retention and destruction policies are in place to manage this material.

## Information Security Impact Assessment

Have we considered the impact any policy may have on our cyber-resilience?

With more employees working at remote locations, there is an increased risk to our cyber-resilience by the very fact of having equipment stored, used and moved physically to more locations other than the main office, as well as employees using other internet networks. This is mitigated by the fact that remote working will largely only take place with the prior agreement of the line manager. Information security will form part of the consideration as to whether remote working is possible. Once remote working has been agreed, or where it has been imposed upon the employee rather than agreed (such as through contingency planning in an emergency) the remote working policy refers to and is used in conjunction with the Information Security Policy which is clear about employee requirements needed to keep equipment and information safe. (See Data Security para in the policy)..

## Records Management Impact

Have we considered the impact any policy may have on our ability to manage our records?

This policy should have no impact on our ability to manage our records.

Version	Description	Date	Author
1.0	First draft of policy	01/06/21	Pubic Appointments Officer

Appendix 1 - Remote Working Agreement

Name:	Job Title:
Address of remote working:	
Phone number at remote working address:	ESC mobile phone number (if relevant):
Date on which remote working will commence:	Date remote working arrangements agreed:
Is the Agreement: Permanent / Temporary / Trial* – please specify end date: *delete as necessary	
<b>Remote working arrangements agreed:</b> (Include any communications / expenses / working hours / regular visits etc. agreed)	
<b>Equipment Provided:</b> (including serial numbers)	
<p><b>Employee Declaration:</b></p> <ul style="list-style-type: none"> <li>• I will be responsible for completing and recording annual health and safety checks at my remote working location;</li> <li>• I understand that the requirement for me to adhere to ESC’s policies and procedures is unaffected by the fact that I will be working remotely;</li> <li>• I agree to allow access, by prior arrangement, to my manager, ESC IT providers, portable appliance testing staff and any other ESC employee who requires access to perform their duties;</li> <li>• I understand that the remote working agreement is not a substitute for childcare or other caring responsibilities and that adequate provisions must be made in respect of these;</li> <li>• I understand that I may be required to attend the ESC main office from time to time during my home working hours (e.g. to attend a team meeting);</li> <li>• I understand the provision for the remote working agreement to be cancelled by myself or ESC.</li> </ul>	
Please sign to confirm that you have read, understood and agree to the conditions relating to the remote working arrangement:	
Signed:	Date:
Print:	