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Agile Working Policy and Procedure

Classification :	Policy
Authors Name:	
Authors Job Title:	**HR Business Partner**
Authors Division:	**Workforce**
Departments/Group this Document applies to:	All employees

Approval Group: **Policy Review Group** **JCNC** **Workforce/Management Board** **Trust Executive Group (TEG)**		**Date of Approval:**	Oct 2023
		Last Review:	Oct 2023
		Review Date:	Oct 2026

Unique Identifier: DOC259	**Status:** Published	**Version No:** 1.1

Policy to be followed by (target staff): All employees

To be read in conjunction with the following documents:

Agile Working Toolkit
Flexible Working Policy and Procedure
Special Leave Policy and Procedure
Appeals Policy and Procedure
Disciplinary Policy and Procedure
Performance Improvement and Capability Policy and Procedure

CQC Fundamental standards:
Regulation 15 – Premises and equipment
Regulation 17 – Good governance
Regulation 18 – Staffing
Regulation 19 – Fit and proper

Index

Policy Statement

Milton Keynes University Hospital NHS Foundation Trust (The Trust) is committed to improving the working lives of all employees (full time, part time or job share, regardless of protected characteristics or personal circumstances) to help them achieve a work/life balance, which balances the demands of the job with their home life.

The Trust recognises the benefits of adopting different ways of working and is committed to moving towards a truly flexible and agile workforce.

Agile working allows employees to conduct their duties away from the habitual or contractual place of work with no change to contractual obligations or terms and conditions of employment. Agile working is not offered on a full-time basis during normal times and working in an agile way is not mandatory, all staff may still choose to attend site for all of their working time. The agreement for agile working is not permanent, nor is it a change to the employment contract.

The policy outlines the Trust's expectations of employees working in an agile way, such as from home, where practically and reasonably possible. Guidance is provided in this policy for managers to encourage and allow agile working within their teams.

Purpose and Scope

The policy is intended to provide a consistent framework to allow agile working to be implemented by managers for teams or individuals where it is deemed to be a role that could be carried out away from their base. The policy applies to all employees, including those on secondment to the Trust. Any individuals requesting to work away from base or home working for a proportion or all of their hours for personal reasons must make an application through the Flexible Working Policy and Procedure and not solely rely on the contents of this policy.

The principles of this policy can be adopted and implemented immediately. One area of this policy, the number of mandatory days on site, may be varied by the Trust with no notice as part of the Trust's emergency, preparedness, resilience and response (EPRR) measures and/or in response to national guidance, enabling the efficient movement of staff to maintain business continuity.

Definitions

Agile Working
Agile working is understood to mean working from any location in the United Kingdom agreed between the Trust and the employee. Those who are Agile Working may still be required to attend site on these days due to business need and must therefore be able to travel to site in a suitable timeframe, as agreed with management.

Home Working
Home working is understood to mean working from home.

1.0 Roles and Responsibilities:

1.1 Chief Executive

The Chief Executive has overall responsibility for ensuring that the Trust has appropriate policies in place and that robust monitoring arrangements are embedded.

1.2 Directors

All directors are responsible for the implementation of this policy within their respective directorates and for taking remedial action to address non-compliance.

1.3 HR Department

It is the responsibility of the Human Resources Department to provide advice and support to managers and employees in implementing this policy.

1.4 Heads of Department

It is the responsibility of the Head of Department to approve or decline requests to remove high cost or specialist equipment from Trust premises, and therefore be familiar with the arrangements of agile working set out in this policy.

1.5 Line Managers

Line managers will ensure adherence to the processes outlined in the policy to allow agile working where reasonably and operationally practical to do so. To agree the terms of agile working, outputs and how these will be monitored. Line managers will also be required to regularly review agile working terms to ensure the arrangement continues to meet the needs of both the employee and the needs of the business.

1.6 Employees

Employees will ensure adherence to the processes outlined in the policy. To be responsible for individual and personal health and safety to include mandatory training, DSE and workspace assessment. To be responsible for ensuring the correct insurances and indemnities are in place to allow home working, including home and contents insurance and mortgage or landlord permission. Employees will also ensure that communication with colleagues and managers is maintained on a regular basis when working from home.

2.0   Implementation and Dissemination of Document

Employees will be aware of this policy via their line managers, the Trust's intranet page and the Human Resources Department. The policy will be accessible to everyone through the Trust's intranet, departments where printed and by request to the Human Resources Department. This document will be published on the Trust Intranet.

3.0   Processes and Procedures

3.1   Principles

Agile working allows the Trust to adopt a different way of working whilst maintaining business continuity, also allowing for the efficient movement of staff in a time of need. By implementing this policy, the Trust further aims to provide an improved work and life balance to employees.

Agile working is encouraged throughout the Trust, where practically and reasonably possible. The preferred location for agile working is for employees to work from home.   Employees who do not wish to work from home may agree an alternative location with their line manager.

The requirement to work in an agile way is not mandatory and all staff may choose to attend site at all times.

The Trust acknowledges that not all roles may be suitable for agile working, however there may be elements of the role that can be conducted away from the usual place of work.

Employees able to do so should be encouraged to work from home a minimum of one day and up to three days per week (pro-rata for part time staff). Line managers should agree an agile working rota with their teams to ensure fair allocation is applied and all employees. Maintaining a presence in the workplace is essential for employees with leadership responsibilities.

Managers should apply the principles of this policy in order to give due care and consideration to determining agile working arrangements, in line with part 3.2 of this policy.

The Trust reserves the right to vary the minimum and maximum days on site limits at no notice as part of the Trust's emergency, preparedness, resilience and response (EPRR) measures and/or in response to national guidance, enabling the efficient movement of staff to maintain business continuity. The Trust will notify the Staffside Chair by email should the need arise to vary these limits and the limits will be made available to the general workforce via the intranet and colleague briefings.

Whilst it is the Trust's expectation that employees will be encouraged to work from home where practically and reasonably possible, agile working must be cost-effective and there should be no significant increase in workload for other colleagues.

There is no automatic right for employees to work from home. These arrangements are built on the trust between individual employees and line managers. Employees must be able to demonstrate to their line manager their ability to undertake duties at home and that there will be not detriment to their ability to deliver the requirements of their role.

Line managers can liaise with the HR Department in relation to enabling agile working within their team.

Employees are not permitted to work from abroad under this policy, with agile working only applying to locations within the United Kingdom.

Employees should be able to attend work at very short notice upon the request of their manager, for example to cover sickness absence or in the event of business need. The employee's base remains on Trust premises and the employee should be able to attend site at any time during their regular working hours. As such, employees should agree the location of agile working, if it not their home, with their manager and any arrangements for office cover or possible attendance on site during this timeframe prior to commencing a period of agile working.

3.2   Implementing Agile Working

Line managers should decide how agile working could be adopted within their teams and identify how this could be implemented. This should be discussed with their teams with an agreed rota published locally.

In deciding how agile working can be implemented, line managers should consider:

- the suitability of the employee's role (or elements of the role) for home working
- the ability to work from home / another location
- the date from which the arrangements are intended to start
- the review date
- the proposed number of days to work from home (up to a maximum of three days per week, pro-rata for part time employees)
- hours of work
- the home working environment
- extent of availability to attend the workplace, for meetings, cover colleague absences etc.
- how contact will be maintained with colleagues and the team

As part of the discussion to agree agile working, employees should demonstrate to the line manager how the following will be achieved:

- managing workload independently
- self-motivation and working to own initiative
- adapting to the different working practices
- problem-solving and different pressures associated with working alone
- adapting to different methods of being line managed and liaising with colleagues
- removal/management of any possible non-work based distractions

The implementation and arrangements for agile working must be put in writing to the team by the manager within 7 calendar days of making the decision.

3.2.1 Refusal or Failure to Accommodate Agile-Working

If the line manager decides that upon review they are unable to accommodate any agile working arrangements then they must put this outcome in writing to those affected within 7 calendar days of the decision, stating the considerations made and the reasons it could not be implemented.

3.3   Reviews

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Upon implementation of agile working, the line manager will review the arrangements with the team every four weeks to ensure that arrangements are suitable and meets the needs of the business.

The line manager reserves the right to halt, change or withdraw agile working arrangements with one week's notice if there are significant concerns of performance, workload, productivity, or wellbeing for any employee.

The Trust reserves the right to terminate agile working arrangements at any time upon providing reasonable notice. Where this is necessary, notice will be provided in writing.

3.4   Appeal

If a manager decides to revoke agile working following a review or refuses a request for agile working, then an employee or team may appeal against this decision in line with the Trust Appeals policy and procedure within 14 calendar days of the date of the letter stating the change or outcome. Where the decision is for a team's agile working to be revoked or refused, the appeal would need to state the names of all the individuals that are appealing against the decision and be led by a nominated individual.

3.5   Agile Working Arrangements

Employees will be required to have the tools and IT equipment relevant to their job role already at their disposal. This would require a minimum of a Trust issued laptop/portable device or access to Trust systems through their own device and the Trust's online access portal and the means to be contacted and make contact with colleagues during agreed/regular working hours (this may be a home/mobile phone or the use of MSTeams calls).

Employees are required to be available during the hours specified in their contract of employment and expected to attend meetings in person and other work-based events when required. Flexibility is expected from staff who work from home to provide cross-cover for colleagues and therefore attend site in the event of sickness absence, annual leave or business demand.

Employees and line managers should discuss the possible impact of regularly working away from the work location on colleagues including the potential negative impact on mental health and wellbeing. Employees should ensure that a good quality of work and life balance is maintained, and line managers should regularly review this with staff in order to prevent burnout.

Unless otherwise agreed in advance with the line manager, and where a time critical piece of work needs to be delivered, time of in lieu (TOIL) will not be accruable for work undertaken at home.

The costs of electricity, water, heating, telephone, broadband/wifi and other utilities or overheads will not be covered by the Trust. These costs will remain the employee's responsibility.

Employees should take reasonable care of Trust equipment and it should be used in accordance with the Trust's IT, telephony, information governance, the General Data Protection Regulation (GDPR) and monitoring policies.

Personal equipment that employees use for work purposes remains their responsibility and the Trust is not liable for any loss, damage, repair or replacement of any personal equipment.

Employees must always keep Trust data and materials safe and secure, ensuring reasonable precautions are being taken to maintain confidentiality in accordance with Information Governance procedures and GDPR.

Employees working from home are still required to comply with all other Trust policies, including annual leave, special leave, sickness, absence etc.

3.6 Health, Safety, and Wellbeing

Prior to implementing agile working, all employee mandatory training must be up to date. There is a requirement for employees to fully educate themselves on display screen equipment (DSE) and workstation self-assessments for remote working.

Employees are responsible for conducting their own DSE and workstation assessments for agile working and for reporting any concerns or requirements to the line manager. Guidance on conducting a workplace self-assessment is included as part of the policy toolkit and this should be considered by the line manager prior to approving homeworking.

Where the home working self-assessment raises concerns about health and safety or the environment is deemed unsuitable, home working can be declined by the line manager.

There is evidence to suggest that prolonged home working can cause feelings of isolation resulting in low motivation, low mood and impacting negatively upon both professional and personal life. It is important that employees assess regularly their own mental health and wellbeing. It is also essential for line managers to ensure regular contact with employees who are working from home.

Employees are encouraged to be open and honest with their line manager with how they are feeling so that a review of homeworking can take place and support measures discussed. Likewise, line managers are encouraged to take a positive approach to mental wellbeing and welcome these discussions as part of the flexible working review meetings and regular one to one meetings.

3.7 Communication and Keeping in Touch

Regular home working may impact on relationships with colleagues and there is a risk of becoming or feeling isolated from the team.

Line managers and employees working from home should ensure that regular contact is maintained throughout the working week to allow for scoping out of work demands and priorities. Establishing regular contact, channels and frequency should extend to colleagues and the wider team in order to maintain a team ethos.

Pressures and stress occur equally to employees working from home as they do to those working at the Trust's offices and the Trust encourages the early reporting of these issues so that practical steps can be considered and implemented to the mutual agreement of both the employee and the line manager. One to one meetings should continue as they would in the Trust offices so that line managers can work towards early resolution of any concerns that may arise and review the ongoing suitability of the homeworking arrangement.

Where homeworking is agreed across the same team, managers are encouraged to have a nominated corporate day, where all members of the same team are required to be on site on a specified day, where this is safe and logistically possible to do.

3.8 Recording and Reporting

There should be no dip in the quality of work produced and the expected standards of productivity should be maintained. Work and work outputs should be agreed with employees working from home, prior to agile working arrangements commencing. Performance concerns will be addressed under the Trust's Performance Improvement and Capability Policy and Procedure.

3.9 Equipment and IT

Provision of essential equipment and IT access to enable employees to work from home will be a minimum of a Trust issued laptop/portable device or access to Trust systems through their own device and the Trust's online access portal and the means to be contacted and make contact with colleagues (this may be a home/mobile phone or the use of MSTeams calls).

Equipment should already be at the disposal of employees or available as a shared resource within the team. Equipment will not be supplied if a) there is no availability; and b) the equipment is not essential for the role to be undertaken at home.

Employees working from home are to provide assurance of having the means to work from home, to include appropriate broadband/wifi connectivity, signal strength and the ability to work effectively with the equipment provided.

Specialist and high-cost equipment can only be removed from Trust premises by exception. To enable removal from site, permission must be sought from the Head of Department/Service and deemed to be essential equipment. A risk assessment must also be undertaken to inform its agreed removal from premises. In all other circumstances, the employee will not be permitted to take this equipment home and must conduct this work on site.

3.10 Insurance and Indemnities

Employees are encouraged to check with their home insurance provider if there are any restrictions to home working within their policy.

The insurance of Trust equipment falls under the indemnity policy of the Trust and extends to an employee's home where there is an agreement to use Trust equipment in this location. This includes the costs of any accidental damage to third parties caused wholly by Trust property. In the instance of any damage or loss of Trust equipment or property caused by the employee's own carelessness or negligence the Trust may revoke agile working arrangements, evoke the Disciplinary Policy and/or seek to recoup any costs.

3.11 Onboarding and New Starters

Agile working will be made available to new starters in the same way as existing employees. New employees should be made aware of this policy and the process through their local induction. If a post is considered suitable for agile working, prospective candidates should be made aware of this option during the recruitment process.

Line managers should ensure that new members of the team are able to embed and become familiar with the team ethos, Trust strategy and values whilst agile working. There is an expectation that the

wider team will adapt agile working arrangements to accommodate the local induction needs of the new starter, with a review of the agile working arrangements amongst the team to ensure equitability amongst the team.

3.12   Emergencies and Domestic Duties

Where an emergency or requirement to deal with an urgent domestic duty arise, employees working from home should make their line manager aware at the earliest opportunity and follow the procedures outlined within the Special Leave Policy.

The Trust's Special Leave Policy should also be followed in cases of doctors/dentist appointments and allowing for time off for dependents.

4.0   Statement of Evidence and References

4.1   References

May 2013, '*Working with Display Screen Equipment (DSE) A brief* guide', Health and Safety Executive

April 2017, '*Homeworking Guide'*, Unison

May 2017, '*Appeals Policy',* Milton Keynes University Hospital NHS Foundation Trust

February 2019, '*Display Screen Equipment Policy and Guidance',* Milton Keynes University Hospital NHS Foundation Trust

April 2019, '*NHS Terms and Conditions of Handbook',* The NHS Staff Council

October 2019, '*Flexible Working Policy',* Milton Keynes University Hospital NHS Foundation Trust

March 2020, '*Home Working Policy',* CIPD HR Inform

March 2020, '*How to manage working from home',* CIPD 2020

July 2020, *'Special Leave Policy',* Milton Keynes University Hospital Foundation Trust

4.2   External Weblink References

https://www.acas.org.uk/working-from-home

https://www.cipd.co.uk/

https://www.ergonomics.org.uk/

https://www.hr-inform.co.uk/node/12466

https://www.hse.gov.uk/

https://www.nhsemployers.org/

https://timewise.co.uk/wp-content/uploads/2018/07/Flexible-working-in-the-NHS-the-case-for-action.pdf

https://www.unison.org.uk/

https://www.unison.org.uk/content/uploads/2017/06/Homeworking-GuideJune2017.pdf

Please note that although Milton Keynes University Hospital NHS Foundation Trust may include links to external websites, the Trust is not responsible for the accuracy or content therein.

5.0   Governance

5.1 Document review history

Version number	Review date	Reviewed by	Changes made
1.1	Sep 2023		Made clear that employees are not able to work from abroad when agile working. Also reinforced requirement for staff to attend site when working from home if there is a business need.
1	Jan 2024		New Policy

5.2 Consultation History

Stakeholders Name/Board	Area of Expertise	Date Sent	Date Received	Comments	Endorsed Yes/No
Policy Review Group (PRG)	Staff Side	Aug-23	Sep-23	No comments	Yes
JCNC	Staff Side	Sep-23	Sep 23	No Comments	Yes
TEC	Executive	Oct 23			
Policy Review Group (PRG)	Staff Side	Nov 20	Nov 20	Comments reviewed and responded to	Yes

JCNC	Staff Side	Dec 20	Dec 20	Approved	Yes
Trust Executive Group	Executive	Jan 21	Jan 21	Approved	Yes

5.3 Audit and monitoring

Audit/Monitoring Criteria	Tool	Audit Lead	Frequency of Audit	Responsible Committee/Board
Flexible working applications and management	ER Case Tracker	Employee Relations Team	Quarterly	Workforce Board

5.4 Equality Impact Assessment

As part of its development, this policy and its impact on equality has been reviewed. The purpose of the assessment is to minimise and if possible remove any disproportionate impact on the grounds of race, gender, disability, age, sexual orientation, religion or belief, pregnancy and maternity, gender reassignment or marriage and civil partnership. No detriment was identified.

Equality Impact Assessment			
Division	Workforce	Department	Organisational Development
Person completing the EqIA		Contact No.	
Others involved:	Peer review; Policy Review Group (PRG); JCNC	Date of assessment:	17 Aug 2020
Existing policy/service	Flexible Working Policy, Special Leave Policy	New policy/service	Agile Working Policy & Procedure
Will patients, carers, the public or staff be affected by the policy/service?	Staff		
If staff, how many/which groups will be effected?	All employees		

Protected characteristic	Any impact?	Comments
Age	NO	
Disability	NO	
Gender reassignment	NO	
Marriage and civil partnership	NO	No identifiable detriment for these protected characteristics. There is however a positive impact upon staff as the policy aims to recognise diversity, promote inclusion and fair treatment for patients and staff.
Pregnancy and maternity	NO	
Race	NO	
Religion or belief	NO	
Sex	NO	
Sexual orientation	NO	

What consultation method(s) have you carried out?	*PRG, JCNC*		
How are the changes/amendments to the policies/services communicated?	*Staff side engagement, Senior management team, consultative forums*		
What future actions need to be taken to overcome any barriers or discrimination?			
Who will lead this?	Who will lead this?	Who will lead this?	Who will lead this?
N/A	N/A	N/A	N/A
Review date of EqIA	Aug 2023		