

Confident, Capable Council Scrutiny Panel

18 April 2018

Report title	Smart Working Policy	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Milkinder Jaspal	
Corporate Plan priority	Confident Capable Council	
Key decision	N	
In forward plan	Yes	
Wards affected	N/A	
Accountable Director	Kevin O'Keefe	
Originating service	Human Resources	
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Report to be/has been considered by	Directorate Leadership Team Strategic Executive Board Confident, Capable Council Scrutiny Panel	January 2018 6 February 2018 18 April 2018

Recommendation:

The Confident, Capable Council Scrutiny Panel is recommended to:

1. Consider the draft Smart Working Policy and make any recommendations to Cabinet on the proposed policy

1.0 Purpose

1.1 Confident, Capable Council Scrutiny Panel is asked to comment on the proposed policy.

2.0 Background

2.1 As part of Future Space, the Council are closing some external buildings and moving employees into the Civic Centre. As a result, employees are being encouraged to work more flexibly through the use of shared desks, office space and remote working.

2.2 The Council currently has an Agile Working Protocol and Managers Guide which was introduced to support the Future Space Programme and new ICT infrastructure with the aim of making the workforce more agile. Since then, Human Resources have responded to the requirements of the SMART Working Project by reviewing and revising some relevant Council policies. This will allow the Council to further drive Smart Working forward and continue to influence the culture change required by making managers *and* employees consider the most effective and efficient ways to work to achieve the best results for the business, customer and employees.

2.3 The Smart Acronym explained:

- **S**upported - through policies, processes, procedures, technology and buildings.
- **M**easured - by the work we do, not by where we do it.
- **A**ware - of any changes to the ways in which we work and able to have input into decisions about our working styles.
- **R**esponsive- to our customers' needs, no matter where, when or how we work.
- **T**rained - to use any technology or policies that we are expected to use.

2.4 The SMART Working Policy is based around the notion that work should be conducted at the most efficient location taking into consideration the task, the customer, the individual and the team. This means, dependant on their role, employees could be supported to work from a range of council buildings, within the community, at client sites or by varying degrees of home working and regular sharing of desks.

2.5 The Agile Working Protocol provides guidance to managers about managing employees who work from varying locations to suit the work that they are conducting. It provides for and ensures a consistent approach to support an agile workforce and culture.

2.6 It requires managers to align roles to work styles to ascertain whether or not they are suited to flexible working. The protocol provides basic guidance and includes information on house-keeping rules (clear desk, reasonable adjustments), health and safety, information governance, performance and time management etc. It is felt that a policy is now needed as the Council needs to push agile working more to ensure managers and employees explore it as an option.

2.7 The new policy will enable managers and employees to be aware of the vision of the council in relation to Smart Working. It will also provide more guidance to employees and managers.

3.0 Progress, options, discussion, etc.

- 3.1 The proposed Smart Working Policy is aligned to the Council's Smart Working Project and the views of management and unions have been considered through the Joint Consultative Panel and briefing sessions with managers. Agile working policies from other local authorities have been viewed as well as policies from the private sector. These have been used as a benchmark when designing the Smart Working Policy for City of Wolverhampton Council.
- 3.2 It is proposed to replace the Agile Working Protocol and Managers Guide with the Smart Working Policy and Managers Guide.
- 3.3 The Smart Working Policy will take agile working one step further as it puts an emphasis on flexibility being the norm rather than exception. There is more of an onus on both managers and employees to work 'Smartly' and consider the way they work in their everyday working life. This should also have a positive impact upon the necessity for staff travel.
- 3.4 In addition to this it requires managers to manage by outcome as opposed to presence and employees to record work outputs more effectively. This should apply to all employees, not just those that may work away from the office on an ad-hoc basis.
- 3.6 The new Smart Working Policy will:
- Include the SMART acronym and definition being used to promote Smart Working to managers and employees in keeping with the brand name
 - Ensure work is conducted at the most efficient location taking into consideration the task, the customer, the individual and the team
 - State no subsidy will be given where employees choose to work from home as there are mutual benefits
 - State Smart Working arrangements are to be ad-hoc and suit a purpose
 - Include information on Health and Safety, Confidentiality of Information, Risk and Insurance. The policy has comprehensive information on Information Governance (IG) and has been checked by the IG Team.
 - Outline management and employee responsibilities
 - Encourage the use of Smart Working and empower employees to work with their manager to take a proactive rather than a reactive approach to flexibility in delivering their work
 - Before agreeing to Smart Working, managers and employees must consider the impact upon the business, the individual, team and customer.
 - Smart Working will not be agreed where it may create additional workload for other employees
 - Ensure that performance is managed by output rather than observable behaviour regardless of where someone is working
 - Remove the work styles in the agile working policy to make roles either 'flexible or not' – it is believed there can be an element of smart working in most roles
 - Emphasise that where agreed, Smart Working should not negatively impact upon the business, the employee or the team
 - Suggest using Skype to avoid unnecessary travel to work related meetings, where practicable

- State that where agreed employees could be requested to come into the office in an emergency and employees must oblige
- Request employees to record work undertaken regardless of location. This will assist managers to manage performance by outcome
- Confirm that Smart Working cannot be used as an alternative to childcare provision or sickness absence
- Require employees to be contactable via phone (provide a telephone number) and email regardless of their work location and be responsive to these
- The Working Hours Policy will continue to apply where Smart Working is agreed.

3.7 The managers guide will:

- Suggest taking a proactive rather than a reactive approach to flexibility, by seeking out the benefits rather than waiting for individual employee requests. Limitations on flexibility need to be based on clear operational need
- Outline considerations to take when determining the suitability of smart working
- Provide guidance on managing smart working (sharing schedules, trusting employees, making managing by results the norm etc)
- Provide information on managing by output and some tools and tips to assist with this
- Outline team work and self-help protocols
- Confirm that the manager should ensure the needs of the service are met throughout 'normal' office hours (9.00 to 17.00)
- Include a section on rethinking meetings – i.e. is it necessary to meet face to face, can individuals skype into a meeting? Can employees be allocated a time slot for a meeting to avoid them being present for the entire duration when they may not be able to add value etc
- Include information on communication strategies – email updates, video conferencing, skype meetings, dealing with communication concerns asap etc
- Detail what to do if Smart Working is not working for an individual or the business and action to take if employees misuse Smart Working
- Provide Health and Safety guidance and confidentiality of information (i.e. locking laptops and documents away securely, disposing of Council information on Council Premises, using the Council's secure disposal units, storing information on Council equipment only, including Council provided USB sticks as these are encrypted etc) when smart working
- Emphasise that Smart Working cannot be used to care for dependants or as an alternative to sick leave as employees may be called to the office as an emergency.

3.8 Impact upon other terms and conditions/policies:

3.9 As a result of Smart Working, City of Wolverhampton Council is also reviewing the Travel, Subsistence, Hospitality and Gifts Code (2007) within the constitution. It is proposed to introduce a Travel and Subsistence policy so that it is in keeping with Smart Working (i.e. to ensure employees and managers consider the need to travel and alternatives such as skype meetings, holding the meeting where most employees who need to attend are based

and most appropriate method of travel etc). This will also assist to reduce unnecessary mileage claims.

3.10 In addition, the working hours policy is also being reviewed – with a recommendation made to SEB that consideration be given to amend current working hours from:

- Morning 08:00 – 09:30 (earliest and latest start time)
- Lunch 12:00 – 14:00 (minimum 30 minutes; maximum 1.5 hours)
- Afternoon 16:00 – 18:00 (earliest and latest finish time)

Thus core hours (times employees have to be present for work) – 09:30 to 12:00 and 14:00 to 16:00.

3.11 To:

07:00 – 19:00 with no core hours.

3.12 However, this is currently under discussion and no decision has been made. Strategic Executive Board (SEB) requested briefing sessions to be held with managers prior to a decision being made. The aim was to consider whether managers at all levels have the relevant skills and training to ensure this would not have a detrimental effect on service. These briefing sessions have been held and feedback will be given to SEB on 18th April 2018.

3.13 Appendix A is a table which shows other Local Authority working hours and agile working conditions. It is important to note that working hours and agile working could be a consideration for prospective employees wishing to work at City of Wolverhampton Council and thus reinforces the need for working hours and smart working to be reviewed.

3.14 SEB are also being asked to consider allowing homeworking at manager discretion during inclement weather.

3.15 Next steps:

- Communicate the Policy through Leadership Team Meetings (cascade information down)
- In City People and Core Brief
- Hold briefing sessions for managers and employees – HR and ICT to be in attendance. To include guidance for managers on managing agile workers, monitoring and measuring productivity/performance and output, what action to take where it is felt that an employee is misusing the scheme, their expectations and responsibilities etc. In addition, a discussion will be held about challenging managers reluctance to allow agile working and applying this in a fair and consistent manner.
- Employee briefing sessions to cover IG considerations, recording work conducted away from the office, how managers will manage by output and their expectations/responsibilities.

4.0 Evaluation of alternative options

- 4.1 The Council can continue to use the current agile working protocol. However, in continuing to do so the current culture regarding SMART working may not change to the extent that is required to support the future space initiative.
- 4.2 This is a risk as there are expected to be 1400 desks and 2000 employees housed in the Civic Centre.

5.0 Reasons for decision(s):

5.1 Benefits of Smart Working

- Services delivered more efficiently, with customer needs met more effectively
- Increased productivity and staff morale
- Reduced costs associated with office space, travel to and from work/meetings
- Reduction in the carbon footprint and time spent travelling for work related activity
- Increase in candidate attraction, staff retention and talent acquisition
- Reduction in stress by empowering staff to manage their time and enhance their personal responsibility

5.2 Other considerations

By introducing and agreeing to the introduction of the Smart Working Policy and revision of Working Hours it will ensure CWC is competitive and continues to attract and retain the best talent. Other Local Authorities (as demonstrated in Appendix A) have already implemented changes to working hours and are more flexible than CWC.

6.0 Financial implications

- 6.1 There are no costs associated with the recommendation in this report. The proposed Smart Working Policy has been developed in house. It is possible that the future adoption of new guidelines on travel and subsistence, consistent with the Smart Working Policy, will reduce travel costs incurred. This cannot, however, be quantified at this stage. [GE/09042018/A]

7.0 Legal implications

- 7.1 CWC must consider health and safety implications. For example, should core hours be removed, adequate arrangements must be in place to ensure the safety of employees working at any site at any given time. For example, there is limited Keepers presence within the Civic Centre before 07:30 each day.
- 7.2 With the possible changes to the Working Hours and Smart Working policies, there is potential for employees to work longer hours. CWC must ensure that the principles of the Working Time Directive are not breached, i.e. that employees do not work more than 48

hours per week and managers must be aware of burnout where employees are not always observable.

- 7.3 CWC must also consider General Data Protection Regulations (GDPR) when allowing employees to work in an agile manner there is potential for documentation to be stolen or misplaced. CWC should ensure training is provided to employees and managers on Information Governance. [RB/0902018/Y]

8.0 Equalities implications

- 8.1 An Equality Impact Assessment has been completed. For many employees, it may not be practicable for them to take advantage of the working hours scheme and/or the smart working scheme as the needs of the service will make it impossible to operate. Managers must therefore consider the impact of granting access to increased flexi-time/smart working to one group of workers but excluding others within the same team, e.g. care staff and admin staff.
- 8.2 Additionally some employees may be classed as fixed workers when their actual workstyle is mobile, due to the equipment required to support a disability. Managers must ensure that reasonable adjustments are made to ensure that they are treated as much as possible the same as their mobile counterparts.
- 8.3 In addition, some managers may wrongly classify employees as fixed workers when they actually could work in an agile manner and this could raise some grievances. CWC need to ensure managers apply the option of agile working in a fair and consistent manner.

9.0 Environmental implications

- 9.1 Not applicable

10.0 Human resources implications

- 10.1 Consultation has been undertaken in accordance with HR procedures. The policy supports best practice in employment / Human Resources procedures.

11.0 Corporate landlord implications

- 11.1 This report has no implications for the Council's property portfolio.

12.0 Schedule of background papers

- 12.1 Agile working protocol
- 12.2 Draft Smart Working Policy
- 12.3 Draft Managers Guide to Smart Working

Appendix A – Core Time and Agile Working Research

Local Authority	Core Time / Flexi-Time	Benefits	Considerations
Dudley MBC	<p>No core hours.</p> <p>Employees are required to commence work no earlier than 07:30 and finish no later than 19:30 hours.</p> <p>1 x 1.5 hour session to be worked between 7:30 – 14:00</p> <p>1 x 1.5 hour session to be worked between 12:00 – 19:30 Min 20 minute break between sessions</p> <p>Accounting Period: 4 weeks Credit: 10 hours Debit: 10 hours Flexi Leave: Up to 2 days per accounting period.</p>	<ul style="list-style-type: none"> • To modernise the working arrangements and improve work-life balance for employees. • Improved employee morale, motivation and productivity. • Improved recruitment and retention rates. • Reduced absence and stress levels. • Accrued flexi-time to be used to attend personal appointments. 	<ul style="list-style-type: none"> • Applicable to all employees except for those employed by governing bodies. • All mobile workers to be trained in the use of mobile technology. • Managers to ensure regular communication is maintained, e.g. appraisals, one to ones and regular team meetings. • There will be roles where face to face contact is always necessary, or necessary equipment is at the office base; therefore home working and agile working may not be possible. • Culture change is required to embed new ways of working, e.g. the view that employees must be visible in the office to be productive.
Hampshire County Council	<p>No core hours; however local arrangements may apply due to service delivery requirements.</p>	<ul style="list-style-type: none"> • Supports employees and managers to achieve a balance between work life and service delivery. 	<ul style="list-style-type: none"> • Applicable to all employees, except for schools staff.

	<p>Employees are required to commence work no earlier than 07:00 and finish no later than 22:00 hours.</p> <p>Credit: 40 hours at any time. Debit: 8 hours at any time.</p> <p>Flexi Leave: No more than 10 days per year.</p>	<ul style="list-style-type: none"> Improves operational efficiency. 	<ul style="list-style-type: none"> Service delivery is paramount, therefore core hours may need to be implemented locally to ensure service delivery.
Leeds City Council	<p>Core hours 10:00 – 12:00 noon and 14:00 – 16:00</p> <p>Employees are required to commence work no earlier than 07:30 and finish no later than 18:30 hours.</p> <p>Accounting Period: 4 weeks Credit: 1 day Debit: 1 day Flexi Leave: 1 day per accounting period</p>	<ul style="list-style-type: none"> Supports employees to achieve a work-life balance. 	<ul style="list-style-type: none"> Subject to service delivery – locally agreed core hours may need to be applied.
Lincolnshire County Council	<p>Core hours 09:30 – 11:45 and 14:30 – 15:15.</p> <p>Employees are required to commence work no earlier than 07:30 and finish no later than 18:30.</p> <p>Accounting Period: 4 weeks</p>	<ul style="list-style-type: none"> Provides greater flexibility for employees, helping them to achieve a better work-life balance. 	<ul style="list-style-type: none"> Applicable to all employees except for school-based staff, and those whose roles require them to be in a fixed location / have fixed hours of work to do their job. Managers should set realistic targets and outputs and ensure

	<p>Credit: 8 hours Debit: 4 hours Flexi Leave: Up to 2 days per accounting period</p>		<p>that performance is monitored regularly.</p> <ul style="list-style-type: none"> • Manager should ensure that mechanisms are in place to maintain regular communications with their team.
<p>Monmouthshire County Council</p>	<p>No core hours. Flexi-time bandwidth not disclosed.</p>	<ul style="list-style-type: none"> • Allows employees to balance work and life demands. • Increased performance and productivity. 	<ul style="list-style-type: none"> • Applicable to all office based employees, except for those who have fixed hours included in their contract. • The extent of agile working will vary according to the job role – must consider the impact on access to services by the public. • Appropriate office cover must be in place – core contact time and office cover arrangements must be agreed between the team. • Management must consider the setting of work output and outcomes. • Must consider the ability for employees to work safely and healthily.

<p>Newcastle Under Lyme Borough Council</p>	<p>No core hours. Flexi-time bandwidth not disclosed.</p>	<ul style="list-style-type: none"> • Increased performance, job satisfaction, motivation, , engagement and productivity. • Reduced absenteeism and costs. • Improved recruitment and retention rates. • Maintaining a good work-life balance. • Financial gain and cost-savings – reduced travel and expense costs, reduction in building costs. 	<ul style="list-style-type: none"> • Applicable to all employees. • Extent of agile working depends on the job undertaken – considerations will include the impact of the ability to meet customer demand and employee welfare. • Managers must ensure regular communication is maintained with employees, e.g. individual and team meetings. • Managers must set and monitor defined performance measures.
<p>Nottinghamshire County Council</p>	<p>No core hours. Employees are required to commence work no earlier than 07:30 and finish no later than 18:30 hours. Accounting Period: 4 weeks Credit: 12 hours Debit: 8 hours Flexi Leave: Up to 2 days per accounting period.</p>	<ul style="list-style-type: none"> • Improved employee morale, motivation and productivity. • Improved recruitment and retention rates. • Reduced absence and stress levels. • Cost savings – reduced Council footprint by consolidating work bases and selling excess buildings. 	<ul style="list-style-type: none"> • Paramount consideration must be service delivery. • Applicable to all employees; however for many it will not be practicable for them to take advantage of the scheme. Many front-line employees may face difficulties in accessing the scheme as the needs of the service will make it impossible to operate. • Managers to consider the impact of granting access to flexi-time to

		<ul style="list-style-type: none"> • Working to a 10:7 ratio of staff to desks, made possible only due to flexible working. • Accrued flexi time to be used to attend personal appointments. 	<p>one group of workers but excluding others within the same team (e.g. care staff and admin staff).</p>
<p>Walsall Council</p>	<p>Core hours removed with effect from 01 April 2017 (Previously 10:00 -12:00 and 14:00 – 16:00).</p> <p>Employees are required to commence work no earlier than 07:30 and finish no later than 19:00 hours.</p> <p>Employees wishing to start later than 10:00 or leave before 16:00 must seek management agreement.</p> <p>Accounting Period: 13 weeks Credit: 3 days Debit: 4 hours Flexi Leave: Up to 3 days per accounting period.</p>	<ul style="list-style-type: none"> • Provides employees a degree of choice in the hours they work. • Flexi breaks can be taken at any point during the working day, subject to management approval. • Accrued flexi time to be used to attend routine medical appointments. Paid time off and hours credited for hospital appointments. 	<ul style="list-style-type: none"> • Applicable to all employees except for: <ul style="list-style-type: none"> ○ School based staff. ○ Employees required to work fixed hours, such as cleaners. ○ Employees who are employed on shifts or rota patterns. ○ Employees at Assistant Director level or above. ○ Employees whose terms and conditions of employment state otherwise. • Managers must ensure appropriate time recording systems are in place. • Where flexi time cannot be supported due to operational requirements, alternative working arrangements should be put in place to support service delivery requirements.

References:

<http://www.acas.org.uk/media/pdf/j/m/Flexible-working-and-work-life-balance.pdf>
https://www.cipd.co.uk/Images/hr-getting-smart-agile-working_2014_tcm18-14105.pdf
CWC Working Hours Policy
Dudley MBC Agile Working Guidance
Dudley MBC Equality Impact Assessment
Dudley MBC Time Management Arrangements
Hampshire County Council Flexi Time Scheme
Leeds City Council Flexible Working Policy
Lincolnshire County Council Agile Working Guidance
Monmouthshire County Council Agile Working Policy
Newcastle Under Lyme Borough Council Guide to Agile Working
Nottinghamshire Flexi Scheme Guidance
Walsall Council Flexi-time Scheme
Walsall Council Flexi Scheme FAQs