



**South East Cornwall Multi Academy Regional Trust**

# Homeworking Policy

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## Introduction

SMART is committed to improving the working lives of its employees and to encourage a healthy work life balance. We aim to ensure that all staff work in the most effective and efficient way possible in an appropriate work environment which optimises productivity and performance and recognises that the traditional 'office based working' approach does not necessarily support this in all cases.

There is no automatic right for employees to work from home or for SMART to insist on employees working from home. It is recognised that it is not usually practical for teachers and those with direct responsibilities towards children and young people to request a permanent home working arrangement. All requests to work from home will be reasonably considered and where they are deemed not to be appropriate, a written explanation will be provided. Each application will be considered on its individual merits.

For the purposes of this policy a distinction is made between employees who have (or wish to apply for):

- a formalised agreement with their headteacher or authorised person to work from home on a permanent basis (referred to in this policy as 'permanent home workers') and where home will become their official place of work;
- an agreement to work from home on an occasional basis without a formalised agreement (referred to in this policy as 'temporary home workers').

Permanent home workers can be contracted to work from home on a full time basis (all of their contractual hours) or part time basis (e.g. working from home one day a week and in the office for their remaining contracted hours).

Any permanent home working arrangements agreed between the employee and headteacher or authorised person will constitute a contractual change to the employee's terms and conditions of employment and so must be formally agreed through standard procedures for ageing changes in contracts. This involves a request to the CFO.

All employees who work from home should ensure that they have a suitable environment in which they can focus on work. Employees should ensure that they can work free from disruption, e.g. by having adequate care arrangements in place for dependants who may be at home during working hours.

In allowing an employee to work from home, the headteacher/authorised person will ensure that there is no negative effect on productivity, performance or other employees.

SMART has the right to review any existing home working arrangements annually and, following consultation, to vary an existing arrangement with appropriate notice periods applying equally to both parties.

Employees, line managers/headteachers may also wish to consult associated policies or legislation that can be found at: <http://www.smart-trust.net/hr/>

- SMART's Absence Policy;
- SMART's Disciplinary Policy;
- Health and Safety at Work Act 1974;
- Management of Health and Safety at Work Regulations 1999;
- Provision and Use of Work Equipment Regulations 1998;
- Control of Substances Hazardous to Health Regulations 2002 (as amended);
- Health and Safety (Display Screen Equipment) Regulations 1992;
- Equality Act 2010.

All policies are subject to an annual equality impact assessment.

## **Roles and Responsibilities**

### ***Headteacher/Authorised Person Responsibilities***

- Treat each application to work from home on its own merits and give it reasonable consideration. This will include the potential impact on other colleagues, the level of regular contact/interaction required etc.;
- Consider the needs of the individual applying to work from home, including welfare. Applications for home working from people with disabilities may be considered as being a 'reasonable adjustment' under the Equalities Act (under Disability Discrimination);
- Assess the sensitivity and confidentiality of the work to be undertaken from home and ensure that all necessary measures are in place to protect the information, when considering suitability for working from home;
- Ensure they liaise with the employee and consider Health & Safety requirements to ensure that a risk assessment has taken place, where appropriate, prior to the start of any home working;
- Ensure that an annual review of the risk assessment is undertaken by the authorised person and any electrical testing of equipment carried out;
- Liaise with SMART's HR Officer before sanctioning any home working applications, to discuss/agree potential contractual changes and to facilitate consistency and fairness in decisions across SMART as a whole;
- Liaise with the appropriate IT professionals before sanctioning any home working applications, to discuss/agree potential IT equipment/access requirements, where necessary;
- When approving any ad hoc expenses the headteacher/authorised person will act diligently to ensure cost effectiveness;
- Supply clear written information detailing SMART's expectations and what the employee can expect in return e.g. who the employee reports to, working hours, contact and communications, attendance at meetings and all other relevant information;
- If considered necessary, agree a trial period of at least 4 weeks. The agreement should be reviewed at least annually by the two parties.

## **Employee Responsibilities**

- Ensure completion of the risk assessment form (Appendix A) prior to the commencement of any home working (permanent or temporary);
- Ensure that they are fully contactable during their working hours, informing the employer if there is need for additional equipment or phone number to be funded by the employer;
- Ensure that they are available at all times during their work hours to attend an alternative workplace at the request of their headteacher/authorised person. This includes pre-planned and reasonable short notice requirements;
- Ensure that they undertake their work during the times pre-agreed with their headteacher/authorised person and pre-agree any changes to this with their headteacher/authorised person so that these can be communicated as necessary;
- Ensure that their home working environment is conducive to effective working free from non work related disruption(s);
- Inform their headteacher/authorised person as soon as possible in the event of accidents, incidents or dangerous occurrences whilst working at home;
- Work safely and comply with any control measures identified in the risk assessment;
- Report any sickness in line with the usual absence reporting procedure, as set out in SMART's Staff Attendance Policy that can be found at: <http://www.smart-trust.net/hr/>
- Provide reasonable notice in the event of moving house to enable SMART or the school to make any arrangements necessary to facilitate the continuance of the ability to work during the moving period such as carrying out a new risk assessment;
- Apply in writing to the headteacher/authorised person, providing a minimum of 8 week's notice, should a return to the office workplace be required, either full time or for part of their contractual hours. It should be noted that this may not be able to be facilitated and there is thus no automatic right to require office provisions in replacement of home working. Where this can be facilitated, a permanent change of contract will be enacted;
- Ensure that their tax position, mortgage or tenancy agreement and insurance policies are checked and are appropriate for and covers the working from home, evidence will be required annually. All such responsibilities and liabilities rest with the employee;
- Ensure that they adhere to any, and all, confidentiality requirements in respect of SMART's business with particular reference to data protection principles;
- To attend a locally agreed site for IT software updates as necessary;
- Having due care and attention of the IT equipment provided for use at home;
- Comply with the SMART's policies and procedures whether working at home or at their office base.

## Temporary Home Working

For the sake of clarity in this section, authorisation is at the discretion of the Headteacher/Head of CBU. The Headteacher has the authority to delegate this decision to another senior leader but there must be a record of this formal delegation and under such circumstances the Headteacher retains responsibility. In the case of requests by the Headteacher, these are at the discretion of the Chair of Governors who must maintain a record of such events.

SMART recognises that the work undertaken by some categories of employees may be carried out more effectively in a quiet location and without disruption. Where employees are easily disrupted or an employee considers that the performance of a specific task would be carried out more effectively from home, they may work from home at the discretion of their Headteacher or authorised person as described above.

Temporary home working will only be possible if the Headteacher or authorised person has assessed that the employee's absence from the workplace will not give rise to problems for other colleagues.

The employee should request permission to work temporarily from home from their headteacher or authorised person, on each occasion, in writing. On the first occasion, this should be accompanied by a fully completed initial home working risk assessment, attached at Appendix A. Subsequent risk assessments should be undertaken as necessary and agreed with their headteacher/authorised person.

At the point of agreement of the temporary home working, the headteacher/authorised person will set out the length of the arrangement indicating a start and finish date. During this period a review may be undertaken and the end date renegotiated.

## Permanent Home Working

Permanent home workers are employees with a formalised agreement to work from home, either in a full time capacity or for part of their working week. Where a permanent change is required to work from home, the employee should make a formal request using the procedure set out within SMART's Flexible Working Policy. All requests must be accompanied by a fully completed initial home working risk assessment, attached at Appendix A.

In making a decision on whether to agree an employee's application for permanent home working through the SMART's Flexible Working Policy, the headteacher/authorised person will also have regard to the employee's:

- Time management skills;
- Self-motivation;
- Ability to work without direct supervision;
- Ability to meet scheduled deadlines;
- Home as a suitable place to work (as defined in this policy);

- Awareness of the health and safety implications of using the home as an appropriate working environment;
- Ability to cope with potentially reduced social contact and isolation;
- Ability to demonstrate they have no dependent care responsibilities within contracted working hours that would have a detrimental impact on their work.

No final decision will be reached without the authorisation of the CFO.

Additionally, where the application for permanent home working is agreed, a written notice will be sent out to the employee, in line with SMART's Flexible Working Policy (<http://www.smart-trust.net/hr/>). It will also set out confirmation of:

- any equipment to be provided for home working;
  - the arrangements made by the headteacher/authorised person (or Health & Safety Officer) to visit the employee's home to carry out a health and safety risk assessment (if the risk assessment indicates this is necessary);
  - the type and level of reimbursement of costs for agreed business purposes will be based on HMRC guidance;
  - the requirement to be fully contactable and available to attend an alternative work place/s during working hours;
- frequency and timing of contact arrangements with the headteacher/line manager;
- the agreement the employee must provide evidence of suitable insurance to cover working from home.

Permanent home workers will be required to ensure that suitable and clear communication channels e.g. mobile phone signals, broadband connectivity are in place to enable them to carry out their work effectively and for colleagues to contact them at home. No home working should commence until communication support arrangements are in place. Any initial request should include any costs required for SMART to assure this.

Permanent home workers, or those planning to apply for permanent home working, are required to seek advice from the relevant agencies with regard to the effect of home working on their house and contents insurance; mortgage or tenancy agreement; and, council tax/business rates. Employees will be required to confirm on their home (flexible) working application that the following checks have been made and permission has been given (where required), and specify any additional costs that would be incurred will have been included in the initial request and agreed as part of the arrangement.

Responsibility and liability with regards to home working rest with the employee to notify their insurer, mortgage lender, landlord, local authority or other such body. SMART, or the school, will not accept any responsibility for an employee who suffers any detriment, loss or legal action as a result of not obtaining any necessary permissions.

With regard to SMART's, or the school's, assets where permission has been given for an employee to work permanently, or temporarily, from home, SMART or the school, retains all liability for those assets, providing due care has been taken with security measures.

## Health and Safety

The Health and Safety at Work Act 1974 places a duty on employers, self-employed people and employees. Employers have a duty to protect the health, safety and welfare of their employees, including home workers. In order to ensure this duty is fully met, all employees applying for both temporary and permanent home working must complete an initial home working risk assessment form (Appendix A). Once completed, this form will be sent to the employee's headteacher/authorised person for evaluation. Should the headteacher/authorised person consider that a more detailed assessment is required, based upon the completed initial home working risk assessment, a risk assessment from SMART's Health & Safety Officer may be requested. No home working can commence prior to these risk assessments being carried out and any necessary control measures having been implemented.

As the control that can be exercised over an employee working from home is limited, the main responsibility will rest with the home worker. This places obligations on home workers themselves to ensure that they, and other persons who may be affected, including other members of the household as well as the public, are not endangered by work activities undertaken at their home using equipment provided by SMART or the school.

Both temporary and permanent home workers should make themselves aware of how to work safely with Display Screen Equipment as per the guidance that can be found at: <https://www.hse.gov.uk/msd/dse/>

## Equipment

SMART, or the school as appropriate, will provide any necessary computer and electrical equipment (e.g. laptops, printers and mobile phone) to permanent home workers, and to temporary home workers where appropriate and viable according to budgets. Where equipment is provided, SMART, or the school, will be responsible for the service and maintenance of the supplied equipment. These items will remain the property of SMART, or the school, and must be returned should the permanent home working arrangement cease or the employee's employment cease. Home working employees will normally be expected to use their own desk and chair, subject to a risk assessment. SMART, or the school, will refuse an application for home working if there is not sufficient space to accommodate all equipment necessary to perform effectively the required duties at home.

All SMART, or school, electrical equipment will be PAT tested annually, in line with the SMART's electrical equipment testing procedures. Where possible these will be brought into school annually for testing. In exceptional circumstances a home visit at a time agreed by the employee may be necessary.

For permanent home workers, the SMART, or the school, will purchase any additional equipment and materials (such as a filing cabinet, paper, ink cartridges and stationery)



required to undertake the job requirements. Where possible these will be collected by the home worker.

SMART, or the school, will maintain its own equipment, but will not be responsible for maintaining a home worker's own computers and equipment e.g. electrical sockets and other parts of the home worker's domestic electrical system, which are their own responsibility. Should a problem arise with SMART, or the school's, loaned equipment, staff will be supplied with a replacement PC or laptop, either temporarily or on loan, as required in line with SMART's IT procedures.

## **Security**

There is an expected minimum standard of security, both physical and IT dependant, on the nature of the work to be undertaken. SMART, or the school, will ensure that both temporary and permanent home workers have secure remote access to its server and computer network drives as required. If necessary a separate phone line may be organised by the individual home worker. SMART, or the school, will not pay for any additional costs incurred by employees using their home for work (with the exception of pre-agreed reasonable costs as outlined above) unless there is a statutory duty under the Equality Act 2010.

It is the SMART's, or the school's, responsibility to ensure the home worker is able to retain security and confidentiality of information within the home.

## **Business Continuity**

In emergency situations, for example, where it becomes impossible for an employee to work at their normal base, employees may be offered the option of working from home temporarily until the emergency situation can be rectified. This would only be permitted where the employee is unable to attend work at another SMART site and where SMART's or the school's equipment is available for use to allow them to complete their work adequately.

## **Ad Hoc Costs/Expenses**

All permanent and temporary home workers will be required to complete a monthly expenses claim form for any ad hoc costs/expenses incurred whilst working from home that have been authorised by their headteacher/line manager through the home working contract of employment, e.g. postage.

## **Tax Relief**

Employees who choose to work from home are not normally entitled to tax relief on additional outgoings. However, if there is a requirement from SMART, or the school, for an employee to work from home, there may be tax relief on a proportion of the costs for heating, lighting, travel expenses and on rent of a room used for business purposes. It is the responsibility of the home worker to clarify their position with HMRC.

## **Contractual Changes**

Provision of any payments other than normal salary will be confirmed to the permanent home worker during the flexible working arrangements application process, where applicable.

## **Monitoring**

Headteachers/authorised people will regularly review any agreement that has been given for home working to ensure the on-going effectiveness/efficiency of the arrangement and may, following consultation with the employee, remove that agreement. If SMART, or the school, finds it necessary to terminate the home working agreement for any reason, a minimum period of 8 weeks' notice will be given to the employee (unless a shorter mutually agreed period is arranged) and they will return to a suitable Trust work location.

Headteachers/line managers should monitor the working patterns of temporary home workers on an ad hoc basis. If there are regular patterns of working from home, the headteacher/line manager and employee should discuss the possibility of making more formal home working arrangements.

For health and safety purposes, the risk assessment will be re-checked by the headteacher/line manager.

## Home Working Risk Assessment

This form is must be used by the employee to undertake an initial assessment of the suitability of that part of their home that has been identified as the intended location for home working. It must be signed by both the employee and the headteacher/line manager and then submitted to SMART's HR Officer and Health & Safety Officer.

Note: subsequent to completion of this form, it may be necessary to carry out a full risk assessment. If this is the case, no home working can take place prior to the full risk assessment.

Name of intended home worker	
Home address	
Area of home intended to be used as a workplace	
Line Manager's name	
School or CBU	
Summary of the main duties of the home worker and what equipment will be used in the home to undertake the role.	
Date of Home Working suitability assessment (if applicable)	

	Yes / No or n/a	Comments
Is the size of the room adequate for the intended purpose and is there sufficient space to move around safely?		
Is there a source of natural light?		
Can the light be sufficiently controlled by blinds or curtains?		
Is the artificial light sufficient for the intended tasks?		
Is adequate ventilation available?		
Does the heating system provide a comfortable temperature that is appropriate for the tasks?		
Is there sufficient storage space for the intended range of tasks?		
Are proposed work surfaces large enough for the intended tasks?		
Is a suitably adjustable chair available?		
Are there sufficient <b>fixed</b> electrical sockets to cope with essential electrical equipment?		
Are electrical and telephone sockets appropriately located to avoid the need for trailing cables across the room(s)?		

Is the work area suitable for any necessary manual handling activities?		
Is a suitable smoke alarm fitted and tested regularly?		
Is there any requirement for additional health and safety equipment (i.e. foot rest, ergonomic keyboard / mouse) etc.?		

Employee's signature: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Print name \_\_\_\_\_

Line Manager's signature: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Print name \_\_\_\_\_