

Review of Hybrid Working Policy, Procedure and FAQs

ANNEX A

Feedback Table - CTUS

Topic	CTUS position	People & OD response
<p>Workplace Attendance 40% minimum requirement</p>	<p>Opposed to an arbitrary 40% office attendance mandate particularly without any evidence to support such a direction.</p> <p>The emerging evidence from the UK Civil Service is that top-down arbitrary mandates do not work. Instead, the focus of an effective and flexible hybrid working policy should be on purposeful office work that truly supports collaboration and innovation. The FDA in the UK has surveyed members in the Senior Management grades and produced the report 'The future of office work in the Civil Service'. This reported that the majority of managers who responded did not believe a mandate of fixed office attendance was helpful or beneficial.</p> <p>CTUS have stated 'need to understand the evidence basis for the change in current policy and our members will expect this too. Is there evidence to suggest that current policy does not deliver on business needs or the necessary flexibility for future working in the NICS?'</p>	<p>A consistent, minimum workplace attendance is important to support business delivery and to ensure the consistent operation of hybrid working across the Civil Service.</p> <p>A minimum attendance requirement of 40% will support a more equitable approach (particularly for those staff who are unable to avail of hybrid working due to the nature of their job role) and may also help address recruitment/retention difficulties in certain job roles where regular or full attendance at the workplace is required.</p> <p>The Chartered Institute of Personnel Development report 'Flexible and Hybrid Working Practices in 2023, Employer and Employee Perspectives' found that over half (52%) of organisations that operate hybrid working require a minimum workplace attendance which was</p>

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		typically two or three days per week.
	<p>CTUS strongly believe there are not enough workstations to accommodate a mandated 40% office attendance across departments, allowing for purposeful office work and the fostering of meaningful, effective teamwork.</p> <p>Feedback from members has also reported that staff struggled for desk space. This isn't just an issue for individuals, but it means teams often aren't sitting together, that meeting rooms become unavailable, with meetings taking place via Teams undermining the idea that the mandate helps with collaboration and mentoring etc. If the purpose of the policy is to support team collaboration, it may have the opposite effect. Space constraints become the overriding factor - not business need, collaboration, or productivity.</p>	<p>The NICS Estate Strategy has been considered and confirmed that the NICS estate can accommodate 40% occupancy.</p> <p>It is important for staff to be in the workplace whether or not they are sitting together. Being on the same floor or even the same building, allows for impromptu meetings/discussions and enables quicker clarification and decision meeting leading to collaboration and workplace connectedness.</p> <p>Senior managers will work together to facilitate requirements where there is shared office space which may include the introduction of desk booking systems.</p>
	<p>Legislation does not reference team collaboration/the need for interaction in the workplace with other team members and colleagues for development, learning and support therefore how can this be justified by NICS?</p>	<p>This is not in legislation requirement.</p> <p>However, in person interaction and team collaboration has been clearly evidenced in research including 'Chartered Institute of Personnel Development report</p>

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	<p>Managers whether Line Manager, Middle Manager or SCS should not be treated differently to other civil servants and should not be expected to be in the office any more than their colleagues in each workplace.</p>	<p>'Flexible and Hybrid Working Practices in 2023, Employer and Employee Perspectives'.</p> <p>Paragraph 3.1 of the draft procedures provides that all staff will be required to attend the workplace at least 40% of their contractual working hours and in line with their business area requirements. There may be a requirement for staff to attend more than 40% of their contracted hours in line with business needs.</p> <p>Paragraphs 4.5 and 4.6 of the draft policy encourages both line managers and senior management to attend more than the 40% minimum requirement in specific circumstances.</p> <p>These provisions were included to reflect the importance of visible leadership in supporting teams and optimise the benefits of face-to-face interaction, to imbed a culture of learning, build team cohesion and support staff wellbeing. This is of particular importance for the management of those staff who are new to the Civil Service or who are on a development programme, e.g. apprenticeship or GMP.</p>

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<p>Business Needs</p>	<p>Whilst the Hybrid Working policy is relatively new to NICS, it was already established in law and both the Employment Rights (NI) Order 1996 and Work and Families Act (NI) 2015 and particularly under PART IXA (FLEXIBLE WORKING) of the Employment Rights (NI) Order 1996 where a qualifying employee may apply to his employer for a change in his terms and conditions of employment for a number of reasons including the hours he is required to work, times required to work etc.</p> <p>Managers should be required to give full reasons which explain each duty that cannot be satisfactorily discharged from home.</p>	<p>NICS is aware of legislative provisions relating to flexible working applications. These are provided under the Alternative Working patterns policy (AWP).</p> <p>All staff have a right to apply for hybrid working. It is a non-contractual arrangement, unlike certain flexible working arrangements provided for under the AWP policy; terms and conditions of employment are <u>not</u> changed through the operation of hybrid working.</p> <p>In line with paragraph 6.3 of the draft procedure, job roles/activities will be assessed for suitability for hybrid working taking account of the effect on service delivery and main activities of the job.</p> <p>Hybrid working requests are always subject to business needs as stated at paragraph 7.15 of the draft procedure.</p> <p>It is proposed that wording of paragraph 4.8 of the draft policy, will be updated to reflect that senior management will explain and communicate to staff business needs and the minimum</p>

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		workplace attendance requirements of their business area.
Workplace definition	CTUS believe that Connect2 hubs should be included in the definition of what constitutes the workplace as defined in the draft policy para 3.1 and procedure para 2.2.	It is proposed that an amendment is made to the Hybrid Working policy definition of “workplace” to include Connect2 hubs as approved by line management.
G7 decision maker	CTUS has stated that a Grade 7 (or equivalent) may not be able to determine whether all of their less senior grades need to attend the office in order to ensure business delivery. The current policy allows the decision to rest with the line manager. This is appropriate as they should understand the job role of the applicant.	<p>Under the current policy, management at a senior level, not line management, determine whether hybrid working can be facilitated in the business area. Line managers implement the decision. The decision is noted by senior management.</p> <p>In the draft policy, it is considered that G7 is the appropriate level to determine hybrid working requirements in the business area. G7s should be fully aware of business requirements and are accountable for performance in their respective business areas. As with the current policy, line managers will consider and agree workstyle agreement requests in line with business requirements.</p>
Reasonable adjustments	CTUS highlighted greater emphasis needed for line managers to be aware that implementation of reasonable adjustments is a legal duty under the Disability	The draft policy will reflect the legal requirement to consider and facilitate reasonable adjustments

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	<p>Discrimination Act 1995 (DDA). The language on Reasonable Adjustments and Disability needs to be robust.</p>	<p>in accordance with the Disability Discrimination Act 1995.</p>
<p>Appeals</p>	<p>In an appeal process we assume it is the G7 that is named as the line manager is only enacting the G7 instruction? This may put the line manager in a difficult position as it will be them cited in any potential dispute, although they are following instruction.</p>	<p>Appeals on the implementation of hybrid working arrangements for example the specific days required in the workplace, would be considered by next line manager.</p> <p>Appeals regarding the ability to facilitate hybrid working in a business area would be considered by the next line manager G6 or G5.</p>