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From: Shane Murphy, DfE FHRAG Member

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To: Jill Minne, Director, People and Organisational Development

cc: Ian Snowden
Michelle Bell
[redacted]

PEOPLE & ORGANISATONAL DEVELOPMENT – REVIEW OF HYBRID WORKING POLICY

Thank you for sharing the above draft documents and seeking views from Departments.

Whilst we recognise the flexibility that hybrid working gives to NICS, it has been a challenge post covid, so it's important that we ensure this review delivers for our people, managers and Departments. DfE have been implementing a 40% hybrid working approach since June 2023, so this feedback will be useful in understanding the current challenges we face.

Hybrid Working Procedures

This is a comprehensive document, which is welcome and a positive development to clarify expectations of every employee (including secondees) as well as who takes decisions. It contains a helpful definition of the workplace that will suit colleagues who work peripatetically (for example Careers advisors), it clarifies roles and responsibilities and provides a dispute settlement mechanism which is necessary.

However, it is not clear how inconsistency of approach across teams, divisions, groups or departments will be managed. Could there be clarity around the limited circumstances in which line managers can grant an exemption from the 40% policy. It may also be helpful if the procedures recommended hybrid working arrangements to be reviewed as part of the In Year/End Year Reviews.

It would be useful to include some awareness training or discussion sessions to accompany the implementation of this policy and it would be helpful to understand when this policy will become effective, e.g. from 1 April?

If my understanding is correct, it would be important to outline at the beginning of all Hybrid Working policy documents the baseline agreement that 'all NICS employees are assigned a permanent workplace, however employees can avail of Hybrid working by [link to guidance]. The current approach adopted by existing staff is 'I work from home and management are asking me to attend the office 2 days per week'. We need to switch this narrative.

Some other points to consider are:

3.2 - Will staff be able to base themselves permanently at Connect 2 Hubs, or meet their 40% requirement by using the Hub on a regular basis? This is addressed in the FAQs, however it would be beneficial if this was also spelt out in the procedures.

6.2 - Should there be clarity here that senior managers are responsible for enforcing the 40% minimum in the office and supporting line managers in this.

6.5 - We need to be clear by what is meant by 'alternate working patterns'? If this is left up to individual line managers, is there not a risk that more people will have local 'alternate working patterns'. For example some full time staff have agreed with their line managers that they don't have to meet the 40% minimum, but other members in the team don't know why and question why they need to be in the office 40% when colleagues don't. The policy needs to be clear that full time staff are expected to be in the office 40%.

9 - where there are performance issues, what are our options around removing the privilege of working from home? Does the performance management policy need to be updated to reflect?

12 - If there is an extra charge for home insurance – employees may seek to expense it – maybe the procedures could include a line that addresses this by saying NICS will not reimburse additional charges for home insurance as an office base is provided?

Hybrid Working Procedures Annex (ppt)

Again, as in the Hybrid Working Procedures document, some clarity to line managers that they only have discretion to agree an in-person rate below 40% in limited circumstances. It may be helpful to provide a decision tree around when a member of staff can ask for an exemption.

Slide 4 states "Employees should be given as much notice as reasonably practicable to attend the workplace on days when they normally work from home". It would be helpful to add a further caveat to say this may not always be possible. For those in policy roles, there are sometimes last-minute meetings with the Minister or diary changes which they must respond to.

Slide 5 - It is unclear what the potential pitfall "working hours expanding into commuting time." noted refers to, and inclusion could be perceived as insensitive to staff with long, unpleasant commutes.

Hybrid Working Policy

A consistent approach within teams, groups, departments and across the NICS will need to be taken - and staff will need to have confidence that everyone is being treated fairly. We must therefore be realistic that the introduction of this policy will be a considerable management challenge. It will require visible leadership and compliance form the top of the house.

I would suggest consideration of explicit wording that the expectation of a day in the office is a full day in the office – in the wider private sector there is a trend "coffee badging" to come in briefly and work the rest of the day from home.

Accepting that there will be considerable management challenges with introduction and compliance, line managers will also need to be given support in enforcing this policy. Managing hybrid workers requires a different skill set, and many managers have struggled to fully engage all team members in a hybrid environment.

It would be helpful if the guidance could explicitly encourage / recommend Team days in the office. Doing so could offer some remedy for line managers of staff who don't wish to attend the office on the same day (s) as the majority of their colleagues.
Some areas to consider are:

4.5 - those on probation etc encouraged to attend more than 40%. Should there also be something around how managers of staff in these categories are also encouraged to do the same? It would seem hard for someone on probation/apprentice to get learning from being in the office otherwise.

4.6 - this will come as a surprise to some SCS and it would be good to flag this in advance.

Hybrid Working FAQ's

Q25 addresses staff not attending 40% of the time but what if they refuse to come in on the same days as colleagues?

Some additional FAQs which may be helpful to include for consideration:

- There could be more about what flexibility there is and how the 40% is applied in different circumstances. What about a week when I'm on leave for 3 days? Do I still have to be in 2 days or is it 1 day in and 1 day at home? And what if my 'normal' days in the office are the days I'm on leave can I then work from home both days when I'm working?

- Some work patterns will be very hard to calculate precisely into a number of days in the office even allowing for having different patterns across different weeks. Might be worth indicating there can be some rounding at line manager's discretion, provided there's consistency? And what about where someone has a pressing and unexpected reason to be at home on their usual days – is it ok to move your 2 days from one week into the next for instance?

I hope this feedback is useful as you progress this very important and crucial piece of work. Should you wish to discuss this further or if DfE can be of any further help, please contact Michelle Bell.

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SHANE MURPHY