This section has been extracted from a briefing document in which the other items are out of scope of the request.

AGENDA ITEM 7: HYBRID WORKING POLICY UPDATE

[redacted] has provided the key points to highlight as follows

Background

CTUS provided response on draft policy, procedure and FAQs on 6th May. CTUS stated this was an initial response on a without prejudice basis.

Points raised were discussed at Subject Committee 8th May. MS advised a substantive reply to points raised would be provided.

Detailed response issued to CTUS 3rd June which included tracked changes to draft Hybrid Working Policy, Procedure and FAQs for discussion at Subject Committee. Letter to CTUS indicated that whilst preferred option is to reach agreement, MS could impose if agreement not reached.

CTUS Key Areas raised – MS response:

- **CTUS opposed to 40% minimum attendance. MS response:**
  - Not agreed.
  - a consistent, minimum workplace attendance is important to support business delivery and to ensure the consistent operation of hybrid working.
  - 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).
  - may help address recruitment/retention difficulties in certain job roles where regular or full attendance at the workplace is required.
  - CIPD research found that over half (52%) of organisations operating hybrid working require a minimum workplace attendance which was typically two or three days per week.
  - 40% minimum workplace requirement for all hybrid working staff will remain.

- **Limited workspace availability. MS response:**
  - ❖ Not agreed.
  - ❖ NICS Estate Strategy considered. There is sufficient accommodation to enable a minimum workplace attendance requirement of 40%.
  - ❖ It is important for staff to be in the workplace whether or not they are sitting together. Allows for impromptu meetings/discussions and enables quicker clarification and decision meeting leading to collaboration and workplace connectedness.
  - ❖ Senior managers will work together to facilitate attendance eg may include introduction of desk booking systems.

- **CTUS consider hybrid working to be a requirement under the Flexible Working legislation. MS response:**
  - ❖ Not agreed.
  - ❖ Hybrid working does not fall under Flexible Working legislation. These are provided under the Alternative Working patterns policy
  - ❖ 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 not changed through the operation of hybrid working.

- **Workplace definition to include Connect2 hubs. MS response:**
  - ❖ Partially agreed.
  - ❖ Definition will be updated to reflect that Connect2 hubs are not normally regarded as being in the workplace, however, may be treated as the workplace on an exceptional basis, subject to business need and your line manager's agreement.

- **Line manager, not G7, should determine if hybrid working feasible in business area in line with current policy. MS response:**
  - ❖ Not Agreed
  - ❖ 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.

- ❖ G7s should be fully aware of business requirements and are accountable for performance in their respective business areas.

- **Greater emphasis on Reasonable Adjustments and legal obligations. MS response:**
  - ❖ Agreed. Policy and supporting documents updated.

- **Appeals – What is the level of appeal as line manager is only enacting G7 instruction. MS response:**
  - ❖ Not agreed.
  - ❖ Appeals on the decision to facilitate hybrid working in a business area would be considered by the next line manager i.e. G6 or G5.
  - ❖ Appeals on the implementation of the business area hybrid working arrangements will be considered by the next level of line management.
- **Business needs – Senior management should explain in addition to communicate the business need and minimum attendance requirements. MS response:**
  - ❖ Agreed. Policy and documentation updated.
- **Managers including 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. MS response:**
  - ❖ Not agreed.
  - ❖ There may be a requirement for staff to attend more than 40% of their contracted hours for example in line with business needs, graduate training programmes, new entrants.
  - ❖ 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.