



Somerset
Council

Home Working



Organisation	Somerset Council
Title	Home Working Policy
Owner	HR Policy Team
Primary Legislation	Flexible Working Regulations 2014 Equality Act 2010

1. Policy Statement

- 1.1. Somerset Council recognises the benefits of home working for both the employee and employer in the right circumstances.
- 1.2. The policy outlines the working arrangements that will apply when an employee works from home on a permanent basis.
- 1.3. This policy does not apply to dynamic working which is an informal arrangement whereby an employee chooses in agreement with their line manager to split their working time between their home and an office base. Please refer to the Dynamic Working Strategy. [Link](#)
- 1.3 This policy does not form part of the Somerset Council Terms and Conditions and may be subject to change.
- 1.4 This policy applies to all Somerset Council employees excluding school-based staff.

2 Responsibilities

2.3 Line managers' responsibilities:

- Ensure the employee has all the necessary equipment to enable them to carry out their work from home.
- Ensure that the employee has arrangements in place to meet all requirements under the Data Protection Act 2018 for the holding, storing and disposing of personal data.

2.4 Employees' responsibilities:

- Complete a home risk assessment and DSE assessment.
- Ensure they have adequate arrangements in place for holding, storing and disposing of personal data in compliance with the Data Protection Act 2018.
- Check with their insurance providers, mortgage or tenancy agreements, more information below.
- Not unreasonably refuse to work from an work base/office location as required (this includes attending a work base/office location for the purposes of meetings such as team meetings, etc).

- Ensure they take adequate rest breaks, as set out in the Working Time Regulations 1998:
 - Take an unpaid break of at least 20 minutes if working 6 hours or more per day/shift.
 - Ensure the time period between stopping work one day and beginning the next is not less than 11 hours: and
 - Have at least one complete day's break each week when no work is done.

3. Process

3.1 Under this policy, the employee is required by their contract of employment to undertake work from their home, even though they may spend part of their working time away from their home base. A nominal work base will be allocated solely for the purposes of claiming travel expenses.

3.2 Requests for homeworking will depend on whether or not the work can be done effectively from home. The Council cannot agree to all requests because every situation is different.

3.3 An employee may be a permanent home worker because:

- they have been recruited on the understanding that their normal contracted place of work and the majority of their working time will be their home, **or**
- a clear business reason has been identified and following consultation agreed,
- they were previously office based and it has been mutually agreed with their line manager to change their normal place of work to their home, as a result of:
 - a change in organisational requirements or
 - as a result of a redeployment or
 - a reasonable adjustment in line with the Equality Act 2010.
 - a flexible working request*

*An application for a contractual change to home working is made under the [Flexible Working Policy](#). The proposal/request must be completed in full to allow a full assessment to take place.

3.2 Working outside of the UK

3.2.1 The Council will not agree to home working on a permanent basis from a country outside of the UK. There are many implications of working outside the UK, including:

- tax and social security, we must set up a payroll in the country the employee is working.

- we would also need specialist advice on the employment legislation and health and safety laws of the country.
- information security issues.
- insurance implications.
- Whether attendance in the office/work base is required.

3.2.2 Working outside of the UK for a temporary period (less than 6 months) may be considered on a case-by-case basis, see 'Working outside the UK factsheet'. [link](#).

3.3 Childcare arrangements

3.3.1 In normal circumstances employees who have caring responsibilities are expected to have suitable arrangements in place during working hours. Home working is not a substitute for such arrangements. It is accepted that there may be temporary occasions when dependents are in the home, but the employee must still be able to carry out their duties without significant disruption. For example: if a child is ill or the child is of an age that they do not require constant supervision.

3.4 Dealing with Proposals/Requests for Home Working

3.4.1 In addition to the guidance under the Flexible Working Policy when considering a request for home working, (supplementary guides and checklists [\(add link\)](#) should be taken into account. For further advice and guidance contact the HR Advisory Team.

3.4.2 If the request is accepted the contractual variations including the work arrangements must be specified, which are outlined in the:

- Agree Flexible Working letter sent by line manager
- Home Worker Addendum to Statement of Written Particulars sent out by HR Admin and Payroll

4. Health and Safety

4.1 As an employer, Somerset Council must ensure the health, safety and welfare of all its employees, regardless of where they work. This includes employees who work at home.

4.2 Prior to formally agreeing that an employee may work from home, managers must be satisfied that the employee concerned is able to work in a safe and suitable environment. To assist line managers in this decision the following points must be considered:

- **Home Working Risk Assessment form**

Employees must complete this [form](#) and pass to their line manager to help determine the additional hazards and risks likely to be experienced by the home worker and to enable suitable and sufficient risk control measures to

be implemented.

- **Display Screen Equipment (DSE) Assessment**

A Display Screen Equipment (DSE) Assessment for the home must also be completed by the potential home worker using the Council's online DSE assessment system. Further information can be found at [Health & Safety HS 030 Display Screen Equipment Policy](#).

- 4.3 The Home Working Risk Assessment form together with the DSE assessment must be completed and all issues resolved through the implementation of control measures prior to the employee starting to work from home. In addition, Health and Safety elements should be reviewed at least once a year during the appraisal process.
- 4.4 All employees who work from home have a duty to ensure, insofar as is reasonably practicable, that they work in a safe manner and that they follow all health and safety instructions issued by the Council from time to time.
- 4.5 For further advice please contact the Corporate Health and Safety Unit (CHSU) on 01823 355089 or e-mail chsu@somerset.gov.uk.

5. Trial Period

- 5.1 As part of the assessment stage it should be determined whether a trial period is necessary. A trial period can be for between one to three months and can address any concerns before committing to a long-term arrangement. During the trial period it might be that little or no specialist equipment is required. In some cases the provision of a laptop may suffice. If some expensive items are required, a cost benefit analysis would need to be undertaken and other options considered.

6. Review

- 6.1 Following an initial review the employees' home working arrangements should be reviewed on a regular basis. It is recommended that it is discussed as part of the annual review process.
- 6.2 The purpose of the review is to ensure that the employee's working arrangements meet the demands of the service and the needs of the employee. The review will allow the manager and employee to discuss the working arrangements to ensure it remains suitable for both parties. This must include health and safety considerations and identification of any changes in circumstances that may result in the working arrangement being withdrawn temporarily or permanently.

7. Attending a Work Base

- 7.1 The employee will be required to attend work premises on a temporary basis as requested with reasonable notice and for whatever period necessary. Reasons for such requests may include accessing systems or equipment in the event of technical failure, staff shortages, collaborative working, peer support, submission of completed work and training.

8. Visits to the Employee's Home

- 8.1 Somerset Council reserves the right to visit an employee's home at an agreed time for work-related purposes, including health and safety matters. It is a condition of any homeworking agreement that the employee agrees to such visits.

9. Home Working Reimbursement of Expenses and Taxation

- 9.1 Where a permanent home working arrangement is as a result of a business led proposal, i.e. the Council requires the employee to work from home, employees who incur additional costs as a result of home working may be entitled to reimbursement. The rate payable by the Council is £26 per month non-taxable in line with HMRC rates (wef implementation date of policy). This payment will be calculated on a pro rata basis to the hours and weeks that the employee has worked at home. Managers should make a request to HRAP for payment to be made.
- 9.2 This reimbursement is not available to employees who choose to work from home via a flexible working request.**
- 9.3 The allowance is intended to contribute towards any additional costs that may be incurred e.g. for heating and lighting. It does not cover domestic expenses already being paid e.g. Council Tax. The employee is not entitled to tax relief for expenses that relate to both personal and business use e.g. telephone line rental or Internet access.
- 9.4 The above allowance is only claimable for working time spent at home. In the event of extended absence from home working (e.g. long term sickness, maternity leave) for a continuous period of one complete calendar month or more these expenses will be suspended. They will only resume on sustained return to fixed home working. This should be confirmed in writing using the template letters available on the HR&OD SharePoint site. On termination of employment or fixed home working arrangements the recurring expenses will cease in the last complete month (this will account for a handover period and return of Council property to take place prior to leaving). New starters will start receiving expenses from the date input by management. This would normally be after the induction period and issuing of appropriate

equipment to enable the home working arrangement.

- 9.5 Where an employee uses their internet home broadband for work purposes they will have to provide evidence of additional costs incurred and for which they have been charged to claim expenses. Expenses claims should be submitted through the normal process in the month the cost is incurred and will be paid in arrears.

10. Equipment/ Technology/ Furniture

- 10.1 The Council will provide essential equipment for use in the home to enable the fixed home worker to perform their role, for example an encrypted computer. Standard equipment and furniture for example a chair and an additional monitor can be requested via Assyst and collected from any Council office building. Delivery of items can be arranged for employees unable to collect.
- 10.2 In many cases existing home furniture can be used. Where additional furniture, such as a lockable cabinet or printer and shredder (if essential for the role), is required, this can be purchased through the Council's authorised supplier and will remain the property of the Council.
- 10.3 The employee must take reasonable care of their allocated equipment/ furniture. Reasonable wear and tear of equipment and furniture is accepted. The employee is responsible for ensuring reasonable measures are taken to protect Council equipment from inappropriate use, damage or theft. The employee should report any damage or malfunction to their line manager as it occurs. The Council at its discretion will replace such items as necessary.
- 10.4 Stationery and similar office material will be supplied through the normal Council procurement process. Reimbursement for payments made by the employee for such items will not be authorised.
- 10.5 All equipment, materials and furniture provided for home working purposes is provided for Council business and therefore is not liable for tax.

11. Telecommunications and Internet

- 11.1 In some situations it may be appropriate for an employee to be issued with a mobile telephone through an agreed contract provider. Managers should decide each case on its merits. Work devices are equipped with remote access facilities and phone/video access.
- 11.2 Employees, who use their personal home broadband service whilst conducting Council business, will be responsible for ensuring that such use is in accordance with the contract that they have with their Internet provider.

12. Security of equipment and data

12.1 Home workers must ensure the following arrangements are in place:

- Council equipment and information is stored securely.
- Council information, data and records cannot be accessed by family, friends, etc
- Any confidential waste is disposed of securely

12.2 For more information see [Information Governance policies](#).

13. Insurance

13.1 Somerset Council has the relevant insurance policies in place for the Council's actions and responsibilities.

13.2 It is the responsibility of the employee to inform their personal insurance provider(s) of their home working arrangement(s). All equipment supplied by the Council is covered under the Council's insurance policies. If an incident occurs please contact insurance@somerset.gov.uk

13.3 Employees should not meet with clients, including representatives of other agencies, at their own home address. Meetings for work purposes should be arranged in a Public or Council owned building.

14. Mortgages and Tenancy Agreements

14.1 Before employees start home working they will need to inform anyone with an interest in their property (e.g. landlords or mortgage provider) of their intention to work at home. They should ensure that there are no terms or conditions, leases or covenants, which prevent them from working from home. The employee will need to confirm to their manager that they have undertaken this prior to starting home working.

15. Nominal Work Base / Travel Base and Expenses

15.1 For all home working arrangements the Written Statement of Particulars and, if appropriate, the contract variation letter shall state the work base which will be the travel base for the purposes of claiming travel expenses. This includes any expenses incurred travelling to other work bases, where any additional mileage over the distance between the home and nominal work base can be claimed. Details are outlined in the Travel and Subsistence Policy – Procedures for Claiming Business Mileage.([link](#)) In addition to this, guidance on establishing a suitable allocated office/travel base can be found in the Home Working Manager Guide ([Link](#)).

16. Contact

16.1 Employees working from home:

- Should have a regular work update/supervision; this can be either through a visit to the office or online, as agreed by both parties.
- Should have the opportunity to meet with team colleagues at regular team meetings. As agreed within a Team Charter, see Dynamic Working Strategy.
- Should ensure that their calendar is kept up to date so it is clear when they are available.

16.2 Managers must ensure that employees maintain the same standards of security of information and equipment that would apply in the office.

17. Termination of a Home Working Arrangement

17.1 Circumstances may arise from either party's perspective that render continuation of the home working arrangement unsuitable.

17.2 Where a reasonable case is made and with adequate notice and consultation (a minimum of one calendar month unless mutually agreed otherwise) from either party, the home working arrangement may be terminated without prejudice to the employee's personal development or career progression.

17.3 If there is any disagreement about the termination of a homeworking agreement, please seek advice from the HR Advisory Service.

17.4 On termination of the employee's home working arrangement or employment for any reason, arrangements should be made to return all equipment, furniture and documentation belonging to the Council.

17.5 Such termination should be recorded formally in a statement and placed on the centrally held employee file.

Version History

Revision Date	Author	Version	Description of Revision
		1	New Somerset Policy