



A Practical Guide to Hybrid Working

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DISCLAIMER: This guidance covers new and emerging issues associated with hybrid working and does not constitute legal advice. Specific advice should be sought in respect of particular cases. While the information is considered to be accurate at the date of publication, changes and circumstances may impact the accuracy and validity of the guidance. This guidance may be updated as new information and good practice emerges.

Key Takeaways

- Employers should consider carefully whether hybrid working could be effective for particular roles and workplaces and recognise where it is not appropriate. Effective planning for its introduction is essential.
- Employers should consider introducing hybrid working on a trial basis if they are unsure if or how it will work in practice within their organisation and ensure that a review is carried out prior to the end of the trial period.
- Recognised trade unions/employee representatives and employees should be consulted prior to the introduction of a hybrid working policy.
- Employers should look at whether contractual changes are needed. This will depend on the model to be introduced. The employer must seek the consent of the employee directly, or via collective agreement, to any such changes.
- Employers should prepare a policy document, which clearly sets out how hybrid working will operate in your organisation – a model policy is contained within this guidance.
- Employers should review all associated policies to ensure consistency across all policies.
- Employers should ensure that hybrid working arrangements are kept under review.

About this Guide

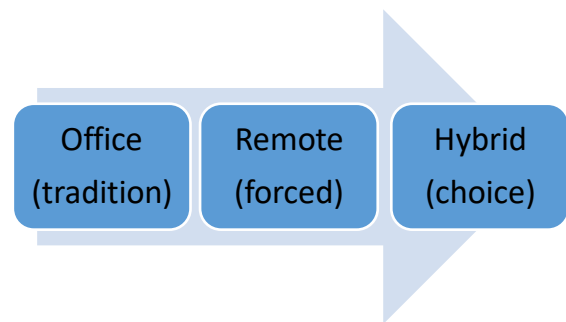
Restrictions imposed in March 2020 to curb the spread of Coronavirus (Covid-19) led to a call from the Northern Ireland Executive to work from home where possible. This enforced shift resulted in employers having to make rapid changes to how they operated including how and where jobs were to be carried out.

Many employees were required to transition from the office to their homes and develop new ways of working, as well as adapt to changing circumstances in their personal lives. This was not without its challenges with the separation between home and work becoming blurred, disconnecting becoming difficult and making a work-life balance hard to strike.

As the pandemic situation continues to change, with public health restrictions easing, the future of work is essentially framed by three challenges:

1. The need to **reopen** workplaces safely;
2. The need to **rebuild** the economy using sustainable business models; and,
3. The need to **re-imagine** work by reflecting on the lessons learnt from the pandemic and how learning can be incorporated into how employers and employees work in the future.

The Covid-19 induced lockdown offered unprecedented opportunities for employers to trial working from home on a large scale. As a result, employer expectations have changed and many organisations are rethinking their business/operating models to look at putting in place more flexible work patterns post-pandemic. Employee preferences have also changed; employees want more choice in how and where they work. While some employees would like to work from a remote location all the time, anecdotal evidence suggests most would prefer a balance where they are in the office for some of the week and at a remote location such as home or a dedicated hub for the remainder. This has brought about the use of a relatively new term: **hybrid working**.



Organisations across Northern Ireland are now considering what 'hybrid' means for them, how they will respond in meeting employee preferences, and what will need to be in place in order to match employer business needs and expectations with employee preferences for new ways of working to be effective.

Not everyone will have an occupation that lends itself to hybrid and remote working by virtue of the nature of their work (front-line, customer facing, not computer based.) As is often said one size will not fit all and in addition issues of trust, fairness, inclusion and equity will play a major role. Hybrid working represents a significant cultural shift in how and where we work and organisations will have to learn and adapt as they go.

So what should employers be thinking about when introducing hybrid working?

This guide sets out the benefits, drawbacks, and practicalities that an employer will need to consider in planning and managing a move to hybrid working. There are signposts to additional information throughout the document.

Also included in this guide is a sample hybrid working policy for employers to adapt to suit specific business needs, where appropriate, and frequently asked questions (FAQs) on hybrid working.

The Labour Relations Agency has also produced a Practical Guide to Working from Home which should be read in conjunction with this document available [here](#).

Is Hybrid Working Suitable for your Business?

Hybrid Working Defined

Hybrid working is a type of flexible working (also known as agile working, remote working, split-working or blended working arrangement or patterns) where time is split between the workplace and a remote location, such as home or a hub.

The Benefits and Drawbacks of Hybrid Working

Benefits from an employer's perspective include:

- Reduced overhead costs – The need for office space and associated costs can be reduced;
- Increased productivity – Employees working remotely are spared travel time and associated stresses. Time gained leads to an increase in work output;
- Increased motivation – Employees in the main respond well to working remotely;
- Skills retention – Employees who might otherwise leave because of family location, new family or caring responsibilities, or disability may stay if offered appropriate arrangements including hybrid working;
- Attract talent – Employers who offer hybrid working will have access to a wider talent pool as it will not only attract staff from more geographically distant locations, but will also attract those who want a more flexible way of working; and,
- Team availability– Geography and travel time are less of an impediment and teams can be assembled more easily.

However, there are reasons why an organisation may be reluctant to introduce hybrid working. These include:

- Potential damage to team working and organisation culture (especially relating to new and younger employees);

- Different management styles may be required to oversee remote workers, and managers may not be able to support work or employees to the same degree;
- Reduced on-the-job learning and training opportunities for new or less experienced employees;
- The organisation may become overly dependent on technology and have concerns relating to potential confidential information, data security and data protection breaches;
- Employers may face challenges ensuring inclusivity and participation with a dispersed workforce, where some employees attend meetings from the workplace and others join remotely;
- The creation of a 'two-tier' workforce, with resentment building from those employees whose job role or home circumstances do not allow working from home, or those working from home more frequently missing out on development or promotion opportunities compared to those present in the office;
- Integration and induction of new employees to the business will be more difficult; and,
- Some managers may find the lack of supervisory control and the increased requirement to trust employees difficult to reconcile.

The full benefits of hybrid working as a specific form of flexible working are yet to be realised but we can expect they will, when properly implemented and supported models, lead to shared benefits for both employers and employees alike.

Practical Considerations

Short Term Plans for Returning to Work

When the NI Executive issues a message about no longer instructing people to work from home, employers' attention will focus on the need to plan and make short-term decisions about when and how employees can return safely to the workplace. This needs to be carefully planned and requires clear communication and reassurance about Covid-19 safety measures.

Ongoing wellbeing support is required, specifically in relation to employees who may be anxious or concerned about returning to the workplace. It may be the case that some employees remain clinically more vulnerable to Covid-19, waiting for vaccines or required to shield. As such, some employees may need to remain working from home for a further period of time, while others are able to return for some or part of the working week.

There is limited experience to date regarding hybrid working and there are few precedents to follow over and above some significant announcements and core themes announced by both private and public sector bodies in Northern Ireland. Each organisation will need to consider what it means for them and their circumstances. It is important that employers treat the months to come as a time for careful consideration, draw on lessons learned, pilot plans and review, rather than commit to fixed decisions.

In the short-term employers are advised to consider introducing hybrid working on a trial basis, while at the same time considering longer term strategic decisions on more flexible forms of working.

In relation to interim hybrid working employers should consider the following:

- Determine if there are roles by virtue of their necessary front facing nature that should be prioritised for return to the workplace;
- Identify those employees who need to continue to work from home for the time being for example, because they remain vulnerable, have ongoing health conditions or are undertaking caring responsibilities;
- Calculate safe office occupancy levels based on on-going and evolving risk assessments;
- Establish and communicate a plan for when employees will work from the office and when they will work remotely. Where possible, try to ensure that all employees spend some time in the office and some time working from home, possibly on a rota basis. Consider if days in the office are fixed or if these vary from week to week/month to month; and,
- Consult with employees and engage with recognised trade unions/employee representatives on plans for returning to the workplace and encourage them to raise questions or concerns.

Where one has not already been undertaken, employers may wish to consider carrying out a consultation exercise with employees to seek feedback on future working preferences, as well as learn more about their experiences of working from home through the pandemic. This consult, listen, learn and lead approach will stand an employer in good stead as employees will be ready for new ways of working prior to any pilot and to ensure employee engagement.

All plans for reopening workplaces should always follow government guidance available [here](#) and legislative requirements relating to health and safety. Further information on making workplaces safer can be found [here](#).

Determining the Long Term Strategy

There is no single best-practice approach to introducing hybrid working, as models will vary according to the individual's role, the size, structure, and nature of the organisation and sector in which it operates.

Key considerations from an employer's perspective should include:

- Agreeing an overall strategic position on hybrid working for the organisation and development of a policy and supporting guidance reflecting the strategy;
- Defining hybrid working with regard to the specific organisational context. This may include different forms of hybrid working within one organisation, depending on role requirements;
- Engaging and consulting with employees via their trade unions, employee representatives or engagement groups to ensure on-going dialogue about how hybrid working is envisaged in theory and how it operates in practice;
- Engaging with line managers to understand their concerns and any questions they have, identify their training and development needs, and begin to establish understanding and buy-in;
- Developing a communication plan to share plans for new ways of working with all employees with clear timescales for providing more information;
- Planning for and responding to organisational implications of hybrid working on matters such as technology, employee wellbeing, inclusion and fairness;
- Supporting effective collaboration and effective team-working; and,
- Being prepared for some resistance to hybrid working – because it is change, because it will not suit everyone, and the impact is yet unknown.

Some of these will be examined in more detail below.

Hybrid Working Policy Provisions

Employers may consider adapting an existing flexible working policy to include hybrid working or develop a new stand-alone policy or principles document that sets out the organisation's position on new ways of working – initially this should be identified as an interim approach, to ensure that any necessary changes or revisions can be introduced. What is appropriate for each organisation will depend on their specific context. Any new or adapted policy should be issued with supporting guidance and information to enable effective implementation.

When developing a policy organisations should consider the following:

- Determine eligibility/criterion for hybrid working with clear explanations behind decisions to include the nature of work role, limitations and practicalities;
- Set out roles and responsibilities of both hybrid workers and their managers;
- Set out clear rules which apply when working remotely. These may include working hours/breaks/sickness reporting/expectations that appropriate arrangements are in place if they have caring responsibilities;
- Any arrangements for termination of the policy; and,
- Review other related policies including for example homeworking, data protection, health and safety and wider flexible working related policies.

Legal Implications of Hybrid Working

Employers will need to carefully consider the contractual implications of hybrid working. Hybrid working is more about location than it is about the hours and working pattern, such as part-time/term-time/condensed hours, which are within the wider scope of flexible working.

Flexible Working

Employees may make a formal request for hybrid working through a flexible working policy. If the request is accepted, this will amount to a formal permanent change to terms and conditions of employment. Employers will need to carefully consider the mechanism for bringing in hybrid working in that it may be much easier to pilot hybrid working with a view to a collective or workforce agreement in the future than having to deal with a raft of formal flexible working requests which are essentially looking for hybrid working but via multiple individual requests which will invariably complicate matters.

The flexible working legislation (under Article 112 F of the Employment Rights (Northern Ireland) Order 1996, which is available [here](#)) does not give employees a right to change their existing working arrangements. Instead, all eligible employees have the right to request flexible working arrangements and have it considered in accordance with the legislation. Further guidance on eligibility to request flexible working and have the request considered by the employer is available [here](#).

Hybrid working could also be requested by employees as a reasonable adjustment under disability discrimination legislation and this must be considered by the employer.

Further information on your obligations to consider reasonable adjustments for disabled employees can be obtained from the Equality Commission [here](#).

Informal requests for hybrid working and other forms of flexible working can also be accommodated without a contractual change. It is important that line managers and employees understand the differences and the implications of both.

Other contractual considerations include; base/place of work, mobility clauses, hours of work, pay, benefits, allowances, confidentiality and post termination restrictive covenants.

Organisations should seek legal advice where appropriate on their specific implications of hybrid working and how to effect change appropriately and lawfully.

Insurance Requirements

Employers should encourage their employees to consult their insurance policy documents and, if appropriate, their insurance company, mortgage providers and landlords to ensure that they meet any contractual requirements which may prevent them from working from home as part of any hybrid working agreement. In some instances there may not be a cost implication for the employee but there will be a need to inform your insurance company of the change in home usage.

Insurance cover and who is responsible should also be clearly set out.

Data Protection and Confidentiality

Managing data securely can be more challenging when employees are working remotely and are in transit between home and the office/hub. The employer should put in place a policy which clearly outlines how data should be managed, including rules around protecting the privacy of information, confidentiality and how to deal with data breaches, as well as security of IT equipment, printing and paper documents.

Employees should report any personal data incidents, security breaches or loss of information or equipment to their line manager or Data Protection Officer (DPO) immediately.

For further information see guidance published by Information Commissioner on working from home ([here](#)).

Overseas Working

Employers should be clear on what is permitted with regards to overseas working from the outset and give consideration to implications including tax and National Insurance contributions, visas, potential security and data protection, complexities surrounding remote working abroad and different time zones.

Employers should stipulate whether any hybrid working policy is applicable to employees working within Northern Ireland only and does not cover arrangements to work in other jurisdictions/countries.

Mileage and Travel Expenses

Employers should set out clearly in their policy any rules around eligibility for travelling expenses. This will include rules around mileage and travel if the employee travels to the office or other workplace on days when they do not normally attend under their hybrid working arrangement.

Health and Safety

When employees are hybrid working, employers are responsible for their health, safety and wellbeing both when they are in the workplace and when they work remotely, including working from home.

Employer's responsibilities are listed on the Health and Safety Executive NI website; [here](#).

Employees also have a responsibility to take reasonable care of their own health and safety at work.

Risk Assessments

Employers have a duty of care to their employees. Employers must ensure that general risk and specific risk assessments, such as Display Screen Equipment (DSE), assessment are carried out on the home working environment prior to the commencement of regular hybrid working.

Consideration should also be given to how Portable Appliance Testing (PAT) assessments will be carried out. This is likely to require staff to bring any electronic equipment/leads to their workplace on an annual basis so testing can be carried out.

The Health and Safety Executive NI has published the guidance (available [here](#)) on carrying out assessments.

Consider the following:

- Providing employees with information relating to their responsibilities for Health and Safety at work and when working remotely;
- Providing information on how risk assessments will be carried out for hybrid workers; and,
- Providing information on the arrangements for portable appliance testing for remote workers.

Wellbeing

Employee wellbeing remains of paramount importance to employers. This may include employees experiencing poor mental health, addressing specific concerns and anxieties including the return to the workplace, the use of public transport and the impact of 'long Covid' ([here](#)).

In the longer term, hybrid working may support improved wellbeing through reducing commuting time, providing more autonomy around work schedules and more time for health and wellbeing activities. However, there is also a risk that hybrid working could impact on work-life balance and blurs boundaries between work and home, and employees feel isolated and lonely for colleague interaction and experience feelings of disconnection and loss of sense of professional identity.

Consider the following:

- Provide training and support to employees on managing work-life balance whilst working in a hybrid way;
- Offering training on digital wellbeing and having healthy habits in relation to technology use, including helping employees to mindfully disconnect;
- Remind employees to take their breaks, not just tea and lunch breaks, but their daily and weekly breaks as per the Working Time Regulations; [here](#)
- Helping line managers to understand the potential wellbeing implications of hybrid working and equipping them to have appropriate wellbeing conversations;
- Ongoing mental health support, resilience training and information for all employees;

- Facilitating opportunities for social interaction between staff such as online tea breaks, competitions, informal group chats, social groups and physical activities to promote wellbeing;
- Ensuring managers are aware of potential signs and symptoms of poor wellbeing or mental health, know how to deal with them and signpost employees to sources of help and support; and,
- It is important not to forget wellbeing arrangements in place to ensure employees are aware of the various HR policies, which remain in place whilst adopting hybrid ways of working.

Communication and Consultation

For employers, effective hybrid working is facilitated by consistent communication and transparent collaboration. Communication needs to be more intentional and planned in a hybrid environment, as there might be fewer casual, ad hoc conversations. The key principles of good communication remain: employees need to have the information that they need, in a timely way, to allow them to successfully undertake their work.

The exact way in which a hybrid team needs to communicate will vary depending on its size, the nature of the roles in the team and the specific type of hybrid working being undertaken. Teams should be encouraged and supported to establish their own principles for communication.

Employers should consider how they wish to manage meetings in order to ensure engagement with staff who are working remotely and those attending on site. See link for tips on how to handle meetings for remote teams on the CIPD website [here](#) and also material from the Northern Ireland Congress (Irish Congress of Trade Unions) [here](#).

Technology can also support effective communication and knowledge sharing, connect people and provide innovative ways to create and collaborate. Employers should support and train employees in using technology where necessary.

It is equally important that employers consult with employees and their representatives when considering introducing hybrid working; creating a policy; and reviewing hybrid working arrangements. There may be instances when an employer will be required to negotiate and consult by law, specifically around changes to an employee's contract of employment or a policy.

Consider the following:

- Ensure managers communicate regularly with their teams and one to one with employees;
- Encourage employees to keep in touch with their colleagues on a regular basis to promote wellbeing; and,
- Consider how best to manage meetings to ensure everyone has an equal experience and opportunity to contribute.

Line Manager Training and Development

Employers must put in place learning and development for line managers to ensure effective hybrid management. Hybrid working will bring new challenges for line managers and it is essential they develop the necessary skills and knowledge to deal with these effectively. Training could include distance-based communication skills, performance management, team and relationship building and collaboration in hybrid teams to ensure they are equipped to manage staff remotely.

Technology/digital skills may also need further development. Line managers will also need information and guidance on managing requests for hybrid working or increased flexible working.

Line Managers may require training in order to promote equality and also ensuring inclusion and fairness around work allocation and development and career opportunities. Front line managers are often the key to success for hybrid working arrangements as they should “know their team” and know what works for some or all or none, including managing work-life balance within their teams. Building trust in relationships with their staff is key.

Consider the following:

- Providing training to Managers in how to manage hybrid workers effectively;
- Providing managers with training in the use of technology to maximise engagement with their staff; and,
- Consider how to manage meetings to ensure everyone has an equal experience and opportunity to contribute.

Technology and Equipment

Hybrid working is technology dependent. Employees need to be able to work seamlessly between the workplace and remote location. There also needs to be ease and quality of connectivity between people in the office and those working remotely. Employers may wish to consider the following:

- Supporting employees in fully using available technology;
- Reviewing systems, platforms and equipment available to ensure it is fit for purpose in supporting hybrid working; and,
- Putting in place appropriate security measures to ensure system and data protection and integrity.

In addition to technology, considering what other equipment will support effective and healthy hybrid working including the provision of office furniture and mobile devices.

The cost of providing equipment will be a consideration for employers and whilst there is no legal requirement in relation to the equipment an employer must provide, they remain bound by their obligations under Health and Safety Legislation (available [here](#)).

Performance Management

Managing performance remotely requires trust between the employee and the line manager. This can be achieved by open communication, focusing on outcomes and respecting flexibility. These principles should be built into the performance management approach to ensure positive outcomes and good employment relationships.

Traditionally performance management processes involve formal performance reviews, setting of objectives and the provision of feedback. This process will not change by a move to hybrid working, as these activities can be undertaken effectively by face-to-face or online. However, the assessment of performance can be more challenging. Performance management in hybrid teams assess performance through outcomes, contribution and value rather than presence or observable behaviours. There is a risk that unconscious biases lead managers favouring those who are physically in the office more regularly or being influenced by observable performance.

Consider the following:

- Are current performance management systems and processes fit for purpose in a hybrid environment?

- Encouraging a culture of trust within the organisation and ensuring that productivity metrics are fair and reasonable;
- Be aware of the negative aspects of so-called “spyware” which uses surveillance software to assess aspects of work via screenshots and key stroke analysis. Employers need to be open and transparent about what and why such measures are used;
- Undertaking training on effective performance management, including how to assess performance of remote and hybrid teams, and the potential for unconscious bias;
- Ensuring that all employees have up-to-date achievable objectives that include measurements of success, to facilitate effective performance assessment; and,
- Encouraging managers to have regular one-to-ones with their teams, whether face-to-face or online, as regular dialogue becomes critical when there is reduced face-to-face contact

Fairness and Inclusion

There were a number of well publicised inequalities which arose during the pandemic for example, while a greater number of women were furloughed early research suggests that they were doing a greater amount of childcare and home-schooling during ‘lockdown’. This gendered impact should be fully recognised and acted upon so that discrimination is not present in a post-pandemic environment. As a result, not all employees would have been able to be as productive or performed as well as they would have liked, leading to an uneven playing field in terms of career development. Employees who have been on long-term furlough leave may also have had fewer opportunities to learn and develop during the pandemic.

In a hybrid working environment employers must ensure ongoing access to development and career opportunities for all employees and make sure there is a fair allocation of work and opportunities to avoid ‘two-tier’ treatment.

Consider the following:

- Identifying areas where inequalities may have developed during the pandemic. Conduct a retrospective equality impact assessment on the experiences of the pandemic on protected social identities. Set out plans to address these to ensure they do not have a long term detrimental impact on employees or the organisation;
- Identifying where any inclusion risks may arise if employees move to hybrid working and how these can be mitigated;

- Where employees are unable to work in a hybrid way because of the work they undertake, raise awareness of other forms of flexible working that may be suitable for them;
- Take steps to ensure equality of experience between employees in the office and employees at home;
- Reinforce the notion that “we are all part of the same team”;
- Be transparent to prevent conflict between team members; and
- Promote trust to help foster a “one team approach” that builds inclusion.

Employee Career Lifecycle in the Organisation

When working in a hybrid way, elements of the employee career lifecycle are impacted. Each stage of the employee life cycle should be reviewed and amendments made to enable effective hybrid working.

Consider the following:

- Including the availability of hybrid working in recruitment activities;
- Induction processes for hybrid workers. Many employees started new roles during the pandemic and have never worked at or even visited their offices, nor met colleagues in person. When a safe return to the workplace is possible, employers should pay attention to their needs. While they are not technically a new starter, they may need support in getting to know the workplace and filling any knowledge gaps;
- Provision of learning and development activities in hybrid workplaces;
- Amendments to performance management systems and processes;
- Ensuring that reward and recognition strategies are demonstrably fair and inclusive.

Review

Finally, as organisations develop and refine working models as good practice emerges, employers must remain open to new ideas, research (internal and external) and learning from their own experiences and people. Maintaining an agile approach which staff have adapted to and work well with is key to ensuring a ‘best fit’ for your organisation model.

Hybrid Working Policy

The sample Policy set out below can be used as guidance to help you set out your organisation's approach to hybrid working. Various clauses are included in each section of the Policy. You can choose those which are relevant to the hybrid working arrangements in your organisation and amend them as necessary.

1. Introduction and Overview

- 1.1 Hybrid working is a type of flexible working (also known as agile working, remote working, split-working or blended working arrangement or patterns) where time is split between the workplace and a remote location, such as home or designated hub.
- 1.2 This Policy sets out our organisation's approach to hybrid working, which allows you to split your time between attending the workplace/office and working remotely (home or hub). Hybrid working is an important element of both our strategy for adapting to and thriving in the new working environment, post the Covid pandemic, and demonstrates our commitment to supporting a positive work-life balance for our employees.
- 1.3 This policy aims to ensure that those working under a hybrid working arrangement are treated fairly and equally to employees based in the [*“workplace” OR “office”*] and that hybrid working is carried out safely and in accordance with our policies and current legislation.
- 1.4 The hybrid working arrangements and the terms that apply to all hybrid employees are clearly documented in this policy. If you are permitted to work under a hybrid working arrangement you must comply with this policy.
- 1.5 Any reference to [*“workplace” OR “office”*] in this policy is a reference to the place of work as specified in your contract of employment or, where not specified, your usual place of work when you attend our premises or a hub.
- 1.6 This policy has been [*agreed OR implemented following consultation*] with the [*Name of Trade Union(s), Staff Representative*].

2. Scope and Application of the Policy

- 2.1 The purpose of this policy is to provide information about the hybrid working arrangements, which if permitted, allows you to split your time between attending the [*“workplace” OR “office”*] and an agreed remote working location.
- 2.2 The policy applies to all [*employees, agency workers, consultants, contractors, volunteers, casual workers*] [*who have successfully completed any applicable probationary period*].
- 2.3 It is recognised that any agreed hybrid working arrangement is subject to the requirement for you to attend the [*“workplace” OR “office”*] on the employer's reasonable request to accommodate the needs of the business, such as attend meetings, training courses or other events.
- 2.4 Any reference to home in this document refers to the place where you normally reside. If you wish to work from another remote location, this must be agreed with your Line Manager in advance.
- 2.5 All hybrid working arrangements are subject to ongoing review and may be modified to reflect a change in business needs or performance concerns
- 2.6 This policy does not form part of any contract of employment and may be amended at any time.

3. Roles and Responsibilities

- 3.1 The [*Board of Directors OR Position OR Committee*] has overall responsibility for the effective operation of this policy. Delegated responsibility for overseeing its implementation has been given to the [*Director OR Head of HR Department OR Position*].
- 3.2 Overall responsibility for the day-to-day management of this policy within [*insert name of organisation*] rests with the [*Line Manager OR the HR Department*].
- 3.3 This policy is reviewed [*annually*] by [*Head of HR Department OR Position*] in consultation with the [*Name of Trade Unions(s), Staff Representative*].

4. Hybrid Working Arrangements

- 4.1 Hybrid working is available for [*the following roles OR within the following teams*].

[Insert roles or teams for which hybrid working is suitable].

AND/OR

Hybrid working is not currently suitable for *[the following roles OR within the following teams]*:

[Insert roles or teams for which hybrid working is not currently suitable, with a brief explanation as to why the roles are unsuitable for this way of working].

- 4.2 Your contract of employment specifies the days on which you are expected to attend the *["workplace" OR "office"]* and the days on which you are expected to work remotely.

OR

The number of days per week each employee spends attending the *["workplace" OR "office"]* compared with working remotely will vary, depending on:

- individual circumstances;
- nature of role;
- current work within the role and/or team at any particular time;
- the needs of the organisation, including the space available at our work locations.

OR

Hybrid working arrangements will differ depending on the nature of your role, duties and responsibilities and so are discretionary and subject to agreement *[in writing]* with your *[Line Manager OR the HR Department]*.

OR

Any hybrid working arrangement is subject to you spending a minimum *[proportion]* of your time working from your *["workplace" OR "office"]*. Your remaining time may be worked from your *["workplace" OR "office"]* or your remote working location as agreed *[in writing]* with your *[Line Manager OR the HR Department]*.

OR

The days and times worked from your *["workplace" OR "office"]* and your agreed remote working locations are subject to agreement with your *[Line*

Manager OR the HR Department] and may vary to accommodate the needs of the organisation.

- 4.3** All hybrid working arrangements will be subject to a trial period of *[Number]* months. We may, at our discretion extend this period for up to a further *[Number]* months. During this trial period the hybrid working arrangements will be monitored. At the end of the trial period you will be informed *[in writing]* if the hybrid arrangements are considered appropriate to be continued.
- 4.4** Hybrid working arrangements in accordance with this policy are discretionary and may be terminated in accordance with paragraph 12.1 of this policy. If you wish to permanently vary your contractual working arrangements so that you work from a remote working location for all or part of your working week, you will be required to make a formal flexible working request *[in accordance with our flexible working policy]*.
- 4.5** Should you wish to work from a remote working location abroad at any time during your hybrid working arrangement, this will require separate approval from the *[Director OR Head of HR Department OR Position]* and there is no guarantee that this will be possible.

OR

Working remotely from a location abroad falls outside the scope of this policy due to different compliance and legislative requirements.

- 4.6** If you have caring responsibilities, you should ensure that you have appropriate arrangements in place whilst working remotely.

5. Performance Management, Training and Attendance

- 5.1** Your line manager will remain responsible for supervising and assessing you in the same way as employees based full-time in the workplace and will agree the best way to allocate work, appraise your performance and provide ongoing supervision in a remote way. Trust between you and your line manager is key and open and clear communication between you will provide the basis for this. Your line manager will set out achievable objectives that include measurements of success, to facilitate effective performance assessment expectations and will regularly review your hybrid working arrangements and take steps to address any issues. They will ensure that you are kept up-to-date with any changes to the workplace or information relevant to your work.

- 5.2 You will be subject to the same performance measures, processes and objectives when you are working in the [*“workplace” OR “office”*] or are working remotely.
- 5.3 In circumstances where you receive an unsatisfactory grade in [*an interim OR annual appraisal*] or are subject to a [*verbal OR written*] warning, your hybrid working arrangements may be terminated immediately and you will be expected to return to work in the [*“workplace” OR “office”*].
- 5.4 Your normal hours of work, including start and finish times are:
- For days on which you are attending the [*“workplace” OR “office”*], your normal hours of work are set out in your contract of employment.
- 5.5 Normal rules apply regarding the reporting of sickness when working remotely. Staff should follow the normal reporting procedures as set out in [refer to relevant policy].
- 5.6 You will be provided with the same opportunities for training and career development as provided to staff based permanently in the [*“workplace” OR “office”*].
- 5.7 All Company policies apply equally when working in the [*“workplace” OR “office”*] or when working remotely.

[Provide links to relevant Company Policies]

6. Health and Safety

- 6.1 The organisation has a duty of care for all employees and this duty continues to apply when you are working remotely. Employees also have a responsibility to take reasonable care of their own health and safety at work.
- 6.2 Your safety is our priority, and we have put in place a number of safeguards in the [*“workplace” OR “office”*] [*in consultation with the Name of Trade Unions(s), Staff Representative*].

[Outline what precautions the organisation is taking for employees who are attending the [“workplace” OR “office”*] based on the Government’s guidance [here](#).*

- 6.3 The employer will ensure that a general risk and DSE assessment is carried out in advance of remote working arrangements being put in place. Periodic maintenance and electrical tests on equipment may be carried out.

[Provide details of how the risk assessments will be done and any arrangements for PAT testing of electronic equipment/leads required on an annual basis].

- 6.4 We encourage our employees to let us know if they have any concerns, have identified any potential risks, or have any suggestions for further adaptations we can make. Please contact *[your Line Manager OR the Principal Health and Safety Officer OR the HR Department].*

- 6.5 You have a role to play in ensuring not only are you safe but everyone else in the *["workplace" OR "office"]* can work in a safe environment. You must follow our safe-working instructions. A failure to do so may be a disciplinary offence and dealt with in accordance with our disciplinary procedure.

7. Wellbeing

- 7.1 Employee wellbeing remains a priority for the organisation. The employer will take all reasonable steps to promote good working practices to assist the wellbeing of employees. When working remotely, ensure that you keep in contact with your line manager and colleagues on a regular basis. Remember to take regular breaks and to maintain clear boundaries between work and home. If you experience any difficulties, speak to your line manager so that any challenges can be addressed and appropriate support can be put in place.

[Provide links to any Employee Assistance programmes, Mental Health First Aiders or other internal/external assistance available]

- 7.2 Employees are encouraged to take part in any wellbeing initiatives available within the organisation.

[Provide details here]

8. Equipment and Suitable Workspace

- 8.1 Employees are provided with their own permanent workstation, which includes *[lockable desk drawers/a lockable cupboard]*. At the end of each day on which you are attending work, please ensure that your laptop is either taken with you or secured away in your *[desk drawer/cupboard]*.

OR

We operate a hot-desking policy, whereby we provide a bank of workstations at the [*“workplace” OR “office”*]. Desks are allocated [on a first-come, first-served basis/via a booking system involving *[set out details of booking system]*].

OR

At the end of each day on which you are attending the [*“workplace” OR “office”*], please ensure that you leave the desk you have been using clean and tidy. Your laptop (and other equipment) and any personal belongings should not be left on the desk overnight.

8.2 To assist you when working from your remote location, you are provided with:

[list the appropriate items and expand as necessary, for example:

- *laptop computer;*
- *mobile phone;*
- *desk chair.*

You must take care of any equipment the employer provides you with, and notify [*your Line Manager OR the IT Department*] of any faults with the equipment.

OR

The employer will provide equipment that is considered reasonable to require you to work from your remote working location and will make all necessary arrangements for and bear the cost of installing, maintaining, repairing or replacing (where necessary) and removing the equipment. Where equipment is provided, it remains the employer’s property and you must:

- *Ensure it is only used by you and only for the purposes for which the employer has provided it;*
- *Take reasonable care of it and use it only in accordance with any operating instructions;*
- *Make it available for collection by the employer or on the employer’s behalf when requested to do so.*

OR

It is your responsibility to ensure that you have sufficient and appropriate equipment for working from your remote working location. The employer is not

responsible for the provision, maintenance, replacement, or repair in the event of loss or damage to any personal equipment used by you when working for us.

- 8.3 To arrange installation or service of any equipment that the employer provides, you should contact *[the IT Department OR the IT Helpdesk]* which can guide you through the process remotely. If this is not possible, the employer may need to arrange a visit to your remote working location and will contact you to arrange this where necessary.
- 8.4 If you have a disability you should inform the employer if you require special equipment to work from your remote location. The employer will discuss your requirements and will make any reasonable adjustments necessary.
- 8.5 When travelling between your remote working location and your *["workplace" OR "office"]* you agree to keep equipment provided by the employer secure at all times.
- 8.6 It is your responsibility to ensure that you have a suitable workspace at your remote working location with adequate lighting for working.
- 8.7 We provide you with *[a weekly OR a monthly OR an annual]* allowance to help pay for *[list the appropriate items, and expand as necessary, for example:*
- *Internet costs;*
 - *Telephone costs; and*
 - *Cost of any additional equipment you require for effective remote working, including [set out details].*

To claim your remote working allowances, you should [complete the form that is available on our intranet/contact *[Name of individual OR the HR Department]*].

OR

We will pay you an extra *[£ per week]* towards any additional costs you incur as a result of working from home, provided the expenses incurred are solely work related.

OR

Employees may be able to claim tax relief for any household expenses incurred as a result of working from home, provided the expenses are solely work related. If you wish to benefit from this tax relief, see the Government's guidance on claiming tax relief for your job expenses [here](#).

- 8.8 On termination of your hybrid working arrangement or on termination of your employment you will return all equipment provided by the employer. Where necessary, we may need to arrange a visit to your remote working location to reclaim equipment and will contact you to make the appropriate arrangements.

9. Insurance Requirements

- 9.1 *[You OR The employer]* shall be responsible for taking out and maintaining a valid policy of insurance covering any equipment we provide against fire, theft, loss and damage throughout your employment.
- 9.2 If your remote working location is your home address, you are responsible for ensuring that working from home will not potentially invalidate the terms of your home insurance. You should ensure that you check your home insurance policy before commencing hybrid working and inform your home and contents insurance provider of your working arrangements as required.
- 9.3 If your remote working location is your home, you should check the terms of your mortgage, lease or rental agreement before commencing working from home to ensure this does not breach any of the terms. It is your responsibility to inform your bank, mortgage provider or landlord that you are working from your home address and seek any necessary approval before commencing hybrid working.
- 9.4 We are not liable for any loss, injury or damage that may be caused from any equipment that is not provided by us but required by you to work from your remote working location.

OR

When you are working from your remote working location you are covered by our **[employer's liability OR accident] insurance policy**. Any accidents must be reported immediately to *[your Line Manager OR Name] [in accordance with the employer's health and safety policy]*.

10. Mileage and Travel Expenses

- 10.1 If you travel to attend your permanent workplace at any time, whether on a day when you would normally work from home or not, you are not entitled to claim mileage or travel expenses for that journey except in the following circumstances:

[provide details of when expenses may be paid, for example, when attending the workplace outside normal working hours etc.]

Travel to attend your permanent workplace will not be classed as working or travel time for the purposes of this policy.

11. Data Protection and Confidentiality

11.1 Employees are responsible for ensuring the security of confidential information in your remote working location and when travelling to and from your *[“workplace” OR “office”]*.

11.2 When working from your remote working location you undertake to:

- *Practice good computer security, including using a unique password for your work laptop [and any other devices you use for work];*
- *Keep all hard copies of work-related documentation secure, including keeping documents locked away at all times except when in use; and*
- *Ensure that work-related information is safeguarded when working in public spaces.*

11.3 In addition, your work laptop *[and other equipment]* provided by the employer must be used for work-related purposes only and must not be used by any other member of your household or third party at any time or for any purpose.

11.4 To comply with data protection obligations, you will only store or process company data or personal data on equipment which has been provided by or authorised by the employer.

11.5 If you discover or suspect that there has been a data breach or an incident involving the security of information relating to the employer, our clients, customers or anyone working with or for the employer, you must report it immediately to your Line Manager or DPO.

[Provide link to Data Security Policy]

12. Termination of Hybrid Working Arrangement

12.1 The employer reserves the right to terminate the hybrid working arrangement, for example, due to a change in business needs, performance concerns or if your role changes such that hybrid working is no longer suitable, subject to *[Period – days/week(s)/months]* notice.

12.2 If you wish to terminate your hybrid working arrangement, you must give your *[Line Manager OR the HR Department] [one month's notice OR Period]* to allow the employer to arrange a desk space for you in the *["workplace" OR "office"]* and collect any equipment that is no longer required from your remote working location.

Signed

Signed

On behalf of Management

On behalf of the Trade Union/Employee Representative

Date:

Date:

Hybrid Working

Frequently Asked Questions

1. What is hybrid working?

Hybrid working is a type of flexible working (also known as agile working, remote working, split-working or blended working arrangement or patterns) where time is split between the workplace and a remote location, such as home or designated hub.

Hybrid working, focuses on the location of work, rather than a permanent change to hours and patterns of work. This is normally an employer led initiative, incorporating the positives learnt during the pandemic, into their work practices for the future.

The term 'flexible working' focuses primarily on the patterns and hours worked, and includes part time, job share, compressed hours, flexitime etc. It can also however include a request to work from home or to have a hybrid working arrangement. Requests for flexible working are employee led. Employees, with at least 26 weeks service, who have not already made a flexible working request in the previous 12 months, have a statutory right to request flexible working arrangements and the employer has a duty to consider this. If the employer grants flexible working under this procedure, it will result in a permanent change of contract.

Employers will need to carefully consider the mechanism for bringing in hybrid working in that it may be much easier to pilot hybrid working with a view to a collective or workforce agreement in the future than having to deal with a raft of formal flexible working requests which are essentially looking for hybrid working but via multiple individual requests. This will invariably be difficult for the employer to manage.

2. How do I introduce hybrid working to my organisation?

Employers who wish to introduce hybrid working to the organisation should consider the following:

Job Roles: consider which roles/jobs can be performed remotely. Consider how these could be incorporated into a hybrid working model.

Consultation: consult meaningfully with recognised Trade unions/employee representatives and directly with staff and managers at the earliest possible time.

Guidance: familiarise with advice and information to inform your decision making.

Policy: produce a Policy which sets how hybrid working will be managed within your own organisation.

Trial Periods: consider introducing on a trial basis. This will allow some time to determine if this approach works for the organisation and employees.

Review: carry out regular reviews of your policy to ensure it is working and fit for purpose. Amend as necessary as hybrid working becomes embedded in your organisation, in consultation with trade unions/employee representatives/staff and managers.

Many employers may wish to have the hybrid working practice as an informal one, but this needs to be clearly communicated in terms of what that means – trial with a view to evaluating?, not wanting to give rise to worries over implied rights via custom and practice? Just keeping things flexible until the organisation can have time to future focus? Small business owners are often keen to ensure that “balance” does not simply relate to the employees’ needs but also the needs of the business and look towards striking the sometimes elusive balance for all.

An employer may wish to communicate with staff to trial the practice and ask that to save staff from being disappointed with a refusal, not to put in a flexible working request as the individual approach could be counter-productive to the collective approach.

An employer may also wish to express concerns, not in terms of excuses but rather fears, regarding the negative impact of being away from the workplace on – younger workers, new recruits, those who feel isolated and vulnerable and the impact on the business culture of teamwork and inclusive sense of identity and the impact on learning culture and team development/team productivity/team innovation.

3. I am a small business owner/manager and hybrid working is not really an option for us. How do we manage expectations around employee perception of “rights” regarding this form of working?

Hybrid working will not suit every organisation and most people will know, after the last 18 months, what lends itself to this type of working and what does not. Just because hybrid working has been in place for nearly two years does not make it an employment right to be exercised. In the context of the employee making a request for such arrangements there is a very clear formal process underpinned by the law but it is only a right to request and provided the employer follows the proper procedure and explains the business reason why the request is refused then that

should be the end of the matter. It may be that the working from home arrangement was only always going to be in place until the NI Executive messaging reverted back to pre-Covid ways of working and as such no “right” to continue has become implied.

Anecdotally it is clear that hybrid working is not an option for a number of small businesses. Some of the reasons for this may be due to a combination of – the nature of the work, the unsuitability of it being done remotely, the inability of the employer to supervise properly, inability of the employer to exert the necessary quality control in a remote setting, inability to meet the personal needs of all employees in a remote context and fears of creating a two tier workforce and so on. It is essential that employers manage the expectations of employees as there is a growing trend towards hybrid working especially in an office setting and that might mean that explaining why it does not suit the needs of the business and that the term “balance” also refers to the needs of the business as well as the individual who has a degree of certainty about the hybrid pattern but also is clear that the days at home are for working as opposed to, for example, child minding.

It is important to demonstrate that the reasons for refusing hybrid working are not simply about having a closed mind to it or it not being about not trusting staff to work without physical supervision, but rather the genuine reasons for it not being applicable whilst accepting on a macro level hybrid working helps the environment and local regional/town economies.

4. If I offer hybrid working, does this result in a contractual change for employees?

Employers can introduce hybrid working informally. This does not require a change in contract. However, this should be a short term solution only as continuation of an informal arrangement over a period of time, could result in establishing contractual entitlements as a result of custom and practice.

Where a formal hybrid working policy is introduced, this could result in a requirement to vary the employee’s contract, if the place of work, as set out in the employee’s Written Statement of Particulars, does not currently cover working away from the designated place of work.

The employer is required to provide an employee with a written statement of particulars of employment (often referred to as the contract of employment), not later than two months after the beginning of their employment. This document must set out:

'either the place of work or, where the employee is required or permitted to work at various places, an indication of that and of the address of the employer.'

An employer should first check the wording currently included in this section and if this needs to be amended to include remote working, this will require a contractual change. The next decision for the employer will be to decide if they wish to introduce this on a permanent or temporary basis. An employer may find it useful to introduce hybrid working on a trial basis, to allow some time to determine if this approach works for the organisation and the employee. This would require a temporary change to the contract and should be set out in writing, stating the period of time for which this temporary variation would apply. As with any change to contractual terms, the employee's consent to the change is required.

5. How do we manage employees working remotely?

Managing staff remotely can provide more challenges for managers but there are a number of approaches which will assist with effective management:

Set expectations and trust your team. Be clear about mutual expectations and trust your team to get on without micromanaging. Focus on results rather than activity.

Agree ways of working. Make sure every team member is clear about how you will work together remotely, how you keep each other updated, and how frequently.

Make sure team members have the support and equipment they need. This includes any coaching they might need to use online systems or work remotely.

Ensure regular communication with the team and one to one with individual staff.

Encourage team members to keep in touch with each other on both work matters and for social interaction.

Provide training for managers with a specific focus on managing remote workers.

6. What responsibilities do I have for employees working remotely?

Employers have a duty of care to employees. An employer retains the same responsibilities for employees, regardless of whether they are office based or working remotely. This includes responsibility for the health, safety and welfare of employees which can be more difficult to manage remotely. Particular attention should be given to the following issues:

Contracts of Employment: These should be updated to reflect the revised terms and conditions of employment, including any changes to the place of work, working hours etc. where a formal hybrid working arrangement is in place.

Health Safety and Wellbeing: Employers have a legal duty to conduct a suitable and sufficient risk assessment of all their employees' work activities to identify hazards and assess associated risks. These can be carried out remotely or in person depending on the job roles or the employee's individual circumstances (see [here](#) and [here](#)).

Issues of employee wellbeing should also be considered.

Data Security: Managing data securely can be more challenging when employees are working remotely and are in transit between home and the office. The employer should put in place a policy which clearly outlines how data should be managed, including rules around protecting the privacy of information and how to deal with data breaches.

Insurance: Employers should encourage their employees to check that there isn't anything in their mortgage, lease or rental agreement which would prevent them from working from home as part of any hybrid working agreement. Insurance cover and who is responsible should also be clearly set out.

7. What if an employee does not wish or is unable to work from home/remotely?

If this situation arises, the first step is to speak with the employee to better understand and explore the reasons for not wanting or being able to work from home. This will allow the employer to consider the issues raised by the employee which it may be possible to resolve. For example, the employee may have poor broadband connectivity for which a technological solution cannot be found. This issue for the employee could be one of space and an appropriate working environment within their home, or it could be for wellbeing issues. Having spoken to the employee the employer may be able to find some compromise which can work for both parties. If no compromise can be achieved, and the employer wishes to enforce homeworking, it is important to consider the legal position.

This will depend on what is currently included in the employee's contract and any discrimination implications of a decision to vary the employee's contract. If there is no term in the contract which provides that the employee should work from home or provision which permits the employer to change the employee's place of work, then imposing home working on an employee could constitute a variation of the contract requiring employee consent. It could also result in a breach of discrimination law. If consent cannot be achieved, the employer may choose the option of dismissing and

offering re engagement on amended terms. This option should only be one of last resort. In order to maintain good working relationships, agreement is the best way forward.

The employer can also consider alternative locations, such as other regional offices or hubs, if available, where staff are able to carry out work.

8. What if I have jobs which require employees to be office based?

When considering the introduction of a hybrid working policy, the employer should look at the jobs and job roles within the organisation and identify those which are suitable for hybrid working. There may be some posts/roles which require the employees to be office based for some or part of the time. Where this is required, employers could consider offering other forms of flexible working such as part time working, flexible start and finish times, compressed hours, where possible.

9. How do I deal with statutory flexible working requests?

All employees with at least 26 weeks service are entitled to make a flexible working request, which the employer then has a duty to consider, within the parameters of a statutory procedure. Full details can be accessed [here](#). This procedure must be followed for each request received. If an employer intends to introduce hybrid working in the organisation, they could communicate this to employees indicating that it will not be necessary for employees to instigate statutory requests. An employer cannot however prevent employees from making flexible working requests if they are eligible to do so i.e. have at least 26 weeks service and have not make a request in the last 12 months. If requests are received, an employer could consider agreeing with the employee to put the request on hold until the hybrid working policy has been formulated. If this is agreed by the employee, a definitive timescale should form part of the agreement to postpone the decision and should be confirmed in writing.

10. Is there a legal obligation to offer hybrid working to my employees?

Whilst there is no legal obligation to offer hybrid working to employees per se, employees, with 26 weeks of service, can make a flexible working request (which could include a request for hybrid working) and the employer has a duty to consider this. Further details can be accessed [here](#). Hybrid working could also be requested by employees as a reasonable adjustment under disability discrimination legislation and this must be considered by the employer. If an employer is considering introducing hybrid working in their organisation, they should communicate this to all staff at the earliest possible time, to minimise the number of formal requests that may

be received. Additionally, if the request is in relation to a reasonable adjustment, the employer must give this due consideration.

11. What equipment do I have to provide for employees working from home?

There is no general legal obligation on employers to provide equipment for homeworking and they are also not legally obliged to contribute towards expenses of employees working from home. Many employers will however provide a desk/chair and any other equipment required so that staff can work safely.

As part of any hybrid working policy, the employer should determine:

- what's needed to do the job, for example, a reliable and secure internet connection or a suitable desk and chair;
- who will provide or cover the costs of equipment and repairs;
- technical support for setting up any new equipment or technology; and,
- any insurance implications for the employer and employee.

Employees may be able to claim an allowance for home working expenses. Details are available [here](#).

12. What equality, diversity and inclusivity considerations should I have when making decisions on hybrid working?

It is important for employers not to take an over-simplified homogenous approach to how they think hybrid working will work for them and their employees. There are a myriad of considerations that will be unique to the circumstances of individual employees – the employee who needs to be in the office out of fear of domestic violence increased due to the amount of time at home, the employee who feels isolated and detached from work because it is also a social outlet for them due to an inability to meet and socialise with people in a non-work setting, the employee with chronic fatigue who has seen a marked improvement in the quality of their life as a result of not having to commute daily to work, and other reasonably foreseeable examples.

Other considerations relating to equality, diversity and inclusion (EDI) could be - Hybrid working casts a wider net to underrepresented communities, which helps with diversity and it can relieve issues of psychological safety for the LGBTQ+ community. Employers need to think of the needs of employees in terms of what is reasonable for staff with a protected social identity, for example - reasonable adjustments for disabled employees and not to conflate flexible working request with requests for reasonable adjustments (beyond - desk, chair and keyboard). Other changes may be generic to all staff such as - make every online meeting accessible and be aware of unconscious bias. Offer training for remote work tools like Zoom, MS Teams, etc. Be aware of any broadband inequality for home working and use/set up networks for consultation - women's, diverse ethnic, disability, LGBTQ+ groups and appoint an EDI Champion. With 18 months of experience now achieved many of these issues may already be addressed but perhaps not and must be given the appropriate consideration.