

A GUIDE TO HOMEWORKING

Human Resources
JNG 13th MAY 2004

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SUPPORTING INFORMATION

The following can be found on Public Folders/All Public |Folders/Personnel/Flexible Working

*Sample letter to contents insurer
Sample letter to home building insurer
Sample letter to mortgage lender/landlord
Income Tax declaration*

*Sample letter to Valuation Officer at Inland Revenue
Guidance note – Occasional Homeworking
Change to Working Arrangements – Application Form
Application Form
Guidance note – Employees Applying for Homeworking
Sample letter to ineligible employees
Sample letter – acceptance of application in principle
Guidance note – Health & Safety issues
Guidance note – IT issues
Checklist for managers
Sample letter – refusing an application*

1.0 Introduction

- 1.1 The Council has, for a number of years, operated homeworking on an informal basis to accommodate specific individual or service needs.
- 1.2 This guidance, procedure and other supporting information is intended to help both managers and employees to operate homeworking either on a formal or ad-hoc basis. Areas for consideration are highlighted and practical advice is provided. This document is not intended to form a definitive checklist, as ultimately, effective homeworking will depend upon the individual circumstances of each case.

2.0 Legal Context

- 2.1 From April 2003, legislation introduced a new right for parent to work flexibly. However, it is not an automatic right. The legislation does recognise that there will always be circumstances where an employer is unable to accommodate an employee's request relating to flexible working.
- 2.2 Employees are able to request:
- (a) A change in the hours they work.
 - (b) A change to the times they are required to work.
 - (c) To work from home.
 - (d) A combination of the above.
- 2.3 An employee's request can be refused where the employer has a clear business reason for doing so. Acceptable business reasons are defined in the legislation and detailed in paragraph 11.17.
- 2.4 The Council's procedure for assessing an employee's request for homeworking is in Section 11. A separate procedure exists for dealing with both 2.2(a) and 2.2(b). This is called "Applying for a Change in Working Arrangements (Hours of Work/Working Pattern)". It can be found on the Intranet under Public Folders/All Public Folders/Personnel/Homeworking.

3.0 General policy

- 3.1 Homeworking will be a voluntary undertaking for and will generally be requested by an employee. It should be beneficial to both the employee and the Council. The following benefits will be sought from homeworking:
- Environmental - reduced mileage to, from and during work.
 - Employee - travel savings, better worklife balance.
 - Organisation - increased productivity/cost savings, improved standards of performance, staff retention.
- 3.2 Not everyone will find the self-discipline of working at/from home easy. Some individuals may become isolated and miss the interaction of a normal office environment and the support of colleagues and managers. Thus both managers and employees must value planned meetings (either on a team or one to one basis). The purpose of the meetings will be to discuss normal business issues whilst providing support to homeworkers.

- 3.3 Management will trust employees but must make sure that agreed controls are in place to ensure compliance with terms and conditions of employment, employees are safe (through appropriate procedures) and to measure service effectiveness whilst an employee is working at/from home.
- 3.4 One aim of homeworking is that employees have more control over their work patterns. However, work patterns have to be agreed with managers in order to ensure that service demands are being met.
- 3.5 With common sense, openness, and trust homeworking can work for the employee, team and manager. However, employees must keep a reasonable record of their start and completion times in case issues arise and to ensure that they work their contracted hours.
- 3.6 The equipment required by employees working at/from home will be determined by their job and will be provided by the Council as appropriate. Managers should be aware of the potential cost implications where an employee is required to have a link to the Council's IT infrastructure from home and at the Civic Offices.
- 3.7 Homeworking does not allow for caring to take place during hours when an employee should be available for work. Employees may, therefore, have to consider any caring provisions so that they are not working at/from home and caring at the same time.
- 3.8 Homeworking does raise personal safety issues. Clients or members of the public who presently visit the Council offices should not visit employees' homes. Employees must not invite or allow clients/members of the public to visit their homes. Employees must not give their own or other employees' private addresses and telephone numbers to clients/members of the public.
- 3.9 All employee-related policies and procedures (e.g. Health & Safety policy, Grievance Procedure, Disciplinary Procedure etc) apply to homeworkers.
- 3.10 An agreement to homework will commence with a three-month trial period. If the arrangements are not working for the manager or employee, either party can terminate the agreement during the trial period giving one weeks' notice. If the reason for terminating the agreement is not connected to the trial period i.e. it is terminated some time after the trial period a months notice by either side will be required.
- 3.11 An agreement to homework will change/modify an individual's contract of employment. However, the original terms and conditions of employment can be returned to subject to the notice period outlined above. The individual will also return to her/his original working environment assuming no relevant changes have been made whilst she/he has been homeworking.

4.0 What is homeworking?

- 4.1 Essentially, homeworking is where work is carried out away from the conventional workplace. The following terms describe homeworking:
- Remote working

- Working from home
- Working at home
- Home-based working
- Teleworking. This is a particular type of remote working, which relies on information technology for its effectiveness.

4.2 In practice, homeworking arrangements will include elements of the above. Homeworking is not the same thing as flexible working. This has a wider meaning and includes many other patterns of working such as job-sharing, part-time working, term-time working etc.

5.0 Homeworkers

5.1 Homeworkers can be said to fall into the following groups:

- People who work at home for the whole or part of the week on a regular basis by agreement with their Head of Service. This involves doing work that has traditionally been done in an office or other workplace.
- People who work at home on an occasional or ad-hoc basis, for example, to write a report.
- People who work from home i.e. use their home as their normal place of work (rather than the office) from which journeys are undertaken e.g. to meetings, to visit clients, to visit sites, etc.

6.0 Suitable Jobs

6.1 Not all jobs are suitable for homeworking. Many jobs in a local authority are concerned with providing a direct service to the public in a fixed location. It is difficult to consider these types of jobs as suitable for homeworking.

6.2 In broad terms, jobs, which are suitable for homeworking, will have the following characteristics:

- There is no need for regular face to face contact with other people.
- Work can be planned and milestones/time scales can be clearly defined.
- Outputs can be clearly defined and measured.
- Minimum supervision is required.
- Work can be done without having to rely on high levels of input or support from others.
- Minimal resources and equipment (i.e. computer terminal, telephone etc) are required.

Also where appropriate:

- Working patterns can be arranged to fit in with colleagues.
- Information required to do the job can be stored, transferred etc., electronically.

Individual assessment of an application

6.3 There are many different reasons why people might want to work from home. Heads of Service should consider each request for homeworking individually.

6.4 When considering the suitability of a job for homeworking, due regard should be given to individual and service needs measured against potential benefits.

7.0 Homeworkers as people

7.1 Whilst homeworking can offer flexibility to those who need or want to work at/from home because of individual circumstances, it is not suitable for everyone. Some people may find the social exclusion stressful or have difficulty in defining their working day. Homeworkers also have to balance work with their home life and any caring responsibilities.

7.2 In general terms, individuals most suited to homeworking would be:

- Self disciplined
- Self motivated
- Self sufficient
- Reliable

In addition, they would have the following:

- Effective communication skills to enable effective management of the arrangement.
- Time management skills.
- The ability to work unsupervised.
- Assertion skills, to ensure that they are able to ask for help when needed.
- Flexibility in their approach to work scheduling and the need to maintain office contact.
- Suitable home space and general awareness of health and safety issues to maintain an appropriate working environment.

8.0 Making homeworking work

8.1 The following sections discuss some of the practical issues to be considered. It is not an exhaustive list.

9.0 Health & Safety - General

9.1 Under the Health and Safety at Work Act 1974 (HSWA) employers have a duty to protect the health, safety and welfare of their employees. These include homeworkers.

9.2 Most of the regulations made under HSWA apply to homeworkers as well as to employees working at an employer's workplace. For example, these include:

- Management of Health and Safety at Work Regulations 1999
- Display Screen Equipment Regulations 1992
- Provision and use of Work Equipment Regulations 1992.

9.3 Employees working at/from home also have duties relating to Health and Safety and all the Council's Health & Safety policies apply to them. They should ensure that they are free to carry out their work at home unhindered by inadequate or potentially dangerous domestic arrangements.

- 9.4 Homeworkers will be required to attend appropriate training when necessary.

Risk assessment

- 9.5 The key to ensuring the safety of homeworkers is to ensure that appropriate risk assessments are undertaken. An initial risk assessment should take place **before** commencing long-term homeworking. This is done to assess the suitability of the employee's home as a workplace together with any risks associated with the work activities undertaken. **After** the installation of all the equipment in the employee's home, another risk assessment of the workplace should take place. Additionally, the manager and/or Health and Safety Officer may from time to time, subject to reasonable notice being given, visit an employee at home to ensure that a safe working environment is being maintained.
- 9.6 A competent person must undertake the risk assessment. It is the responsibility of the Head of Service to arrange this.
- 9.7 Once a risk assessment has been completed it must be signed by the Head of Service and employee. A copy should be provided to the employee, along with relevant Health and Safety information that has been identified as part of the control measures.
- 9.8 Further advice can be obtained from the Health & Safety Officer.

Accident reporting

- 9.9 Arrangements should be identified for accident reporting. Homeworkers must report any accident or incident during the course of their normal working day in accordance with the Council's procedures.

Portable electric equipment

- 9.10 Testing of portable electrical equipment will be carried out prior to homeworking starting. The Head of Service is responsible for ensuring that all equipment provided by the Council has been tested. Employees must not use untested items. Records of equipment used by staff and dates for testing will be maintained by Heads of Service.

Lone working

- 9.11 Working at home or working direct to and from site are forms of lone working. The Council's guidance for lone workers must be followed at all times. It is the responsibility of the Head of Service to ensure that appropriate arrangements are put in place. The Council's guidance is under Public Folders/All Public Folders/Health and Safety/Safety Policy Section C/Working Alone.

Working time regulations

- 9.12 The Working Time Regulations are a health and safety measure and include basic entitlements and limitations concerning how time spent at work is organised. The

regulations apply to all workers who have a contract with the Council and include work undertaken at home or on site.

9.13 The main points that apply are: -

- A maximum of 48 hours per week.
- A break of at least 20 minutes where the working day is 6 hours or more.
- An 11 hour break in each 24 hour period
- A 24-hour break in each 7-day period or a 48-hour break in each 14-day period.

9.14 Employees working at home should ensure that they take an appropriate rest break during their working day (i.e. under the flexi- time scheme this is 30 minutes for someone working a normal day which 7.4 hours)

Home environment

9.15 The homeworker's home environment should be able to offer:

- Suitable space for the "office" (including storage space for equipment and the ability to meet statutory health and safety requirements).
- Necessary freedom from interruptions.
- Appropriate noise levels.
- The ability to accommodate communication requirements e.g. telephone, IT equipment, etc.
- Security and confidentiality.

Security

9.16 The measures taken to protect equipment and information when working at/from home should be the same as those taken in the office. Information (on a document, disc, laptop etc) will be in the homeworker's personal care. Systems to ensure confidentiality and security of equipment and information in the home and during transportation should be in place (e.g. computer passwords, lockable cabinets, paper shredders, etc). The Council's Electronic Communications Policy (Public Folders/All Public Folders/Personnel/Electronic Communications Policy) applies to homeworkers.

9.17 Personal security is *also very* important. Meetings with clients, service users, or other parties should not take place at the employee's home (i.e. they should be arranged at the office, the premises of other organisations etc). Employees must not give clients etc their own or another employee's home telephone number or home address.

Equipment

9.18 Essential equipment will be provided where considered necessary to the job. The equipment will remain the property of the Council and homeworkers will be expected to take all reasonable care of it.

9.19 The Council's Electronic Communications Policy does allow for reasonable occasional personal use of the Council's equipment/systems. However, due to the

special circumstances of working from home, this might have income tax implications for homeworkers. Our advice, therefore, is to only use the equipment provided by the Council for business purposes

- 9.20 Allegations of misuse of the Council's equipment/systems will be investigated under the Disciplinary Procedure and may result in disciplinary action being taken.
- 9.21 The items of equipment provided by the Council will depend upon the needs of the job and might include a business telephone/answer phone, laptop computer, modem, printer, desk, chair and secure storage.
- 9.22 In addition, technical support and assistance should be made available in respect of IT or similar provision. Arrangements for accessing this will be agreed beforehand.

Potential employee risks and liabilities

- 9.23 The Council will cover equipment and personal insurance whilst in the home but there might be some repercussion on the employee with the presence of Council equipment on the property or occasional working from home. It is unlikely but possible that either could void legal tenancy, mortgage and insurance agreements. Letters have been drafted to cover employees. The Council cannot write to an employee's insurers/mortgage company because of privacy implications and the fact that the Council does not have any legal standing in such negotiations.
- 9.24 The Council equipment is insured, however some home Building and Contents insurance policies may be negated by costly IT equipment in their home but not owned by the employee. Therefore:
- **Before** commencement, employees should advise their building and contents insurer(s) of their working at home, and provide a list of equipment supplied by the Council including it's full replacement value. Sample letters are provided on Public Folders. Employees encountering any problems should inform their Head of Service.
 - The Council could potentially be liable for loss, damage or injury caused by equipment that it has installed in the home, irrespective of who has suffered the loss.
 - If an employee or third party suffers any loss or damage to personal property or claim for death or injury resulting from the presence of Council equipment within the employee's home they should in the first instance report this matter to their household insurer.
 - In the event of a claim from the household insurer against the Council, this will be dealt with under the Council's public liability insurance policy.
 - The Council will not be liable for any loss, injury or damage which is not directly connected with the equipment it has installed or provided.
 - Employees are reminded that unauthorised use of Council equipment should be prevented and that all visitors to their home must be supervised for this purpose.
 - In the event of an accident happening whilst at home, employees will be covered by the Council's insurance as if they were at work, provided that the accident occurred, in the Council's view, whilst they were undertaking work on behalf of the Council.

- If an employee is injured in the course of her/his employment whilst working at home, and the Council is legally found to be liable, the employee may be able to pursue a claim against the Council.
- **Before** starting homeworking, employees should inform any party with an interest in their property. There may be terms and conditions, leases and constraints or covenants for example in the mortgage or title deeds that prevent working at home. A sample letter for employees to use is provided on Public Folders. Employees encountering any problems should inform their Head of Service.

Tax and Rating implications

- 9.25 The tax issues must be considered for each working arrangement. To overcome any tax liability, a declaration is provided on Public Folders that should be signed by the employee. This should be handed in to Payroll who will keep it confidentially filed. It is advised (see paragraph 9.19) that the equipment provided by the Council is used solely for business purposes
- 9.26 In theory if a room in the house is used for business purposes it could attract business rates but rating authorities have generally been guided by the principle that if the room is available for domestic purposes when not being used for work, no charge need apply. This means that for the majority of homeworkers, business rates should not be an issue. A sample letter to the Local Valuation Office for an employee's use is on Public Folders. Employees encountering any problem should inform their Head of Service.

Employee compensation for work-related costs

Use of employee's own telephone

- 9.27 Where homeworking arrangements include the employee using their own telephone, arrangements should be made for reimbursement of business calls in accordance with the Council's policy.

Connection to the Council's IT systems etc

- 9.28 Where appropriate, access to the Council's IT infrastructure will be reimbursed by the Council.

Travel

- 9.29 Mileage allowance, where appropriate, is only reimbursed for additional mileage over and above the normal journey from home to base and return. For example, if there is no trip to the office in a day, the mileage allowance paid is the total miles less home to base and return. See the examples below.

Example 1:

Journey is home to Site one to Site two and return to home.

Mileage for day = Total miles LESS Normal mileage from home to Civic Offices to home.

Example 2:

Journey is home to Civic Offices and return and to Civic Offices and return (i.e. employee is asked to attend the offices twice in one day).

Mileage for day = Total miles LESS Normal mileage from home to Civic Offices to home.

Heating, lighting and electricity

9.30 Heating, lighting and electricity allowances will not be paid as the homeworking agreement is completely of a voluntary nature.

10.0 Management Issues

Contract of Employment

10.1 Prior to agreed homeworking arrangements commencing the Head of Service must ensure that the employee's contract is amended. This may be by a temporary or permanent variation to the contract of employment. Human Resources will assist with this.

Managing the process

10.2 When employees are working away from a central location, traditional management techniques that rely on control and close physical supervision becomes impractical. For remote working to succeed, trust becomes a fundamental element of the work relationship, together with the need for clearly identified work objectives and outcomes together with continual dialogue and feedback. Key management issues are discussed below.

Communication

10.3 It is essential that regular communication is maintained to ensure that individual isolation is reduced and that both the homeworker and on-site colleagues continue to be part of the Council and of their team.

10.4 Methods of communication might include:

- Regular supervision as per divisional protocols.
- Regular defined attendance at the office base.
- Attendance at team briefings.
- Regular face to face progress meetings between homeworkers and manager.
- Regular telephone and e-mail contact.
- Keeping an up to date electronic diary that is accessible to others

10.5 It is also essential to ensure that access to divisional and directorate information such as; memo's, internal circulation documents, mail, etc is arranged. The timely receipt of such information is important. Arrangements can be incorporated when work is allocated each week. This will occur on a frequency determined by the manager.

- 10.6 Arrangements for the communication of urgent details or work should also be defined.

Performance management

- 10.7 The main requirement of managing homeworking is to manage results rather than the process. Managers should, therefore, identify how individual performance is to be monitored and maintained. Ideally, this will include the following:

- Setting of clear objectives.
- Detailed planning of the work to be done and setting targets.
- Regular feedback and appraisal of work produced.
- Clear lines of communication.
- Systematic review at appropriate intervals.

Patterns of Work

- 10.8 While homeworking provides the employee with the flexibility to determine their own work pattern, the amount of time working at/from home and other working arrangements should be agreed beforehand.

- 10.9 Consideration should be given to:

- Individuals' personal needs and circumstances.
- The potential isolation of long periods of homeworking.
- The need to keep in touch with work and wider issues.
- Being available for face to face contact with employees who might be managed by the homeworker.
- The elements of the work, which cannot be done at, home. Managers should ensure that the employee has space to work from if she/he is required to work at the Civic Offices.
- The working patterns of other team members.

Core Working Times

- 10.10 The nature of homeworking means that individual patterns of work will not necessarily reflect the standard day, e.g. the employee may work some of their hours earlier or later in the day. Core times during which the homeworker is contactable should be agreed beforehand with line management and colleagues/employees.

Methods of time recording

- 10.11 Given that a homeworker's pattern of work may not correspond to typical work base hours, a system for recording hours spent at work is necessary to avoid excessive working hours. This should be agreed when agreeing core working times. Equally, where flexi-time is in operation, this should be incorporated into the agreed working pattern, recognising that patterns of work are unlikely to reflect existing core times.

Sickness absence

- 10.12 The Council's Sickness Absence Management Procedure applies to homeworkers. Sickness absence should therefore be reported in line with the procedure. Line managers will have to pay particular attention to how they intend to meet the requirements to hold Return to Work Interviews and any other meetings under the procedure.

Annual, flexi or other leave

- 10.13 Arrangements for booking the above should be clarified.

Training and Development

- 10.14 Every effort should be made to ensure that access to and information about training and development opportunities is made available. This is particularly the case for employees who are exclusively home based and which should be relevant during the Performance and Development Review process.

Trial period – review periods

- 10.15 When homeworking arrangements are agreed and they commence, they will be subject to a trial period of 3 months.
- 10.16 The Head of Service should ensure that in conjunction with the employee the homeworking arrangements are reviewed on a regular basis during the trial period. This should be on at least a monthly basis.

Arrangements for termination or change

- 10.17 The arrangements for terminating or changing homeworking arrangements should be clarified before they start.

11.0 The Council's procedure

- 11.1 The procedure below concerns requests for formal homeworking arrangements i.e. where an employee wishes to homework regularly for the whole week or for part of the week either permanently or for a period of time. Things to consider when homeworking is requested on an ad-hoc basis (e.g. to write a report) are in the Guidance Notes on Public Folders.

Eligibility

- 11.2 Employees can request homeworking who:
- Have been employed continuously for 26 weeks.
 - Have not made another application to work flexibly in the previous 12 months.

An employee making an application

- 11.3 The employee must make a considered application in writing to their Head of Service or Chief Officer whoever is applicable. An application should give at least 12 weeks notice of when the employee wants the change to take effect. The form on Public Folders should be used for this purpose. The advice on this form and the

Guidance Notes on Public Folders should help employees when they are putting an application together.

Acknowledgement of the application by the Head of Service

- 11.4 The Head of Service must acknowledge the application by no later than 5 working days of its receipt. If the employee is eligible to apply, the Head of Service should use the confirmation slip at the bottom of the employee's application form. If the employee is not eligible, the sample letter on Public Folders should be used. The procedure from paragraph 11.5 onwards applies to eligible employees.

Head of Service meets the employee

- 11.5 The Head of Service will arrange to meet with the employee by no later than 20 working days of receipt of the application. This should enable the manager to consider the employee's application in some depth. The meeting should be at a mutually agreed time and place.
- 11.6 The Head of Service will be accompanied and advised by a member of Human Resources. A trade union representative or another employee of the Council can accompany the employee. It is the responsibility of the employee to arrange the attendance of their representative at the meeting.
- 11.7 There might be exceptional circumstances when it is not possible to arrange the meeting within 20 working days. An extension of this period can only take place if both the Head of Service and employee agree it. The Head of Service must confirm the details of the extension in writing.
- 11.8 The aims of the meeting will be to:
- (a) Discuss the employee's request and consider how it might be accommodated.
 - (b) Consider alternative working arrangements if there is a problem accommodating the employee's request.
- 11.9 Once the application has been discussed the Head of Service must notify the employee of her/his decision in writing. Notification must take place by no later than 10 working days following the date of the meeting with the employee.

Approving an application/compromise in principle

- 11.10 At this stage, the Head of Service must only approve the employee's application in principle. This is because a risk assessment must take place **before the employee is allowed to work from home.** This is done to ensure that the employee's home is suitable as a workplace and to identify any risks associated with the work activities to be undertaken. It may also be the case that it would be too costly, for the Council and/or the employee, to put into place any control measure(s) identified during the risk assessment. A sample letter is on Public Folders.

Action by Head of Service following approval in principle

- 11.11 A risk assessment at the employee's home must be arranged as soon as practicable. Once the risk assessment has been completed it must be signed by the Head of Service and employee. A copy should be provided to the employee, along with relevant Health and Safety information that has been identified as part of the control measures.

Following approval in principle – action by employee

- 11.12 The potential risks and liabilities for employees wishing to work at/from home are discussed in Section 9. It is important that the policyholder/ home owner (this may not be the employee) finds out **before**, homeworking begins, if having someone working at/from their home will affect their insurance policy, mortgage agreement, council tax etc.

Homeworking can go ahead – action by Head of Service

- 11.13 If homeworking can go ahead, the Head of Service will need to do the following **before the employee starts to work at/from home:**

- Discuss with the employee how the situation will be managed. This will cover issues such as: times when the employee can be contacted, attendance at the Civic Offices for meetings, allocation of work, time recording and performance monitoring.
- Provide equipment to enable the employee to work at/from home. The line manager will be responsible for keeping an up to date inventory of this.
- Ensure that the employee's Contract of Employment is revised by liaising with Human Resources (who will issue the contract incorporating the agreed arrangements).
- Advise Payroll if there is a change to hours that will affect the employee's pay (i.e. working part-time hours)
- Inform other employee's colleagues of her/his new arrangements.
- Ensure that portable electric equipment is tested. It is the responsibility of the Head of Service to ensure that appropriate records of testing are maintained.
- Ensure that a workplace risk assessment is done.
- Give the employee the Guidance Notes on Health & Safety and IT.

- 11.14 A checklist for managers is provided on Public Folders

Refusing an application

- 11.15 There might be circumstances where, due to the needs of the service, the Head of Service feels that she/he is unable to accept the employee's application. The Head of Service must notify the employee in writing of her/his decision. A sample letter for refusing an employee's request is on Public Folders.

- 11.16 In all such cases, the Head of Service must in her/his letter:

- Give the business grounds why the employee's application cannot be accepted (see the table below).
- Provide an explanation of why the business reasons apply in the circumstances.
- Inform the employee of her/his right of appeal and right of representation.

11.17 The business grounds for declining an employee's application are below:

- Burden of additional costs.
- Detrimental effect on ability to meet the customer demand.
- Inability to re-organise work among existing employees.
- Inability to recruit additional employees.
- Detrimental impact on quality of work.
- Detrimental impact on work performance.
- Insufficiency of work during the periods the employee proposes to work.
- Planned structural changes.

Right of Appeal

11.18 An employee will only have a right of appeal on the following grounds:

- She/he feels that the procedure has not been properly applied.
- Her/his application has not been properly considered.
- She/he wishes to challenge a fact the manager has quoted to explain why a business reason applies.

Appeal process

- 11.19 To register her/his appeal, the employee should write to the Head of Human Resources. This must be done by no later than 10 working days after the receipt of the Head of Service's letter by the employee. Human Resources will make the necessary arrangements for the appeal hearing. It will be considered by a panel comprising 2 managers at Head of Service level or above. The managers must not have had any previous involvement with the case in question. The Head of Human Resources (or representative) will provide advice for the panel.
- 11.20 The appeal hearing will take place no later than 20 working days from the receipt of the employee's letter by the Head of Human Resources. The employee and Head of Service will receive at least 5 working days notice of the arrangements for the hearing. Where this is not possible, the appeal hearing will take place at a mutually agreed time.
- 11.21 The employee can be represented at the appeal hearing by a trade union official or another employee of the Council. It is up to the employee to make the necessary arrangements for their representative to attend the appeal hearing. Witnesses can be called to the appeal hearing. It is the responsibility of the Head of Service and employee to make the necessary arrangements for their witnesses to attend the appeal hearing.
- 11.22 The Head of Service and the employee are required to produce a written Statement of Case for consideration at the appeal hearing. These will be exchanged by no later than 5 working days before the appeal hearing. Human Resources will organise the exchange. It is acceptable for the Head of Service to provide her/his Statement of Case in advance of receiving the employee's Statement of Case. New information (i.e. that it is not included in the submitted Statement of Case) **cannot** be introduced and heard at the appeal hearing. If

either side attempt to introduce new information, the Appeal Panel will not allow its consideration.

- 11.23 The appeal hearing will follow the procedure in Annexe A. The panel will either uphold or dismiss the appeal. If practicable, both parties will be verbally informed at the appeal hearing of the panel's decision. The Chair of the panel will ensure that the panel's decision is confirmed in writing to both parties. This must be done by no later than 5 working days after the appeal hearing. **The decision of the panel is final.** The employee will have no other right of appeal.

If the appeal is upheld

- 11.24 If the appeal is upheld, the written decision must if practicable:
- Include details of the homeworking arrangements.
 - Include the date from which the homeworking arrangements are to take place.

If the appeal is dismissed

- 11.25 If the Appeal panel does not support the appeal then the written decision must:
- State the grounds for the decision. These will be appropriate to the employee's grounds for making her/his appeal.
 - Provide an explanation as to why the grounds for refusal apply in the circumstances.

12.0 Review of Document

- 12.1 This document may be reviewed at any time in consultation with the appropriate trade unions.

SOUTH DERBYSHIRE DISTRICT COUNCIL

APPEAL PROCEDURE

CONDUCT OF HEARING BY APPEALS PANEL

1. A member of the Appeals Panel will be chosen to Chair the appeal hearing.
2. The Head of Human Resources (or his/her representative) will outline procedures to all parties present.
3. The appellant (or representative) shall put the case in the presence of the management representative and may call witnesses.
4. The management representative may ask questions of the appellant (or representative) and witnesses who may be called on evidence given.
5. The Appeals Panel may ask questions of the appellant (or representative) and any witnesses who may be called on evidence given.
6. The management representative shall put the case in the presence of the appellant and his/her representative and may call witnesses.
7. The appellant (or representative) may ask questions of the management representative and witnesses who may be called on the evidence given.
8. The Appeals Panel may ask questions of the management representative and witnesses on evidence given.
9. The management representative should have the opportunity to sum up their case if they so wish.
10. The appellant (or representative) should have the opportunity to sum up their case if they so wish.
11. The Appeals Panel, with the Head of Human Resources (or representative) should deliberate in private recalling the management representative and the appellant only to clear points of uncertainty in evidence already given. If recall is necessary, both parties are to return, notwithstanding only one may be asked to give clarification on the point of uncertainty.
12. The Appeals Panel should announce the decision to the parties personally, on the same day if possible, then in writing by no later than 5 working days of the appeal hearing.

- Note:**
1. **Both parties must be present at all times when the Appeals Panel hears evidence.**
 2. **Any witnesses called must withdraw after they have presented their evidence.**
 3. **New information (i.e. information that is not included in the submitted Statement of Case) cannot be introduced and heard at the appeal hearing. If either side attempt to introduce new information the Appeals Panel will not allow its consideration.**