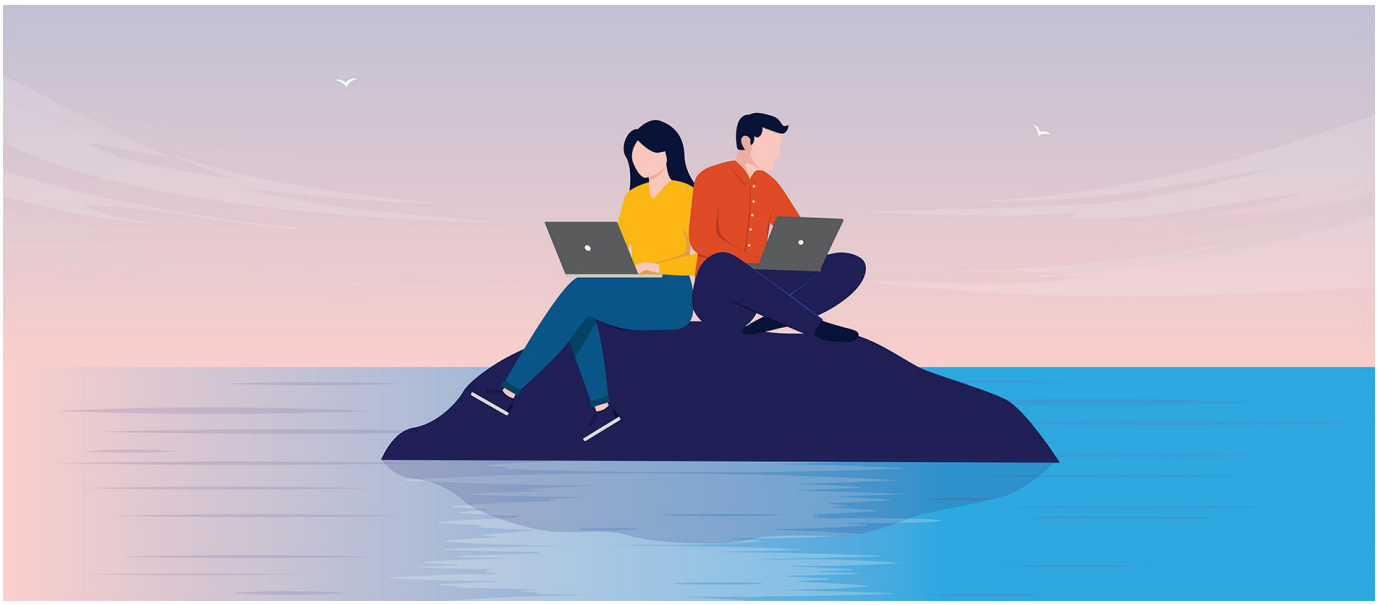
Remote and flexible working: a plan for your practice

General Features



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As remote and flexible working are becoming increasingly common, it is essential to develop appropriate policies and processes to manage the impact on your practice.

Key Points

What is the issue?

Remote and flexible working have become increasingly common and many practices have adapted to allow employees to work from home either partially or fully. This can allow cost savings from reduced office space but also presents challenges that need to be addressed.

What does it mean for me?

Businesses should evaluate the potential impact on information management, providing full business hours coverage, team management and training. Clear policies and processes are necessary to ensure that client service levels are maintained.

What can I take away?

For both employees hot desking in the office and those working from home, employers must address confidentiality risks, such as ensuring private workspaces, laptop security and secure document handling.

Remote and flexible working are now a common fact of working life. The rapid increase in their adoption is due in no small part to the extensive changes in working practices during Covid. Although some businesses have almost fully reverted to their pre-Covid working practices, most have adapted to a lesser or greater degree to the desire or need for staff to work from home for some or all of the time.

Businesses have made changes to enable remote and flexible working, and many have incurred costs, largely due to the need for improvement in IT systems and hardware.

However, many businesses have benefited from significant cost savings as a result. These largely have been due to their ability to downsize office space, as reduced numbers of staff attend the physical office at any one time. Other benefits include the opportunity for ‘northshoring’ – taking into account the number of staff working from home for significant periods of time to relocate the physical office to a cheaper and more efficient location.

However, remote and flexible working bring a number of challenges that need to be addressed in order to take advantage of the opportunities that exist.

Requests for remote and flexible working

It is worth bearing in mind that all employees have the right to request flexible working. The right to make a request now arises from the first day of employment. Employees can request a change to the number of hours they work; when they start or finish work; the days they work; and where they work, which can include a

request to work from home.

Employers must deal with such requests in a ‘reasonable manner’. This includes assessing the advantages and disadvantages of the application and discussing possible alternatives to the request. Applications can be refused if there is a good business reason for doing so.

Employers must also offer an appeal process. If businesses do not have appropriate processes in place to demonstrate that requests are dealt with fairly and that the needs of the business have been considered, then claims will follow. Further, employees who feel that they have not been treated fairly are more likely to move to another employer, causing significant disruption and cost to the business.

Issues to consider

A request to work flexibly might mean a request for staggered hours or a request to job share. Have you considered how this would work in terms of meeting your client needs?

Your business may be facing an increase in requests for flexible and remote working. We set out below a list of the issues to consider when balancing your practice needs against future flexible working requests – and there will, of course, be other issues relevant to your particular business.

It is worth considering these issues now, so that you can design a flexible working policy to help you consider any future requests. Any policy must suit the needs of the business, allowing for flexibility without damaging the business and client service levels.

Information management: With staff working remotely, the likelihood of relevant information ‘falling through the gaps’ is increased, and therefore greater attention to these issues is needed. Risks arise if the client files are not kept up to date and there is poor file management.

If information is received or sent via email, good systems, processes and policies are essential to ensure that the information is placed on the central client file promptly, so that anyone working on the file is aware of the information at all relevant times. Telephone and file notes of conversations and meetings are similarly important. Any

relevant facts need to be recorded on the file to ensure that those working on the file are aware of the up-to-date information; otherwise, mistakes will happen and claims will follow.

If you still use paper or you hold files, you should also consider the processes you use for data storage. How do you ensure that information is held securely, and do you have a back up plan if papers or files go missing?

Providing full business hours coverage: Consider the risks to your business if everyone asks to work the same core hours (say, 10am to 3pm). What would happen if an urgent matter comes in at 4pm and there was no one around to deal with it? Will staff be around to receive and deal with time sensitive documents?

Similarly, if everyone asks to work from home on Fridays, you must consider whether you do actually need a physical presence in the office. If so, a rota system may be the answer; for example, asking advisers to work from the office every third Friday.

Team management: You may consider that it is appropriate for certain teams to meet in person on a regular basis – perhaps weekly. In this case, any flexible working policy must take into account the need for members of those teams to attend the office on specific days.

Training: Your practice is likely to have trainees or junior members of staff who require in-person supervision on a more frequent basis. In this case, any flexible working policy must not only take into account the requirement for those juniors to be present in the office but also for the need for managers responsible for supervision to do likewise.

Risks in the office

As more people work a ‘hybrid’ model, where they work from home some of the time, there has been a significant increase in hot desking in the physical office.

Employers should consider whether they are compliant with the Health and Safety (Display Screen Equipment) Regulations 1992. Conducting a a display screen equipment assessment each time an employee logs on at a new hot desk is likely to be considered far too time consuming but will you be in breach if you fail to do so?

A simple solution could be to have a card next to each hot desk with a link to a display screen equipment workstation checklist, requiring each employee to self-assess when they log on. Ignoring the issue may not be sufficient to meet the regulatory requirements.

Other issues to consider when adopting a hot desk model relate to matters of privacy and security. Who can hear your conversations and see your screen? Can clients overhear what is being said to others? It is important to have the space to hold private conversations within the organisation. Consider, for example, whether HR and management should continue to have private offices.

Another important factor to consider is that of laptops. If staff don't have permanent desks, how do they store their laptops from day to day? Do you provide lockers? Do they have to take them home each night and travel with them every day?

Risks in the home

When staff work from home, employers have a duty to undertake a display screen equipment assessment to ensure that the desk and monitor and chair are appropriate for the employee.

But, what about confidentiality issues? Have you considered where in the home your staff work from and whether they can be overheard? Are they working from a private home office or the kitchen table? Consider whether the use of privacy screens and headphones should made mandatory to preserve confidentiality if they are not working in a secure space.

Documentation is another risk area. If your staff can print from their laptops while they are away from the office, you should review your policies. Do you insist that they shred all paper immediately or keep it in a lockable cabinet?

You should also consider your policies relating to laptop security to raise awareness and provide guidance. How secure is the laptop when not used? You can provide a lockable cabinet or box to provide security, for example. Incidentally, this also provides a 'break' between work and home, which can be good for mental health.

Risks in the 'transient' environment

Risks arise where individuals are working away from the office, whether that be travelling, or working from a café or elsewhere. There are some key issues to bear in mind.

- Train booths and café tables are not private bubbles! Others can hear your conversations. Make sure you speak according to the environment you are in. Staff need guidance and you need a policy which includes how to hold a conversation in a public place, including what you can say and how to say it. You should also cover the use of headphones, if appropriate.
- Address how to use your laptop in a public place. This can include ensuring that the laptop is not overlooked whilst used in public, and perhaps the use of privacy screens. And, of course, a laptop should not be left unattended!
- Your firm needs a policy on whether staff can use public wi-fi or should hotspot from a firm mobile phone instead.
- Provide guidance on how to manage physical files (if any). This can include ensuring that any identifying information on the outside of the files is hidden whilst travelling. And, again, the files must not be left unattended!

In summary, there are a number of risks relating to remote and flexible working that need to be considered. Suitable policies and processes should be put in place to guide and support staff and reduce the risks in order to avoid the issues that may otherwise arise.

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