

# Hybrid Working Policy addendum Template – February 2024

This addendum is intended to complement:

- Our existing legacy **[insert policy name]** by making temporary amendments to the policy to support the organisation's approach to hybrid working.
- The legacy **[insert policy name]** and this addendum applies to all colleagues employed by **[insert organisations name]**

## 1. Introduction

**1.1** This policy amendment is to ensure that staff covered by the NHS Terms and Conditions are able to exercise their contractual right to request to hybrid working from day one of employment, as per [Section 33 of the Terms and Conditions](#).

## 2. Legal Framework

**2.1** The Employment Relations (Flexible Working) Act 2023 (Commencement) Regulations 2024.

## 3. Hybrid Working

**3.1 Definition:** An individual who performs their duties across more than one location, which may include their home address. Their contractual base will be one of **[insert originations name]** sites. This definition is set out in [Section 35 of the NHS Terms and Conditions](#).

Considerations:

- Hybrid working is where staff spend some of their time working remotely, usually from home, with at least legacy **[insert organisations agreed %]**, on average, of their time spent in the workplace, usually at their contracted office base. In these cases, a formal flexible working request is not required.
- Hybrid working would not result in a contractual change of base – staff would retain their office base, unless a request to change their office base is approved.
- Line managers and staff agree how and where they work within the parameters of the organisation's expectations and any specific requirements set out by their role, team or business area.
- The actual number of days staff will work at their base, or are required to travel to another location, will be flexible and may be varied from time to time and is subject to

agreement between them and their line manager to meet the needs of the business. Attendance at their base can be requested with reasonable short notice.


- The [insert organisations agreed %], average in-person working does not always have to be in a contracted office base location. Depending on the role it could be from another [insert organisations name] office, for example, if attending a meeting or event. Or it could be at partner locations across the wider system if visiting colleagues to perform their duties.
- Staff can claim expenses to travel to locations other than their contractual office base. Refer to section 17.15 of NHS terms and conditions [and/or any local Business Travel & Expenses policy] for further information on business travel.
- Hybrid workers will only receive High-Cost Area Supplement (HCAS) if they are on Agenda for Change terms and conditions, their contractual base is within one of the HCAS zones and they work at this base or another location within the same HCAS zone, for on average at least [insert organisations agreed %], of their contracted hours.
- Where applicable, staff who have workplace adjustments for home working will have equivalent provision for office working. This includes completion of workplace assessments and/or [insert Personal Evacuation Plans] as needed. The [insert guidance] details the support available for colleagues who have a new requirement or need to review existing arrangements.
- A hybrid working agreement letter should be sent to the member of staff confirming the above (2.2).

**3.2 Hybrid working agreement letter template** [n.b. local Trusts may already have template letters in place which they may continue to use. This letter is a guide to confirming hybrid working arrangements where such templates do not exist]

Dear [name],

Following our recent conversation about your preferences under the ‘flexibility and choice’ exercise, you expressed a preference to be a hybrid worker. We agreed this would fit with our business and teams needs and I wanted to take the opportunity to clarify the following points:

- Your contractual office base remains as [enter office base]. You will split your time between your base and an agreed remote working location, such as your home. You are not permitted to work from a remote working location abroad at any time during your hybrid working arrangement.
- You will be expected to work at least 20% of contractual hours per week on average in person/ 40% of contractual hours or more per week on average in person [delete as appropriate]. The actual number of days you will work at this base, or required to travel to another location, will be flexible and may be varied from time to time and is



subject to agreement with your line manager to meet the needs of the business. Your attendance at your base can be requested at short notice.

- **[delete as appropriate]** Please note that asserting a right to HCAS payments if you do not work in person 40% of contractual hours per week on average may amount to a misuse of public money and/or fraud, and may be treated as serious or gross misconduct under the **[local Trust Disciplinary Policy]**
- Your office base will be used when you claim mileage in the Expenses system. For any support on ESR/Expenses please contact **[insert relevant email address]**.

We'll continue to have regular conversations where we will review this arrangement at least annually and as circumstances change.

If you have any questions let me know.

## **4. Other considerations** [n.b. local Trusts may want to consider the below in any policy addendum]

### **4.1 Support for hybrid working costs**

*[Local policies should set out what support will be made available in respect of set-up costs for enabling work to be done from home and ongoing expenses associated with working from home.]*

### **4.2 IT and technical support**

*[Employers will need to consider IT requirements and support to include in policies.]*

### **4.3 Business continuity arrangements and critical events**

*[Employers will need to ensure that relevant and suitable measures are put in place and clearly communicated to staff, to factor in any planned or unplanned business critical events and any requirements to temporarily change working arrangements/location in these circumstances should be clearly outlined in local policies.]*

### **4.4 Line management support/performance management**

*[Local policies will need to consider the areas of management responsibility in relation to hybrid and homeworking.]*