



Homeworking: Line manager briefing

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Introduction

This line manager briefing examines the law and good practice on homeworking, including the statutory right for eligible employees to ask to work from home and how line managers can best address the practical issues associated with homeworking.

Homeworking can provide benefits for an organisation, although homeworking arrangements and the management of homeworkers are not without challenges. However, with careful thought and planning and regular effective communication, an arrangement under which an employee performs some or all of his or her work from home can be highly productive.

What is homeworking?

Homeworking is the term generally used to describe the situation where, by agreement, a worker performs some or all of his or her work for the employer in his or her home. Homeworkers may be full time or part time.

Attitudes to homeworking

In many workplaces there is still an entrenched attitude towards time and "presenteeism". Some managers hold the view that an employee's effectiveness depends on the number of hours that he or she spends in the workplace, even in the face of clear evidence that working long hours does not increase productivity.

If homeworking is to be effective, it is essential that line managers change any such mindset and, instead of focusing on the amount of time that employees spend at work, focus on supporting them to perform their tasks effectively and efficiently.

Equally, line managers should not assume that a particular job is unsuitable for homeworking without first conducting an objective review of the job's responsibilities and duties and the different ways in which it can be performed. Homeworking can be successful in a wide range of posts, provided that the arrangement is properly set up and managed.

One of the most common barriers to the success of homeworking is fear of loss of control in the mind of the line manager. The line manager may be accustomed to being able to "keep an eye" on staff, and monitor time-keeping, performance and standards. Where an employee works from home, the line manager is no longer in a position to supervise the employee closely. Managing homeworkers requires an ability to "let go" and a willingness to trust the homeworker and develop confidence in his or her abilities.

Why permit homeworking?

Having staff working from home can offer a number of significant benefits, although these need to be balanced objectively against the potential disadvantages. Homeworking is not suitable for everyone and not all jobs are suitable to be performed from home.

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Suitability for homeworking

Some individuals will be inherently unsuitable for homeworking due to a lack of self-motivation or self-discipline, or a tendency to be distracted easily.

If a homeworking arrangement is to be successful, both for the organisation and for the employee, it will be necessary for the homeworker to possess or develop certain skills and qualities, for example:

- self-discipline;
- ability to work with no direct supervision;
- a reasonable degree of independence;
- self-reliance;
- ability to plan work and prioritise effectively;
- good organisational skills;
- effective communication skills; and
- an ability to cope with potentially conflicting demands between work and home/family.

Where the employee has a family at home, some conflict between the need to get the work done and the demands of the family may arise. It will, therefore, be important, before agreeing to a homeworking arrangement, for the manager to ensure that the employee has properly thought this matter through and worked out how to deal with any likely conflicts. If, for example, the employee has young children, the employee will need to arrange childcare provision to ensure that he or she can concentrate fully on work.

The right to request to work from home

One legal issue that line managers need to be aware of is that some employees have the

statutory right to ask their employer to work from home.

Qualifying for the right

The right to request flexible working – which includes requests to work from home, as well as requests to change hours – is available to all employees with at least six months' service. (Prior to 30 June 2014, the right to request flexible working was available only to employees who are the parent of a child under the age of 17 (18 where the child is disabled) and employees who have caring responsibilities for an adult dependant.)

The request

Any qualifying employee may request to work from home. The request must be dated and in writing and state:

- that it is a request for flexible working;
- the pattern of working that the employee is requesting;
- the date on which the employee proposes that the change should take effect;
- the effect, if any, the employee thinks the change will have on the organisation, and how he or she thinks any such changes could be dealt with; and
- if the employee has made a previous request for flexible working and, if he or she has, when (requests under the statutory procedure cannot be made more often than once a year).

Dealing with a request

Although the manager is not obliged automatically to agree to such a request, he or she has a duty to consider the request in a "reasonable manner". Acas has published a statutory code of practice that lays down the

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principles that employers should follow when dealing with requests for flexible working. The code states that employers should:

- speak to the employee as soon as possible after receiving a request for flexible working (unless the request is approved immediately);
- discuss the employee's request directly with him or her in private;
- allow the employee to be accompanied by a colleague (if he or she wishes) at any meeting set up to discuss a request for flexible working;
- inform the employee of the decision in writing as soon as possible;
- if the employee's request is to be granted, discuss when and how the changes might best be implemented directly with him or her;
- if the employee's request is to be rejected, ensure that the rejection is for one of the business reasons permitted by legislation (see below); and
- if the request is rejected, allow the employee to appeal the decision.

The manager must notify the employee of his or her decision within a period of three months of the employee's application.

A request for flexible working can be refused only on specified grounds, which are:

- the burden of additional costs;
- a detrimental effect on ability to meet customer demand;
- a detrimental impact on quality or performance;
- inability to reorganise work among existing staff;

- inability to recruit additional staff;
- insufficiency of work during the periods that the employee wishes to work; or
- planned structural changes.

If an employee is granted a move to homeworking under the statutory provisions, the new arrangement will constitute a permanent variation to the terms of his or her contract, unless agreed otherwise. This does not mean that the line manager and employee cannot mutually agree further variations to the employee's terms in the future.

Trial periods

Where the line manager is unsure whether or not homeworking will be a satisfactory arrangement for a particular employee, the manager should bear in mind the three-month time period for dealing with the employee's flexible working request. Where necessary, it should be clearly documented that the time limit for dealing with the statutory request has been extended while the trial period takes place. The line manager must make clear to the employee that the homeworking arrangement is temporary and that he or she will be required to resume working in the workplace at the end of the trial period if the arrangement proves unsatisfactory to the organisation. The documentation should be signed by both parties.

The advantage of having a trial period will be that, if the homeworking arrangement results in tangible problems (for example substantial extra costs, lack of efficiency, reduced quality of work or breakdown in communication), this will provide concrete evidence for the line manager to justify a refusal to agree to the arrangement on a permanent basis.

Contractual issues

When a new homeworker is recruited, or where it is agreed that an existing employee will be permitted to perform all or part of his or her work at home, the line manager will need to address and record a number of contractual issues.

Working hours

The manager and the homeworker will need to agree as part of the homeworker's contract of employment whether the homeworker will:

- be required to work fixed hours;
- be subject to a minimum number of hours per week or month, with flexibility as to when those hours are worked, and perhaps a requirement to be contactable by telephone at certain set times; or
- work without any defined contractual hours and have performance assessed on the basis of the output achieved.

Whichever option is agreed, it will be important for both the line manager and the homeworker to bear in mind that the working time legislation applies to homeworkers. The legislation effectively provides that it is the employer's responsibility to ensure that workers do not work excessive hours (ie, more than an average of 48 hours per week) unless they have expressly agreed in writing to "opt out" of this limit. It will therefore be prudent for the manager to discuss this matter with the employee and impose a maximum number of hours that he or she may work.

Homeworkers, like other workers, are entitled to take regular minimum breaks and be granted a minimum of 5.6 weeks'

paid holiday each year. Since the manager will not be present in the employee's home to supervise hours and rest breaks, it is important that these matters are addressed in the contract so that the homeworker is clear about managing his or her own hours and rest breaks within the law and in a way that ensures health and safety are maintained. The scheduling of holiday dates should be dealt with in the same way as for office-based employees.

Sickness

Employees who work from home should be subject to the same requirements in respect of sickness absence as those who work at the employer's premises. The homeworker's contract should therefore require the homeworker to inform the manager by telephone if he or she is sick and unable to work, and to produce medical certificates for illnesses lasting longer than seven days.

Communication

A number of issues may need to be addressed in terms of the most effective and efficient ways in which the manager can keep in contact with the homeworker. The manager may wish to agree a defined minimum level of communication with the homeworker, for example the frequency of email reporting or telephone contact. The homeworker's contract should also stipulate how often he or she will be required to attend the workplace for training, performance reviews and general meetings, and for any other purposes.

Depending on the type of work, arrangements may also have to be made for work to be delivered to and collected from the employee's home. It should be clarified

at the outset who is to be responsible for organising this and how it will be carried out.

One very important management concern will be the effect on teamwork and team spirit of having individuals working in relative isolation from each other and from management. This can be overcome in part through the setting up of regular telephone and email communications and by arranging team meetings in the workplace at defined intervals. Such meetings will have the dual benefit of enabling the manager to keep homeworkers informed of developments in the department's work and in the organisation as a whole, and allowing homeworkers to share any relevant issues and problems with the manager and with each other.

Remembering to include homeworkers in any workplace social events will also play a part in helping to make them feel that they are part of a team.

Communication between managers and homeworkers will be a critical element in determining the success of a homeworking arrangement. The responsibility will lie with the manager, and not with the homeworker, to ensure that effective systems of communication and support are put in place at the outset and adhered to. The relationship between the manager and the homeworker will be crucial to the success of the homeworking arrangement, and the success of any working relationship is always based to a great extent on regular and effective two-way communication.

Appraisals

When setting up a homeworking contract, the line manager should agree with the employee what means will be used both to

deliver informal feedback on performance and to conduct formal appraisal. The question of ongoing management support to the homeworker will also be important.

One method of meeting these needs would be for the line manager to set up an arrangement to meet with the homeworker at agreed intervals, in the employee's home, at the workplace, or at another mutually convenient location. The dual purpose of such meetings would be to discuss performance, output, standards, training needs and targets for the future, and to address any problems that have arisen with a view to seeking solutions. An arrangement that involves the manager visiting the employee at home should, of course, be put in place only with the homeworker's consent.

Practical matters

Employing individuals to work in their own home brings with it a number of practical matters that need to be addressed by management in consultation with the employee.

Furniture, tools and equipment

One matter that will need to be agreed in advance of any homeworking arrangement will be whether the organisation or the homeworker is to supply the furniture, tools and equipment needed for the homeworker to perform his or her work (and who is to take responsibility for maintaining them).

Clearly if the organisation provides and pays for any tools and/or equipment, for example a computer, the manager will be able to determine how it is used and any rules or restrictions regarding its use. The manager will then be in a position to require the

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employee not to allow members of his or her family to use the computer, which will in turn help to reduce the risk of security breaches, viruses entering the system or data being accidentally modified or deleted.

The manager may also wish to consider having the organisation install a dedicated telephone line in the employee's home. This will avoid the risk of conflict arising between the homeworker and members of his or her family who may wish to use the telephone at times when the manager may also require to contact the homeworker.

Health and safety

Employers' health and safety obligations apply to homeworkers in the same way as they do to employees who work on the organisation's premises. The organisation will therefore be under a duty to take care of the health, safety and welfare of every homeworker whom it engages and that duty will include a responsibility to ensure that premises and equipment are safe.

As a starting point, when a homeworker is employed, or when an existing employee transfers wholly or in part to homeworking, the manager will need to establish that the employee's home environment is suitable for homeworking (for example in terms of the amount of space available) and as hazard free as is reasonably practicable. Depending on the type of work involved, the homeworker will have to be made fully aware of any potential health and safety risks, and be properly trained in the handling of any equipment and materials that are required for the job.

The homeworker will have to take appropriate steps while working at home

to follow the organisation's health and safety at work policy in every respect. If the work involves using a computer, the manager should provide the homeworker with written guidelines and procedures for the use of visual display equipment and require the homeworker to sign a copy of these, confirming that he or she has read, understood and agreed to them.

The duty to carry out risk assessments also extends to staff who perform work at home. The manager should therefore arrange (with the homeworker's written consent) for an appropriate health and safety officer to inspect the employee's home to conduct an assessment of the environment, work activities and equipment to be used for the work. This should be completed before the commencement of the homeworking arrangement.

Employees who work at home should be required to report any accident or incident in the home to the manager in the same way as staff who work on the organisation's premises.

Insurance policies

Before a homeworking arrangement commences, the manager will need to make sure that both the organisation's and the employee's personal insurance policy properly cover the employee to work at home. For example, policies such as employers' liability insurance may have to be extended to cover staff who are working from home. It is possible that other policies may have to be amended or extended to secure insurance to cover any tools, equipment and/or materials provided to the employee for use at home.

The employee's personal insurance policies covering the home and its contents will also have to be reviewed to check if they are valid in respect of homeworking. A failure to inform the relevant insurance company about homeworking may lead to the homeworker's insurance policies being invalidated. The line manager should therefore obtain evidence from the employee that he or she has informed the insurers about the homeworking arrangement. If any additional premium is payable as a result, the manager may wish to arrange for the organisation to meet the cost of this, although there is no legal obligation to do so.

If the nature of the homeworker's job is such that the organisation's customers are likely to visit the employee at home, that would potentially create another area requiring extra insurance cover. Most standard home insurance policies would not cover this.

The manager should also advise the homeworker to contact his or her mortgage provider to check if there are any restrictions or conditions in the mortgage agreement that might impact on the employee's ability to work from home. Similarly, if the home is rented, the employee would have to check that the owner (whether a private individual, housing association or local authority) had no objection to the type of work that the homeworker was proposing to undertake.

Security

If the homeworker's job involves dealing with confidential or sensitive information, the line manager will wish to take steps to ensure that all documentation is held securely and that the risk of any potential breach of confidentiality is reduced to a minimum. If there are children in the home, for example,

appropriate measures will need to be put in place to prevent them from accessing filing cabinets or the homeworker's computer.

Written rules should clarify that the homeworker must instruct family members (or others who live in the home) that no access to the computer to be used for the employee's work will be permitted. Additionally, a unique password for the computer should be set up and the employee instructed to use it. Any filing systems should have solid locks and the homeworker should be instructed that any documentation belonging to the organisation must be kept under lock and key at all times except when in use. These rules should form part of the homeworker's contract and the homeworker should be required to sign to indicate that he or she has read, understood and agreed to them.

If the homeworker is likely in the course of his or her work to obtain or use personal information about individuals (whether in manual form, in the body of email correspondence or in computer files), the homeworker will have to be trained in the requirements of the Data Protection Act 1998 relevant to data security.

The homeworker's contract should also contain a clause that allows the organisation to conduct periodic checks of the employee's home at agreed times to ensure that all working arrangements remain secure.

Effective management of homeworkers

An employee who works from home may sometimes worry about how he or she will be able to demonstrate to the satisfaction of the manager how much work has been done,

or that he or she has been working diligently. Effective communication and a level of visible trust and confidence from the manager will be essential to reduce the likelihood of these worries turning into problems.

To facilitate effective management of a homeworker, the line manager should:

- draw up a plan of work and ensure that it is expressly agreed by the homeworker;
- set clear, specific and achievable targets with defined timescales and ensure that these are understood and agreed by the homeworker;
- define and explain standards to be achieved and procedures to be followed in order to maintain quality;
- put in place a mechanism for regular appraisal of the homeworker's work based on his or her output;
- ensure that promotion prospects are not damaged as a result of the homeworking agreement and that the homeworker is informed of opportunities for advancement within the organisation and encouraged to apply for them in the same way as staff based at the organisation's premises;
- when considering a homeworking arrangement, talk to the prospective homeworker about self-motivation and self-discipline to try to ascertain whether or not he or she will be able to cope with working on an unsupervised basis;
- discuss training needs with a view to meeting any initial training requirements and encouraging the homeworker to identify any ongoing needs for training.

Homeworking: advantages and disadvantages

Advantages

- The organisation will be able to save money due to the reduction in the need for office space and other overheads.
- When recruiting, the manager may be able to cast the net wider as it may not matter where the employee lives, so long as he or she has access to a computer and telephone.
- A wider pool of talent will include individuals who cannot be away from their home for long periods.
- Time that might otherwise have been needed for commuting to the workplace can become productive work time.
- Because homeworking gives them control over how and when they perform their work, homeworkers are likely to be motivated and therefore productive.
- Homeworkers are less prone to interruptions from colleagues than office-based staff.
- The occurrence of a domestic problem will not necessarily create the need for the employee to stay away from work, so absence levels may be reduced.
- Absences caused by transport problems or severe weather can be avoided.
- Homeworking can help to create a culture of trust and personal responsibility.

Disadvantages

- There is potential for abuse of the system among individuals who do not possess sufficient self-discipline or motivation to work from home.

- Some homeworkers can work excessively long hours and feel that there is no separation between their work and personal lives.
- The employee's work may be prone to interruptions from family members or domestic issues.
- It may be difficult to create and maintain a team spirit where people work in relative isolation from one another.
- There may be concerns over systems and internet security if hardware, software and documentation exist outside the workplace.

Further information

This resource has been developed in partnership with XperthR. Family Friendly UK members can access further information on this and related topics at www.xperthr.co.uk. Register on the site to receive three free credits per month to view articles. You may also like to view:



Policies and documents

- [Homeworking policy](#)
- [Letter agreeing to a trial period of homeworking](#)
- [General policy statement on flexible working](#)



Good practice manual

- [Flexible working](#)
- [Disability](#)
- [Retaining staff](#)



How to

- [How to manage homeworkers](#)



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The content of this module has been written to inform and guide member organisations, and should not be taken as advice specific to your organisation.



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