
Remote Working Policy

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Version Control

Date	Version Number	Revision notes
01 April 2022	1	
27/04/2022	2	Removal of worker categories
20/5/2022	3	8.10 staff internet usage 17.2 addition of annual review 12. Section 12 update to H&S information 14. Travelling arrangements
16/06/2022	4	9. Electronic Devices
14/07/2022	5	17.1 reference to disciplinary and capability procedure added

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1 Introduction

- 1.1 As part of our commitment to flexible working, the Council supports remote working arrangements.
- 1.2 A remote working arrangement is an informal flexible working arrangement which allows employees to split their working time between the workplace (including site visits) and an agreed remote working location, usually their home. An employee might work from home all the time or divide their time between the workplace and their home (commonly referred to as a hybrid working arrangement). For the purposes of this policy, all such arrangements are referred to as 'remote working'.
- 1.3 Remote working will make work more accessible and sustainable for all, particularly for people with caring responsibilities and those with mobility or health concerns. For many people, greater choice over when and where they work will provide a better work-life balance and improved mental and physical wellbeing. Remote working also positively contributes to the Council's Climate Change Strategy.
- 1.4 To be successful and sustainable for both employee and Council remote working must be appropriate, well managed, properly supported and correctly implemented. This policy aims to ensure that those working under a remote working arrangement are treated equally to workers based in the workplace and that remote working is carried out safely and in accordance with our policies and current legislation. It sets out the conditions on which remote working will be allowed and the terms that apply to all remote workers. If you are allowed to work under a remote working arrangement, you must comply with this policy.
- 1.5 Any reference to "workplace" 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. The main location of work for all Council staff is the Gibson Building or another Council premises as stated in the contract of employment.
- 1.6 This policy applies to all employees.

2 Eligibility

- 2.1 All staff can apply to make remote working request.
- 2.2 Not all applications for remote working will be agreed. A remote working arrangement is unlikely to be agreed if:
 - (a) you need to be present in the workplace to perform your job, for example, because it involves a high degree of personal interaction with customers, colleagues or third parties or involves equipment that is only available in the workplace;
 - (b) your most recent appraisal identifies any aspect of your performance as unsatisfactory;

- (c) your line manager has advised you that your current standard of work or work production is unsatisfactory;
 - (d) you have an unexpired warning, whether relating to conduct or performance; or
 - (e) you need training and/or supervision to deliver an acceptable quality or quantity of work.
- 2.3 Should office-based workers (or other workers whose role requires them to work at a place other than their home e.g., Civil Enforcement Officers) require long term flexibility to their working pattern they are able to make a Flexible Working request and should refer to the Flexible Working and Time Off Policy for full details.
- 2.4 Remote 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. Staff may for example be required to attend in person evening Committee meetings at the Council offices.
- 2.5 Any remote working arrangement may be subject to you spending a minimum amount of your work time working from your workplace. Your remaining working time may be worked from your workplace or your remote working location, as agreed in writing with your line manager.
- 2.6 The days and times worked from your workplace and your agreed remote working location are subject to agreement with your line manager and may vary to accommodate the needs of the Council's business such as attendance at evening meetings.
- 2.7 It is recognised that any agreed remote working arrangement is subject to the requirement for you to attend the workplace on the Council's reasonable request to accommodate the needs of our business, such as to attend training or meetings.
- 2.8 All remote working arrangements are subject to ongoing review and may be modified for reasons including a change in business needs or performance concerns.
- 2.9 Remote working arrangements agreed in accordance with this policy are discretionary and may be terminated in accordance with **Error! Bookmark not defined.Error! Reference source not found.** If you want 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 need to make a flexible working request in accordance with our Flexible Working and Time Off Policy.

3 Contractual position

- 3.1 This policy does not form part of any contract of employment or other contract to provide services and we may amend it at any time following consultation with Unison.
- 3.2 The Council encourages remote working for suitable employees and has an expectation that all applicable staff will work from home for at least part of every working week. The Council recognises that some staff have personal reasons to work all their hours in the workplace.

- 3.3 In light of this overarching approach to remote working, an employee can make a successful Remote Working Application without amending their terms and conditions of employment.
- 3.4 All staff who are able to make a Remote Working Application can do so regardless of their length of service.

4 Recruitment

- 4.1 If a vacant post can accommodate remote working then this will be advertised to prospective candidates as a benefit to joining the Council. The Council will promote remote working as a benefit on the recruitment pages of its website and in the recruitment pack sent to new employees.
- 4.2 The Council encourages managers to have meaningful conversations with candidates about their remote working requirements at the interview stage. If offered the post, the successful candidate will be invited to submit a Remote Working Application should they wish to. New starters with agreed remote working patterns are required to be flexible with working hours and locations during their induction period.

5 Informal ad-hoc arrangements

- 5.1 Informal ad-hoc remote working, such as working the occasional hours, days or weeks at home to meet deadlines or to assist in a return-to-work situation under the advice of Occupational Health, may be approved by a Director. The arrangements for short-term informal homeworking will not be subject to this policy.

6 Flexible working applications

- 6.1 Flexible Working applications as covered by The Employment Rights Act 1996, particularly sections 80F to 80I, including reduced working hours, compressed hours and formal changes to terms and conditions of employment are not subject to this policy. Employees are referred to the Flexible Working and Time Off Policy for further details of this policy.
- 6.2 If you have a flexible working arrangement that has been approved under a flexible working request, then it may not be possible for you to also work under a remote working arrangement.

7 Performance Management

- 7.1 The basic principles of performance management will apply when managing staff who are working remotely. You will be subject to the same performance measures, processes and objectives that would apply if you worked permanently in the workplace.
- 7.2 Your line manager will remain responsible for supervising and assessing you in the same way as staff based in the workplace and will agree the best way to appraise your performance and provide ongoing supervision in a remote way. Your line manager will regularly review your remote working arrangements and take steps to address any perceived problems. They will ensure that you are kept up to date with any changes to the workplace or information relevant to your work.
- 7.5 Employees must remain in contact with their line manager or as directed, either through e-mail, MS Teams or by telephone at regular intervals. Employees must indicate their availability when working remotely using the status options on any online communications software i.e., Teams and Outlook.
- 7.7 It is encouraged that some face-to-face team meeting will in person during the course of the year and these will be attended by all staff including those who have remote working arrangements. Ideally these should be diarised in advance and not arranged at short notice.
- 7.8 Employees who have remote working arrangements will have regular 1:1 meetings with their line manager either face to face or online. The frequency of 1:1 meetings are to determined as part of the remote working agreement. It is best practise for these meetings to be regularly scheduled at least once per month.
- 7.9 Employees who have remote working arrangements must;
- Book annual leave in accordance with normal Council procedures.
 - Report in sick in accordance with normal reporting procedures otherwise the leave may be treated as unauthorised absence;
 - Report any accidents, injuries, diseases or dangerous occurrences arising from and/or relating to the performance of their work that occur whilst working at home to their manager and complete the normal reporting procedures.
- 7.10 Employees working remotely will be provided with the same opportunities for training, development and promotion as provided to staff based permanently in the workplace. If your remote working arrangement will impact on your ability to apply for certain roles, your line manager will discuss this with you to ensure that you are not denied any opportunity unfairly.
- 7.11 Employees working remotely are expected to attend the workplace or other reasonable location for meetings, training courses or other events as directed by their line manager. When attending the workplace, employees will be expected to hot desk and book any desk through the online booking system.

8 Data Protection and IT Security

- 8.1 All staff working remotely must keep any Council information (whether in paper or electronic documents) confidential and secure. Security arrangements should be adopted to ensure:
- Security and confidentiality of Council equipment and information.
 - No access of family and friends to work documents and Council equipment.
 - Provision of secure lockable containers if required.
 - Protection of home computers used for work.
 - Appropriate use of other communication links (voice) used for work.
 - Disposal of confidential waste.
- 8.2 The Information Security Policy, all associated policies, and the General Data Protection Regulations shall be adhered to at all times. Remote workers should be always mindful to their duty of confidentiality to protect all information, particularly personal information, from unauthorised access. Care should be taken to ensure the security of such information at home. Failure to do so could be a breach of General Data Protection Regulations and could potentially lead to disciplinary action.
- 8.3 Homeworkers must ensure that there is no risk of breaching the Council's GDPR (General Data Protection Regulations) safeguards by others who may be present whilst they are homeworking.
- 8.4 Homeworkers must use a Council laptop over the Global Protect VPN. Council documents must not be saved on personal PCs, tablets or memory sticks.
- 8.5 Homeworkers should not take sensitive paper files out of the office without the permission of their line manager and should ensure that such documents are not left exposed. Staff also need to ensure that a record is kept of any files taken out of the office.
- 8.6 Staff who have taken paper copies of documents out of the office should ensure that such documentation is destroyed securely when it is no longer required.
- 8.7 Staff are responsible for ensuring any necessary confidentiality. They must ensure that all information stored and accessed is secure and cannot be accessed by unauthorised parties, including family members. Failure to do so will be considered as a disciplinary offence.
- 8.8 Staff are responsible for ensuring that they maintain the correct level of security and confidentiality when talking on the telephone.
- 8.9 It is the responsibility of each employee to take reasonable care to ensure the safety, and security of Council equipment and to maintain the working environment to the agreed health and safety standards. They must report any problems or defects to their line manager immediately. IT related issues must also be reported to the IT Helpdesk Team immediately. Repairs/inspections will be arranged by the employee directly with IT.
- 8.10 Any equipment supplied by the Council should be used for the Council's work only (personal internet browsing is permitted during break times but staff should only visit websites that

they know are safe). This is particularly important with respect to computer equipment due to the risk of introducing viruses to the Council's network.

8.11 Staff are required to comply with the following protocols when working remotely: -

- Those working from home must ensure that they have all IT equipment necessary for the performance of their duties.
- Requirements for additional IT equipment including keyboard, monitor(s) and docking stations should be discussed and agreed in advance with the IT Helpdesk Team;
- Those requiring full access to Council IT systems from home must use a TMBC laptop over the Council's Global Protect VPN connection;
- Those with access to a TMBC tablet or smartphone will have access to email and Office 365 resources;
- Those requiring access to TMBC email and Office 365 resources via their own pc/laptop/mobile device must use Microsoft Multi-factor authentication (MFA) which should be set up in advance;
- The IT Helpdesk Team can provide advice and guidance on setting up MFA;
- Before Remote working is agreed the equipment, including the broadband connection, should be discussed with the IT Helpdesk Team to ensure that the setup will be sufficient to enable effective working from the home.
- With regards to new starters, before Remote working is agreed, the equipment, including the broadband connection, should be discussed with the IT Helpdesk to ensure that the setup will be sufficient to enable effective working from home.
- The Council's IT staff are not authorised to install home equipment or provide home visits. IT support services will only be provided from the Kings Hill offices or via remote connection.
- Remote workers must be contactable during their working hours by phone via Teams.
- Remote workers should ensure their calendars are up to date, so others are aware of their availability.
- Remote workers should ensure that arrangements do not impact adversely on other team members.

9 Insurance and tax

9.1 Employer's Liability Insurance covers Tonbridge & Malling Borough Council for all sums which it becomes legally liable to pay as damages in respect of injury to an employee arising out of and in the course of their employment with Tonbridge & Malling Borough Council.

9.2 Public Liability Insurance provides cover for all sums that Tonbridge & Malling Borough Council becomes legally liable to pay as damages in respect of or in the consequence of, accidental injury, or accidental damage to third parties or their property.

9.3 Staff undertaking remote working under this policy are covered by the Council's Employers and Public Liability Insurance arrangements. Accidents or injuries at home must be recorded using the Council's existing accident reporting process.

- 9.4 If a member of staff undertaking home working under this policy suffers an injury caused by the Council's negligence, any claim which arises will be dealt with under the Council's employers liability insurance
- 9.5 If through the negligence of the member of staff undertaking remote working, whilst carrying out their duties, a third party suffers an injury or loss, any claim which arises will be dealt with under the Council's insurance. If, however, claims arise within the employee's home for which the Council has no control (e.g., defects on the homeworker's premises) they would not be covered
- 9.6 Staff should notify their contents and building insurance companies that they will be working at or from home. Their premiums should be unaffected. In cases of homeworkers having mortgage or tenancy agreements, regular homeworkers should inform anyone with an interest in their property (i.e., building society, landlords etc.) of their homeworking arrangements.
- 9.7 It is also advised that Staff notify their Mortgage Company (or landlord if renting). Staff should also consider any potential tax implications of using their home for business purposes.
- 9.8 It is the employee's responsibility to consider any planning permissions and restrictions on leases/tenancies etc which might prohibit homeworking.
- 9.9 There will be no change to domestic Council Tax.
- 9.10 Staff may be able to claim tax relief for some of the bills they have to pay because they work at home on a regular basis. The employee should contact the Tax Office/HMRC directly regarding this matter.

Electronic devices

- 9.11 Staff are expected to treat Laptops, iPhones and Tablet devices as if they were their own devices, and take reasonable care when in their possession or household – e.g. keeping it out of sight, and place it a more secure location should they vacate the property for any period. Any losses or damage to equipment should be reported to the IT helpdesk as soon as practical.
- 9.12 Laptops and Tablets are covered for usage whilst working from home under the Council's Computer Insurance Policy. This cover extends to include the territorial limits for the UK namely, England, Wales, Scotland, Northern Ireland, the Isle of Man and the Channel Islands.

Specific points about use of laptops at home

- 9.13 All laptops, cables and monitors issued to staff will have been electrically tested and if a faulty laptop is proven to be the cause of a household fire, (by a Fire and Rescue report), it may be possible to claim against TMBC Public Liability Insurance. However, staff should note that:
- 1) Individuals are responsible for ensuring that the electrical testing does not go out of date and should arrange a new electrical test before use if the device is past its test validity.
 - 2) Individuals are asked to examine the cables before plugging them into the electrical outlets to ensure that they are not damaged.

- 3) Individuals should ensure they are not overloading their electrical sockets.
- 4) Individuals should ensure they unplug and switch off any laptop when not in use.
- 5) Individuals should not use the laptops during electrical (lightening) storm, if the prospect of lightning strikes are high.
- 6) It is also recommended that staff do not recharge the laptop while it is unattended.

Storage of laptops unattended in a car

- 9.14 The Council's insurers have indicated that they would consider a claim for a laptop, that is left in a car for a short duration, on the condition that the laptop is hidden in the boot, out of sight, and all the alarms and locks of the car have been enabled. Laptops should only be left in a boot for a short duration of time, up to a maximum of 3 to 4 hours, if this is unavoidable. Staff are expected to carry the laptop with them if they feel this is the safer and more practical option.
- 9.15 The placement of a laptop in the boot should be done at a location where there is likely to be less observation. If possible, staff should avoid placing a laptop in the boot of a car at a destination where the vehicle will be left unattended.
- 9.16 At no time, should a laptop be left in an unattended vehicle, overnight.

Taking laptops abroad.

- 9.17 There is no insurance for laptops taken outside of the territorial limits of the UK (England, Wales, Scotland, Northern Ireland, the Isle of Mann, and the Channel Islands).
- 9.18 In very exceptional circumstances, where approved by the Chief Officer, and with the additional approval of Management team, special provision for insurance outside of the territorial limits of the UK can be made.
- 9.19 If staff wish to take a laptop out of the territorial limits of the UK, they should arrange to insure the device on their own policies and will be expected to undertake to reimburse the cost of repair or replacement up to the original cost of the laptop (on average: £500).

10 Wellbeing

- 10.1 Remote working can be extremely beneficial to an employee's well-being; reducing commuting time and enabling a better life balance as hours can be worked more flexibly around other commitments. There are many well-being benefits associated with remote working patterns e.g. achieving a better work/life balance and less time spent on commuting to work. However, it is important to consider the impact of social isolation on overall well-being. Individuals have differing levels of tolerance to social isolation and staff should be careful to take their own personal preferences for interaction into account when submitting a Remote Working Application. If staff experience any issues or problems caused by their home working, then they should discuss this with their line manager.

11 Childcare, Caring and other commitments

- 11.1 When working remotely employees should devote their full energies and focus to their work as they would do if they were on site.
- 11.2 Remote working should not be carried out at the same time as providing childcare for their children or care for dependent adults.
- 11.3 Remote working can be carried out around care arrangements if an alternative responsible adult is providing care.
- 11.4 Employees are asked to inform family and friends that they are working remotely to avoid interruptions.
- 11.5 Caring and other commitments should be discussed between employee and manager as part of the Remote Working Application.

12 Health and Safety

- 12.1 In accordance with the Health and Safety at Work Act 1974, the Council must, as far as reasonably practicable, ensure the health, safety and welfare of its employees wherever they work. The employee also has a legal duty to look after their own health and safety and is expected to co-operate with their line manager in ensuring a safe and healthy working space when working remotely.
- 12.2 Many of the Regulations made under the Act apply, including for example, the Management of Health and Safety at Work Regulations 1999, Display Screen Equipment Regulations 1992, and the Provision and use of Work Equipment Regulations 1992.
- 12.3 As part of the Remote Working Application Process, the manager and the employee must complete the Remote Working Risk Assessment (available online). The employee and manager must discuss and agree the amendments that will be made to this Risk Assessment to make it bespoke and applicable to the employee's home / remote working location. Should an employee have more than one remote working location they must have a risk assessment for each location.
- 12.4 Guidance will be provided online to the employee and manager on how to effectively amend the Risk Assessment to ensure that the following process is carried out for completing Risk Assessments.
 - Identify any hazards (i.e., something which may cause harm);
 - Decide who might be harmed and how;
 - Assess the risks and take appropriate action to reduce or remove them as far as possible;
 - Record the findings;
 - Reassess the risks on a regular basis and take any further steps if necessary.

- 12.5 A copy of the individual's Risk Assessment(s) must be provided to the HR team and also to the Corporate Health and Safety Officer.
- 12.6 The Council is only responsible for any electrical equipment it supplies. Electrical sockets and other parts of the employee's domestic/remote electrical system which may include employee's own extension leads which are the employee's own responsibility.
- 12.7 The Council has a duty to ensure that any laptops and display screen equipment is safe and does not affect the employee's health. The workstation must be adjusted to a comfortable position and located so that lighting will not cause reflections or glare on the screen. It is important that "users" take breaks from work to reduce the likelihood of tiredness and change position regularly to reduce strain on the hands, wrists, arms, shoulders, neck and back.
- 12.8 Staff, who regularly use Display Screen Equipment are entitled to regular eye tests. Staff are also entitled to financial assistance with glasses should they be needed specifically to use the screen and not part of a wider prescription (such as general short-sightedness).
- 12.9 Depending on the nature of the work undertaken at home, the employer has a duty to provide suitable and adequate first aid provisions. If work is low risk, desk based and in an employee's own home, specific first aid provision is not required.
- 12.10 Staff are required to report to their manager, any accidents, injuries, diseases or dangerous occurrences whilst working, to the Health and Safety Officer. A record must be kept of these incidents and an IR1 Incident Form completed and investigations may need to be made to ensure such incidents do not recur.
- 12.11 Whilst extremely unlikely, staff should be aware that an HSE (Health and Safety Executive) Inspector has the right to visit staff working remotely at their work location (home) to ensure that risks from work and working from home are effectively managed.

13 Hours of work

- 13.1 Remote Working Applications must include proposed hours of work. Some flexibility is available around a proposed pattern but an approximate pattern must be described in the application and broadly adhered to.
- 13.2 An agreed working pattern should be completed by the employee taking into account operational needs, colleague interaction and customer demand.
- 13.3 Unless your role requires weekend working then your hours should be worked during Monday to Friday. Some exceptions may apply i.e., where it has been agreed already either in writing in advance with your line manager or formally via the Flexible Working Policy and Procedure (in these instances enhanced rates for weekend working will not apply).

- 13.6 It is for the manager and employee to agree the pattern/hours of work. Both parties need to be flexible but conscious of meeting customer demand, responding to peak periods and ensuring resilience of the service.

14 Travelling arrangements

- 14.1 If an employee has a remote working arrangement, the cost of journeys made to the normal workplace will not be reimbursed.
- 14.2 For other journeys where the starting or finishing point is the employee's home or remote workplace, the Council will reimburse the cost of either:
- the journey from the normal workplace to the first visit; or
 - the journey from home to the first visit, **whichever is the shorter**.
- 14.3 The same principle applies when an employee's last visit is not his/her normal workplace.

15 Resources

- 15.1 The Council will provide all IT equipment required for those who have a remote working arrangement. The expectation is that easily portable equipment such as laptops, keyboards, docking stations, mouse and mouse mats will be transported by the employee in between their remote and office based working locations. Additional screens can be provided for the staff remote working location but printers will not be provided.
- 15.2 Staff must apply reasonable levels of care to equipment allocated to them and/or used offsite, this includes using protective cases for mobiles and tablets when provided.
- 15.3 On termination of the remote-working arrangement (or if requested) any equipment provided by the Council must be returned.
- 15.5 The Council will not make any payment to the employee in respect of heating, lighting, rent, broadband, consumables etc.

16 Remote working application process

- 16.1 All staff should have the opportunity to be considered for remote working.
- 16.2 When considering a request for remote-working, line managers will need to consider the total number of employees from their department who may work remotely at any one time and ensure that resilience needs are met together with customer demand.
- 16.2.1 No member of staff can work remotely / from home without the prior agreement of their line manager and signed off by their Director.

- 16.3 It is for the manager and the Director to decide whether the post is suitable for homeworking and the number of posts in the department which may be worked from remotely at any one time.
- 16.4 All Remote Working Applications will be reviewed in a fair and consistent manner embracing diversity and positively looking at how the Council can agree to an employee's requests.
- 16.5 The process for making a homeworking request is as follows;
- 16.6 The employee completes section A of the Remote Working Application Form and sends to their manager
- 16.7 The manager arranges an informal discussion about the request and uses section B of the Remote Working Application Form as a conversation guide and to record what was discussed
- 16.8 During the conversation the manager and the employee will discuss
- Colleagues – such as ease of contact for colleagues under requested pattern
 - Customers – such as availability of employee during peak customer demand and peak periods of work
 - Duties of the JD – such as aspects of the role which must be delivered face to face
 - Objectives set for the team and the individual - such as how these will be achieved under the requested pattern
 - Other operational matters – such as meetings with line manager and team members and if there are different requirements across the year
 - Other practical matters – such as avoidance of interruptions, childcare, caring responsibilities, wellbeing/social interaction
 - The health and safety impact of the request - such as the suitability of the workstation, DSE assessment.
 - The physical property requirements of the request - such as requirement for IT equipment, suitability of broadband, confidential storage.
- 16.9 If a line manager intends to decline the Remote Working Application they should alert the Head of HR so that they may ensure the process has been followed.
- 16.10 The manager must liaise with their Director regarding any applications received. The Director will have the ultimate decision on applications which must consider the operational needs of the service as a whole.
- 16.11 The manager will communicate the outcome to the Remote Working Application to the employee, sending them a copy of Section C of the form. The line manager will alert their line manager to this situation for information.
- 16.12 If accepted Section C of the Remote Working Application will form the employee's Remote Working Agreement.

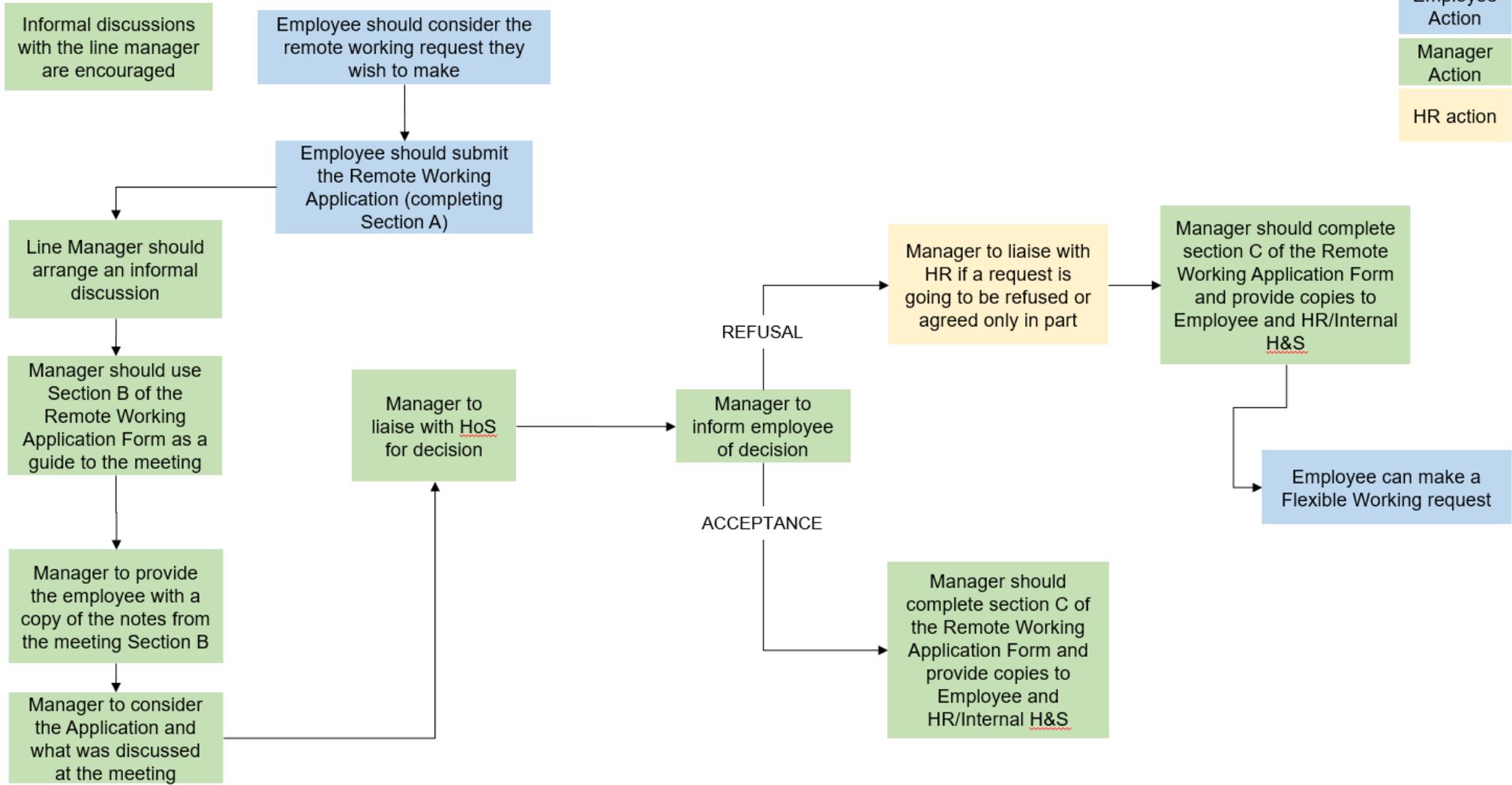
- 16.13 If accepted the line manager and employee agree a bespoke Remote Working Risk Assessment for the employee's remote workplace – using the template Home Working Risk Assessment as a template (available online)
- 16.14 If accepted the arrangements remain in place unless either party gives one month's written notice of termination of the arrangements.
- 16.15 If declined the employee can make a formal Flexible Working Application and have the request considered again.

17 Termination of remote working arrangement

- 17.1 Remote working arrangements are not irreversible. Circumstances can change for both employee and employer and therefore one calendar month's written notice of the termination will normally be required on both sides. Without prejudice to this general ability to terminate Remote working arrangements, the Council reserves the right to withdraw from a Remote working arrangement with an individual employee or group of employees with immediate effect if:
- security or safety standards are not being maintained, or it is no longer technically possible to maintain such standards.
 - an employee does not comply with this policy.
 - an acceptable level of productivity is not maintained.
 - depending on the exact nature and details of the case it may be appropriate to request the employee to return to work in the offices whilst formal capability or disciplinary matters are being investigated or until after any formal meeting(s) have taken place.
- 17.2 Remote Working arrangements agreed via this policy can expressly not become contractual over time by custom and practice. Managers are required to review the remote working arrangements on a regular basis and to formally review the arrangements on an annual basis to ensure they continue to remain viable for both employee and Council.

Human Resources July 2022

APPENDIX ONE Remote Working Application Process



KEY

- Employee Action
- Manager Action
- HR action

TMBC.GOV.UK
Serving our community

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