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Home Working and Overtime Policy

#HR15

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**Statement of intent**

As part of our flexible working hours scheme, Three Counties Academy Trust (TCAT) believes that allowing staff to work from home can increase their motivation, promote a healthy work-life balance, reduce employee stress, and improve performance and productivity.

TCAT recognises that there may be an increased risk to the health and safety of employees when working alone at home. Under the Health and Safety at Work etc. Act 1974, TCAT has a duty to ensure, as far as is reasonably practicable, the health, safety and welfare of our employees.

In light of the above, this policy has been created in order to outline the risks associated with working from home and the procedures that are in place to minimise hazards and ensure good practice. This policy also includes guidelines for costs, equipment, insurance and data protection.

For the purpose of this policy the terms ‘staff’ and ‘employees’ have been used to refer to all staff to which this policy applies – specific terms, such as ‘teachers’ and ‘support staff’ are used where provision only applies to the said group.

# Legal framework

This policy has due regard to legislation and statutory guidance, including, but not limited to, the following:

* Health and Safety at Work etc. Act 1974
* The Management of Health and Safety at Work Regulations 1999
* Equality Act 2010
* The UK General Data Protection Regulation (UK GDPR)
* Data Protection Act 2018
* The School Staffing (England) Regulations2009
* The Working Time Regulations 1998
* NJC (2022) ‘Local government terms and conditions’ (Green book)
* DfE (2023) ‘School teachers’ pay and conditions (STPCD)’
* DfE (2024) ‘Flexible working in schools’
* DfE (2020) ‘Headteachers’ standards’

This policy also operates in line with the following TCAT and school policies and documents:

* Working from Home Risk Assessment
* Data Protection Policy
* Cyber-Security Policy
* Cyber Response and Recovery Plan
* Managing Attendance Policy and Procedure
* Disciplinary Policy and Procedure
* Privacy Notice for Pupils and Their Families
* Lone Worker Policy
* Flexible Working Policy
* Records Management Policy
* Display Screen Equipment (DSE) Policy
* Staff Wellbeing Policy
* Technology Acceptable Use Agreement
* Health and Safety Policy (HS1)

# Roles and responsibilities

The Trust Board will be responsible for:

* Ensuring TCTA meets its statutory and legal obligations regarding health and safety at work, equality and employee pay
* Ensuring TCAT has due regard for the need for staff, including executive leaders, to achieve a healthy work-life balance
* Ensuring the members of the Trust Board themselves adhere to the working limits set out in The Working Time Regulations 1998

The Executive Headteacher/CEO and the Chief Finance Officer (CFO) will be responsible for:

* Ensuring staff are deployed and managed well, with due attention paid to workload and working conditions
* Establishing and overseeing TCAT’s working from home and working overtime systems and processes to enable all staff to work effectively and comfortably
* Ensuring all staff are aware of, and uphold, their professional responsibilities when working from home and working overtime
* Ensuring that there are arrangements in place for identifying, evaluating and managing risks associated with working from home
* Ensuring that there are arrangements in place for monitoring incidents associated with working from home
* Reviewing applications for flexible working in conjunction with the Trust Board
* Reviewing the effectiveness of this policy and communicating any changes to all members of staff
* Ensuring that all staff are aware of this policy and its requirements
* Taking all reasonable steps to ensure that employees working from home are at no greater risk than employees working within the school.
* Ensuring that risk assessments are carried out regularly, in collaboration with the Headteachers/Heads of School
* Putting procedures and safe systems of work into practice, which are designed to eliminate or reduce the risks associated with working from home
* Ensuring that members of staff identified as being at risk are provided with necessary information, instruction and training, including refresher training as necessary
* Managing the effectiveness of preventative measures through a robust system of reporting, investigating and recording incidents
* Ensuring that appropriate support is provided to staff involved in any incident
* Ensuring all members of staff working from home adhere to this policy
* Ensuring all staff are aware of the data protection principles outlined in the UK GDPR

The ICT Technician in consultation with our IT providers BOSS will be responsible for:

* Ensuring all laptops used for work have sophisticated anti-virus software and malware protection
* Ensuring all data that is transferred using the internet, e.g. via email, is encrypted and pseudonymised prior to transfer
* Ensuring laptops used for working from home are resilient, are able to efficiently recover lost data and have sophisticated cyber security

Staff will be responsible for:

* Upholding their professional duties at all times when they are working from home and working overtime
* Submitting applications to the Headteacher/Head of School or their Executive Leadership Team Line Manager, subject to their approval, before beginning their home working arrangements
* Taking reasonable care of themselves when working from home and working overtime
* Following the guidance and procedures outlined in this policy for safe working practices
* Reporting any incidents that may affect the health and safety of themselves or others to the health and safety officer and asking for guidance as appropriate
* Taking part in any training conducted to meet the requirements of this policy
* Reporting any dangers or potential dangers they identify, as well as any concerns they may have in respect of working alone at home to their Headteacher/Head of School or Executive Leadership Team Line Manager
* Ensuring their Headteacher/Head of School or Executive Leadership Team Line Manager is aware of which hours or days they are working from home.

# Working overtime

TCAT appreciates that staff may be tempted to work longer hours if they work from home; however, TCAT’s policy on paid overtime will be outlined in the employees’ contracts.

Any work completed outside ordinary working hours, usually between 8.15am & 4.00pm (or as directed on employment contracts), will be considered as overtime and not part of lone working expectations.

All staff will be remunerated in accordance with their contract for any overtime worked, and in accordance with the provisions set out in the relevant TCAT Pay Policy.

Teachers working full time will be paid for working their allotted 1265 hours per academic year.

These hours relate to, but are not limited to, the following:

* Teaching
* Whole school organisation, strategy and development
* Health, safety and discipline
* Management of staff and resources
* Professional development
* Communication
* Working with colleagues and other relevant professionals

In addition to the hours a teacher is required to be available for work teachers will be expected to work such reasonable additional hours as may be necessary to enable the effective discharge of their professional duties. Any teacher who exceeds the 1265 hours will not be paid for their additional work.

Payments for staff attending extracurricular trips, activities and residential excursions will be determined by the Executive Headteacher/CEO and the CFO, in agreement with the Trust Board.

Stipulations of paid overtime will be outlined in employees’ contracts.

Staff will work overtime at their own liberty; they do not need to request permission, but they cannot log it as working hours.

If staff choose to work overtime, they will continue to adhere to their duties, with particular regard to safeguarding, health and safety and data protection.

Support staff on SO1 pay scale or below cannot accrue enhanced overtime until they have worked 37 hours per week.

Support staff over the SO1 pay scale are paid overtime at standard rates, regardless of the number of hours worked in a week.

Any support staff required to work Saturdays will receive time and a half.

Any support staff required to work Sundays will be paid for double time.

Any provision for support staff pay will be made in line with the ‘Local government terms and conditions (Green book)’.

# Working from home

For the purposes of this policy, working from home will be understood to include lone working; employees work by themselves without close or direct supervision.

TCAT will not treat working from home as:

* An automatic contractual right through express or implied terms; it is granted at TCAT’s discretion and requires prior approval from the Executive Headteacher/CEO, the CFO, the Executive Leader for Safeguarding and Inclusion or the Headteacher/Head of School
* Intended to create a situation in which staff members feel obliged to work excessive hours
* Subject to funding as the benefits are seen as being mutual
* A condition in which TCAT must provide equipment for use at home, e.g. stationery
* A substitute for the care of dependants, e.g. children

Working from home will usually only be considered for staff members who can reasonably fulfil their role in a remote workspace. TCAT will also consider allowing teachers to work remotely during PPA time.

TCAT will ensure it meets its duty to assess and advise of the risks associated with home working for employees and ensure that the environments are safe for working practice.

TCAT will complete a risk assessment for support staff working from home to ensure their working environment is fit for purpose and suitable for their needs.

Employees will be expected to meet their duty to take reasonable care of themselves when working from home, as well as any other people affected by their work.

Staff working from home will work their school’s ordinary working hours. Any work completed outside of this time will be considered as overtime and will be managed in accordance with the employees’ contracts.

TCAT will ensure staff have the right equipment to be able to perform their role from home, including:

* The supply of a telephone and/or broadband line, for the exclusive purpose of conducting work related to TCAT
* Relevant ICT equipment, including display screen equipment (DSE), e.g. a PC or laptop
* Furniture, including a desk, chair and lockable drawers where no suitable alternative is in place
* A mobile phone where appropriate
* Consumables, such as printer paper and ink, and stationery

Staff will, where required, be able to use personal items for working from home, provided that it meets health and safety requirements.

Staff members may be able to use school equipment for home working purposes where this is already provided by TCAT, e.g. school laptops.

TCAT will reimburse expenses at its own discretion and any expenses will be agreed at the start of the home working agreement with staff.

Requests for working from home will be handled in accordance with TCAT’s Flexible Working Policy.

# Equipment

If a staff member is provided with a TCAT device, an agreement will be written and signed between the Headteacher/Head of School or the Executive Leadership Team Line Managerand the staff member prior to commencing home working, outlining the terms and conditions of usage and costs.

If TCAT premises remains a frequent work base for a member of staff and equipment is retained on the premises, TCAT will not usually provide staff members with additional equipment to use at home.

Any defects on TCAT equipment used for home working will be reported to the Trust ICT Technician for repair.

Staff will not use items purchased or provided for home working for personal use.

Where staff members are required to use their own equipment, they will take reasonable steps to maintain this equipment to ensure that it is in good working order.

Staff members will ensure that they have suitable telephone and broadband available and contact their provider in the event of any technical issues.

Laptops or computers used for work will be protected by anti-virus software and malware protection – these systems will be checked on a weekly basis by the user.

The Trust ICT Technician will not be responsible for providing ICT support to equipment owned by staff members.

TCAT will endeavour to loan TCAT equipment to staff to support their home working where possible.

Any display screen equipment (DSE) being used by staff at home will be used in line with TCAT’s Display Screen Equipment (DSE) Policy.

# Data protection

Staff members will adhere to the UK GDPR’s security principle when working remotely.

The Executive Headteacher/CEO and the CFO, in consultation with the DPO, will be responsible for ensuring that all staff members adhere to TCAT’s Data Protection Policy when working from home.

Staff will receive regular training regarding what to do if a data protection issue arises.

Wherever possible, personal data will not be taken home by staff members for the purposes of home working, due to the risk of data being lost or the occurrence of a data breach.

TCAT will update its privacy notices to cover any use of data whilst staff are working from home.

Privacy notices will be made available to individuals and written in a clear, concise manner.

If any unauthorised person has access to data, this will be considered a data breach.

Any breach of confidentiality will be dealt with in accordance with TCAT’s Disciplinary Policy and Procedure.

**Data usage and sharing**

Sensitive personal data will be encrypted and only transferred to a home device if this is necessary for the member of staff to carry out their role.

Staff members who require access to personal data to enable them to work from home will first seek approval from the Executive Headteacher/CEO or the CFO and it will be ensured that the appropriate security measures are in place by the Trust ICT Technician and where necessary the DPO, e.g. secure passwords and anti-virus software.

Any data that is shared via email between colleagues will only be sent if it is necessary for the member of staff to carry out their role.

When sending confidential information, staff will always check that the recipient is correct before sending.

**Data collection and handling**

Data collected during home working, such as test scores or information about the personal circumstances of pupils, will be processed and stored in line with TCAT’s Data Protection Policy and Records Management Policy.

Data will only be collected during home working if it is necessary for the member of staff to carry out their role.

Staff will not collect unnecessary data while working at home if it can be done whilst the member of staff is on TCAT premises at a later date.

Any data collected will only be kept for as long as it is required for the purposes it was collected for.

Data will be handled in line with TCAT’s Data Protection Policy.

**Data security**

Any data transferred from a work device to a home device will be encrypted or pseudonymised so that if any data is lost, stolen or subject to unauthorised access, it will remain safe until it can be recovered.

To ensure reasonable precautions are taken when managing data, staff will avoid doing the following:

* Keeping personal data on an unencrypted external hard drives and storage media
* Sending work emails to and from personal email addresses
* Leaving logged-in computers and files unattended
* Using a home device where other family members can access personal data
* Bringing a work device home that has data on an unencrypted hard drive
* Using an unsecured Wi-Fi network at home to access data

Laptops or computers used for home working will be assessed by the Trust ICT Technician prior to home working using the following checks:

* System security check – the security of the network and information systems
* Data security check – the security of the data held within the systems
* Online security check – the security of any online service or system, e.g. the school website
* Device security check – the security of the personal device, including any ‘Bring your own device’ (BYOD) systems

Before any device is used for home working, it will be sent to the Trust ICT Technician for a ‘stress test’ where the security systems will be assessed, evaluated and checked for regularity.

Staff members will adhere to the procedures outlined in TCAT’s Cyber-Security Policy and Cyber Response and Recovery Plan when transporting TCAT equipment and data.

Staff will use devices where data is adequately encrypted, and the correct software is installed.

Staff working from home will be encouraged to go paperless, where possible, as paper files cannot be protected digitally and may be misplaced.

If the use of paper is unavoidable, TCAT requires employees to store paper copies of personal data in a lockable container, such as a filing cabinet, in a secure location within their homes.

If sensitive data is taken off TCAT premises to allow staff to work from home, it will be transported in a lockable bag or container.

**Confidentiality**

Members of staff will ensure the confidentiality, integrity and availability of their device systems at all times.

No personal data will be shared between staff and pupils via email.

When emailing parents or pupils, the BCC function will be used to protect the email addresses of others.

Staff members are not permitted to let their family members or friends use any TCAT equipment, in order to protect the confidentiality of any personal data held on the device – any member of staff found to have shared personal data without authorisation will be reprimanded in line with the Disciplinary Policy and Procedure.

Staff will be informed that if an unauthorised person enters the room whilst the member of staff is accessing data, the device in use should be locked immediately.

Staff will be informed that if they need leave their device unattended, the device in use should be locked or taken with them.

Devices will automatically lock after a short period of inactivity to avoid an unauthorised person gaining access to the device.

Staff will not verbally disclose personal data over the phone in the presence of an unauthorised person.

**Data removal**

Data will not be kept for longer than is necessary.

Unrequired digital data will be deleted as soon as practicable.

Any paper copies of data which are no longer required will be disposed of safely or shredded.

# Assessing risks

TCAT will meet its duty to assess risks of staff members working from home and provide effective control measures to manage these risks and promote safe working practices.

The Headteacher/Head of School or the Executive Leadership Team Line Manager will conduct individual risk assessments following each application and will discuss the outcomes at the meetings held to discuss applications.

Applications may be rejected if the level of risk associated with a staff member working from home is too high, or the risks cannot be managed effectively.

Risk assessments will be reviewed each academic year, or when there has been a significant change in working practice.

All documentation of risk assessments will be kept for as long as it is required and disposed of securely after the retention period outlined in TCAT’s Records Management Policy.

All staff who work from home will be required to undertake a self-assessment of their home working provision each academic year, which will be returned to the CFO or the ABM.

# Costs and expenses

TCAT will not contribute to any household expenses incurred whilst performing home working duties, e.g. heating, lighting or council tax.

TCAT will not reimburse any costs for travel between staff members’ homes and TCAT premises.

# Communication

All staff members working from home will be contactable throughout normal working hours by their Headteacher/Head of School or their Executive Leadership Team Line Manager.

Arrangements for contact will be agreed prior to commencing home working, which usually involves regular contact to monitor working practices.

A staff member’s phone number and home address will not be shared without their permission.

TCAT will recognise that staff working at home have the right to privacy out-of-hours and should be able to separate their working and home lives, and so communication will only be compulsory during working hours.

TCAT will continue to support staff in line with the Staff Wellbeing Policy when staff are working from home.

TCAT will continue to offer staff working from home opportunities for CPD where possible.

Staff members will not be permitted to arrange visits to their home from pupils or clients. Any meetings of this kind will always be conducted on TCAT premises to maintain professionalism and safety.

Professional visits to a staff member’s home by TCAT staff members will only take place in exceptional circumstances, such as to conduct a risk assessment, for welfare reasons or security purposes.

Arrangements will be established by the Headteacher/Head of School or the Executive Leadership Team Line Manager for staff members to sign in and out of TCAT premises and indicate what time they will be returning to the premises.

The Headteacher/Head of School or the Executive Leadership Team Line Manager may request that staff members attend TCAT premises on any normal working day, e.g. to attend meetings.

If staff members need to report sickness or absence when they are due to be home working, they will adhere to the usual procedures outlined in TCAT’s Managing Attendance Policy and Procedures and will inform the Headteacher/Head of School or the Executive Leadership Team Line Manager of their absence in line with normal absence reporting policy.

If any incidents or near-misses occur in a staff member’s home, they will be required to report these to the Headteacher/Head of School or the Executive Leadership Team Line Manager immediately so that appropriate action can be taken.

A meeting will be held with the Headteacher/Head of School or the Executive Leadership Team Line Manager following any incident and, if necessary, another risk assessment of the staff member’s home will be conducted.

# Insurance

TCAT will hold liability insurance that provides cover for the legal liabilities of TCAT and our employees.

The liability insurance policy held by TCAT will cover staff members who work from home; however, this will not cover staff members for personal liabilities arising from non-work activities.

Staff members will be advised to ensure that they have their own domestic insurance policies in places for household contents and buildings.

# Monitoring and review

This policy will be reviewed in line with the published schedule at the front of this document and at any point material changes require it by the Executive Headteacher/CEO in conjunction with the Chief Finance Officer and the Trust Board. Any changes made to the policy will be amended by the Executive Headteacher/CEO and will be communicated to all members of staff.

The next scheduled review date for this policy is 31st August 2027.

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| Signed by: | | | |
|  | Executive Headteacher/CEO | Date: |  |
|  | Chair of the Trust Board | Date: |  |