



Report Title:	Flexible Working Guidance for Consultation		
Report No:	2024 - 0346		
Date:	31 October 2024		
To:	Hon Nicola Willis, Minister for the Public Service		
Action Sought:	Review the draft Guidance for consultation	Due Date	8 November 2024
Contact Person:	Paula Davis, Manager Workforce and Capability; Alex Chadwick, Deputy Chief Executive Workforce		
Contact No:	9(2)(a) privacy		
Encl:	Yes – draft Guidance	Priority:	High
Security Level:	IN CONFIDENCE		

Purpose of Report

1. This report provides you with a copy of the draft Guidance for consultation with Departments and Departmental Agencies to support them review and align their flexible working (including work from home policies) to Government's expectations.

Guidance

2. This Guidance will be issued under section 95 of the Public Service Act by the Public Service Commissioner.
3. The Guidance will apply to Departments, Departmental Agencies, Interdepartmental Executive Boards and Interdepartmental Ventures. Crown Entities and non-Public Service departments will be encouraged to consider this Guidance but do not have to give effect to it.
4. The Guidance will replace the Hybrid Working Guidance 2022 and the Flexible-By-Default Guidance 2020 which will cease to be used.
5. Our aim is to keep the Guidance simple and focused on implementing the Government's clarified expectations on working from home arrangements for public servants. It is designed to help agencies ensure there is sufficient rigour and transparency in managing flexible work arrangements in support of a high-performance culture. Existing agency policies and approaches will need to be updated where necessary, to align with the new Guidance.

Consultation

6. We engaged with a small group of Heads of HR in developing the draft Guidance and also engaged with the PSA.
7. Following any feedback from you, we intend to begin formal consultation on Monday 11 November for a two-week period.

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8. We will be consulting with all Department and Departmental Chief Executives and their Heads of HR; the PSA and other unions; and specific stakeholders including Government Health and Safety Lead and Government Property Group.

Recommended Action

We recommend you:

9. **Review** that attached draft Guidance and provide officials with any feedback.
Agree/disagree.
10. **Agree** that this briefing be released in full once the final Guidance is approved and published by the Public Service Commissioner.
Agree/disagree.

Hon Nicola Willis
Minister for the Public Service

Purpose

The purpose of this Guidance is to support agencies to align their flexible working (including work from home) policies to Government's expectations to ensure performance.

This Guidance is issued under Section 95(a) of the Public Service Act 2020 by the Public Service Commissioner. It should be read in conjunction with the 2024 Government Workforce Policy Statement.

This Guidance replaces the Hybrid Working Guidance 2022 and the Flexible-By-Default Guidance 2020. Workplaces now have a better understanding of the benefits and risks of flexible working arrangements and have foundational policies and approaches in place. 9(2)(g)(i) free and frank

Existing policies and approaches should be updated, where necessary, to align with this Guidance.

This Guidance applies to Departments and Departmental Agencies, Interdepartmental Executive Boards and Interdepartmental Ventures. Crown Entities and non-Public Service departments are encouraged to consider this Guidance.

Aligning to Government Expectations

Government expectations

On 23 September 2024 the Government set out its expectations for the Public Service on working from home. The Government's expectations are:

- 1. Working from home arrangements in the Public Service are not an entitlement and should be by explicit agreement between an employee and their employer.**

Chief Executives and managers should ensure that where any arrangements are made, they are subject to consistent monitoring and oversight.

- 2. Working from home arrangements should only be agreed to where they will not compromise the performance of employees, their teams or their agencies.**

This requires agencies to adequately weigh the benefits of employees being physically present for work, the cumulative impact of widespread working from home arrangements, and to consider performance in its widest sense: including potential impacts on learning and development, productivity, team culture and engagement.

- 3. Agencies should actively monitor the prevalence and impact of working from home arrangements and be able to regularly report to the Public Service Commission about the**

number and nature of the agreements they have in place, including having a clear understanding of the impact these agreements will have on particular days of the week.

What agencies need to do now

The Government expectations do not mean public servants cannot work from home or that public servants must work in the office on a set number of days each week.

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Alignment with this Guidance will look different for each agency, and this is expected and supported. At a minimum though, agencies should:

- Review existing flexible work and work from home policies to ensure they align with the Government's expectations and legal requirements 9(2)(g)(i) free and frank
- Ensure all individual work from home arrangements are set up with rigour and transparency by ensuring they:
 - Align with the agency's policies,
 - Are expressly agreed with the employer, and
 - 9(2)(g)(i) free and frank .
- Ensure managers regularly review all work from home arrangements and assess their ongoing suitability and impact on the team's and organisation's performance in its widest sense (including impacts on learning and development, productivity, team culture and engagement).
- Give effect to the expectation of monitoring and oversight - both at an individual level (by managing to clear performance expectations as part of a high-performance culture) and at the agency level (by having visibility of all work from home arrangements).
- Be able to report on the number of employees regularly working from home and on what days of the week.
- Regularly report their work from home data to the Public Service Commission (i.e. twice yearly).

Additional considerations for Agencies

Consider whether activities are suited to working from home

When considering whether roles or activities can be performed from home, it might be helpful to consider:

- **Frequency:** Activities that are regularly repeated may need less in-person contact than activities that are infrequent

- **Novelty/ambiguity:** Activities or tasks that are new or ambiguous may need more in-person contact than work that is familiar and undertaken often
- **Individual/team experience:** Where the staff member or team is developing, they may need more face-to-face support than those who are fully proficient. The needs of the team at that time, and ongoing, should be considered.
- **Trust:** Activities that build trust and are important for relationships may need face-to-face contact.
- **Task interdependence:** The more that tasks require collaboration and the input of more than one staff member, the more face-to-face contact will be needed to complete the work efficiently and effectively.
- **Cumulative impact:** The cumulative impact of the number of people working remotely across a team and the whole agency may negatively impact on team culture, key stakeholder relationships, collaboration and development.

Set clear performance expectations and manage to them

Having a performance culture that supports people leaders to set and manage to expectations is critical. It requires additional consideration when putting in place flexible working arrangements. Managers get the best from teams when they make delivery and quality expectations clear and measure performance against these expectations. Team members, whether they work flexibly or not, do their best work when they manage their time, deliver to expectations and maintain good lines of communication with managers and colleagues. Managers should address performance issues in the same way for all employees, whatever flexible work arrangement has been agreed.

Be deliberate about ways of working

When working flexibly, it is especially important that managers, employees, and teams talk regularly about flexible arrangements, how they are working and how any challenges can be addressed.

When building good performance management practices, managers should:

- agree and record agreed norms of behaviour within their team. For example, maintaining oversight of team members' location, how and when they can be reached, how regular and urgent communication will be maintained, and how/when arrangements will be reviewed
- ensure all employees, regardless of location, share in unexpected and urgent work, as well as long-term challenging projects
- hold regular team check-ins to maintain good team relationships
- constantly communicate about work deliverables, quality standards and timelines.

Manage health and safety

Under the Health and Safety at Work Act 2015 employers are primarily responsible for their workers' health and safety, while they are at work. That means that when employees ask to work from home, agencies must consider the risks their employees might be exposed to in that environment, the degree of harm those risks could cause, and how those risks can be mitigated. Examples of common

hazards of working from home include 9(2)(g)(i) free and frank, workstation setup, 9(2)(g)(i) free and frank.

Agencies should specifically consider the risks to the psychological health of hybrid workers and how this can be managed. Working physically alongside team members is an important way to stay connected. It helps social cohesion, inclusion, builds trust and helps create a common culture. Feelings of isolation can be harmful for mental health. Equally, hybrid working can support mental health by increasing work/life balance and providing quiet space for concentrated individual work.

What is most important is that workers and employers are aware of the risks and have plans in place to manage risk and support wellbeing. When work is designed, organised, and managed well it can reduce the likelihood of harm, and may also enhance wellbeing.

Agencies can find more information about managing the health and safety aspects of flexible working arrangements on these websites:

[Staying mentally healthy when working from home | WorkSafe](#)

[Resources | Government Health and Safety Lead](#)

[Supporting workers to work from home.](#)

Ensure information security and privacy

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Specific guidance to staff on IT security may be required, as well as on records management. This should include transporting and storing hard copies of information created in the office, whether hardcopy information may be created at home, and how this information will be stored, incorporated into records management systems, or archived/destroyed as appropriate and any security clearance requirements of employees.

Regularly monitor and report

Any flexible working arrangements need ongoing monitoring to ensure they continue to meet the needs of the team and the agency and that the impact on the team's and organisation's performance in its widest sense is known and managed.

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