 Report number: **SLAB/2022/06**

Agenda Item: **10**

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| **Report to:** | The Board |
| **Meeting Date:** | 21 March 2022 |
| **Report Title** | Return to Office Update – March 2022 |
| **Report Category** | For Discussion |
| **Issue status:** | Business as usual |

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| **Written by:** | Graeme Hill, Director of Corporate Services and Cathrin Innes Project Manager |
| **Director responsible:** | Graeme Hill |
| **Presented by:** | Graeme Hill |
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| **Delivery of Strategic Objectives** | |
| Select the Strategic Objective(s) relevant to the issues | 1. We deliver a high quality user focussed service  2. We embed ways of working across the organisation that enhance the quality, consistency and transparency of our decisions and delivery  3. We engage with users and delivery partners across the legal aid and justice system to inform good design of our system and services |

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| **Link to Board or Committee Remit** |
| This involves the strategic direction of the organisation. |

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| **Publication of the Paper** |
| We consider this paper is suitable for publication. |

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| **Executive Summary** | |
| This report gives the Board an update on current progress of the DANWE Project. | |
| **Previous Consideration** | |
| **Meeting** | **Detail** |
|  | Chief Executives updates |
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| **Report** |

1. **OVERVIEW**

The Covid-19 pandemic created a situation where SLAB (including PDSO, SCL and CLAO) had moved almost entirely to a working from home basis.

This situation has evolved since March 2020, in that PDSO have almost entirely returned to office work in order to cope with the demands and workloads of the courts, while CLAO and Thistle House staff have seen a far more gradual change in approach in line with our return to work (RTW) policy.

The RTW policy was developed to ensure that we continued to reflect the changing “Work From Home” restrictions/guidance from the Scottish Government while ensuring the continued delivery of our functions and benefitting staff finding it difficult to continue to work from home.

The policy introduced a phased approach for staff returning to the office as well as the setting out the essential work categories, which had been in place since the initial lockdown was introduced.

The phases included in the policy were prioritised to enable staff with Health & Safety or Wellbeing reasons to return to the office based environment if they wished. We had a number of phases which culminated in Preference.

1. where the work to be undertaken from a non-home location cannot effectively be delivered from home and is needed to deliver core services to support the operation of SLAB or the justice system

Examples: Facilities staff, IS support staff, solicitors in direct services.

1. where the work to be undertaken from a non-home location cannot effectively be delivered from home and is needed for the provision of a quality service i.e. delivery of our strategic objectives and support for the operation of SLAB or the justice system in line with our published operational performance benchmarks

Examples: attendance to facilitate delivery by colleagues in same functional area e.g. applications, civil finance, accounts or direct services business support staff processing paper mail, files, disclosure etc.

1. where the work to be undertaken from a non-home location cannot effectively be delivered from home and is needed to implement improvements to our resilience and service

Examples: IS staff preparing laptops for issue to homeworkers, facilities staff making building improvements

1. where attendance at a non-home location some or all of the time is needed for the better management of the employee’s health and safety than can be achieved by them working from home

Example: an employee does not have a safe working environment due to constraints in the home space available

1. where attendance at a non-home location for some or all of the time allows for improvement to the employee’s wellbeing compared to working from home, due to factors associated with the employee’s home circumstances

Example: where an employee who lives alone or in other circumstances which risk social isolation

1. where the work to be undertaken from a non-home location can be delivered from home but undertaking it in a non-home location some or all of the time would enable a distinct improvement to productivity compared to working from home, due to factors associated with the employee’s home circumstances or job

Example: an employee whose home space and family circumstances mean that even when not directly caring for children they will be subject to repeated interruptions or distractions throughout the working day

1. where the employee expresses a preference for working in a non-home location some or all of the time.

Throughout December 2021 and January 2022, the SG tightened restrictions while the number of COVID-19 cases increased. While SG had these tighter restrictions in place, we made the decision not to release any additional phases to the ones already released. This decision was based on the low number of people accessing the office as a result of any of the active phases.

SG started to relax their restrictions again and in February we released the last phase of the policy; Preference.

1. **CURRENT POSITION**

The Return to Work policy and EqIA have been reviewed and updated. With the information we now have about demand for staff to return to the office we can now review the policy and reduce the number of categories. This gives staff returning to the office a certain level of autonomy on the reason why they are returning.

The other significant change to the policy is introducing a change to the default from working from home. This change will mean that staff members who cannot effectively carry out their work from home must work in the office. Whereas before if the role could not be carried out from home and was not an essential task, they would still be expected to stay at home, this has changed so they would be expected to come into the office to work.

First priority: Role-based reasons (A-C above)

Second priority: Reasons linked to personal circumstance (D-F above) plus

once homeworking is not the default, where the work to be undertaken from a non-home location either cannot be delivered from home or can be delivered but undertaking it in a non-home location would be a distinct improvement to productivity

Example: an employee is having work done on their home and the internet is unavailable

Third priority: Employee preference (G above)

The updated Policy and EqIA will be shared with all staff and the union prior to finalisation. The policy and EqIA will go into a review cycle for the period it remains a live policy.

1. **DESIGNING A NEW WORKING ENVIRONMENT**

It has always been the intention of this project board to move beyond managing the COVID restrictions and widen the scope to look at what type of office environment we want in the future.

The project is currently in a good place, with a policy able to manage phases as required depending on the prevailing SG guidance. The project has now moved onto looking at the longer term objective of the office space, working patterns and places along with the management that goes along with any options we review.

Work has started on the work stream to develop, consult on and implement the longer term plan for hybrid working. We have held a workshop with the Executive team to set a strategic framework with which we will start consulting with staff members.

The purpose of the workshop was to support development of a strategy framework that will steer the DANWE project into its next stages.

The framework includes a vision and set objectives directing the project, as set by SLAB’s leadership team.

The purpose of this framework is to refine and scope the possibilities for SLAB when it comes to a new working environment and facilitate further engagement with staff that meaningfully seeks their input on what a new working environment might feasibly look like.

SLAB, like many organisations, is focusing on the opportunities of the hybrid model of a work environment as an option for the future.

In order to effectively achieve the right balance between meeting the changing expectations of the workforce and fulfilling our corporate duties as a public body administering services, there must be a framework that captures the overarching goals of a re-designed workplace, and sets purpose, scope and rationale for change.

As well as engaging with individuals the project will be looking for teams to have facilitated discussions about their work requirements as they pertain to their working environment.

A template is being devised to help these conversations.

Our office space and layout will be reviewed to ensure that our workspaces are purposefully designed to provide a working environment that enables productive, collaborative and confidential work to take place.

Our physical workplaces are financially viable into the future.

While the DANWE project has to date focused on meeting more immediate needs and making decisions that support service delivery and staff wellbeing during the height of the pandemic, it is time to consider how we move into the future, and what we want that future to look like. We have learnings and experiences to support this move and this framework will help to structure that process.

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|  | **Governance Links** |
| 1 | Nothing additional to note. |
| 2 | Risk  Ensuring opportunities of hybrid working are not missed |
| 3 | Legal and Compliance  Continuing to adopt and follow SG guidelines and 1M social distancing |
| 4 | Performance  N/A |
| 5 | Equalities Impact  The Project has carried out an Equalities Impact assessment |
| 6 | Privacy Impact and Data Protection  N/A |
| 7 | Communications and Engagement  Progress against the Project is published via Board papers. |

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| **Conclusion and next steps** |
| The Board is asked to consider the paper and comment on any issues. |

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| **Appendices/Further Reading** |
| N/A |