

Equality, Fairer Scotland and Children's Rights Impact Assessment

Title: Hybrid Working Policy

NES directorate or department: Organisational Development, Leadership and Learning

Date Report Completed: November 2024

Introduction

Equality Impact Assessment (EQIA) is a process that helps us to consider how our work will meet the 3 parts of the Public Sector Equality Duty. It is an important way to mainstream equality into our work at NHS Education for Scotland (NES) and to help us:

- Take effective action on equality
- Develop better policy, technology, education and learning and workforce planning solutions for health, social care and a wide range of our partners, stakeholders and employees
- Demonstrate how we have considered equality in making our decisions.

This EQIA is focused on the development and delivery of the [NES Hybrid Working Policy](#).

Background

The Hybrid Working Policy is a NES specific policy that was developed following earlier draft guidance and frequently asked questions. The Hybrid Working Policy reflects the organisational position of a post-pandemic work environment, current UK employment practice, NSSS and NES Workforce policies and aligns with the Ways of Working and Property Programme workstream. Following careful consideration and engagement with the Executive Team and the Employee Director, it was requested there should be more clarity and understanding for all NES line managers, teams, and employees, around NES' hybrid working approach.

In accordance with the [Once for Scotland Flexible Work Location Policy](#), NES has defined hybrid working as another form of flexible working to mean when employees are working between their normal contractual office/work base and home.

The ambition for the Hybrid Working Policy is that it is an easy to understand, user-friendly policy that supports NES line managers, teams and employees to promote and facilitate honest conversations about flexible ways of working by:

- Clearly setting out NES's expectations regarding hybrid working, including core hours, flexible working hours, remote working protocols and health & safety considerations.
- Promoting a culture of trust, autonomy, and accountability within hybrid working arrangements.
- Offering guidance on maintaining employee engagement, wellbeing, and performance in a hybrid working environment.

- To provide guidance on how employees can work safely at an office or home location safely with suitable equipment.

The Hybrid Working Policy is particularly relevant to the NES Equality Outcome 4a: *We will continue to enhance the inclusivity of education and training programmes for disabled learners in NHS Scotland through a) Expanding the availability of technology-enhanced learning that reflects best practices in accessibility and increases flexibility in learning opportunities.*

The Hybrid Working Policy ensures that hybrid working arrangements are accessible to all staff, including those with disabilities. The policy includes provisions for reasonable adjustments, such as ensuring that employees have the necessary technology, ergonomic equipment, and support to work effectively from home or remotely. This is part of NES's broader commitment to accessible, flexible learning and working opportunities.

The Hybrid Working Policy also supports NES Equality Outcomes 8a and 8c: *NES is an inclusive employer, with a) Effective employee voice, including staff networks with effective influence on policy and c) An adaptable and flexible workforce with positive support for staff well-being.*

The Hybrid Working Policy promotes flexible working practices that are adaptable to the varying needs of the workforce, supporting both individual wellbeing and organisational performance. Provisions for wellbeing, mental health, and work-life balance are central to the policy, helping NES maintain a healthy, resilient workforce. The Hybrid Working Policy also encourages staff engagement and feedback, ensuring that employees have a voice in how hybrid working is implemented and evaluated within NES.

Evidence

A range of desk-based research was conducted to inform this EQIA including:

- The [Equalities and Monitoring Report 2023-24](#) for NES workforce data. The data set includes the full range of protected characteristics of employees who disclosed their equality and diversity information.
- Once for Scotland [Flexible Work Location Policy](#) provides a framework to support employees when making requests and for managers when proposing flexible work locations. This policy was reviewed to inform NES' hybrid working approach.
- NES Board [papers](#) for March 2023 (page 179, bullet 4) which shares statements about the Staff Survey 2022 and the impacts of hybrid working on the workforce.
- The [NES Strategic Workforce Plan 2022-25](#) references hybrid working throughout and new ways of working to enable employees to maintain positive health and wellbeing. Hybrid working was identified (page 29, bullet 2) as a key theme.

Who was consulted?

The original Hybrid Working Guidance was developed extensively with a Working Group including colleagues across NES. This guidance was shaped into the new Hybrid Working Policy and received comments and feedback from the Associate Director of Organisational Development, Leadership and Learning, and the NES Executive Team.

Gaps

It is acknowledged that NES has informally worked in a hybrid way to support the flexible nature of the organisation since the pandemic. However, this is the first formalised Hybrid Working Policy for NES and further consultation from internal staff networks would have been beneficial. This has been acknowledged, and these groups will be actively engaged in all future development of the Hybrid Working Policy.

Assessment

We have considered how this work will impact on the Public Sector Equality Duty. This includes how it might affect people differently, taking account of protected characteristics and how these intersect, including with poverty and low income. This is important as a national NHS Board in our work to address health inequalities.

The Hybrid Working Policy is designed to promote flexible working arrangements that are fair, equitable, and inclusive for all employees. The majority of employees reported hybrid working as having a positive impact on staff experience in the NES staff survey in June 2022 (see the NES Board [papers](#) for March 2023, page 179, bullet 4).

The assessment shows that the policy has the potential to positively impact all protected characteristics by promoting flexibility, reducing barriers to participation, and enhancing employee wellbeing. However, there is also potential for negative impact and mitigation for this has been considered and evaluated.

A Fairer Scotland Assessment requires public authorities to actively consider how they can reduce inequalities of outcome caused by socio-economic disadvantage when making strategic decisions. On assessment it was evaluated this aspect was not applicable, so a Fairer Scotland Assessment has not been carried out. Children's rights and the role of NES as a corporate parent was considered, and after further assessment the policy is not applicable to children's rights.

We have also considered the potential impact for each protected characteristic:

Protected Characteristic / Population Group	Positive / Negative / Neutral Impact	Rational
Age <ul style="list-style-type: none"><i>Children/Young People – including consideration of children's rights.</i>	Neutral	The Hybrid Working policy is available to all employees, regardless of age or length of service. This allows employees the opportunity to work in a way that best suits NES and their needs.

<ul style="list-style-type: none"> • <i>Adults</i> • <i>Older age groups</i> 		<p>Research has been limited around the impact of hybrid working on employees of different ages, however one study focusing on how hybrid working influences employees' experiences found that employees of all ages had experienced hybrid working in a similar way (ONS, 2021).</p> <p>Potential benefits for employees of all ages include reduced costs due to lower levels of commuting and increased flexibility to choose a way of working which is best for them in line with directorate and team needs.</p> <p>Potential negatives include differing experiences with technology, which may impact people of different ages differently. To mitigate this, NES will continue to invest in digital technologies, training and development to ensure that all employees are able to work confidently from home and the office as needed.</p>
<p>Disability (incl. physical/ sensory/ learning disabilities, neurodiversity, communication needs, mental health)</p>	<p>Positive</p>	<p>Hybrid working aims to empower employees by giving them greater flexibility to determine how they work, to best meet the organisations needs and employee's own needs. The Hybrid Working Policy aims to support greater choice for employees for their working environment, which could support the elimination of potential unlawful discrimination, harassment and victimisation of those who may have additional needs at work or regular medical appointments to attend.</p> <p>There will be a reduced requirement for colleagues to transport equipment and documentation to and from NES offices and other sites, which may be beneficial for some employees with disabilities.</p>

		<p>There may be some employees for whom the core hours requirement may be difficult, and we will support line managers to understand how best to support these employees with any reasonable adjustments required. We will continue to liaise with the Senior Specialist Lead for Disability and maintain an open dialogue with the Disability and Long-Term Conditions Staff Network to receive feedback and explore ways to best support this section of the workforce.</p>
Trans and Non-Binary People	Positive	<p>The Hybrid Working Policy and ways of working should offer greater flexibility and choice of working environment to those who are transitioning. NES does not tolerate any forms of discrimination, harassment and victimisation of transgender people. We currently mitigate any risks through people management policies, our values and behaviours including NES Our Way, and mandatory e-learning relating to equalities.</p>
Pregnancy and Maternity	Positive	<p>Colleagues who are pregnant and suffering from pregnancy related illnesses should benefit from increased flexibility and choice where to work from in accordance with business needs. There will also be reduced requirement for colleagues to transport equipment and documentation to and from NES offices and other sites.</p> <p>Hybrid working may also reduce indirect discrimination of women who wish to return to work and wish to breastfeed, as it is easier to do both when not having to attend a physical work setting. A hybrid working arrangement may support those balancing childcare with work. Without a hybrid working arrangement,</p>

		<p>breastfeeding and/or childcare responsibilities may constitute a barrier to returning to work.</p> <p>We will continue to connect with the Parent and Carer Staff Network to promote the benefits of hybrid working for working parents and offer any further support to those returning from maternity and paternity leave.</p>
Race/Ethnicity	Neutral	<p>The Hybrid Working Policy has the potential to positively impact all employees by promoting flexibility, reducing barriers to participation, and enhancing employee wellbeing.</p> <p>No additional impact is anticipated for this group. We will consult with the Underrepresented Ethnic Minority Staff Network to understand any additional impact for this group and to build relations and support around hybrid working for colleagues from different ethnic backgrounds.</p>
Marriage/civil partnership (<i>Protected characteristic in relation to employment</i>)	Neutral	<p>The Hybrid Working Policy has the potential to positively impact all employees by promoting flexibility, reducing barriers to participation, and enhancing employee wellbeing.</p> <p>No additional impact is anticipated for this group.</p>
Religion/Faith (<i>including none</i>)	Neutral	<p>Hybrid working aims to increase levels of flexibility as to where and when colleagues work, which may enable some employees to plan and structure their worship, prayer and other important religious practices around their working day. We will continue to build relations and support around hybrid working for colleagues who have</p>

		religious beliefs through staff consultation.
Men and Women	Neutral	Data shows that women are more likely to take on caring responsibilities earlier than men (Carers Scotland) and hybrid working may support them to balance these responsibilities. Increased flexibility may offer better work/life balance opportunities for employees with other commitments such as childcare and caring. No additional impact is anticipated.
People who are heterosexual, lesbian, gay or bisexual	Neutral	The Hybrid Working Policy has the potential to positively impact all employees by promoting flexibility, reducing barriers to participation, and enhancing employee wellbeing. We will engage with the LGBTQ+ staff network to understand any additional impact for this group and support communication and connection within the community around hybrid working.

Next steps

The Equality Impact Assessment has informed the following actions to provide additional support with the Hybrid Working Policy for line managers and employees:

Line Manager support

To support line managers to understand and lead hybrid working conversations, there is a dedicated 'Hybrid Flexible Working' chapter and 'Having Difficult Conversations' chapter in a new Line Manager Handbook Resource launched in September 2024.

These chapters have key headlines, expectations, case studies, and other resources. As

part of the implementation of the Line Manager Handbook, each chapter will have a one-hour support session to help managers to feel encouraged, supported and to address concerns they may have.

Employee support

An all-staff virtual webinar will be hosted in November 2024 with a panel of colleagues from HR, Organisational Development Leadership and Learning, and Staff Side. The webinar will give all staff an opportunity to hear more about the Hybrid Working Policy, understand what it means for them and give the opportunity for further support.

In addition to these specific actions, we will commit to:

- Further engagement with the NES Staff Equality Networks to understand the full impact of hybrid working on the relevant groups as advised above.
- Continued hybrid working support to all NES employees to enable them to understand expectations around ways of working.
- Continued hybrid working support for line managers to promote honest conversations in teams and individual one-to-one meetings around what arrangements are/aren't working well for them.
- Continued tailored hybrid working support for directorates and teams, through the ODLL Business Partnering approach.
- Continue to communicate NES's commitment to an inclusive hybrid working approach to the workforce.
- Build on lived experience and case studies based on NES good practice to hybrid working that can be included in the Line Manager Handbook.
- Evaluate the implementation of the Hybrid Working Policy to ensure the policy is achieving its aims. We will review this EQIA alongside this reporting.

Sign-off

Director: Janice Gibson

Date: 25th November 2024