

Members' Briefing REVENUE & CUSTOMS GROUP

To: **All Members**

cc: **Branch Secretaries, Group Executive Committee, Equality Chairs, VOAC** (for info)

Can this Briefing be circulated via HMRC IT systems: **YES**

Website: **YES**

Action to be taken: **For the attention of all members in Customer Compliance Group**

Date: **12 May 2022**

Ref: **R&C/MB/024/22**

Return to Office Customer Compliance Group (CCG) Office Attendance Expectation

Summary

- ***PCS National Negotiators covering CCG stand by statements made during last year's Pay & Contract Reform Ballot.***
- ***CCG Senior Leadership Team did not consult the unions before setting 3 days a week office attendance expectation. They contend that they had no obligation to consult.***
 - ***PCS concerned about "Operational Business Areas" and "Corporate Business Areas" having differing expectations in terms of office attendance.***
 - ***CCG tell PCS that line managers are empowered to decide upon requests for Special Working Arrangements (SWAs). PCS ask HMRC to investigate instances where managers allege that SWA applications have to be referred to a panel for a decision.***
- ***CCG SLT state that they continue to welcome feedback from staff however they are unwilling to commit to review their decision***
- ***PCS challenge recent offer letters issued to successful Tax Specialist Programme applicants which state that acceptance of the job offer means committing to working 3 days in the office.***
 - ***HMRC agree that Flexible Working Agreements reached as an alternative to redundancy take precedence over any office attendance expectation. Hence any members who have agreed to travel beyond Reasonable Daily Travel (RDT) to a new office should urgently consider whether they should have such an agreement.***

This briefing is being issued later than ideally it should have been. PCS and ARC Unions met with the Penny Ciniewicz - CCG Director General - and her fellow Senior Leadership Team (SLT) members on 14 February and again on 25 April. I originally hoped to issue a briefing in February. However a regular stream of issues relating to Return To Office have arisen which have had to be addressed as a priority.

The second point is that this briefing is lengthy. That is because it is necessary in order to set out properly the context around the Customer Compliance Group decision to set an office attendance expectation of 3 days a week for full time staff with a pro-rata to be applied to part time staff. CCG senior management accept that they have stated that staff should attend the office 60% of working hours and that percentage applies equally to part time staff. PCS have made clear to CCG that we do not agree with the use of this term because it causes numerous problems. For example, PCS have had to field numerous queries regarding the application of the office attendance expectation in weeks which contain a public holiday.

The Pay & Contract Reform Ballot in 2021

In recent weeks I and other PCS Lead Negotiators covering CCG have been asked if we stand by the statements we made during the Pay & Contract Reform Ballot and reference in the following Sway:

<https://sway.office.com/XYl9Kmq7QdvzvibY?ref=Link> [link only works on HMRC computers]

The answer is unequivocally yes. These statements had to be checked prior to publication by the lead pay negotiators for PCS as well as by HMRC. HMRC as a matter of policy does not allow PCS to publish material on its IT systems without them providing prior approval of the content.

During the ballot PCS stated that we considered the offer to allow staff to work from home at least 2 days a week. Hence we did not consider it to be a maximum limit. PCS asked CCG to write to us giving details of any job roles where staff were precluded from working at home at all because of the nature of work duties. No written response has ever been given to that request. PCS also asked CCG to write to us giving details of any job roles where the nature of work duties are such that staff could not request to work more than two days a week from home. No written response has been provided to that request either.

The reasoning between the decision of the CCG Senior Leadership Team (SLT)

At the 14 February meeting PCS sought an explanation as to why CCG had set a different office attendance expectation to other HMRC business areas such as Chief People Officer, Chief Finance Officer and Solicitors Office which have been badged as “Corporate” areas. CCG and Customer Services Group have been badged as “Operational” areas. We were given the following response.

CCG has an important operational function like Customer Services Group (CSG) and hence the starting point is the what the business area has to do. CCG SLT considered a whole range of evidence, including the following:

- Excom Data Pack
- Academic Studies
- Research on what organisations are doing, for example the BBC, Google and other government departments, the third sector
- Data compiled by CSG that apparently shows that staff are more productive working in the office than working from home

CCG believes that in this regard they are not out of line with many organisations of a similar scale and complexity are doing.

Some staff reported to CCG management feeling isolated working from home and it was more difficult to get support from experienced colleagues. The recruitment of around 4000 new staff in CCG is also a factor.

The SLT believed that it is important for a consistent approach to be adopted across CCG and hence they agreed that all directorates with CCG will adopt a common approach.

There are a significant number of CCG staff who are distanced managed. The view of the SLT is that it is still important for these staff to attend the office 3 days a week in order that they are able to interact with other colleagues and are an active part of the office community. A number of these staff have expressed unhappiness to PCS at being made to spend the time and incur the expense of commuting into an HMRC office to then spend the vast majority of their working time not interacting with colleagues in their workplace. Rather they have their headset on taking part in Teams calls.

No consultation with PCS prior to SLT decision

The CCG Senior Leadership Team accept that they did not consult the unions prior to their decision to specify a 3 day a week office attendance expectation. They contend that they did not have an obligation to consult and that their failure to do so does not constitute a breach of the Employee Relations Agreement. PCS firmly disagree with that and we have expressed this in clear teams both to the CCG SLT and to HMRC Employee Relations.

PCS have asked CCG to provide us with the analysis from Customer Services Group (CSG) which apparently shows that staff are more productive working in the office than working from home. CCG have to date refused this request. We do however understand that the analysis was undertaken in 2020 during the course of the first lockdown. If that is the case then PCS believe that the results cannot be deemed to be relevant now.

PCS have received representations from members in CCG expressing unhappiness that requests to work split shifts have been refused. We are aware that some senior managers in CCG have told staff that on an office attendance day they have to work at least 7hr 24 minutes in the office for that day to count towards meeting the office attendance expectation. We were told at a recent meeting with one director within CCG that they had received concerns that some staff might commute to the office, “show their head around the door” and then return home to work the rest of the day.

CCG SLT unwilling to commit to a review of their decision

CCG SLT have told PCS that they will continue to monitor the implementation of their decision on the expectation of office attendance and will make refinements where necessary. However they will not commit to a review of their overall decision on any set timescale.

PCS consider that the failure to consult constitutes sufficient grounds to require CCG to commit to a review.

Special Working Arrangements (SWAs)

CCG have told PCS that in the first instance the line managers alone is empowered to approve SWA applications. They have also stated that any member of staff wishing to work from home more than 2 days a week can also request that by way of an SWA application to their manager.

PCS have asked CCG to investigate reports we have received where managers have been told that SWA applications have to be referred to a panel or forum for a decision. CCG say that the SWA forums they have established are advisory and managers are not compelled to refer cases to them.

Tax Specialist Programme (TSP) 2022 – concerns about working arrangements detailed in offer letters

PCS have received complaints about the following extract in offer letters issued to successful applicants for TSP 2022:

“If you pass your checks, your normal daily hours of work, including any specific requirements during training will be 37 hours per week, Monday to Friday. You will work a minimum 5 day week. Your normal daily hours of work may be from 08.30 - 17.00 from Monday to Thursday and 08.30 - 16.30 on Friday. By accepting this offer, you are agreeing to work this standard working pattern, from 14th September 2022. You will be expected to work in your regional centre office location at least 3 days per week, with 2 days remote working.”

PCS have said to HMRC that this is unacceptable for a number of reasons. TSP trainees are entitled to work flexible working hours. It is also we feel unreasonable to link acceptance of a job offer to a commitment to working 3 days a week in the office.

Flexible Working Agreements including an element of homeworking arising from 1-2-1 Migration Discussions

On 12 August 2020 PCS Members' Briefing 066/20 was issued. The briefing explained that PCS had successfully made representations directly to the HMRC Chief Executive to get the department to agree enhanced arrangements to enable staff at risk of redundancy to obtain Flexible Working Agreements including an element of homeworking that will enable them to stay with the organisation, rather than taking redundancy.

HMRC accept that any member staff who has agreed to travel beyond Reasonable Daily Travel of a Regional Centre is able to withdraw their agreement at any point up to the date they actually transfer to the Regional Centre. If they withdraw their agreement they can seek to introduce or amend an existing Flexible Working Agreement.

HMRC have confirmed that any such agreements take precedence over any office attendance expectation from a business area.

It is important to make this point because any PCS member who at the time PCS Members' Briefing 066/20 was issued have already agreed to travel beyond RDT to a Regional Centre but not yet actually made the move should have be able to revisit their decision. For example if they have previously agreed to make the move without seeking an agreement on being able to work from home for at least part of the working week then they should have been able to seek such an agreement.

In recent weeks a number of PCS members have contacted the union to say that:

- (1) when they agreed to travel beyond RDT they were unaware that they could seeking a flexible working arrangement involving an element of homeworking; or
- (2) they did seek a flexible working arrangement involving an element of homeworking but this was refused by their management.

Any members for whom either (1) or (2) applies should be able to seek a Flexible Working Agreement now and PCS will offer support if required.

Join PCS today

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Get involved!

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If you haven't already done so, let PCS have your personal/non-work email address and your mobile phone number. We'll only use it to keep you informed about PCS matters. You can update your details securely online by registering for [PCS Digital](#) or by contacting your local PCS rep, and asking them to enter your details securely on the PCS Organising App.

Hector Wesley
Deputy Group President

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