

Freedom of Information Request

Reference Number: EPUT.FOI.24.3401
Date Received: 29TH February 2024

Information Requested:

1. Do you have a policy or procedure that covers staff working remotely from abroad on either a temporary or permanent basis? (I.e. outside the UK)?

The Trust has recently agreed a new revised Flexible Working Procedure, which includes Hybrid Working Guidance, with the following section included regarding overseas working:

Overseas Working Arrangements

In accordance with NHS Terms and Conditions of Service (Section 35) this guidance is not intended to apply to any hybrid or home-working arrangements outside of the United Kingdom.

There significant legal implications for both the Trust and employees in relation to working whilst overseas. These include (but are not limited to):

- This can be a temporary or permanent arrangement – consideration should be given to everything as you would if an employee was working in the UK i.e. Health and Safety, working times, etc.
- Key Issues working overseas – Employment rights, Immigration, tax issues. It is recommended that advice is sought from Human Resources for any requests for overseas working.
- Right to work in an overseas country – It will be necessary for the Trust to obtain confirmation of employee's right to work and eligibility to work within another country.
- Employment Rights – Statutory rights will vary depending on where the employee will be based.
- There may be tax implications – Those working overseas will be subject to NI and Tax as with the UK. Employees will need to consider this and seek advice where necessary.
- Expenses – any travel expenses occurred travelling from overseas to UK for work purposes will not be paid by the Trust
- Data protection issues – If the country in which the employee wishes to work is outside of the EEA, they will not be subject to Data Protection Laws.

No overseas working arrangement should be considered without first seeking advice from the Employee Relations service.

2. Please could I request a copy of the relevant policies and/or procedures?

Please see response to question 1.

Publication Scheme:

As part of the Freedom of Information Act all public organisations are required to proactively publish certain classes of information on a Publication Scheme. A publication scheme is a guide to the information that is held by the organisation. EPUT's Publication Scheme is located on its Website at the following link <https://eput.nhs.uk>