



ARC Update 8 of 2016: 1-2-1 Guidance

HMRC's round of 1-2-1 meetings for staff in offices proposed for closure in 2016/17 and the early part of 2017/18 will begin very soon. Meetings for 2016/17 commence on 25 February and the process is timetabled to be completed (including the resolution of appeals) by mid-April. ARC members have asked Committee to produce some guidance to assist members through the process and this is attached below.

It is important to say at the outset that ARC's guidance is not designed to replace that which HMRC has put in place. What follows is designed to supplement official guidance and to make sure that ARC members, whether manager or managed, are prepared to deal with the impact of the decisions and recommendations that they are being asked to make either for themselves or on behalf of others. It is in the interests of all members that you make yourself familiar with the official guidance and the briefing packs before embarking on 1-2-1s.

We have promised that we will support our members through the process and this briefing is a step along that way. We are also available to give ongoing support to our members and to attend appeal meetings should we be required to do so. If you do need assistance we would ask you, at the first instance to contact your local Centre Secretary, one of the regional reps listed at the end of this note or ARC's casework team. But remember that we are a small union and our resources are tight, so please make sure that you have considered all of the guidance available before referring the matter up.

We have included hyperlinks to HMRC's guidance however you should be aware that the links will, in most instances, only work from an HMRC machine.

ARC Committee
Date 16 February 2016

ARC: 1-2-1 Guidance for Members

Background

HMRC's round of 1-2-1 meetings for staff in offices proposed for closure in 2016/17 and the early part of 2017/18 will begin very soon. Meetings for 2016/17 commence on 25 February and the process is timetabled to be completed (including the resolution of appeals) by mid-April.

HMRC issued revised guidance on the 1-2-1 process at HR51007 and HR51008 on 15 February 2016 and a series of briefing packs for colleagues, managers and decision makers; including FAQ's and case studies will follow shortly. It is important to say at the outset that ARC's guidance is not designed to replace that which HMRC has put in place. What follows is designed to supplement official guidance and to make sure that ARC members, whether manager or managed, are prepared to deal with the impact of the decisions and recommendations that they are being asked to make either for themselves or on behalf of others. It is in the interests of all members that you make yourself familiar with the official guidance and the briefing packs before embarking on 1-2-1s.

Although we question the wisdom of HMRC in forcing large numbers of its people into making longer journeys to and from their place of work every day at a time when the technology exists to make significant improvements to the modern working model and work life balance by recognising the mutual benefit of alternative arrangements, we have been consulted in the production of HMRC's revised guidance and the briefings which will follow. We have promised that we will support our members through the process and this briefing is a step along that way. We are also available to give ongoing support to our members and to attend appeal meetings should we be required to do so. If you do need assistance we would ask you, at the first instance, to contact your local Centre Secretary, one of the regional reps listed at the end of this note or ARC's casework team. But remember that we are a small union and our resources are tight, so please make sure that you have considered all of the guidance available before referring the matter up.

The key issue for everyone to remember throughout this process is that the principal questions to be addressed are whether colleagues can move to a new office and what HMRC can do to support them - whatever their circumstances. There will be an assessment of whether you are within or outside of Reasonable Daily Travel of the new office, whether transitional or

permanent, and managers will make a recommendation which will be shared with you, but the final decision will be taken outside of the initial one to one meeting. It is also important remember that the decision on whether you can move is not the end of the matter, particularly for those of you who are well outside of RDT and unable, for whatever reason, to travel to your new office. You must think carefully about your own personal circumstances and what any proposed move will mean for you.

Everyone must also keep the word “reasonable” to the front of their thinking. There is an onus on us all to apply that approach; whether colleague, manager or decision maker. ARC is confident that our members, whatever their part in that process, will do just that but as HR51007 says, the term is not an easy one to define:

“The mobility guidance must be exercised **reasonably**. It applies to the consultation, decision-making, notice period and grievance processes, as well as the decision itself;

Note: It is difficult to provide concise definitions of 'reasonable'. A good test is to ask “Would an independent third party consider that I have behaved reasonably?” and “Would they consider moving this individual is reasonable in the light of all the information available?”

The problem with a definition like this is that an element of subjectivity is almost certain to come into play, however it is a definition with which ARC can agree, what is essential is that no one loses sight of it.

Before the 1-2-1

Everyone in an office proposed for closure is expected to attend a 1-2-1 meeting, usually with their manager, to discuss the options which may be open to them. The discussions are mandatory as HMRC consider the invitation to be a reasonable management request. The tone of the changed wording in the guidance is unnecessarily heavy handed however we would, in any case, have been advising members that it is very much in their best interests to attend a meeting and to put their case as clearly as possible.

HR 51007 sets out what Business areas are required to do in planning moves and carrying out 1-2-1 conversations. It includes telling affected colleagues:

- the details of the move (including facilities available at the new location);
- options where there is more than one new location or work area to consider
- the reason for the move;
- the effects of the move, including any changes to Flexible Working Hours arrangements;
- the timing of the move, including expected notice periods;
- the different duties and any training that will be provided, where appropriate;
- the relocation assistance they may be entitled to claim

In addition businesses will:

- answer questions and provide more information throughout the consultation process;
- ensure that all affected staff attend a 1-2-1 meeting to discuss the move, and
- ensure that all 1-2-1 meetings are carried out in accordance with that guidance;

In advance of the 1-2-1 meeting itself colleagues should know where HMRC is proposing to move their jobs to and what they will be expected to do there. However, if locations are not known with certainty then the crucial issue of commuting time cannot be fixed with any degree of accuracy. With only a week or so to go before 1-2-1s begin, and at the time of preparing this guidance, colleagues don't yet know exactly where in Croydon and Stratford the new office buildings will be located. Some indication has been given that the Croydon office should be no more than ten minutes' walk from East Croydon station. We suggest therefore in the absence of clarity that members incorporate a figure of ten minutes into their calculations for walking time from either East Croydon or Stratford stations and clearly make the point that this figure will need to be revisited when the exact locations of the new buildings are known and the respective travel times established with precision. Similarly, colleagues who may be asked to travel to Ipswich as a transitional site should model their potential journey to either of the current offices in that city pending confirmation of which one it is they will be expected to move to.

The 1-2-1 Meeting

ARC has stressed to HMRC how important it is that the guidance and training for 1-2-1s be as comprehensive as possible, we are concerned that the training in the current round will be delivered by dial-in. However, 1-2-1 meetings will be between line managers and their staff and those managers should be familiar with the geography of current and anticipated locations and with the travel options available. Many managers will be ARC members and we are here to support our manager members also.

The 1-2-1 is a fact finding meeting to determine whether the member of staff can move to the new office and whether he or she is within or outside of Reasonable Daily Travel of that office; whether final Regional Centre or a Transitional site. The manager will make a recommendation, which is open to the member, and will capture the evidence that is submitted at the meeting. However a final decision will not be arrived at during the 1-2-1. On that basis, the 1-2-1 should not be confrontational and you should not expect it to be so. Notwithstanding that, members have contacted us about the withdrawal of the existing right for colleagues to be accompanied at the initial 1-2-1 meeting by a Trade Union rep.

The revised guidance allows for members to be accompanied by a trade union rep at any appeal meeting, however that right does not extend to the initial 1-2-1 meeting. By exception, and where the manager agrees that support is needed, the guidance indicates that it may be appropriate to ask a colleague to accompany you to the 1-2-1 discussion. If you are concerned about the upcoming meeting and feel that a colleague should be invited to attend then you should ask. If that is not agreed then you should ask that your request, and its refusal, be recorded.

Preparation

We cannot stress forcibly enough that you must be prepared before you go into your meeting, do not leave matters to chance irrespective of the outcome you expect. Research your journey fully and carefully in advance and take that information to the meeting. It is essential that you also think about your domestic situation, your caring responsibilities and the impact of any proposed journey on your own health and wellbeing.

You will need to consider the method(s) of transport you will need to use to get to your new office, which may of course be different from the way you get to your present office - particularly if you drive to work at the moment. You should be able, with your manager's agreement, to make test journeys to your new office at HMRC's expense, but if you do that, remember to make those journeys at the times of day when you will be commuting to and from your new office. Travel in the extended morning and evening rush hours is likely to be a very different proposition from the same journey if you only try it in the middle of the day, the late evening, or at the weekend.

Remember that the time being measured is from the doorstep of your house to the doorstep of your new office. There are no notional deductions for current commuting times, nor is what is being measured the time from your present office to the new regional centre or transitional site. We have heard it suggested that if you are within RDT of your new office you are not entitled to assistance; that is not correct and you should consider your changed circumstances in light of the current guidance on Daily Travel Assistance a link to which appears at the end of this note. But please be aware that this link will only work from an HMRC machine.

Bear in mind that you will need to arrive at your bus stop or railway/tube station in good time to catch your bus or train - commuting is a stressful activity anyway, and compounding it by having to hurry to avoid missing a bus or train is not a great idea. Your commute may also look significantly different on the way home from what it looks like on the way to work. If you board your morning train close to or at the station where it begins its journey, you may well get a seat, but if, on your way home, you are not boarding your train at its point of origin, your chances of ever getting a seat may be zero. Stratford and East Croydon, picking two places not particularly at random, are on very busy routes. Also consider the effect on your commute if you need to change buses, trains or tube lines; or need to use different modes of transport, on the commute to your new office. Apart from the effect on journey times, such changes will make the journey less bearable than it would otherwise be, and less reasonable for you to be expected to undertake.

If you have a disability or other health condition that affects your ability to undertake the proposed journey to your new office, or you have caring responsibilities that would prevent you from being able to undertake such a long commute, do mention this at your 1-2-1, and do so even if it is not something you have ever raised with your manager before - if the

department isn't aware of your individual circumstances, how can it take them into account?

Be realistic about your situation - you may for example prefer to drive to work rather than take the bus or train. However, unless there are factors that might restrict your ability to use public transport, if it will take longer to get to your regional centre by driving than it does on public transport HMRC will not pay five years' DTA rather than three if the difference arises because you choose, without good reason, a different mode of transport.

Members will be aware of the un-agreed announcement in the autumn that the department considers that Reasonable Daily Travel [RDT] to offices in the London area is about an hour and a half each way. ARC pushed back strongly against that interpretation and HMRC has returned to the phrasing in current agreed departmental guidance. The test is one of "reasonableness" taking into account all of your circumstances; although journey length is important it is just one of a number of aspects to consider. There is much reference to tools like Google maps being used to assist you in determining the length of a prospective journey. Whilst such tools are useful they are no replacement for actual live experience, an important point to draw out at meetings. Managers and Decision Makers should be familiar with the current office and journey, and with the new, but make sure that you present your evidence.

What Happens Next?

If the outcome of the 1-2-1 is that you are within RDT of the new office and you agree, you will be expected to move with the work and if the journey costs more than your current journey then you can expect help with Daily Travel Assistance (DTA) for up to three years.

If you are outside of RDT, and you agree, the position is a bit more complex. HMRC cannot impose a move on you but if you are outside RDT you can, if you wish to, agree to move to the proposed transitional office or regional centre, if you do so without moving house you will be eligible to claim five years' DTA. We do not think the department will seek to move anybody towards the exit door if they are not within RDT of a regional centre but are nonetheless willing to go there however it is important to remember that HMRC owes a duty of care to its staff and unfeasibly long journeys may simply not be possible.

If you do not agree with the decision as to whether you are inside or outside of RDT then there is an appeal process which will be set out in the decision letter. If you need our help, then ARC will assist with your appeal as necessary and, should that lead to an appeal meeting, ARC will be able to accompany you to that if you ask us to.

However it is important to remember that the 1-2-1 meeting is not just about establishing how long it will take you to get to your new proposed office, it is also your opportunity to find out more about where you are being asked to work and what you will be expected to do there. You are also entitled to raise and to ask HMRC to consider and discuss alternative options which you consider may be open to you. In the first place it may be easier for you to get to a different regional centre from the one to which your job is envisaged to move. There may also be cases where a move to a transitional site may be outside of RDT whilst a move to an alternative office until a new Regional Centre is built is more viable. HMRC's guidance suggests that there is flexibility to consider working part of the week in one place and part in the other as a transitional measure. The important thing to note is that the circumstances for each individual will vary to a great extent.

Claiming Home Moves Assistance [HMA] and additional Housing Cost Allowance [AHCA] in order to move house as part of a move to a new office outwith RDT is still an option open to you and HMRC where it suits both, although it is played down in much of the communications that we are seeing. If a move of home is a viable proposition for you then you should request it. The guidance does not say that there will be no home moves. If this is an option you would like HMRC to explore then make the case but you should be prepared to provide evidence as to why it is in the interests of the business to accept your request. The onus should be placed on HMRC to consider such a move and if it cannot be accommodated then it should explain why. ARC members are a very valuable asset to HMRC.

You may also wish to ask HMRC to agree some form of home or remote working arrangement. The members' survey ARC has just conducted revealed that many members would be interested in taking up home or distance working in order to be able to continue their career in HMRC. The one to one guidance states that working from home is almost certainly not an option but, as with HMA, it does not say that there will be no home working. You should also be aware that from 30 June 2014 every employee has the statutory right to request flexible working after 26 weeks employment service- see HR32011. ACAS also provide guidance on this which you can find [here](#). If you feel that a case can be made then consider your

current role and whether that needs to be tied to a specific location; think about the value you give to HMRC and how you do that. Are there other alternatives available? If you are an investigator or accountant going out to meet customers regularly would a drop in pattern work? If you have a policy role could you do some of your work distant from London or your office? There are examples of people who do that at the moment so why restrict that opportunity? The technology exists to make these working patterns viable and ARC will monitor applications made by members to see that they are considered in an open-minded and reasonable manner, and not simply refused as a matter of rote.

If you do decide to raise the possibility of home working at your one to one meeting, do give a lot of thought to the matter beforehand - it will not be for everybody. But it ought to provide a viable alternative (especially given modern IT capabilities) for many members who may otherwise face huge detriment to their work/life balance and to their finances because of the huge additional cost in time and money just to continue getting to work or for those who find themselves at a great distance from their nearest office and unable to carry on in their occupation. If you think home working may be for you, go armed with facts and figures to your meeting - you ought to be able to show a positive financial effect for HMRC, as well as for yourself.

If the outcome of your one to one meeting is that you are not within RDT of the regional centre and cannot travel there; and you are not subsequently offered and accept HMA; or you do not seek or are not granted some kind of remote/home working arrangement, that will start you upon a path which may ultimately lead to your exit from HMRC. HMRC will place you in the redeployment pool which could eventually lead to a move to another government department or an exit from the civil service. That is a very unpalatable thought for many people, however we know that some of our members are already contemplating that outcome and ARC fully expects the possibility to be raised at 1-2-1s where offices are at a considerable distance from any Regional Centre or Transitional site. ARC believe that if an exit may ultimately be the outcome, then the very least HMRC owes our colleagues is an early answer to the legitimate questions they will have as to what that process looks like, how long it will take, and what the end result might be. HMRC has to be ready to deal with those questions and to place our manager members in a position where they are confident to deal with them at the 1-2-1.

The key to this is for everyone to remember the reasonableness test and to be flexible around their thinking before, during and after the 1-2-1 meeting. Please make sure that you read the most recent version of HR51007 and

HR51008 and the department's guidance before attending your one to one meeting and if you do need further assistance call; your centre secretary, one of the team listed or the ARC casework team.

ARC Committee
16 February 2016

Other sources of Information

NB The attached Links will only work from an HMRC machine:

- [Guidance on redeployment and the one-to-one process](#)
- [Guidance on mobility and transfers](#)
- [Guidance on changes to terms and conditions](#), in effect since 1 May 2013
- [Guidance on Reasonable Daily Travel](#)
- [Guidance on Daily Travel Assistance](#)
- [Guidance on Home Moves Assistance](#)
- [Guidance on reasonable adjustments](#)

Regional Reps

Northern Ireland	Eva Braniff	eva.braniff@hmrc.gsi.gov.uk	03000 511453
Wales	Dave Cooper	david.b.cooper@hmrc.gsi.gov.uk	03000 529120
Scotland West	Eugene Mitchell	eugene.mitchell@hmrc.gsi.gov.uk	03000 516141
North East	Julie Blayney	Julie.blayney@hmrc.gsi.gov.uk	03000 556918
Yorkshire & Humber	Loz Hutton	laurence.hutton@hmrc.gsi.gov.uk	03000 568422
Scotland East	Steve McFarlane	steven.mcfarlane@hmrc.gsi.gov.uk	03000 568798
West Midlands.	Vicky Johnson	vicky.johnson2@hmrc.gsi.gov.uk	03000 570640
London.	John Parkhouse	john.parkhouse@fda.org.uk	03000 589484
East Midlands	Frances Hunter	frances.hunter@hmrc.gsi.gov.uk	03000 589570
South East.	Jim Rogers	jim.a.rogers@hmrc.gsi.gov.uk	03000 588833
East of England	Paula Houghton	paula.houghton@hmrc.gsi.gov.uk	03000 592248
South West	Graham Flew	graham@fda.org.uk	07745 911590
ARC President	Tony Wallace	tony@fda.org.uk	07974 650097
Nth West (Liverpool)	Amy Carr	amy.carr@hmrc.gsi.gov.uk	03000 547358
Nth West (Manchester)	Ian Morgan	ian.morgan1@hmrc.gsi.gov.uk	03000 532435