

Considerations for reopening offices (again)

Now that the “work from home” guidance in England has been withdrawn, many employers will be reopening their offices once again.

With our ways of working having changed fundamentally, the ongoing requirement to be Covid-secure and, for some, an increasing pressure to review costs, employers have many things to consider.

Our checklist sets out the key considerations for businesses relating to their premises, their employees and their data along with links to our guides providing further information.

Short term considerations



Staffing occupancy and other measures to manage safety

Do you have a process for deciding how many employees can return to the office and when?

Will you be asking employees to wear face masks – at all times or just when moving around the building? Or specifically when employees are meeting with others they don’t normally mix with?

Will you be asking employees to take lateral flow tests before coming to the office? What if they are identified as a close contact?

Will you still operate a maximum occupancy level even though social distancing requirements have been relaxed? How will desk allocation work? Will employees need to book in advance?

Have you considered “cohorting” to reduce the number of people each employee has contact with at work?

Are you keeping a record of all staff working on your premises and their working times and contact details, to assist NHS Test & Trace?

Even now restrictions have been lifted, not all employees will be willing to return immediately. Have you considered clinically vulnerable employees and public transport users?



For more information, see our [FAQs on staffing decisions when reopening workplaces](#).



HR policies and procedures

Have you reviewed and updated your risk assessment? Have you reflected on the procedures and arrangements in place when the office was last open, and whether those were effective? How are you communicating the outcome of your assessment to employees? Are you consulting employees on your reopening plans?

Do employees know what they should do if they have concerns about potentially unsafe practices at work? Have you been clear that you welcome employees raising these issues via your channels? How will you investigate any concerns and inform employees about any action you've taken? Do you have the relevant resource available to do this if you are still in the return to work phase? Have you been clear that employees should remove themselves from any obviously risky practices e.g. close face to face contact?

Have you reviewed pay and absence policies? Are employees clear about their entitlements and obligations if they are unwell with Covid-19 or test positive for Covid-19.

Have you reviewed your policies on isolating as a close contact? Now that fully vaccinated individuals are exempt from close contact self-isolation will you still pay full pay to unvaccinated individuals who must self-isolate?

Do you need to introduce a vaccination policy, covering time off to get the vaccine or booster, what happens about short-term side effects and your policy stance on vaccination? Are you considering mandating the vaccine and, if so, what exemptions will you make (e.g. for medical or belief reasons) and how will you enforce this requirement and manage the risks of claims?



For more information, see our [FAQs on workplace testing](#), our [FAQs on vaccination](#) and our [table of steps to mitigate the risk of employment claims on return to work](#).



Flexible working

Any changes in work location and hours are likely to need to be applied for, with a set process that takes into account the legal and practical issues. On location, are you prepared to say as a standard approach that employees can work at home/remotely for a certain proportion of their agreed working days/hours – e.g. 20/40/60% without the need to apply – i.e. employees can just inform their manager of their intentions? Or with a shortened, likely to be agreed, process? And a more involved process if they ask for more than the default?

What minimum level of time in the office will be the default position? Have you considered your unique roles and the benefits of in-person contact for those?

What roles will routinely have a requirement of more or less time in the office than the default?

Will a change to the default position of in-office working apply to everyone? If not, who would it not apply to, and how will they react if all their colleagues receive a perceived benefit of greater flexibility?

As part of this process, how will you deal with employees who want to work remotely far away domestically (e.g. Cornwall) or from a different jurisdiction (on a temporary or permanent basis)?

Will the current process and thinking remain for requests to change normal working days/hours?

You may want to consider a future focus to be on output, rather than work hours. If so, what metrics will be key generally (and separately in role specific terms) to determining the output achieved? Will this vary from role to role? What is in place now in terms of output measurement? Are there any benchmarks in place? Are there any roles where objective figures alone could determine this (e.g. sales?)



Ventilation

Have you reviewed the adequacy of your ventilation systems in the light of the [Health & Safety Executive's latest guidance](#) and taken steps to maximise fresh air and improve ventilation?

Have you arranged for CO2 monitors to test adequate ventilation, and do you need to make any alterations to ensure ventilation that will require consent?



Water quality

Have you checked that the relevant legionella assessments for the water system have been carried out before your staff return, even if this is the responsibility of your landlord?



Health data

Have you familiarised yourself with and implemented the ICO's "[Data Protection and employee data during coronavirus – six data protection steps for organisations](#)" guidance?

What employee data have you decided it is necessary to collect, e.g. temperature checks, self-isolation, confirmed positive Covid-19 cases, vaccination data, workplace testing etc.?

Have you considered the NHS Covid-19 QR code poster? If it is appropriate will you require employees to download the NHS Covid-19 app and scan the QR code upon entry? If so, how will you address the issue of employees who do not wish to do so?

If you are still planning temperature checks before employees can access the office, what is the process should an employee have a temperature that raises a concern? How have you communicated this process to the employees? What data, if any, will you collect, process, store etc.? What support will you provide for the employee in these circumstances? How will you notify any other employees who have been in close proximity and what data do you hold that would allow you to do so?

Will you be running an onsite lateral flow testing programme or encouraging employees to take lateral flow tests at home?

What policies and procedures do you have in place if an employee should be contacted by NHS Test & Trace while at work and notified that they have tested positive or have been identified as a close contact of someone who has Covid-19 and need to self isolate? Do they know that they should they leave the office immediately and report this to you? What support will you provide for the employee in these circumstances? How will you notify any other employees who have been in close proximity and what data do you hold that would allow you to do so?

If you are mandating the vaccine, implementing a "no job, no job" policy for new employees or collecting details of vaccination status, have you undertaken a Data Privacy Impact Assessment, considered how you will hold this data, how long you will store it, how you will record any refusals, whether on medical grounds or not?

What will you do if you receive confirmation about an employee's positive test for Covid-19? How have you balanced their confidentiality and right to privacy against your duty of care and health and safety responsibilities? Will you inform employees without revealing the identity of the employee concerned? What if other employees raise concerns and worry they may have been in close contact with the employee concerned? What data will you hold, process and store – and for how long?

Health data (continued)

What processes do you have in place to deal with a report of unsafe practices at work? How will you keep the data safe and secure, in particular to ensure confidentiality for the whistleblower?

Have you challenged yourself to ensure the data you plan to collect is actually needed to implement your measures appropriately and effectively? How will you keep this data secure? What is your retention policy for such data? Do you need to update any existing policies? Have you thought about the need to review, delete or anonymise this data?

How have you and how will you communicate your plans to hold such data to your employees? Have you been clear and transparent about who you will share this information with, how long you intend to keep it etc.? Do you need to update your privacy notice? What if an employee opposes your plans? What process have you put in place to resolve such a situation?

What are your plans to keep the situation under review as employees return to the office? What if it becomes apparent you need to collect additional data, or even stop collecting some data, alter a policy or process? How will you ensure transparent communications with employees so they can exercise their information rights should they wish to do so?



For more information, see our [FAQs on workplace testing](#) and our [FAQs on vaccination](#).



Re-configuring the workplace and signage

Have you reconfigured your space to allow for assigned individual workstations, limiting face-to-face contact, ensuring ventilation and other Covid-secure measures?

Have you familiarised yourself with the relevant sector-specific guidance on how to [work safely during coronavirus](#)?

Do you need to rearrange existing partitions or install new ones and need the landlord's consent to do so?

Will you need to make alterations (involving anything beyond partitioning) which are likely to require consent?



For more information, see our [FAQs on managing a safe return to work](#).



Security

How are you ensuring all employees, whether remote working or office working, are keeping the IT system secure by applying any necessary updates in a prompt manner? How will you ensure this going forward when there will be a greater mixture of remote workers and those in the office (who may receive an automatic update the next time their laptop is docked)? Do you need to revisit your IT policies and procedures so it is clear what is expected of employees? Do you need to communicate to employees the importance of these upgrades to prevent data breaches?

Have you put in place/updated your information security policies to deal with continued homeworking, if appropriate, e.g. maintaining confidentiality at all times to prevent access to data by others?

How will you deal with confidential work-related papers that are no longer required? Will you ask employees to bring them back to the office so they can be shredded and disposed of safely? Have you balanced the risk of this request against the possibility they may be lost in transit to the office?



Rent concessions and breaks

Have you benefited from any form of rent concession to date and would you like it to continue?
Have you approached your landlord to renegotiate?

Do you have an upcoming break option or is your lease soon to expire?



Re-sizing the workplace and outside space

Do you need to resize to reflect changes to the office based workforce?

Are you looking to reconfigure to accommodate Covid-secure mitigations?

Have you approached your landlord to discuss what can be agreed regarding resizing and reconfiguration?

Have you considered a sublease of part to generate additional income to pay your rent without relinquishing the space entirely? Have you checked the terms of your lease to see if a sublease of part will require the consent of your landlord?

Can you make better use of any outside space, perhaps to create outdoor meeting areas or communal space for use in the summer months? Is there any additional outdoor space in or around your building which you could use or repurpose? Have you discussed options with your landlord?



For more information, see our [FAQs for Tenants during Covid-19](#).



Common and shared areas in the workplace building

Are you a tenant of a multi-let building in which common parts (such as the reception area, meeting rooms and lifts) are used by other occupiers? Has the landlord introduced new rules as to how these common areas are used to keep the building Covid-secure? Have these new rules been communicated to all staff and users of the building?

Has your landlord sought to recover additional costs via the service charge regime in your lease for any new services they need to provide (for example, costs of regular deep cleaning of common parts, new signage, changes to access arrangements)? Have you reviewed your lease to check that such additional costs can be charged and if so, updated your budgets?



Fire safety

If you have altered your space in any of the ways detailed above, have you updated your fire risk assessment to reflect the new layout?

Do you need to update your fire evacuation routes and assembly points too?

Looking further ahead



Living and working from home more remotely

Will there be any objection if employees decide to live and work from home more remotely from the base office than now?

Will there be any rules about proximity to the office domestically? (e.g. is it OK to go and live in Cornwall/Liverpool/Lake District/Scotland etc.?)

What about internationally? (e.g. is it OK to go and live in France/EU/Dubai/Barbados etc.?)

If so, what rules are likely to apply? (right to work, visas and nationality/proximity/time limits/any limitations on work done, seniority etc.)

If you allow homeworking from certain regions domestically but not others, what is the thinking behind this?

If you allow homeworking from certain countries internationally but not others, what is the thinking behind this?

For remote working overseas, what is your policy on dealing with immigration, taxes and social security issues?

Will pay or any benefits be affected if employees choose to work remotely?



Office plans

What is the plan for your office in the future? Is it roughly as now, but perhaps more focus on face to face collaboration when people are in the office?

Will you consult about this? Formally or informally?

Would you consider suburban office hubs as well as HQ offices?

If the idea is to majority home-work, will you help fit out a home office? What will you pay for and not pay for? What about heating and consumables?

Are there any plans to change the layout/use of the office space if less people will be working from it full time?

Can employees choose to work from any different office?

For employees working from home longer term, how will you carry out risk assessments? Will there be any measuring of working hours, controls on overwork or any other measures to help ensure that employees disconnect?

Will you require a certain number of days in the office each week/month?
Will the costs of attending the office be reimbursed?

Will you consider exceptions to any rules about minimum office presence?

Will you be able to require employee presence in the office at any time? What notice will be given?



For more information, see our [FAQs on working from home](#).



Premises exit strategy: stay or go?

If your lease is going to expire in the next few years, have you considered whether you are likely to want to stay where you are and seek to negotiate a new deal with your current landlord?

Have you considered whether you are likely to want to move to new premises, perhaps because your current offices are no longer suitable? If this is the case, have you considered what the "must-haves" are on your office shopping list and consulted with local agents as early as possible?

Are you clear on how much office space your business will need in the medium-to-long-term future? Have you considered the use of "third spaces" to bridge any gaps between formal office working and home-working for the time being e.g. local hotels converting redundant space into serviced offices and companies offering membership giving on demand access to workspaces nationally and internationally?



For more information, see our [FAQs for Tenants during Covid-19](#).



Maintaining culture, sanity and career paths

How will the company maintain its distinctive culture, working largely remotely?

How will you maintain high levels of staff engagement?

Will there be a variety of ways staff can interact? What about office socials – what is the plan?

How will you deal with those who really need an office environment to thrive?

How will you continue to attract top talent to the business? Is there a concern that moving to a largely remote working environment risks losing out on talent, particularly graduates/those at the earlier stages of their career?

Is there a specific plan to ensure junior staff are developed properly in their careers and learn appropriately from senior staff?

What thoughts have you had in terms of mitigating the particular pressures that remote working causes for diversity, equality & inclusion?

Should you need support on any of the considerations covered in this checklist as you commence and implement your office reopening plans, please contact:

This publication provides general guidance only: expert advice should be sought in relation to particular circumstances.

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