**To:      Business & Operational Continuity Committee (BOCC)**

**COVID19 Exit Strategy Group (CESG)**

Dear Member

Following member queries as to how the authorities were approaching the change in the Government’s position regarding staff working-from-home, we have now received correspondence from the FCA.  In follow up conversations, the FCA has stressed that their position that it is firms who are best placed to decide which staff can and cannot work from home “effectively”, but they should review their policies against the government’s most up-to-date guidance.

Thank you

Rogan

1. **Question:** *Members are keen to better understand the expectation around staff who have already transitioned into the office (for a variety of reasons).  Is there a requirement to reverse staff back to WFH wherever possible or can the current status can be maintained?*

**Answer:** The UK government has [stated](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fnews%2Fcoronavirus-covid-19-what-has-changed-22-september&data=02%7C01%7Candrew.rogan%40ukfinance.org.uk%7C8afdda8cca544cb1ac8a08d86a0ae388%7C70e4dd2eaab74c6aa8823b6e7a39663e%7C1%7C0%7C637375942292487973&sdata=0ZjgPgw3O1BVjHhelhCCVBcIbunjQNSY0O5rABQqJgo%3D&reserved=0) that “office workers who can work effectively from home should do so over the winter”. As indicated in the FCA’s [u](onenote:)[pdated statement on work-related travel](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.fca.org.uk%2Fnews%2Fstatements%2Fwork-travel-responsibilities-senior-managers&data=02%7C01%7Candrew.rogan%40ukfinance.org.uk%7C8afdda8cca544cb1ac8a08d86a0ae388%7C70e4dd2eaab74c6aa8823b6e7a39663e%7C1%7C0%7C637375942292487973&sdata=DZGhw4Io9ZJObUldgc3sBYAAAE4RCCtxWqvU5URt4cs%3D&reserved=0) and [the PRA’s statement](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.bankofengland.co.uk%2Fnews%2F2020%2Fmarch%2Fguidance-for-schools-colleges-and-local-authorities-on-maintaining-educational-provision&data=02%7C01%7Candrew.rogan%40ukfinance.org.uk%7C8afdda8cca544cb1ac8a08d86a0ae388%7C70e4dd2eaab74c6aa8823b6e7a39663e%7C1%7C0%7C637375942292497966&sdata=r8RtUYh4Yh8oiQXmpaCOr%2BbQlLPknPbmoaDo1uDZLkQ%3D&reserved=0), firms should continue to follow the UK Government’s and devolved nations’ advice closely and take account of changes in the applicability of local or national lockdown restrictions. Firms will need to review and update the working arrangements they have in place on a continuing basis.

1. **Question:** *On timeframes, members would like to know that with respect to reverting back to working-from-home, what are the authorities expectations with respect to urgency and how quickly are firms expected to action this transition?*

**Answer:** The government's announcement on Tuesday 22 September took effect on Wednesday 23 September**.** This advised that office workers who can work effectively from home should do so as soon as possible.

1. **Question:** *What will be the expectation on firms and Senior Managers in encouraging working from home and will the onus be with the firm to determine where staff members are critical enough to be in the office?*

**Answer:** Firms are best placed to decide which staff can and cannot work from home effectively, as described in [the government’s guidance](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fnews%2Fcoronavirus-covid-19-what-has-changed-22-september&data=02%7C01%7Candrew.rogan%40ukfinance.org.uk%7C8afdda8cca544cb1ac8a08d86a0ae388%7C70e4dd2eaab74c6aa8823b6e7a39663e%7C1%7C0%7C637375942292497966&sdata=iKqMfzy2Du3MJ2XHSVuIh%2FRm0D3H8V1Kbn7%2FqkuI%2B14%3D&reserved=0). The [FCA](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.fca.org.uk%2Ffirms%2Fkey-workers-financial-services&data=02%7C01%7Candrew.rogan%40ukfinance.org.uk%7C8afdda8cca544cb1ac8a08d86a0ae388%7C70e4dd2eaab74c6aa8823b6e7a39663e%7C1%7C0%7C637375942292507958&sdata=6cVZeV6bKauytdh7f4BE1kILkJi1f4dWiq9u%2BfoKh3I%3D&reserved=0) and the [PRA](https://eur01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.bankofengland.co.uk%2Fnews%2F2020%2Fmarch%2Fguidance-for-schools-colleges-and-local-authorities-on-maintaining-educational-provision&data=02%7C01%7Candrew.rogan%40ukfinance.org.uk%7C8afdda8cca544cb1ac8a08d86a0ae388%7C70e4dd2eaab74c6aa8823b6e7a39663e%7C1%7C0%7C637375942292507958&sdata=t5d8XFFUuq1eWlWXwy5yqRtzEcteBF9rGTtXvpjkAqM%3D&reserved=0) have stated that we recommend that the Chief Executive Officer Senior Management Function (SMF1) is accountable for ensuring an adequate process is in place for identifying which staff meet the definition. We have also stated on our website that firms should continue to follow Government guidance.

We note that the term ‘key workers’ is not used in the UK Government’s recent guidance and instead, the government has asked that employers, in consultation with their employees, determine whether “an employee can carry out their normal duties from home”. We have retained our statement relating to key workers because the term is still relevant in some areas due to local lockdowns.

1. **Question:** *Many of these questions have arisen as during the initial lockdown in March, a number of firms reported that their supervisors engaged with their firms on the number of staff they had in the office quite energetically and challenged them on staff members in the office at that time.  Can we expect similar engagement?*

**Answer:** We will continue to engage firms to understand current market practice and gain insight into operational resilience and other issues. We also expect firms making or altering arrangements to adhere to government advice should continue to disclose anything we would reasonably expect notice of, under Principle 11 and SUP 15 (where applicable). However, it is for firms to follow the UK Government’s and devolved nations’ advice and advise the FCA and PRA where asked and where appropriate.

Thank you, we will revert with more information as it becomes available.

Rogan