

Flexible Working

The Importance of Flexible Working

Flexible working has become an increasingly important issue for employers, employees and policymakers. There are three main reasons why employers should consider introducing flexible working options for their employees:

- Changes in society have created a diverse workforce. Parents may have children at a point when their career is already established, and working people are increasingly involved in caring for elderly parents. In general, individuals wish to pursue their own goals, interests and ambitions alongside their commitment to their employer.
- Widespread skills shortages mean that employers have to take account of individuals' preferred working arrangements if they are to recruit and retain the best staff.

Benefits that organizations can potentially achieve from the use of flexible working include:

- Making the best use of the available labor;
- Improving customer service;
- Increasing productivity;
- Reducing absence, resignations, sickness and stress;
- Attracting a wider range of candidates;
- Reducing recruitment costs;
- Retaining valued employees;
- Increasing employee commitment, morale and loyalty; and
- Improving their ability to deal with change through innovation and creativity.

There are various reasons why employees might want to work more flexibly, including caring commitments and personal preferences. If these aspirations are accommodated, employees may gain:

- A greater sense of responsibility, ownership and control of their working life;
- Improved relations with management;
- A greater sense of well-being and reduced stress levels;
- More time to focus on life outside work;
- Better ability to cope with their caring responsibilities; and
- A greater opportunity to continue their career.

What is Flexible Working?

In essence, "flexible working" involves employers making adjustments to their preferred working arrangements to accommodate their employees' preferences.

For example, an organization may prefer that its employees work in the office, and are present between 9 a.m. and 1 p.m., and 2 p.m. and 5 p.m., Monday to Friday. However, some of its employees may prefer to work different hours. Their reasons for this might include:

- Caring responsibilities with regard to a child or an elderly parent;
- Disabilities, such as mobility problems, that make the commute to the office every day difficult; and
- Personal preferences, such as being a "morning person" and preferring or needing to start the work day early and finish early.

"Flexible working" for this organization could involve allowing employees to deviate from the 9 a.m. to 5 p.m., Monday to Friday, office-based culture by, for example:

- Starting work at 9.30 a.m. and finishing work at 5.30 p.m., to take a child to school or check on an elderly parent in the morning;
- Working from home for a number of days each week; or
- Starting work at 8 a.m. and leaving at 4 p.m. for commuting ease or other reasons.

More radical options for this employer could include allowing employees to work during term time only or setting up a flex-time scheme so that employees can adjust their hours from day to day and save up time off to take at a later point.

The employer could even allow employees to take a career break if, for example, they have young children to care for, or take a sabbatical to travel or undertake an extended period of voluntary service, for instance.

The Right to Request Flexible Working

It is sound business practice for employers to offer the same opportunity to request flexible working to all their employees, whether or not they have specific caring responsibilities or any caring duties at all. Many organizations already do so and apply the same decision-making process to all employees who lodge a flexible-working application.

Because there are minimum standards for employers to handle and respond to flexible working requests under the statutory right, it is a good idea for employers to develop a flexible working policy and procedure for their organization.

The Main Barriers to Flexible Working

According to employers, the main barriers to flexible working include:

- Operational difficulties;
- Additional pressure on other workers who are not involved in flexible working;
- A detrimental impact on customer service;
- Resistance from managers to the necessary changes;
- Work-scheduling difficulties;
- Additional costs;
- The effect on the quality of work;
- Discontent among employees not included in flexible working;
- Difficulties in communicating with employees; and
- Reduced employee flexibility.

Training and Supporting Supervisors

Even though a company's decision to introduce flexible working will have been taken at senior management or board level, the organization's first line and middle managers can make or break the initiative. This is because:

- They have considerable influence over the organization's culture, in particular whether or not attendance at the office for long periods of time is expected; and
- They will be responsible for making any flexible working arrangements work in practice.

It is good practice for employers to ensure that their supervisors are fully involved in the decision to introduce flexible working. Their early involvement is likely not only to help produce a workable arrangement, but to assist in gaining their buy-in to the flexible working concept. Employers should ensure that the potential business benefits are communicated and understood. They will also need to acknowledge that practical difficulties will have to be overcome.

It is important for employers to provide training for supervisors to help them manage employees who transfer to flexible working. This is particularly so where telecommuting is involved.

Managers need special skills to accommodate the flexible work schedules of their employees. Flexible working tends to demand higher levels of certain skills, such as leadership, communication, assertiveness, teambuilding, decision-making and coaching. It is, therefore, key for employers to ensure that all supervisors are given a good grounding in people management skills.

Introducing Flexible Working

Employers cannot afford to ignore flexible working. At any time, they might receive a request from one of their employees to work more flexibly. It is best practice for employers to plan ahead and consult employees and supervisors about:

- The potential demand for flexible working;
- The possible drawbacks and barriers, and the extent to which they could be overcome; and
- The types of flexible working employees and managers would prefer.

Like any people management initiative, the consultation about the potential introduction of flexible working should be accompanied by an endorsement from the senior management team or chief executive. This will give the consultation process more status and ensure that it is taken seriously. The consultation serves two purposes: (i) to gain the feedback of those who will be affected by any change in working practices; and (ii) to obtain their buy-in to the change process itself.

Organizations often use questionnaires to obtain individuals' views and suggestions, but more in-depth methods could also be used. These include:

- One-to-one interviews with individuals, particularly senior managers and the officers of any recognized trade unions; and
- Discussion groups or focus groups.

The setting up of an inter-disciplinary project team will help to ensure buy-in and reduce the risk of the flexible working consultation being seen as an "HR fad" owned and run by the HR department. The project team should analyze the feedback, consider other employers' experiences of flexible working and develop a draft business case to test the suitability of flexible working for the organization.

In setting out the business case, many of the relevant factors can be quantified. These include the potential saving in recruitment and induction costs if employee retention is improved, and the cost of providing cover for staff who change their working pattern. However, some factors, such as improvements in employee relations, will inevitably be difficult to quantify.

The factors to be considered when developing a business case include the positive, negative or neutral impact of flexible working on:

- Compliance with the legislation on the right to request flexible working;
- The spread of employees' working hours over the week in respect of staff cover and availability;
- Customer service;
- Productivity;
- Absence levels;
- Attendance levels;
- Stress levels;
- The level of employee resignations (workplace turnover);
- The retention of key members of staff;
- Recruitment difficulties and any consequent impact on recruitment and induction costs;
- Employee commitment and job satisfaction;
- Equal opportunities and diversity;
- Payroll costs;
- Accommodation and facilities costs (which could increase if the number of part-time employees increases and decrease if the number of home-based workers increases); and
- Communication and meetings costs.

Developing Flexible Working Options

Once the project team managing the consultation process on flexible working has the evidence from the business case, its consultation exercise and other employers' experiences, it should recommend a course of action to senior management and/or the board. If the organization is to proceed with flexible working, the same project team, or its successor, should begin detailed work on the types of flexible working that will be offered and guidelines for handling requests from employees.

If employees' and managers' views on specific types of flexible working were not canvassed at the initial consultation exercise, *see* *Introducing Flexible Working*, the project team should seek their feedback.

When making decisions about the availability of flexible working, employers should note that it is good practice for:

- Flexible working to be open to all employees and managers on the same terms;
- Flexible working to be open to the workforce as a whole, and not just those employees who are covered by the legal right to request flexible working;
- Decisions about whether or not to grant requests to be based on an objective assessment of the business case; and
- No information to be sought about the reasons why individuals want to move to flexible working.

If followed, these four points of good practice should prevent the sense of divisiveness that can result if only specific groups are eligible to apply to work flexibly and will help ensure that all applications are treated objectively and consistently, based on the impact to the business of the potential change.

However, employers should remember that individuals with disabilities have special protection under the law, regarding the "reasonable adjustments" that employers are expected to make so that they can obtain work or remain in employment. This may involve permitting flexible working.

Procedure for Handling Flexible Working Requests

Employers should provide their managers with details of the procedure to be followed if they receive a request for flexible working. The consideration of such a request should take the following issues into account:

- **Applications.** This should cover: who can apply, including any limits such as length of service; the application method that must be used; to whom the application should be submitted; the details that the application should include; and whether or not there is a limit on the number of applications from the same person.
- **Follow-up.** There should be provision for an informal follow-up stage if the manager requires further information or the details on the application form are incomplete.
- **Decision-making.** It should be clear who is empowered to rule on the application. Those with the power to do so should be reminded that individuals making flexible working requests should not be penalized as a result. Where a full-time employee has requested a move to part-time work, issues of indirect sex discrimination may need to be considered.
- **Convening the meeting.** The procedure should detail when the meeting will be held and between which parties.
- **The meeting.** The procedure should record the format and content of the meeting, including the potential impact of a move to flexible working on the employee's contract, if applicable, any collective bargaining issues, if applicable, and the employee's hours of work and pay.
- **Assessment criteria.** The factors on which managers must base their decisions whether or not to agree to an employee's request should be set out
- **Notification.** This should note when the manager should make a decision following the meeting and the method that should be used to notify the employee of the decision.
- **Consequent changes.** These should include: (i) any contractual and other changes required should the request be accepted (if applicable); (ii) the departments and members of staff requiring notification of the acceptance of the request; and (iii) whether or not a trial period has been agreed upon.

The procedure should be broadly neutral, to maintain objectivity.

The Assessment Criteria

Employers should ensure that the assessment criteria that are used to decide whether or not to agree to an employee's request to work more flexibly are objective and business related.

The assessment factors could include:

- The nature of the individual's job in terms of tasks, use of equipment, team work and workload;
- The potential impact on customer service;
- The potential impact on quality standards;
- The potential impact on organizational performance;
- The potential impact on the individual's colleagues and section;
- Whether or not the individual will have sufficient work to do during the proposed hours of work;
- The cost implications; and
- The potential savings and other benefits.

Developing a Policy on Flexible Working

Where an organization has a formal policy on flexible working, this will serve to express its attitude towards the issue, with the public backing of senior management and/or the chief executive, and provide a vehicle to publicize the availability of flexible working options.

While an organization's procedure for handling flexible working requests should be broadly neutral,

its flexible working policy can set out its statement of intent. For example, it could state that the organization:

- Actively supports flexible working arrangements, provided that both the organization's and employees' aims and objectives can be met;
- Requires all employees and managers to support this stance; and
- Is strongly opposed to anyone singling out those individuals who work under flexible working arrangements or request to work more flexibly.

The policy could go on to:

- Support this stance by stating that requests to work flexibly will be assessed according to a set of objective criteria, unrelated to the individual's personal circumstances;
- Refer to the procedure for handling flexible requests, and summarize its main points;
- Highlight both the business constraints limiting access to flexible working and the potential benefits to the organization and the individual in cases where requests can be granted;
- State that managers will approach requests in a positive manner, and attempt to find a mutually satisfactory outcome within the constraints of the business;
- Pledge support through guidance, training and, where appropriate, the necessary resources, for the supervisors of employees who move to flexible working; and
- List the types of flexible working currently available.

Part-Time Working

Part-time working is the most prevalent and established type of flexible working.

Any number of hours below the organization's standard working week can be considered part-time working, with 32 hours or less typically qualifying as "part-time" work.

Part-time work usually involves agreeing a set number of hours to be worked per week or month under a contract of employment. There is usually an agreed pattern to the hours of work.

Issues that must be addressed include:

- Holiday entitlement and overtime; and
- Arrangements for training and meetings, which are often designed around full-time workers' hours.

Part-time workers have legal rights, based on the principle of equal treatment with comparable full-time workers.

Variable Hours

Variable hours usually involve variable start and finish times based on the organization's normal working week, with the changes in start and finish times under the employee's control. The employee's overall daily number of hours remains the same, but the working pattern could potentially vary from day to day over the course of a week. In some organizations, the break for lunch can be shortened or lengthened.

It is good practice for employers to set limits to the extent of these variations, so that their organization remains compliant with the working time legislation. They should also ensure that employees' working patterns are convenient from the employer's point of view. For example, an individual might find it convenient to start work at 6 a.m. However, there might be little to do at that time and the workplace would have to be accessible, lit and heated specifically for the individual.

Issues that must be addressed include:

- Supervision;

- How an individual's work performance/output will be measured at times outside the hours worked by their supervisor; and
- Monitoring the individual's hours if the organization does not have a clocking-in/clocking-out system.

Job-Sharing

Job-sharing is a formal version of part-time working where a specific job is split between more than one person. Usually, the job is a full-time one that is divided equally between two job-sharers.

There are several potential working patterns. The two job-sharers could work at separate times of the week, or there could be an overlap so that they both work during particularly busy times of the week, or as the workload demands. Alternatively, the duties could be apportioned according to the skills, knowledge and personal interests of the job-sharers.

Many job-sharing arrangements require the job-sharers to meet regularly - either on their own or with their supervisor - to ensure that they are kept fully informed of each other's activities, and any difficulties or issues that it is necessary to share. For example, where one job-share partner works Monday, Tuesday and Wednesday morning, the other job-share partner might begin work one hour before the first finishes for the week on the Wednesday to ensure that there is an effective handover.

Issues that must be addressed include:

- Ensuring that the job-share partners' manager and colleagues know how the job-sharing arrangement works in practice, in particular when inquiries arise in relation to work for which the shared job role is responsible;
- Managing the job-sharing arrangement so that the two job-sharers are kept informed of each other's activities and progress, ensuring that repetition of work is avoided and that no activities or responsibilities fall into the gap between the two people;
- Arranging training for job-sharers where the two individuals do not work the same hours;
- Ensuring consistent performance standards between the two job-sharers, particularly where they are responsible for managing other members of staff;
- The provision of accommodation and equipment where the job-sharers' hours have a substantial overlap; and
- Maintenance of the job-sharing arrangement should one job-sharer leave or go on long-term leave.

Job-sharers will be classed as part-time workers and, as such, have legal rights, based on the principle of equal treatment with comparable full-time workers.

Telecommuting

Telecommuting is also known as working remotely. Telecommuting on a full-time or virtually full-time basis usually involves a change to the individual's contract of employment, whereby their official workplace becomes somewhere other than the employer's premises. Usually, the individual uses a room at home, although some employees use other premises, such as office space rented locally.

Most people who do full-time telecommuting are able to do so because their work involves information and communications technology, such as the telephone, computer systems and the internet.

Occasional telecommuters may work from home to undertake a special project, such as drafting a report, or to undertake their normal work in the same way as usual (via the telephone, email, computer files, etc.) or in some amended form (for example, without access to the corporate intranet).

Peripatetic workers use their home as a base where, for example, they store their records and maintain their computer files while continuing to perform their usual role, which involves being on the road for most of the time.

A full-time telecommuter will rarely attend the employer's premises and will be managed remotely. Full-time telecommuting is suitable for only some jobs and some personalities. It can create challenges for employers around their communication systems, company practices (booking holiday and reporting sickness, for example), the security of data and computer networks, and performance assessments. However, provided that the job is suitable for telecommuting, and the employee temperamentally suited to a telecommuter's existence, these difficulties can be overcome.

Issues to be addressed when an individual wishes to telecommute on a regular basis include the following:

- **Selection.** Ensuring that both the job and the individual are suited to telecommuting. The individual will have to be self-motivated and able to cope with physical isolation from work colleagues.
- **Tools of the trade.** Identifying the office equipment and access to office systems that the telecommuter will require to function effectively in their job. Agreement will need to be reached about the items that will be provided by the employer and those that the employee will supply.
- **Facilities support.** Setting up a system so that the telecommuter is able to obtain replacement supplies, such as printing cartridges, when required. In addition, the telecommuter will have to be supported when there is a problem with their work equipment.
- **Health and Safety.** Conducting a risk assessment of the workplace to be used by the telecommuter, and identifying ways of ensuring their ongoing health and safety.
- **Tax and insurance.** Identifying what, if any, tax liabilities (such as business rates) will arise and how the individual and their work equipment and materials will be purchased, owned, maintained and insured.
- **Planning.** Establishing if the telecommuter's "office" is covered by local planning laws.
- **Managing and supervising.** Identifying and agreeing how the telecommuter will be managed, the ways in which contact will be made, and whether or not the telecommuter's manager should visit them at home.
- **Company procedures.** Establishing how company systems such as booking holiday, reporting sickness, and undertaking training and performance management meetings, can be adapted to the telecommuting situation.
- **Social Interaction.** Ensuring that the telecommuter continues to be included in the normal life of the office. They should be included in social events and informed of staff changes and staff news.
- **Workplace Visits.** Deciding whether or not to require a certain number of visits each month or year by the telecommuter to the employer's premises.
- **Security.** Identifying effective processes to safeguard the confidentiality of the employer's information, particularly its computer systems.
- **Contract.** If the telecommuter will be covered by a new contract of employment and, if so, the details that it will include.

Compressed Hours

Compressed hour arrangements allow individuals to work their normal hours of work over a shorter period of time than is standard in the organization. For example, an individual may work their organization's standard 35-hour week in four or four and a half days instead of the usual five days. In this

way, the employee obtains an extra half or full day off from work each week or biweekly.

Issues that must be addressed include:

- Ensuring that the job that the employee does is suitable for hours of work that begin and/or end outside those of their colleagues and manager;
- Setting limits on the length of the working day to ensure compliance with the working time legislation, the availability of work and the need to keep workplace heating and lighting costs to a minimum;
- Agreeing the day or half day on which the individual will take their accrued time off so as to meet the employee's needs and fit in with the organization's requirements, for example, when workloads are relatively light or there is good staff cover;
- Coordinating the time off so that it complements that of any other individuals working compressed hours in the same team or department; and
- Monitoring the individual's performance to ensure that the new working pattern does not result in overtiredness.

Shift-Swapping

Shift-swapping is an employee-led system whereby shift workers are able to swap shifts among themselves to achieve a better match with their needs and preferences.

Issues that must be addressed include:

- Implementing a system that enables shift-swapping to operate fairly and effectively, while ensuring that the employer's shift patterns and optimum staffing levels are maintained; and
- Facilitating communication between potential shift-swappers through use of, for example, a section on the intranet or internal memo or posting system.

Questions and Answers

How can employers help to prevent members of staff who work full time from home feeling isolated?

"Out of sight, out of mind" is an issue for telecommuters and their employers. It is very easy for employers to forget about telecommuters and exclude them from briefings and invitations to social events. Effort to keep lines of communication open is required on both sides, but particularly from the telecommuter's manager, and it might be beneficial if there are arrangements in place for the telecommuter to come into the office from time to time. Any complaint of isolation might mask underlying problems with the telecommuting arrangement, so training may be necessary. Usually, both the telecommuter and the manager require some training to ensure that the arrangement operates successfully. Telecommuting is generally more successful where the individual has the required temperament for telecommuting, which includes being self-motivated and self-reliant.

In what ways can the monitoring of staff members who are covered by flexible working arrangements challenge managers?

Some managers are used to supervising staff by simple visual means: If they are visibly present and doing something, they are reassured. Flexible working arrangements challenge this approach, but jobs are often output-based and this should be focus of managers' attention. Where continuity of service is involved (for example, in a customer-facing role), the supervision should focus on the service that is being provided and its quality (for example, the number of calls or emails dealt with, and the incidence of complaints).