



HR Network

Flexible working as
a day one right

Astrid Allen

Event will start at 2pm
This event will be recorded

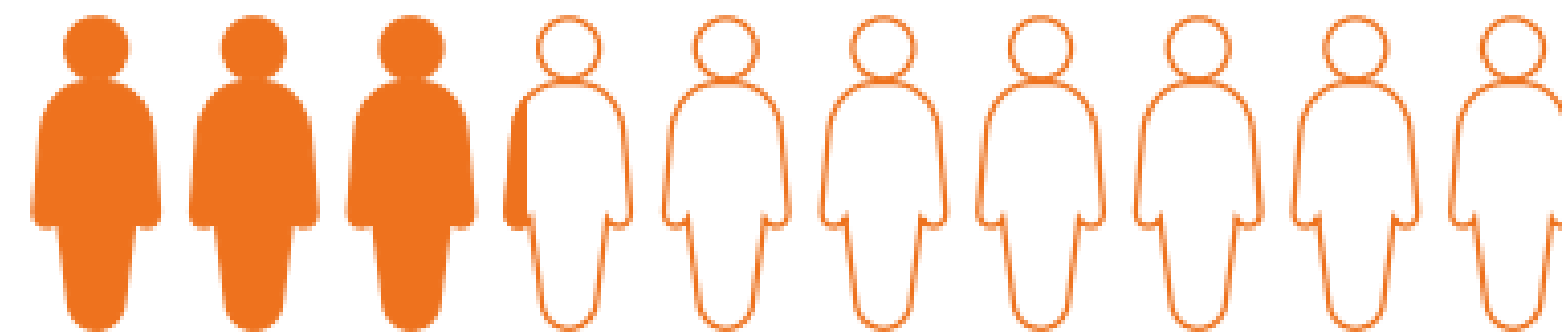
Flexible working as a day one right

Agenda

- An overview of the legislation
- Context and approaches to flexible working
- Discussion in groups
- What day one flexible working looks like
- Responding to the legislation
- Discussion and reflection

Flexible working as a day one right

Demand for flexible working



31% OF JOBS
OFFER FLEX



60% OF EMPLOYEES
WORK FLEX



87% OF PEOPLE
WANT FLEX

An overview of the legislation

Key changes

Current legislation	New legislation (from 6 April 2024)
<ul style="list-style-type: none">• 26 weeks continuous employment	<ul style="list-style-type: none">• Day one right
<ul style="list-style-type: none">• Applicants must explain what effects will result from the proposed change and what can be done to mitigate these	<ul style="list-style-type: none">• Applicants do NOT need to identify any effects and mitigations
<ul style="list-style-type: none">• One application per year	<ul style="list-style-type: none">• Two applications per year
<ul style="list-style-type: none">• Three month process	<ul style="list-style-type: none">• Two month process

Employers must handle requests in a reasonable manner.

See Acas new [draft code of practice](#).

An overview of the legislation

Statutory flexible working

- job sharing
- working from home
- part-time
- compressed hours
- flexitime
- annualised hours
- staggered hours
- phased retirement

A change to the terms and conditions relating to the hours they work, the times they work or their place of work.



An overview of the legislation

Reasons for rejecting an application

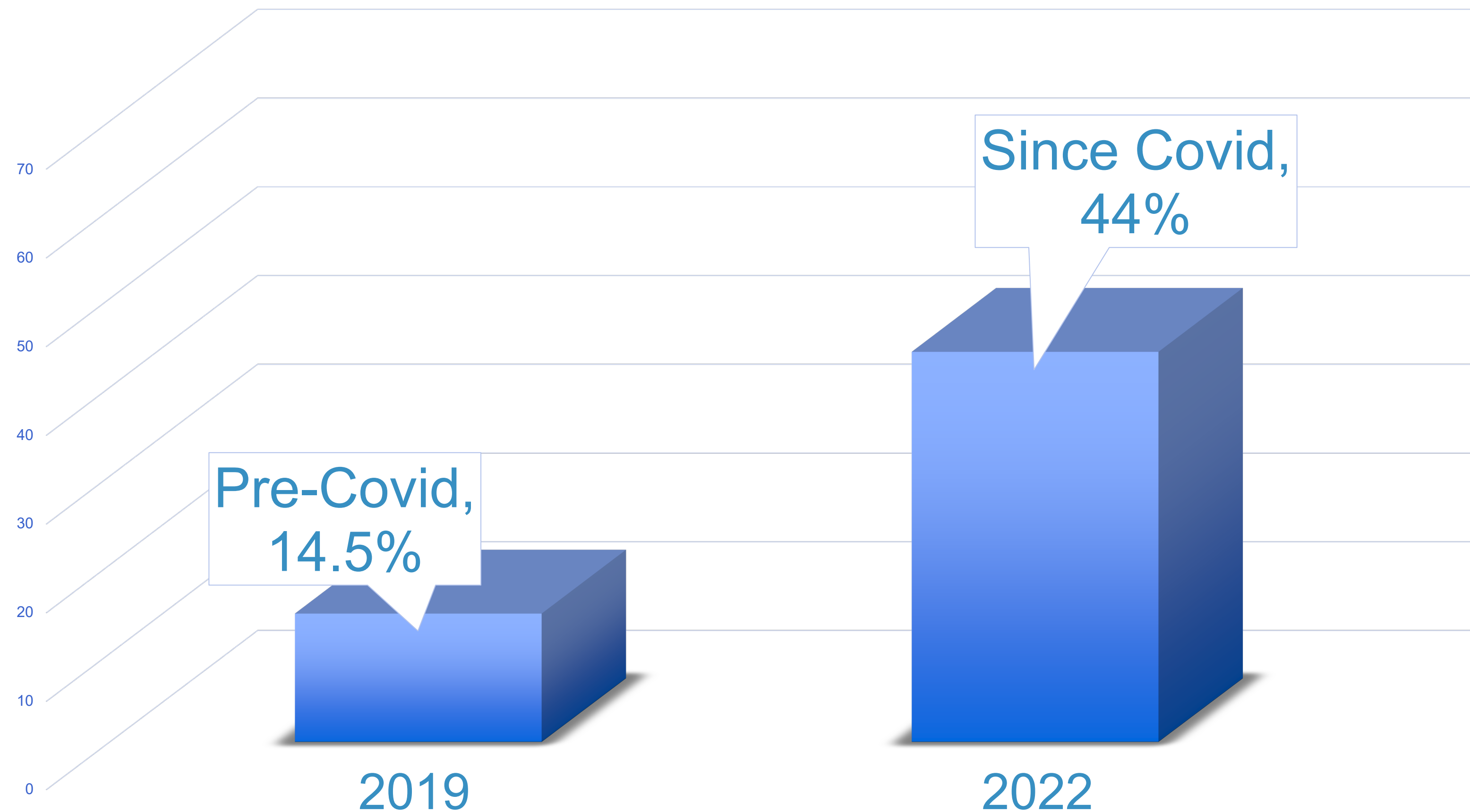
- Extra costs that will damage the business
- The work cannot be reorganised among other staff
- People cannot be recruited to do the work
- Flexible working will affect quality and performance
- The business will not be able to meet customer demand
- There's a lack of work to do during the proposed working times
- The business is planning changes to the workforce



The Equality Act legally protects people from discrimination in the workplace and in wider society and requires employers to make reasonable adjustments for people with disabilities. Other relevant legislation include the new Carer's Leave Act and Parental Leave Regulations.

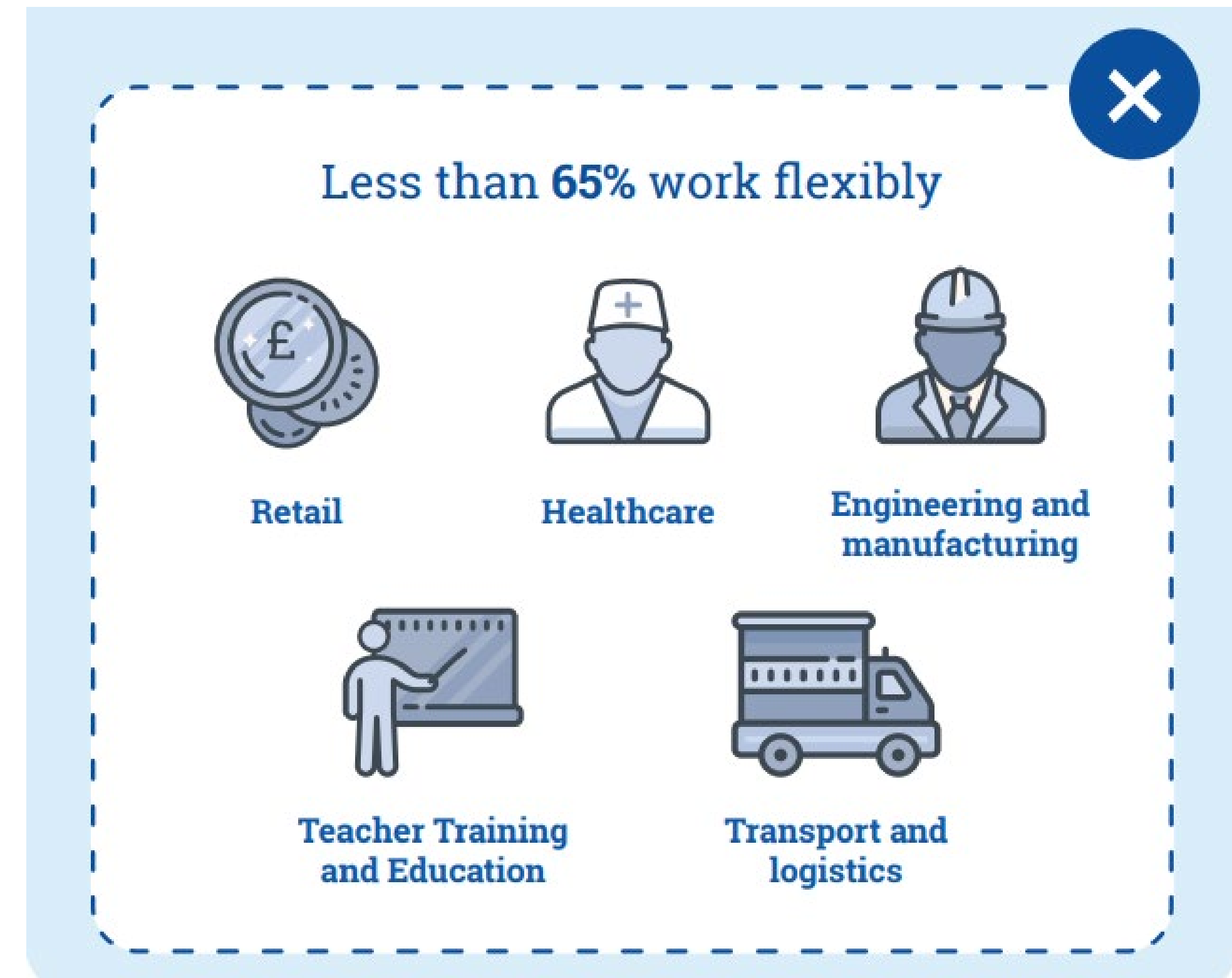
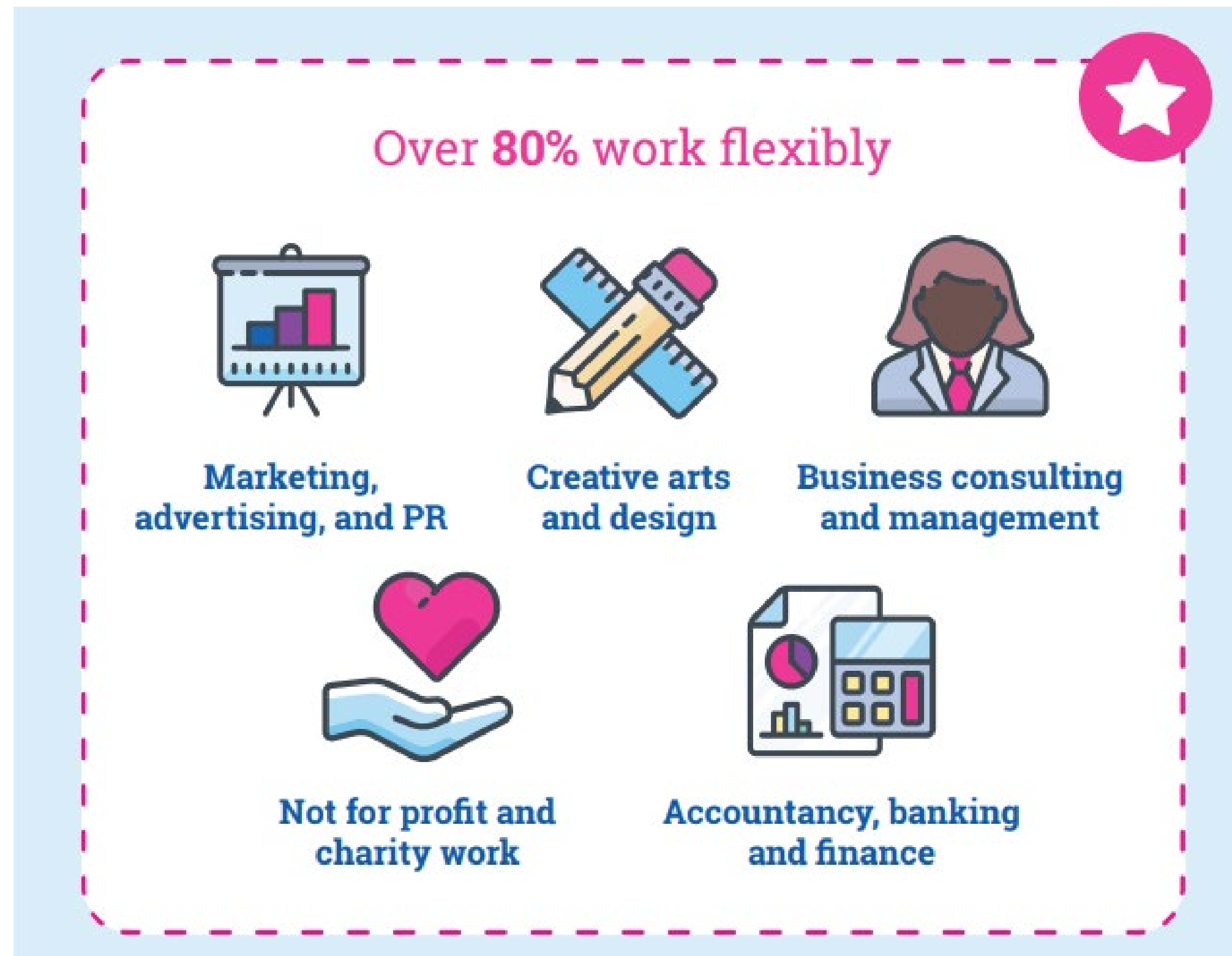
Context and approaches to flex

Change in homeworking since Covid-19 pandemic



Context and approaches to flex

Levels of flexible working vary by sector



Group discussion

Two questions for your consideration...

What is your current approach to flexible working?

What preparations, if any, have you made for day one flexible working?

Before you start: Please choose a scribe who will report back!

What day one flex looks like

Restart Timewise Change Agent Programme

“When you're dealing with immediate pressure, there's a knee jerk reaction to find a short-term solution.”

Restart participants need for flexibility



Available flexible roles offered by employers

“We're in that world now where people are wanting that work life balance.”

What day one flex looks like

Employer case study

A warehousing employer had shifts that started at 06:30. On exploring the reasons for this, the Restart provider found that this was because this was what had always been done and there was no real business driver for it. When they told the business that applicants could not access public transport at that time, the employer agreed to change the start time to 07:30. This allowed Restart applicants to be successfully placed into the roles.

“It requires an honest conversation. Not being afraid to ask the questions. What can you do to make this more of an attractive offer to more people? It's putting the benefits of it into their heads.”

What day one flex looks like

Employer case study

A facilities management services company was offering shifts of 09:00 to 18:00. The Restart provider had lots of applicants seeking part time work and a nine-hour shift excluded lots of these potential recruits. They asked the employer lots of open questions to explore whether it would be feasible to split the shifts on offer. Initially the organisation had concerns regarding perceived additional costs associated with having two people on the payroll, including doubling training costs. However, having highlighted the potential for cost savings (from less re-advertising, re-recruitment, and re-training to replace staff who leave), the employer agreed to give split shifts a go. Since then, every Restart applicant that has been placed on a split shift has remained in post.

“They were advertising all the time or like re recruiting or they'd get someone who'd say they're OK for the position and then, ultimately 3-4 weeks later, they couldn't deal with the long hours each day, which is actually costing them [the employer] more money.”

What day one flex looks like

Employer case study

An international high street retailer introduced 'open hiring' in Australia and was interested in trying this in the UK. Open hiring involves potential recruits doing eight hours of work without a formal interview process. The Restart provider found that supporting this approach resulted in more applicants being successfully placed with the employer and an increase in those securing part time roles.

"I think the thing that they're [employers are] scared of is that they're worried they're going to lose that performance."

The implications of the legislation

Advertising and recruitment

- Should roles be advertised as flexible e.g. 'part-time, full time or job share'?
- Are managers aware that a flexible working request could be made on day one and do they know how to respond if they receive one?
- Do recruiting managers know how to deal with applicants who state a preference for flexible working in their application?
- Do recruiting managers know how to discuss flexible working preferences and options at interview?
- Do managers know whether they should be making new recruits aware of their right to request flexible working from day one?
- Do managers know whether flexible working approaches can be agreed on a trial basis?
- Do managers know whether agreed flexible working approaches can be reviewed and revised?

The implications of the legislation

Ensuring equity across the existing workforce

- Do you know the number of additional flexible working requests you are likely to receive from existing staff, as a result of this legislation?
- Do managers know whether they should be making existing staff aware of their right to request flexible working from day one?
- Does accepting a flexible working request set a precedent for similar future applications to be approved?
- How should managers assess whether requests have a negative knock-on effect on the wider team?
- Do managers know whether they can increase headcount to facilitate flexible working?
- How should managers assess whether requests have an unduly detrimental impact on service delivery?
- Do managers know whether service delivery can be modified to facilitate flexible working?

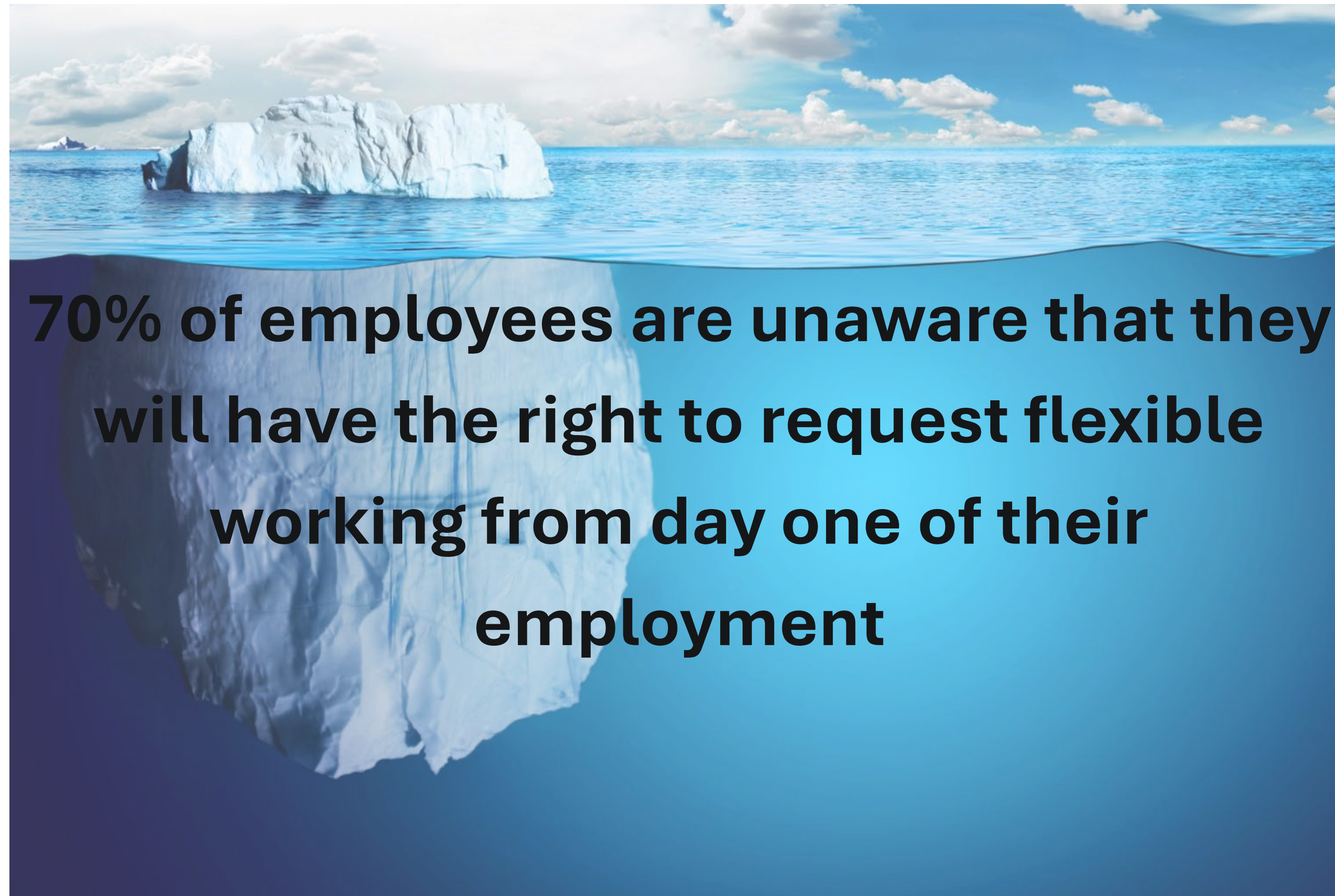
The implications of the legislation

Flexible working intelligence

- Do you know the current level of satisfaction and attitudes around flexible working within your organisation?
- Do you know how many people are leaving due to a lack of flexible working opportunities?
- Do you fully understand the benefits and risks around increased flexible working?
- Do you fully understand the implications of denying a request?
- Do managers know how to redesign work roles to accommodate flexible working requests?
- Do managers have the time and tools they need to support increased flexible working?
- Do you know what flexible working interventions are working and which are not?
- What does the future look like if flexible working opportunities are not increased?
- What does success look like?

The implications of the legislation

Your role in responding to the legislation



Group discussion

Two questions for your consideration...

What kinds of approaches can support day one flexible working?

What practical steps do you need to take?



HR Network

To learn more about the Network, contact
HR Network Manager Emma Stewart-Rigby

emma.stewartrigby@employment-studies.co.uk