



Think Business, Think Equality

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INTRODUCTION

This guidance is for small and medium businesses who want to improve gender diversity in their workplace. It accompanies the *Think Business, Think Equality* online self-assessment tool. The free online tool enables you to assess your current employment practice, and provides tailored advice and guidance on how your business can benefit from gender diversity.

Delivering workplace equality makes good business sense. Having fair and flexible working practices allows you to attract and retain the best talent, reduce recruitment and training costs, and makes your business more productive, more innovative, and more profitable.

This guidance provides information and advice on flexible working, including different types of flexible working, what the law says, and how requests to work flexibly should be managed, and how to determine whether a job is suitable to be done flexibly. There is a checklist on page 22 which contains a list of actions that employers should take to ensure that your flexible working practice is fair and benefits all employees.

The Think Business, Think Equality online tool is available at:

www.thinkbusinessthinkequality.org.uk

LEGAL DISCLAIMER

While every effort has been made to ensure that the explanations given here are accurate, only the courts or tribunals can give authoritative interpretations of the law.



WHAT IS FLEXIBLE WORKING?

More people than ever want to change the way they work so they can achieve a work-life balance. Although the flexible working agenda initially focused on parents, other groups of employees are increasingly prioritising work-life balance, and looking for employers who offer flexible working arrangements.

Flexible working is not just about working part-time. Working flexibly can relate to hours, location or work tasks. Some staff have flexible working contracts from the start of their employment, while others may require to work flexibly for a short period to accommodate a change in personal circumstances.

Examples of flexible working arrangements	
Part-time working	Staff work less than the normal or standard full-time hours. The majority of part-time workers are women.
Job sharing	Two people share the work normally done by one member of staff.
Flexi-time	Certain mandatory ‘core’ hours must be worked, but staff have some flexibility on starting or finishing times.
Compressed hours	Contracted hours are worked over fewer days, for example, a four day week or nine day fortnight.



Annualised hours	Staff members' annual hours are calculated and split into set shifts and unallocated shifts. This type of working suits organisations dependent on seasonal working, for example, gardeners.
Staggered hours	Working patterns where staff have different starting, finishing and break times.
Term-time working	Staff work fewer hours or take time off during school holidays.
Working from home	Can be on a regular or ad-hoc basis. Appropriate technology (access to email, internet, telephone and so on) supports communication with the business/clients.
TOIL (time off in lieu)	Staff are able to take time off in lieu of overtime for additional hours worked.
Shift working	Common where staff are required across a 24-hour cycle.



THE BUSINESS BENEFITS OF FLEXIBLE WORKING

Improved staff recruitment and retention

Offering flexible working will widen the pool of talent that you're recruiting from. Meeting the needs of your people by enabling them to work flexibly can improve staff retention, particularly for women returning from maternity leave who need to balance family and caring responsibilities with work.

Reduced recruitment and training costs

Improved staff retention reduces your recruitment costs, as well as training costs for new staff. Lower staff turnover means that clients can be reassured by the continuity of dealing with the same people.

Reduced stress levels, sickness and absenteeism

Staff who are able to work flexibly are less likely to experience work-related stress and are less likely to have to take time off because of their caring responsibilities. Flexibility in working hours can also result in reduced travel or childcare costs for staff, further contributing to improved job satisfaction.

Improved time keeping

Research suggests that when people are able to work flexibly and can fit their work around the school run and rush hour traffic, for instance, their ability to arrive on time improves.



Better alignment with product demand

A diverse workforce is more representative of the community it serves. This promotes a culture of creativity and innovation, as a diverse workforce is better placed to understand the needs of a wider range of customers.

Greater degree of loyalty and commitment

An employer's commitment to try and meet staff needs will often be rewarded by greater loyalty from staff.

A reputation as a good employer

Businesses that meet the needs of both the organisation and staff can enjoy a reputation as a good employer. Employers who don't consider flexible working are not only missing out on the benefits, but they also risk losing valued people.



MANAGING FLEXIBLE WORKING REQUESTS

All managers involved in deciding whether jobs can be done on a flexible basis should be given equalities training. Any changes to the law on flexible working should be communicated to all managers to ensure that your policies and decision-making processes remain compliant with the legislation.

It's best practice to monitor requests for flexible working, in particular whether it's female or male employees making requests, and whether or not the requests are granted. This will help you to identify any patterns, both in relation to the types of requests that are made, and also around decision-making processes.



FLEXIBLE WORKING: WHAT THE LAW SAYS

The Flexible Working Regulations were amended in 2014, extending the right to request flexible working to cover all employees, rather than only those with children under the age of 17 (or 18 for disabled children).

Every employee now has the right to request flexible working after a 26 week period of employment service. The request can cover hours of work, times of work, and place of work, and may include requests for different patterns of work. Any change granted under the right to request flexible working is usually permanent, but temporary changes may be negotiated. An employee can only make a statutory request once in any 12 month period.

A request from an employee must include the following information:

- The date of their application, the change to working conditions they are seeking and when they would like the change to come into effect.
- What impact, if any, they think the requested change would have on you as the employer and how, in their opinion, any such impact might be dealt with.
- A statement that this is a statutory request, and if and when they have made a previous application for flexible working.

You should make clear to your employees what information they need to include in a written request to work flexibly.



Dealing with a request for flexible working

Once you have received a written request for flexible working, you must consider it. You should arrange a meeting with your employee as soon as possible after receiving their request. If you intend to approve the request then a meeting is not needed. The employee can be accompanied at meetings by a work colleague, and has the right to appeal any decision.

Employers should discuss with the employee the type of flexible working preferred by them, and which arrangements are most workable.

Employers must seriously consider an application, but are not obliged to agree if sound business reasons can be proven, in line with the current legislation. These are:

- The burden of additional costs.
- An inability to reorganise work amongst existing staff.
- An inability to recruit additional staff.
- A detrimental impact on quality.
- A detrimental impact on performance.
- A detrimental effect on ability to meet customer demand.
- Insufficient work for the periods the employee proposes to work.
- A planned structural change to your business.

If you do refuse, the refusal should include the relevant and accurate facts, and employees should be given the right to appeal.



All requests, including any appeals, must be considered and decided on within three months of first receipt, unless you agree to extend this period with the employee.

If you arrange a meeting to discuss the application including any appeal and the employee fails to attend both this and a rearranged meeting without a good reason, you can consider the request withdrawn. If you do so, you must inform the employee.

Acas have produced a guide to dealing with requests for flexible working.

www.acas.org.uk/flexibleworking

Case study

Susan has worked full-time at Briggs the Bakers for ten years. Briggs' manufacturing process is in operation 24 hours a day. They operate a three shift system, each lasting eight hours. Full-time staff work a 40 hour week, worked over five days out of seven.

Around one-quarter of the workforce are mothers of young and school-aged children. There has been a long standing, informal arrangement in place that these staff are put on the rota to work the 7am – 3pm shift, Monday to Friday, as this allows them to fit work around their childcare commitments. The remaining staff work more unsocial hours, including late shifts, nights and weekends. Most staff are generally accepting of this arrangement, and are paid an additional premium for these shifts.

Susan's mum, Agnes, was diagnosed with dementia a year ago, and her condition is



deteriorating. Increasingly worried about her mum's wellbeing, Susan decided that Agnes should move in with her and her husband, John. The couple's individual shift patterns mean that there would always be someone at home with Agnes.

John works at an engineering company which has recently undergone restructuring, and as a result, his hours have been changed. His hours of work would now coincide with Susan's at the weekend, and Agnes would often be left alone for hours at a time. Susan makes a flexible working request for a change to her hours. Susan has asked that she be able to work her 40 hours between Monday and Friday, as she is needed to look after her mum at weekends while her husband works.

After consideration, the floor manager decides to refuse Susan's request on the grounds that 'the business is not able to reorganise work among existing staff'. While the majority of staff are happy to work unsocial hours, he already struggles at times to get staff to work the weekend shifts, particularly during holidays and in the summer. After further discussion, Susan and the manager reach a compromise. Although she needs to be at home during the day at weekends, she will be able to work nightshift, once John returns from work. This means she will still be available for weekend working, but her shifts at weekend will be confined to nights. They both agree that this will be a permanent arrangement.

Flexible working can be part of a formalised arrangement, like Susan's. It can also be informal, as with the mothers of young children who have, over time, been allowed to work only weekdays to accommodate childcare arrangements.



DECIDING WHETHER SPECIFIC JOBS ARE SUITABLE FOR FLEXIBLE WORKING

No jobs should be automatically ruled out for flexible working and any flexible working policy should make this clear. Many businesses successfully have senior posts operating on a job-share or part-time basis, and it's helpful to assume that all jobs can be done flexibly unless there are very clear business reasons why this isn't the case.

To ensure unfair or unlawful decisions are avoided, it's important that appropriate training is given to all managers who are involved in deciding whether jobs can be done on a flexible basis.

It can be helpful, when considering whether a particular job is suitable for flexible working, to use a structured job suitability questionnaire.

Sample job suitability questionnaire for employers and employees

This questionnaire looks at how suitable a particular job might be if done differently. The questions can be adapted according to the nature and demands of your business, and are intended to help both you and your people identify potential problem areas, and find workable solutions where possible.



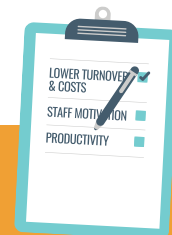
Method

You and your employee complete the questionnaire separately. You both circle the answer that best describes the job. The numerical rating is transferred onto the summary found at the end of the questionnaire. If there's a question that doesn't apply to the job, leave it blank.

The scoring system is based on a rating of 1-5 (1 being the highest):

- Answers scoring 1 or 2 are more likely to be suitable for flexible working.
- Answers scoring 4 or 5 are less likely to be suitable for flexible working, though where there are only a few areas that have scored 4/5, there may be ways to find solutions, for example, reallocation of work or delegation.

The results of both questionnaires will form the basis for a discussion on whether a job can be done on a flexible basis. It will also help to clarify each other's perception of the role and provide a clearer understanding of why a particular job may or may not be suitable for flexible working arrangements.



Deciding whether jobs are suitable for flexible working – sample job suitability questionnaire

Employee details

Name

Date

Current post

Please tick if you are the:

Post holder

Manager

Employer

Job description

Please provide a summary in your own words of the main tasks and responsibilities of this job.



Managing others				
1. Is the job holder managing other people? If so, how many?				
1. None	2. One person	3. 2-4 people	4. 5 or more	5. More than 10
2. What percentage of the job holder's time is spent managing others apart from the rest of their workload?				
1. None	2. 10%	3. 20%	4. 33%	5. Over 50%
Dependency on others				
3. Who mainly controls the job holder's workload and priorities?				
1. They do		2. The client		
3. The supervisor/manager		4. Determined by production process		
4. How frequently does the job holder need to liaise with manager/supervisor to report or for direction?				
1. Weekly or less		2. Several times a week		
3. Once a day		4. Continually throughout the day		
5. How frequently does the job holder need to liaise with colleagues?				
1. Weekly or less		2. Several times a week		
3. Once a day		4. Continually throughout the day		



Time management	
6. How much of the work needs immediate attention as opposed to long-term deadlines?	
1. Majority is longer-term	2. Approximately one-third is immediate
3. About half is immediate	4. About three-quarters is immediate
5. Majority is immediate	
7. Does the post need to be covered when the job holder is absent?	
1. No	2. Yes, if more than a week
3. Yes, even after a few days	4. Yes, always would need to be covered
8. Who would do the job holder's work in their absence?	
1. A colleague	2. The supervisor/manager
3. No one or other (please state)	
Duplicated skills	
9. Are other people in the section doing a similar function to the job holder?	
1. Yes, lots of people doing the same job	2. Yes, a few people doing the same job
3. Yes, a few people doing a similar job but with different clients and other tasks	4. Nobody has a similar job



10. How much of the work in this job can be done by someone else?			
1. All	2. Most	3. Some	4. None
Workplace dependent			
11. Is the equipment needed to do this job only available in the workplace?			
1. No, rarely uses such equipment		2. Yes, sometimes uses the equipment	
3. Yes, often uses the equipment			
12. Does the job holder need access to files and other paperwork only held in the workplace?			
1. Rarely		2. Sometimes	
3. Often			
Confidentiality			
13. Is the work highly confidential/sensitive?			
1. No		2. Yes	
Workflow			
14. Does the job holder have control over the flow of their work?			
1. Yes, they have main control		2. Some control	
3. Minimum control		4. No control	



15. Is the job holder able to predict how busy they will be?			
1. Always, the workflow is generally consistent		2. Most of the time	
3. Sometimes		4. No, it varies a great deal	
16. Does the job holder know when peak periods in this job are going to happen?			
1. Always, busy periods are always at the same time		2. Usually	
3. Some of the time		4. Rarely, unpredictable	
17. When there is a peak period how long does it usually last?			
1. A few hours		2. A couple of days	
3. Up to a week		4. Several weeks or longer	
Availability			
18. Can the job holder be contacted by colleagues/manager when away from the workplace site?			
1. Usually	2. Sometimes	3. Rarely	4. Never
19. What percentage of the job holder's time is spent in meetings?			
1. Less than 10%		2. About a quarter	
3. About one-third		4. More than a half	
20. Does the nature of the work mean they sometimes will be unable to be contacted?			
1. Never	2. Rarely	3. Sometimes	4. Often



Customer relations

21. Does the job holder have to respond to customer demand immediately or is it longer-term?

1. Most longer-term	2. About a third immediate
3. About a half immediate	4. About three-quarters immediate
5. Most immediate	

22. Is the work with the customer short or longer-term?

1. Always longer-term	2. Mostly longer-term
3. Mostly shorter-term	4. Always shorter-term

23. Is the work undertaken for the same customers on a repeat business?

1. No	2. Yes, occasionally
3. Yes, sometimes	4. Yes, usually

24. Is it important for the job holder to know the customers well?

1. Not essential	2. Sometimes
3. Definitely	

25. Does most of the communication with customers take place:

1. Mostly in writing	2. Both in writing and verbally
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Summary grid: Job suitability questionnaire

Question	Job Specification	Score					Comments/Action
		1	2	3	4	5	
1	Managing Others						
2							
3	Dependency on others						
4							
5							
6	Time management						
7							
8							
9	Duplicated skills						
10							
11	Workplace dependent						
12							
13	Confidentiality						



14	Workflow						
15							
16							
17							
18	Availability						
19							
20							
21	Customer relations						
22							
23							
24							
25							

Transfer the numerical scores for each question on to the grid by putting a tick in the appropriate box.



FLEXIBLE WORKING CHECKLIST

All flexible working requests are considered.	
Staff have access to a range of flexible working arrangements.	
Flexible working arrangements are not restricted to particular groups of staff.	
The availability of flexible working is included in job advertisements.	
Those involved in decisions about flexible working receive training on equalities.	
The gender of those staff making requests for flexible working is recorded, allowing monitoring of applications and decisions to be broken down by gender.	



GLOSSARY

Equality

Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration – recognising the diversity of different groups.

Gender

Refers to the socially constructed roles, behaviours, activities, and attributes that society considers appropriate for men and women. For example, historically, gender role stereotyping would suggest that women should look after children at home while men go to work in the formal labour market.

FURTHER INFORMATION

Close the Gap

www.closesthegap.org.uk

Equality and Human Rights Commission

www.equalityhumanrights.com

Acas

www.acas.org.uk



Close the Gap works in Scotland on women's labour market participation. We work with policymakers, employers and unions to influence and enable action that will address the causes of women's inequality at work.

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