



# Making Flexible Working the Default BEIS Consultation

Report on a Good Employment Charter  
Consultation Workshop – 24<sup>th</sup> November 2021

## The Greater Manchester Good Employment Charter



The Greater Manchester Good Employment Charter was established in July 2019 as a voluntary membership and assessment scheme that aims to raise employment standards across GM, for all organisations of any size, sector or geography across the City region. Since then the Charter has engaged with over 850 employers and recognised over 450 employers as ‘Supporters’, and 40+ as ‘Members’ of the Charter. ‘Supporters’ alone employ over 250,000 employees.

This Report contains the outcomes of a Consultation Event to consider the BEIS consultation document: Making Flexible Working the Default and was delivery in partnership with:

### ACAS



ACAS, The Advisory, Conciliation and Arbitration Service is a Crown non-departmental public body of the Government of the United Kingdom. Its purpose is to improve organisations and working life through the promotion and facilitation of strong industrial relations practice. ACAS have been foundational partners of the Greater Manchester Good Employment Charter providing expertise, knowledge and guidance throughout the Charter’s development and delivery phases. Terry Duffy, the Northwest Area Director of ACAS and also a Charter Board Member, provided an overview of the proposals contained within the Consultation Document and also the Charter’s Characteristic on Flexible Work.



### EY



EY are key Supporters of the Greater Manchester Good Employment Charter and hosted the consultation event at their central Manchester offices. Stephen Church, who is UK&I North Markets Leader & Manchester Office Managing Partner for EY, opened the consultation event setting out some of the challenges facing the economy, Manchester Employers as well as EY themselves in addressing flexible working.



## The Greater Manchester Good Employment Charter and Flexible Work

The Charter is built around seven characteristics of Good Work. They are:

- The Real Living Wage
- Secure Work
- Flexible Work
- Employee Engagement and Voice
- Fair Recruitment
- Excellent Management
- Health and Wellbeing

The Charter operates at two engagement levels – Supporter and Member. For each Characteristic Supporters must make a commitment and Members must meet assessment criteria.

For Flexible Work the **Charter Supporters** must commit to extending Flexible Work as follows:

*We will give employee the opportunity to work flexibly wherever possible, providing greater equality of opportunity, creating a more diverse and inclusive workplace and helping us make better use of the skills and talents of our workforce.*

**Charter Members** will be expected to provide evidence of enabling a more flexible workforce to access a broad diversity of skills and talent:

- Designing jobs which flex wherever possible:
  - Where people work (working from home; across different offices; mobile working);
  - When people work (flexible start or finish times; annualised flexibility; compressed hours; project-based work; shift work); and
  - How much people work (part-time; job sharing or job splitting; unpaid leave).
- Having a flexible working policy to:
  - Encourage flexible working where appropriate and reasonable;
  - Give every individual the opportunity regardless of circumstances to request and be considered for flexible working arrangements and for requests to be answered within 28 days;
  - Regular review of flexible working arrangements.
- Advertising all jobs with clarity on the possibility of job flexibility from the outset

The Consultation Workshop was attended by c.40 Charter Supporters and Members as well as key Charter partners and employment lawyers.

## The Consultation Workshop and Feedback

The full slide deck utilised to facilitate discussion and consultation feedback can be provided on request. In the time available the workshop focused on four main questions:

1. Should the Right to Request Flexible Working be a Day One Right?
2. Do the 8 business reasons for refusing a Request all remain valid?
3. Do you agree that employers should be required to show that they have considered alternative working arrangements when rejecting a statutory request for flexible working?
4. Do you think that the current statutory framework (one request in a 12 month period) needs to change in relation to how often an employee can submit a request to work flexibly? (with the following supplemental questions)
  - a) If the Right to Request flexible working were to be amended to allow multiple requests, how many requests should an employee be allowed to make per year?
  - b) If the Right to Request flexible working were amended to reduce the time period within which employers must respond to a request, (currently 3 months) how long should employers have to respond?

### Workshop Response - Question 1

*Should the Right to Request Flexible Working be a Day One Right?*

96% of those attending agreed that the Right to Request Flexible Working should be a day one right.

The comments collected on why participants believed this was the right thing to do is set out below in a word cloud:



Key elements of commentary included the idea that the discussion around flexible work should be held prior to 'day-one' and included through the stages of job design and recruitment, although others thought day-one was appropriate as it may avoid unfair bias in recruitment.



Many comments were received that highlighted the positive value of offering flexible work from day day one, including:

- Attracting talent to the employer
- Supporting employee retention
- Building contentment, leading to better commitment and performance

Others suggested that it could be tied into probationary periods and that through that process, with regular reviews, a better understanding of the the employee’s needs would be gained.

It was clear that solid communications and converations were needed from the outset to build trust and transparency between the employer and employee on this issue.

### Supplemental Question

The Workshop participants were also asked whether they currently accept requests for flexible working arrangements from employees that have less than 26 weeks continuous service?

**71%** of employers did accept requests within 26 weeks with the remaining **29%** either uncertain or only accepting requests after 26 weeks service.

### The Charter Response:

**Following our established Membership Crietria we believe that every employee should have the right to flexible working arrangements from day one.**

### Workshop Response - Question 2

2. *Do the 8 business reasons for refusing a Request all remain valid?*

**78%** of those attending agreed that the the 8 business reasons for refusing a Request remained valid, with **22%** believeing that there were some that were not valid. However the word cloud reflecting the associated commentary shows a feeling that the current framework was too vague and a refreshed approach based on a ‘reasonable adjustment’ like approach would work better.



Some discussion focused on whether a list of reasons was needed at all and that rather than prescribing set conditions the approach should be based on a reasonable decision like other aspects of employment law or reasonable adjustments relating to disability.

Many felt the reasons set out as too vague and that the threshold for justifying the 8 grounds should be higher for employers.

Other conversations suggested that the reasons provided a framework to ensure that the employer wasn't just arbitrarily refusing the request.

There were a number of challenges to the 'Structural Change' reason – as most thought that this in fact would offer an opportunity to accommodate flexible working requests.

Finally consideration was also given to whether there was sufficient challenge available to citing the eight business reasons for refusal and whether there needed to be an appeals process or the ability to test trial periods before reaching a firm decision on the request.

#### **The Charter Response:**

**Following our established Membership Criteria we believe that every employee should have a flexible working policy to:**

- Encourage flexible working where appropriate and reasonable.
- Give every individual the opportunity regardless of circumstances to request and be considered for flexible working arrangements.
- Regular review of flexible working arrangements.

**Whilst the business reasons remain valid – they would be more usefully contained within a duty to provide reasonable adjustments for flexible working, including the evaluation of trial periods.**

### **Workshop Response - Question 3**

*3. Do you agree that employers should be required to show that they have considered alternative working arrangements when rejecting a statutory request for flexible working?*

There was little debate in the consultation workshop on this question with **100%** of those attending agreed that employers should be required to show that they have considered alternative working arrangements when rejecting a statutory request for flexible working.

#### **The Charter Response:**

**Again following the principles set out in the Charter's Membership criteria, the Charter fully supports the requirement for employers to show that they have considered alternative working arrangements when rejecting a statutory request for flexible working.**

## Workshop Response - Question 4

4.1 Do you think that the current statutory framework (one request in a 12 month period) needs to change in relation to how often an employee can submit a request to work flexibly?

88% of those attending agreed that the current statutory framework needs to change - with 8% unsure and 4% content with the current arrangements.

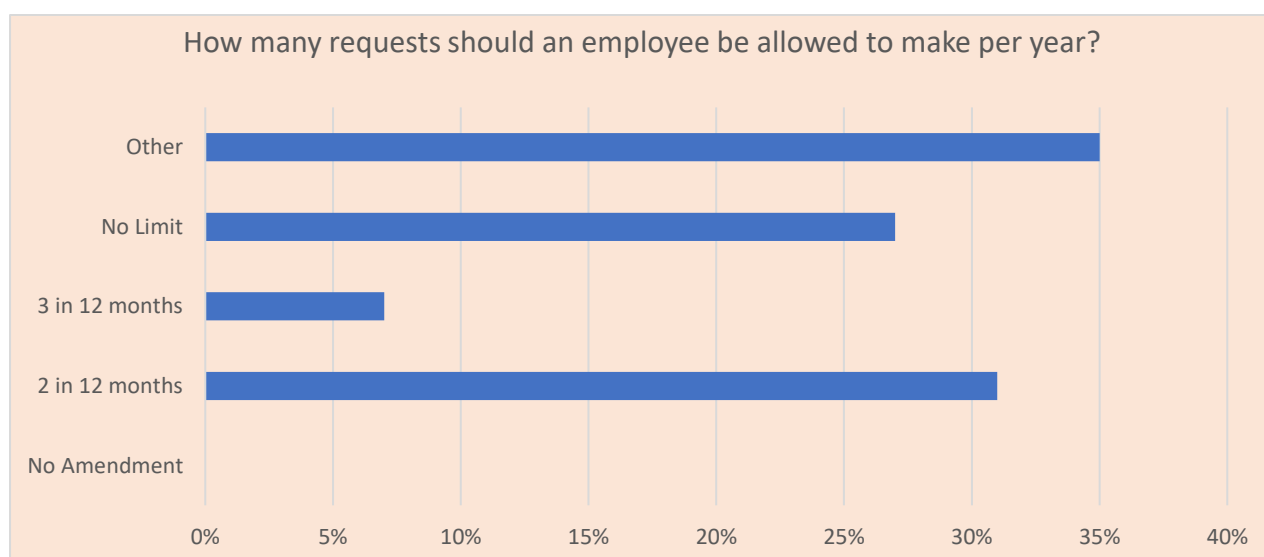
The general consensus was that circumstances can change in shorter periods than a year and that life events and cycles such as illness and death can be unpredictable and on this basis the flexible work frameworks employed need to be adaptable to an employee's changing circumstances.



On the issue of potential 'serial requesters' the discussion focused on the need for effective management systems to explore any underlying issues.

4.2 If the Right to Request flexible working were to be amended to allow multiple requests, how many requests should an employee be allowed to make per year?

There was a fair spread of views on this particular aspect:

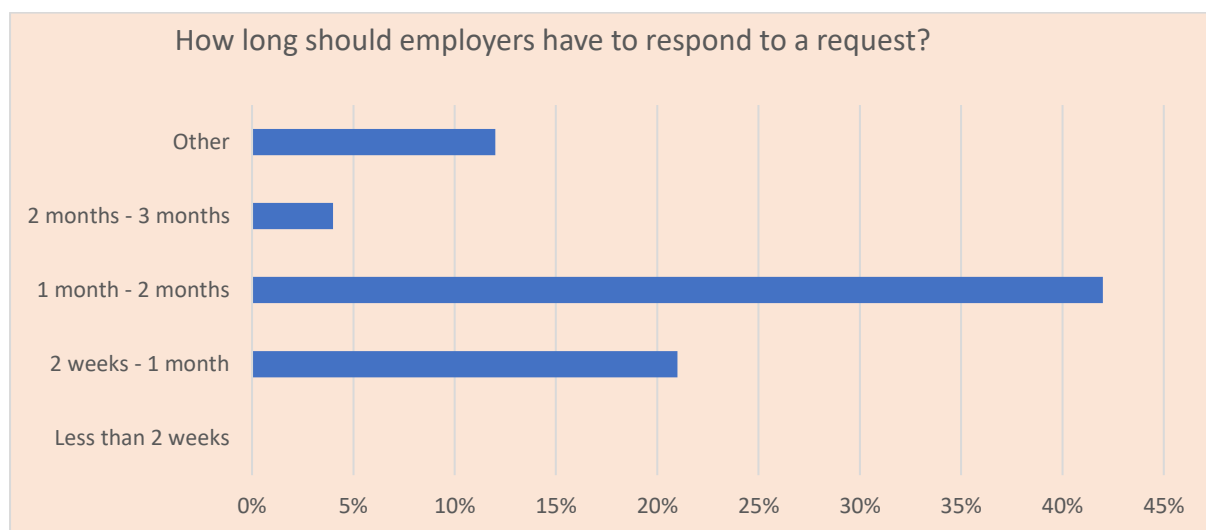


The variation in responses reflected a range of different management styles which in turn probably reflect the size and sectors of the employers present.

All suggested that there needed to be some change and that one request per year would not be reasonable or practicable moving forward. However, from the comments made, nearly all referenced the need for employers to effectively manage requests within a flexible working policy, with most suggesting that the underlying conditions would need to have changed to consider a second or third request within a twelve month period.

#### *4.3 If the Right to Request flexible working were amended to reduce the time period within which employers must respond to a request, (currently 3 months) how long should employers have to respond?*

Once again there was a fair spread of responses across the options offered:



The workshop again reflected the diversity of sectors and scales of organisation on this point. With larger employers and those with operational delivery needs. The discussion also drew out that responding to a request is not the same as have the full solution to the request in place.

#### **The Charter Response:**

**The Charter is clear in its Membership criteria and it's assessment approaches that the need for a Flexible Working policy should be informed by a 'life happens' philosophy to ensure that an employee is fully supported and has an open ability to seek to request their working approach at any time.**

**The Charter also set out that requests must be answered within 28 days although our assessment process recognises that implementation can take long and in line with ACAS guidelines should be in pace within 3 months at the latest.**



## **The GM Good Employment Charter and Flexible Work**

Flexible work is a foundational characteristic of the Charter and its importance to employees and employers has grown significantly over the past twenty months as a result of the changing nature of work brought about by the COVID-19 pandemic.

In response the Charter has been keen to support employers to enable them to support employees and realise the productivity benefits that flexible working can provide.

As well as delivering [blogs](#), [workshops](#), [webinars](#) and [podcasts](#) on the subject we have been working closely with Timewise to develop a series of [Masterclasses](#) to support employers, which will be supplemented by a series of Toolkits and Checklists which will enable all of our supporters and members to better understand how they can introduce and manage Flexible Work solutions.

We are also working in partnership with the Greater Manchester Combined Authority and Timewise on the publication of a Greater Manchester Flexible Job Index which will be published in 2022.

## **Organisations/Employers registered for the Consultation Event**

- Manchester Metropolitan University
- Bruntwood
- Electricity North West
- Head of HR
- GM Good Employment Charter
- Seddon Construction
- Stockport Homes
- Pozzoni Architecture Ltd
- Co-operative Bank
- Stepan
- Play it Green
- The Lowry Hotel
- Molygran & Co. Ltd
- TalkTalk
- SUEZ recycling and recovery UK
- Stockport Homes
- Limitless Leadership Limited
- Pont Packaging Ltd
- The Growth Company
- Planit IE
- Starts with you Ltd
- Brabners LLP
- EY
- KPMG
- Bolton Council
- Back on Track
- GM Combined Authority
- Abellio
- TalkTalk
- Manchester Airport
- Oldham College
- William Hare Limited
- One + All
- Fairmont Legal Ltd
- Peel L&P
- Arup
- Aaron and Partners

For Further information regarding the Consultation Event or the Greater Manchester Good Employment Charter please contact:

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