

# Flexible working policy

## Flexible working policy

The Firm's policy is to offer and support flexible working for any member of the Firm, so long as this can be done in a way that meets the needs of our business and there is continued compliance with the Firm's other policies. By law, many employees who are parents of children aged under 17 and the carers of certain adults have a right to request a change to their working conditions in order for them to care for that child or adult. We recognise that it is not only those with children or caring obligations who would welcome some flexibility around their working arrangements. As a result the Firm will consider requests from all employees to work flexibly even where they are not eligible under the law to make such a request. In all cases the Firm will try, wherever possible, to accommodate reasonable individual requirements whilst ensuring that the needs of the business are also met. However, in some cases it may not be possible to reconcile individual requirements with the needs of the business.

Flexibility can be a win-win scenario. Our people and their collective knowledge, contacts and experience, are our main asset. Motivating and enabling our people to work more efficiently and effectively is thus a key objective. There are important things to consider, and often challenges to address, when an individual makes a request to work flexibly. In a firm such as ours, unpredictability of workload (particularly for fee earners) can make flexible working more difficult, but not impossible, to accommodate. In addition, new competencies could be acquired by those working reduced hours at a different pace to those working on a full time basis, although this need not always be the case. Successfully managed flexible working arrangements, however, where there is clear communication between colleagues about their working arrangements and where people know what is expected of them, can result in enormous benefits to both the Firm and its members.

## What's in it for you?

The possibility of tailoring your working arrangements to fit in better with your personal commitments

whether these are related to caring obligations or not.

## What's in it for us?

A better motivated workforce working in the most efficient and effective way to ensure that business targets are met.

## What sort of arrangements constitute "flexible working"?

Flexible working is a phrase that describes any working pattern adapted to suit an employee's needs.

Common types of flexible working include:

- remote working: working from a location other than the office eg at home;
- annualised hours: when hours are worked out over a year;
- job sharing: sharing a job designed for one person with someone else;
- part-time: working less than the normal hours, perhaps by working a four day week;
- staggered hours: shifting hours of work to earlier or later in the day or breaking up the day.

Over the last few years the Firm has tried out various patterns of flexible working and has gained useful experience of which arrangements are most practical and how to make those arrangements work. At the outset it is important to remember that individual members of the Firm each have varied roles and are employed and compensated on different bases. These differences make certain arrangements more workable than others depending on each individual's role and circumstances.

Some employees work in practice or business services groups or roles with factors which can make part-time working more difficult to accommodate. This may be because of client demands or because the nature of their work means that coverage is required on a full time basis. In addition, work that requires ongoing continuity may not be easily handed over to another person. There are additional challenges that need to be addressed to enable part-time working in transactional practice groups. Bearing all of this in mind, we do have fee earners within the Firm who are working successfully on a part-time basis. On the business services side we have secretaries working in job shares (where another appropriate job-sharer has been found) meaning that both are able to work part-time. It is worth bearing in mind that those who apply for a part-time arrangement often request a Monday or Friday off work. While this may be possible, other people's working arrangements and/or the needs of the practice or business services group and/or clients' needs may mean that the individual as well as the Firm will need to be flexible in order to achieve workable arrangements.

Additionally, some employees have jobs which require attendance during certain hours either because they work in shifts or because they work directly for someone else who needs them to be present at the same time as they are. On this basis it would be hard to approve, for example, a request from a secretary to shift his or her core hours if this meant that the people they work for had to work without cover for a proportion of each day. In some cases, however, it can be beneficial for fee earners and others to have their secretaries working a pattern other than the standard 9.30 – 5.30pm hours. As a result we have secretaries working within the Firm who, having consulted with all of those affected, have altered their hours in a way that is more convenient for everyone.

Further, some employees have jobs which require them to work from the office for all or at least most of the time usually because of the resources that they need. Other employees are more easily able to work from home using the right IT equipment and having remote access to the Firm's other resources. Since the overhaul of our IT systems home working is a more viable option than before and thus we have fee earners and members of business services who work at home on an occasional or regular basis such as one or two days a week. In addition, we already accommodate fee earners who leave the office at fixed times each day but still meet the Firm's requirements by working flexibly from home in the evenings or on other occasions.

If you would like more information about how our IT systems can enable greater flexibility in your current job (eg to facilitate working from home on an occasional or more structured basis) please refer to the document which can be found on the intranet at <http://intranet2.simmons-simmons.com/team/docs/Remote%20Access.jpeg>. You should also consider whether you can comply with the Firm's rules on home working, which include:

- having arrangements in place (including childcare during your working hours) and the correct IT and other equipment to allow you to properly perform your duties, including e-filing if you are a fee earner;
- complying with all of the Firm's policies and procedures applicable to the performance of your duties, including the Risk Management Rules and the IT Policies and Procedures;
- ensuring that you can be easily contacted by the Firm and, if applicable, clients which includes ensuring a phone switch is in operation so that calls are automatically diverted to your home when you are working there;
- recording your time on a daily basis and in accordance with the Firm's policy.

Whilst the Firm will try, where practicable, to meet each individual's flexible working requirements, flexibility is a two-way process. From experience, the attitude of the individual and their desire to make an arrangement work (from their point of view and from the Firm's) is often key to whether proposed flexible working arrangements are successful or indeed workable.

Giving some real examples of various flexible working arrangements within the Firm is intended to give some general guidance to those considering their options around flexible working. This does not mean that the Firm has prejudged any type of request – each request will be assessed individually on its own merit. With some creative thinking and flexibility on both sides many different arrangements may be possible. A discussion with your HR Manager, line manager, National Practice Group Head or Business Services Director may be a useful starting point when deciding which type of arrangement would work best considering the type of job you have and the contractual basis upon which you are employed. It is important that you give careful consideration to your circumstances as requests which are reasoned and well thought through (presenting a “solution”, rather than a “problem”) are naturally more likely to be agreed. Your HR Manager will also be able to advise you on any impact that a change involving different hours of work would make to your terms and conditions including your salary and benefits.

### **Who is eligible?**

Anyone who has been continuously employed by the Firm for 26 weeks and has not made a request to work flexibly during the past 12 months may make a request to work flexibly under this policy.

You retain any rights that you may have to make a flexible working request by law but in addition to those rights the Firm will entertain requests to work flexibly from those employees not currently covered by law because they do not have responsibility for certain children or to care for certain adults.

You can apply to the Firm for a change in:

- A. the hours you are required to work;
- B. the times when you are required to work;
- C. the locations where you may work.

### **How should the request be made?**

The request for a flexible working arrangement must be made in writing using the flexible working application form. The form may be downloaded from the intranet or obtained from Human Resources in hard copy.

The request must:

- A. identify the change requested;
- B. identify the proposed effective date;
- C. identify the effect, if any, you think making the change would have on the Firm and your colleagues; and
- D. indicate how, in your opinion, the Firm could deal with the effects of the change.

The form should be submitted to the relevant National Practice Group Head or Business Services Director with a copy sent to the relevant Human Resources Manager.

The application is generally deemed to have been made on the date the Firm receives the form.

### What happens after the form is received?

If the Firm agrees to the request you will be notified in writing by a letter outlining the effective date and changes to your Terms of Employment, otherwise the following procedure will be followed:

- A. within 28 days of your application a meeting will be held with you to discuss it (unless prior to the expiry of that initial 28 day period the Firm has written to you to agreeing to your request);
- B. within 14 days of the meeting the Firm will provide you with written and dated notification of the decision;
- C. if your application is rejected the notification will state which grounds for rejection apply (with an explanation as to why those grounds apply) and the appeal procedure.

### Appeal

If you then wish to appeal you should send a dated written note setting out the grounds for appeal to the Human Resources Director or, in the case of Human Resources employees, to another Business Services Director within 14 days of the date of the rejection of your application.

Within 14 days of receiving the appeal, if it agrees to your request, the Firm will notify you in writing by letter outlining the effective date and changes to your Terms of Employment, otherwise:

- A. the person receiving your appeal (or someone else nominated by them) will meet with you;
- B. within 14 days of the appeal meeting the Firm will give you a written and dated appeal decision;
- C. a rejection decision will give the grounds for rejection and an explanation as to why the grounds apply.

### Extension of time limits

If the individual who would ordinarily consider the application is on holiday or absent on sick leave when the application is received the 28 day period runs from:

- A. the day that person returns to work; or
- B. 28 days after the application is made;

whichever is the later.

The timetable above can be extended by agreement between you and the Firm but the revised timetable must be:

- A. recorded in writing by the Firm;
- B. specific as to what exact dates / time the extension applies;
- C. dated; and
- D. sent to you.

The Firm will ask that you sign to acknowledge agreement to any such changes.

### Grounds for refusal

The Firm may refuse the request on the following grounds:

- A. detrimental effect on the ability to meet client demand;
- B. detrimental impact on quality;
- C. detrimental impact on performance;

- D. detrimental impact on performance;
- E. inability to rearrange work amongst existing employees;
- F. inability to recruit extra personnel;
- G. lack of or insufficiency of work when you propose to work;
- H. planned structural changes;
- I. extra cost;
- J. any other ground that may be specified by the law relating to statutory requests for flexible working.

### **Status of change**

If agreement is reached, there will be a trial period and at the end of that period, if it has been successful

in the opinion of the Firm, your terms of employment will change.

If the request is rejected another application cannot be made for 12 months.

It is the Firm's policy to review all flexible working arrangements on a periodic basis and at any event at a person's annual appraisal. It is possible that an arrangement may be modified after any trial period if the arrangement is no longer working satisfactorily from the individual or the Firm's point of view.

### **Right to be accompanied**

You can make a reasonable request to be accompanied at a meeting to discuss your application or at an appeal meeting. Your companion can be a fellow employee of the Firm and will be entitled to:

- A. address the meeting (but not to answer questions on your behalf); and
- B. confer with you during this meeting.

### **Withdrawal of application**

The Firm will treat your application as withdrawn where you have:

- A. notified the Firm orally or in writing, that you are withdrawing your application;
- B. without reasonable cause, failed to attend a meeting to discuss the application or an appeal meeting more than once;
- C. without reasonable cause, refused to provide the Firm with information the Firm requires in order to assess whether the proposed changes should be agreed to.

For additional information on our firm, please visit our website at [simmons-simmons.com](https://simmons-simmons.com).

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