

# A pandemic legacy: flexibility

31 March 2023

Whilst the right to request flexible working has been available for some time, for many employers and employees, the pandemic resulted in a large-scale forced trial of flexible working. In some cases, this may have been flexibility over hours – particularly for those attempting to take on the role of home-school teacher at the same time; for others, it was a change in location, with homeworking taking centre stage.

## Recruitment and retention

Over three years on from the first UK lockdown, the focus on flexibility remains, with many employees valuing remote working or flexibility over hours as a key factor when making employment decisions. For higher education institutions already struggling with recruitment and retention in some areas – as well as pay pressures prompting industrial action – creativity over working practices and non-pay benefits has never been more crucial as a tool to retain talent and attract the best candidates.

## Statutory requests

The proposed changes to the statutory flexible working regime will also extend the ability to request flexible working to all employees, making this a day-one right by removing the 26-week qualifying period. Whilst this doesn't quite match the Government's description of "making flexible working the default" (the right remains a "right to request", not a "right to work flexibly"), it will nevertheless increase the option of flexibility to a wider section of the workforce, as well as increasing the number of requests that can be made within a 12-month period.

Once the legislation comes into force, higher education institutions will need to ensure that their internal policies are updated to reflect the changes made, as well as ensuring that those who are dealing with flexible working requests from employees are familiar with the process required and are appropriately trained.

## Society trends

Whilst statutory flexible working requests have not been limited to those with childcare or other caring responsibilities for some time now, the pandemic has nevertheless changed the view of flexible working, bringing it much more into the mainstream and making flexibility an inherent part of the working relationship for many. This has then led to greater willingness from many employers to re-evaluate what might work. For example, results from the world's biggest four-day working week trial (run in the UK between June and December 2022) were published in February 2023, with the trial being hailed a "resounding success".

Whilst a four-day working week may not work for all employers, the publicity from this trial is likely to increase employee awareness of the different types of workplace flexibility that may be possible. Many higher education employers will also be keen to explore what working practices may best suit higher education provision in the future.

## Service delivery

Of course, the extent to which flexibility can or cannot be accommodated will vary from employer to employer. It will also vary from role to role. For higher education institutions, there are likely to be tensions between managing service delivery (and challenges perhaps over

what service delivery should look like) and accommodating flexibility. Here, experiences during the pandemic are likely to remain relevant – what did or did not work well can be arguments to both support or reject flexible working requests.

We'll be exploring flexibility further as part of our session on **Meeting the Challenges of Staff Recruitment and Retention** at the [UHR Working Well 2023 Conference](#) on 11 May 2023.

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