



Model Proposal for a Flexible Working Arrangement

Introduction

This model proposal is for lawyers seeking to make the business case to their employers for a flexible working arrangement.

It aims to be general enough to enable employees to adapt it to meet their particular circumstances but particular enough to ensure that all costs and benefits (actual and potential) are addressed in a thorough and systematic fashion.

We hope that the model proposal will also serve as a resource for HR managers and employers who may not have policies in place to guide them on how to respond to such requests. It may also help them to adopt a uniform approach and reduce the transaction costs of renegotiating such arrangements. Finally, we hope that it will help to encourage best practice in this area.

Contents

1.	Summary	3
2.	Proposed flexible working arrangement and timing	4
3.	Key stakeholders	6
4.	Resource Requirements and Cost	7
5.	Benefits and Organisational impact	9
6.	Risks and risk management	10
7.	Critical success factors	11
8.	Review	11

1. Summary

NOTE TO EMPLOYEE: This is the place to summarise your proposal. Include the schedule you want to work, proposed work scope, remuneration. Also state whether the proposed arrangement is temporary or open ended.

Also include a brief statement as to why you want to work flexibly. Is it to meet caring responsibilities, for example?

Take the opportunity to state concisely what's in it for both parties. For example *"I would like to work a compressed work week to enable me to pursue my interest in film making . I understand the importance of flexibility and my proposal ensures that I will be accessible and available when emergencies arise."*

Finally, does your employer already have a policy in place that deals with requests for flexible work? If so, say something about how your proposal complies with that policy.

2. Proposed flexible working arrangement and timing

2.1. Current work scope and schedule

NOTE TO EMPLOYEE: Set out your current work scope and schedule here.

2.2. Proposed work scope

NOTE TO EMPLOYEE: Most flexible work arrangements mean some change or reduction in your workload, or possibly a redesign of your job. In this section you should identify any work will need to be reassigned, delegated or done differently.

Some things to consider:

If the proposed arrangement is to follow a period of parental leave or extended leave, consider the following:

- Will you resume the same position in the same team?
- Will you be required to rebuild your practice?
- What matters will you have ultimate responsibility for?
- Who will supervise you?

If the proposed arrangement is to take effect now, consider the following:

- Which matters can be delegated with you retaining supervisory responsibility?
- Which matters can be passed on to colleagues in your team?
- Which matters can be severed so that part can be delegated or allocated to colleagues in your team?
- Which clients will insist on the status quo? Who are your "high maintenance" clients?

Also, what are your expectations (and the firm's expectations) regarding:

- Practice development(article writing, conferences, client functions)
- Mentoring and leadership activities
- Administrative activities
- Firm social activities

You may need to make some trade offs for working flexibly. For instance, matters which are difficult, novel or high profile can good for your career and reputation, but adjustments may need to be made to ensure that work quality is maintained. It is essential that you recognise the importance of flexibility and that you put in place arrangements to ensure accessibility and availability when emergencies arise. This may include any flexibility requirements that are particular to the area of practice, for example attendance at court or tribunal hearings, settlements etc.

2.3. Proposed schedule

NOTE TO EMPLOYEE: In this section you should identify what schedule change you are proposing. It could be one or a combination of the following arrangements:

Possible scheduling arrangement	Description
Reduced time/part-time/flexible hours	Allows employees to work fewer than 5 days a week or reduced hours/days calculated on an annual basis, for example not working over school holidays.
Job Share	Several employees (usually two) share a full time job.
Flexi-time	Allows employees to adjust starting and finishing times around core operating hours.
Compressed work week	Allows employees to work required hours over a reduced number of days.
Time in lieu	Allows employees to accumulate unpaid additional hours and subsequently to convert those hours into time off.
Remote working	Some or all of the employees' work is performed out of the office, for example, at home.
Purchasing additional leave	Allows employees to "buy" extra leave, but average reduced annual salary over the year.
Taking additional unpaid leave	Extra leave, but not paid. May be fixed to cover specific periods such as holiday periods.

3. Key stakeholders

NOTE TO EMPLOYEE: The purpose of this section is to show that you have considered the proposal from all perspectives. This will help to identify and address costs and benefits later in the proposal.

Most of these interests should have been considered and addressed in other sections of the proposal. Specific areas of concern for a particular person or group could be addressed here as well.

Stakeholder	Interest	How the proposal addresses that interest [Lawyer to insert]
[Lawyer]	Wants a schedule that allows work to be balanced with demands outside the office. Wants performance standards to be maintained. Wants clear communication channels.	[These interests will have been considered and addressed in this proposal]
Clients	Wants performance standards to be maintained. Wants clear communication channels. Wants reassurance that if emergencies arise, FWA will not complicate response. May want reassurance that they remain a valued client of the firm. Does not want to pay for double up of work due to handing over of files.	[These interests will have been addressed in section 6 (Risk management). Firm may agree that any costs resulting from handover of work will not be passed on to the client. You could estimate a cost and agree to make sure that the work stays within that figure]
Supervising lawyer	Wants quality of work to be maintained. Wants a simple arrangement*.Wants clear communication channels. Does not want unmanageable increase in time supervising work. Does not want to have to write-off large amounts of time for double-up of work. Wants a continued contribution to the team i.e. mentoring, practice development.	[These interests will have been addressed in section 2 (proposed works cope and schedule and section 6). See above regarding handing over of work]

Other lawyers in the team	Wants quality of work to be maintained. Wants clear communication channels and responsibility delineations.	[See above]
Support staff	Does not want unmanageable extra administration load. Wants clear communication channels. Wants to know where all files and documents can be located at any point in time. May be concerned about their own job security or job status if most or all of their work is done for you.	[This will have been addressed in section 4 (resource requirements and cost)]
The firm	Wants the arrangement to be profitable. Does not want to incur unnecessary overhead costs. May be concerned about the firm reaching a “critical mass” of employees on flexible work arrangements.	[This will have been addressed in section 5 (benefits and organisational impact)]

*This is often raised as a critical issue for employers who need to plan workloads weeks or months in advance. Flexible schedules that are unclear about time required in the office, or are complicated or permit frequent changes can lead to uncertainty, confusion and frustration for supervisors and colleagues.

4. Resource Requirements and Cost

NOTE TO EMPLOYEE: For many employers this section will be critically important. It is an opportunity for you to be on the front foot about the true extent of those costs. It will show the employer that you recognise that there will be some cost and that you have given thought to how cost can be kept to a minimum.

4.1. People

Person	Work required if the proposal is accepted	Proposals for minimising cost [Insert below]
[Lawyer]	Increased administration load	[Explain what you think the true extent of this load will be and why you think it is achievable]
Support	“Triage” responsibility ie handling queries from client/external lawyers and determining who to pass them on to. Monitoring whereabouts of documents that are worked on at home.	[Suggest ways in which this work could be reduced. For example, could clients be encouraged to contact you directly. Speak to IT about the likely amount of technical support you will need]

	Technical support when working from home	
[lawyer's] team members	May need to take over responsibility for certain matters. Time spent "reading-in".	[Team members might be happy to take on new work, so long as the handover is properly managed. Estimate a reasonable amount of time fro reading in. Could team members receive some credit for that work if that time is going to be written off?]
Supervising lawyer	Increased administration load implementing the arrangement, reviewing it and handling any client queries regarding it.	[Explain that this proposal addresses most of the issues and sets down a procedure for review, to help keep these costs down]

4.2. Facility

NOTE TO EMPLOYEE: The main item under this head is office space. If the arrangement requires you to be away from the office for some period, will there be unutilised office space over this period?

4.3. Equipment/services

NOTE TO EMPLOYEE: This is a potentially significant cost not just because of expenditure but also because lawyers and human resource professionals often do not fully understand the cost implications of remote access technologies. They are therefore at risk of miscalculating the real cost of using them.

Things to consider:

Justification: Identify why it is necessary for you to have this equipment/service. Remote access technology is constantly changing and it might pay to do some research as to what is available and the likely cost. If your firm has an IT manager talk to that person to find out what system constraints and opportunities exist for remote access at your firm.

Provider: Who will provide this equipment/service? If the employer agrees to pay for the installation of a virtual private network at your home who will pay for the cost of the new VPN if you move house?

Usage requirements: Does the firm have any "use it or lose it" parameters? Agree on what the equipment is to be used for. Just work? Or can it be used for both work and personal purposes. What is the firm's policy regarding OH&S?

Equipment	Justification [Insert below]	Provider [Insert below]	Usage requirements [Insert below]
PC/software			
Printer			
VPN			
Support			
Telephone			
Handheld			
Courier service			
Digital dictation form home			

4.4. Cost summary

5. Benefits and Organisational impact

5.1. Benefits to key stakeholders

NOTE TO EMPLOYEES: This is where you say why you're worth putting the arrangement in place. A valued staff member may have some or all of the following attributes.

- Specialist in an area of law
- Advanced technical skills
- Expert knowledge of a particular industry
- Strong client relationships
- Strong managerial skills (valued mentor, effective supervisor, supportive colleague)
- You are the "go to" person on a large matter

Highlight the attributes that apply to you emphasising that the arrangement you are proposing will enable you to manage your work and life better and thus continue to achieve and grow in these areas. Viewed in this way, the benefit of the arrangement is that it will promote enhanced performance.

The second benefit is retention. Without you, the team may lose valuable expertise. Also, the firm has more than likely made an investment in you which it will not recoup on if you leave.

5.2. Overall impact

NOTE TO EMPLOYEES: Here you should provide a summary of the overall benefits versus costs and briefly state why you think your proposal is cost effective.

6. Risks and risk management

6.1. Risk Assessment and response

NOTE TO EMPLOYEE: This is one of the most important sections in your business case. Legal practice depends on good communication. Many LawCover claims arise because of poor communication and it is a significant risk area for legal service providers generally.

Review your firm's current policies and procedures. They may already address these risks. Referring to existing policies and procedures in your proposal not only ensures consistency within the firm but it also highlights the fact that these risks are not unique to the arrangement you are proposing.

Communication Protocol

Critical to the new work scope will be the establishment of clear communication channels. Your firm may already have policies in place dealing with this. Things to consider:

What is going to be the usual mode of communication with your team members when you are not working? Telephone? Email?

What will your usual mode of communication be with clients on days when you are not working? Will your email system activate an out of office notification on those days?

It is recommended that for matters for which you have sole responsibility, your client is informed of your new situation and is reassured that from the client's point of view, nothing will change. The clients should be invited to contact the supervising partner/direct report should s/he have any concerns or questions about the new arrangement.

Document Protocol

Your firm may have in place a protocol for the recording of all important documents that leave the office. If not, you should consider including a procedure for this in your proposal.

Does there need to be protocol in respect of client documents which are saved to your personal computer?

Priority	Analysis of risk [Insert. Examples below]	Action Plan to treat or mitigate risk [Insert. Examples below]
1	[Client unable to reach [lawyer] in relation to an urgent matter]	[Existing firm policies and procedures?] Communication Protocol Document Protocol]
2	[Error between [lawyer] and team occurring due to miscommunication]	[Existing firm policies and procedures?] Communication Protocol]

3	[Inappropriate or inadequate delegation of work by [by lawyer] to another team member]	[Existing firm policies and procedures?]
4	[File loss due to files being removed from the office for working at home]	[Existing firm policies and procedures? Document Protocol]
5	[Other security breach due to working at home]	[Existing firm policies and procedures? Document Protocol]

7. Critical success factors

NOTE TO EMPLOYEE: Here you should identify the outcomes that need to be achieved in order for the proposed arrangement to be considered to be successful. For example:

1. Quality of work maintained
2. Proposed new scope of work and new schedule achieved
3. Communication channels effective
4. Supervisory load manageable
5. Administrative load manageable
6. Client feedback positive
7. Other stakeholder feedback positive

8. Review

NOTE TO EMPLOYEE: Here you should specify a means for reviewing the arrangement. For example:

“[The firm] and [lawyer] will review and modify if necessary this arrangement during [lawyer’s] regular performance evaluations and at any other time at the request of either party.”