



Ministry  
of Defence

# Flexible Working and You

## A Guide for Service Personnel







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# A Guide to Flexible Working, Flexible Duties and Flexible use of Leave for Service personnel

## Why Flexible Working Matters

Put simply, a healthy work-life balance is critical to our success - when done right, it not only enables a happier and healthier lifestyle, but also provides colleagues with greater resilience and energy in what can often be a demanding work environment. We all have lives outside the day job, and it's important to take time to refresh and recharge. Maintaining a good work-life balance is very much a team sport; it's beholden on us all - military, civilian and contractors - to look after each other, and to be having the open, honest conversations, especially between job holders and line managers, we need to ensure we are working at our best.

While everyone, whether military or civilian, can ask for flexible working, it is up to the line manager to decide whether this can be agreed, taking into account the effect that flexible working might have on the delivery of outputs and the rest of the team. So whilst it is true that not every job can accommodate a flexible working pattern, it's important for line managers and staff to work together. Yes, the job we do in Defence is important but, to be able to deliver for Defence, we also need to be able to manage our lives outside the department. The key ingredient here is trust - those working flexibly should be able to trust they will be treated fairly, and managers of those staff should be able to trust the work will still get done.

The case for flexible working is clear - a more dynamic and happier workforce is often a more productive one, with a wider range of skills and a greater likelihood of staying within the organisation. As both society and technology progress, the future of work is becoming one where flexible working is more widely adopted, and it is our responsibility to ensure that Defence keeps pace with our people's expectations of the offer of a modern employer, without compromising the delivery of Defence outputs.

**Lieutenant General Richard Nugee - Chief of Defence People**



"The case for flexible working is clear - a more dynamic and happier workforce is often a more productive one, with a wider range of skills and a greater likelihood of staying within the organisation".

*Whilst this Guide is intended to help both Service personnel and their commanders or line managers to understand the range of flexible working options available to them, full details, including the impact on Terms and Conditions of Service, are contained with the relevant Joint Service Publications and must be consulted before any request is made or granted.*

*Key reference documents are JSP 750 Chapter 1 for Flexible Working arrangements, and JSP 760 Chapters 17, 18, 27 and 28 for Leave arrangements.*



## Everyday Flexibilities

The very nature of service in the Armed Forces means that we are traditionally good at being flexible.

We know there will be times, such as operations and exercises, when we will work long days for sustained periods, or will drop everything to finish an urgent task or respond to unexpected events - it's what we do and we are proud of our commitment. In return, we try to apply the same flexibility to our people, both in catering for one-off day-to-day events like a parents' evening, a car service or workmen calling to carry out home repairs (none of which would need formal recording on JPA), and for more serious welfare issues. Dealing with those events is within the power of the chain of command, supported by the welfare agencies as necessary, using the flexibility vested in the chain of command to manage their people.

Flexible Working policy doesn't look to change that relationship, but deals with situations where the individual wants to make flexible working a longer-term arrangement, with a degree of certainty for both the individual and the line manager. It aims to create guidance to allow requests to be dealt with fairly and with a consistent impact on individuals' terms and conditions of service.



### Don't forget...

Any flexible working arrangement is dependent on the ability of the individual's unit to maintain operational capability but, for some types of flexible working, this may also extend to the impact on the operational demands on the individual's trade or specialisation more widely.

Where an application to work flexibly cannot be supported, the reasons must be explained to the individual

It is not compulsory to give detailed reasons for seeking to work flexibly, nor does there have to be a specific family-related reason; however, knowing why an individual is seeking flexible working is valuable in helping the chain of command to understand the urgency of the application and to consider potential alternative ways in which the demands of work and family or private life could be balanced.



### What you said...

*AFCAS, FAMCAS and FES surveys have consistently identified flexible working as something Service personnel were keen to embrace, but not enough of them knew what was available - this Guide is intended to help bring the basics together in one place. In AFCAS 2017, only 40% agreed that they were able to maintain a balance between personal and working life.*



## Myth Busters

*"Flexible Working is just for women or parents"*

**Not true:** while working parents might find the ability to work flexibly a particularly valuable way of balancing the demands of job and family, it can be just as useful for those with a long daily or weekly commute, or with caring responsibilities for elderly parents or other interests as examples.

*"You have a right to Flexible Working"*

**Not true:** you are entitled to apply but do not have a right for it to be granted. An early discussion with your chain of command is the best way to establish what might work for you and your Service role.

*"You need to have a reason related to family to apply"*

**Not true:** whilst giving reasons for your application will help your chain of command consider it, you do not have to give specific reasons to be eligible.

## Flexible Working - Good for all?

Flexible Working - all very well, but does it only benefit those who actually use it?

Of course, it's of greatest benefit when put into action, but for many, the knowledge that a range of flexible working options exist should they be required is enough to give them the confidence to stay with their employer, safe in the knowledge that they would be supported if possible were they to need to rebalance life and work at a critical time.

By contrast, those who know there is no flexibility available to them will often leave when the opportunity presents itself, rather than wait until a crisis arises.

Likewise, the availability of flexible working as part of an overall career package can be a significant addition to the 'offer' in a competitive recruiting environment, particularly for those joining slightly later in life.

So flexible working can be a significant contributor to retention and recruitment, even for those who don't actually use it.



## Working from Home

As the name suggests, Working from Home allows you to carry out your work from home (or indeed another MOD location closer to home), where to do so would allow you greater flexibility in meeting your domestic needs and where the nature of your work allows.

It might be either 'ad hoc' or regular. 'Ad hoc' is where occasionally your chain of command allows you the opportunity to work at home to complete a particular task or project. Working time would still be shared between home and the workplace, but these are informal arrangements and no written agreement is required.

For regular home working, working time is still shared between home and the workplace, but it is appropriate to have a written agreement in place if you are working from home regularly. It may also be appropriate for a specified period to help the individual through a period of personal difficulty.

*"Being able to work from home once or twice a week really takes the sting out of the commute. Besides, it means I know there's going to be time when I can get to grips with those jobs that need a bit of quality thinking and writing time without the distractions of the workplace".*

- RAF Wg Cdr



### Don't forget...

Although MOD laptops make a big contribution to the ability to work from home, your unit may not be able to provide enough for everyone who wants to do so to have one on demand; working from another MOD location or using MODBOX might be an alternative.

Whether working from home is ad hoc or regular, appropriate security arrangements will need to be put in place to make sure that material is not compromised, particularly if an MOD laptop is not available. See JSP 440 (the Defence Manual of Security, Resilience and Business Continuity) for details.

Health and Safety is important, too. The MOD still has a duty to make sure that you are working safely, even when it is from your own home. You should also make sure that you have suitable childcare arrangements in place to allow you to work undisturbed.



## Variable Start and Finish Times

Variable Start and Finish times allow you to start and finish your working day at different times from those considered to be the 'norm' within your unit, section or HQ, although the total number of hours worked will not be less than those considered to be normal for your role.



## Compressed Hours

Compressed Hours means working full-time hours in a shorter timeframe, either working the normal number of agreed hours over a reduced number of days, or doing some longer days to allow a shorter day in the week. Quite often, this can allow those with a long weekend commute to start late on a Monday and finish early on a Friday to leave a full weekend with family. A variation might be a reduced number of hours in one week, followed by an increase in the next to make up the difference. These agreements should not lead to an overall reduction in hours worked.



### Don't forget...

The baseline will be the working routine for your particular organisation as there is no 'standard' working week or shift pattern for the Armed Forces.

The MOD still has a duty to make sure that you are not working a longer day than can be done safely, or are not at risk if working a longer day means working alone. This may mean that there are limits as to how far any individual can vary or compress their hours.

Requesting either Working from Home, Variable Start and Finish Times or Compressed Hours is done through JPA self service. Even if a request can't be supported, it should still be recorded (and declined) on JPA. It is not necessary to record the actual hours worked. Only enduring flexible working arrangements need to be logged on JPA, though; there is no need to formally apply for one-off or ad hoc arrangements.

All flexible working arrangements should be reviewed by the line manager on a regular basis (at least every 12 months). The review can take place earlier if necessary, and either party can give notice to cancel, wherever possible giving 28 days' notice.

**See JSP 750 Chapter 1 for full details of the policy for Working from Home, Variable Start and Finish Times and Compressed Hours.**

## Compressed Hours and Variable Start and Finish Times - making the working week more manageable

Although we've not always known them by those titles, Compressed Hours and Variable Start and Finish Times are a long-established tool in managing the working week, particularly for those with a long weekend commute.

Of course, they're not suitable for every job, but even where the workplace needs to be staffed between certain times, there can often be opportunities for flexibility amongst the team so that those who need a late start on a Monday or early finish on a Friday can cover for those who need to get away during the week. Good leadership, management and teamwork are key to making it work for all.

## Types of Flexible Duties

### Full Time; Limited Deployability (FD1)

Not liable for operational deployment or Long Separation. Liable for Short Separations and separation within the working routine.

### Less than Full Time; Limited Deployability (FD2)

Able to use up to 93 days unpaid leave to work less than full time. Not liable for operational deployment, Long Separation or Short Separations. Separation in accordance with the agreed working routine.

### Less than Full Time; Full Deployability (FD3)

Able to use up to 93 days unpaid leave to work less than full time. Liable for operational deployment and separation within the working routine, but not liable for Long Separation or Short Separations. Those on FD3 will remain liable to undertake any training needed to remain eligible for deployment.

Full details are available in 2017DIN01-006



## The Flexible Duties Trial

The Regular Flexible Duties (FD) Trial is an ongoing two-year project being conducted in the Armed Forces to allow some Regular Service personnel to use unpaid leave to reduce their commitment by serving for a reduced number of days per year, and/or on a reduced level of deployability, for a bounded period of time.

The Trial will run until the end of March 2019 when the new flexibilities come into being (see next page). It will test the ability of reduced commitment working to respond to the Defence's changing manpower requirements; to improve recruitment and retention by meeting the demands of our people; and inform the development of the new flexibilities, their associated processes and dedicated terms and conditions of service.

Participants in the Trial remain members of the Regular Armed Forces and subject to Service Law at all times, irrespective of the days actually worked. Participation in the Trial does not alter an individual's Regular terms of service; personnel will remain on their original engagement. As it is a limited Trial, there are only minor adjustments to terms and conditions of service.

Personnel will be liable, as an operational necessity or to meet the needs of the Service, to be assigned back to full-time Regular Service at any time, at 28 calendar days' Notice to Return whenever possible (a shorter notice period may be unavoidable). However, every effort will be made to avoid this for the duration of the Trial.

The Trial is being run within the Army and RAF, and for personnel of all Services within the joint environment other than in DE&S. The Trial does not include RN and RM personnel working within the RN TLB owing to the unlimited liability for sea service and high readiness at which personnel are held. As at November 2017, some 100 Service personnel have been approved to join the Trial.

**See 2017DIN01-006 for full details of the Trial and how to apply.**



## Future Working Flexibilities

As has been evident in the Flexible Duties Trial, the ability for some to vary the level of their commitment in the short to medium term can provide a welcome respite from the pressures of modern life and the many competing demands placed on us as Service personnel. A lasting solution for the types of flexibilities trialled under Flexible Duties is under development for implementation from April 2019, which includes changes to legislation in the Armed Forces (Flexible Working) Bill that you may have heard about.

You can expect that Regular Service personnel will be able to seek periods of part-time working, or to have limits placed on the number of days that they are separated for up to 3 years at a time. But, as with the Trial, this can only be granted where the Service can manage it and only for a set period of time, probably for no more than 4 years out of 12. We believe that this will be enough for people to gain the respite they need before returning to full duties and, in turn, for them to retain knowledge, skills and experience.

The pattern of part-time work will be flexible, as long as it can be made to fit operational workloads. Service needs will take priority and so a degree of compromise may be required. Those being granted a limit to their separation will have an annual limit of time away, of something like 35 days per year, to protect them from the disruption of major deployments or exercises. Personnel will be able to apply for one or both of these options. Both will incur a reduction in pay (and have some impact on pension); however, other entitlements may be proportionally adjusted where appropriate.

For those seeking longer-term solutions, Reserve service continues to offer a range of commitments (full-time, part-time and voluntary service, with different separation limits) and we intend to make transfers between Regular and Reserve service easier and more routine. More details on these future flexibilities, being developed by the Future Engagement System (or FES) Project, will be published as the policy develops.

## Flexible Duties: what it means to those involved

### A Sergeant on FD2:

*"Prior to the FD trial I had constant guilt over trying to be the best SNCO and the best Mum I could be; it was simply unachievable. I now feel that I can progress my Service career and have the quality family time that my children need at this formative stage of their young lives."*

### Her Line Manager:

*"I did not know Sgt X before she arrived; we had approved the application for FD prior to her assignment. However, she is clearly grateful for the opportunity to be on the trial as it offers significant benefits for her personal life. As her line manager, I benefit from her positive and willing approach to her duties; I feel sure this is a direct result of happier personal circumstances gained from the trial."*

*As a line manager the obvious benefit is her non-deployable status which gives stability. This offsets any downside of the non-paid leave absences as we can plan the audit visits to our remote sites well ahead and in the knowledge there will be no op tour or pre-deployment training. For the Service this ability to forward plan brings Travel and Subsistence savings."*

Full details are available in  
2017DIN01-006

## Leave Flexibilities

The ability to flex leave between spouses or civil partners who are also Service personnel, or to call leave forward from the coming year will be particularly valuable for those with an upcoming operational tour, particularly where it can mean both being able to take leave together.

Application for more than one leave provision (Transfer of leave in conjunction with Call Forward of Leave or Enhanced Leave), at any one time, will require justification and it will be for the Service person's chain of command to decide whether to approve. There must be an expectation that the recipient will be able to take the leave.



### Transfer of Leave

Transfer of Leave provides the ability for Regular, FTRS and ADC Service personnel to apply to transfer up to 10 days leave (15 days for those who are assigned to an Operational Tour of six months or longer), from their Annual Leave Allowance during a leave year to their spouse or registered civil partner if they are also a Service person. Leave transfer can only be made once in a rolling two-year period.

Applications to transfer leave to a serving spouse or civil partner should be submitted on JPA by the donor (the Service person transferring the leave) to their command chain for approval. If approved, the application should workflow to the command chain of the recipient for their consideration.

Once transferred, the leave can be used as per normal Annual Leave.



#### Don't forget...

You'll need the approval of both the donor's and recipient's command chain for leave to be transferred.

The donor must still be able to take a minimum of 28 days leave, including Public Holidays, in their current leave year as mandated under the Working Time Regulations.

See JSP 760 Chapter 27 for full details .



### Call Forward of Leave

Call Forward of Leave enables Service personnel to call forward up to 10 days leave of their Annual Leave Allowance from the upcoming leave year into the current leave year.

There must be an expectation that the leave called forward will be able to be taken and they must ensure they retain a minimum of 28 days leave in the upcoming leave year as required under the Working Time Regulations.

Service personnel will not normally be permitted to submit an application to call forward leave more than once in a rolling two-leave year period, although exceptional circumstances may be considered.

Applications for Call Forward of Leave are to be submitted by the Service person to their command chain using JPA.



#### Don't forget...

It is the individual's responsibility to plan how they will have sufficient leave available for the coming year.

See JSP 760 Chapter 26 for full details.



## Enhanced Leave

Enhanced Leave gives Regular Service personnel who have completed 15 years of service the opportunity to apply to take an extended block of 50 days leave in one continuous period in lieu of their 30 days Annual Leave Allowance (8 days Annual Leave must be retained for Public Holidays). Any leave carried over from the previous year remains available for the individual to use, as does any leave received from a serving spouse/civil partner, or called forward from the individual's next leave year.

Enhanced Leave is granted at the absolute discretion of the Service; **it is not a right** and will only be permitted where manning margins allow and where it does not compromise operational capability. This means that inevitably some applications may be refused.

Application is made using JPA through the command chain, with Career Manager input for those who are between assignments.



### Don't forget...

To take 50 days (effectively 10 weeks) leave in one go is going to need considerable advance planning. You should consult your command chain and Career Manager well in advance before submitting an application.

For the majority, Enhanced Leave will be a one-off opportunity. It should not be used lightly!

See JSP 760 Chapter 28 for full details.



## Special Unpaid Leave

Special Unpaid Leave is a period of absence of any amount up to 93 days at any one time, which does not merit the grant of Special Paid or Compassionate Leave. Authority to grant Special Unpaid Leave rests with Commanding Officers. If repeated periods of Special Unpaid Leave are required then individuals need to consider alternative measures to meet their need.

Periods of Special Unpaid Leave can have an impact on reckonable service for the purpose of promotion, increments of pay, retired pay, pension or gratuity or for reckoning the eligibility for other types of leave except where permitted by current regulations.



### Don't forget...

If your need to take Special Unpaid Leave results from a welfare issue, you should consult the relevant welfare agencies before applying. There may be a more suitable solution available that does not impact on your family finances in the same way.

See JSP 760 Chapter 17 for full details.

## Enhanced Leave - What's it for?

Introduced under the New Employment Model, Enhanced Leave is meant to provide long-serving personnel with the opportunity to do something that they would not be able to achieve under normal Annual Leave arrangements - without having to leave the Service or take Special Unpaid Leave to do it.

It might be the holiday of a lifetime, a long civilian expedition or external course, that major DIY project that can't be fitted into off-duty time, or just an extended period with family.

## Three years with no pay?

Whilst some will neither want to, nor be able to, work during a Career Intermission, it is not prevented by the policy. Often, those who have taken a break to accompany a spouse on an overseas posting have found work during their stay.

However, the individual is still in the Armed Forces, so not all types of work will be appropriate, and any civilian employment must be approved before taking it up. Queen's Regulations give the detail.



## Career Intermissions

A Career Intermission (previously called a Career Break) enables Regular Service personnel to take a specified period of unpaid time out of their Service careers for reasons such as personal or professional development outside of the Service, which they would otherwise be unable to do using leave entitlements, and provides a mechanism for their seamless return to the Service.

It involves full time unpaid absence for a period of between:

- 3 to 6 months (up to 3 months are covered by Unpaid Leave)
- 6 to 12 months
- 1 to 3 years

The impact on terms and conditions of service is different for each of these categories. Applications should be made to Service Manning Authorities using the form in the JSP.



### Don't forget...

The impact on terms and conditions of service varies with the length of the Career Intermission - individuals must check these first before applying.

Service personnel management authorities may cap the duration at less than the 3 years to minimise gapping and maintain operational capability. For the same reasons it may be necessary to restrict the number of personnel on a Career Intermission at any one time.

**See JSP 760 Chapter 18 for full details.**



## A few last thoughts...

Flexible working is about changing either the 'where', 'when', or 'how much' aspect of a job. Sometimes one of those factors can't be changed, so think about what else might be adjusted to reach a better work-life balance.

Usually, the job will need to be re-designed with an agreement on what won't be done, or will be done elsewhere, without creating friction amongst the team. What may work well in the short term to deal with an urgent or unexpected situation may not be sustainable in the longer term without an impact on operational capability or disadvantage to colleagues.

Not everyone is going to be able to take the same kind of flexible working at the same time, but people's needs are different, and one person's flexible working may fit neatly with another's.

Flexible working only works where the needs of the organisation and the needs of the individual can both be met (their circles of interest must overlap). Usually that's going to need an open and honest discussion between the individual and their chain of command **before** an application gets launched.

Flexible working can only properly work where the management chain is supportive. Good management and leadership will be critical, but the reward may be keeping the valuable, highly-trained and experienced individual that we might otherwise lose.



## Guidance for MOD Civilians

Flexible working policy for MOD Civilians follows many of the same principles as that for Service personnel, but with some differences in the legal entitlements and variations in the policy processes which are conducted on HRMS, rather than JPA. Service personnel are encouraged to familiarise themselves with the flexible working policies for civilians, particular if they line manage or work with civilian staff.

Details of the civilian policy can be accessed via the People Portal on the Defence Intranet by visiting <http://defenceintranet.diif.r.mil.uk/Organisations/Orgs/HOCS/Organisations/Orgs/DBS/PeopleServices/WorkingPatternsandLeave/Managingpatternsofwork/Pages/Managingpatternsofwork.aspx>

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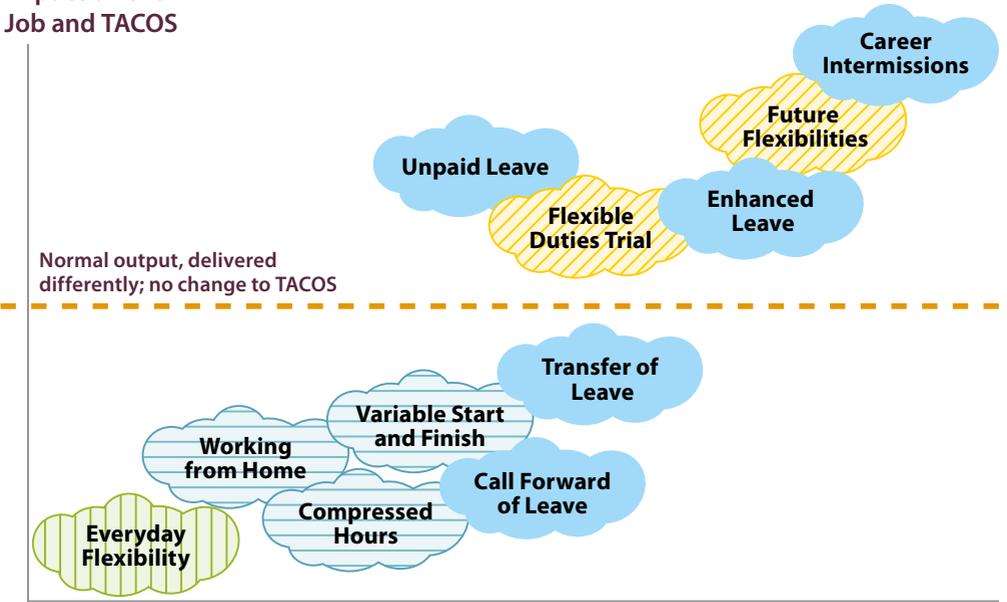
An electronic version of this booklet is available at:

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Current at December 2017

# A Spectrum of Flexible Working Options

Impact on the Job and TACOS



Flexibility for the Individual

**Key**

- Within CO's Discretion
- Flexible Working JSP 750
- Leave Policy JSP 760
- New Policy Work