

The background of the entire page is a long-exposure photograph of a multi-lane highway at dusk. The cars are blurred into streaks of light, with their headlights and taillights creating a sense of motion. The sky is a mix of blue and orange, and there are trees and some buildings in the distance. A large blue gantry structure is visible on the right side of the road.

FRONTLINE FLEXIBILITY

Creating secure and flexible jobs for low-middle
income workers: Interim findings



SUMMARY

- » Sectors employing frontline and site-based workers, such as health & social care, transport & logistics, construction and retail, face complex operational barriers to implementing positive and equitable flexible working cultures.
- » In some sectors these complexities are exacerbated by an over-reliance on numerical flexibility – the ability to regularly adjust the numbers of staff or their hours – as a mechanism for managing costs.
- » Addressing this challenge is critical to supporting workplace equality, work-life balance and health and wellbeing for workers in these sectors, which employ large numbers of people, and are also critical to realising improvements to national health outcomes and employment and productivity rates.
- » Our findings suggest that not only is it possible to give staff more input and control over their working patterns in these sectors, but this can also have wider benefits for employers.
- » Where barriers have been overcome, more proactive approaches to flexible and predictable working requests are helping to address chronic recruitment and retention crises in these sectors.
- » Many employers we spoke to in these sectors welcomed legislation for stronger flexible working rights, recognising that it could promote action across a wider range of employers and tackle structural workforce issues.
- » However, the findings suggested that legislation alone is unlikely to lead to a step change in access for workers in site-based and shift-based roles.
- » Employers need to go further by advertising roles as flexible at the point of recruitment and learning from best practice in work organisation and job design in order to support greater input, stability and notice of shifts for site-based roles – including through greater understanding of the role of operational efficiency, staff engagement and cross-skilling in approaches to cost management and performance.
- » The Government needs to go further by working in partnership with employers and representatives in different sectors to help them to overcome the structural barriers to adopting new approaches. Alongside new legislation, coordinated, cross-sector workforce strategies, resources and training programmes would help to support a wider range of employers to implement good practice and introduce flexible and predictable work for employees.
- » With more ambitious changes to legislation for workers' rights possible if there is a change in government at the next election, now is the right time for employers and sector bodies to identify common barriers and solutions at a sectoral level.

INTRODUCTION: THE CASE FOR CHANGE

There is increasing political consensus around the need to strengthen people's rights to work-life balance and ensure working cultures meet employees' needs for flexibility, as well as those of employers.

In 2023, the government introduced two pieces of legislation to increase employees' choice and control over their working hours. The first extends the right to request flexible working to new employees from day one of employment (removing the previous requirement to wait until they had been continuously employed for 26 weeks). The second is a new right allowing those working irregular hours to request a more predictable working pattern. In both cases, individuals can make up to two requests within a 12-month period. Employers now have to respond to flexible working requests within two (rather than three) months and to consult with employees before rejecting requests.

All political parties supported the legislation, and the Labour Party have pledged to go further if successful at the next General Election. Labour's 'New Deal for Working People' suggests that they would give workers a right to work flexibly from day one (by default) and contracts offering stable hours. Other proposed measures to promote greater in-work security include a ban on exploitative zero-hours contracts and a right to reasonable notice of changes to shifts.¹



The new legislation seeks to meet the rising demand for flexible working – with over four out of five workers seeking to work flexibly now or in the future.² Surveys suggest that more than 8 in 10 male full time employees either work flexibly already or say they want to, rising to over 9 in 10 women and young people.³ This reflects cultural shifts, such as the increasing involvement of fathers in childcare⁴ and the changing expectations of younger workers.⁵ It also reflects structural factors that limit people's desire or ability to work full time. The shape of the benefits system and high cost of childcare have historically created disincentives to work more hours in lower income households.⁶ Older workers and those with primary care responsibilities, health issues or disabilities are more likely to require flexibility in order to access and remain in work.⁷

Access to part time and flexible work, however, is limited and highly uneven.⁸ The global pandemic led to a well-publicised increase in regular home-working – now the most common form of flexibility reported by employees.⁹ But other forms of flexibility such as part time, job sharing and annualised hours either stagnated or declined over the same period.¹⁰ The change largely benefitted higher earners in white collar, office-based jobs and higher paying occupations, and did little for site-based workers who cannot so easily work remotely.

Where flexible work does exist, too much of it is insecure and low paid. In 2023, an estimated 6.8 million people (21.4%) were in severely insecure work (defined as experiencing two or more forms of insecurity, including a lack of guaranteed hours or future work, low or unpredictable pay, and a lack of access to employment rights and protections). This represents an increase of half a million people when compared to the previous year, with women, young people, disabled people and Black and other minoritised groups disproportionately affected.¹¹ A large proportion of workers – up to a third, according to one survey – receive less than a week’s notice for shifts, and many are subject to irregular working patterns and cancellations at the last minute with no pay or compensation.¹²

This report sets out the interim findings from Timewise research looking at the response to the legislation and potential to improve access to quality flexible work in four sectors: health and care; retail; construction; and transport and logistics. We chose to focus on

these sectors for several reasons: they each have high levels of shift-based and site-based work; and they have between 13 and 49 per cent of workers who are low paid, and between 11-29 per cent of workers on an insecure contract or volatile hours.¹³ Together these industries make up more than a third (37.5%) of employee jobs¹⁴, and are therefore a key test of whether (and how) new legislation will improve work-life balance for site-based and shift-based workers.

The findings are based on a literature review and 16 semi-structured interviews with employers in these sectors. Interviews were carried out between November and April 2024 with HR and senior operational leads in three retail employers, three health and care employers, six construction employers and four transport and logistics employers. The focus is on low- to-middle earning, shift-based roles including nurses, home care workers, site-based construction workers, customer-facing retail staff, and bus, lorry and train drivers.



KEY FINDINGS

1. Employers in our targeted sectors face complex barriers to implementing positive flexible working cultures for frontline roles.

The operational complexities vary across different frontline sectors, with different implications for working patterns. In this section, we explore the dynamics across the more skilled and historically unionised sectors characterised by a greater reliance on full time work, and the lower paid, lower skilled service sectors associated with more part time and flexible work. In both cases, lean staffing models create a lack of ‘slack’ in the workforce that reduces managers’ ability to respond to flexible working requests or enable staff input or control over their working hours more generally, and leads to a reliance on insecure contracts to respond to changes in demand.

CONSTRUCTION, HEALTH AND TRANSPORT

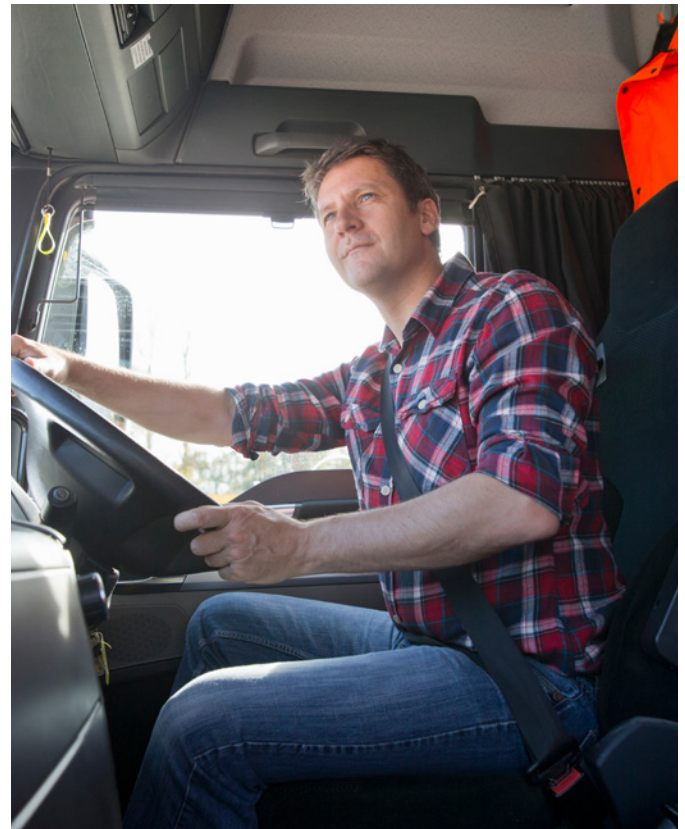
The interdependency of different roles in sectors such as health, construction and transport underpins a preference for full time employees, working long hours that minimise the number of staff handovers. In hospitals, ward managers have to ensure the right capacity and mix of skills to keep patients safe and well 24/7. Transport companies need to take into account knowledge of different vehicles and routes, as well as trying to coordinate staff across multiple locations and timetables. Construction sites must have sufficiently qualified staff and effective supervision at all times to meet health and safety standards and respond to different issues.

“Where people need to be there to deliver to a schedule, [flexible working] is not as possible... We do have a challenge about the different flexible working options that are open to some [office-based] staff and not to others providing the direct [bus or train] service in the same way. There is a feeling that it is not fair.

CHIEF OF STAFF, TRANSPORT COMPANY

“I can’t think off the top my head of anybody that works in a site based role with any sort of flexible working arrangement. I might be wrong, but if there is, it’s literally like one, one or two... If a project manager is not on site then that means that nobody can come and work on the site because there’s nobody there to supervise. If you had a sales consultant who only wants to work four days a week, then you have got to get cover for that one day, which obviously then is an additional cost to the business, in addition to the operational challenge. So, the reasons then start to stack up as to why you wouldn’t want to offer that flexibility.

HEAD OF PEOPLE, CONSTRUCTION COMPANY



Given the preference for full time staff, staff shortages and fluctuations in demand in these sectors are typically managed through use of overtime or a pool of casualised workers. A bus company we spoke to said the typical approach in the sector was to contract fewer staff than required and cover seasonal increases in demand through use of overtime. In the commercial (non-domestic) construction sector, the majority of workers on site are often hired through intermediary bodies on an agency or self-employed basis for the duration of a build. The NHS relies on around 150,000 bank staff on casual contracts at any one time, made up in part of workers unable to secure flexible working in permanent employment with the NHS, as well as NHS staff with substantive contracts picking up overtime shifts.¹⁵

“ The rotas, if you think about hospitals, because they are 24/7, the rosters are unbelievably complex. And because of the amount of people who are working in them, but also have preferred working patterns... Most ward managers look to accommodate the requests of the individuals, and that makes it more complicated. And then the gaps that are left are the ones that then get let out to bank and agency. And so the preference goes to the people who are on the books, most of the time.

DIRECTOR OF DEVELOPMENT AND EMPLOYMENT, SECTOR BODY (HEALTH)

Working practices and decisions around staffing are not only driven by individual employers' preferences. Contracting processes can also exacerbate the complexities involved in meeting service needs. The bus company spoke of having to manage in-contract changes to bus routes and volumes as well as year-to-year through regular re-tendering processes by councils and other transport authorities. In construction, projects are set with tight budgets and rigid deadlines for each aspect of a build. These cost and staff assumptions are usually set in the tender phase by developers, who are several steps removed from the sub-contractors that have to deliver site-based works with the minimum number of staff and little room for the inevitable delays. NHS budget pressures, combined with rising demand, have been blamed for the increase in spending on additional temporary and agency staff in the NHS in recent years.¹⁶



RETAIL AND SOCIAL CARE

In contrast to these sectors, use of part time and flexible contracts is common in the lower paid service sectors such as retail and social care. However, this has historically been driven by employers' desire to create a more flexible workforce, rather than as a tool to retain workers and promote work-life balance for employees. A 2006 survey of 22 workplaces across England found that the main motivation for employers in taking on part time workers was to keep wage costs down. Employers explained how they had redesigned jobs to focus on specific tasks and limited the number of hours that workers had to finish the job.¹⁷

In these sectors, costs are managed through control of staff hours, pay and numbers. Managers typically work full time with an annual salary, while public-facing roles are paid on an hourly basis. They may have a stated number of contractual hours, and are scheduled to meet fluctuations in demand across seasons, weeks and days. In bricks and mortar retail stores, working patterns seek to respond to changes in customer footfall. In social care, demand is heaviest at mealtimes, with periods of downtime in between that are not always recognised or rewarded. The difficulty in accurately predicting changes in demand leads to irregular working hours, short term notice for shifts and last-minute changes.

“It tends to be based on business need rather than personal circumstances. There are a lot of part time workers, but our workers are used to working flexibly to meet the demands of the business as well as their needs. We need care workers that can meet the demand, the set amount of support that is needed at certain times.

SOCIAL CARE WORKFORCE MANAGER, LOCAL AUTHORITY



Contracting arrangements have a significant influence on patterns of work organisation in social care, exacerbated by the shortage of national funding. Large numbers of personal assistants are employed directly by people/families with care needs, creating a fragmented and vulnerable workforce. Local authorities also commission packages of home care through providers. While some choose to set a fixed hourly rate for care, others encourage price competition through the tender process. Long term contracts with care providers do not always guarantee how many packages or hours they will be allocated, or the location these will be in. Some councils also use ‘spot’ contracts that care providers accept or bid for week-to-week, often but not exclusively for emergency and specialist care packages. This can increase the volatility in the number and location of people care workers are caring for, and so the hours and pay they receive, from week-to-week and month-to-month.

KEY FINDINGS

2. The need to address recruitment and retention challenges in frontline sectors is a key driver of improvements in flexible working

The long term failure to consider staff preferences holistically has contributed to considerable workforce challenges facing these sectors. More than 56,000 people left NHS employment between 2011 and 2018 citing work-life balance as the reason.¹⁸ High levels of absence are estimated to cost the construction sector over £160m a year. The staff turnover rate in social care is just under 30 per cent and almost one in 10 jobs are vacant despite changes to visa rules making it easier to recruit from abroad.¹⁹

All the employers interviewed spoke of the challenges when recruiting and retaining staff, with poor work-life balance, input and control over working patterns playing a major role alongside other job quality issues. These challenges are driving some employers to explore how to support access to flexibility for frontline workers. Many had taken early steps to bring organisational practices into line with the new legislation. Critically, some were also working to enable flexibility in site-based or shift-based roles where remote working is rarely an option.

Interviewees said that that new legislation promoting flexible working had played a limited role in this process, noting instead issues of staff wellbeing, retention and engagement as the key drivers for change.

“ We very much recognize that [offering flexible working] is the way forward to attract people to our organization because other organisations out there are competing for people ... Retention is very much a key driver for us as well. So, I would say a mixture, it's the right thing to do for the individuals, our colleagues, it supports their health and wellbeing where we can accommodate it, which is good for our patient care.

HR MANAGER, NHS TRUST

“ The number one driver [for meeting employees' flexible working needs] is definitely retention. It used to be recruitment. Now it is about retention because recruitment is so difficult. Care providers cannot afford to lose any more workers. They would rather keep hold of the people that they know are good than take the risk of trying to recruit someone new.

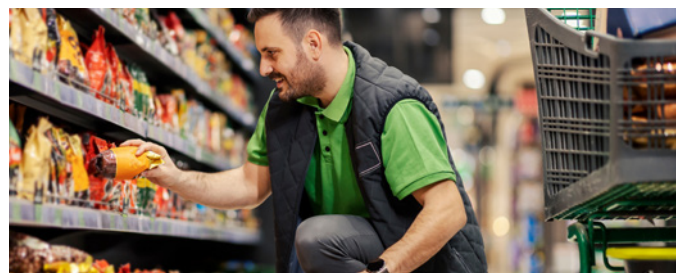
SOCIAL CARE WORKFORCE MANAGER, LOCAL AUTHORITY

“ Retention is a huge thing for us. We don't want our colleagues going off sick we don't want them to be absent from work. We want to them stay in work and keep good people... Everybody's rate of pay is similar between the supermarkets, so it is the extra bits on top, like flexible working or other benefits that is going to draw people in to work for you as opposed to your competitors. We definitely don't want to fall behind.

PEOPLE POLICY MANAGER, LARGE RETAILER

“ A big part of introducing access to flexible working is attracting and retaining the best people, the best talent in the industry, it is a tight industry. I'd like to think we can recruit skills from lots of different industries and transferable skills.

HR BUSINESS PARTNER, CONSTRUCTION COMPANY



“ Flexible working is a priority for us in terms of diversity and recruitment and retention, particularly because pay is fairly low... We want to create more part time activity or different shift patterns to attract people into the organisation. We have high turnover at 22% because these are tough jobs. Timewise have been helping us think through how to create more predictable work and attract different people.

HR DIRECTOR, BUS COMPANY

“ The motivation for [conducting a] flexible working policy review was partly driven by the legislation, but also we were offering a great package for our employees and for those who might want to work for us. There has been a huge shift in what employees are looking for now since COVID, flexible working is high up; it is not just around remuneration. We need to move with the times. We need to attract and retain people.

CHIEF OF STAFF, TRANSPORT COMPANY

While not the main driver for change, the new legislative measures did appear to have created a rationale for bringing planned changes forward, updating and extending flexible working policies. Some spoke of wanting to differentiate themselves by ‘beating’ the regulations, and for one bus company we spoke to the legislation was being used as a lever to drive a fairer model of flexible working. A third of the company’s staff were on ‘fixed lines’ offering regular bus routes that created a greater degree of certainty over working hours, usually on the basis of longevity of service. The other two-thirds of its workforce were having to pick up very difficult shift patterns as a result, and the legislation was seen as providing an opportunity to redress this balance.

“ I suppose we knew that legislation was going to shift and that was and there were campaigns to [bring it in early]. Why do you have to have a qualifying period, you could just say from day one, you can ask for flexible working.

DIRECTOR OF DEVELOPMENT AND EMPLOYMENT, SECTOR BODY (HEALTH)

“ We will comply with the regulations, and we aim to beat them in a lot of places.

WORKPLACE RELATIONS PARTNER, LARGE RETAILER

“ What a lot of people want is to have a set way of their shifts working. We get huge demands in terms of work-life balance and predictability of shifts... For us [flexible working] is a big strategic issue and it will get a lot of air time internally. And [the legislation] is a good opportunity to help us balance our workforce and give our people what they want. But operationally it is going to give us cause huge problems [in how] we do our scheduling.

HR DIRECTOR, BUS COMPANY

Regardless of the impact on their own practices, stronger flexible working legislation was seen as a positive step by employers we interviewed. They cited the possibility that it would raise awareness of flexible working rights among workers, prompting more honest conversations at the interview stage, and support greater consistency in approach among employers.

“ Collectively, nationally, I think we need to have legislation that allows these things to happen because not every organization is going to be committed to flexible working. The legislation means that people have rights but even so organisations will still be able to drag their feet around it. Legislation is good because obviously it holds people to account, but it doesn’t necessarily change totally behaviours.

HR DIRECTOR, CONSTRUCTION COMPANY

KEY FINDINGS

3. Team-based approaches and cross-skilling can support positive flexible working cultures and reduce use of insecure contracts.

This section looks at how employers are enabling flexibility for frontline workers despite the operational complexities of doing so. Timewise found common themes across each of the sectors: these included (a) the benefits of team-based and employee-led approaches to enable greater staff input into working patterns and arrangements; (b) the use of 'cross-skilling' to support more stable working patterns; and (c) the role of policies, monitoring and support to drive cultural change:

A) TEAM-BASED AND EMPLOYEE-LED APPROACHES

Employers across all four sectors cited the benefits of approaches that consider how to meet the flexible working needs of a team as a whole. This approach was often contrasted with case-by-case arrangements that meet the needs of particular individuals, but which can make rostering and scheduling even more difficult and increase insecurity for the wider staff body.

“Some managers say ‘well, if I've agreed X number of working patterns with people in my team, and someone else then comes in asking for that, I can't allow them to have that because operationally I won't be able to run the service.’ We have to run an efficient and high quality service. But looking at it in a team-based way, maybe you get more win-win situations across the team. A team-based approach where the team take responsibility for knowing that they've got to fulfil the shift and they work on that and deliver the service.

HR MANAGER, NHS TRUST

“Being in the construction industry, we do have to produce the work, tangible output work that we do. The legislation is very much on an individual request, not around teams, which is harder to make things work. It has got to be a team effort... I think if you think holistically as a team it can be more flexible but obviously the legislation is individually based and clearly we will respond to those individual requests.

HR BUSINESS PARTNER, CONSTRUCTION

Team-based and employee-led approaches were seen as critical to ensuring fairness and addressing conflicting preferences for different working patterns. E-rostering technology was being used by several employers we interviewed to enable individual staff to more easily indicate preferences for shifts, to 'self-roster', or to support shift swaps between workers, combined with longer notice periods for shifts.

“We run a process which is in essence, when hours come up within a shop, they are put on a whiteboard and any colleague who wants can apply for those hours. This helps where a colleague wants to move their hours because they might have been recruited with hours that might no longer suit them. There is also fluidity and discretion from shop managers for those who want to change shifts.

WORKPLACE RELATIONS MANAGER, LARGE RETAILER

Others argued that the most transformative approaches are backed up by relational processes that involve staff collectively in setting schedules. Timewise has trained a number of employers in more participatory approaches to scheduling, where managers design and agree rotas collaboratively with staff, who are given the space to discuss and negotiate their different preferences as individuals within a team context. Employers using this approach noted that it could reduce the need for staff to submit formal requests to work flexibly, while also encouraging staff to take collective responsibility for meeting sector-specific pressures and requirements.

“*Team-based rostering - it's about conversations with your colleagues and trading and being flexible with your colleagues, ...which as your life changes means that it might free up some flexibility for someone else. That's what it's all about. It's about respectful conversations with each other. The tech is just a way of logging who is going to work when.*

**DIRECTOR OF DEVELOPMENT AND EMPLOYMENT,
SECTOR BODY (HEALTH)**

Earlier research by Timewise in the health, social care and construction sectors has found that the creation of a participatory forum to discuss staff and service needs can lead to wider benefits, including improvements in staff voice, motivation, and continuous improvement of a wide range of issues.²⁰ In one pilot with a small home care provider, team-based rostering led to a reduction in travel time between visits and improvements in team members' knowledge about service users and their needs, teamwork, peer support and the perceived fairness of schedules.²¹

B) CROSS-SKILLING

Cross-training or cross-skilling can play a key role in enabling greater 'functional flexibility', where staff are given the skills and autonomy to enable them to be deployed flexibly, working across a broader range of job roles and tasks. This provides an alternative to the dominant focus in frontline sectors on numerical flexibility - the ability to adjust the numbers of staff or their hours worked.

The interviews, previous Timewise work and wider literature suggest that cross-skilling can also facilitate improvements in stability and access to flexible working arrangements for staff. A Timewise Pioneers Pilot with four construction firms showed how training more workers to meet site health and safety requirements, for example, can reduce the reliance on certain roles being present at all times. The pilot projects also tested staggered start and finish times, team-based rostering and output-based approaches that enabled people to leave when their work is finished. Participating firms introduced flexi-days, allowing staff to accumulate additional hours in exchange for one day off each month, as well as home-working where possible, including a day a month for site-based managers to complete administrative tasks.

As a result of the changes, fewer people were working over their contracted hours. A higher proportion said that they had a decent work-life balance, and there was a significant fall in absence rates and sickness. The changes supported greater diversity in recruitment (including more female applicants), led to increased trust among workers, and helped older workers to stay in work for longer. There was no adverse impact on costs or timelines following the changes.²²

Cross-skilling can also play a role in traditionally lower skilled industries. Skills for Care advocate cross-training as a way for care providers to manage emergencies and staffing gaps, for example, reducing the reliance on agency staff.²³ Work by the US-based Professor Zeynep Ton²⁴ and the Living Wage Foundation in the UK²⁵ has highlighted how some major retailers are investing in cross-skilling to enable operational efficiencies, low prices and high customer service, delivered by an engaged workforce with stable, fairly paid jobs. One large retailer we spoke to was piloting contracts offering more guaranteed hours for staff, with more stability in shift patterns, supported by broader, less task-controlled jobs (albeit on a small scale).

Timewise pilots conducted with Wickes and Pets at Home showed how upskilling and empowering junior staff could enable more part time and flexible working in management roles. The changes improved progression routes for shop floor staff by creating opportunities to step up and the chance to retain flexible working patterns at a more senior level. There was no negative impact on organisational performance indicators, and managers were more satisfied with work-life balance.²⁶

C) TRACKING AND SUPPORTING CULTURAL CHANGE

The interviews with employers suggested that introducing clear rules could provide a framework for better ‘Shift-Life Balance’²⁷, such as minimum advance notice periods for shifts. None of those we spoke to were currently monitoring either formal or informal flexible working requests, but several said they were looking to do this in the future and felt that this would enable them to better monitor progress across different teams and managers.

Most employers, however, felt that shifting mind-sets among managers was the key to driving cultural change and supporting consistency across different teams and roles. Employers cited the importance of getting managers on board through the provision of resources and training, helping them to see that change is in their interests, and challenging them to try different approaches.

“ *The legislation does not say you have to let someone work flexibly. It is just a right to ask. The culture is far more important than the right to ask [in determining whether different managers and teams support flexible working requests].*

CHIEF OF STAFF, TRANSPORT COMPANY

“ *We are encouraging managers to actively talk about flexible working and to encourage people to put in those requests. We are also asking managers to think much more laterally around what flexible working might be possible in their department. We are hopefully changing minds and hearts to think in a different way.*

HR MANAGER, NHS TRUST

These approaches work best when they are not simply about a fairer distribution of unpopular shift patterns, but are accompanied by wider changes to work organisation that enable more stability and a positive and equitable culture of flexible working overall. In one construction company for example, the pandemic had led to innovations in work organisation on sites that were enabling greater flexibility for staff. The organisation had created two teams for each site in order to enable social distancing. Each team had all the skills and requirements necessary, with systems in place to ensure effective handovers. This system was popular with staff and is now enabling the organisation to schedule teams to work on different days and times – and so opening up the scope for more part time work (such as 9 day fortnights and 4 day weeks) as well as different start and finish times.



KEY FINDINGS

4. Cross-sector action is required to drive a step-change in the supply of quality, flexible jobs in targeted sectors.

The examples of good practice detailed above challenge the assumption that flexible working cannot work in site-based and shift-based roles, and that it necessarily involves trade-offs in profitability or performance for employers. However, good practice was largely being driven by individual employers seeking to differentiate themselves, improve staff wellbeing, and tackle the costs associated with high staff turnover, absence and vacancy rates. These approaches were far from the norm in these sectors, and collective cross-sector action was limited.

The drive for a new approach to flexible working is most notable in the literature around the NHS, where inflexible and unpredictable working patterns have been identified in successive workforce plans as a key reason that staff leave, and the need to retain staff as the number one challenge facing the NHS. The NHS as a whole implemented a right to request flexible working from day one of employment in 2021. In 2022 NHS England issued guidance on flexible working²⁸, and the NHS terms and conditions handbook advocates at least four weeks' notice for shifts.²⁹ The latest long-term workforce plan highlights the need to evolve the approach to different employment models and shift patterns to fully embed a culture of flexible working in the NHS.³⁰

“ In some ways, all the building blocks are there [to promote flexible working]. So there's already policies. There's already a raft of good practice. It's now part of the [NHS] Terms and Conditions. There's a really compelling case as to why you should look at being the best employer going from a flexible point of view.

**DIRECTOR OF DEVELOPMENT AND EMPLOYMENT,
SECTOR BODY (HEALTH)**

This coordinated drive for change is leading to improvements within individual health providers. Progress varies across and within providers, but new rules and systems are being introduced to improve staff control over working patterns. More than 100 NHS organisations have now worked with Timewise to trial new approaches to flexible working in clinical as well as back-office roles. One Trust interviewed for this research had introduced minimum advance notice periods for shifts of 12 weeks and was in the process of improving transparency for prospective and existing staff about the forms of flexibility available.

In social care there are place-based efforts to improve flexible working cultures, driven by local authorities seeking to support improvements in the quality and sustainability of their local care provision. Some councils are using area-based commissioning models that enable home care providers to minimise travel and fragmentation for care workers, while also contractually requiring providers to pay staff for travel time. One council we spoke to had supported uplifts in pay for personal assistants and sub-contracted care workers. They have introduced training to help local care sector managers improve staff input into scheduling and reduce the reliance on zero-hours contracts. The local council was also in the process of commissioning new roles in the residential and home care sectors to improve health outcomes and provide progression routes for staff. These roles were seen as a first step towards outcome-based commissioning. Wider research by Timewise has suggested that, by moving away from paying for care by hourly slots, outcome-based models can enable delivery with more predictable hours.³¹

However, national funding pressures place severe restrictions on what is possible in social care. Unlike the NHS, there is no sector-wide workforce plan to address tackle the recruitment and retention issues care providers are facing, or to help them to improve staff motivation and engagement in social care.

The interviews with employers in all sectors point to the need for wider sectoral interventions and resources to address the lack of knowledge and skills many employers have of how to shift the approach to work organisation and scheduling to facilitate greater access to flexible and predictable work. The employers we spoke to wanted support to tackle the operational and cultural barriers to change, ensure consistency and fairness across the organisation, and to fully realise the potential benefits of a happier, healthier and more engaged workforce.

Several noted that smaller employers were likely to be less well-prepared, and to lack confidence in how to apply the legislation fairly and consistently across different roles and managers. One interviewee with responsibility for supporting improvements in the local social care workforce was concerned that nervousness about being accused of discrimination could discourage managers in smaller care providers from offering any flexibility, suggesting that they would lose out on staff to larger providers as a result.



For managers to be confident and to be seen as looking at requests equally and fairly, such that if challenged (if a flexible working request is refused), that you have evidence that you have made the right decision... Some managers may perceive this as being too tricky or want to avoid this, and this may put them off promoting flexible working.

SOCIAL CARE WORKFORCE MANAGER, LOCAL AUTHORITY

The employers interviewed also noted the wider, structural factors that were not in their control – such as client expectations, contracting and commissioning models that encourage or exacerbate insecurity for workers in their supply chains. This suggests the need for Government action to enable sector-wide coordination that brings together the different actors and provides the power to agree and implement changes to tackle workforce issues. This should focus on how to overcome barriers to positive flexible working cultures, including among commissioners, contractors and suppliers, with the support of policymakers and sector representatives.

CONCLUSION

The lack of quality part time and flexible work in site-based and shift-based roles entrenches inequalities in gender, ethnicity and health. This presents a direct challenge to the government's stated desire to increase employment rates and earned income in place of social security income, and exacerbates pressures on the health system.

The sectors we have focused on are not peripheral. They represent a major source of employment, goods and services that people in communities across the UK rely on. There is a case for a human-centred approach to management for employers prepared to compete on quality not just cost, delivered by a motivated workforce with fair pay and an ability to balance work with the wider demands of life and family.

Most of those interviewed were sceptical that the current legislative changes alone would drive sufficient changes among employers not already engaged in the need to improve flexible working cultures, and awareness of the right to request predictable hours was weak. The employers we interviewed had received few formal requests for flexible working, and were not expecting the new legislation to lead to a significant increase in demand. Several noted the wide range of business reasons that an organisation can cite to reject a request.

“ I cannot imagine we're going to be having a high amount of requests as a result of the change in legislation.

HEAD OF PEOPLE, CONSTRUCTION COMPANY

Our findings suggest there is a need for greater adoption of evidence of what works in each sector, and more examples to test and promote best practice approaches. Sector-specific training programmes could help managers overcome the specific challenges they face, as well as easing the major retention and recruitment difficulties in each sector.

The findings suggest the need for sector-wide workforce strategies in the sectors we examined. In the next phase of this project, Timewise will work with frontline workers with lived experience of flexibility, or the lack thereof, and panels made up of employer and employee representatives in these sectors to develop these recommendations further. We will create new resources to support employers in our target sectors to use new legislation as an opportunity to invest in wider workforce and job design change, and identify what further guidance, support and policies employers may need to incentivise a step change in flexible working.



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The logo for Timewise, featuring the word "timewise" in a lowercase, bold, sans-serif font. The letter "i" is stylized with a small circle above it, resembling an eye or a dot.

Timewise are the UK's leading experts in flexible working and job design, and have been at the forefront of calls for improvements in policy and practice. We provide sector-specific guidance and support to help employers to implement positive flexible working cultures. Timewise have pioneered 'Shift-Life Balance' in frontline sectors associated with high levels of insecurity for workers, giving them greater input, control and predictability over their working patterns.