

Armed Forces (Flexible Working) Bill

Policy and Background

Background

1. Commanders have always had a degree of discretion to be able to afford members of the Armed Forces certain flexibilities to enable them to better manage life's demands whilst delivering operational output and since 2005, a range of flexible working policies have been introduced for Service personnel; these include variable start and finish times, compressed hours, home working and career intermissions. However, more formal flexible working arrangements, like those that are routine in employment elsewhere, and change the terms of service for the Armed Forces are increasingly being sought by members of the Armed Forces. The Flexible Engagements System (FES) project was set up as part of the Armed Forces People Programme following the 2015 Strategic Defence and Security Review, to make the necessary changes to allow our Armed Forces to work more flexibly, better reflecting the realities of modern life, as part of the People Programme that is designed to explore new ways of modernising the employment offer for our Armed Forces to better allow Defence to attract and retain the right mix of people and skills. Such flexible working arrangements require changes to the Armed Forces Act 2006 to enable provisions to be made (in secondary legislation) about part-time working for Regulars and enabling their service to be geographically restricted.

2. The Armed Forces (Flexible Working) Bill is to deliver FES. FES recognises that many Service personnel have to balance service life with a variety of personnel responsibilities, such as caring for young families or for disabled, sick or elderly relatives.

Supporting Evidence

3. Various strands of evidence gathering, including internal consultation and Armed Forces Continuous Attitude Surveys, have shown there is an appetite for more extensive and formalised flexible working arrangements, particularly from those with childcare responsibilities and those at a mid-career point, as an alternative to leaving the Services. It is evident too that further opportunities to work flexibly in the Armed Forces would be an attractive addition to Service life. Similar arrangements are in place, or being considered, in the Armed Forces of other countries, for example New Zealand and Australia; we are learning from their experiences.

Flexible Duties Trial

4. In December 2015, the Army introduced a flexible duties trial which later was joined by the RAF. The trial offers participants part-time working and a reduced liability to deploy; this programme will continue until March 2019. The results so far indicate that part-time working options were well received by those who took part. Applications were predominantly from lower ranked officers in their late 20s or early 30s, and two thirds of applicants were female. Feedback indicates a positive impact on the individual with no significant negative impact on outputs or team cohesion. While the trial has also reinforced the need for better communications, cultural change, and safeguarding of operational pinch points, it shows that proposals for enhanced flexible working are practicable.

Surveys and Focus Groups

5. During June and July 2016, the Armed Forces conducted 32 focus groups across the Services in 16 locations to better understand people's perceptions of flexible working. There were 300 participants, comprising 99 RAF, 78 Army and 123 Royal Navy personnel. The focus groups confirmed that childcare was likely to be a main reason for requesting to work flexibly; mid-career was the most likely point for take-up and just knowing the scheme existed provided reassurance to personnel who were considering their future in the Armed Forces.

6. Also in 2016, a public policy consultancy group, ComRes, was commissioned to help MOD to understand the attractiveness of the current Armed Forces' employment package. ComRes' report showed that offering flexible working would appeal to family orientated personnel, and not providing flexible working could have a negative effect on retention.

7. Since December 2016 personnel the MOD has started formally recording instances of for the existing flexible working options on the MOD's Joint Personnel Administration System (JPA). We have begun to examine the data held in JPA on the take-up of existing flexible working arrangements which indicate that nearly 1,400 personnel have taken advantage of available options between January and July 2017, although the actual number is thought to be slightly higher.

8. Further surveys conducted in February 2017 also confirm earlier findings and indicate that interest in the new flexible working arrangements might develop throughout the career cycle as individuals experience changes in their personal circumstances.

9. More recently, in July 2017, a FES survey was set in train to gain wider, more in-depth, feedback on key policy areas, benchmark cultural attitudes and build understanding on likely take-up of our proposals for temporary part-time work and limits to separation in the Armed Forces. The survey remains open until the end of November 2017 but initial findings indicate that overall, 70% of respondents were supportive of the additional flexible working types; and that part time working would be of immediate interest to 13% of the population, with 71% in total interested at some point; although with expect that other factors will affect actual rates of take-up.

Other Nation's Schemes

10. A number of other countries already provide some form of flexible working for their Armed Forces, such as Australia, New Zealand, Denmark and The Netherlands. Other countries have similar projects underway, such as Germany and Canada. We

have undertaken some comparative assessment of countries that are undergoing transformational change of a scale similar to that which the UK MOD has embarked on. In particular, Australia, whose Armed Forces' construct mirrors ours, is scheduled to complete its reforms from 2022. These reforms are very similar to those which we seeks to introduce, including offering personnel more flexible working options to help retain vital expertise, and creating more opportunities for Reserve personnel to serve in a greater range of roles. The United States, whilst not yet offering their personnel the opportunity to work part-time, are seeking to improve the integration of Reservists into the whole force, much like the UK A. Canada has just embarked on their project. The New Zealand Armed Forces already operate policies to enable part-time working arrangements, as do the Netherlands and Denmark. All see the main benefit of flexible working as improving recruitment and retention, and being better able to compete in highly competitive employment markets. In addition, they view the fact that they can provide these modern, flexible working opportunities for their people as a measure of success, rather than the numbers taking it up.

Summary of Evidence

11. The evidence we have gathered from published research literature, comparison with other nations, consultation with Service personnel and Armed Forces surveys tells us that:

- the vast majority of UK employers (96%) already offer flexible working for some of their employees;
- part-time working is by far the most common type of flexible working offered by UK employers;
- flexible working is particularly attractive to those with childcare commitments;
- the top three most frequently cited benefits of flexible working are: it reduces stress/pressure; enables better work life balance; and encourages people to stay with their current employer;
- internal MOD surveys have consistently reported that the impact of Service life on family and personal life is the most important factor that might influence them to leave (62% in the 2017 Armed Forces Continuous Attitude Survey (AFCAS));
- in the [2017 AFCAS](#) survey, 33% of respondents said that reduced separation may increase their intention to remain in the services and 32% said the same about the

opportunity to work part time;

- results from early surveys indicate that 18% of Service personnel are interested in taking up these new flexible working opportunities now, rising to 36% in the future;
- Service personnel engaged in the MOD's current flexible duties trial reported positively on their experience. Those with children reported an improvement in their wellbeing having more secure childcare arrangements, which in turn improved their motivation and concentration at work;
- cultural change and communication will be a key factor in the success of the new flexible working arrangements;
- take-up is not the key success factor for changes we are introducing. Rather it is improving long term Armed Forces recruitment and retention;
- having a flexible working scheme in place will ensure that the Armed Forces will be seen as a more modern employer enabling it, in the long term, to better compete to recruit and retain the skilled personnel that we need.

12. Evidence from part time working elsewhere shows that Service personnel, particularly women, with childcare or other caring responsibilities, see it as particularly attractive, but they are not our sole focus. It is also seen as attractive to personnel at mid-career point and those undertaking long term studies. Our evidence derived from external research, comparison with other nations, internal surveys, focus groups, and the Flexible Duties trial shows that providing our people with modern choices, which are societal norms, will help us retain highly skilled personnel who might otherwise leave and join organisations who do provide these choices. All evidence shows that communication and culture change is paramount to success. MOD continues to build on the evidence and work with the Services to inform the detailed design of the proposed flexible working arrangements.

Potential Uptake

13. Part-time employment in the UK labour force is currently 24%, which is closely matched in the UK Civil Service (23%). Due to the special nature of military service it is unlikely that this will be achieved in the UK Armed Forces, with the additional challenges of maintaining operational capability. For comparison similar schemes in

the Australian Defence Force and New Zealand Armed Forces have around 0.5% in part-time employment. We anticipate from the existing evidence that there will be a very small initial take up of the new flexible working arrangements, no more than 1% when they are implemented in April 2019. We anticipate that this will increase slowly as cultural change is fully embedded over the next 10-15 years.

Measuring Effectiveness and Success

14. We envisage that the benefits of introducing enhanced flexible working options will be having a modern, more flexible system that: provides more choice for our people to match their individual circumstances; aids recruitment and retention; encourages greater diversity by appealing to a wider group of people; and gives Defence more flexibility in the way it deploys its personnel to deliver operational capability. The impact of these new arrangements will compete with the many other factors that influence recruitment and retention, and measurement of the effects of the changes will entail a mixture of metrics on the numbers and types of applications and the approval rates, alongside specific surveys to assess the impact. We are currently designing our strategy and methods for measuring this.

Operational Capability

15. The need to maintain operational capability lies at the very heart of the MOD's thinking in designing the new flexible working arrangements; and it will be central to the decision-making process when personnel apply to take up these opportunities. Decisions on individual applications and on the broader numbers that each Service will be able to accept will be made after carefully considering the demands that the Service must plan for and the numbers and skills of those people that it has over the period being considered. In this way, the Armed Forces will be able to balance their operational demands with the needs of their people. The new arrangements need to be fair for our people and fair for Defence.

16. Regular Service personnel who undertake a temporary period of flexible working will remain subject to Service Law at all times, including on non-working days when they are serving part-time. Arrangements will include an agreement to ensure individuals continue to meet their operational commitments when absolutely necessary. We will retain the ability to recall personnel to their full commitments in cases of national crisis; and to serve notice on individuals where there has been a fundamental change in the overall context in which the arrangement to work flexibly was agreed. So, for example, if the planning assumptions that led to an agreement for an individual to work part-time materially change because of changing world events that demand a higher number of people with a particular skill, then we could give the individual a period of notice in which to return to full-time duties, or indeed could recall them immediately in cases of national crisis. We judge that over time, the new opportunities we are introducing will do more to enhance our national Defence as they take effect, and we begin to experience the benefits of improved retention, a more diverse workforce, who might be attracted to Defence by this more modern approach, and the ability to deploy a broader spectrum of our people both Regular and Reserve when and where we need them through the flexibility which this initiative will bring.

Cohesion

17. The Services have been heavily involved throughout the development of the new arrangements. There is already a whole force approach to delivering operational capability which necessitates the integration of Regular and Reserve personnel, civil servants and contractors into cohesive teams. In this context, the introduction of a limited number of Regular personnel undertaking periods of part-time or geographically limited service will not unduly impact on unit cohesion. Evidence from personnel undertaking the MOD's on-going flexible duties trial has indicated that it has had a positive impact on the individual and no significant negative impact either on outputs or on team cohesion. Indeed, some participants reported improved support and recognition from their chain of command and colleagues.

Ethos

18. We believe that introducing the new flexible working opportunities will enhance the Armed Forces ethos, over time, by helping us to retain and recruit the best people from the diverse society that the Armed Forces protects. Enabling the Services to be flexible where they can to enable people to achieve a better balance between Service and home commitments will reap rewards in terms of loyalty as well as retain a more diverse group of talented people. Keeping these people will be good for them, they maintain their careers, and good for Defence, we will retain the knowledge, skills and experience from a more diverse work force. Providing a more modern and flexible employment framework for our people will help to improve morale, recruitment and retention and increase the overall effectiveness of the Armed Forces.