



# Flexible Work Proposal Business Case

*Careful consideration of a flexible working arrangement is essential, not only for effective management but also for legal compliance. Preparing detailed responses to the issues raised below will prepare the partner, the lawyer and the team for the flexible work arrangement. The responses should be completed in the first instance by the partner with input and agreement from the lawyer. There are issues raised which will require discussion with the partner, the lawyer and the team.*

## 1 Current work/hours – billable/non-billable

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- (a) What are the main areas/types of work the lawyer does?
- (b) What non-billable activities does the lawyer do?
- (c) What are the lawyer's hours on average in the office?  
*[check past 12 to 24 months figures and cover billable and non-billable]*
- (d) What is the lawyer's average utilisation or performance against budget?
- (e) What are the lawyer's career goals and timeframe?
- (f) Add any other comments relevant to the review of the current position, ie goals, specialisation, areas needing work or experience.

## 2 Current team

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- (a) How many partners, senior associates, solicitors are in the current team? Note any already on flexible work arrangements.
- (b) What are the hours and utilisation/performance levels of the team? *[For partner completion/review]*

## 3 Current clients

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- (a) Who are the lawyer's/team's major clients?
- (b) What other lawyers know and are familiar with these clients?

## 4 Proposed changes to hours/location

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- (a) What are the proposed changes to days in the office, hours or location?  
*[Discuss any concerns or consequences of these arrangements, eg it may help with servicing clients if days in the office are consecutive. Is there a need to be in the office on a particular day such as Fridays in litigation practices?]*

- (b) What are the reasons for the requested arrangement?  
*[eg only days with child care available, days lectures are held on, etc.]*
- (c) Are there days where the lawyer must finish at a particular hour with no flexibility? Which days and why?  
*[eg child care centre closes and no one else can pick up, training starts at x time, etc.]*
- (d) When not in the office, when will the lawyer be contactable?
- (e) If extra hours are worked, what arrangements will apply?  
*[Insert proposed arrangement, eg will the lawyer be paid or get time in lieu? Does there need to be approval before working extra hours? Is extra pay only available on conditions, ie an extra full day in the office?]*

## 5 Proposed type of work – billable

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- (a) Are there any parts of the lawyer's current work mix which may be affected by the flexible arrangement?
- (b) How could the affected parts be handled?  
*[eg not include this in the work mix, ensure there is always a full timer across that aspect of the work, resource matters to minimise involvement in that work or to cover the lawyer when they cannot be there, change hours/days so the lawyer can still do this type of work when it arises.]*
- (c) What will be the lawyer's utilisation or budget?
- (d) What types of work will the lawyer be able to do to meet the utilisation/budget performance?
- (e) Will the lawyer need other types of work to meet utilisation? If so, what types of work could the lawyer pick up?
- (f) What are the lawyer's career goals and how can the firm assist with meeting these?

## 6 Proposed non-billable activities

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- (a) Will there be any change in the lawyer's business development activities?  
*[List intended activities and note whether the lawyer will still be asked to events and included in client teams and meetings.]*
- (b) CPD points still need to be met in full as there is no pro rating. How will the lawyer achieve this?
- (c) Will the lawyer be able/expected to attend team meetings and firm social events?
- (d) What conferences or other external events will the lawyer be entitled/expected to attend?
- (e) Will there be any change to other non-billable activities: volunteering, knowledge management, external or internal committees?

## 7 Proposed team

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- (a) Will more lawyers need to be added to the team? If so, at what level and why?
- (b) When new work comes in, how will it be allocated? *[If possible, the team should meet and discuss how to apportion the tasks.]* Has the lawyer or partner discussed with anyone in the team the need to share the lawyer's tasks?
- (c) Who does the lawyer currently delegate to or supervise? How will those arrangements be affected?
- (d) Will there need to be any change to the way the lawyer is supervised?
- (e) Has a template been prepared of work types and who the lawyer would work with for that work type (if applicable)?  
*[See template 'Individual Flexible Work Plan'.]*
- (f) What will be the effect on the workload of the secretarial support? How can this be covered?

## 8 Proposed clients

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- (a) Which clients will be told, and how?
- (b) How will the clients continue to be serviced? Is it possible to match clients or work type with an alternative lawyer who can handle the issue when the lawyer is not in the office?
- (c) What will happen with phone, email on current and new matters while the lawyer is not in the office?  
*[See template 'Individual Flexible Work Plan'.]*

## 9 Proposed technology, pay and bonus entitlements

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- (a) What technological aids does the lawyer need to manage the change in hours?  
*[ie laptop, broadband, Blackberry, phone, etc.]*
- (b) Will the lawyer's salary be changed and if so, how?
- (c) What bonus entitlements will the lawyer have?
- (d) What arrangements will apply if extra hours are worked?

## 10 Review

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- (a) What arrangements should be set up to review the arrangement? This should cover how it is working for the lawyer (including the lawyer's performance), the partner, the firm and clients.  
*[Best to do this every 3 months. Suggest and diarise the appropriate dates with a prompt a week before to email the team and request any feedback.]*

## 11 Check of key issues

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Consider whether the key issues have been considered. The key legal issues to consider are all relevant factors and circumstances, including:

- (a) the lawyer's circumstances, including nature of the responsibilities if the lawyer is a parent or carer (covered in Q4(b))
- (b) the nature of the lawyer's role (covered in Q1-3)
- (c) the nature of the arrangements required to accommodate the responsibilities (covered in Q4-9)
- (d) the financial circumstances of the firm (to be considered by the partners)
- (e) the size and nature of the workplace and firm (consider Q2 and 7 and overall practice group and firm)
- (f) the effect of the changes on:
  - finances (consider Q1 and 5, costs of replacement, costs of staffing);
  - persons who benefit or who are disadvantaged (consider Q2, 5, 6, 7);
  - efficiency and productivity and client service (consider Q1, 5, 6, 8, 9);
  - the firm (all questions plus consideration of reputation, morale, recruitment, profitability, service levels etc);
  - the lawyer if the changes are not introduced (consider Q4).



# Individual Flexible Work Plan

Once a proposal for flexible work arrangement has been discussed and agreed, the practical detail of how this will work should be discussed and documented. This is a template to assist in the documentation and needs to be tailored for each individual arrangement. Monitoring and adjustment is likely to be necessary once the arrangement is in place.

## 1 Purpose and core aims

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The purpose of this Flexible Work Plan is to document working arrangements and proposed work procedures and protocols for [lawyer's name].

In particular, the purpose of this Flexible Work Plan is to ensure that [lawyer's name]'s work flows are evenly spread and that clients/matters are appropriately managed so that:

- circumstances where it is necessary for [lawyer's name] to be contacted on the days the lawyer is out of the office are kept to a minimum;
- [lawyer's name]'s workload on those days that the lawyer is in the office is kept at a manageable level and in keeping with working part time;
- clients/matters are appropriately and seamlessly dealt with by other Team members when [lawyer's name] is not in the office;
- [lawyer's name] is able to continue to develop a practice, client base and career goals.

It is anticipated that a copy of this Plan will be distributed to Team members so that they are aware of [lawyer's name]'s flexible work plans. Team member feedback will be sought in relation to the arrangements set out below.

It is acknowledged that it is hard to anticipate all of the 'challenges' that may be experienced when working less than full time and that the arrangements documented in this Flexible Work Plan may need to be adjusted as needed.

## 2 Flexible work – overview of core parameters

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### 2.1 Key dates

Date	Event
	Return to work on a part time basis, working x days/week [insert days in office]
	Review part time basis and work arrangements – consider whether to maintain current arrangement

## 2.2 Core work restraints

*[Note: the following is an example for a lawyer who has child care responsibilities, although this section can be adapted for other commitments such as elderly parents, sick family member, study, sporting commitments. The purpose of this section is to create a realistic understanding about what the lawyer is capable of doing. Some lawyers may be happy to be contacted at any time and have the capacity to undertake extra work, some may not be able to even take a call and others may not be able to do any work until late at night on a day they are not in the office. Knowing these constraints is valuable.]*

To facilitate *[lawyer's name]*'s return to work, child care has been arranged as follows:

*[insert child care arrangements and days and times, eg]*

- 1 day of care (Wednesdays) at XYZ Child Care Centre
- *[lawyer's name]*'s husband will care for *[name of child]* 2 days/week (Mondays and Thursdays)
- *[lawyer's name]* will care for *[name of child]* 2 days/week (Tuesdays and Fridays)

In order to implement these arrangements:

- Mondays, Wednesdays and Thursdays – *[lawyer's name]* will need to leave work by no later than 5.30pm each day
- Wednesdays – *[lawyer's name]* will generally not be able to be in the office until approximately 9.30am, but on Mondays and Thursdays *[lawyer's name]* will endeavour to be in the office by approximately 8.30am
- Tuesdays and Fridays – it will be difficult for *[lawyer's name]* to undertake work other than after 8.00pm if really necessary

*[Note: it is useful here to discuss what will occur when the child has a routine illness that impacts on child care arrangements. Can the lawyer realistically work from home? Does the lawyer have access to family support? What are the lawyer's and the partner's expectations?]*

## 2.3 Work flow and utilisation

It is acknowledged that it is important that *[lawyer's name]*'s utilisation is consistent with the other members of the Team. Where *[lawyer's name]* has concerns about under or over utilisation, the lawyer will raise these with Team partners (as appropriate).

# 3 Type of work

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## 3.1 Billable work and clients

- (a) *[lawyer's name]* will continue the following areas of work:
- (b) *[lawyer's name]* will continue relationships with the following clients:

## 3.2 Non-billable work

- (a) *[lawyer's name]* will continue to:
  - (1) attend CPD events;
  - (2) attend team meetings;
  - (3) attend client entertainment and events, where possible;
  - (4) be involved in *[any committee?]*;

- (5) participate in *[any precedent work?]*;
- (6) *[other?]*.

### 3.3 Team

- (a) *[lawyer's name]* will continue work for [name] and [name], with reporting priority to [name/position].
- (b) *[lawyer's name]* will continue to supervise and delegate to [name/position].

## 4 Flexible work procedures

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### 4.1 Procedures for days in the office

- (a) Communication
  - *[lawyer's name]* to arrange regular debriefs and updates with appropriate team members and partners when in the office as to status of matters and work flows.
- (b) Unfinished work
  - *[lawyer's name]* will ensure that there is at least one other solicitor/Team member involved and across each matter so that this person is appropriately briefed and able to deal with any queries arising while *[lawyer's name]* is not in the office and is able to continue unfinished work that must be completed that day when *[lawyer's name]* has to leave the office and is unable to complete this at home.
  - *[lawyer's name]* will ensure partner or client as appropriate is informed of any delays.
  - *[lawyer's name]* will ensure person who will have to pick up unfinished work is aware as soon as possible of this likelihood, to minimise inconvenience and ensure their work flow is appropriate.
- (c) Meetings
  - Team meetings will be scheduled at times and days *[lawyer's name]* can attend.
  - Client meetings relevant to a matter or client involving *[lawyer's name]* will be scheduled where possible on days and at times *[lawyer's name]* can attend.  
*[Note: it is helpful to specify if there are times on working days that are difficult]*
- (d) Supervision and review of work
  - *[Note: agree how work will generally be allocated and supervised - this will vary depending on the seniority of the lawyer and the particular arrangement]*
  - Work must be given by *[lawyer's name]* to a partner or supervising solicitor for review by lunchtime on any day where *[lawyer's name]* is not in the office the following day, to give time to review and correct. Times for delivery of work for review should be flagged or diarised with the partner or supervising solicitor.
  - *[lawyer's name]* must monitor and schedule the timing for any work the lawyer delegates to juniors to enable juniors to learn from the input from *[lawyer's name]* on their work.

### 4.2 Procedures for days out of the office

*[Note: this is again an example for a lawyer working less than full time who is being open to all clients about the arrangement. These items may need to be adapted]*

(a) Communication

- *[lawyer's name]* will ensure effective and clear communication to clients and Team members of work hours and arrangements for days the lawyer is not in the office (eg other persons on the file who can be contacted).
  - Secretaries will be provided with an updated list of clients/Team members so that queries can be appropriately referred when the lawyer is not in the office.
  - *[lawyer's name]* will check Blackberry
- [Note: agree what is reasonable so that there is a clear understanding on this]*
- *[lawyer's name]* will be contactable on mobile to deal with [.....]
- [Note: this should be discussed and an acceptable level of contact agreed, eg only in an emergency or when there is a development on a particular matter]*

(b) Phone

- *[lawyer's name]* will set voice message so that it clearly states which days the lawyer is in the office and which days the lawyer is out of the office.
- *[lawyer's name]* will divert phone to the secretaries on days the lawyer is out of the office.
- The secretaries are to 'screen' calls and regularly check voicemail; they will refer calls to appropriate person (see below) or let clients know when *[lawyer's name]* will be in the office and tell them that the lawyer will call them back when next in. This procedure will apply in instances where it is not possible to refer the matter or if matter is not urgent and client is happy to wait until *[lawyer's name]* is next in the office. These instances should be minimised so that *[lawyer's name]* does not have a 'backlog' of calls to return on days in the office. Some clients may be happy to leave voicemail message and the secretaries are to offer this as appropriate in situations where the matter cannot be referred (as detailed below).

(c) Outlook – email and calendar

- *[lawyer's name]* will set 'out of office' auto message for days out of the office.
- *[lawyer's name]* will include details of days in/out of the office as part of email signature (to appear automatically at the end of each email).
- *[lawyer's name]* will arrange with the secretaries that lawyer's calendar is 'blacked out' for days out of the office.
- Secretaries are to check emails regularly during lawyer's days out of the office. Emails are to be referred to appropriate person (see below) or 'holding' email is to be sent to client (in the event that it is not possible to refer the query).

(d) Current matters

- Existing clients/matters are to be referred to designated Team member. *[lawyer's name]* is to provide appropriate details of client/Team member to the secretaries.
- In the event that it is not possible to refer to a designated Team member, the matter is to be referred to Team partners (depending on availability) if it is urgent, or the secretaries are to check whether client is happy to 'hold' until *[lawyer's name]* is back in the office.

- (e) New matters
- New instructions coming in from existing clients are to be referred to designated Team member who works with *[lawyer's name]* for that client. *[lawyer's name]* is to provide details of client/Team member to the secretaries.
  - In the event that it is not possible to refer to a designated Team member, the secretaries are to refer the matter to Team partners (depending on availability) if it is urgent, or check whether client is happy to 'hold' until *[lawyer's name]* is back in the office.
- (f) Urgent issues
- [Note: you should discuss and agree what level of contact and manner of contact is appropriate for urgent matters. Does the lawyer want to be asked if he or she can assist, or does the lawyer not want to be contacted unless there is no other option?]*
- (g) Team communication and supervision
- *[lawyer's name]* is to seek updates from Team members regarding current matters at the beginning of each day the lawyer is in the office. Team members are encouraged to provide email updates (if this is appropriate) or to give a verbal update to *[lawyer's name]* when the lawyer is in the office (they should come and see *[lawyer's name]* if the lawyer has not touched base with them by 10.30am).
  - Team partners are to brief *[lawyer's name]* on any new matters coming in (as appropriate).
- (h) Extra hours
- [This needs to be tailored to meet the firm's policy]*
- *[lawyer's name]* will be compensated for any extra hours worked in the following manner:
  - *[lawyer's name]* will complete and submit time sheets to the Team partner for approval where at least a full day's extra work has been required on a day *[lawyer's name]* is not meant to be in the office or showing [10% extra hours].
  - *[lawyer's name]* and partner can determine whether to request time in lieu or payment for extra hours worked.
  - The approved time sheet will be submitted by *[lawyer's name]* to accounts/HR to facilitate payment or arrange additional leave time.
- (i) Business development
- *[lawyer's name]* will be invited to and will try to attend all client events and meetings. Any events being organised should be notified to lawyer as soon as possible to enable suitable arrangements to be put in place to enable attendance.
  - Any new client strategies should include the lawyer, though the lawyer may decline participation if it will disrupt the flexible work arrangements.
- (j) Professional development
- *[lawyer's name]* will continue to supervise the following team members: [insert names]
  - *[lawyer's name]* will continue to attend and deliver the CPD sessions on..... provided they are on the scheduled days in the office.

- *[lawyer's name]* will continue to contribute to precedent reviews and content.
- (k) Other firm events
- *[lawyer's name]* will be invited to all social or other team and firm events,
  - though there is no obligation to attend on days and times lawyer is not scheduled to be in the office.

## 5 Review of arrangements

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Approximately one month following *[lawyer's name]*'s commencement of this arrangement, feedback will be sought from relevant Team members (including lawyer's secretary) regarding the above arrangements with a view to a meeting being held in the week commencing *[insert date]* with Team partners to review progress, discuss what is working well and any potential improvements to be made to arrangements.

Thereafter, the above arrangements will be reviewed on a *[preferably quarterly]* basis. Team members will be encouraged to provide feedback regarding the 'workability' of the above arrangements either directly to *[lawyer's name]* or to Team partners. In particular, it is acknowledged that it would be preferable that any problems with the above arrangements are communicated 'sooner rather than later' and Team members will be advised of this and encouraged to raise issues early.