

Get ready for new rules on flexible working requests



The Department for Business, Energy, and Industrial Strategy has published its response to the [‘Consultation on Making Flexible Working the Default’](#), which will affect the current law on flexible working requests in due course.

The changes being considered are:



The right to request flexible working will become a day one right. The current right to request flexible working is only available to those employees with 26 weeks’ continuous service. The government has maintained specific emphasis in its response that this remains a right to ‘request’ and not a right to receive flexible working automatically

Employees will be permitted to make two requests within a 12-month period, currently employees are permitted to make one request within a 12-month period

- The response time for employers to respond to flexible working requests will reduce from three months to two months
- A new duty will be imposed on employers to discuss alternative forms of flexible working that are available if an employer intends to reject the employee's request. There is currently no indication as to whether this will be a statutory requirement or just guidance
- The procedure for requesting flexible working will be simplified. The response to the consultation confirms that the requirement for employees to set out how their request for flexible working may affect their employer will be removed
- The current list of eight reasons by which employers can refuse a request for flexible working will remain the same



The changes are set to be introduced through primary and secondary legislation. It is unknown when the above changes will be implemented, but this is certainly a topic for employers to keep an eye on as changes are likely to be implemented sooner rather than later.

What can you do now?

Employers should review their flexible working request procedure now to ensure they are prepared to implement the above changes, most notably that they are prepared to respond to requests within the reduced timeframe of two months and that they are prepared to discuss alternative flexible working arrangements with employees before declining a request.

The above is applicable in England, Scotland and Wales only.