



## Factsheet: Flexible Working

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### What changes has the Act made to the law?

The new measures aim to support access to flexible working, ensuring that employers accept reasonable and feasible requests.

Flexible working helps people achieve a better work life balance, which can lead to happier, healthier and more productive employees. This is good for employees and good for businesses.

It is also particularly valuable for those with health conditions and caring responsibilities, including parents with young children.

We are changing legislation through the Employment Rights Act 2025 to make it more likely that reasonable flexible working requests are accepted.

If employers are considering rejecting a request, they will follow a new process to first consult the employee. We are consulting on these reforms and would welcome views from businesses, workers, unions and charities to shape a light touch process grounded in existing best practice. This will prompt employers and employees to think creatively about the types of flexible working that might be feasible and suitable in their circumstances.

We are also introducing a reasonableness test. This means that if, after consulting with their employee, an employer decides to reject a request, they must explain to the employee why their decision is reasonable. This will mean referring to one or more of the eight business reasons already set out in legislation and providing an explanation for the basis of their decision.

These changes will take effect in 2027.

### Summary:

Employers who cannot immediately accept a flexible working request will need to follow a new process to discuss ways to overcome problems with the proposed arrangement or potential alternatives. If after that discussion they feel they still need to reject the request, they will have to set out why they feel it is reasonable to do so.

### How is this different from the previous legislation?

Employees currently have the right to request a flexible working arrangement from their first day in a job. Flexible working arrangements include:

- Part time
- Flexible hours ('Flexitime')
- Staggered shifts
- Compressed hours
- Term-time hours
- Job shares
- Remote work
- Hybrid work

Employers can refuse a flexible working request for one (or more) of eight possible business reasons set out in legislation, and they must consult with the employee before rejecting a request. However, the current legislation provides no detail on how this consultation should be conducted.

There is currently no requirement for employers to explain their decision. This has led to a lack of transparency around decisions on flexible working, with some requests that could be reasonably implemented being turned down.

According to Timewise's 2023 Flexible Jobs Index, while nearly 9 in 10 employees want to work flexibly, only 6 in 10 currently do<sup>12</sup>

We are retaining the approach of the existing legal framework for flexible working, where an employee makes a request which an employer can agree or reject. But we are making some important changes to make it more likely that flexible working requests are accepted.

The Employment Rights Act amends existing legislation so that:

- Employers can only reject a flexible working request where it is reasonable to do so on the grounds of one (or more) of the eight business reasons already set out in primary legislation.
- If an employer wants to reject a request, they will need to consult with the employee (as they currently do), but in doing so follow a specified process, to be set out in secondary legislation.
- If an employer rejects a request, they must explain to the employee why their decision is reasonable.

Taken together, these measures will mean that employers should accept a flexible working request, except where it is not reasonably feasible. Employers will still be able to refuse requests that aren't feasible or reasonable in line with the existing eight business reasons for rejection.

## When will these changes come into force?

Measure	Expected Commencement
Reasonableness test	2027
New process for consulting employees if a request cannot be accepted	2027

## What further detail will be consulted on and when?

The Government will consult in February 2026 on the new process for consulting employees if a request cannot be accepted.

Following this consultation, when the flexible working reforms are finalised, Acas will consider revising its Code of Practice on requests for flexible working to include specific guidance for employers on the new reasonableness test. This would involve a further public consultation.

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<sup>2</sup> Timewise. *The Timewise Flexible Jobs Index 2023*. 2023. Available at: <https://timewise.co.uk/wp-content/uploads/2023/11/Timewise-Flex-Jobs-Index-2023.pdf> (Accessed: March 2025)

## Key Statistics

According to a 2023 Chartered Institute for Professional Development (CIPD) survey, almost two-fifths (38%) of organisations say that more home/hybrid working has increased their organisation's productivity/efficiency. Just 13% say it has decreased their organisation's productivity/efficiency.<sup>3</sup>

Research by the Equal Parenting Project found that over 75% of UK managers believe flexible working increases productivity, and 62.8% believe it boosts motivation.<sup>4</sup>

## Common questions

*Why are changes taking effect in 2027, could they be introduced sooner?*

We want to ensure that reforms to flexible working are developed in partnership with business, trade unions and third sector organisations. Delivering these measures involves

1. A 12 week public consultation on the new process employers will have to follow if they need to reject a request
2. Drafting new statutory guidance for the reasonableness test
3. A second thorough public consultation to shape this new guidance.
4. Developing and laying secondary legislation

With the timeline based around these necessary steps, the measures will take effect from 2027.

*How could these changes affect businesses? Will they introduce new costs to business?*

- Many businesses recognise flexibility plays a valuable role in attracting and retaining talented workers.
- One of these reforms will attach a process to an existing legal requirement for employers, providing clarity on what is expected. We have developed a proposal through learning about how many employers already approach these discussions, as well as what employees would find most helpful.
- We recognise that there will be circumstances where businesses will not be able to offer the particular flexible working arrangement being requested. An employer will only have to accept a request where it reasonable to do so.
- Employers may experience initial familiarisation costs and there is a potential for increased administrative costs connected to the anticipated increase in requests for flexible working.

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<sup>3</sup> CIPD. *Flexible and Hybrid Working Practices in 2023*. 2023. Available at: [https://www.cipd.org/uk/knowledge/reports/flexible-hybrid-working-2023/#:~:text=Almost%20two-fifths%20\(38%25\),decreased%20their%20organisation%27s%20productivity%2Fefficiency](https://www.cipd.org/uk/knowledge/reports/flexible-hybrid-working-2023/#:~:text=Almost%20two-fifths%20(38%25),decreased%20their%20organisation%27s%20productivity%2Fefficiency). (Accessed March 2025)

<sup>4</sup> University of Birmingham. *Managers believe flexible working can boost productivity*. 2023. Available from: <https://www.birmingham.ac.uk/news/2023/managers-believe-flexible-working-can-boost-productivity> (Accessed: March 2025)

The Equivalent Annual Net Direct Cost to Business is expected to be less than £10m per annum. More information is available in the Options Assessment for these reforms.

- Businesses have played an active role in shaping these reforms, and we welcome further engagement from businesses through our consultation.

### *Do these reforms introduce a right to work flexibly?*

A core element of our flexible working framework is that it is request based – it is down to employers to consider requests given the specific demands and ways of working of their organisation, and it is within their right to refuse requests in accordance with the law. These reforms retain and build on the established right to request flexible working. They do not introduce an entitlement to work flexibly.

### *How might these changes impact employment tribunals?*

Over the period since the right to request flexible working was extended to all employees in 2014, on average there have been 130 cases taken to tribunal per year on the topic. This makes up just 0.1% of the overall number of Employment Tribunal cases.

The purpose of these changes is not to generate new tribunal cases, but rather to help create a framework which better encourages conversations about what might be possible – rather than one which too easily defaults to "no".

Taken together, the new measures aim to lead to better decision making first time around.