

# Flexible Working Legislation Updates: What Employers Need to Know

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## Key highlights and best practices for employers.

From April 6, 2024, employees gained a Day 1 right to request flexible working arrangements, prompting significant updates to the process. Many employers are either unaware of these changes or have been slow to adapt their policies accordingly. This article outlines the critical considerations for employers to ensure compliance with the new legislation and avoid potential legal pitfalls.

## Understanding flexible working

Flexible working refers to any working arrangement that aligns with the needs of both the employee and employer regarding when, where, and how an employee works.

## Types of flexible working requests

Only an employee can make a statutory flexible working request. An eligible employee may request a change to their employment terms if the change relates to:

- their working hours;
- their work schedule; and
- their work location (e.g., home versus office).

## How to make a flexible working request

An employee's request:

- must be in writing and dated;
- state that it is a request made under the statutory procedure;
- specify the desired change and its effective date; and
- indicate any previous requests made to the employer and when they were made.

## Legal framework

- [Employment Rights Act 1996](#)
- [Flexible Working Regulations 2014](#)
- [Acas Statutory Code of Practice](#)

The new Acas Code of Practice, which came into effect on 6 April 2024, provides clear guidelines for handling flexible working requests, including submission, employer obligations, and decision communication.

## Key points from the Acas Code for employers

- 1. Frequency of requests:** Employees can submit two requests in a 12-month period.
- 2. Consultation requirement:** Employers must consult with employees before rejecting a request.
- 3. Decision timeline:** Requests must be addressed within two months, including any appeals.
- 4. Policy and process:** Employers should have a clear, communicated policy for handling requests.
- 5. Reasonable consideration:** Employers must consider requests in a reasonable manner, assessing the impact on both parties.
- 6. Grounds for refusal:** There are [eight statutory reasons](#) for rejecting a request, which must be adhered to.
- 7. Appeal process:** While not mandatory, having an appeal process is considered best practice.

## Avoiding legal claims

Employers must comply with the Acas Code to avoid legal issues. Tribunals will consider the Code when resolving disputes, and non-compliance can count against employers. Furthermore, employers must be cautious of discrimination claims, ensuring that requests from all employees, regardless of gender or any other protected characteristic under the [Equality Act 2010](#), are considered equally.

## Action steps for employers

1. Revise your flexible working policies to align with the new Acas Code.
2. Educate managers and decision-makers on the updated process and legal requirements.
3. Stay ahead of legislative changes to minimise risks and foster a supportive work environment.

For assistance with policy updates and compliance, reach out to employment lawyer [Patrick Simpson](#).

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Note: This article is not legal advice; it provides information of general interest about current legal issues.

