



**Make Work Pay: Improving access to flexible working**

Submission to the Department for Business and Trade, The Rt Hon Peter Kyle MP and Kate Dearden MP



## About CIPD

The CIPD is the professional body for HR and people development. The not-for-profit organisation champions better work and working lives and has been setting the benchmark for excellence in people and organisation development for more than 100 years.

It has 160,000 members across all sectors and sizes of organisation and provides thought leadership through independent research on the world of work, and offers professional training and accreditation for those working in HR and learning and development.

Public policy at the CIPD draws on our extensive research and thought leadership, practical advice and guidance, along with the experience and expertise of our diverse membership, to inform and shape debate, government policy and legislation for the benefit of employees and employers. It also seeks to promote and improve best practice in people management and development and to represent the interests of our members.

## Method

Data and insights are drawn from the [CIPD's Flexible and Hybrid Working practices in 2025](#) report with a sample of 2,000+ HR professionals and 5,000+ employees.

Roundtable at Division of Occupational Psychologists (DOP) Conference: 20 delegates nationally. Varied sectors. With thanks to Dr Liza Walter-Nelson, Chair of the DOP.

Virtual CIPD Senior People Profession Roundtable - attendees: 39 from London/ Southeast region. Mix of sectors represented.

In person Policy Roadshow in Cardiff with 31 attendees from an HR, employment law or academic background. Mix of sectors and sized organisations represented.

Joint CIPD/ DBT virtual roundtable with 26 HR Professional attendees from the North of England, across a mix of sectors and different sized organisations.

## Our response

**6. Since the changes to flexible working legislation in April 2024, has your organisation experienced a change in the number of statutory flexible working requests it has received, compared to the previous 12 months?**

According to the [CIPD's Flexible and Hybrid Working practices in 2025](#) report with a sample of 2,000+ HR professionals, almost a fifth (18%) of organisations have experienced an increase in flexible working requests since the introduction of the day one right to request flexible working, with those in the public (21%) sector most likely to say this compared with the private (17%) and voluntary (12%) sectors. Almost half (45%), though, say the levels of requests have remained the same.

While these flexible working requests have tended to be for hybrid working and part-time hours, it is also interesting to see quite a wide variety of requested arrangements, including requests for compressed hours, job-shares and term-time working. Requests for part-time working are more common in the public sector, as are requests for compressed hours, job-shares and term-time working.



Around a fifth (22%) say their organisations are more likely to grant flexible working requests following the April 2024 legislation change, with a small proportion (8%) saying they are less likely to. However, for most (71%), this has remained the same.

Qualitative feedback from our focus groups with HR professionals suggest that access to flexible working has increased quite significantly, since the changes to legislation in 2024.

Organisations are more likely to say the change in legislation has led to a positive rather than negative impact for their employees (37% positive, 4% negative) and for their organisation (20% positive, 12% negative). However, at least half suggest it has had neither a positive nor negative impact for either employees or the organisation.

In terms of the positive impact of the legislation, organisations cite improved employee motivation, greater employer and employee dialogue around flexible working, and the fact it has encouraged the organisation to develop a wider range of flexible working practices. Organisations also feel it has improved the retention of new staff and employee loyalty and commitment to the organisation. Those in the private sector are more likely than those in the public sector to point to improved employee motivation (51% v 39%), improved retention of new staff (45% v 34%) and improved loyalty and commitment to the organisation (44% v 32%).

For the smaller number of organisations that felt the legislation had resulted in a negative impact, they cited:

- creation of conflict, where requests cannot be agreed (56%)
- damage to employee morale, where some requests cannot be agreed (44%)
- damage to employee relations, where some requests are approved and some are not (34%).

## **7. Has your organisation made any changes to policies or resources about handling statutory flexible working requests since these changes were introduced?**

Most of the professionals attending our roundtables had structured processes in place around handling statutory flexible working requests and had updated policies and guidance since the legislation changes were introduced.

Most had also changed recruitment processes, through advertising a post where flexibility could be allowed/accommodated; or saying up front why flexibility could not be considered (i.e. remote working is not possible where the role involved working in a customer/public face-to-face environment).

One large employer said they now analyse internal projects/activities/tasks too, before considering internal applications for flexible working. They showed where flexible working (remote v in the office) could be considered as this is one of the main reasons for flexible requests especially when carrying out project/task-based work.

One organisation said that the 2024 changes were a catalyst for them updating what had become outdated HR software - the new software had lots of other benefits (unrelated to flexible working, on pensions, booking leave etc.) for the organisation and employees. They said the big challenge has been line manager capability and the cultural shift for those managers not used to offering flexible working. They had therefore brought in Acas



to do training for their managers on the flexible working legislation, which has been well received and is rated by the HR team there.

Several of the other respondents had also trained line managers; one provided guidance by way of videos too.

**8. Does your organisation's approach to handling statutory flexible working requests require line managers to discuss any of these with the employee who made the request?**

Respondents in our HR roundtables felt that line managers were the first point of call to flexible working requests. One organisation has a panel (consisting of line manager, ER rep, HR, and senior leader) to agree the decision, although the line manager's rationale and reasoning is weighted in any decision.

Others said their processes allowed for further support where the line manager was not confident in making the decision when challenges arose, such as health or inability to do the role. It was the line manager's role to establish the rationale for change i.e. what the person wanted and why; sustainability; and impact on others.

All agreed that alternative flexible working patterns would be considered and discussed; and they relied on line managers to look at this in the first instance.

There were some concerns highlighted that some line managers are not as confident in saying yes to requests and worried that others in the team would request the same flexibility. To address this, some roundtable respondents are running continuous line manager training, especially for new line managers.

**9. Has your organisation rejected any statutory flexible working requests since April 2024?**

Several HR roundtable respondents said that they had rejected requests when they were unreasonable and there was a sound business reason i.e. the job is front facing with the public/customers; operational, where needed on site/travel(drivers); or where there were restricted timescales.

**10. To the best of your ability, please estimate how much time did you spend handling each statutory request that was rejected?**

Respondents felt this was hard to answer as every request is considered and the majority were a straight yes, or no with reasons as laid out in the legislation.

Timelines fell in line with the current legislation. Where the decision is no, line managers are relied on to discuss alternatives, wherever feasible; this often took place at the first meeting, prior to the decision on the original request. This shows that line managers know what can be done and accommodated more easily.

**11. Does your organisation use any of the following approaches to set timeframes around statutory flexible working requests?**

Some HR respondents indicated that they did make use of timeframes such as temporary changes, trialling and reviewing arrangements - in relation to statutory flexible working requests.



## **16. In your view, has overall access to flexible working improved since the 2024 changes were introduced?**

Qualitative feedback from our focus groups with HR professionals suggest that access to flexible working has increased since the changes to legislation in 2024.

According to the [CIPD's Flexible and Hybrid Working practices in 2025](#), with a sample of 2,000+ HR professionals around a fifth (22%) say their organisations are more likely to grant flexible working requests following the April 2024 legislation change, with a small proportion (8%) saying they are less likely to. However, for most (71%), this has remained the same.

## **17. Do you feel the proposed objective is appropriate for the consultation meeting?**

Most HR respondents at our roundtables said that individuals are informed of the outcome of their flexible working request at a meeting, where alternatives, if feasible, are also discussed. This also allows the requestee to think about suitable alternative options. Timelines should in most cases fit in line with the proposal in this consultation.

Several of the respondents felt the new rules coming in were positive, seeing the proposed meeting and wider process additions as a way to make the process more consistent, rather than a regulatory burden.

Some further considerations, challenges and gaps are outlined below:

### **Further consideration/ flexibility of timelines when dealing with shift workers**

However, two large public sector employer respondents' felt there should be further consideration and flexibility of timelines for shift workers, especially for follow-up meetings - i.e. consideration on timings is required, especially for individuals on permanent nights; unsociable hours; off-site working hours. The organisation's representatives felt this could be an issue and timelines should be extended in these circumstances.

### **Tensions between shop floor and office-based staff**

One issue raised from a respondent from a Manufacturing organisation was that the 2024 legislation had raised expectations for what is possible (i.e. people equating flexible working with hybrid/home working), which has caused some conflict between shop floor staff who need to be in the building to do their jobs and office-based staff who can work from home. However, they have increasingly looked at other forms of flexibility they can offer around shift patterns.

### **Gaps around representation and appeals**

Some respondents felt that there could be confusion caused by recommended good practice by Acas around representation and appeals while aspects were not actually a statutory right.

### **More clarity and guidance on flexible working and the Equality Act (2010)**

Some of our HR roundtable respondents felt there should be more clarity and guidance on how the right to request flexible working interacts with the Equality Act (2010). Managers could be overwhelmed in having to respond to complex cases. Some felt that there would be a risk of increased employee claims in the area of discrimination but if the legislation



and guidance was really clear this could: “really support both employees and the employer.”

### **Guidance and support for managers in balancing individual and business needs**

Where there is ambiguity, there is cause for complaint. HR roundtable respondents felt flexible working requests are a complex area for managers to follow. Guidance for managers and support for them is needed. They have to understand the emotive aspect of individual requests and balance this with business needs.

### **Greater flexibility for smaller businesses**

Some HR roundtable respondents felt that there needs to be leeway for smaller organisations as they don’t have the technical and legal support to navigate these complex areas. Extra requirements could limit growth and expansion of these businesses. Simplicity would be welcomed and several felt that the guidance on the reasonableness test would be key. What is reasonable for a large employer will be very different to a small employer. As one respondent suggested: “Let’s be proactive and not wait for a tribunal to define what is reasonable.”

### **19. How much advance notice do you think an employee should receive before the meeting is held?**

Most HR roundtable respondents felt the suggested approach for employee notice would work well. The only exception is in relation to shift workers where greater flexibility should be incorporated into timelines, where possible.

### **20. Do you agree with the proposed requirements for setting up the meeting?**

Yes, on the whole HR roundtable respondents agreed with the proposed requirements for setting up the meeting.

### **22. In your view, which of the elements set out in the ‘Suggested process’ section should be part of the meeting between a decision maker and employee about a statutory flexible working request?**

Most of our HR roundtable respondents said this process is part of their current guidance for line managers, to have an upfront discussion.

Respondents felt the process should have proportionality and be as clear and practical as possible to avoid any confusion and risk of tribunals. This was particularly important for SME organisations with less resource. They also felt that it should balance organisation needs with treating employees fairly. Some felt the meeting should be encouraged to be ‘exploratory’ rather than overly prescriptive in nature to encourage a genuine discussion of what might be possible. Several people felt that a simple template form to work through in the meeting would be helpful and would help protect both sides.

Respondents felt it was important for line managers to establish the rationale for the request. If the decision is rejected the next part of the process should be to discuss alternative options as laid out. Some felt the process should encourage use of trial periods for FW arrangements and protect the importance of two-way flexibility.

The one challenge with the suggested process was that the 6-week timeframe could be problematic, for those working with shift workers - especially for individuals on permanent nights; unsociable hours; off-site working hours.



**23. Do you agree that employers should be required to communicate the outcome of the meeting, as well as the outcome of the statutory request, in writing?**

Most HR roundtable respondents said that this already happens, so were in agreement.

**24. Compared to your current process for considering and rejecting statutory flexible working requests, how much time do you think the new process will take?**

Most HR roundtable respondents ran a similar process to the new process being proposed, so were not expecting a substantial increase or decrease in time requirements.

**28. Over the last 3 years, has your organisation regularly faced any of the following challenges when handling statutory flexible working requests?**

According to the [CIPD's Flexible and Hybrid Working practices in 2025](#) report around a fifth (22%) say their organisations are more likely to grant flexible working requests following the April 2024 legislation change, with a small proportion (8%) saying they are less likely to. However, for most (71%), this has remained the same.

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More broadly our focus group with the Division of Occupational Psychologists discussed the key enablers and challenges of flexible and hybrid working across different roles and contexts.

**Enablers included:**

- Culture
- Leadership
- Management capability
- IT infrastructure
- Having a comprehensive organisational strategy



- Role models
- Transparency
- Role clarity and outputs
- Perceived autonomy and levels of control

Participants felt enablers of a good manager included: setting clear expectations, training, performance measures, knowing how to give direct feedback and to have difficult conversations. It also involved having the trust in staff to manage their own time, tasks and when to ask for help. Respondents felt it was important for managers to understand that people can often work more easily and productively from home than when they may be engaging in presenteeism in an office. As one respondent said: “we need to shift from management by presence to management by outcomes and impact.”

Key challenges, were outlined as:

- Conservative leadership
- Lack of understanding at the coalface
- Lack of trust
- Affinity bias
- Remote work limited by tech and collaboration challenges - more evidence needed on the impact on health and wellbeing, working hours and productivity and performance.

**29. At your organisation, who is usually responsible for handling statutory flexible working requests? This should include considering specific requests, but not more general activities such as drafting policies or guidance or arranging training.**

Respondents suggested this varied across organisations, with most suggesting the line manager of the employee was responsible but with some examples of HR taking the lead and supporting the manager when issues were more complicated. In some organisations, HR receive the initial requests and then discuss these with line managers and in other organisations a panel has been assembled to review requests (consisting of the line manager, ER representative, HR and senior leader).

In one organisation the HR team allowed the line manager and the teams to come up with their own policy on flexible working, and another organisation delegated responsibility to different teams to come up with arrangements that would suit their team - but this was more around ‘the team’ agreeing flexible patterns rather than addressing an individual request under the flexible working rules.

**30. What training or resources are provided for those in your organisation who handle statutory flexible working requests?**

Respondents to our HR roundtables suggested this varied from nothing to ‘key principles to think about’ when considering a request through to a mixture of written policies/ procedures as well as specific training for line managers.

#### **Line manager training**

Several of our HR roundtable respondents said that a key challenge has been line manager capability and the cultural shift for those managers not used to offering flexible working.

One organisation had brought in Acas to do training for their managers on flexible working legislation, which had been well received and is rated by the HR team there.



Several of the other respondents had also trained line managers; one provided guidance by way of videos too.

**31. If you would like to see additional guidance for employers on flexible working, what format do you think this should take? This could include guidance on statutory or informal requests.**

HR respondents felt that guidance should be framed with an emphasis on the business benefits associated with flexible working. It would be helpful to have practical guidance for employers and also specific guidance for line managers who often take the lead on requests for flexible working. Our HR roundtable respondents suggest more support and training would be helpful for managers covering both statutory and informal requests for flexible working. This could also include a frequently asked questions section. One suggestion was also to include a manager talking heads video on good practice approaches to considering flexible working requests.

This guidance could cover all of the suggested areas, including different types of flexible working and handling specific types of requests, for example on compressed hours or remote working; guidance for specific sectors, such as hospitality or logistic; guidance for specific ways of working, for example people working shift patterns and case study examples showing good practice across different sectors and where flexible working had brought benefits for the business as well as the individual. In terms of sector guidance, it would also be helpful to think about incorporating guidance where there are regulatory considerations. Feedback also suggested more information around flexible working and the calculation of holiday pay would be helpful (such as for those on compressed hours).

Roundtable participants also felt guidance would be useful on breaking down business reasons for refusing requests to support the provision of information where requests are refused. As one respondent said: “Managers may not always think through the implications of requests and want to say yes to keep people happy to the detriment of business. Any guidance would be helpful on how to ensure fairness and consistency.” Another respondent felt it would be helpful to signpost to alternative support that might be available if a request cannot be approved (such as leave policies, sabbaticals etc.).

Visual aids, such as flow charts setting out steps to follow in handling requests and decision frameworks are also helpful and CIPD Member flowcharts have been widely used: [Flexible, hybrid and remote working tools | CIPD](#).

**32. Where would you like to see more detailed guidance on handling flexible working requests? This could include guidance on statutory or informal requests.**

More detailed but accessible guidance would be helpful on the gov.uk website, in the Acas Code of Practice and also information by professional and trade bodies - such as the CIPD.

**34. If you would like to see additional guidance for employees on flexible working, what format do you think this should take?**

HR roundtable respondents felt that guidance would be helpful for employees on flexible working to ensure they understand what flexible options are open to them and to prompt them to consider the potential effect on their team/colleagues and the business.

Additional guidance for employees would be helpful on all the areas suggested in this consultation, including case study examples; visual aids, such as flow charts setting out



steps to follow in making requests; Video clips with short explainers and webinars or podcasts.

**36. Which, if any, of the following ways to address barriers to flexible working, do you think we should explore further over the years ahead?**

It would be helpful to work with organisations to support their communication of approaches to flexible working with candidates and increase transparency on their websites or other areas of information for candidates and employees. This would help support attraction and retention and labour market participation.

It would also be helpful to raise employer and employee awareness about the breadth of different types of flexible working and the circumstances where they can be mutually beneficial to employees and organisations.

It would also be helpful to run an up to date evidence review on the business benefits of flexible working and share the results with employers and employees.