

On **30 June 2014**, the right to request flexible working will be extended to all employees with at least 26 weeks' continuous service, rather than just those with children under the age of 17 (or 18 if the child is disabled) and certain carers.

At the same time the Government is abolishing the statutory procedure for handling flexible working requests on the basis that it is too rigid and bureaucratic. Going forward employers will simply be required to handle requests in "a reasonable manner".

In keeping with the desire to avoid formal rigidity Acas has put together a new (and very short) statutory Code of Practice (currently in draft form) which is designed to guide employers on what it means to handle a request in "a reasonable manner". A quick look at this demonstrates that Acas anticipates that employers will continue to deal with requests in pretty much the same way as now, albeit without the same rigid timescales for doing things. Acas has also published some good practice guidance which gives further detail on how to handle requests going forward.

Will these changes make any difference in practice? According to CIPD Research from 2012, 63% of workplaces already allow all employees to request flexible working so it might seem unlikely that these changes will make a significant difference to the number of requests being made. Employers are, however, likely to welcome up to a point the greater informality that will attach to handling flexible working requests under the new regime. It must also be borne in mind that though there may not be many more requests made, the burden on the employer of dealing with them properly and the exposure of failing to do so is likely to increase materially. In particular, the greater scope for competing but inconsistent flexible working requests (one, say, for family reasons and the other on religious grounds) will require careful expectation management by employers.

If you have not already done so, you should be reviewing and amending your existing flexible working policy now to reflect the forthcoming changes. If you would like to discuss appropriate amendments to your policies and procedures, please speak to your usual contact in the Labour & Employment team or one of the following:

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