

Flexible Working: *Your Day One Right*

How to request flexible working from day one, how the process works, what counts as a valid refusal, and how to appeal.

 Last reviewed: August 2026

 ERA 1996 · Employment Relations Act 2023

 England, Wales & Scotland

ukworkrights.co.uk

What changed in 2023 and 2025

- From **6 April 2024** all employees have the right to request flexible working **from day one** of employment — no qualifying period
- You can make **2 requests per year** (previously 1)
- Your employer must respond within **2 months** (previously 3)
- Your employer must now **consult with you** before refusing — they cannot simply decline in writing
- ERA 2025 will tighten the rules on refusing requests, but the government's timeline puts these flexible working changes in 2027
- You can request: **different hours, different times, different location** (e.g. home working), compressed hours, part-time

FROM DAY ONE

The qualifying period was removed in April 2024. You can submit a flexible working request on your first day of employment.

When can your employer say no?

- The burden of extra **costs** that would damage the business
- Inability to **reorganise work** among existing staff
- Inability to **recruit additional staff**
- Detrimental impact on **quality**
- Detrimental impact on **performance**
- Detrimental effect on the ability to meet **customer demand**
- Insufficient **work** during the proposed hours
- Planned **structural changes** to the business

⚠ NOT A RUBBER STAMP

Your employer must genuinely consider your request and consult with you. Ticking a box and citing a ground is not enough — they must explain how it applies to your specific request.

✅ RIGHT TO APPEAL

You have the right to appeal any refusal. Your employer should have an appeals process in their flexible working policy.

How to request flexible working

- 1 Put your request in writing**
Include: the date, what change you want and when you want it to start, a statement that this is a statutory request, and whether and when you made any previous request.
- 2 Your employer arranges a meeting**
They must consult with you before making a decision. This is now mandatory — they cannot refuse without first discussing it with you.
- 3 They respond within 2 months**
The full process — meeting, decision, appeal — must be completed within 2 months of your request unless you agree to extend.
- 4 If refused, request the reason in writing**
They must state which of the 8 statutory business grounds they are relying on and explain why it applies.
- 5 Appeal if you disagree**
Use the internal appeals process. If still refused and you believe the process was not followed correctly, you can bring a claim at an Employment Tribunal.

Frequently asked questions

Q Can I request to work from home?

Yes — remote or hybrid working is a form of flexible working you can request. Your employer must consider it seriously and can only refuse on one of the 8 statutory business grounds. Post-pandemic, employers face greater scrutiny when refusing home working requests without good reason.

Q What if I'm refused because of my caring responsibilities?

If you believe your employer has refused in a way that indirectly discriminates against you because of a protected characteristic (e.g. sex, if you're a primary carer), you may have a discrimination claim in addition to any flexible working complaint.

Q Can I withdraw my request?

Yes, at any time before the decision is made. Note that it may still count as one of your two annual requests — check with your employer.

Q What if my employer ignores my request?

Failing to deal with a request within 2 months is a breach of the statutory procedure. You can bring a claim at an Employment Tribunal — compensation of up to 8 weeks' pay is available for procedural failures.

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Check your flexible *working rights*

Get plain-English guidance on your rights and your employer's legal duties.

ACAS

0300 123 1100

acas.org.uk

WORKING FAMILIES

Free helpline

workingfamilies.org.uk

CITIZENS ADVICE

0800 144 8848

citizensadvice.org.uk

UK WORK RIGHTS — FREE GUIDE

**Flexible Working Requests in
England, Wales and Scotland
2026**

ukworkrights.co.uk/guide-flexible-working-gb.html

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