

London Chamber of Commerce and Industry

Make Work Pay: Consultation on improving access to flexible working – Response to consultation

Submitted on 30 April 2026

About the London Chamber of Commerce and Industry (LCCI)

The London Chamber of Commerce and Industry (LCCI) is London's key hub for the business community, representing over 11,000 companies across all sectors and boroughs. Our membership includes microbusinesses, SMEs, large employers, universities, colleges and multinational firms, offering a broad and diverse perspective on the operational pressures shaping London's economy.

LCCI champions the interests of London's businesses and works to ensure their views are reflected in policymaking at local, regional and national levels. Our policy positions are informed by regular engagement with members, research and polling, and insights gathered through sector forums and committees representing companies operating across the capital's diverse economy.

Through this engagement, LCCI provides evidence and recommendations to government consultations, parliamentary inquiries, and policy reviews, helping ensure that regulatory frameworks remain practical, proportionate, and supportive of business growth. LCCI also works closely with policymakers and partners to promote London's international competitiveness, support skills development, and address the barriers businesses face when investing, expanding, and creating jobs across the capital.

LCCI has a keen interest in this consultation due to its implications for workplace practices, employer responsibilities, and the practical implementation of recognition processes across London's diverse business community.

Submission summary

Our response supports the objective of improving access to flexible working arrangements where operationally feasible, while highlighting areas where greater clarity and proportionality could support more consistent and practical implementation across sectors and business sizes. This position draws on LCCI's ongoing engagement with a range of London businesses, including SMEs and larger employers across office-based and customer-facing sectors. Feedback indicates increased engagement with flexible working requests following the 2024 reforms, alongside ongoing operational constraints that affect what can be accommodated in practice.

From a business implementation standpoint, the suggested framework and its guidance could benefit from further clarification or refinement in the following areas:

1. Ensuring a proportionate and practical consultation process.

The proposed consultation framework should enable meaningful dialogue without introducing unnecessary procedural complexity. In practice, flexible working requests are often handled through informal, practical discussions, particularly in smaller organisations. Further formalisation should therefore remain light-touch and adaptable, especially in light of the 2027 “reasonableness” standard.

2. Clarifying expectations under the “reasonableness” standard.

The introduction of a substantive reasonableness test alters the practical and legal context in which requests are considered. Clear guidance on how this standard should be applied across operational settings would support consistent and proportionate decision-making.

3. Maintaining flexibility in the way requests are managed.

Although requests for flexible working have increased since the 2024 reforms, underlying operational constraints remain unchanged in many sectors. In particular, customer-facing and shift-based roles continue to be shaped by staffing and service delivery requirements, limiting the scope for further flexibility.

4. Avoiding unnecessary administrative and documentation burdens.

While written communication of outcomes supports clarity, overly detailed documentation requirements could impose an additional administrative burden without improving outcomes. Requirements should not become evidential processes that encourage defensive behaviour, particularly ahead of the 2027 standard.

5. Improving guidance and sector-specific clarity.

Practical, sector-sensitive guidance reflecting different business models and working patterns would support more effective engagement between employers and employees. Clear examples of operational feasibility and constraints would help manage expectations and improve decision-making consistency.

6. Supporting line managers and implementation in practice.

In many organisations, line managers are responsible for handling flexible working requests. Targeted guidance and training would support consistent application of the framework, particularly in organisations without dedicated HR capacity.

7. Monitoring implementation and labour market impacts.

Given the variation in how flexible working operates across sectors, ongoing monitoring of the framework following implementation will be important. This should include an assessment of the impacts on SMEs, sector-specific working patterns, and labour market participation.

Taken together, these points reflect the importance of maintaining a balanced approach that supports access to flexible working while ensuring the framework

remains practical, proportionate and responsive to the operational realities businesses face.

Consultation questions

Part one: Understanding early impacts of recent reforms

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

c) Do not know

From a practical perspective, it is difficult to identify a clear shift in employer behaviour directly attributable to the 2024 changes. Some LCCI members report an increase in flexible working requests since the reforms, suggesting greater awareness and engagement with the statutory process. However, this has not consistently translated into a corresponding expansion in access.

In many office-based sectors, hybrid and flexible arrangements were already established and managed through internal policy or informal agreement. In shift-based and customer-facing sectors, working patterns remain driven by staffing levels, demand cycles and operational coverage requirements. Those structural constraints have not changed.

For SMEs in particular, decisions continue to be shaped by team size, workload distribution and business continuity. While the reforms may have clarified procedural expectations, they do not appear to have materially altered what is operationally feasible.

On that basis, it is not yet evident that overall access has shifted consistently or measurably as a direct result of the 2024 reforms. This aligns with our member feedback, indicating that although engagement has increased, the underlying operational factors that determine feasibility remain unchanged.

Part two: A new process for consulting employees on flexible working requests

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

a) Yes

LCCI supports the principle of a structured consultation objective, provided it remains focused on practical feasibility rather than procedural expansion. Our members broadly support the aim of encouraging meaningful dialogue, noting the importance of giving employees an opportunity to explain their request and enabling employers to respond in a considered and reasonable manner.

The meeting should enable a clear discussion of the request, operational constraints, and any genuinely workable alternatives. However, there is a risk that further formalisation may impose an additional procedural burden without materially improving outcomes, particularly in roles where flexibility is constrained by operational requirements.

The objective should not transform routine management conversations into quasi-legal exercises. It should reinforce proportionality and operational realism, supporting constructive dialogue rather than defensive, compliance-driven behaviour.

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

e) The requirement should be to give fair notice, accounting for ways of working within the organisation

A fixed statutory minimum notice period risks being either too rigid for operationally complex sectors or unnecessarily slow in office-based settings where meetings can be arranged quickly.

A “fair notice” approach better reflects organisational working patterns, allowing discretion while preserving procedural fairness. Our members indicate that, in practice, relatively short notice periods are often sufficient to enable meaningful discussion and allow requests to be handled efficiently.

Any requirement should avoid unnecessary delay by enabling prompt discussions, while still allowing sufficient time for both parties to prepare where needed.

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

a) Yes

LCCL supports the principle of minimum structure to promote consistency and fairness in how meetings are arranged. Our members recognise the value of providing clarity on the purpose of the meeting and the matters to be discussed, which, in many cases, reflects existing practice.

However, the requirements must remain light-touch and adaptable. In practice, flexible working requests are often handled through informal discussions, particularly in smaller organisations. Further formalisation risks imposing additional administrative burden and delay without improving decision-making.

Over-specification would risk turning routine discussions into formal procedural exercises, particularly in advance of the 2027 reasonableness test.

22. In your view, which of the elements set out in the suggested process above should be part of the meeting between a decision maker and employee about a statutory flexible working request? Select all that apply.

- b) Discussing any challenges in accommodating the original request
- d) Considering alternative arrangements that could be accommodated
- e) Discussing the option of a trial period

LCCI supports the inclusion of elements that promote meaningful discussion and operational clarity, in particular discussion of the practical challenges associated with the request and consideration of alternative arrangements. These elements encourage transparency about business constraints, demonstrate constructive engagement, and support defensible decision-making ahead of the 2027 reasonableness test. Framed proportionately, they do not materially increase the administrative burden.

Discussion of trial periods can also be constructive. Trial arrangements reduce risk for both parties, enable evidence-based assessment, and allow experimentation without a permanent commitment. However, trial periods should remain optional and should not imply an obligation to test arrangements that are clearly operationally infeasible.

By contrast, mandating discussion of reasonable adjustments under the Equality Act in every flexible working meeting risks procedural duplication. Equality Act obligations already apply independently, and embedding this as a compulsory step would over-legalise routine management discussions, encourage defensive HR escalation, and impose expectations of legal literacy beyond SME capacity. This should instead be addressed where relevant or when raised by the employee.

Similarly, requiring exploration of alternative start dates in all cases appears operationally narrow and may be irrelevant in many circumstances. It risks turning the consultation into a checklist exercise and is largely covered by the wider consideration of alternative arrangements.

This aligns with feedback from LCCI members, who emphasise the importance of discussing operational constraints, exploring alternatives and, where appropriate, using trial periods as a practical way to assess feasibility.

Overall, the process should prioritise substantive dialogue and feasibility assessment, while allowing employers to tailor discussions to the role and business context, and avoid prescriptive additions that increase procedural complexity without clear practical benefit.

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?

- a) Yes

LCCI supports the requirement to communicate the outcome of both the meeting and the statutory request in writing, as this promotes clarity and transparency for both parties.

However, drafting expectations should remain proportionate. Written communication should clearly confirm the decision and the business rationale relied upon, but it should not evolve into lengthy evidential justifications that encourage defensive drafting in anticipation of the 2027 reasonableness test.

LCCI members highlight that, in practice, discussions are often informal and exploratory, particularly when requests can be resolved quickly. Requiring detailed written records of the meeting itself risks introducing additional administrative steps without materially improving the quality or fairness of the process.

For SMEs in particular, overly detailed documentation requirements could increase administrative burden and advisory costs. Practical guidance and model templates would help ensure consistency without escalating compliance expectations.

The requirement should also avoid duplication. A single, clear written outcome should suffice, rather than multiple summaries or separate documents. Written communication should not automatically require a detailed Equality Act analysis in every case. Such analysis should be addressed where relevant.

27. Do you have any further thoughts or suggestions on the process for the requirement to consult outlined above?

LCCI supports the objective of establishing a clear framework for consultation. The effectiveness of the process will depend on ensuring that it remains proportionate and practical in application, rather than expanding into prescriptive procedural requirements.

The introduction of the 2027 “reasonableness” standard alters the context in which consultation will operate. It will therefore be important that accompanying guidance clearly sets out expectations in a way that supports practical compliance and prevents routine discussions from being escalated into formalised evidential exercises.

LCCI members report that, in many organisations, discussions about flexible working are already handled as operationally grounded, collaborative exchanges. There is a risk that additional procedural requirements could formalise these interactions without improving outcomes, particularly in roles where flexibility is inherently constrained by operational requirements.

Clear, sector-sensitive guidance will be essential. Examples reflecting different working patterns, including shift-based, customer-facing and small-team environments, would help ensure consistent application across business models and reduce uncertainty.

We also recommend that supporting guidance and templates be made available well in advance of commencement, and that the impact of the consultation framework be

monitored following implementation, particularly in relation to SME administrative burden and sectoral effects.

The process should ultimately support meaningful dialogue and transparent decision-making, without creating expectations that all requests can be accommodated or introducing unnecessary procedural complexity.

Part three: Training, resources and support

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? Select all that apply.

- a) Encouraging organisations to communicate their approaches to flexible working with candidates
- d) Improving employer awareness about different arrangements
- e) Something else, specify:

Encouraging organisations to communicate their approach to flexible working at the recruitment stage can improve transparency and reduce mismatches in expectations. Clear upfront information helps candidates understand how flexibility operates in practice within a particular business, limiting post-hire friction and supporting informed workforce decisions. This is particularly relevant in competitive labour markets, including London, and promotes clarity without expanding regulatory requirements.

Improving employer awareness of different flexible working arrangements is also constructive. Clear examples of workable models and updated guidance aligned with the 2027 “reasonableness” standard would support consistent, proportionate decision-making.

LCCI members emphasise the importance of supporting line managers, who are often responsible for handling flexible working requests. Targeted guidance, training and sector-specific examples would help ensure requests are managed consistently and in line with operational requirements, particularly in organisations without dedicated HR capacity.

Looking ahead, further work should focus on improving clarity around operational feasibility, sector-specific constraints and the proportional application of the reasonableness test. Practical guidance and ongoing monitoring of implementation impacts, including effects on SMEs and labour-market participation, would help ensure that the framework operates as intended without generating unintended administrative or economic consequences.

We would be happy to discuss our submission in more detail. If you have any questions, please contact Igor Bartkiv (Policy and Research Manager at the LCCI) at ibartkiv@londonchamber.co.uk.