



July 2021

Dear Constituent,

Thank you for contacting me about flexible working. Flexible working patterns can be mutually beneficial to the employer and the employee, helping attract and retain a workforce, increasing productivity and reducing costs.

While we continue to tackle the Covid-19 pandemic, many businesses which have previously never adopted flexible working have been forced to adopt new arrangements. This has included remote working, using new technology for work, or finding new ways of working. I hope that this exposure will have enabled employers to see first hand the benefits of flexible working, and I imagine that this could have a significant effect on working arrangements in the future post-Coronavirus.

The Government guidance still states that where an employee can work from home they should continue to do so. If they cannot work from home, for example those working in construction or manufacturing, they can go to their workplace. The Government keeps this public health guidance under constant review, taking into account the latest scientific and medical advice.

Separate to the ongoing Coronavirus pandemic, legally, at present, all employees with 26 weeks' continuous service with their employer have the right to request flexible working. The Government will be consulting in the longer term on making flexible working the default unless employers have good reasons not to, as committed to in 2019 Conservative Party election manifesto, which covers a range of working arrangements around the time, place and hours of work, including part-time working, flexi-time, or compressed hours, not just working from home. This consultation will be published later this year, with legislation to follow when Parliamentary time allows. I am sure you will agree this is a welcome step and demonstrates the Government's desire to deliver on our manifesto commitment to protect and enhance workers' rights.

Ministers have also consulted on proposals for large employers (with over 250 employees) to publish their parental leave and pay and flexible working policies, and to advertise jobs as open to flexible working. I understand that they are now considering the next steps.

The current arrangements provide that all employees meeting the service requirement have the legal right to request flexible working, not just parents and carers, by making a statutory application. Options for a request include working from home, job sharing, working part time or full time over fewer days, flexi-time, annualised working hours, staggered hours compared with colleagues and progressing through a phased retirement.



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Once an application has been made the employer has three months to decide, or longer if by agreement with the employee. Agreement with the request will lead to a change in the employee's contract, whereas in the event of refusal the employer must write to the employee setting out a legitimate business reason for the refusal. In the event of a dispute the employee may have recourse to an employment tribunal.

Ministers are working with the Chartered Institute of Personnel and Development to commission the Flexible Working Taskforce to put together non-binding advice for employers around some of the work being done in the workplace and some outside of it, as many employers would typically already be doing. The Taskforce can help to take forward the best of what has been learned through the pandemic and help support workers and employers to adapt to new ways of working.

I am aware of several media reports about future working from home guidance post-pandemic. The Government will examine evidence from a consultation on flexible working and decide as to whether to make flexible working a default option, unless employers have good reasons not to, as committed in the 2019 Conservative Party election manifesto. In addition, I understand that there will be no legal right to work from home as there are benefits to being in the office, including collaboration with colleagues.

There are significant benefits to be gained from working in the office for innovation, delivery, supporting and developing people – especially younger workers - and ensuring people have a higher-quality working environment. While people have been asked to work from home where they can during the pandemic, I understand there are no plans to make this permanent – or to introduce a legal right to work from home.

I understand Tulip Siddiq MP is introducing a Ten Minute Rule Bill on flexible working. I am encouraged by the steps that the Government is taking to consult on future working arrangements and as such I feel it is premature to support a Bill before responses to the consultation are analysed and the Government has put forward its policy proposals.

Thank you again for taking the time to contact me.

Yours faithfully,

CHRIS HEATON-HARRIS MP
MEMBER OF PARLIAMENT FOR DAVENTRY