

ACS Submission: Improving access to Flexible Working

To be submitted via online form:

https://ditresearch.eu.qualtrics.com/jfe/form/SV_0DO7dbQA0te6dMO

1. Please indicate whether you are responding as:

- an individual
- an academic, or on behalf of an academic or research organisation
- an employer
- a legal representative
- a business representative organisation (specify) The Association of Convenience Stores
- a trade union or staff association (specify)
- a charity or interest group
- other, specify

2. [If employer] Approximately what is the size of your business? ACS represents 50,486 convenience stores, employing 443,000 people. 96% of staff are employed on a permanent contract and 65% are satisfied with the hours they work.

4. Which region are you located in? UK-Wide.

5. What sector are you based in? Retail

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

17. [All respondents] Do you feel the proposed objective is appropriate for the consultation meeting? Yes

18. [If no / don't know] What do you think should be the objective for this consultation meeting? N/A

19. [All respondents] How much advance notice do you think an employee should receive before the meeting is held? Select one of the following: 'The requirement should be to give fair notice, accounting for ways of working within the organisation'

20. [All respondents] Do you agree with the proposed requirements for setting up the meeting? Yes.

21. [If no / don't know] What do you think the requirements for setting up the meeting should be? N/A

22. [All respondents] 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? Select all that apply.

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

23. [All respondents] 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? Yes.

27. [All respondents] Do you have any further thoughts or suggestions on the process for the requirement to consult?

ACS supports the objective of encouraging constructive dialogue between employers and employees and increasing the likelihood that flexible working requests are agreed where this is reasonable and feasible. However, it is important that the consultation process reflects the operational realities of customer-facing sectors, such as convenience retail.

Evidence from ACS members indicates that flexible working in the convenience sector is already widely available and primarily delivered through informal, rota-based arrangements, rather than through the statutory framework. This is supported by ACS' Colleague Survey, which found that 70% of colleagues say their employer offers enough flexibility when they ask to change shifts or adjust their working hours. In practice, flexibility is typically agreed through day-to-day discussions between managers and colleagues, with formal statutory requests used relatively infrequently and often only where informal solutions cannot be reached.

The consultation framework should therefore complement, rather than displace, these existing informal practices. Any requirements relating to consultation meetings should remain proportionate and principles-based, avoiding overly prescriptive processes that could create unnecessary administrative burdens - particularly for independent retailers with limited HR capacity.

ACS supports elements of the proposed process that encourage meaningful discussion, such as. However, these elements should not be applied in a rigid or standardised way, as not all aspects will be relevant in every case – particularly in a shift-based, customer-facing environment where staffing decisions are closely linked to store operations and customer demand.

Employers should also retain flexibility in how meetings are arranged, including providing reasonable notice rather than being subject to fixed minimum timeframes, to ensure requests can be handled in a timely and practical manner.

Finally, the introduction of a reasonableness test and potential tribunal challenge increases the importance of clear, accessible guidance. ACS would strongly encourage the development of sector-specific, SME-friendly guidance, including practical examples of what constitutes a reasonable refusal. This will be essential to ensure that employers can comply with the framework confidently, without being exposed to disproportionate legal or administrative risk.

33. [All respondents] If you would like to see additional guidance for employees on flexible working, what topics should it cover? Select all that apply.

- Guidance on handling specific types of requests, for example on compressed hours or remote working
- Guidance for specific sectors, such as hospitality or logistics
- Guidance for specific ways of working, for example people working shift patterns
- Case study examples
- Visual aids, such as flow charts setting out steps to follow in handling request
- Additional written guidance

- Video clips with short explainers
- Webinars

34. [All respondents] If you would like to see additional guidance for employees on flexible working, what format should this take? Select all that apply.

- Guidance on making specific types of requests, for example on compressed hours or remote working
- Guidance for specific sectors, such as hospitality or logistics
- Guidance for specific ways of working, for example people working shift patterns

36. [All respondents] Which, if any, of the following ways to address barriers to flexible working do you think should be explored further over the years ahead? Select all that apply.

- Improving employer awareness about different arrangements