

Statutory Flexible Working Requests

Business Information Factsheet

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Introduction

All employees in the UK have a statutory right to request flexible working arrangements, for example working from home, working fewer hours or changing their starting or finishing time. Employers are legally required to consider an employee's request fairly and reasonably and must not refuse it without a genuine business reason.

This factsheet provides information about employees' flexible working rights, including details of which employees can request flexible working, how employers must deal with a request and when they can refuse a request.

This factsheet is intended as a starting point only. Professional advice should be sought before any decisions are made.

The right to request flexible working

In England, Wales and Scotland, the statutory right to request flexible working is provided to all employees from day one of their employment. Employees can submit a maximum of two statutory requests during a 12-month period.

In Northern Ireland, employees do not have a statutory right to request flexible working until they have worked for the same employer continuously for at least 26 weeks, and only one statutory request can be made in any 12-month period.

Statutory requests must be in writing and include specified information, such as the flexible working arrangement that is being requested, when the employee wants it to start and the dates of any previous statutory flexible working requests they have made.

Types of flexible working

Statutory requests for flexible working must relate to the employee's working hours or working location.

Examples of the types of flexible working arrangements that can be requested include:

- Compressed hours (where an employee works their total number of contracted hours over a shorter time period, such as over four days rather than five).

- Flexitime (flexibility with work start and finish times).
- Remote working (working from home or elsewhere).
- Hybrid working (a mixture of working remotely and in the workplace).
- Job sharing.
- Part-time hours (such as three days a week instead of five, mornings only or term-time only).

For more examples of the different types of flexible working, go to www.acas.org.uk/statutory-flexible-working-requests.

Dealing with a statutory request

Across the UK, employers must consider statutory flexible working requests fairly and reasonably and must not refuse them without a genuine business reason. However, the procedure that employers need to follow in England, Wales and Scotland is slightly different from the procedure in Northern Ireland.

England, Wales and Scotland

When making a decision on a statutory flexible working request, employers in England, Wales and Scotland must:

- Consult with the employee before making a decision, unless the employer is accepting the employee's request in full.
- Make a final decision, including any appeal, within two months.
- Follow the Acas 'Code of Practice on Requests for Flexible Working' (www.acas.org.uk/acas-code-of-practice-on-flexible-working-requests).

Northern Ireland

When making a decision on a statutory flexible working request in Northern Ireland, employers must hold a meeting with the employee within 28 days of the request being made and notify the employee of their decision within 14 days of the date of the meeting. (Time limits may be extended, by agreement of both parties, where more time is needed.)

For more information about the procedure that employers must follow in Northern Ireland, go to www.nibusinessinfo.co.uk/content/considering-flexible-working-requests.

Refusing a statutory request

An employer can only refuse a statutory request for flexible working for one or more of the following business reasons:

- Unacceptable burden of additional costs.
- The negative effect on the ability of the business to meet customer demand.
- Inability to re-organise work among existing staff.
- Inability to recruit additional staff.
- Negative effect on quality or performance.
- Insufficient work during the periods the employee proposes to work.
- Any planned structural changes.

Enforcement

Employees who feel that their employer has not considered their flexible working request fairly and reasonably can take the matter to an employment tribunal.

If an employment tribunal makes a decision against an employer, it can require the employer to reconsider the flexible working request.

Useful resources

'Flexible Working'

GOV.UK

www.gov.uk/flexible-working

'Statutory Flexible Working Requests'

Acas

www.acas.org.uk/statutory-flexible-working-requests

'Flexible Working and Work-Life Balance'

nidirect

www.nidirect.gov.uk/articles/flexible-working-and-work-life-balance#toc-2

'Flexible Working: The Right to Request and Duty to Consider'

Labour Relations Agency

www.lra.org.uk/resources/advisory-guide/flexible-working-right-request-and-duty-consider

Related factsheets

BIF129 Employing Part-time Workers

BIF316 Working Time Regulations

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