

Employment

How to handle flexible working requests

All employees have the right to request flexible working so long as they have been employed for at least 26 weeks and have not made a request in the past year. A flexible working request can mean any one or all of the following: reduce or vary working hours; reduce or vary the days the employee works; or work from a different location, for example from home.

Request must be in prescribed form

As this is a statutory request, the employee making the request should do so in writing and it should contain the following information:

- State that it is a flexible working request and give the date the request is made;
- Explain the change being requested and propose a date for the change to happen;
- Identify the impact the employee thinks the change may have on the business and how that might be dealt with; and
- State whether they have made any previous flexible working requests in the last 12 months.



What should the employer do?

The statute requires the employer to deal with the request in a reasonable manner which means they must act promptly. It is recommended that once an employer receives a valid flexible working request, they discuss it with the employee as soon as possible so that the employer can get a better idea of what changes the employee is looking for, and how they might benefit the business and the employee.

The statute requires the employer to inform the employee of the outcome of their flexible working request within 3 months. This means both the decision and any appeal following it must be completed within that time period. The only exception is where the employee will agree to allow the employer more time.

The employer must carefully consider an employee's flexible working request to decide whether to agree to it. If approved, it will mean a permanent change to the employee's contract.

If the change is considerable then the employee can be offered a trial period to test whether the new arrangements work. Rather than rejecting a request outright, it will usually be advisable to have a trial period to see whether the arrangement can work.

If the employer decides that the request is not possible, it may reject it for one of the following business reasons:

- The burden of additional costs
- Inability to reorganise work amongst existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Detrimental effect on ability to meet customer demand
- Insufficient work for the periods the employee proposes to work
- A planned structural change to your business

We recommend that you take flexible working requests seriously and seek legal advice if ever you are considering rejecting one.

If you have any queries regarding flexible working applications, please contact our Employment team.

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