



# Managers Guide: Handling Flexible Working Requests



## Introduction

This guide provides a practical framework for managing employee requests for flexible working in compliance with UK employment law.

It explains your legal obligations under the Employment Rights Act 1996 and the Equality Act 2010, alongside best practices for fostering a culture of fairness and inclusivity in your workplace.

## What is Flexible Working?

Flexible working encompasses a variety of arrangements that adapt how, when, or where an employee works. These arrangements can range from part-time hours, remote working, and flexitime, to job sharing, compressed hours, and more.

Flexible working requests can be made formally under statutory rights or informally through mutual agreement.

## Why Flexible Working Matters

Adopting flexible working can benefit both your business and employees by:

- Supporting work-life balance and well-being.
- Enhancing diversity and inclusivity.
- Improving employee retention and recruitment.
- Addressing skills gaps and labour shortages.



## The Right to Request Flexible Working

All employees are entitled to request flexible working from their first day of employment. This right allows them to propose changes to their work schedule, location, or hours. However, the request must meet the following criteria:

- Be submitted in writing.
- Clearly state it is a statutory request.
- Include details of the proposed changes, desired start date, and any previous requests.

Employees can make up to two statutory requests within a 12-month period.

## Handling Flexible Working Requests

Managing flexible working requests involves several key steps:

### Initial Receipt of the Request

- Ensure the request includes all necessary information.
- Confirm receipt and set expectations about the timeline.

### Assessing the Request

- Consider the benefits and potential impacts of the proposal on your business and team.
- Avoid discrimination based on protected characteristics such as age, disability, gender, race, or religion.

### Consulting with the Employee

- Arrange a meeting to discuss the request in detail. This meeting should take place promptly and can be held in person, online, or by phone.
- Explore possible adjustments or alternative solutions if the original request cannot be fully accommodated.

## Decision-Making

- You must agree to a request unless there is a valid business reason for refusal. Permissible reasons include:
  - the burden of additional costs;
  - a detrimental effect on ability to meet customer demand;
  - an inability to reorganise work among existing staff or recruit additional staff;
  - a detrimental impact on quality or performance;
  - insufficiency of work during the periods the employee proposes to work;
  - planned structural changes.

## Communicating the Outcome

- Provide the decision in writing without undue delay.
- If the request is approved, outline the agreed changes and set dates to review the arrangement.
- If the request is declined, clearly explain the business reasons and offer the option to appeal.

## Appeals

- Encourage appeals as part of a fair process.
- Handle appeals impartially, preferably by someone not involved in the initial decision.
- Communicate appeal decisions promptly and in writing.



## Good Practices for Managers

**Be Open-Minded:** Approach discussions with a willingness to explore all viable options.

**Allow Representation:** Although not legally required, consider allowing employees to bring a colleague or union representative to meetings for support.

**Maintain Records:** Keep accurate records of all discussions and decisions for transparency.

**Promote Flexibility in Recruitment:** Highlight flexible working options when advertising roles to attract a diverse talent pool.

Note that if you decline the request for flexible working, there is a legal requirement for you to consult with the employee.

## Decision Timeline

All flexible working requests, including appeals, must be resolved within two months of receipt unless an extension is mutually agreed upon and documented.

## Protection Against Unfair Treatment

Employees are legally protected from any detriment or dismissal related to making a flexible working request or pursuing legal action regarding their right to request.

## Building a Supportive Culture

Managers play a pivotal role in fostering a workplace culture that values flexibility. By handling requests with fairness and care, you can enhance employee satisfaction and drive positive outcomes for your business.

## Get in touch

This document is intended as a guide. If you have any concerns regarding its content, or for further information about handling flexible work requests, or anything else to help make managing your HR easier then please get in touch. We'd love to help.

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Simply contact our team on



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