

## Appeals

There's no legal right to appeal a statutory flexible working request decision.

However, employers should give anyone with the [legal status of employee](#) the option to appeal as part of a reasonable procedure.

Someone is not likely to be an employee if they're:

- an agency worker
- a casual worker
- on a zero-hours contract

An appeal is an opportunity:

- for an employee to raise any concerns or share any new information
- for an employer to review and change their decision if necessary
- to find an outcome that suits both the employee and employer

If an employer allows an appeal, they must make their final decision within 2 months of the date of the original request. This time limit can be extended if the employee and employer agree to extend it. The employer should confirm any extension in writing, for example in a letter or email.

## How to appeal

As an employee, you should follow your organisation's flexible working policy if it says how to appeal. If not, you should raise your appeal in writing to your employer.

Depending on the reason for your appeal, write in a letter or email:

- why you think the decision was not right – for example, if you felt the person making the decision missed some important information
- why you think the procedure was not reasonable – for example, if you felt your employer did not consult you before refusing your request
- what you would like to happen next – for example, you could ask your employer to review their decision, taking into account new information you've shared

You should send your appeal as soon as possible. Your employer must make a decision on your appeal within 2 months of your original request. This is unless you've agreed to extend this.

## Handling an appeal

As an employer, you should appoint someone to handle the appeal who has the authority to make a final decision.

The person who handles the appeal should be a manager who was not previously involved in considering the request. If this is not possible, you should try and make the procedure as impartial as you can.

The manager handling the appeal should:

- understand the procedure for handling flexible working requests
- follow the organisation's policies
- get enough information to make an impartial decision
- keep an open mind
- be aware of unconscious bias

Keep in mind you have 2 months from the date of the original request to make a final decision. This is unless you've agreed with the employee to extend this.

## Arranging an appeal meeting

As an employer or manager handling the appeal, you should arrange an appeal meeting. You should:

- give the employee advance notice, so they have time to prepare
- confirm the meeting time and place
- hold the meeting in person or over a video call – or on a phone call if that's not possible
- tell the employee they can ask to bring a companion

## Bringing a companion

There's no legal right to be accompanied to a flexible working request meeting. However, as an employer, you should allow this if an employee makes a reasonable request.

What makes a request reasonable will depend on the circumstances. However, in general employees should:

- make the request clear
- tell the employer who they'd like to bring
- give the employer enough time to make arrangements

The employee does not have to put their request in writing, but it can be useful to do so.

If the request is reasonable you should allow them to bring another employee or a trade union representative.

In some circumstances, you might have a legal obligation to allow a companion. Under discrimination law employers must make [reasonable adjustments](#) for disabled employees. This might mean allowing a support worker or someone with knowledge of the disability to attend.

The companion's role is to support the employee. They can take notes for the employee, but should not represent the employee or speak on their behalf.

## Having the appeal meeting

The appeal meeting gives the employee the chance to:

- state their case
- ask the employer to look at a different outcome

As an employee, during the appeal meeting it can help to:

- explain why you think the decision is not right
- say where you feel the procedure was not reasonable
- ask questions about the parts of the procedure you felt were not reasonable
- present new information, if you have it
- listen to your employer's point of view
- refer to your organisation's policy or the Acas Code of Practice on requests for flexible working

As the manager holding the meeting, you should:

- introduce everyone, explaining why they are there if necessary
- explain the purpose of the meeting, how it will be conducted and who has the authority to decide the outcome
- ask the employee why they are appealing
- look at new information, if there is any
- summarise the points after discussing them, and end the meeting

After the meeting, the manager handling the appeal will need to consider if:

- they agree with the original decision or not
- they need to change the original decision

### **If the employee does not attend**

If the employee cannot or does not attend an appeal meeting, the employer should contact them and rearrange the meeting.

In some circumstances, the employee might not attend the rearranged meeting. If the employee does not have a good reason for this, the employer can consider that the employee has withdrawn their request.

If the employer considers the request has been withdrawn, they must tell the employee. It's good practice to put this in writing. For example, in an email or letter.

## **Communicating the appeal outcome**

As the manager handling the appeal, you should let the employee know your decision as soon as possible.

You should tell the employee in writing:

- if the original decision was right
- if the original procedure was reasonable
- if you've decided to change the original decision
- the reason for your decision

### **If you disagree with an appeal outcome**

As an employee, if you feel the appeal outcome was wrong it can help to consider:

- the reasons your employer gave for not accepting your request
- any alternative options you and your employer discussed
- whether your employer followed a reasonable procedure in line with the Acas Code of Practice

It might also help to talk to your employer to ask:

- if there are any planned changes to the business that might allow the change in the future
- if a different flexible working arrangement might be possible, either now or in the future

Depending on what you find out, you might decide to:

- [make another request](#) now or in the future – you can make up to 2 statutory requests within any 12-month period
- take no further action
- raise the issue with your employer, if you feel you need to take it further

If you need to raise an issue you could:

- check your organisation's flexible working policy for any next steps
- find out [how to raise a problem at work](#)
- [contact the Acas helpline](#) to talk through your options

## Making a legal claim

As an employee, you might be able to make a claim to an employment tribunal if you feel your employer:

- did not handle your request in line with the [Acas Code of Practice on requests for flexible working](#)
- rejected your request without a genuine business reason, as set out in the Acas Code
- dismissed you or caused you detriment because of your flexible working request
- handled your request in a way that discriminated against you

If you intend to make a claim, you must notify Acas first.

In limited circumstances, you might be able to use [Acas arbitration](#) instead of going to an employment tribunal. You can talk to your Acas conciliator about this option after you notify us.

Find out more about:

- making a claim to an [employment tribunal](#)
- protection from dismissal and detriment related to [the statutory right to request flexible working](#)