

## Considering a request

Anyone with the [legal status of employee](#) has the right to request flexible working.

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

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

As an employer, if you receive a statutory flexible working request from an employee, you must:

- accept the request unless there's a genuine business reason not to
- consult the employee before making a decision – unless you accept it in full
- make a final decision, including any appeal, within 2 months
- handle the request fairly and reasonably, in line with the [Acas Code of Practice on requests for flexible working](#)

When considering a request, it can help to start by thinking about what might be possible. Some types of flexible working might not be practical for every job. But it's likely some types of flexible working will work.

## Following the law when handling a request

As an employer, you must follow:

- a statutory request procedure, in line with the Acas Code of Practice on requests for flexible working
- discrimination law
- the law on reasonable adjustments, if the request relates to someone's disability

You must handle every request in a 'reasonable manner'. What is reasonable depends on each situation, but you should:

- handle all requests in line with your organisation's policies and the Acas Code of Practice
- consider requests in order of the date you received them
- base your decision on facts, without making assumptions
- make sure managers understand the procedure for handling flexible working requests
- make a decision in a reasonable timeframe
- communicate your decision clearly, including the reasons behind it
- offer the employee the opportunity to appeal the decision

## Discrimination

Under discrimination law (Equality Act 2010), you must not disadvantage someone because of any of the following 'protected characteristics':

- age

- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

This applies to flexible working requests, including:

- the way you handle the request
- the decision you make
- how you handle any information an employee shares

### Example of discrimination

Alex is a man working in a team of 20 people. A few women in the team have had flexible working requests agreed. They have later start times to care for their children. Alex makes a flexible working request to have a later start time. This is to help balance work and school drop-off times. The employer refuses Alex's request because they think childcare is less important to men. If there's no genuine business reason to refuse Alex's request, this is likely to be direct discrimination because of sex.

[Find out more about discrimination](#)

### Reasonable adjustments

A reasonable adjustment is a change that removes or reduces a disadvantage related to someone's disability. By law (Equality Act 2010), you have a legal duty to make reasonable adjustments for disabled employees.

The legal duty to make reasonable adjustments is separate to the legal duty to consider a flexible working request.

If a disabled employee makes a flexible working request related to their disability, you must follow both:

- the statutory procedure for flexible working requests
- the law on reasonable adjustments when making a decision

You do not need to follow the law on reasonable adjustments if the employee's flexible working request does not relate to their disability. For example, if they request to reduce their hours to study part time.

This can be a complicated area and it's important to understand your legal responsibilities. If you do not follow the law, an employee could make a claim to an employment tribunal.

For more advice or support:

- [read more about the law on reasonable adjustments](#)
- [contact the Acas helpline](#)
- [find support for managing disability at work](#)

### Acknowledging the request

As an employer, it's a good idea to confirm you've received the request.

This can help make clear to the employee:

- you've received their request and are considering it
- what the next steps are
- you'll be in touch

[Use our flexible working acknowledgement letter template](#)

## Considering the request

As an employer, you should consider each request carefully before making a decision.

You should consider:

- how the change would affect the employee
- how the change would affect the business
- any potential benefits or challenges
- how rejecting the request would affect both the business and the employee

By law, you must accept a request unless there's a genuine business reason not to.

### If you get more than one request

If you get multiple requests, you should handle them fairly by:

- considering each request in the order you receive it
- following the same procedure for each request
- looking at what's possible, rather than matching previous decisions
- not prioritising requests based on people's personal situations – unless someone is requesting a reasonable adjustment related to their disability

Sometimes you might get multiple requests for a similar change. In this situation you might not be able to accept everyone's request. If so, you should talk to each employee about alternative options and try to find a compromise.

You might not be able to agree an alternative that works for everyone. In this case you should consider each request separately, in the order you received them.

### Example 1 – considering requests in order

An employee requests to change their start and finish times to finish work at 3pm each day. A few days later another employee requests to change their finish time to 3pm to care for their children. If the business cannot accommodate both requests, you should talk to each employee to try and find a compromise. If you cannot agree a compromise, you should consider the requests in the order you received them. You should not prioritise the second request based on the employee's personal circumstances.

### Example 2 – considering requests in order

Two employees make flexible working requests to have Fridays off. Your business can only accommodate one employee being off on Fridays. You should talk to each employee separately to discuss alternative options and try to find a compromise. If you cannot agree a compromise, you should consider each request in the order you received them.

## Reasons for rejecting a request

By law, as an employer, you can only reject a request if it's for one or more of the following business reasons:

- it will cost your business too much
- you cannot reorganise the work among other staff
- you cannot recruit more staff
- there will be a negative effect on quality of work
- there will be a negative effect on the business's ability to meet customer demand
- there will be a negative effect on performance
- there's not enough work for your employee to do when they've requested to work
- there are planned changes to the business, for example, you intend to reorganise or change the business and think the request will not fit with these plans

If you feel that one of these reasons apply, you must consult the employee before [making a decision](#).

Talking and listening to the employee before making a decision can help:

- check you understand the request
- check if the request relates to a disability – if so, you must also follow the law on [reasonable adjustments](#)
- discuss any potential issues with the change
- listen to the employee's thoughts, concerns and ideas
- discuss other options, if there's a genuine business reason to reject the original request

If there's no business reason to reject the request, you must agree to it.