

Making a decision

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, you must agree to an employee's flexible working request unless there's a genuine business reason not to.

Unless you agree to the request in full, you have a legal obligation to consult the employee before making a decision.

Consulting means talking and listening to the employee about their request, to make a fully-informed decision. You should think carefully about the request, and what else might be possible. For example, accepting part of the request or offering an alternative option.

If you agree to the request

If you agree to the employee's request in full, there's no legal requirement to consult.

You can communicate your decision and discuss the next steps with the employee. [Read more about communicating the decision.](#)

In all other cases you must consult the employee before making a decision.

When to consult

Unless you agree to the employee's request in full, you must consult the employee before making a decision.

There's no specific timeframe for consulting, but you should have a meeting with the employee as soon as you can. You must make a final decision about the request, including any appeal, within 2 months.

Arranging a meeting

You should arrange a meeting to consult the employee. You should do this in advance so that you and the employee have time to prepare.

The person who holds the meeting should have the authority to make a decision about the employee's request.

So that the employee can prepare for the meeting and knows what to expect, you should:

- give the employee reasonable notice

- confirm the meeting time and place
- say which specific issues you want to discuss – for example, the specific business reason you might not be able to accept their request and any alternative options
- explain what will happen after the meeting
- tell them they can ask to bring a companion

You should hold the meeting in person or over a video call. If that's not possible, you can have the meeting on a phone call.

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 you who they'd like to bring
- give you 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 meeting

When you have the meeting, you should:

- talk to and listen to the employee about the flexible working change they've requested
- consider the request fairly

This is an opportunity to discuss and better understand:

- the reason for the request
- how it might affect the employee and the organisation

- any benefits to the change
- any business reasons for potentially rejecting the request
- any alternative options, if there's a genuine business reason to reject the request
- if the request relates to a disability and might be a reasonable adjustment

Discussing these things can help you consider the employee's thoughts, concerns and ideas to make a fully-informed decision.

If you cannot accept the request in full

If there's a genuine business reason for rejecting the original request, you should discuss alternative options with the employee.

Both you and the employee should consider and discuss:

- whether you could accept part of the request
- ideas for alternative options
- how to get some of the benefits of the original request in another way
- whether a trial period could help test out a change

If the employee does not attend

If the employee cannot or does not attend a flexible working 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 a letter or email.

Keeping a record of the meeting

As an employer, you should keep a written record of the meeting. It should accurately reflect what you discussed.

It's good practice to share this with the employee to avoid any misunderstandings about what you discussed and agreed.

If you share a record of the meeting, you should remove any sensitive information to follow data protection law (UK GDPR).

At the end of the meeting

In some cases, you might be able to make a decision in the meeting.

In other cases, you might need more time to make a decision. For example, if you need to get more information, consider ideas raised by the employee or look into alternative options. In this case you should let the employee know the next steps and when you expect to make a decision.

Once you've made your decision, you should [confirm your decision in writing](#).