

The right to request

By law (Employment Rights Act 1996), anyone with the [legal status of employee](#) has the statutory (legal) 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

Who the right applies to

The statutory right to request flexible working applies to anyone with the [legal status of employee](#).

The right applies from the first day of employment.

Parents and carers

If an employee has children or caring responsibilities, they must follow the same request procedure as other employees.

Employers should handle all requests in the same way, including when someone:

- has children
- cares for someone
- is returning from maternity, paternity or adoption leave

What an employer must do

If an employer receives a statutory flexible working request, they must:

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

The importance of following the Acas Code

If an employee makes a statutory request, the employer and employee must follow [the Acas Code of Practice on requests for flexible working](#).

If a case reaches an employment tribunal, the judge will consider whether the employer and employee have followed the Acas Code.

Protection from dismissal and detriment

By law, employees are protected from [unfair dismissal](#) and 'detriment' for statutory flexible working requests.

Detriment means someone experiences one or both of the following:

- being treated worse than before
- having their situation made worse

Examples of detriment could be:

- they experience [bullying](#)
- they experience [harassment](#)
- their employer turns down their training requests without good reason
- they are overlooked for promotions or development opportunities
- their employer reduces their hours without good reason

Protection from unfair dismissal and detriment applies when:

- making a statutory flexible working request
- planning to make a request
- raising an issue with their employer related to their request
- making a legal claim related to their request

Requests that do not use the statutory procedure

Flexible working arrangements can be agreed without using the statutory procedure.

In this situation:

- it's not necessary to follow the statutory procedure and Acas Code
- there's no statutory protection from unfair dismissal and detriment under the law on flexible working requests

[Read more about options for agreeing changes](#)