



## When will the Employment Relations (Flexible Working) Act 2023 come into effect?

The Act will come into effect on 6 April 2024. Until then, the Employment Rights Act 1996 (as amended) and regulations made under it still apply.

## What are the changes under the new legislation?

- New requirement for the employer to consult with the employee before rejecting their flexible working request.
- Permission to make two statutory requests in a 12-month period (previously limited to one request in a 12-month period).
- Decision (including outcome of an appeal) to be reached within two months. This is reduced from three months.
- Employee will no longer need to include how the effect of the changes could be dealt with.
- Employees will be able to request flexible working from the first day of employment.

## What do these changes mean for schools?

- Flexible working policies and guidance will need to be updated to reflect the new legislative changes.
- Recruitment processes may need to be reviewed and adjusted.
- Job design will be key for timetabling.
- Schools should move to a more proactive, whole-school approach to managing flexible working requests.

## Is there a transition period?

No there isn't a transition period. The Act comes into effect on 6 April 2024 so any flexible working requests after this period will need to be managed under the new legislation.

## What should be included in a statutory flexible working request?

A request must be in writing and state that it is a statutory request for flexible working. It must include:

- The date of the request.
- The change the employee is requesting to the terms and conditions of their employment in relation to their hours, times or place of work.
- The date the employee would like the change to come into effect.
- If and when the employee has made a previous request for flexible working to the employer.

## Where do we find the valid reasons for refusal?

Here are the legitimate reasons for rejecting a flexible working request:

- Extra costs that will damage the business.
- The work cannot be reorganised among other staff.
- People cannot be recruited to do the work.
- Flexible working will affect quality and performance.
- The business will not be able to meet customer demand.
- There's a lack of work to do during the proposed working times.
- The business is planning changes to the workforce.

Further information can be found [here](#) or at <https://acas.org.uk>

## Have the statutory reasons for refusal, 8 reasons, changed at all?

No, the reasons for refusal have not been amended as part of the new legislation and remain the same.

## If someone requests a small change in hours (less or more) that can be accommodated easily, do we still need to hold a consultation meeting?

It is not required to hold a meeting if the request is to be accepted, however it would be good practice to hold a meeting with the employee to confirm the arrangements and make sure everyone is clear.

## Which resources are available to help schools understand the new legislation?

- All the resources in the DfE [flexible working toolkit](#) will be updated in line with the new legislation.
- You can access a webinar on the new legislation [here](#), along with an action planning template.

## Where can I find more information about flexible working in schools?

More information about flexible working in schools can be found here: [Get help with flexible working in schools - GOV.UK \(www.gov.uk\)](#)