

Flexible working legislation FAQs

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

The Act came into effect on 6 April 2024.

What changes were introduced by the Employment Relations (Flexible Working) Act 2023?

- A 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 need to reflect the 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.

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.

You can access the template to 'Make a statutory flexible working request' [here](#) and the 'Review a statutory flexible working request' template can be found [here](#).

What if we cannot support a statutory flexible working request?

By law, a request can only be turned down if there is:

- a burden on additional costs
- detrimental effect on ability to meet customer demand
- inability to reorganise work among existing staff
- detrimental impact on quality.
- detrimental impact on performance
- inability to recruit additional staff
- insufficiency of work during the periods the employee proposes to work
- planned structural changes

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

Have the statutory reasons for turning down a request, 8 reasons, changed at all?

No, the reasons for turning down a request have not been amended as part of the Employment Relations (Flexible Working) Act 2023 and remain the same on them.

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 legislation?

- The DfE [flexible working toolkit](#) provides support and guidance to help schools create their own flexible working strategy and to manage requests in their settings.
- The **flexible working self-assessment toolkit** can also help support leaders to assess their current flexible working arrangements and provide ideas for next steps to further develop their practice.

What are the upcoming changes to flexible working arrangements under the Employment Rights Act 2025?

The Employment Rights Act amends existing legislation so that:

- Employers can only reject a flexible working request where it is reasonable to do so on the grounds of one (or more) of the eight business reasons already set out in primary legislation.
- If an employer wants to reject a request, they will need to consult with the employee (as they currently do), but in doing so follow a specified process, to be set out via secondary legislation.
- If an employer rejects a request, they must explain to the employee why their decision is reasonable. Taken together, these measures will mean that employers should accept a flexible working request, except where it is not reasonably feasible. Employers will still be able to refuse requests that aren't feasible or reasonable in line with the existing eight business reasons for rejection.

The Act will be delivered in phases across a two-year period. This approach will ensure that employees and employers have time to plan and prepare. Flexible working changes are expected to come into force in 2027.

Further information about the upcoming changes can be found here [Employment Rights Act 2025: flexible working factsheet](#)

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 \(www.gov.uk\)](https://www.gov.uk/get-help-with-flexible-working-in-schools)