

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 9 – Right to Request Flexible Working

Section 132: Dealing with applications

696. This section deals with changes to the procedure which employers must follow when dealing with a flexible working request.
697. *Subsection (2)* amends section 80G of the ERA to remove the requirement on employers to follow a statutory procedure when considering flexible working requests. This procedure is currently set out in the [Flexible Working \(Procedural Requirements\) Regulations 2002 \(S.I. 2002/3207\)](#). These regulations will be revoked. In place of this, *subsection (2)* introduces a duty on employers to consider requests in a reasonable manner.
698. *Subsection (2)* also amends section 80G to introduce a requirement on the employer to notify the employee of its decision within a certain period of time. *Subsection (3)* provides that the employer must give its decision within 3 months beginning on the date that the application is made. This period can be extended by agreement between the employer and employee.
699. *Subsection (4)* sets out the circumstances in which the employer can treat a flexible working request as withdrawn. They are where an employee fails to attend two consecutive meetings to discuss the request or an appeal with their employer without good reason.