

2024 No. 429

TERMS AND CONDITIONS OF EMPLOYMENT

The Code of Practice (Requests for Flexible Working) Order 2024

Made - - - -

25th March 2024

The Secretary of State makes this Order in exercise of the powers conferred by section 200(5) of the Trade Union and Labour Relations (Consolidation) Act 1992(a) (“the 1992 Act”).

Under section 199(4) of the 1992 Act the Advisory, Conciliation and Arbitration Service (“ACAS”) may from time to time revise the whole or part of a Code of Practice issued by it and issue that revised Code.

In accordance with section 200(1) of the 1992 Act, ACAS prepared and published a draft revised Code of Practice (“the draft revised Code”) which revises the Code of Practice on handling in a reasonable manner requests to work flexibly(b) and considered representations made to it about the draft revised Code, and modified it accordingly.

In accordance with section 200(2) of the 1992 Act, ACAS transmitted the modified draft revised Code to the Secretary of State, which was duly approved by the Secretary of State and laid before both Houses of Parliament under section 200(2)(a).

Neither House of Parliament resolved within the period of 40 days after the modified draft revised Code was laid that no further proceedings should be taken, and accordingly ACAS has issued the revised Code of Practice on requests for flexible working(c) in the form of the modified draft revised Code.

Accordingly, the Secretary of State makes the following Order.

Citation, extent and interpretation

1.—(1) This Order may be cited as the Code of Practice (Requests for Flexible Working) Order 2024.

(2) This Order extends to England and Wales and Scotland.

(a) 1992 c.52, to which there are amendments not relevant to this Order.

(b) The Code of Practice (Handling in a Reasonable Manner Requests to Work Flexibly) 2014 was issued by ACAS under section 199(1) of the 1992 Act and commenced by S.I. 2014/1665.

(c) The revised Code of Practice on requests for flexible working was issued on 11th January 2024 and is available on the ACAS website.

(3) In this Order “the revised Code of Practice” means the document entitled “Code of Practice on Requests for Flexible Working” issued by ACAS on 11th January 2024 and published on the ACAS website.

Appointed day for the Code of Practice

2. The revised Code of Practice comes into effect on 6th April 2024.

Transitional Provision

3. The revised Code of Practice does not apply to applications made under section 80F of the Employment Rights Act 1996(a) on or before 5th April 2024 except that any such application will be taken into account in determining whether an employee is prevented from making an application by section 80F(4) of that Act.

25th March 2024

Kevin Hollinrake
Minister for Enterprise
Department for Business and Trade

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 6th April 2024 as the day upon which the revised Code of Practice on requests for flexible working, which has been issued by ACAS under section 199 of the Trade Union and Labour Relations (Consolidation) Act 1992 (c.52), will come into effect.

Article 3 provides that the revised Code of Practice does not apply to applications for flexible working made under section 80F of the Employment Rights Act 1996 (c. 18) which are made on or before 5th April 2024 except that any such application will be taken into account in determining whether an employee is prevented from making an application by section 80F(4) of that Act.

An impact assessment has not been prepared for this Order. This Order is part of a package of legislative measures, which includes the Employment Relations (Flexible Working) Act 2023 and the Flexible Working (Amendment) Regulations 2023 (S.I. 2023/1328), for which separate impact assessments have been produced and published alongside those instruments.

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(a) 1996 c. 18. Section 80F is inserted by section 47 of the Employment Act 2002 (c. 22) and is amended by section 12 of, and paragraph 1 of schedule 2 to, the Work and Families Act 2006 (c. 18), section 131 of the Children and Families Act 2014 (c. 6), section 1 of the Employment Relations (Flexible Working) Act 2023 (c. 33) and by regulation 2 of S.I. 2013/283.

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