



# Children and Families Act 2014

## 2014 CHAPTER 6

### PART 9

#### RIGHT TO REQUEST FLEXIBLE WORKING

#### 132 Dealing with applications

- (1) Section 80G of the Employment Rights Act 1996 (employer's duties in relation to an application for flexible working) is amended as follows.
- (2) In subsection (1), for paragraph (a) (requirement to deal with application in accordance with regulations) there is substituted—
  - “(a) shall deal with the application in a reasonable manner,
  - (aa) shall notify the employee of the decision on the application within the decision period, and”.
- (3) After subsection (1) there is inserted—
  - “(1A) If an employer allows an employee to appeal a decision to reject an application, the reference in subsection (1)(aa) to the decision on the application is a reference to—
    - (a) the decision on the appeal, or
    - (b) if more than one appeal is allowed, the decision on the final appeal.
  - (1B) For the purposes of subsection (1)(aa) the decision period applicable to an employee's application under section 80F is—
    - (a) the period of three months beginning with the date on which the application is made, or
    - (b) such longer period as may be agreed by the employer and the employee.
  - (1C) An agreement to extend the decision period in a particular case may be made—
    - (a) before it ends, or

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*Status: This is the original version (as it was originally enacted).*

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- (b) with retrospective effect, before the end of a period of three months beginning with the day after that on which the decision period that is being extended came to an end.”

(4) After subsection (1C) (as inserted by subsection (3)) there is inserted—

“(1D) An application under section 80F is to be treated as having been withdrawn by the employee if—

- (a) the employee without good reason has failed to attend both the first meeting arranged by the employer to discuss the application and the next meeting arranged for that purpose, or
- (b) where the employer allows the employee to appeal a decision to reject an application or to make a further appeal, the employee without good reason has failed to attend both the first meeting arranged by the employer to discuss the appeal and the next meeting arranged for that purpose,

and the employer has notified the employee that the employer has decided to treat that conduct of the employee as a withdrawal of the application.”

(5) In the Employment Rights Act 1996, the following are repealed—

- (a) section 47E(1)(b);
- (b) section 80G(2) to (4);
- (c) section 80H(4);
- (d) in section 80I(4), the words “, and the regulations under that section,”;
- (e) section 104C(1)(b).