

If the request is not possible

You can only turn down a flexible working request if there's a valid business reason. It's important to make your decision based on facts and not personal opinion.

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

- it will cost your business too much
- you cannot reorganise the work among other staff
- you cannot recruit more staff
- there will be a negative effect on quality
- there will be a negative effect on the business' ability to meet customer demand
- there will be a negative effect on performance
- there's not enough work for your employee to do when they've requested to work
- there are planned changes to the business, for example, you intend to reorganise or change the business and think the request will not fit with these plans

Example

Colin works in a small call centre answering calls from customers in the United States. He asks to change his hours, to start at 7am instead of 11am each day so he can finish earlier.

Colin's employer reviews the request and looks at the call patterns. There are only a few calls between 7am and 11am, and making the change would mean there'd be fewer people to cover peak call times later in the day.

Colin's employer cannot agree to the request because there's not enough work for him to do and it would have a negative effect on meeting customer demand.

Consider other options

If your employee's request is not possible, there might be a way to find another option.

Trying to find a compromise can help keep good working relationships and keep staff. For example:

- if you cannot make a change permanently, you could look at making the change for 6 months only
- if you cannot have someone working part-time every week, you could look into a fortnightly part-time work pattern
- if you cannot make a change on all working days, you could look at making the change on some working days only

It's a good idea to talk to your employee and:

- explain why you cannot make the changes they initially requested

- listen to their reasons for requesting the change
- suggest any other possible options
- ask if they have any ideas for other options

Example

Angela is an experienced mechanic working at a small garage. She wants to reduce her hours to spend more time with her grandchildren so she makes a flexible working request to her employer.

The other mechanics are junior and Angela's employer is concerned they cannot handle difficult repair jobs yet.

Angela's employer decides to turn down her request because there will be a negative effect on quality and the business' ability to meet customer demand.

But they agree to look at the request again after the other mechanics have been up-skilled. Angela's employer confirms in writing that she can make another flexible working request in 6 months' time.

If you're not sure how a change will work in practice, a trial might help make a decision.

Example

Raj is an estate agent working at a small estate agency. He asks to work compressed hours over 4 days. This means he would work 7am to 7pm over 4 days so he can have Thursdays off to study.

Raj's employer is worried the business will lose sales and get complaints if Raj is not available on Thursdays. For these reasons, Raj's employer considers refusing his request. However, his employer values Raj and wants to keep him.

Raj and his employer agree to try the compressed hours for 10 weeks, and then make a decision.

During the trial, other staff successfully deal with customer enquiries on Thursdays and Raj's meets his sales targets. Raj's employer also finds some customers like being able to reach Raj outside normal office hours Monday to Wednesday.

As the trial is a success, Raj's employer agrees to continue with the new working hours.

Discrimination and flexible working requests

It's usually against the law to turn down an employee's flexible working request because of their:

- age
- disability
- race
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- religion or belief
- sex

- sexual orientation

If you cannot make the change your employee has asked for, you should look at other ways to support them and avoid discrimination.

For example, if your employee makes a flexible working request because of a disability they have, you could treat this as a reasonable adjustment request instead. This means you look at your employee's request in context of their disability and how you can best support them.

[Find out more about discrimination.](#)