



# Children and Families Act 2014

## 2014 CHAPTER 6

### PART 9

#### RIGHT TO REQUEST FLEXIBLE WORKING

#### **133 Complaints to employment tribunals**

- (1) Section 80H of the Employment Rights Act 1996 (complaints to employment tribunals) is amended as follows.
- (2) In subsection (1) (grounds of complaint)—
  - (a) the “or” after paragraph (a) is repealed;
  - (b) after paragraph (b) there is inserted “, or
  - (c) that the employer’s notification under section 80G(1D) was given in circumstances that did not satisfy one of the requirements in section 80G(1D)(a) and (b).”
- (3) In subsection (2) (no complaints under section 80H in respect of an application disposed of by agreement or withdrawn), for “under this section” there is substituted “under subsection (1)(a) or (b)”.
- (4) For subsection (3) (no complaints to be made until the employer rejects an application on appeal or contravenes specified regulations under section 80G(1)(a)) there is substituted—
  - “(3) In the case of an application which has not been disposed of by agreement or withdrawn, no complaint under subsection (1)(a) or (b) may be made until—
    - (a) the employer notifies the employee of the employer’s decision on the application, or
    - (b) if the decision period applicable to the application (see section 80G(1B)) comes to an end without the employer notifying the employee of the employer’s decision on the application, the end of the decision period.

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*Status: This is the original version (as it was originally enacted).*

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- (3A) If an employer allows an employee to appeal a decision to reject an application, a reference in other subsections of this section to the decision on the application is a reference to the decision on the appeal or, if more than one appeal is allowed, the decision on the final appeal.
- (3B) If an agreement to extend the decision period is made as described in section 80G(1C)(b), subsection (3)(b) is to be treated as not allowing a complaint until the end of the extended period.”
- (5) After subsection (3B) (as inserted by subsection (4)) there is inserted—
- “(3C) A complaint under subsection (1)(c) may be made as soon as the notification under section 80G(1D) complained of is given to the employee.”
- (6) In subsection (6) (meaning of the relevant date), from “relevant date” to the end there is substituted “relevant date is a reference to the first date on which the employee may make a complaint under subsection (1)(a), (b) or (c), as the case may be.”