

SCHEDULE

ACAS (FLEXIBLE WORKING) ARBITRATION SCHEME

PART V

ARBITRATOR'S TERMS OF REFERENCE

18. Every agreement to refer a dispute to arbitration under this Scheme shall be taken to be an agreement that the arbitrator decide the dispute according to the following Terms of Reference:

In deciding whether to uphold the Flexible Working Claim the arbitrator shall:

- have regard to relevant provisions of the Flexible Working (Procedural Requirements) Regulations 2002⁽¹⁾ and to any relevant ACAS Guidance;
- apply EC law.

The arbitrator shall not decide the case by substituting what he or she would have done for the actions taken by the Employer.

If the arbitrator upholds the Flexible Working Claim, he or she shall determine the appropriate remedy under the terms of this Scheme.

⁽¹⁾ S.I. 2002/3207.