

## **Predictable Working Pattern Requests**

Whilst many workers have the guarantee of a fixed working pattern and guaranteed wages, that is not the case for everyone, and it is because of this that ACAS has launched a consultation for a draft Code of Practice when handling requests for a predictable working pattern.

The Code will work with, and comes hot on the heels of the Workers (Predictable Terms and Conditions) Act 2023 which is likely to come into force in September 2024 (see our article on the other new flexible working rules [here](#)). The Act will give workers the right to request a predictable working pattern if they do not already have one.

It is thought that under the new Act, any predictable working pattern requests will need to be made in a similar way to flexible working requests, in that they should be in writing and may well be refused for a specified reason.

The aim of the consultation is to unify the different processes, as currently the Act allows for separate procedures depending on whether it is an employee/worker or an agency worker making the request.

The Code will also include additional good practice principles that employers should bear in mind when dealing with a request, including the following:

- Allowing workers to be accompanied to meetings when discussing a request;
- Providing further information which would be reasonable when employers are explaining their decisions in relation to requests;
- Allowing an appeal if a request has been rejected.

Whilst the Code, and therefore the good practice principles, are not legally binding on employers, any failure to adhere to them will be taken into account by an Employment Tribunal.

### **What do employers need to do?**

Until the consultation closes on 17 January 2024, there is little that employers need to do at this stage other than keep an eye on any further updates.

In the meantime, employers can start looking at the working patterns that they currently offer, with a view to making them more predictable if possible.

If the new Code comes into practice, then employers who engage workers on a flexible/unpredictable basis might well face an influx of predictable working pattern requests, and it will be vital that they are handled in the correct way, to negate the possibility of a claim being issued.

If you would like us to review any contracts or advise on the changes to future employment law then, please get in touch with a member of the team on 01752 663295.