CHILTERN LEARNING TRUST

Procedure for Flexible Working Requests

Date Reviewed	Body	Next Review Date
Summer Term 2026	Board of Trustees	Summer Term 2028

1. Introduction

Chiltern Learning Trust recognises that it has a duty to consider all applications for flexible working from employees in a reasonable, timely manner and in accordance with the Employment Relations (Flexible Working) Act 2023.

2. Purpose of Procedure

The purpose of this document is to outline the procedure to be followed when an employee wishes to request flexible working. The document is produced to ensure that all employees are treated fairly and equitably by the Trust.

3. Eligibility

This procedure applies to employees of the Trust. To be eligible to make a request under this procedure, an employee must:

- not be an agency worker
- have made no more than one other flexible working request within a 12-month period

Every employee has a statutory right to request flexible working. This right applies from the first day of employment.

4. Procedure to be followed:

Making an application

An employee wishing to adopt a flexible working pattern is required to complete the application form at Appendix 1b and submit this to the Headteacher (or Director) or make a written request to the Headteacher (or Director). The written request should be as comprehensive as possible, and should include the following:

- the date of the application
- the changes that the employee is seeking to their terms and conditions
- the date on which the employee would like the change/s to come into effect
- a statement that this is a statutory request and if and when they have made a previous application for flexible working. (A maximum of **two** flexible working requests can be made in any 12-month period).

A request for flexible working may include a reduction in hours, a variation to working times or alternative ways of working, including working from home or remote or part-time working. This does, of course, need to fulfil the exigencies of the service.

5. Live requests

An employee may only have one live request for flexible working with their employer at any one time. Once a request has been made, it remains live until any of the following occur:

- a decision about the request is made by the employer
- the request is withdrawn
- an outcome is mutually agreed

- the statutory two-month period for deciding requests ends

A request continues to be live during any appeal or any extension to the statutory two-month decision period that an employer and employee may have agreed.

6. Meeting to discuss a flexible working request

The Headteacher (or Director) must arrange a meeting with the employee within 21 days of receipt of the written request. The purpose of the meeting will be to consult with the employee and consider the detail of the request; the issues raised for the school (or team) and the employee and any compromises required. This will be based on the operational needs of the Trust. The request may be easy to resolve, in which case the Headteacher (or Director) may meet with the employee to confirm this.

Any relevant paperwork for the meeting will be circulated seven calendar days beforehand.

Each case will be considered on a case by case basis: agreeing to one request will not set a precedent or create the right for another employee to be granted a similar change to their working pattern.

7. Outcome of a flexible working request

The Headteacher (or Director) will respond to the request in writing within seven days of the meeting, either:

(i) accepting the request, setting out any action on which the agreement is dependent and establishing a start date. Where the request is granted for a fixed term period the end date should also be set out.

(ii) confirming the compromise offered and setting a date for response.

(iii) refusing the request and giving a comprehensive explanation of the business reasons for doing so, and the right to appeal.

Employees should be aware that if the application is approved, the variation in contractual terms may be a permanent one and the employee has no automatic right to change back to their previous pattern of work, unless the application seeks the variation for a specified time period only.

Template letters can be found at appendices 2-3 to confirm the above decisions.

Where a request is agreed for a trial period the Headteacher (or Director) must arrange suitably timed review meetings to discuss any issues that may arise. Any problems should be addressed at the time so that discussions can be held to try and resolve these prior to the end of the trial period. The template letter at appendix 4 should be used to confirm the arrangements for the trial period.

If the decision of the Headteacher (or Director) at the end of this period is to decline the request, the employee will have right to appeal and the appeal procedure set out in paragraph 10 below should be followed.

8. Business grounds for refusing a request

Schools must agree flexible working requests unless there is a genuine business reason not to. Applications for flexible working arrangements can only be refused for one or more of the following business reasons:

- Burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work among existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during the periods the employee proposes to work
- Planned structural changes

Where a request is refused, the reason for the refusal must be for one of the above reasons and must be explained fully in writing to the employee as set out at paragraph 7. The explanation should be accurate and clearly relevant to the business ground. The Headteacher (or Director) must be able to evidence clearly that adequate consideration was given to the request.

9. Appeal

The employee has seven calendar days from the date the decision is received in writing in which to register an appeal in writing to the Chair of Governors (or Finance Director if a member of the central team). This must give reasons for the appeal.

An appeal panel of at least two Governors (or two Directors) will be convened within 14 days of receipt of the written appeal (see template letter at appendix 5). Documentation will be sent out to all parties at least seven calendar days before the appeal. This will include the employee's original submission and the Headteacher's (or Director's) written decision.

The appeal meeting may be held virtually or face to face**.**

The process for the appeal will be as follows:

- The appeal panel appoints a chair for the process.
- The employee (or representative) presents their case and reason for appeal.
- The employee may be questioned by the Headteacher (or Director).
- The employee may be questioned by the appeal panel.
- The Headteacher (or Director) will present the case on behalf of the school.
- The Headteacher (or Director) may be questioned by the employee (or representative).
- The Headteacher (or Director) may be questioned by the appeal panel.

Either party may present witnesses, who will be available for cross-examination. Details of witnesses will be notified to both parties seven calendar days before the meeting.

The appeal panel will deliberate in private. Both parties will be informed of their decision in writing within seven calendar days of the appeal. See template letters at appendices 6 and 7.

The appeal panel may:

(i) accept the appeal in full, implementing the employee's request subject to any action on which the agreement is dependent.
(ii) propose a compromise arrangement.
(iii) reject the appeal.

10. Timescales

The complete process, from the initial statutory request for flexible working to the outcome of an appeal, must be dealt with within a period of two months (appendix 1a details a suggested timeline).

If for some reason the request cannot be dealt with within two months then the Headteacher (or Director) and the employee may agree to an extension of any of the timescales outlined. However, this confirmation must be recorded in writing and a copy sent to the employee clearly specifying which period the extension refers to and the date on which the extension will end.

The above timescale still applies where a trial period is agreed. Therefore, before a trial period begins, both parties must agree to extend this timescale to allow for the trial period on the flexible working arrangements (unless the trial period will be completed within the two-month decision period). This agreement should be recorded in writing using the template letter at appendix 4.

11. Right to be accompanied

The employee may be accompanied by their trade union representative or a work colleague of their choice at all stages of this procedure. If the employee's representative is not available on the date arranged for the meeting, an alternative date must be arranged as a matter of urgency, preferably within seven days, taking into account the representative's availability.

12. Request for reasonable adjustment

Whilst employees may choose to submit a request for flexible working in relation to a disability or health condition, the Trust's duty regarding making reasonable adjustments varies to that in considering flexible working requests.

There is no requirement for employees who wish to request a reasonable adjustment to do so via this procedure or form.

If an employee seeks a reasonable adjustment for their disability via a request for flexible working, the school must consider this in line with its legal obligations under the Equality Act 2010. The Trust has a duty to make reasonable adjustments to remove any disadvantage related to an employee's disability.

Schools are encouraged to seek advice from the Trust's HR team if they have any queries in relation to such requests.

13. Withdrawal of Application

The Headteacher (or Director), in consultation with their HR provider, will consider that the employee has voluntarily withdrawn their application for 'requesting flexible working' if:

- the Headteacher (or Director) has been notified by the employee in writing that the employee is withdrawing the application;
- the employee fails to attend two meetings;
- the employee unreasonably refuses to provide the employer with the required information.

In all cases the Headteacher (or Director) will write and confirm the status of the application, unless the employee has provided written notification.

14. Phased Retirement

Phased retirement is a flexible provision within the Teacher's Pension Scheme. Phased retirement is available to members of the scheme aged 55 or over. In order to access phased retirement the employee's salary must decrease by at least 20%, either by reducing hours or responsibility with the agreement of the Headteacher (or Director). More information is available at the following link.

https://www.teacherspensions.co.uk/members/planning-retirement/types-of-retirement/phased-retirement.aspx

Any teacher wishing to request a reduction in hours for the purpose of flexible retirement must complete the application form found at Appendix 1 and follow the steps set out in this procedure.

Appendix 1a

Procedure for requests for Flexible Working

Note: all applications must be processed within two months. The timeline provided below is a suggested timeline.

The Headteacher (or Director) receives an application or a written request for flexible working

↓

Within 21 days

The Headteacher (or Director) and employee meet to discuss the application

↓

Within 7 days

The Trust / school writes notifying the employee of their decision

→ **Request is ACCEPTED** → Both the employee and the Headteacher (or Director) will need to consider what arrangements they need to make for when the working pattern is changed

↓ **Request is REJECTED**

The employee needs to decide if they wish to appeal against the headteacher's decision. If so, they must appeal in writing to the Chair of Governors (or Finance Director), setting out the grounds for their appeal.

↓

Within 7 days

Chair of Governors (or Finance Director) receives the employee's written appeal.

↓

Within 14 days

Appeal panel and employee meet to discuss the appeal

↓

Within 7 days

The appeal panel writes notifying the employee of their decision

→ **Appeal is ACCEPTED** → Both the employee and the Headteacher (or Director) will need to consider what arrangements they need to make for when the working pattern is changed

↓ **Request is REJECTED**

No further right of appeal

APPENDIX 1b

The Right to Request Flexible Working

FLEXIBLE WORKING APPLICATION FORM

1. Personal Details	
Surname:	**First Name:**
School:	**Position:**
Days/Hours/Times Worked:	
To the Headteacher (or Director), I would like to statutorily apply to work a flexible working pattern that is different to my current working pattern under my right provided by the Employment Relations (Flexible Working) Act 2023.	
Date of previous flexible working request:	

Current working pattern:

Proposed working pattern and proposed start date

Name: Date:

Appendix 2

Note: Letter to confirm acceptance on a permanent or fixed term basis.

Dear NAME,

Re: Flexible Working Application

Following receipt of your application for flexible working and our subsequent meeting held on **DATE OF MEETING**, I am writing to let you know my decision.

EITHER

I am pleased to confirm that I am able to accommodate your application. Therefore, your new working pattern will be as follows: -

OR

I am unable to accommodate your original request as set out in your application. However, I am able to offer the following alternative pattern, which was discussed and agreed with you at the meeting: -

DETAILS

**Where the request involves an agreement to part-time working, include the following sentence:*

Please note that whilst it has been agreed that your contract of employment will change to ADD PROPORTION OF FULL TIME EQUIVALENT e.g 0.4 FTE, the days on which you will work may be subject to variation.

The new working pattern will commence on DATE.

EITHER

Please note that this change to your working pattern forms a permanent change to your terms and conditions of employment and there is no automatic right to revert to your previous working pattern.

OR

Please note that this change to your working pattern has been agreed for a fixed term period only. The working arrangements detailed above will commence on DATE and will end on DATE. Following this end date you will revert to your previous contract terms.

I will notify our HR provider and you will receive a new contract in due course.

If you have any queries on this letter please contact me.

Yours sincerely

NAME
Headteacher / Director

Dear NAME

Re: Flexible Working Application

Following receipt of your application for flexible working and our subsequent meeting held on **DATE OF MEETING**, I am writing to let you know my decision.

Unfortunately, I am unable to accommodate your request for the following business reasons.

OUTLINE REASONS AND WHY THE APPLY IN THE PARTICULAR CASE.

Note (for deletion from the letter): Business reasons must be those set out at p.2 of the Procedure for Flexible working Requests.

We also discussed other work patterns but these were also inappropriate for the same reasons as outlined above **OR/** We also discussed other work patterns but unfortunately these were not suitable for you. **amend as appropriate*

You do have the right to appeal against this decision. If you wish to do so, you should write to the Chair of Governors (or Finance Director) within seven calendar days of receipt of this letter, setting out your grounds of appeal.

If you have any queries on this letter please contact me.

Yours sincerely,

Name
Headteacher / Director

Dear NAME,

Re: Flexible Working Application – trial period

Following XXXX *(meeting or appeal meeting)* held on *(date)* to discuss your request for flexible working, I can confirm that I am able to agree to your request, as detailed below, on a temporary trial basis.

The trial period will begin on **DATE** and end on **DATE**. I will arrange a meeting with you shortly before the end of the trial period to discuss whether or not it is possible to make the changes permanent.

I have agreed to the following changes to your contract of employment on a trial basis:
Detail agreed changes, i.e.

- *the number of working hours,*
- *what days or times will be worked*
- *when the employee will be allowed to work at home.*

It is important to understand that the above working pattern is, at this stage, agreed as a temporary variation to the terms and conditions of your contract, and the Trust reserves the right, at the end of the trial period, to require you to revert to your previous contract terms.

It is also important to note that your flexible working request will not proceed further until the completion of your trial period, which will end on DATE. This will therefore, by agreement, extend the two-month timescale within which requests are usually considered.

Although we will endeavour to grant your request for flexible working on a permanent basis if it is at all possible, it is first necessary to consider the effects of your proposal on the Trust, pupils and your colleagues. The trial period will enable us to establish these effects. In the meantime, we cannot guarantee that the Trust will agree to continue the new arrangements beyond the end of the trial period.

Please find enclosed a duplicate of this letter. Please sign the section below and return the copy to me to indicate that you have read, understood and accept its contents and to confirm that you agree to your flexible working request being put on hold, and a decision delayed, until the completion of your trial period.

Yours sincerely

NAME
Headteacher / Director

_____

I have read, understood and accept the contents of this letter and confirm that I agree to my flexible working request being put on hold, and receipt of a decision being delayed outside of the usual timescales, until the completion of the trial period.

Name _____

Signature _____

Date _____

Dear NAME,

Re: Flexible Working Application – Appeal Meeting

I am in receipt of your letter dated DATE appealing against the decision to refuse your request for flexible working.

I would like to discuss your grounds of appeal with you. You are therefore invited to attend a meeting with me on **DATE** at **TIME** in **VENUE**.

You may be accompanied by a trade union representative or work colleague of your choice. It is your responsibility to make arrangements for you to be accompanied, if you so wish.

The appeal panel, convened to consider your appeal, will comprise _____ (insert names of the appeal panel) and they will be accompanied by _____ (insert the names and designations of any others who will be present) for the purpose of giving advice. The management case will be presented by the Headteacher (or Director). The following will be called: _____(insert name(s) of witnesses).

If you wish to call any witnesses to the meeting please advise me of this no later than seven calendar days before the meeting.

Following the meeting, a decision will be made on your appeal and this will be communicated to you, in writing, within 7 days of the appeal meeting.

Please could you conform to me whether you are able to attend the meeting at the time and date detailed above.

Yours sincerely

Dear NAME,

Re: Flexible Working Application – Outcome of Flexible Working Appeal Meeting

I refer to the appeal meeting held on DATE in which we discussed your appeal against the earlier decision to refuse your request for flexible working.

I can confirm that your appeal has been upheld. I can therefore confirm that, with effect from DATE, the terms of your employment contract will change. Your new terms will be as follows:

DETAILS

OR *where relevant:

As explained to you, the working arrangements you originally requested were not practicable for the Trust to accommodate. However, having discussed alternative working patterns with you, I am pleased to confirm that we have agreed on new working arrangements for you. Your new working arrangements from DATE will be:

DETAILS

**Where the request involves an agreement to part-time working, include the following sentence:*
Please note that whilst it has been agreed that your contract of employment will change to ADD PROPORTION OF FULL TIME EQUIVALENT e.g 0.4 FTE, the days on which you will work may be subject to variation.

Please note that this change to your working pattern forms a permanent change to your terms and conditions of employment and there is no automatic right to revert to your previous working pattern.

The Trust will notify our HR provider and you will receive a new contract in due course.

If you have any queries on this letter please contact me.

Yours sincerely,

Appendix 7

Dear NAME,

Re: Flexible Working Application – Appeal Meeting Outcome

I refer to the appeal meeting held on DATE in which we discussed your appeal against management's earlier decision to refuse your request for flexible working.

Having given the matter thorough consideration, I regret that the Trust is unable to uphold your appeal. The reasons for this decision are as follows:

DETAIL REASONS FOR REFUSING REQUEST/DISMISSING APPEAL

Please note that within the Trust's procedure there is no further right of appeal in relation to this decision.

Yours sincerely,