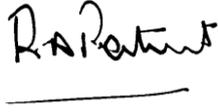


Organisational Change Policy for Schools



**Barking and Dagenham
Council of the Year 2018**

School/Academy Name:	Eastbury Community School
Date of Adoption:	3 April 2019
Chair of Governors Signature	
Signature of Head Teacher:	

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1.0 INTRODUCTION

1.1 The School/Academy is intent on meeting its obligations to consult with Trade Unions and staff representatives in good time regarding potential changes as a result of any restructure. The School/Academy does so in the true spirit of seeking agreement with the Trade Unions and staff representatives on the proposals themselves and the ways of mitigating and minimising any negative effects on staff where at all possible.

It is proposed that the procedures outlined in this document will apply to all permanent substantive staff and temporary employees with over two years of continuous service with the London Borough of Barking and Dagenham, a church school and/or within an Academy.

For the avoidance of doubt this does not include agency workers, consultants or those employed by a third party to perform particular functions for or on behalf of the School/Academy. The School/Academy will comply fully with the employer's statutory obligations around consultation and redundancy.

Any reference to Governors shall be construed as relating equally to their representatives until any hearing to consider dismissal. In addition, only the Governing Body (or the Committee of the Governing Body who have delegated authority) can make the final decision on the outcome of a consultation on re-organisation or restructuring.

2.0 Purpose

2.1 The Policy is designed to provide a clear and fair process to be followed when it becomes necessary to change a school's staffing establishment and to be compliant with statutory requirements for consultation and with equalities legislation.

3.0 Application of the policy

3.1 The Procedure applies to all school employees at the school including all support and teaching staff as referred to in 1.1.

3.2 This Procedure will be used when circumstances arise that could lead potentially to organisational change. Examples of when this procedure may apply are listed below but this list is not exhaustive:

- Changes in the numbers or type of pupils
- Changes in curriculum requirements
- Recruitment and retention difficulties;
- Member(s) of staff leaving;
- Initiatives at either local or national level
- A review of the deployment of staff resources
- School/Academy closure or amalgamation

- Improved/best practice ways of working;
- Changes in Schools' Budgets
- Legal requirements
- Any other circumstances which give rise to a change in staffing levels or responsibilities

3.3 Other parties have a role in the process of change, including HR advisers and trade unions. Specific roles and responsibilities are outlined in the Procedure.

4.0 Guiding principles

4.1 The Head Teacher and the Governing Body/Trust (**or the Committee of the Governing Body/Trust who have delegated authority**) will, through regular reviews of the staff structure, aim to identify future staffing needs at an early stage in order to integrate their plans with natural staff turnover where possible. Where action is required in the short term, in response to more immediate circumstances, the Governing Body's aim is to maintain employment security as far as possible.

4.2 Staffing reviews will take place on a regular basis and consider both the immediate and longer-term requirements of the school. This will assist with identifying areas of change, growth and/or reduction. Where staff surpluses can be foreseen, strategies to avoid compulsory redundancies should be considered by the Head Teacher and the Governing Body/Trust (**or the Committee of the Governing Body/Trust who have delegated authority**), with advice the Schools' HR Provider.

4.3 The Governing Body/Trust will delegate responsibility for the staffing reviews to a staff committee of three governors and the Head Teacher

4.4 Consultation will be undertaken with staff and with recognised trade unions at the earliest opportunity once a restructuring review has identified the possibility of redundancies.

4.5 The Procedure will be applied fairly and consistently to all staff employed at the school regardless of gender, race, marital status, national or ethnic origin, nationality, disability, sexual orientation, transgender status, pregnancy or parenthood, age, religion, trade union membership/non-membership, or number of hours worked.

4.6 An employee has the right to be accompanied by a trade union representative or a work colleague at any meeting held with him/her to discuss potential redundancy or redeployment.

4.7 Information about any proposed staffing changes will be made available in good time to all trade union representatives representing the group(s) of staff affected.

4.8 If, at any time throughout the organisational change process, the necessary reduction in staff can be achieved through natural wastage, e.g. resignations/ retirements, staff affected will be informed in writing that the redundancy process has been terminated.

4.9 The Employee Assistance Programme will be offered to provide support to any member of staff involved in this process, where a school buys in to this service.

5.0 Organisational Change Procedure

5.1. Stage One: The Proposal

5.1.1 When it becomes apparent, as part of the regular review of the staffing structure, that a restructuring exercise may be required the Head Teacher should prepare for the Staffing Committee a staffing proposal report (Template – Appendix A).

The Schools' HR Provider (and diocesan officers in the case of a church school) should be consulted as part of the preparation of the report,

The report should set out as appropriate:

- The Proposed Timescale
- The Reasons for the Proposal
- The numbers and Jobs affected.
- The number and categories of employees affected
- Charts showing both the existing and the proposed structures
- New evaluated job descriptions.
- The means of implementing the organisational change, including the consultation process.
- Any potential redundancies together with the proposed means of achieving those redundancies and how redundancy payments will be calculated.
- Measures to avoid the need for redundancies or keep the number of redundancies to a minimum
- Redundancy should only be a last resort. Alternative options to minimise the impact of redundancies should always be sought in the first instance. In line with good management practice, steps should be taken to ensure continued employment whenever possible.

In addition, an equalities impact assessment should be undertaken.

5.1.2 Following approval by the Staffing Committee, the report and its proposals should be communicated to staff affected and recognised trade unions by the Head Teacher at the earliest opportunity. A copy of the Managing Organisational Change Guidance for School Based staff should be included.

5.2 Stage 2: Consultation

5.2.1 The School will follow a full, fair and meaningful consultation process normally commencing with employees affected who should be provided with a copy of the proposals and a covering letter.

5.2.2 The Head Teacher must meet with the staff affected, who may be accompanied by their trade union representatives, to discuss the proposals and the timetable for consultation.

- 5.2.3 Consultation provides an opportunity to explore alternative options before making a decision. It is not enough only to inform trade unions and employees about proposed changes. To be meaningful, consultation must be undertaken with a view to reaching agreement and it is necessary to:
- provide adequate information and time for employees and trade unions to consider and respond
 - to consider and respond to any comments received before making a final decision.
- 5.2.4 If there are 20 or more potential redundancies, the Head Teacher on behalf of the Staff Reduction Panel, will start consultations by sending the trade unions the "Section 188" letter within statutory timescales. Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 requires managers to consult recognised trade unions within set timescales according to the number of proposed redundancies as follows:
- Where there are fewer than 20 redundancies there is no statutory timescale but as much notice as is reasonably practicable should be given and not less than 15 working days
 - Where there is potential for 20 to 99 redundancies, consultation must start in good time but at least 30 days before the first dismissal takes effect.
- 5.2.5 The objectives of the consultation are to:
- To seek to avoid disputes and reach agreement with affected employees and their trade union representatives on the proposals
 - To avoid the need for redundancies, wherever possible
 - Reduce the number of employees who are to be made redundant to a minimum
 - When necessary, to determine the criteria to be used to select employees for redundancy
- 5.2.6 Trade union representatives shall have the opportunity to receive the proposals from the Head Teacher, if possible 24 hours before or reasonably in advance of the meeting. This will remain private and confidential to allow the trade union representative/s to prepare for the meeting. The trade union representative/s will have the opportunity to meet with their members immediately after the meeting.
- 5.2.7 The purpose of the consultation meeting is to present the written case and proposed solution to the organisational change. Any affected employee or trade union representative not able to attend the meeting will receive a copy of the proposal report from the Head Teacher.
- 5.2.8 The Head Teacher shall arrange one to one meetings for affected staff to discuss the proposals and to listen to their views, if requested. It is the decision of the employee as to whether they wish to have a one to one meeting and if they want to be accompanied by a work place colleague or a trade union representative.
- 5.2.9 Any meetings held between the Head Teacher and trade union representatives during the consultation stage will be at the request of the trade union representative, except for an initial meeting, which the Head Teacher will invite trade union representatives to attend.

5.2.10 Every effort will be made to determine fair and objective criteria used in selecting employees for redundancy following consultations with the recognised Trade Unions.

5.2.11 In line with good management practice, steps taken to avoid redundancies and ensure continued employment could include the following:

- Reviewing the use of temporary and agency employees;
- Reducing non-contractual overtime;
- Seeking suitable alternative work within the school. 'Suitable' is defined as suitable in relation to the job and the capabilities of the individual;
- volunteers for early retirement/voluntary redundancy;
- voluntary solutions such as job share, reduced hours, term time working,
- Redeployment of staff;
- Natural wastage and freezing vacant posts;
- Phasing the reduction of staff and arranging for limited temporary over-staffing in the light of known wastage.

5.3 Stage Three: Outcome of Consultation

Once the consultation process has been completed and all comments and concerns have been considered, a final report on the proposals must be produced.

This report should include:

- The proposed change and justifications for it;
- Implications for staff;
- Costing and funding arrangements;
- Details of the consultation process including a summary of the views expressed and considered;
- Existing and revised structure charts and job profiles (if appropriate);
- Implementation arrangements and effective dates.

This report should also be circulated to the staff, trade unions, Governing Body/Trust (or the Committee of the Governing Body/Trust that has delegated authority) and any other relevant parties.

Comments should still be sought at this stage from Schools' HR Provider and Finance (if necessary), with regard to any staffing and financial implications.

5.4 Stage Four: Formal Approval, Notification and Implementation

5.4.1 Once the final report is produced, formal approval for the change must be sought from and given by the governing body.

5.4.2 Once approved all staff and trade union representatives should be informed of the agreed change in writing. All staff affected must be written to individually and this must confirm the details of how the change affects them. The effective date of change should also be confirmed as well as the details for implementation. Any employment

rights of affected staff should also be stated. Payroll should be informed of any pay-related changes affecting the staff when they become effective.

5.4.3 The new structure will be implemented in accordance with the final report.

5.5 **Stage Five: Termination of employment (Dismissal Hearing)**

5.5.1 The Head Teacher will write to those employees who are provisionally selected as redundant, notifying them of their right to make representations against their selection for redundancy in person to the Staff Committee and accompanied by their trade union representatives should they wish.

5.5.2 A date for a Staff Committee meeting will be offered **at least 5 and no more than 10 working days** from the date the employee receives the notification. Employees will have **3 working days** from the receipt of the notification to indicate whether they wish to attend a meeting of the Selection Panel. The notification will confirm that a final decision to dismiss the employee will not be made before this opportunity has either been taken up or lapsed in accordance with the notified deadline.

A note taker shall be in attendance.

5.5.3 If the employee does not wish to attend a meeting, s/he can make written representations to the Committee.

5.5.4 If the Staff Committee determines that those individuals selected should be dismissed on the grounds of redundancy, the Head Teacher will notify the employee(s) in writing **within 5 working days** of the meeting of the Committee that they will be issued with formal notice of termination of employment. This letter will include the right of appeal against any decision to terminate employment.

5.5.5 The Head Teacher will also notify Schools' HR (with regard to LBBB Schools) in writing of the staff who have been selected for dismissal on the grounds of redundancy within the same timescale. Schools' HR on behalf of LBBB will give notice of the termination of employment to the selected employee(s) **within 5 working days** of the receipt of the notification from the school. The employee will be supported in seeking alternative employment prior to the termination of employment. Efforts to redeploy the employee may continue up to the date of termination.

5.5.6 As defined under the Teachers' Pay and Conditions document, teachers are under a minimum of two months' notice and in the summer term three months terminating at the end of a school term as defined in the Burgundy Book. Teachers that have been continuously employed for more than 8 years are entitled to receive additional notice up to a maximum of 12 weeks. Support staff are entitled to a maximum of 12 weeks' notice (dependent on length of service).

5.6. **Stage 6: Appeals**

5.6.1 The Governors' Appeals Panel will consider an appeal against redundancy by meeting with the employee selected to hear the grounds of appeal. To exercise the right of appeal the employee must state their intention to appeal in writing within 5 working days of receiving written notification of termination of employment to the Chair of

Governors. The employee has a right to be accompanied by a trade union representative.

- 5.6.2 An Appeal Hearing will be arranged as soon as possible. Notice of the time and venue of the appeal hearing will be at least 5 and no more than 10 working days. The Appeal Panel will consist of 3 governors who have not previously been involved in the case.
- 5.6.3 The employee will receive written notification of the Appeal Panel's decision within 5 school working days.
- 5.6.4 This decision is final, and there is no further right of appeal to the school or to the Local Authority.
- 5.6.5 The following general points should be noted:
- An appeal will not normally involve a re-hearing of earlier evidence but the request for an appeal should specify the grounds for the appeal and, in particular, whether these refer to the reasonableness of the decision or to procedural matters
 - If either side intends to produce new evidence, all relevant documentation should be circulated in advance within the agreed timescales (i.e. within 3 working days of the meeting).

6.0 Overlapping Grievance and Organisational Change Procedures

6.1 Overlapping Grievance and Organisational Change Procedures

An employee may raise a grievance after the Organisational Change Procedure has started. The person managing the process (normally the Head Teacher, unless the grievance is against the Head Teacher) should consider the implications of the grievance on the possible redundancy. If the grievance has been raised before the appeal Stage of the Procedure and the matters of grievance are linked to those of the redundancy, then the grievance should be considered within this Procedure. If the grievance concerns matters that are unrelated to the redundancy, then a separate process under the Grievance Procedure will need to start.

7.0 Timescales

- 7.1 Allowing sufficient time for a re-organisation, including those that include a redundancy process is extremely important. There are statutory timescales for consultation in redundancy situations. However, it is essential to take into account the notice period to which an employee is entitled in accordance with their contractual and statutory provisions. The timescales laid down by statute for consultation must therefore be extended by the period of notice, to allow appropriate time to effect any potential dismissal.
- 7.2 Where consultation on potential redundancy involves a large staff restructuring, a longer time period may be required.

8.0 Timing of hearings

8.1 Hearings should take place during an employee's normal working hours wherever possible. It is expected that employees will make all reasonable efforts to attend hearings, in order that matters can be resolved speedily. Employees cannot be required to attend a hearing outside their normal contractual working hours or teachers' directed time. If an employee is requested and is willing to do so, in order to resolve matters quickly, time off in lieu or paid overtime for attendance outside their normal contractual hours may be given. Trade Union representatives must be given the opportunity to meet and discuss the proposals with their members. Appropriate facilities and time off to attend such meetings should be given subject to the needs of the service.

9.0 Inability of employee to attend meetings or hearings

- 9.1 Hearings should take place during an employee's normal working hours wherever possible.
- 9.2 If an employee is unable to attend a formal interview, hearing or appeal he/she may choose to provide written permission to the effect that his/her representative may act on full authority and he/she will accept any decision that their representative has been party to. He/she may also choose to provide a written response.
- 9.2 Alternatively, if he/she cannot attend for a genuine reason, and is not willing for his/her representative to act on his/her behalf, it may be reasonable to arrange another interview. However, if the employee fails to attend for a second time, the Head Teacher may make a recommendation based on the facts and evidence gathered during the review period in the employee's absence.

Appendix A: Implementing a new staffing structure/job roles

The Head Teacher shall consult with employees and their trade union representatives before taking any proposed action, as set out in section 5.2 of the procedure.

The implementation of a new or changed structure will usually be achieved by the following method/s, as agreed: -

1. Assimilation-

A list of posts should be compiled indicating which staff have assimilation rights. Both staff and trade unions should be consulted on this. Slotting in employees by assimilation to a new post may be used in clearly defined circumstances i.e.

- Where the post(s) is (are) substantially unchanged
- Where the number of postholders is the same as or less than the number of posts

Ring fencing –

This process may be used where the new post and post which has been deleted are not identical but have sufficient elements in common to give the employee an opportunity to be considered for the new post before open competition.

Ring fences will be interviewed in accordance with the school's recruitment and selection policy.

Any unsuccessful applicants will be offered redeployment elsewhere within the school in the first instance. If this is not possible, every effort will be made to facilitate redeployment by the employer.

Backfilling - is when a member of staff becomes surplus to requirement but is transferred to another post where s/he displaces another employee who volunteers for redundancy. Where posts are identified as suitable for redeployment of displaced employees; either within a school department (if appropriate) or within the school itself then the Staff Committee agrees to release the "volunteer" on grounds of redundancy. Any bumped redundancy arrangements will be at the discretion of the Staff Committee after taking advice from HR Services.

Open Competition

An open competitive process may be used when both assimilation and ring fencing are not appropriate in the circumstances or when ring fencing has failed to fill the vacant post(s) in the new structure.

Refusal by an employee to accept suitable alternative employment by assimilation or to apply for a suitable ring-fenced job may be considered by the school as a resignation and the employee's employment may be terminated at the end of their contractual notice period and no redundancy payment made.

When the recruitment process for existing employees has been concluded, the Head Teacher shall confirm the outcome in writing to those employees (and their representatives) affected by the organisational change.

Redundancy

Compulsory redundancy may be resorted to when there are fewer new posts than the number of employees for whom assimilation would otherwise be inappropriate.

Appendix B

Organisational Change/Restructuring Proposal

Report of the Head Teacher to the Governing Body/Trust (or the Committee of the Governing Body/Trust who have delegated authority) and Staff Consultation

The aim of this consultation document is to openly set out the reasons for organisation change for employees and their recognised Trade Union representatives, who will have the opportunity to respond during the consultation period.

(Please take the time to read the 'Quick Step Guide to Restructuring for Head Teachers')

School/Department:		
Name of Person Leading the Review:		<i>Tel No:</i>
Proposed Timescale Overview for Review	<u>Start Date:</u>	<u>Target end date of review:</u> (Please ensure that you take into account holiday periods when setting your timescales.)
Policy to be used:		
The Reasons for The Proposals:		
<ul style="list-style-type: none"> ▪ A reduction in the budget ▪ A restructuring of roles and responsibilities within establishment ▪ A specific funding allocation or grant that has been or will shortly be withdrawn ▪ Any other circumstances which give rise to a change in staffing levels or responsibilities 		
The numbers and categories of employees affected by the change.		
<small>(Attach current and proposed organisation chart)</small>		

Human Resources Reviewed October 2018

<p>The proposal for implementing the organisational change, Include method/s for consultation</p>	
<p>If relevant, the proposed method of carrying out any redundancies together with the method of calculating redundancy payments.</p> <p>Also, include:</p> <ul style="list-style-type: none"> ◆ Steps that have/are being taken to avoid the need for redundancies wherever possible ◆ Steps that have/are being taken to reduce the number of employees who are to be made redundant to a minimum ◆ When necessary, to determine the criteria to be used to select employees for redundancy 	
Consultation and Implementation Period	
Action	Date
Proposed structure approved by Governing Body Personnel/Staffing Committee	
Proposed structure presented to Name of School Staff/Start of Consultation	
Meeting with Professional Association Representatives during the consultation	
Consultation End Date	
Outcome of consultation considered by Governing Body Personnel/Staffing Committee	
Implementation Date:	
New job description/s that are available (if any), are listed below:	
Job Title	Grade
<i>Please ensure where necessary, that the job description/s have been evaluated.</i>	