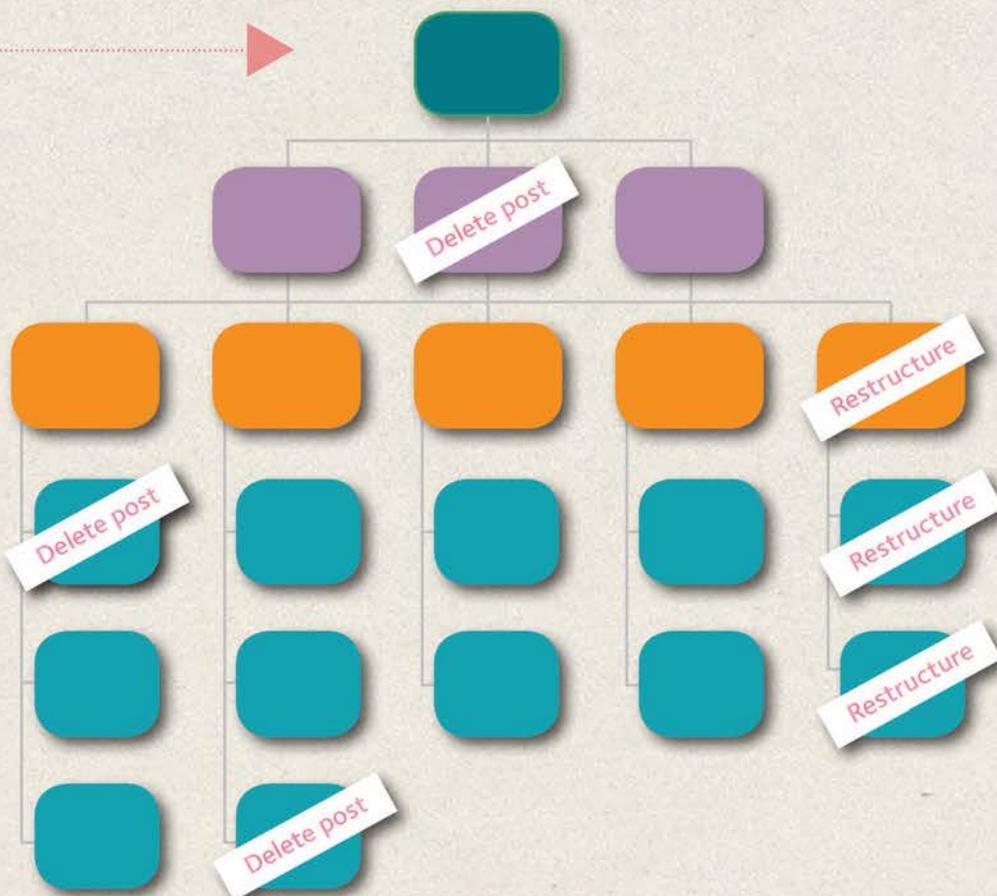


Organisational Change

A Model Procedure for Schools



October 2013

The policy was adopted by the governing body of [name] school on [date]

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1. Purpose

- 1.1 The Procedure is designed to provide a clear and fair process to be followed when it becomes necessary to change a school's staffing establishment, which is compliant with statutory requirements in relation to consultation and equalities legislation.

2. Application of the policy

- 2.1 The Procedure applies to all school employees at the school including all support and teaching staff.
- 2.2 This Procedure will be used when circumstances arise which could potentially lead to an organisational change. Examples of when this procedure may apply are listed below, this list is not exhaustive:
 - Changes in the numbers or type of pupils
 - Changes in curriculum requirements
 - New initiatives at either a local or national level
 - A review of the deployment of staff resources
 - School closure or amalgamation
 - Changes in Schools' Budgets
 - Any other circumstances which give rise to a change in staffing levels or responsibilities
- 2.3 Other parties may have a role within the Procedure including: HR advisers and trade unions. Specific roles and responsibilities are outlined in the Procedure.

3. Key principles

- 3.1 The Headteacher and the governing body will, through its regular review of the staff structure, aim to identify future staffing needs at an early stage in order to integrate these 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.
- 3.2 Staffing reviews should take place on a regular basis and look at both the short and long 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 Headteacher and governing body, with advice from Schools' HR.
- 3.3 The Governing Body will delegate responsibility for the staffing reviews to:

- The Headteacher only; or to:
 - One or more governors (who will comprise the Staff Reductions Panel); or to
 - One or more governors and the Headteacher (who will comprise the Staff Reductions Panel)
- 3.4 Ensure that appropriate consultation is undertaken with staff and with recognised trade unions at the earliest opportunity once a restructuring review has identified the possibility of redundancies.
- 3.5 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.
- 3.6 Individual employees have the right to be accompanied by a trade union representative or a work colleague at any individual meeting to discuss potential redundancy or redeployment.
- 3.7 Information about any proposed staffing changes will be made available to all trade union representatives representing the group(s) of staff affected in good time.
- 3.8 If at any time throughout the organisational change process the necessary reduction in staff can be achieved through natural wastage, e.g. resignations/ retirements, relevant staff will be informed in writing that the redundancy process has been terminated.
- 3.9 It is acknowledged that any employee or manager who is involved in organisational change process can find this difficult. Therefore, the Employee Assistance Programme should be offered to provide support to any member of staff involved in this process.

4. The Organisational Change Procedure

4.1. Stage 1: Staffing Proposal

4.1.1 Following regular review of the staffing structure (section 3.1), where it becomes apparent that a significant restructuring exercise is required the Headteacher should prepare for the Staff Reductions Panel a staffing proposal report. This should be done in consultation with the Schools' HR Team (and diocesan officers in the case of a church school). The report should explain:

- The background to the need to reduce the staffing establishment
- The proposed staffing structure

- The numbers and categories of employees affected
- Any potential redundancies

4.1.2 Once the proposal report has been approved by the Staff Reductions Panel, the Headteacher should communicate the proposals with affected staff and trade unions at the earliest opportunity (see section 4.2 below).

4.2. Stage 2: Consultation

Consultation

4.2.1 If there are 20 or more potential redundancies, the Headteacher 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 is potential for 20 to 99 redundancies - consultation must start in good time but at least 30 days before the first dismissal takes effect
- Where there is less 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

4.2.2 During consultations, the Headteacher will provide full information to the affected employees and their trade union representatives and will give them reasonable time to respond to the proposals which shall include:

- The reasons for the organisational change
- The numbers and categories of employees affected by the change
- The time period over which the organisational change may be implemented
- The proposal for implementing the organisational change
- If relevant, the proposed method of carrying out any redundancies together with the method of calculating redundancy payments
- The new job descriptions and structure chart (where applicable)

4.2.3 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 provisions of section 4.2.2
- 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

4.2.4 The Headteacher will hold a consultation meeting with affected staff at which their trade union representatives shall also be invited.

4.2.5 Trade union representatives shall have the opportunity to receive the proposals from the Headteacher, 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.

4.2.6 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 Headteacher.

4.2.7 The Headteacher shall arrange one to one meetings for affected staff to discuss the proposals and to listen to their views. It is the decision of the employee as to whether they wish to attend and if they want to be accompanied by a work place colleague or a trade union representative.

4.2.8 Any meetings held between the Headteacher and trade union representatives during the consultation stage will be at the request of the trade union representative, except if there is a need for an initial meeting, which the Headteacher will invite trade union representatives to attend.

4.2.9 The criteria used in selecting employees for redundancy will depend on the existing circumstances and the particular needs of the school at the time. However, every effort will be made to construct a fair and robust set of criteria following appropriate consultations.

4.3. Stage 3: Termination of employment (Dismissal Hearing)

4.3.1 The Headteacher 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 Reduction Panel and accompanied by their trade union representative should they wish.

4.3.2 A date for a Staff Reduction Panel 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.

- 4.3.3 If the employee does not wish to attend a meeting, they can make written representations to the Panel. A notetaker should be present.
- 4.3.4 If the Staff Reduction Panel determines that those individuals selected should be dismissed on the grounds of redundancy, the Headteacher will notify the employee(s) in writing **within 5 working days** of the meeting of the Panel 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.
- 4.3.5 The Headteacher will also notify Schools' HR 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 LBI 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.
- 4.3.6 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. 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).

4.4. Stage 4: Appeals

- 4.4.1 The governors' Appeal 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.
- 4.4.2 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.
- 4.4.3 The employee will receive written notification of the Appeal Panel's decision **within 5 school working days**.
- 4.4.4 This decision is final, and there is no further right of appeal to the school or to the Local Authority.
- 4.4.5 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).

Other points to note

5. Overlapping Grievance and Organisational Change Procedures

- 5.1 An employee may raise a grievance after the Organisational Change Procedure has started against him/her. The person managing the process (normally the Headteacher, unless the grievance is against the Headteacher) 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.

6. Timescales

- 6.1 Allowing sufficient time for a re-organisation or a redundancy process is extremely important. As noted in Section 5.4, 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 contract and statutory provisions. (N.B. for teachers this notice can only take effect at the end of a term). 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.
- 6.2 Where consultation on potential redundancy involves a large staff restructuring, a longer time period may be required.

7. Timing of hearings

- 7.1 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.

8. Inability of employee to attend meetings or hearings

- 8.1 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.

- 8.2 Alternatively, if he/she cannot attend for a genuine reason, and are not willing for his/her representative to act on their behalf, it may be reasonable to arrange another interview. However, if the employee fails to attend for a second time, management can make a decision 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 Headteacher shall consult with employees and their trade union representatives before taking any proposed action, as set out in section 4.2 of the procedure.

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

1. **Assimilation**- slotting in employees 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
2. **Selection for Redundancy**- may be used when there are fewer new posts than the number of employees for whom assimilation would otherwise be inappropriate.
3. **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 Reductions Panel agree to release the “volunteer” on grounds of redundancy. Any bumped redundancy arrangements will be at the discretion of the Staff Reductions Panel after taking advice from Islington Schools HR Services.
4. **Ring fencing** – may be used where the new post and post which has been deleted are not “almost identical” but nevertheless they have sufficient elements in common so as to give the employee an opportunity to be considered for the new post before open competition.

Ring fencees 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 to other schools or within the LBI.

5. **Open Competition** – may be used where both assimilation and ring fencing are not appropriate in the circumstances or in the case of ring fencing has failed to fill the vacant post(s) in the new structure.

Refusal by an employee to accept suitable 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 therefore no redundancy payment shall be made.

When the recruitment process for existing employees has concluded, the Headteacher shall confirm the outcome in writing to those employees affected by the organisational change.

To obtain more information on the Model Organisational Change Procedure, please contact:

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