

Managing Change Policy and Procedure

For Employees Voluntary Aided Schools

London Diocesan Board for Schools

Autumn 2021

1. INTRODUCTION

The Governing Body recognises that its employees are its most valuable asset and resource.

It is the responsibility of school management to review staffing structures from time to time to meet changing demands and circumstances within the school's budgetary constraints and national education agenda.

Our school must be able to respond to the need for managing change and this policy sets out how the school will approach and manage organisational change. The procedure covers the following areas:

- The consultation and communication process
- Job organisation and selection process
- Methods and processes to keep the number of redundancies to a minimum, and so to avoid redundancy if possible
- The procedure to follow in the event of a redundancy situation.

2. SCOPE

This policy applies to all proposed changes which affect employees. It does not apply to agency staff or contractors. It does not apply in the following circumstances:

- When new posts are created
- There are changes to line management only
- Minor changes are proposed to roles or to job descriptions.

3. LEGAL FRAMEWORK

At all times the policy will meet, at a minimum, statutory and employment law requirements and ACAS guidance.

4. IDENTIFYING THE NEED FOR CHANGE MANAGEMENT

It is the responsibility of the Executive Headteacher or Headteacher to ensure that any school for which they are responsible has the appropriate structure in place. This is detailed in the Schoolteachers Pay and Conditions Document. It states that 'the responsibility to organise and deploy resources within the school' is one of the professional duties of a Headteacher.

Other members of the Senior Leadership Team (SLT) may also lead change, for example, the Executive Headteacher or Headteacher may decide to delegate a change in administration services to a school business manager.

Before embarking on a reorganisation, the Executive Headteacher or Headteacher should discuss and create relevant proposals with a HR adviser. Where it affects teaching staff, the LDBS or LA link education adviser for the school should also be kept informed.

When deciding on whether to change the staffing structure or various job roles the following issues may be considered (*this list is not exhaustive*):

- The school improvement plan, including the priorities and vision for the school; the recommendations of any Ofsted Report, self-evaluations and any other relevant stakeholders
- Curriculum changes
- Operational reasons
- The school's financial circumstances
- Legal requirements
- Government initiatives

5. DRAFTING A BUSINESS CASE

A Business Case should be drafted to outline the proposed change or changes in more detail. It must include the rationale for the proposed change or changes. It needs to include:

- The revised organisation and workforce structure, new ways of working, and skills and workforce development requirements
- A comparison and review of the current structures with the proposed or shadow structure, highlighting any requirements for change around working arrangements, staffing numbers, skills and knowledge
- Any proposed new or updated job descriptions and person specifications with a rationale for differences from current job descriptions
- A proposed timetable for consultation and implementation.

The Business Case should then be sent to a committee of three governors who will oversee the change management process. The full governing body should be informed that the change is taking place and that the committee has agreed a Business Case. This will ensure that governors are aware but will not be compromised if a panel of governors, who have not been part of the committee mentioned above, is required to hear an appeal further on in the process.

6. COMMUNICATION

Effective, clear and honest communication is a key component of managing change successfully. Once the business case has been agreed by the Chair of the committee, the Executive Headteacher/Headteacher will distribute the business case among those staff affected by the change and their trade union representatives, along with a copy of this policy, before embarking on a formal consultation process.

7. CONSULTATION

The Governing Body is committed to working in partnership with trade union representatives, whenever possible, in the best interests of our employees. We are also committed to ensuring that those staff who are not members of a trade union have equal access to a consultation process.

The purpose of a consultation is to enable a meaningful exchange of views and feedback on the proposals from employees and trade unions for the school to seriously consider.

Formal consultations will normally be for 30 calendar days.

If the school is making redundancies within a 90-day period and the number of employees at risk exceeds 20, our HR adviser will notify the relevant government department as required in legislation.

The Executive Headteacher/Headteacher/Head of School or nominated SLT member will liaise directly with individuals throughout the consultation process in addition to formal meetings with trade union representatives.

Staff who are to be affected by the proposed changes and are absent from work due to long-term sickness absence or maternity will also be consulted, and there will be due regard to individual circumstances in considering how best to communicate with these employees to ensure that they are not disadvantaged.

The Executive Headteacher/Headteacher will seriously consider all representations made during the consultation.

8. MANAGING REDUNDANCIES

Redundancies resulting in the dismissal of an employee will arise when:

- The school no longer requires the duties for which an employee was employed
- The school has ceased, or intends to cease, to carry on operating in the place where the employee was employed
- The requirements of the school for employees to carry out work of a particular kind has ceased or diminished or are expected to cease or diminish
- The requirements of the school for the employee/s to carry out work of a particular kind in the place where they were employed has ceased or diminished or are expected to cease or diminish.

The school management will make sure that:

- All reasonable steps are taken to avoid compulsory redundancies and, where this is not possible, to reduce their number and mitigate their effects
- Alternatives to compulsory redundancy will be thoroughly considered prior to any compulsory redundancy exercise being undertaken
- The total number of redundancies made is kept to a minimum
- Employees and their representatives are fully consulted on any proposals and their implementation
- Selection for redundancy is based on clear criteria that will be objectively and fairly applied
- Every effort is made to redeploy or find suitable alternative work for employees selected for redundancy
- Support and advice will be provided to employees selected for redundancy to help them to find suitable work

8.1 Alternatives to redundancy

The school will make every effort to avoid the need to make compulsory redundancies by:

Voluntary Redundancy (VR)

- Offering employees whose posts are at risk the opportunity to apply for voluntary redundancy
- In some situations, it may be possible to invite applications more generally across the whole school
- Requests for voluntary redundancy will be granted at the discretion of the Executive Headteacher or Headteacher who will make a recommendation to the Chair of the Committee overseeing the change process, who will decide with other members of the committee whether to accept the application for VR
- If it is agreed to grant an employee voluntary redundancy, an earlier date of termination may be agreed and a taxable sum reflecting pay in lieu of notice may be paid as well as the redundancy payment
- Redundancy compensation in a voluntary situation will reflect those offered by the Local Authority.
- Support staff who are redeployed into a position which is evaluated at a lower grade will receive protection in line with the Local Authority's policy.

Other considerations

These may include:

- Natural wastage, and not filling vacancies
- Retraining or transferring employees to other duties
- Voluntary reduction in hours or job share
- Phased retirement under the teachers' pension scheme or flexible retirement under the LGPS

8.2 Making a selection for redundancy

Staff whose work has either ceased or diminished, or is expected to do so would be part of a selection pool for redundancy.

Consideration will be given to whether other groups of employees performing similar work, should be included in the pool. The inclusion of an employee in the pool should be consistent with the work they do.

The selection of employees for redundancy will be based on criteria which are:

- Objective
- Supported by clear verifiable evidence
- Are applied consistently across the school
- Are appropriate and relevant

- Do not directly or indirectly unlawfully discriminate against anyone with a protected characteristic under the Equality Act 2010.

It is important that schools are able to retain employees with the attributes and skills required to meet its future operational, curricular, pastoral and organisational needs.

The criteria will be discussed as part of the consultation.

Competitive interviews and appropriate skills tests may be used as selection tools. Any panel in these circumstances will consist of the Headteacher/Executive Headteacher and a member of the governors' change management committee.

Where a TLR post is deleted from a structure this will not automatically result in a selection of redundancy for that teacher.

8.3 Redundancy compensation

Employees with more than two years' service are entitled to a redundancy payment.

This will be based on the arrangements in place for all schools within the Local Authority.

8.4 Formal notification of redundancy

At the end of the consultation period, and if necessary after final approval from the Chair of the committee, employees whose jobs are to be confirmed as redundant, will be informed at a meeting with the Executive Headteacher or Headteacher, that they will be issued with their notice of redundancy, the period of notice to which they are entitled, details of any redundancy payment together with the timescales for doing this and their right to appeal. This will be confirmed in writing within no more than 5 days of the meeting.

8.5 Assimilation

Assimilation is when an employee is matched to a post, where a new post matches or is substantially similar to the duties and responsibilities carried out by the employee in their existing post.

Where there are more employees entitled to be assimilated than there are posts available, there will be a competitive interview to determine who should be matched.

8.6 Ring-fenced interviews

Groups of staff identified as being at risk of redundancy will be ring-fenced to any other suitable role within the structure.

The school will also ensure that employees at risk will be offered an interview, if a vacancy, in which they are interested, becomes available. Employees will be asked to complete a personal statement for any role if they are interested, but will be guaranteed an interview.

Employees will also be entitled to time off to look for new work or to undertake training through pre-planning with the Headteacher or Executive Headteacher.

At least 24 hours' notice should be given of appointments to attend external interviews.

8.7 Suitable alternative employment

The school management will consider any other suitable employment for employees who are interested. We are committed to both supporting our employees and ensuring that we retain a highly skilled workforce with the skills and attitudes to promote the best outcomes for pupils. We will consider training staff where feasible in order to avoid losing committed employees through redundancy.

8.8 Premature retirement

Applications from employees who would like to be considered for premature retirement should be submitted in writing to the Chair of the committee.

The decision to grant early retirement is not automatic and is entirely discretionary.

9. APPEALS

Employees have the right to appeal against any decision taken as part of this policy to:

- Change their job role, working arrangements or contract
- To make them redundant
- Not to appoint them to a role following an interview or to assimilate them
- To refuse an application for voluntary redundancy or premature retirement
- Any other reason connected with a change in circumstance for the employee.

In order to appeal, the employee should notify the Headteacher or Executive Headteacher within 5 working days of being notified of the decision affecting their employment.

The employee should state the grounds and brief reasons for their appeal. These will normally be based on one or more of the following:

- The selection process has been unfair
- The job is not redundant
- The policy and procedures have not been followed correctly
- There are new circumstances or information which the employee would like to be considered

An appeal panel consisting of 3 members of the governing body, who have not been part of the change management committee, will be convened as soon as is reasonably possible upon receipt of the written appeal, taking into account school closures and the availability of governors. In the case of an appeal against redundancy, every effort will be made to conclude the matter prior to the termination date.

The employee will be given at least 5 working days' notice of the date, time and location of the appeal hearing, and will have the right to be accompanied by a trade union representative or work colleague.

The procedure for the Appeal Hearing will be:

- The employee will be invited to present their case for appeal
- The Headteacher or Executive Headteacher will present the background and reasons for the proposed change
- Appeal panel members will ask questions of the Headteacher or Executive Headteacher and the employee who has appealed
- The hearing will be adjourned to allow the panel to independently review the evidence
- Following the adjournment the Chair of the panel will orally confirm or cancel the contractual change or redundancy with the appellant and their representative
- It may, on occasion, be necessary to delay a decision if further investigation is needed, in which case the hearing will be reconvened to confirm the decision to the appellant
- All decisions will be confirmed within 5 working days of the appeal hearing
- The decision of the appeal hearing is final and there is no further right of appeal.

The appeal panel will be supported by an HR adviser to advise on matters of procedure. The meeting will be minuted and copies of the minutes will be available to the appellant and their representative. Discussions by the panel during the adjournments will not be minuted.

If the appeal fails in the case of a redundancy, the termination date will remain as the date in the letter of notice of redundancy.

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