

HARROW SCHOOLS

CHANGE MANAGEMENT AND ORGANISATIONAL REVIEW

POLICY AND PROCEDURE

This policy and procedure is contractual and forms part of the employment contract for employees of Harrow Council. The policy, procedure, guidance and associated forms, letters and templates may be amended at any time in consultation with the trade unions.

CONTENTS	PAGE NO
1.0 Introduction	2
2.0 Purpose	3
3.0 Consultation	3
4.0 Selection Process	5
5.0 Employees on leave (statutory leave arrangements, Maternity, Adoption, Paternity, Parental etc.)	7
6.0 Measures to avoid redundancies	8
7.0 Redundancy and Redundancy Pay	8
8.0 Monitoring and Evaluating Organisational Change	9
Appendix 1 – Checklist for school restructures	10

1.0 INTRODUCTION

1.1 The Change Management and Organisational Review procedure will apply where there is a need to consider the structure of the school and to make appropriate changes and where this will involve changes of role for employees and changes in organisational structure. It may result in the reduction of certain types of posts and the creation of new posts, which more closely meet the needs of the new organisation or service area.

1.2 In any organisational review where redundancies are possible, there are a range of measures which the school can consider as alternatives to reducing the numbers of employees required. These alternatives will be considered as early as possible and at each stage of the process as appropriate. They include:-

- Phasing-in the reduction through natural wastage e.g. early retirement
- Reducing the use of agency staff
- Not extending fixed term contracts (in compliance with Less Favourable Treatment Regulations)
- Discontinuing any secondments
- Limiting recruitment i.e. not recruiting to vacancies as they arise
- Reducing overtime
- Considering alternative working arrangements e.g. part-time, job sharing
- Seeking voluntary reduction in hours
- Transferring staff to other jobs
- Seeking volunteers for redundancy
- Considering 'bumped' or "transferred redundancies, where an individual facing redundancy has the opportunity to be re-deployed into another individual's job, where the original post holder accepts redundancy.
- Redeployment to mitigate redundancies. It is recommended that the school join the Harrow Redeployment Scheme to give access to job opportunities for staff that are facing redundancy.
- Any other alternatives proposed by the relevant Trade Union(s)

1.3 Redundancy is defined by section 139 of the Employment Rights Act 1996 as a dismissal which is wholly or mainly due to the fact that:

The employer has ceased, or intends to cease to carry on the business for the purposes for which the employee was employed, or carry on the business in the place where the employee was so employed or

The requirements of the business for employees:

- To carry out work of a particular kind or

- To carry out work of a particular kind in a place where they were so employed, have ceased or diminished or are expected to cease or diminish

For the purposes of trade union consultation rights only, a redundancy is defined as a “dismissal for reasons not related to the individual concerned or for a number of reasons all of which are not so related”.

Employment legislation determines that the expiry of a fixed term contract (of any length) is a dismissal and the reason for the dismissal may be defined as redundancy. Hence there will be a need to consult with the individual before the expiry of a fixed term contract.

2.0 PURPOSE

- 2.1 The purpose of the procedure is to set out the process for managing change and to achieve a smooth transition for employees, ensuring that the best knowledge, skills and experience are retained using fair, objective and transparent selection processes.
- 2.2 This procedure applies where there is a need to review the school structure and to make appropriate changes which also involves changes to roles and structure.

3.0 CONSULTATION

- 3.1 Early and meaningful consultation with affected employees and their recognised trade union representatives before detailed proposals are developed and finalised will provide opportunities to influence the final outcome of the review, whilst recognising the contribution employees can make and helping alleviate any anxieties and concerns about job security.

Trade Unions

- 3.2 Written proposals for change will be discussed in good time and at the earliest opportunity with the relevant trade unions before formal consultation commences. These discussions will be treated as confidential by the Trade Unions until the Head Teacher agrees that information can be shared.
- 3.3 The trade union representatives and the Head Teacher/project team will discuss the impact on employees that may arise out of the proposed changes and the frequency of consultation meetings. This will include details for the proposed changes, affected staff, timescales, selection processes, redeployment, and potential means of avoiding or minimising redundancies

e.g. voluntary redundancies and support for employees. Both parties should also agree how contact will be maintained during the changes.

3.4 Written records must be kept of formal meetings. A typical agenda for the initial meeting could include:

- Details of proposed change
- Details of affected staff
- Timescales
- Selection processes if any
- Redeployment
- Communication
- Arrangements for ongoing contact
- Implications for conditions of service
- Support for employees through the process

Proper consideration will be given to counter proposals put forward. This does not mean that employees' views always have to be acted on since there may be sound practical, business or financial reasons for not doing so. However, whenever employees' views are not accepted the reasons for doing so will be carefully explained in writing

3.5 Formal / statutory consultation

Following initial consultation detailed proposals will be developed. Formal consultation will then follow and will include:

- The reasons for the proposals
- The numbers and descriptions of employees who may be made redundant
- The proposed method of selecting employees who may be dismissed
- How dismissals will be carried out and the period over which they will happen
- The proposed method of calculating redundancy payments
- Ways of avoiding or reducing the number of employees to be dismissed and ways of mitigating the dismissals. (Please refer to the Checklist for Schools Restructure – Appendix 1)

3.6 To ensure employee representatives can play a useful part in the consultation process over proposed redundancies the responsible manager must also provide information relating to the number of agency workers including interims who may be employed in the affected organisation or service area.

3.7 When undertaking statutory consultation on reorganisations that may lead to 20 or more redundancies, there are **specific statutory time limits** for commencing consultation that must be followed. It is essential that the school and HR ensure that the number of potential redundancies are identified and revised when appropriate and consultation commences at the appropriate

time. Consultation should begin at the earliest opportunity but in any event no later than:-

No. Of employees affected	Commencement of consultation
20-99 employees	30 days before the first dismissal occurs
More than 100 employees	45 days before the first dismissal occurs

If it is proposed that more than 20 employees may be at risk of Redundancy, the Council should complete an HR1 form to be returned to the Insolvency Service. The school must advise HR of any change in the number of potential redundancies before the HR is completed.

- 3.8 There are no statutory provisions for consultation on reorganisations that may lead to redundancies of between 1-19 employees. However, as a matter of good practice, employees and trade unions should always be consulted on any such proposals as soon as possible.
- 3.9 During the consultation period employees affected should have the opportunity to discuss the proposals on a one to one basis in a meaningful way with the aim of helping them to understand how they may be affected by the proposed changes. Meaningful consultation allows employees and trade union representatives to understand and discuss potential changes before proposals are finalised. All questions from employees should be carefully considered and responded to. At the end of the consultation period any agreed changes to the proposals should be made and where necessary role profiles updated and evaluated.

4.0 SELECTION PROCESS

Introduction

- 4.1 Change Management will apply where there is a need to reconsider the structure of the school and to make appropriate changes and where this will involve changes of role for employees and changes in the school structure. It may also result in the reduction of certain types of posts and the creation of new posts which more closely meet the needs of the new structure.

The following procedures aim to ensure a fair selection process

- A smooth transition to a revised structure and
- The best use of individual's skills and experiences in line with the new structure

Scope

- 4.2 This procedure will apply to all permanent and fixed term employees of the school.
- 4.3 In determining eligibility for assimilated, ring fenced or posts open for competitive selection, the determining factor will be the substantive post of the employee. This includes secondments, acting up and any other fixed term arrangements.

Job Matching

- 4.4 Role profiles will be produced and evaluated for all new posts. They will then be used for job matching in a fair, open and transparent way. For this purpose the up to date role profile of all affected employees for their substantive post will be used, except where employees have been on a secondment or have been acting up into a higher grade post for more than a year, when the role profile for their seconded role, will be the one used for job matching.

Where an individual's duties have changed significantly over the years and the role profile has not been updated or where a group of individuals have a generic role profile, the individuals concerned should be asked to update their job description to reflect their current role and in agreement with their line manager. Consideration should be given as to whether the updated role profile should be re-evaluated and before the appointments process is implemented and at an early stage of the consultation

- 4.5 Once job matching is complete the outcome and associated documentation i.e. job descriptions/role profiles will be provided to the relevant trade unions.

Assimilation

- 4.6 Assimilation through job matching will be the basis for the selection process. Wherever possible, individuals will be assimilated into posts in the new structure without the need to go through a selection process. Employees will be assimilated where the duties of their current role and duties of the proposed role in the new structure are broadly similar, and where there is no other employee who has a claim on the role, and there are the same or more posts in the new structure.

Ring Fencing

- 4.7 Ring fencing should affect those employees who are at risk of redundancy and those who form part of the 'pool' of employees that meet the criteria for ring fencing. Details of the proposed ring fencing arrangements will be subject to consultation with the trade unions.

4.8 Ring fencing applies when-:

- The old roles are not 'broadly similar' to those in the new structure
- There is a reduction in the number of roles
- New roles are introduced
- Where all the roles of a particular type in the old structure are deleted or a combination of the above

4.9 Where there are more employees within the ring fence than jobs in the new structure then selection will be made through open competition.

4.10 Where a proposed new structure is comprised of a range of differently graded roles, the affected staff will be required to express a preference for a particular role although they will be invited to apply for one or more of the new posts including higher graded roles. Appointments to higher graded posts will be made through open competition.

4.11 Where a ring fenced employee does not express a preference or does not apply for a role, the Council reserves the right to consider and offer them a suitable alternative role within the new structure using all objective information available to them. Failure to accept a reasonable offer of suitable alternative employment may affect that individual's entitlement to a redundancy payment.

Open competitive selection

4.12 Any posts in the new structure which are not filled by assimilation or ring fencing will be made available to individuals within the service area, enabling further opportunities and career development. These posts will not be open to redeployees outside the service area at this stage. The competitive process will be undertaken in accordance with the Council's Recruitment and Selection Policy and Procedure. Any posts that are not filled by individuals within the service area by the end of this process will be advertised internally to employees in the redeployment pool, and other internal candidates including agency workers. If no appointment is made the positions will be advertised externally.

5.0 EMPLOYEES ON LEAVE (STATUTORY LEAVE ARRANGEMENTS, MATERNITY, ADOPTION, PATERNITY, PARENTAL ETC.)

5.1 In accordance with relevant legislation, an employee on maternity leave who is to be made redundant must be offered any suitable alternative vacancy available in preference to other employees. The Council is under a statutory obligation to offer an employee on maternity leave any suitable alternative vacancy that exists with it, with its successor or with an associated employer. The offer must be made before she is dismissed and must be for work that is both suitable in relation to the employee and appropriate for her to do in the

circumstances. This means that if a vacancy that is suitable for the employee exists she must be offered it even if this means that she is treated more favourably than her colleagues who are also at risk of redundancy. This is the case even if the other employees are better qualified for the position than she is. Managers must seek HR advice where this provision applies

- 5.2 Employees on adoption leave, additional paternity leave or shared parental leave have the same right as those on maternity leave to be offered any suitable alternative vacancy. If there is more than one employee on maternity, adoption, additional paternity or shared parental leave for which a vacancy would be suitable, each of those employees has an equal entitlement to be offered the vacancy. The manager should use a fair selection process to decide to which employee it will offer the vacancy.

6.0 MEASURES TO AVOID REDUNDANCIES

- 6.1 Employees will be displaced when they are not allocated to a role in the new structure following assimilation, ring fencing, open competition or redeployment and will be at risk of redundancy.
- 6.2 The School will seek to redeploy at risk employees wherever possible as a means to avoid redundancies.

7.0 REDUNDANCY AND REDUNDANCY PAY

- 7.1 Where an employee is displaced and has not been successful in open competition, assimilation, ring fencing or the redeployment process the Head Teacher will notify the individual in writing of termination of their employment and offer to meet with them to discuss the decision. The employee will receive at least 5 days statutory notice of the meeting and will have the right to be accompanied by their Trade Union representative or a fellow work colleague. At the meeting the reasons for the decision should be discussed. After the meeting the employee must be notified of the decision in writing and informed of their right to appeal.

Appeals against redundancy

- 7.2 Any appeal must be registered in writing within 5 working days of receiving the notification of the decision and addressed to the Head Teacher/Chair of Governors. Appeals received after this timescale will only be considered in exceptional circumstances. The employee should then be invited to an appeal meeting. The individual is entitled to be accompanied by their Trade Union representative or a fellow work colleague. The appeal will be heard by a school governor panel. The meeting will determine if the reason for the dismissal was fair. After the meeting the Chair of the governor panel will inform the employee of the final decision in writing.

8.0 MONITORING AND EVALUATING ORGANISATIONAL CHANGE

8.1 The Head teacher (or nominated officer) will monitor the impact of any reorganisation, both to ensure its effectiveness and that the process has been carried out in a fair and equitable manner. In particular an Equality Impact Assessment should be produced to ensure that the restructure does not impact adversely or disproportionately on any protected characteristic group.

- age
- being or becoming a transsexual person
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability;
- race including colour; nationality, ethnic or national origin
- religion, belief or lack of religion/belief
- gender
- sexual orientation

8.2 All information on assimilation, appointment through the ring-fence, redeployment, voluntary and compulsory redundancy will be collected and analysed using the protected characteristics. If any disproportionate or adverse impact is identified the Chair of Governors of the school will investigate and put forward proposals for remedying this as appropriate. Monitoring information will be made available to the trade unions.

Appendix 1

CHECKLIST FOR SCHOOL RESTRUCTURES

PREPARATION PRIOR TO CONSULTATION

	Tick YES	Tick NO
Has the business case been agreed by the Governing Body?		
Has Project team been established, including Lead?		
Has a project plan been drawn up including timescales?		
Have you sought advice from HSIP on your proposed new structure?		
Do you have accurate information on current staffing structure (structure chart and list of names, roles, hours of work and grades)?		
Do you have accurate financial information on costings related to current staffing structure?		
Have you obtained accurate Financial costings on proposed structure?		
Has an Equality Impact Assessment been carried out?		
Are any posts covered by employees on secondment?		
Are any employees acting up into other roles?		
Are any posts covered by agency workers?		
Are any posts covered by fixed term employees – treat as permanent		
Are any staff on maternity/adoption/shared parental leave/career break/long term sick? How communicate with them?		
Have you decided on your communications strategy?		
Are all the role profiles up to date?		
Have you considered avoidance of redundancy actions?		
Have you drafted any new role profiles required and obtained an indicative grade from HR?		
Have you obtained and factored into your costings, redundancy costs for any potential redundancies (to be borne by school)		
Have you obtained and factored into your costings, estimates for pension strain (borne by school)?		
Have you obtained and factored into your costings any pay protection which might apply?		
Have you factored in notice periods into your action plan and timescales?		

CONSULTATION

	Tick YES	Tick NO
Have you completed your consultation document in accordance with the template?		
Have you obtained approval by the Governing Body to the content of the consultation pack before issuing it?		

Have you notified the Trade Unions that a consultation is about to commence?		
Have you sent HR the consultation pack to review before issuing to staff?		
Were Consultation documents sent to the TUs one week before launched to staff?		
Did you invite TUs and Staff to Launch meeting?		
Proposals presented to all staff affected at a launch meeting and staff offered team and/or 1-2-1s meetings on request?		
Are you keeping an issues log?		
At end of consultation will you address issues raised and how resolved?		
Go back to Governing Body to get final ratification for new structure?		
Feedback to staff and TUs on final structure and implementation dates?		
Is it necessary to go back out to re-consult?		

IMPLEMENTATION

If necessary, have you carried out Job matching exercise and recorded results?		
Have formal job evaluations been carried out as necessary (including TU verification)?		
Have you confirmed in writing to those employees assimilated into new roles?		
Have you arranged interviews as necessary – including Governor on panel for senior leadership roles?		
Redeployment – vacancies in other schools?		
Have you reviewed your Equalities Impact Assessment?		
Final approval obtained from Governing Body for costings before redundancy letters sent?		
Has HR reviewed the redundancy notification letters prepared by Lead?		
Update SIMS and inform Payroll (Redundancy Leavers Form)		