



## Managing Change Procedure

Approved by Trust Board on 01 February 2018  
Applicable from 01 April 2018

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**NB** For the purposes of this procedure, references to “Headteacher” include Executive Headteacher/Headteacher/Principal.

## **1. INTRODUCTION**

1.1 The purpose of this procedure is to set out the process which will be followed in the event that the current staffing structure within an academy / the central team no longer meets the needs of the Trust, or where a reorganisation of work will result in significant changes to job roles.

1.2 The procedure has been produced in consultation with our recognised Trade Unions through the JCNC, and has been drafted to meet the requirements for consultation as set out in employment law.

1.3 This procedure applies to all staff employed directly by Co-op Academies Trust (“the Trust”). It does not form part of any employee’s contract of employment and it may be reviewed and amended from time to time.

1.4 Where the procedure refers to Headteacher and Governing Body for academy level changes, this will be the Director of the Trust and Trust Board for changes impacting the central team.

1.5 This procedure does not cover circumstances, which may occasionally arise, where a “protected conversation” may take place between the Trust and an employee (who may be accompanied by their union representative or a work colleague) – which may be initiated by either party – about an agreed exit from our employment.

## **2. PRINCIPLES**

2.1 The staffing structure within each academy should be reviewed on an annual basis to ensure that it meets the needs of the school. From time to time, the Trust will have to implement changes to the staffing structure to ensure it best meets the needs of the curriculum and the school community. As a responsible employer the Trust, wishes to maintain the security of employment of its employees as far as is reasonably practicable. However, there are times when it may be necessary to make changes in an academy to respond to changes within the curriculum and the changing needs of pupils, a fall in pupil numbers, budgetary reasons, or other reasons leading to a reorganisation or closure of an academy.

2.2 To this end, the general principles embodied in this procedure are;

- where a restructure is being considered, clear terms of reference must be established, setting out why the restructure is taking place, what will change, who will be affected and when
- trade union representatives and employees should be consulted in a meaningful and timely manner on changes that may affect their role
- the interests of employees at the school should be safeguarded as far as is reasonably practicable
- compulsory redundancies are kept to a minimum and avoided where possible by ensuring all other alternatives are considered
- to support a search for alternative employment for all potentially compulsory redundant employees
- action taken has regard to the policies adopted by the Trust and relevant employment legislation including Employment Protection and the Equality Act
- to maintain confidentiality relating to individuals affected by the changes
- to communicate effectively and sensitively with and provide support to employees.

2.3 It is recognised that restructuring is potentially unsettling for employees and the aim should be to complete the process in the shortest practical time, whilst allowing for meaningful consultation that is genuine, fair and consistent.

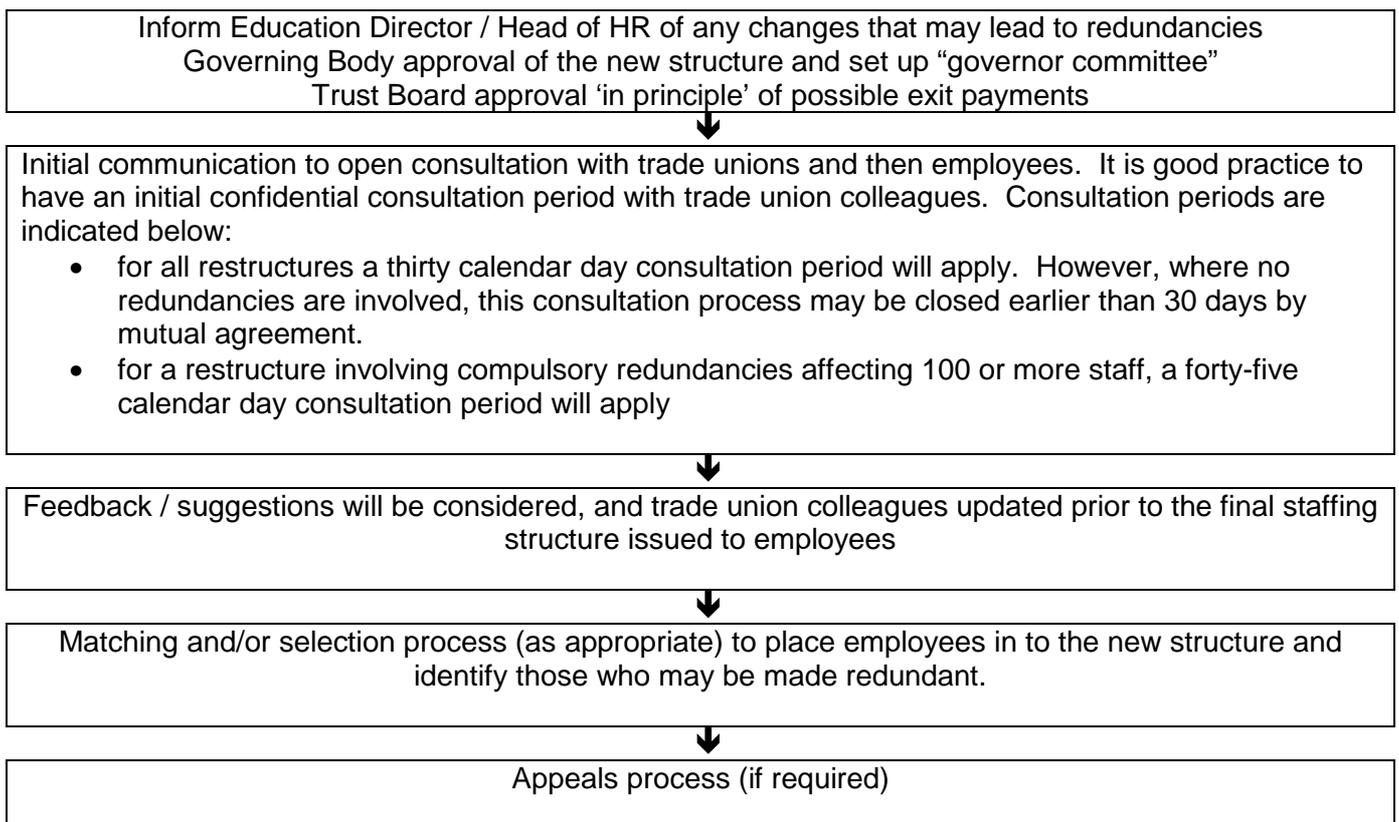
2.4 Where employees are subject to the protections of TUPE, it should be noted that assimilation or selection to a new post would result in the loss of TUPE protection.

2.5 Employees have the right to be accompanied by a trade union representative or work colleague at all stages of the process.

### **3. RESTRUCTURING PROCESS**

#### **3.1 Overview of the restructuring process**

The timescales and detailed process for a restructure will vary depending on the size and complexity of the changes, but the following overview process will apply.



#### **3.2 Proposing a staffing structure review**

3.2.1 It is recommended that where a Headteacher is considering a restructure, they should discuss their ideas with their Senior Leadership Team in the first instance. It is also recommended that early support and advice is obtained from local HR. The Education Director and Head of HR must also be informed of the potential for any redundancies at the outset of the process.

3.2.2 The Headteacher should draft a business case proposal document which must include the rationale for the change, the timescales anticipated, costs / savings, and any other relevant information.

3.2.3 Minimum consultation periods are set out in the table at 3.1.

3.2.4 Once the Headteacher has made the decision to change the staffing structure, they should discuss their ideas with the governors. The full governing body must approve the proposal in principle before the

Headteacher can proceed with the restructure, and will designate a group of at least 3 governors (which may be an existing sub-committee) to oversee the remainder of the process (this group will be referred to as “governor committee” hereafter in this document”). A separate group of at least 3 governors may also be identified at this stage to act as an “appeals committee” if this is required later on in the process.

3.2.5 Approval in principle does not constitute final approval; rather it empowers the Headteacher to proceed with finalising the business case proposal document to commence formal consultation with the employees and trade unions.

3.2.6 Under the Trust’s Scheme of Delegation, exit payments (including redundancy payments) must be approved by the Trust Board. It is recommended that “in principle” approval is sought from the Trust Board at an early stage, making clear that the changes are subject to consultation.

### **3.3 The proposed staffing structure**

The Headteacher should provide the Governing Body / Trust Board with the following information:

#### **3.3.1 Identification of a need for change**

This may include but is not limited to:

- Flexibility according to the needs and priorities of the school, identified from
  - Ofsted inspection reports, School Evaluation Form (SEF), School Improvement Plan (SIP) and/or Raising Achievement Plan (RAP)
- Complexity of school structures requiring multi-disciplinary roles (support staff)
- To respond to statutory changes or nationally driven changes
- Restructure of the Senior Leadership Team (SLT) to refocus school priorities
- Curriculum change is wanted/needed
- A fall, or increase, in pupil numbers
- Budgetary reasons, with supporting budgetary projections and past budget information for comparison (including cost comparison of existing & proposed staffing structures, and an indication of where any savings will go)
- Other reasons leading to a reorganisation or closure of an academy, or significant changes to the central team.

#### **3.3.2 Aims and objectives of the new structure**

What is the aim of the restructure? What is it expected to achieve (e.g. increased flexibility/cover, redirection of Teaching and Learning, refocus of resources, budget savings)?

#### **3.3.3 Justification of the need for a restructure**

Show that consideration has been given to the implications of the restructure (including any potential compulsory redundancies) & proposals for dealing with future service requirements.

#### **3.3.4 Alternatives considered to avoid potential redundancies**

For example:

- Offer suitable alternative employment where a vacancy exists within the academy or elsewhere in the Trust
- Restrict recruitment in areas where suitable alternative jobs may exist
- Restrict or reduce the services of sub-contractors or agency workers in areas where suitable alternative jobs could exist
- Natural wastage

- Ending short term contracts
- Explore the opportunities for re-training and redeployment to other jobs
- Take into account individuals' preferences where possible, such as requests to reduce hours of work, or a transfer to a different job, flexible working / job share
- Allowing secondments out of the academy, or career breaks
- Consider requests for voluntary redundancy / early retirement / bumped redundancies before compulsory redundancies (this could be across neighbouring Trust schools, if applicable and appropriate)
- Reduction in non-staff purchasing / spending

### **3.3.5 Staffing Implications**

When a restructure is proposed, the full implications of the changes for all employees as a consequence of this decision should be considered. The business case proposal document should provide a detailed explanation as to which employees/pools of employees are affected and details of any alternatives available to them e.g. reduction in hours, alternative available posts.

### **3.3.6 Implementation/Selection details**

- Details of the selection process to be used, including any assimilation process. Where known, this should also include key dates in the selection process e.g. anticipated interview dates
- The planned implementation date for the changes
- To whom responses should be given during the consultation, and how this should be done (usually in writing or by email to the Headteacher)

### **3.3.7 Additional Information**

In addition to the fully completed business case proposal document the following information should also be provided :

- The current staffing structure (the structure should be presented diagrammatically and include details such as TLR payments etc.)
- The proposed staffing structure
- Draft Job Descriptions/Person Specifications for newly created or alternative roles

## **3.4 Further considerations**

### **Equality Impact Assessment**

The academy will discharge its Public Sector Equality Duty in the event of any redundancies and will ensure that all aspects of the redundancy procedure are monitored and controlled to comply with this.

### **Absence due to Maternity, Adoption or Shared Parental leave**

In establishing criteria which may lead to the compulsory displacement of staff, it is strongly recommended that HR advice is sought prior to finalising staffing proposals when an employee has notified the Headteacher that they will be absent on maternity/adoption leave.

Female employees on maternity leave have a priority right to be offered a suitable alternative vacancy without having to undergo a competitive selection process.

### **Colleagues with a disability**

If colleagues with a disability are amongst the affected employees, HR advice should be sought at an early stage to help ensure compliance with the Equality Act. Reasonable adjustments will be considered for disabled colleagues in the event of a changed role.

### Trade Union representatives

If the proposed structure indicates that there is a possibility that one or more school representatives may be displaced, the Headteacher should first consult the Branch / Regional Official of the union(s) concerned.

## **4. CONSULTATION**

Once the governing body have approved the proposed staffing structure in principle and the Trust Board has approved any potential exit payments, the Headteacher should begin consultation with trade unions, and then employees. At this stage, the proposal should be shared with employees and trade unions and feedback and suggestions requested.

### **4.1 Timescales**

There is a legal requirement on employers to consult on changes that affect employees in their workplace.

4.1.1 The consultation process must be meaningful and will involve all employees and trade unions being given an opportunity to understand the need for change. It is also an opportunity to express views on the proposed changes and to discuss alternative solutions, share concerns and explore options.

4.1.2 The timescale for the restructure process will depend upon the number of affected staff, and will be followed by a contractual notice period.

- Generally speaking, whether or not a restructure involves redundancies, the consultation process will be 30 calendar days. This is to ensure that the consultation is meaningful, and sufficient time is given to consider and manage the proposed changes.
- However, where less than 20 employees are affected, the consultation process may be closed earlier than 30 days by mutual agreement, in order to minimise disruption and enable the school to meet changing needs more rapidly.
- Where more than 99 employees are affected, a minimum consultation period of 45 calendar days applies.
- Where 20 or more employees are involved and there is a possibility of redundancies, a s.188 formal notification must also be issued.

### **4.2 Starting the consultation process**

Following governing body approval of the restructure proposal, consultation will commence with trade unions and employees at the earliest opportunity. During the consultation period, employees and trade unions have the opportunity to make comment, suggest changes to the structure, and ask questions regarding the proposals and to make representation regarding their preferred roles in the new structure.

A record should be kept by the Headteacher of all communications throughout the consultation period.

#### **4.2.1 Trade Union consultation**

Consultation on changes that do not involve any redundancies will be conducted with in-school representatives (and local officers should be notified). Consultation on changes involving redundancies will be with local officers of the academy concerned.

It is good practice to hold a confidential consultation meeting with trade union representatives prior to opening consultation with employees. Trade union representatives must be issued with the proposal

document and supporting information (see 3.3) prior to the staff briefing. This is usually done via email in advance of a meeting, but may be done in a meeting immediately prior to the staff briefing at the Headteacher's discretion. If communication is via email, trade union representatives may request a meeting with the Headteacher within 5 working days of the consultation opening.

#### **4.2.2 Employee consultation**

All employees in the school must be given access to the business case proposal document, and affected employees should be provided with a hard copy.

Those directly affected will have the proposal and the implications explained to them at the start of the process; this will normally take place after trade unions have been informed. How the meeting operates is at the discretion of the Headteacher.

Depending on circumstances, the Headteacher may choose to brief colleagues who are directly affected by the proposals first (this is advisable if only a small number of people are directly impacted), and then hold a full staff meeting after this. Or they may decide that it is appropriate just to hold a full staff meeting.

The purpose of these meetings is to give the Headteacher an opportunity to outline the proposed restructure and explain how it responds to the reasons why a change of structure is needed. It is important that all colleagues are aware of the potential changes and can contribute to the potential solution if appropriate.

Immediately following the consultation meeting(s) the Headteacher should display the proposed restructure information on the staff notice board (or other internal communication hub accessible by all staff, if applicable), stating the dates that the consultation period will run from and to, along with the dates of future staff meetings regarding the restructure and, where appropriate, giving details of how employees can provisionally volunteer for redundancy.

Colleagues should also be reminded about the contact details for the academy's Employee Assistance Programme.

#### **4.2.3 Absent colleagues**

For employees who are absent from work, due to ill health, maternity or any other type of leave, or who have not attended the consultation meeting for any other reason, the Headteacher must send copies of the restructure proposal to them detailing how they can comment on the proposals. This should be done within 3 working days of the consultation meeting. Communication and contact with these colleagues must be maintained throughout the process to ensure that they are kept informed and not disadvantaged.

#### **4.2.4 Feedback and suggestions**

At the meeting the Headteacher may request that employees (if appropriate) use the consultation period to consider their preferred role in the proposed structure, and make informal or written representations to the Headteacher regarding this or request a one-to-one meeting to discuss their options and aspirations.

The Headteacher will explain how they wish to receive feedback and suggestions on the proposed structure during the consultation period. This will usually be in writing, with receipt of any comments also acknowledged in writing and given full consideration by the Headteacher. The Headteacher may, where necessary, wish to discuss suggestions with the employee.

#### **4.2.5 One-to-one meetings**

It is good practice to offer the opportunity for a one-to-one meetings with all colleagues impacted by a restructure.

Where there is a potential for compulsory redundancies, during the consultation period the Headteacher must offer a one to one meetings with affected employees.

Where compulsory redundancies are probable, an HR Officer may also be present at any consultation meetings and one-to-one meetings, and employees will be entitled to be accompanied by their trade union representative, or a colleague, should they wish.

### **4.3 Voluntary redundancy**

Where compulsory redundancies are proposed during consultation, employees' should be offered the opportunity to express an interest in voluntary redundancy (which may include taking early retirement).

#### **4.3.1 Expressions of interest**

By expressing an interest in voluntary redundancy, there is no obligation for either party to progress. Following such a request, finance will obtain redundancy/retirement estimates for staff to inform their decision on progressing the application. If an employee makes the decision to progress their application, they should do so in writing to the Headteacher no later than the end of the consultation period.

Where an employee is considering this option, it is recommended that independent advice is sought from an appropriate advice body e.g. Citizens Advice Bureau.

#### **4.3.2 Considering Applications**

Applications will be considered by the governor committee, who will take into consideration the academy's needs and priorities.

### **4.4 After consultation has closed - continuing communication**

4.4.1 At the end of the consultation period the Headteacher will meet with the governor committee to discuss any feedback and any changes as a result of the consultation. In light of any feedback, the governor committee will be required to reconsider the structure prior to final approval of the proposed structure.

4.4.2 Following the approval of the final proposed structure, the Headteacher will arrange to update employees and trade unions on any changes that have been made to the original proposals, to distribute the final structure, confirm who is directly affected, and state the implementation date. This will include, where appropriate clarity on the position regarding compulsory redundancies and/or details of how the selection process will operate.

4.4.3 Methods of communication to update employees and trade unions regarding the progress of the restructure implementation may include, but are not limited to, email, updates on the staff notice board, personalised letters, full staff meetings, group meetings and/or one to one meetings for employees' directly affected.

## **5. IMPLEMENTATION**

### **5.1 Staffing the new structure**

The proposal document will have outlined the ways in which the staffing structure will be implemented. The approach chosen will depend on the circumstances of the changes proposed. Following the consultation period, the recruitment and selection may commence.

There are several methods available to the Headteacher when staffing the structure, these include:

### **5.1.1 Assimilation into new or existing posts**

Where there are posts in the structure that have not been affected, employees already holding those posts will be assimilated into the relevant roles in the new structure. This will occur when a comparison of job descriptions / person specifications shows that the posts are substantially similar or the same, and the same number of posts will exist. Under these circumstances no selection process will be required.

### **5.1.2 Ring fencing/expressions of interest**

Ring fencing occurs when an employee's current role is similar to a newly created role, but not the same and/or where there is a reduction in the number of roles. The process offers priority consideration to existing employees for new posts in the structure. This can often involve more than one employees being ring fenced for one post on the new structure.

Where a post is comparable to the employee's current post in job purpose, accountabilities, hours of work, work location, pay and conditions, etc., the employee can be ring fenced for selection. The Headteacher will create a proposed list of employees and posts in this situation.

Employees may be asked to express an interest in the post(s) they wish to be considered for. The Headteacher will ask the employee to submit a summary of their current skills and experience and how these could be applied to the new post. In some circumstances this can mean that one employee may show an interest in more than one post, depending on their experience and the variation of the new post(s) to their current post.

The Headteacher will consider all employees in the ring fenced pool / who express an interest for a particular role against the requirements for the new post(s). Individual discussions may take place with employees at this point to talk about their preference/s and explore the employee's suitability to undertake the new role(s). In the interest of avoiding compulsory redundancies, the amount of training required to ensure the employee reaches the required standard will be considered. The Headteacher and governing body members overseeing the process will make appointment decisions based on the information gathered.

### **5.1.3 Competitive selection process**

A competitive selection process may be used to ascertain which employee is the most suitable to fill a new role, taking in to consideration the skills, knowledge and experience required.

Selection methods vary but examples include a formal interview with the Headteacher and/or other senior managers and/or governors and/or a work based test/in tray exercise appropriate to the role. The selection method adopted will have been discussed with trade unions during the consultation period.

### **5.1.4 Paper based scoring**

The Headteacher may set out a paper based selection process. This is often used where the job content is remaining the same, but the number of posts is reducing. The proposed criteria and how they will be applied should be clearly set out in the consultation document. They must be objective, transparent, measurable, relevant, fair and non-discriminatory, and should be consistently applied.

Generally speaking, it is expected that the criteria will relate to the skills, qualifications or experience required for the new role(s) and with referred to the school development plan. The skills audit completed by individual employees will provide the evidence to match against this.

Other factors which may be taken in to consideration in some circumstances include:

- Standard of work performance (as documented in previous performance management reviews)
- Live disciplinary warnings, or ongoing capability or absence management processes
- Length of continuous service (as a “tie-breaker” should two individuals score equally in a selection process)

HR advice **must** be sought if consideration is being given to including any of these criteria, as there is a risk that they may infringe the provisions of the Equality Act in relation to gender, age, disability or ethnicity.

### **5.2 Staff absence during implementation**

Employees who are absent during the implementation stages of the restructure will be treated fairly and equitably in relation to opportunities to express their interest and undergo the selection process etc. Headteachers are encouraged to seek HR advice in this respect.

### **5.3 Communicating the outcome**

Successful candidates will receive a letter confirming their new post, and any salary safeguarding arrangements (see below) no later than five working days following the assimilation or selection process. Likely timescales may be advised at interview.

## **6. DISPLACED EMPLOYEES**

The Headteacher will arrange to meet with employees who are not successful in securing a post in the new structure. This will occur no later than 5 working days after the selection process is concluded. A letter confirming their displacement will also be given to the employee at the meeting. The letter will include details of how the redundancy payment (where applicable) will be calculated.

Where vacancies still remain on the new structure and where the employee has the appropriate skills, the Headteacher should consider any displaced employees for these posts. This may involve the employee being interviewed for the post.

Should other vacancies at the academy arise during the notice period the Headteacher should make the employee aware of these, and retain written evidence of having done so.

### **6.1 Redeployment to other Trust academies**

The Trust, as a single employer, wishes to avoid compulsory redundancies and academies with colleagues at risk of redundancy will therefore:

- make enquiries establish whether there are roles available in other Trust academies which may be considered “suitable alternative employment” (this would be on a case-by-case basis considering the location & nature of the role, and the colleague’s personal circumstance), and
- consider any requests for redeployment to other Trust academies made by colleagues at risk of compulsory redundancy.

All vacancies are advertised on the Trust’s website at <http://www.coopacademies.co.uk/work-with-us/vacancies>, and employees at risk of redundancy are encouraged to review this site regularly and to alert their Headteacher to any roles they wish to be considered for at the earliest opportunity.

Colleagues at risk of redundancy will be considered for advertised roles ahead of any other applicants, and will be appointed subject to suitability. Payment of reasonable redeployment costs (e.g. towards the cost of moving house and/or additional travelling costs for a period of time) will be considered.

## **6.2 Support available**

Employees who are compulsory redundant will be entitled to reasonable time off work with pay to attend interviews for other jobs and may be offered assistance from the school in their search for alternative employment.

They may also be given up to 3 days paid special leave to attend relevant training activities, if attendance at these cannot be accommodated outside usual working hours.

It is recognised that this may be a difficult time for colleagues, and Headteachers should “sign- post” to their academy’s Employee Assistance Programme and/or other relevant agencies.

## **6.3 Notice arrangements**

Following governor committee approval of the final structure, and the identification of any compulsory redundancies, the Headteacher will issue the appropriate notice to those employees who are selected for compulsory redundancy. The letter will contain details of the estimated redundancy payment and how the employee can appeal the decision to make them redundant.

The notice period will be as set out in the individual’s contract of employment, and in line with statutory notice periods up to a maximum of twelve weeks.

## **6.4 Right of Appeal**

Employees who are selected for compulsory redundancy have the right of appeal against the decision. This should be made in writing to the Chair of Governors within five working days of the notice being issued, outlining the grounds of appeal.

The appeal will be heard by a panel of three governors who have not previously been involved in the redundancy process.

The appeal will be held as soon as possible and normally no later than 20 working days after receipt of the appeal letter. The chair of the appeal hearing will notify the employee of the date and time of the hearing and their right to be accompanied by either a trade union representative or work colleague.

At the appeal hearing the employee will be able to explain further why they are appealing. The Headteacher and/or members of the governor committee overseeing the redundancy procedure will normally attend to explain their decision. HR may attend to provide procedural advice.

Where appropriate the appeal hearing may be adjourned for further investigation.

The employee will be informed of the appeal decision in writing, normally within 5 working days of the appeal hearing or the reconvened appeal hearing where there has been an adjournment. The decision of the appeal hearing is final.

## **7. SUITABLE ALTERNATIVE POSTS**

Where a member of support staff has been served with notice of compulsory redundancy and then accepts a suitable alternative post in the same academy or elsewhere in the Trust, in accepting the new post the employee does so on the terms and conditions for that post and will no longer be entitled to a redundancy payment. In these circumstances salary protection (see above) will be offered up to a maximum cost equivalent to the redundancy payment which would otherwise have been paid.

## **7.1 Trial periods**

For employees who are subject to compulsory redundancy if there is a mutually agreed suitable alternative available, there will be a four week trial period.

The aim of the trial period is to allow both parties an opportunity to decide whether the employee is suitable for the role. It enables an assessment to be made on whether the employee has the required skills, with training, to do the new job. Appropriate support and training will be discussed and offered to assist the employee in being successful in the role within the four week trial.

A trial period will apply where there is a difference in the skills required to carry out the new role and the employee's previous role in school.

The Headteacher will write to the employee detailing the terms and length of the trial and what will happen at the end of the trial if it is successful or unsuccessful.

## **7.2 Successful completion of the trial period**

The Headteacher will write to the employee to confirm them in the post, and where appropriate a contract of employment will be sent to the employee.

## **7.3 Unsuccessful completion of the trial period**

In exceptional circumstances and by mutual agreement only, the trial period can be extended for up to eight weeks. Where this is agreed the Headteacher will write to the employee to confirm the extension and the new date for review.

Where an extension is not agreed and the trial is unsuccessful the Headteacher will write to the employee to confirm that they retain their entitlement to redundancy pay and the date their employment will come to an end on the grounds of redundancy, with the same right of appeal (see 6.4).

## **8. REVIEW OF THE NEW STRUCTURE**

The Headteacher should review the operation of the new structure no later than one year after its implementation to ensure it meets the needs and objectives of the school. In-school trade union colleagues should be invited to participate in this review.

## **9. REVIEW OF THIS PROCEDURE**

This procedure will be reviewed to respond to any changes in employment legislation, and in any event at least every three years.