



TRUST IN LEARNING (ACADEMIES)

MANAGING CHANGE PROCEDURE



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 Review Date: January 2021

Date	Page	Change	Purpose of Change
January 2018			New Policy

Aim

Trust in Learning (Academies) (TiLA) is a developing organisation and is therefore engaged in an ongoing, continuous process of seeking growth, innovation and improvement. Our Schools constantly strive to provide the best quality schooling within an ever changing landscape. This means that from time to time change is necessary

It is essential that Trust in Learning (Academies) manage that change in a fair, consistent and effective manner that enables TiLA and its schools to respond effectively to change. From time to time it will need to disestablish posts, and in so doing it will seek to avoid compulsory redundancies wherever possible as far as is consistent with operational effectiveness. Where it is necessary that such redundancies should occur, it will endeavour to handle them in a manner which is fair, consistent and empathetic, and which minimises any hardship to the individual(s) concerned.

Scope

This procedure applies to all employees within TiLA except;-

- employees on fixed term contracts where the reason for the expiry of the contract would not be redundancy;
- employees on temporary and fixed term contracts where the reason for the expiry of the contract would be redundancy and they have less than two years continuous employment with TiLA
- external agency workers, contractors/ consultants and persons engaged by TiLA or its schools who are “self-employed”;
- casual employees or agency workers where there is no “mutuality of obligation” to provide/accept work by either party;

On-going Change

TiLA recognises that schools need to continually adapt to changing demands and pressures throughout the year, which will include staff development and communication processes and general forward planning. Headteachers and other leaders within TiLA may seek and be able to mutually agree operational changes with the staff affected which may obviate the necessity for formal redundancy processes to be invoked. Any such changes should be formally agreed and recorded, taking advice from Human Resources as necessary.

It is an important role for leaders within TiLA to look ahead with their staff and adapt posts, teams and services in the light of future changes so that they can best deliver the Schools goals and objectives into the future.

Significant change

If any proposed changes look likely to result in reduced staffing levels, or significant changes to duties or terms and conditions, advice should be sought from Human Resources. Such changes will be carefully considered and consulted with staff and their representatives.

Avoiding redundancy

In order to avoid compulsory redundancy, maximum advantage will be taken of alternative solutions, which may include:

- Natural wastage
- Redeployment to other parts of the organisation
- Restriction on recruitment where practicable
- Ceasing the employment of agency/contract staff where this would liberate permanent employment
- Reviewing the use of temporary staff
- Ceasing or reducing overtime
- Seeking appropriate volunteers for redundancy
- Considering suggestions from trade unions/employees

Where the redundancy is due to the expiry of external funding, the expiry date will be known at the outset. The individual holding the post will be notified in advance of the expiry of funds, and will be assisted, where possible, in identifying suitable alternative employment.

Collective Consultation with Trades Unions

Where proposed changes, in response to changes in business or other requirements, could result in jobs being designated as redundant, the School will consult with trades unions as early as possible to allow feedback and comments on the proposals.

Where there are specified numbers, the appropriate statutory consultation periods will be observed as set out below:

- Where between 20 and 99 redundancy dismissals are proposed within a 90 day period: 30 days before the first dismissal takes place;
- Where over 100 redundancy dismissals are proposed within a 90 day period: 45 days before the first dismissal takes place

These periods of consultation will commence from the time that the trades unions have been provided in writing with the following information:

- Reasons for the proposed redundancies
- Numbers and descriptions of employees occupying posts at risk
- Criteria for selecting employees for redundancy
- Timescale for dismissals
- Method of calculating redundancy payments to affected staff

Consultation on Changes of less than 20 redundancy dismissals

There is no statutory consultation period if a proposed change is to result in less than 20 redundancy dismissals. TiLA is committed to the engagement of staff and is open to meaningful consultation. Therefore there will be no less than four weeks consultation (including any holiday periods). This period of consultation will commence from the time that the trades unions and staff have been provided in writing with the following information:

- Reasons for the proposed redundancies
- Numbers and descriptions of employees occupying posts at risk
- Criteria for selecting employees for redundancy

- Timescale for dismissals
- Method of calculating redundancy payments to affected staff

Posts will be defined by one or more of the following classifications:

- Unchanged – where the job content is little changed from the existing job role and the employee will not be displaced unless the number of posts is reduced
- Changed – where the job content is significantly different from the existing job role and where selection criteria / a ring fence appointment process will apply
- Deleted – where a service or work of a particular kind is being discontinued or reduced
- New – a new job where there is no equivalent in the current structure. New posts may be the subject of ring fence arrangements

Employees and trade unions will be advised of their classification, as part of the consultation process.

Individual Consultation with affected staff

Employees occupying a post at risk will be advised in writing as soon as possible, and will be seen individually by their manager and normally a Human Resources Manager.

The purpose of the meeting will be to explain:

- The proposed changes in staffing and the reasons for them
- The proposed timetable
- The policy and how it will be implemented
- To seek the views of the employee with respect any practical means of mitigating or avoiding the redundancy, and with regard to future employment, retraining or redeployment

Selection for Redundancy

TiLA is committed to ensuring fair treatment in the selection for redundancy. Where selection for redundancy is required, the school will consult with the relevant recognised trade unions on the method of selection as part of its collective consultation (see section above).

Volunteers for redundancy: TiLA retains absolute discretion in whether to request volunteers for redundancy and whether or not to accept any volunteer for redundancy. Where it is agreed that a request is to be made, volunteers may be sought initially from within the business area affected. Where exceptionally agreed, this could be extended to beyond the business area if there is a realistic opportunity of transferable skills resulting in reduced redundancies in the business area affected.

Method of selection: In selecting employees for redundancy any of the following criteria may be applied; the list is not exhaustive:

- Skill, competence and experience: employees who lack the skills, competency and/or experience against those required for the post, or whose skills and/or experience are less developed than others in the pool.
- Performance and conduct at work: for example employees whose personnel /HR records contain evidence of an un-expired warning under the disciplinary, capability or sickness policies and procedures. For sickness

absence only absence not related to a confirmed underlying health condition may be considered.

Alternatively where there is a re-structuring e.g. of roles within a team or area, the school may identify as 'at risk' all staff in the old posts and select which of these at-risk staff are slotted into the available new posts in the new structure by a process of ring-fenced competitive interviews or assessment against the person specification criteria of the new posts. Those staff who are unsuccessful from this ring-fenced process that do not slot into the available new posts, will remain at risk of redundancy and will move onto the processes of redundancy and the Redeployment Procedure below.

Where the redundancy is due to the expiry of external funding, other than in exceptional circumstances, the selection of staff to be placed at risk of redundancy will be determined by their holding of a post which is established by the expiring funding. Efforts will be made to re-deploy individuals in line with the Redeployment Procedure. A staged dismissal procedure will be followed:

- The employee will be informed in writing of the proposed redundancy and the reasons
- The employee will be invited to a consultation meeting to discuss the redundancy and redeployment opportunities
- The employee will be informed of his/her right to appeal against the redundancy

Representation

Employees have the right to be accompanied by a work companion, who may be a fellow employee in the school, a locally accredited trade union representative, or an accredited official employed by a trade union.

Notice of redundancy

Employees selected for redundancy will be informed in writing and given notice of their dismissal due to redundancy. As a minimum this will be the notice period to which they are contractually entitled.

Redundancy Payments

Statutory redundancy compensation payments will be made to eligible staff. Unless staff have acquired other provisions following TUPE transfers.

Employees who are dismissed on grounds of redundancy will be given the period of notice, or payment in lieu of notice, to which they are entitled under statutory legislation or their contracts of employment. Please note that from 6 April 2018 payments in lieu of notice will be taxed as earnings and subject to the deduction of income tax and national insurance contributions. Staff will be entitled to payment in lieu for any leave entitlement which is untaken at the date of termination of the appointment; the calculation of entitlement will be based upon the proportion of the leave year at the date of termination of the appointment.

Redeployment Procedure

Suitable alternative employment - TiLA will do all that is reasonably practicable to redeploy staff at risk to suitable alternative employment.

Employees at risk of redundancy are expected to play an active role in identifying suitable alternative posts, making themselves aware of vacancies within TiLA, and indicating an interest. Where employees are prepared to accept a lower graded post, or are prepared to accept part time employment, they should inform their Human Resources Manager or Advisor at an early stage. Employees at risk of redundancy have priority status for available posts at the same grade or one grade below within TiLA schools and will be considered in accordance with the Redeployment

Process set out below. They may also apply for other posts e.g. at a higher grade but without any priority status.

Employees on Maternity or Paternity Leave

Employees on maternity or paternity leave have an express statutory right to any suitable alternative employment that exists, ahead of any other employees including at-risk employees. Thus, a woman on maternity leave or a man on paternity leave has first call on a suitable alternative position. For example, if TiLA has one vacancy which would be suitable for three staff at risk of redundancy, one of whom is on maternity or paternity leave, the employee on maternity or paternity leave should be considered prior to the two other candidates and if she / he meets the essential criteria must be offered the alternative position, whether or not she / he would otherwise be the preferred candidate. If the employee accepts the suitable alternative role, it must be kept open until she / he returns from maternity / paternity leave.

Redeployment Process

TiLA will place employees who are under notice of or (where requested by the staff member concerned) 'at risk' of redundancy on TiLA's Redeployment Register until their notice period expires and their employment is terminated.

Employees on the Redeployment Register will be given preferential consideration in respect of agreed vacant posts within TiLA. This means that unless the vacancy is at a higher grade than their existing post (when normal advertising and selection arrangements would apply), Other schools must interview employees at risk of redundancy before any other candidates, provided the application arrives by the advertised closing date and the applicant is able to meet the essential criteria for shortlisting for the post. This should happen before any other (non-Redeployment Register) candidates are invited for interview. If the interview confirms that the candidate meets all the essential criteria for the post, or could do so with reasonable retraining without significant impact on the effectiveness of the school, they should be offered the post on a trial basis

Once a post has been approved for recruitment, employees who are under notice of or 'at risk' of redundancy ("at risk employee") and are on TiLA's Redeployment Register and for whom the post might constitute suitable alternative employment will be able to apply for it on a priority basis. Where they confirm that they wish to be considered, they will be assessed against the essential criteria (as set out within the person specification) for the post. Normally this assessment process will include an interview and a Human Resources Manager / Business Partner or Advisor may attend the interview. If the at risk employee meets (or best meets if there is more than one at risk employee being considered) those criteria, they will be appointed to the post subject to a trial period. In the event that the assessment panel concludes that an individual is not suitable, the Chair of the panel would be required to provide the objectively justifiable reasons for reaching that decision.

It is the responsibility of the Human Resource Manager to advise on the suitability or otherwise of candidates for redeployment.

Should the selection panel decide for any reason not to offer a vacancy to a candidate in the above categories, full records must be kept and the panel must be able to show that the reason for its decision was clearly based on a comparison of a candidate's skills, abilities and experience with those required for the post.

Refusal to accept a suitable alternative post

If an employee refuses an offer of suitable alternative employment and in TiLA's view the refusal is unreasonable, the right to redundancy payment will be forfeit.

Pay Protection

Pay Protection will be awarded in line with TiLA pay policy and STPCD.

Trial Periods

Employees at risk of redundancy who accept the offer of suitable alternative employment are entitled to a trial period of four weeks. The duration of the trial will be confirmed and notified to the employee before the trial commences. The trial period will give both employee and the school an opportunity to assess whether the new job is suitable, including the assessment of reasonable training where agreed. If following the completion of the trial period, an alternative post is deemed not suitable by the school or the employee, the employee would be entitled to receive a redundancy payment. The trial period will run concurrently with the notice period where notice has been given.

Time off to seek alternative employment

Employees under notice of redundancy or at risk of redundancy are entitled to reasonable time off to look for alternative employment or to arrange training.

Early release of redundant employees

Employees under notice of redundancy who obtain employment with a different employer may ask to leave early. The school will not unreasonably refuse such a request and a mutually agreed date will be established. The date will become the revised date of redundancy for the purposes of calculating any entitlement to a redundancy payment and for establishing the employee's effective date of termination. There will be no entitlement to payment for the remainder of the original notice period.

Appeal

Employees who consider that the selection criteria have been unfairly applied to them and that they have been unfairly made redundant have the right of appeal.

Employees should follow TiLA's Appeal Policy in exercising their right. They should do so in writing within 10 days of the outcome letter.