



MANAGEMENT OF CHANGE POLICY

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1. INTRODUCTION

- 1.1 Reach South Academy Trust recognises that its employees are its most valuable asset and resource.
- 1.2 This policy sets out the Trust's approach to managing change and dealing with redundancies where this is a potential outcome of an organisational change. It does not form part of the employee's terms and conditions of employment and may be subject to change. Where employees have enhanced terms under TUPE, the enhanced terms only will apply. Any proposed changes will be subject to consultation with JNCC. This policy has been implemented following consultation with JNCC.
- 1.3 It is the responsibility of the Trust and of each school within the Trust to review staffing structures from time to time to meet changing demands and circumstances within the school's budgetary constraints and national education agenda. Where this is being considered, every effort will be made to engage with trade unions at the earliest possibility.
- 1.4 The Trust must be able to respond to the need for managing change and this policy sets out how the Trust, a Trust school or nursery will approach and manage organisational change. The procedure covers the following areas:
- The consultation and communication process;
 - Job organisation and selection processes
 - Methods and processes to keep the number of redundancies to a minimum where redundancy is a possible outcome, and how to avoid redundancy if possible;
 - The procedure to follow in the event of a redundancy situation.

2. SCOPE

- 2.1 This policy applies to all proposed changes which affect employees. It does not apply to agency staff or contractors or those on fixed term contracts covering absences for substantive staff. It does not apply to the following circumstances:
- Changes in the provision of education;
 - When new posts are created;
 - There are changes to line management only;
 - Minor changes are proposed to roles or to job descriptions.
- 2.2 This policy does not form part of your employment contract and the Trust may update it at any time in consultation with Trade Unions.

3. LEGAL FRAMEWORK

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

STAGE 1

4. IDENTIFYING THE NEED FOR CHANGE MANAGEMENT

- 4.1 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 School Teachers Pay and Conditions Document (STPCD). It states

that ‘the responsibility to organise and deploy resources within the school is one of the professional duties of a Headteacher’.

- 4.2 Where the need for change affects the Trust as a whole or a multiple of schools, it is the responsibility of the CEO to ensure appropriate structures are in place.
- 4.3 Before embarking on a reorganisation/change the Executive Headteacher/Headteacher or in the case of central staff, the relevant director should discuss and create relevant proposals with the Director of HR and Director of Finance and particularly where it affects teaching staff, the relevant Director of Education.
- 4.4 The CEO will work with the respective Head of Department/Director before embarking on any reorganisation in conjunction with the Director of HR.
- 4.5 Other members of Trust Executive Team may also lead change, for example the CEO may decide to delegate a change in finance services to the Director of Finance.
- 4.6 For the purposes of leading on the management of change the individual once identified will be referred to as the ‘Responsible Officer’ through this document.
- 4.7 When deciding on whether to make organisational changes, including changing the staffing structure or various job roles within a School, the following issues should 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/Trust’s financial circumstances
 - Legal requirements
 - Government initiatives
- 4.8 The Responsible Officer must complete the Equality Analysis Checklist (Appendix A) to ensure that the organisation is legally and ethically compliant when including employees who are protected under the Equality Act, 2010.

5. CONSULTATION DOCUMENT

- 5.1 A consultation document (refer to Appendix B for an initial checklist and Appendix C for a consultation proposal template) should be produced 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:
 - Details of the changes being proposed and the impact of these changes;
 - Where it is a change in structure:
 - The revised organisation and workforce structure, new ways of working, 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. This may also include costing comparisons between proposed structures.

- Any proposed new or updated job descriptions and person specifications with a rationale for differences from current job descriptions.
 - The proposed selection criteria
 - The proposed method for carrying out redundancy dismissals and the proposal for calculating redundancy pay.
 - A proposed timetable for consultation and implementation.
- 5.2 The consultation document should then be presented and agreed by the Local Governing Body, where it affects individual schools. It is then sent to the CEO of the Trust for approval. This will enable any changes to be viewed within the context of all Trust schools and to ensure that as an employer, the Trust is not exceeding 20 redundancies at any one time, in order to alert the Department of Work and Pensions (DWP) in line with legislation and to ensure that the proposals are aligned to the strategic objectives of the Trust as a whole.
- 5.3 Where the change affects the Trust as a whole or multiple schools, the CEO will seek ratification from the respective sub-committee(s). The Trust Board will be informed of the change.

STAGE 2

6. COMMUNICATION

- 6.1 Effective and clear engagement and communication is a key component of managing change successfully. Once the consultation document has been approved the responsible officer will produce a communication plan which will be shared with staff during the consultation process. The communication plan will include details of who shall be given information, when that information should be given and how that communication will be given.

STAGE 3

7. CONSULTATION

- 7.1 The Trust 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 employees who are not members of a trade union have equal access to a consultation process.
- 7.2 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/Trust to seriously consider prior to any final decisions being made.
- 7.3 A 'Responsible Officer' will be identified to lead on each management of change process and this will be communicated at the beginning of the process.
- 7.4 The time given for consultation will vary depending on the number of staff affected and the significance of the change. Therefore, reasonable consultation periods will be used taking in to account the number of staff involved and the proposed changes. It is advisable for the manager to seek advice on good practice from a HR Business Partner.

7.5 In the case of potential redundancies, formal consultations will follow the statutory consultation requirements, which are outlined in the below table:

No of Proposed Redundancies	Minimum of 30 days
20 to 99	At least 30 calendar days prior to any dismissals take effect
100 +	At least 45 calendar days prior to any dismissals take effect

7.6 Where one school is making redundancies within a 90-day period and the number of Trust employees at risk exceeds 20, the Director of HR or relevant deputy will notify the relevant government department as required in legislation.

7.7 The Responsible Officer will liaise directly with affected staff, including those affected by change, throughout the consultation process in addition to formal meetings with trade union representatives.

7.8 Staff who may be affected by the proposed changes and are absent from work due to long-term sickness absence or maternity must 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.

7.9 The Responsible Officer will seriously consider and respond in writing to all representations made during the consultation. In responding to representation, information will be provided on whether any alternative proposal has been accepted, and if not the reason why.

8. MANAGING REDUNDANCIES

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

- The Trust/school no longer requires the duties for which an employee was employed;
- The Trust/school has ceased, or intends to cease, to carry on operating in the place where the employee was employed;
- The requirements of the Trust/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 Trust/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.

8.2 The Trust 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; and that nominations for compulsory redundancy are seen as the last resort.
- Employees and their representatives are fully consulted on any proposals and their implementation;

- Selection for redundancy is based on clear criteria that will be 'consulted on', 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;
- Employees may be redeployed in other Trust schools where there is a suitable vacancy within the same geographical location;
- Employees at risk of redundancy will be kept informed of vacancies in Trust schools across all geographical areas and will be guaranteed an interview for any suitable posts in which they may be interested.

8.3 Alternatives to redundancy

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

Voluntary Redundancy

- Offering employees whose posts are at risk or whose post may offer an opportunity for redeployment to an employee who is placed at risk through a knock-on redundancy, the opportunity to apply for voluntary redundancy.
- Requests for voluntary redundancy will be granted at the discretion of the Executive Headteacher or Headteacher who will make a recommendation to the Trust Executive, who will convene a panel of three members of the Executive Team to make the final decision. Where the change affects the Trust as a whole or a multiple of schools, requests for voluntary redundancy will be granted at the discretion of the appropriate Head of Department who will make a recommendation to the Executive Team who will convene a panel of three members of the Executive Team to make the final decision.
- 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. The redundancy payment will follow the statutory entitlement for redundancy. Where employees have enhanced terms under TUPE, the enhanced terms only will apply.

Redeployment (pay protection)

- Support staff who are redeployed into a position which is evaluated at a lower grade as a result of a change management process will receive 1 year of salary protection, after which they will be paid on the maximum spine point of the grade for the new post. Where staff have enhanced terms under TUPE, the enhanced terms only will apply.
- Pay protection will also apply to staff if their contractual terms are changed with regards to contractual hours/weeks per year, where the actual annual salary of the new role is less than the current role. Pay protection is on a mark time basis only. This means that the rate of the earnings is preserved without the benefit of any subsequent increments or pay awards, until the new earnings reach the level of the previous earnings or until the protection ends.
- Teachers - The School Teachers Pay and Conditions document terms for safeguarding teachers' pay will apply. This will be for a period of three years.

Ill Health Redeployment (pay protection)

- In some circumstances, redeployment may be an option for a member of staff who has a long-term health condition. In these cases, pay protection may apply for a period of 6 months maximum.

Other Considerations

These may include:

- Natural wastage, and not filling vacancies
- A reduction or elimination of overtime
- Termination of the employment of agency and casual workers and those employed on fixed-term contracts
- 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
- Where a member of staff has requested to reduce their hours (including job sharing) or has expressed an interest in another role at a lower grading or less hours, then pay protection would not apply.

8.4 Making a selection for redundancy

- 8.4.1 Staff whose work has either ceased or diminished, or is expected to do so would be part of a selection pool for redundancy.
- 8.4.2 Consideration will be made as 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.
- 8.4.3 The selection of employees for redundancy will be based on criteria which are:
- Objective
 - Supported by clear verifiable evidence
 - Are applied consistently across the Trust
 - Are appropriate and relevant
 - Do not directly or indirectly unlawfully discriminate against anyone with a protected characteristic under the Equality Act 2010.
- 8.4.4 It is important that the Trust is able to retain employees with the attributes and skills required to meet its future operational, curricular, pastoral and organisational needs.

8.5 Assimilation

- 8.5.1 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.
- 8.5.2 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 Selection based process

- 8.6.1 Competitive interviews and appropriate skills tests will be used as selection tools and will be developed based on the person specification of the relevant job description(s) These will be subject to consultation at the time of the change.

- 8.6.2 A panel will convene and will consist of a minimum of three people, for individual schools this may include a minimum of one member of the LGB or an external person.
- 8.6.3 Individuals will be scored against those criteria and used to determine selection for redundancy.
- 8.6.4 Where a TLR post is deleted from a structure this will not automatically result in a selection of redundancy for that teacher.

8.7 Ring-fenced process

- 8.7.1 Groups of staff identified as being at risk of redundancy will be ring-fenced to any other suitable role within the structure.
- 8.7.2 The trust will also ensure that employees at risk will be offered an interview within any other school within the Trust where a suitable vacancy, in which they are interested, becomes available. Employees will be asked to complete an application form for any role for which they are interested, but will be guaranteed an interview, provided they meet the essential criteria for the post.
- 8.7.3 Employees at risk or under notice of redundancy will also be entitled to paid time off to look for new work or to undertake training through pre-planning.
- 8.7.4 At least 24 hours' notice should be given of appointments to attend external interviews.

8.8 Suitable alternative employment

- 8.8.1 The Trust will consider any other suitable employment for employees who express an interest. The Trust is committed to both supporting its employees and ensuring that they retain a highly skilled workforce with the skills and attitudes to promote the best outcomes for pupils. The Trust will consider re-training staff, including funding where feasible in order to avoid losing committed employees through redundancy.
- 8.8.2 A failure to offer available alternative employment may give grounds for an unfair dismissal claim. Factors to consider when offering alternative work include pay, status, duties and responsibilities and hours of work.
- 8.8.3 The offer must be made for the post to start either immediately after the end of the redundant role or after an interval of not more than four weeks. The responsible officer should consult with the Trust's HR Department about the wording of any alternative offer.
- 8.8.4 If suitable alternative employment is available in the school, employees will be given clear information about the post to enable them to make an informed decision whether to accept or not.
- 8.8.5 If an offer of suitable alternative employment is refused by an employee under notice of redundancy, the Headteacher should discuss the case with the Trust's HR Department.
- 8.8.6 Any offer of alternative employment will be made in writing. It will show how the new employment differs from the previous employment and will be made before the employment under the previous contract ends.

- 8.8.7 An offer of alternative work, with the same employer, will be subject to a trial period of four weeks.
- 8.8.8 An employee, who is offered alternative employment with the same employer and who is under notice of redundancy, has a statutory right to a trial period of four weeks, which begins when the previous contract has ended. However, in exceptional cases, it may be mutually beneficial to extend the trial period beyond four weeks, by agreement.
- 8.8.9 If the Trust/School wishes to end the new contract within the four weeks for a reason connected with the job, the employee is entitled to a redundancy payment. If the dismissal is due to a reason unconnected with redundancy (e.g. a disciplinary matter), the employee may lose that entitlement. Managers are to follow the relevant policy to ensure equity and compliance and to seek support and guidance from the HR Department if any concerns arise.
- 8.8.10 If during the trial period the employee decides that the alternative work is not suitable and the Trust is satisfied that the decision is a reasonable one, entitlement to a redundancy payment will not be lost. The four week period may be extended for retraining purposes by written agreement specifying the new end date of the trial period. An employee loses entitlement to any redundancy payment, which would have resulted from the loss of their previous job if they continue to work beyond the agreed trial period. Employees should be made aware of this when the alternative employment offer is made. Before any employee is offered a trial period in an alternative role, you must seek advice from the Trusts HR Department.
- 8.8.11 Reasonable time off with pay will be allowed to enable employees under notice of redundancy to look for posts with other employers or to arrange re-training.
- 8.8.12 Employees under notice of redundancy, who qualify for a statutory redundancy payment, have a statutory entitlement to reasonable time off with pay to look for another job or to arrange training. This must be allowed before the notice period expires. Where possible, this assistance should be extended to all potentially redundant employees.
- 8.8.13 The Trust will, seek to ensure that all employees either at risk of redundancy or affected by change are given the opportunity for individual consultation.

8.9 Premature retirement

- 8.9.1 Applications from employees who would like to be considered for premature retirement should be submitted in writing to either the relevant Executive Headteacher/Headteacher or the Director of HR.
- 8.9.2 The decision to grant early retirement is not automatic and is entirely discretionary and the final decision will rest with the Trust Executive. For further information, please see Reach South Pensions Discretion Policy.

FINAL STAGE

9. PANEL FOR APPROVAL

- 9.1 The Responsible Officer will present a final report comprising of the initial consultation documentation, the representations made during the consultation process, responses to said representations and any alternative proposals. The report will also include recommendations to a minimum of three members of the Executive Team or nominated wider leadership team.

- 9.2 The report should be sufficiently detailed for the Panel to reach an independent view as to which staff, if any, should be selected for redundancy.

9.3 Formal notification of redundancy

- 9.3.1 At the end of the process, employees whose jobs are to be confirmed as redundant will be informed at a meeting 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. The HR team will also inform them of any support facilities which are available. This will be confirmed in writing within no more than five working days of the meeting.

9.4 Redundancy compensation

- 9.4.1 Redundancy payments will be made in line with statutory redundancy pay or where an employee's transferred to Reach South under TUPE, redundancy payments will be made in line with those in place at the time of transfer. If you are unsure as to whether this applies to you, you should seek further advice from the HR team at hr@reachsouth.org
- 9.4.2 Redundancy payments are currently based on three factors. Age at termination of employment; length of continuous service (counted in complete years), subject to a maximum of 20 years and final gross weekly pay.
- 9.4.3 Employees with more than two years' continuous service may be entitled to a redundancy payment.
- 9.4.4 Employee's entitlement:
- 1.5 weeks' pay for each year of employment after their 41st birthday
 - a week's pay for each year of employment after their 22nd birthday
 - half a week's pay for each year of employment up to their 22nd birthday
- 9.4.5 Length of service is capped at 20 years and weekly pay is capped at £544. The maximum amount of statutory redundancy pay is £16,320. (April 2021 Figures)
- 9.4.6 Redundancy payments up to £30,000 are free of both income tax and National Insurance (NI).
- 9.4.7 Where an employee has transferred to Reach South under TUPE, redundancy payments will be made in line with those in place at the time of transfer and in which case, may differ from the calculations outlined above.
- 9.4.8 The Trust will ask employees before making a redundancy payment whether or not they have been offered another job with a Modification Order body and, if so, whether they intend to take up the offer within four weeks of finishing their current job to ensure that they are entitled to a redundancy payment. The modification order is available on the following link:
<http://www.legislation.gov.uk/ukxi/1999/2277/schedule/1/mad>

10. APPEALS

10.1 Right to appeal

- 10.1.1 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 to a change in circumstance for the employee.

10.2 Grounds of appeal

10.2.2 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

11. Appealing the outcome

11.1 An employee who wishes to lodge an appeal against the outcome of a decision must do so in writing within 10 working days of the date of the letter confirming the outcome and clearly state the grounds for the appeal. This should be sent to the named individual outlined in the grievance meeting outcome letter.

11.2 The Trust's Appeal Policy outlines the grounds of an appeal and details the procedure.

12. Review of policy

12.1 This policy is reviewed as required by Reach South Academy Trust in consultation with the recognised Trade Unions.

12.2 This policy will be reviewed every three years, earlier review may be required in response to exceptional circumstances, organisational change or relevant changes in legislation or guidance.

12.3 We will monitor the application and outcomes of this policy to ensure it is working effectively.

Form: Equality Analysis Checklist

Title and asset number of policy:

1. This form has been prepared to help you consider equality issues within your work.
2. Will any of the following protected characteristics covered by the Equality Act 2010 (Equality Duty) be disadvantaged (workforce, service users or the public)?
 - Age
 - Disability - this includes physical and mental impairment
 - Gender reassignment
 - Marriage and civil partnership (but only in respect of eliminating unlawful discrimination)
 - Pregnancy/maternity
 - Race – this includes ethnic or national origins, colour or nationality
 - Religion or belief – this includes lack of belief
 - Sex (male/female)
 - Sexual orientation

If no, please insert rationale below:

If yes, please complete the following implementation plan below.

Issues identified	Actions required	Responsibility	By when

3. Date form completed:

**ORGANISATIONAL CHANGE AND DEVELOPMENT
CHECKLIST & PROPOSAL DOCUMENT**

This should be a working document for use by the Responsible Officer at the proposal stage

Responsible Officer:

--

Nature of Change

(e.g. relocation of team, change of working pattern):

--

Checklist:

What are the possible **financial** implications of the proposal:

--

Please tick to confirm advice from finance has been sought

--

What are the possible **workforce/HR** implications of the proposal:

--

Please tick to confirm advice from workforce/HR has been sought

--

What are the possible **governance, risk and health & safety** implications of the proposal:

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Please tick to confirm advice from governance & risk has been sought	<input type="checkbox"/>
--	--------------------------

What are the possible planning & estates implications of the proposal, including any accommodation changes:
--

Please tick to confirm advice from planning & estates has been sought	<input type="checkbox"/>
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Please tick to confirm Equality Analysis Checklist undertaken (& attach)	<input type="checkbox"/>
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Date of Executive Team approval:

**ORGANISATIONAL CHANGE AND DEVELOPMENT
INITIAL CONSULTATION DOCUMENT - TEMPLATE**

Introduction

The purpose of this paper is to provide information to those staff employed by Reach South affected by the proposed implementation of... *[Describe briefly the proposed change and the reason for the paper – the checklist/proposal document may be attached to provide additional detail].*

Background

[Describe the rationale for and detail of the proposed change, how staff will be affected, proposed date for the change to take effect, options available for the changes etc.]

[Attach proposed new organisational chart or workforce information, where appropriate]

Scope

The staff that may be affected are likely to be:

Post	Grade	WTE

The Consultation Process

The consultation process is designed to ensure that all staff affected by the change(s) outlined in this paper have the opportunity to express their views, comments and ideas.

Reach South is keen to ensure it is as flexible as possible during the consultation process. The consultation will last see Table 1 commencing from *[start date]* and concluding on *[end date]* through established mechanisms.

The consultation will take the form of group meetings for all staff to attend, ask questions and raise issues or concerns they may have. Consultation may then move to individual consultation on a one-to-one basis between staff and their manager to discuss more confidential or personal matters.

At any time throughout the consultation period an individual may raise comments, questions by contacting the consultation leads as follows:

- Responsible Officer: *[Phone number & email address]*
- HR: *[Phone number & email address]*
- Trade Union Representative(s): *[Phone number & email address]*

POLICY HISTORY

Policy Date	Status	Contact	Implementati on Date	Review Date
October 2018	Implementation of policy	HR	October 2018	September 2021
December 2021	Review and update policy by HR	HR	XX	XX
December 2021	Consultation with Trade Unions	HR	XX	XX
April 2022	Implementation of new policy	HR	April 2022	September 2025