

Isle of Wight Council
**MODEL
ORGANISATIONAL
CHANGE POLICY AND
PROCEDURE FOR
SCHOOLS**
September 2012

1 Document Information

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3 Organisational change statement

This policy sets out the employee relations aspects of organisational change as it affects the school's employees.

4 Introduction

At times of organisational change, the Governing Body will aim to ensure that:

- all employees whose jobs are affected are treated in a fair and consistent manner;
- consultation takes place at the earliest possible opportunity on a collective and individual basis and with their representative(s);
- there is regular communication as appropriate between affected employees and managers, and Human Resources if necessary, about what is happening;
- there is recognition and encouragement of an individual's right to representation at all stages of the procedures;
- a transparent process is used for managing changes;
- compulsory redundancy is avoided wherever possible within the financial constraints of the organisational change.

5 Scope

This policy and procedure will apply to all employees employed by the school.

6 Supporting policies and procedures

The following policies and procedures support the Organisational Change Policy and need to be taken into account throughout the management of change programmes:

- Redundancy Policy – which sets out the policy and procedure to apply whenever redundancy may occur;
- Redundancy Scheme for School Based Employees – which sets out the process for applying to the local authority for approval of redundancy costs where applicable;
- Premature Retirement Schemes for support staff and teachers employed in schools – which set out the criteria and procedures for applications for premature retirement;
- Redeployment Policy which sets out the process for consideration of alternative employment, if applicable;
- Equality Impact Assessment Guidance – which sets out the requirements to fulfil the obligations of equalities legislation and best practice

7 Advice and guidance

HR advice and guidance is available when required, including how organisational change may affect the employee financially and advice on possible redeployment.

The Governing Body appreciates that employees may feel unsettled during times of organisational change. Employees may access an Employee Assistance Programme (EAP) made available through the local authority which provides a confidential counselling and support service 24 hours a day, 365 days a year. Employees may talk through with the counsellors any personal concerns they may have.

8 Job and location mobility

Job and location mobility is set out within individual contracts of employment. There is a contractual requirement for individual employees to accept any suitable alternative post and to relocate to other places of work, as deemed reasonable.

Employees at risk of redundancy who unreasonably refuse suitable alternative employment may be liable to dismissal, and as a result may forfeit any entitlement to redundancy pay and pension if applicable.

9 Re-engagement

Employees whose appointment is terminated on a voluntary redundancy basis, or who accept early retirement, will not be re-engaged by the school or local authority on a directly employed or consultancy basis for a period of two years unless approved on an exceptional basis by the Head of Human Resources in conjunction with the Director of Resources. The Chair of Governors is required to submit a business case if wanting to re-engage in these circumstances, the business case template given in Appendix A.

The general rules relating to re-engagement are as follows:-

- any return to the school/local authority's employment must be via the normal process of competitive selection;
- the return must not be to the same or a closely related post, as this would call into question the original decision to declare the post redundant – head teachers should discuss with HR before making any such appointment decisions;
- the employee must not take up the post (if they are to be directly employed) any sooner than four weeks after the effective date of redundancy or early retirement, or they will forfeit the original redundancy payment and pension entitlement will be affected;
- anyone re-employed will be treated as a new starter. Any previous service with the school/local authority or other related body will not count towards entitlements to notice periods, sick leave, annual leave, or other benefits dependent upon continuous service.

10 Right of appeal

Any employee dissatisfied about the way s/he has been dealt with under the procedure accompanying this policy may appeal. In instances where there is large scale organisational change, specific arrangements to consider complaints may be determined in place of this appeals process following consultation with the Trade Union.

11 Procedure for managing organisational change – purpose

This procedure sets out the framework for managing the human resource aspects of organisational change in a lawful and fair manner. This procedure has been designed to provide a transparent process for managing changes that have an impact on employees.

12 Principles

Governors and head teachers must, in applying this procedure:

- consult with employees, the recognised trade unions and/or employee representatives;
- provide a record of decision making at every stage of the process to the employees, the recognised trade unions and/or employee representatives within a reasonable period of time e.g. within five working days;
- comply with relevant legislation, the school's Equality and Diversity Policy, and all other relevant policies.

13 Business case for change

Any changes in the staffing structure must be consulted upon with the local authority, staff and trade unions before implementation (see paragraph 14)

If redundancies are involved, applications from governing bodies must be submitted to the local authority to ensure that the redundancy is a true redundancy in line with the authority's guidance. If applications for premature retirement are applicable applications from governing bodies must be submitted to the authority. In both cases applications submitted will be considered by an officer panel with the Deputy Director, Schools and Education Services, Principal Officer – Resources and Business Support and the Human Resources Advisor (and/or another appropriate officer at the relevant time). The panel may ask for additional information or advice if deemed necessary.

Governing bodies will be expected, in submitting requests to the authority, to provide documentary evidence in support of their applications. That evidence should include, as appropriate, and at a minimum;

- the reason for the need for the proposed redundancy;
- the current and anticipated financial position of the school;
- the school's current and anticipated pupil numbers;
- the curriculum plan and objectives of the school supporting the need for the redundancy;
- copy of the resolution from the governing body or an appropriate committee confirming the school's decision.

14 Consultation on proposal to change

Once the Governing Body has agreed a draft staffing structure and if applicable, a business case for change involving redundancy and/or premature retirement has been approved by the local authority, it will be made available to all staff employed in the school, their appropriate recognised Trade Unions and/or employee representatives for comment. A period of up to 20 working days or in accordance with the statutory minimum periods where applicable, will be made available for formulating their written responses.

It is for the Governing Body to decide the size and organisation of the workforce within the available resources. However, it is recognised that Trade Unions and employee representatives have, through consultation, an important role in assisting the Governing Body on staffing levels and the organisation of work. It is essential that the consultation is meaningful and that it provides an opportunity for a proper examination and exploration of all available options that are submitted.

15 Implementing the new structure/change

At the conclusion of the consultation period, a final report will be presented by the head teacher to the Governing Body for approval.

Once approved by the Governing Body employees and trade union and/or employee representatives will be informed.

Any change of employment status as a result of organisation change, in the case of head teachers, deputy head teachers, assistant head teachers, teachers or any other staff contracted under the Teachers' Pay and Conditions Document or NJC terms and conditions, must be undertaken in accordance with the terms and conditions pertaining to the category of staff.

16 Consultation following the approval of the new structure (where current staff are affected)

The first stage of consultation will involve a meeting of all employees who are likely to be affected by the organisational change. The purpose of this consultation meeting is to advise employees of the proposal, the rationale for the proposal and what this may mean for their employment position.

Individual consultation meetings will be offered to staff that fall within scope of the review. The purpose of this meeting will be to review each individual's position, options available and in particular to:

- ensure that employees understand the implications for themselves arising from the organisational change;
- identify potential roles in the new structure for which the employee might be suitable, taking into account any development needs;
- outline the job security procedure, redundancy procedure and appeals procedure if necessary;
- determine any interest in voluntary redundancy/early retirement;
- allow individuals to express their order of preference for each of their options.

Employees have the right to representation at these meetings from either a union representative or work colleague.

Where an organisational change may result in a surplus of employees, further consultation will be carried out as set out in the Redundancy Policy & Procedure.

Employees on maternity or parental leave, long term sick leave, external secondment, or a career break should be treated no differently from other employees when applying this procedure. They must be engaged at all stages and kept informed of all changes on a regular basis. It is important that a contact address is kept for employees absent for one of the above reasons.

17 Appointment to a new structure

Appointment to the new structure of staff within scope of the reorganisation will be made firstly through a process of assimilation, then through assessment of the skills, qualification and competencies required in the new structure.

Assimilation

Assimilation is used when the old post is similar to the new post in duties, responsibilities and grade such that the employee can properly claim a match under the assimilation criteria.

There are two types of assimilation, direct assimilation and assimilation by assessment. In some circumstances employees may have no opportunity for assimilation.

Direct Assimilation

Head teachers, and Human Resources if required, as part of the consultation process will have used the job descriptions and person specifications to identify jobs in the new structure which are sufficiently comparable to those in the old structure to assess the case for direct assimilation to occur. This means that:

- there is a substantial match by at least 80% between the essential requirements of the new and old jobs based on a comparison between the job description and person specification and having consideration to whether this can be met;
- there is a substantial match between the core competencies as reflected in the person specification required to do the job;

In the event that the above criteria are met, the employee will be automatically slotted into the new post without any break in their period of employment.

If the head teacher has not identified an 80% match, the employee may submit a case showing where they believe a match exists as set out in the assimilation guidance. The person/s who will consider the submission should be a member or members of the governing body with guidance from HR if necessary.

Assimilation by Assessment

The purpose of the assessment is to ensure that candidates for assimilation have the knowledge and skills to undertake the essential duties of the new post. Assimilation by assessment is necessary for recruitment to those posts where there are more employees than jobs.

All eligible candidates will be assessed using the selection criteria in accordance with the redundancy policy and may be required to attend a selection interview in accordance with the school's recruitment and selection practices.

No Assimilation

Remaining posts in a new structure will be offered for expressions of interest and those who would be eligible for consideration should be restricted to:

1. the staff in scope of the review i.e. those subject to formal consultation and who had been served their "at risk" letter as a result, and
2. all other staff within the local authority and the schools that have adopted this policy, who have been formally served notice of dismissal and are working their period of notice.

Other employees within the local authority, including schools that have adopted this policy, who have received "at risk" letters but are not under notice of dismissal will not be eligible for consideration.

Head teachers in liaison with HR at the local authority will be expected to ensure that all eligible members of staff are invited to consider vacancies.

The purpose of including all staff within the local authority, including schools that have adopted this policy, who are under notice of dismissal is to ensure compliance with legal obligations towards staff facing redundancy and to allow the widest manageable pool of eligible candidates for selection.

Employees who are unsuccessful in securing a post in the new structure are considered to be at risk of redundancy and will immediately become eligible for redeployment to suitable alternative posts across the local authority and schools that have adopted the redeployment policy (the Redeployment Policy refers).

18 Appeals

To invoke the appeals process:-

18.1.1 If the employee is dissatisfied with the way in which s/he has been dealt with under the terms of this policy s/he has the right of appeal.

The employee should write to the Clerk to Governing Body within ten working days of the date of the decision letter. S/he will acknowledge receipt of the appeal.

The employee must state clearly the grounds of the appeal, i.e. why s/he is dissatisfied with the application of the Organisational Change Policy and Procedure

18.1.2 The appeal will, wherever possible, take place within 15 working days of receipt of the employee's written notice of appeal. This period may be extended where necessary.

18.1.3 The appeal will be heard by a panel of governors that has not been involved in any part of the proceedings where possible.

18.1.4 The employee will be invited in writing to attend an appeal hearing and will have the right to be accompanied by a Trade Union representative or work colleague. The employee and his/her representative or companion must take all reasonable steps to attend.

18.1.5 The purpose of the appeal hearing is to consider any representations from the employee or his/her representative.

18.1.6 The employee is entitled to give a full account of his/her case and must provide any supporting evidence for the basis of his/her appeal to the Clerk to Governing Body seven working days prior to the appeal hearing date. The employee must also provide the name of any witnesses s/he wishes to call at least two working days prior to the hearing.

18.1.7 The headteacher must provide a management case statement to the Clerk to Governing Body seven working days prior to the appeal hearing date. The headteacher must also provide the names of any witnesses s/he wishes to call at least two working days prior to the hearing.

18.1.8 All parties will receive a copy of the evidence provided to the Panel five clear working days prior to the hearing.

18.1.9 The Panel will:

- consider all the evidence, including any new evidence (subject to 18.1.8 above);

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- determine whether the grounds for the previous decision were valid;
 - determine whether the previous decision is upheld or not upheld; and
 - identify any actions that should be taken as a result of this decision.

18.1.10 As soon as possible after the conclusion of the appeal hearing, the Chair of the Panel will convey the decision verbally to both the employee and the headteacher.

18.1.11 The decision, including rationale, will be confirmed in writing to the employee within five working days of the appeal hearing.

The decision made at the appeal is final and ends the internal procedure.

19 Appendix A – Business Case

Re-engagement of staff by the school or local authority following voluntary redundancy or early retirement

1. Name of former employee proposed to re-engage:

2. Previous job title, grade and school:

3. Date of voluntary redundancy or early retirement:

4. Post and grade to which it is proposed to appoint:

5. Possible start date:

6. Why has the post not been filled by other means?

Please give details of:

- any redeployment candidates and why not successful for the role;
- any other recruitment attempts and
- possible reallocation of duties of the post to other staff

8. Special circumstances of the re-engagement

Please give details such as appropriateness of a temporary or fixed term appointment, or any other relevant factor to the request

Signed (Chair of Governors)

Approved (Director of Resources)

Approved (Head of HR)

Date

20 Appendix B - Related Documents

- Redundancy Policy for Schools
- Redundancy Scheme for School Based Staff
- Premature Retirement Schemes for Support Staff and Teachers
- Redeployment Policy for Schools