



Unity Schools Trust

'Excellence through collaboration'

Managing Change Policy

Policy Reviewed:	July 2020
Next Review:	July 2023
Approved by Trust	July 2020

1. Policy Statement

The Unity Schools Trust (“the Trust”) is responsible for determining the size and most effective deployment of the staffing complement at the schools within the trust. Inevitably, the needs of a school change over time and the Trust has a responsibility for periodically reviewing and, where necessary, undertaking changes to the staffing body in response to such factors as financial constraint, school reorganisation, demographic change or developments in policy, curriculum or technology.

In such circumstances, the Trust may need to consider such options as:

- Reducing the overall size of the school workforce;
- Making adjustments to working hours or contracted hours;
- Making adjustments to staffing levels and/or roles and responsibilities in particular areas.

Legislation and good practice require that the Trust should seek to avoid, wherever possible, the compulsory redundancy of any member of staff and to support the wellbeing of Trust employees through difficult periods of change.

The Trust aims to identify future staffing needs at an early stage through careful monitoring and planning in order to manage changing staffing needs through the use of natural measures where possible. Where action is required in the short term in response to more immediate circumstances, the Trust’s aim is to make use of measures at its disposal to maintain employment stability, most particularly through the redeployment of affected individuals into suitable roles either within the Trust or beyond.

Where there is a risk of redundancy, the Trust will follow the procedures set out in this policy.

This policy and associated procedure will be applied fairly and consistently to all staff employed by the Trust regardless of gender, gender reassignment, race, colour, marital or civil partnership status, national or ethnic origin, nationality, disability, sexual orientation, age, religion, trade union membership/non membership or number of hours worked.

2. Scope

This policy applies to all employees engaged directly by the Trust. It therefore does not apply to agency staff (such as supply teachers), casual employees where there is no mutuality of obligation, contractors or their staff, or workers who are engaged on a self-employed basis.

3. Planning to Avoid Redundancies

The Trust will undertake annual reviews of staffing requirements, usually during the Autumn term and at any other time when it is deemed necessary to do so. Where such reviews indicate that changes to the staffing complement will be required in the longer term, the Trust will adopt relevant strategies aimed at achieving such changes in the desired timeframe whilst minimising the impact on staff. Through an appropriate level of discussion strategies which might be considered include:

- Not replacing (or only partially replacing) posts following natural wastage;
- Restricting or freezing the recruitment of new permanent staff;
- Using fixed-term or temporary staff to address short-term staffing needs;
- Reduction or variation in hours on a temporary or permanent basis;
- Voluntary redeployment of staff into vacancies within the Trust;
- Early release of staff working contractual notice, by mutual agreement;
- Training or re-training of existing staff;
- Reducing reliance on overtime;
- Any other voluntary means by mutual agreement.

Where the timescale to achieve change is, or has become, sufficiently pressing that redundancies are being contemplated, the following procedure will be applicable.

4. Identifying a Redundancy Situation

A redundancy is defined under the Employment Rights Act 1996, section 139, as a dismissal which is wholly or mainly attributable to:

- The fact that the employer has ceased or intends to cease:
 - to carry on that business for the purposes for which the employee was employed, or
 - to carry on that business in the place where the employee was so employed, or
- The fact that the requirements of the business:
 - for employees to carry out work of a particular kind, or
 - for employees to carry out work of a particular kind in the place where the employee was employed by the employer,
 - have ceased or diminished or are expected to cease or diminish.

Where the Trust is in any doubt regarding the application of redundancy provisions to a particular workforce change, it will seek further clarity at an early stage from its HR Consultant in order that the nature of any subsequent consultation is clear from the outset.

5. Commencing Consultation

5.1 Formulating a Proposal and Seeking Advice

When it becomes apparent following an initial staffing review that there is a risk of redundancy, the Trust and/or head of school will seek detailed advice from the Trust's HR Consultant.

In order to ensure appropriate representation and appeal rights to employees and secure a fair procedure, the Trust will delegate powers to formulate the proposed means of achieving staffing reductions, the handling of the consultation process and any resulting redundancy dismissals, to a committee of governors working with the advice of the head of school in their executive role (the first committee). The Trust will also establish a second committee of governors to hear appeals against redundancy selection decisions made by the first committee. The members of this second committee must not have contributed in any way to the actions or decisions of the first panel. Reference to the role of the Trust hereafter incorporates reference to the appropriate committee of governors.

5.2 Initial Notification to Staff and Representatives

The Trust will provide school staff and the appropriate trade unions and teacher associations with background information about the staffing review, and the reasons for undertaking it, at the earliest reasonable opportunity. At the same time, or as soon as possible thereafter, the Trust will provide to all parties the following information in writing:

- The reasons for the proposal;
- The numbers and descriptions of employees who are potentially affected;
- The total number of employees of any such description employed at the school;
- The proposed method of selecting the employees who are at risk of redundancy;
- The proposed method of carrying out any resulting dismissals, including the period over which the dismissals are to take effect;
- The proposed method of calculating the amount of any redundancy payments to be made.

The Trust will also provide information about the proposed timetable for consultation and any measures it is considering to mitigate the effects of the proposal and to preserve continuity of employment.

Such measures might include:

- Natural wastage (if this is a reasonable prospect in the timescale proposed);
- Mutually agreed variations to contracts of employment on a temporary or permanent basis;
- Redeployment, within the school or the local authority;
- Any other voluntary means by mutual agreement.

5.3 Formulating a Timetable for Consultation

The Trust will adhere to the statutory minimum consultation periods which are in force where 20 or more members of staff are at risk of redundancy. The trust is also aware that this may trigger its duty to collectively consult.

Where less than 20 members of staff are at risk, the Trust recognises that there is no set minimum period of consultation, but will provide what is reasonable, taking into account the particular circumstances, including (but not limited to) consideration of the number of staff affected and the deadline for achieving the reduction or workforce reorganisation. It would be good practice to allow a minimum of 2 weeks for formal consultation with staff and trade unions/teacher associations.

5.4 Selection Pools and Criteria

The Trust will determine the proposed selection pool and method of selection, and, where relevant, the selection criteria to be used in the event of a compulsory staffing reduction. These will form part of the consultation exercise. The Trust acknowledges that there is no set criteria which can be universally applied in such situations but will apply the general principle of seeking to achieve a balance between the needs of the Trust and the requirement to act fairly and consistently when dealing with staff. Careful consideration will be given to the 'pool' of staff from which those to be made redundant will be selected.

In all cases, the Trust will be mindful of the requirement not to select staff in a way which might discriminate, directly or indirectly, against individuals on one or more unlawful grounds. In devising selection criteria and establishing selection pools, the

Trust will seek the advice of its HR Consultant. The Trust will seek to consult with the appropriate trade union and teacher association representatives on the proposed method of selection.

5.5 Consulting with Staff and Representatives

In undertaking meaningful consultation with staff and appropriate trade union and teacher association representatives, the Trust will:

- Provide adequate information for the purpose;
- Consult with all those who are affected by the proposal, even where employment security is not directly at risk;
- Provide opportunities, both in writing and face-to-face, for members of staff and representatives to express their views on the proposal, to understand the impact on individuals, and to make suggestions and contributions which may mitigate the impact of any proposed redundancies;
- Give open-minded and conscientious consideration to the views expressed during the consultation period and, where appropriate, to respond directly to these;
- Ensure that absent employees (for example, those on maternity/adoption leave, long term sickness absence or sabbatical) receive the same information as other staff and have the opportunity to engage with the formal consultation period through methods adapted as appropriate to the circumstances.

5.6 Redundancy & Right of Appeal

At the end of the consultation period, should the application or consideration of other measures not have eliminated the need for compulsory redundancy, the Trust, will apply the finalised selection criteria to the established 'pool' of staff deemed to be at risk. Those employees identified to be at risk of redundancy by this means will be notified in writing.

Where the decision to dismiss by reason of redundancy has been made and confirmed in writing, the Trust will be responsible for ensuring that notice of termination of employment is given in accordance with the contract of employment, or the statutory rights of the employee concerned, whichever is longer.

Any such employee under notice of dismissal will have the opportunity to appeal against the decision to the governors' appeals panel in writing within five working days of receiving the written outcome of the representations hearing. If the appeal is upheld, notice of dismissal will be withdrawn.

The member of staff concerned has the right to be accompanied at any such representations or appeal hearings by a trade union representative or workplace colleague.

The usual advisory rights accorded in the case of such hearings will apply. The head of school also has the right to attend such hearings for the purposes of giving advice.

6. Redeployment Principles

Redeployment opportunities, which could mean seeking another post within the school or Trust will be sought prior to the issuing of notice of dismissal where an individual has expressed an interest in securing an alternative post and this would assist with

achieving the required staffing changes. Such individuals will also be given reasonable paid time off work to seek employment or to arrange training.

7. Protection of Earnings

7.1 Support Staff

Protection of earnings payments for support staff will be made in accordance with the provisions set out below:

Principles of Pay Protection:

- Pay means all contractual pay applicable to a particular grade and the salary for comparison will be the one that applied to the redundant post at the date it was made redundant. For the sake of clarity an employee's rate of pay in the existing job will be protected.
- Specific terms and conditions associated with a group or an individual under consideration will be taken into account while implementing the principles of pay protection.
- Overtime, essential car user allowance or any other additional payments e.g. acting up allowances, will not be included in the calculation of the pay protection.
- It should be noted that employees will not be protected for loss of hours. Where this is accompanied by a lowering in grade, only the rate of pay of the original post will be protected.
- Employees will normally be appointed to the maximum of the substantive scale of the new post.
- Where no clear grade comparison can be made, one grade should be taken as a 10% difference in salary.
- If the new post is graded **up to one grade below** the redundant post, the annual pay protection payment will be the difference between the employee's normal pay in the redundant post and the new post.
- Pay protection will continue **for a period of one year** or until the pay for the new post becomes higher than that of the substantive post, whichever is earlier.
- At the end of the one-year period, the individual will be paid the substantive salary (normally the maximum of the pay scale) of the new post and any pay protection allowance will cease.

8. Redundancy Payments

8.1 General Provisions

Employees dismissed by reason of redundancy will normally be entitled to a redundancy payment in line with the statutory redundancy pay guidelines.

8.2 Exclusions from Redundancy Payments

Employees will not be entitled to a redundancy payment if they:

- Accept an offer of employment with an associated employer contained within the Redundancy Payments (Modification) Order 1999 (as amended) and commence what may be considered as continuous employment within four weeks of leaving the employment of the Trust;

- Unreasonably refuse suitable alternative employment offered by the Trust prior to their last day of service;
- Refuse to complete, without good reason, a trial period for a job offered by the Trust;
- Resign from a job during a trial period;
- Refuse an offer of a job without good reason, after completion of a trial period.

Appendix 1

Timetable for Managing Change

Task	Time	Start Date
Business case presented to Trust for approval to proceed	1 days	
Documents to Union on a confidential basis with request for comments	5 days	
Full meeting with staff (am) where copies of the proposal will be handed out and ask for comments	1 day	
Consultation period – ask for comments on the proposal	5 days	
Individual one to one meetings with staff as requested	14 days	
Compile the responses from staff on the proposal and prepare Q & As	Ongoing	
Review findings of consultation	2 days	
Carry out Interviews(s)/selection methods, if necessary	1-2 day(s)	
Final written confirmation to staff	1 day	
Changes Implemented (the first dismissal should be at least 30 days after consultation opens).		
Appeal hearings (if necessary)		