



The Robert Carre Trust

Organisational Change Policy

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1 Introduction

- 1.1 This policy sets out the Robert Carre Trust's approach on managing organisational change within the Trust to improve organisational effectiveness, including potential redundancy situations. Where redundancies are proposed the number of employees involved will determine how the process will be managed.
- 1.2 This policy has been implemented following consultation with staff in February 2023
- 1.3 This policy does not form part of any employee's contract of employment and may be amended at any time.

2 Scope and purpose of this policy

- 2.1 It is recognised that certain changes (for example, a fall in roll, curriculum changes, budget cuts and restraints and outsourcing functions) may make it necessary to consider a restructure and reorganisation of staffing that may include a change in job roles, reporting lines, operational set up, changes to terms and conditions and redundancies. The purpose of this policy is to have a clear framework in place that sets out what we will do whenever significant change within the Trust, including a reorganisation of staff and/or a reduction in employee numbers, may become necessary.
- 2.2 We will consider ways to avoid compulsory redundancy if possible, and where we are unable to avoid reducing employee numbers, we will try to minimise the effect of redundancies through the steps set out in this policy. In doing so, we will not discriminate directly or indirectly on the grounds of any protected characteristic or against part-time or fixed-term employees.
- 2.3 As part of the application of this policy, the Trust will collect, process and store personal data in accordance with our data protection policy. We will comply with the requirements of Data Protection Legislation (being the UK General Data Protection Regulation and Data Protection Act 2018) and any implementing laws, regulations and secondary legislation, as amended or updated from time to time, in relation to how we collect, hold and share this personal data. We will provide workforce data in line with our GDPR Privacy Notice which sets out how we will gather, process and hold personal data of individuals during employment.

3 Planning

- 3.1 The Trust will ensure that there is effective planning, financial management and resource allocation in place in the day to day and strategic management of the Trust. We will carry out workforce planning and regularly review our staffing structure to ensure it is fit for purpose, supports teaching and learning and to minimise surplus staff situations.

3.2 Our leadership team will provide information in relation to workforce planning and resources to our Trust as required.

4 Consultation

4.1 Where the changes proposed could result in redundancies and/or changes to terms and conditions, we will enter into meaningful consultation to provide the opportunity for all those concerned to discuss the problem and consider options or alternative ways of tackling the problem. Consultation should begin in good time and will be in accordance with statutory requirements for collective consultation where applicable. Where the statutory requirements to collectively consult do not apply, we will determine a reasonable, meaningful consultation period is carried out based on the proposals.

4.2 We will consult with all affected employees on an individual basis.

4.3 We will also consult with representatives of our recognised trade unions or elected employee representatives irrespective of the number of employees at risk of redundancy and regardless of the changes to terms and conditions proposed.

4.4 Where appropriate and in accordance with 4.3, we will provide the recognised trade unions or elected employee representatives (or affected employees if, after being invited to elect employee representatives, the affected employees fail to do so within a reasonable period of time) with sufficient information in writing, including:

4.4.1 The reasons for the proposals;

4.4.2 The numbers and descriptions of employees it proposes to dismiss as redundant or who are at risk of redundancy;

4.4.3 The total numbers of employees of that description employed at the establishment in question;

4.4.4 The proposed method of selecting the employees who may be dismissed;

4.4.5 The proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect; and

4.4.6 The proposed method of calculating the redundancy payments (if not statutory redundancy pay).

4.4.7 The numbers of agency staff at the Trust, if any, the areas that they are deployed in and the type of work they are undertaking.

4.4.8 Any proposals with regard to changes in job roles, reporting lines, operational changes or structure

4.4.9 A timeline detailing each stage of the process

- 4.5 We will consult on ways that we could avoid or reduce the need to make compulsory redundancies, if that is possible, or to mitigate the consequence of any dismissals. Examples of such steps include:
- 4.5.1 Reviewing the use of agency staff, if any;
 - 4.5.2 Restricting recruitment or a vacancy freeze in affected categories of employees and in those areas into which affected employees might be redeployed;
 - 4.5.3 Natural wastage;
 - 4.5.4 Retraining and/or redeployment within and across the Trust;
 - 4.5.5 Reducing overtime/additional hours;
 - 4.5.6 Offering reduced working time including job-sharing or other flexible working arrangements, where these are practicable; and
 - 4.5.7 Inviting applications for early retirement or voluntary redundancy. In all cases the decision to release an employee under such schemes will be at the absolute discretion of the Trust;
 - 4.5.8 Consideration of different working practices and working patterns
- 4.6 Where teaching posts are at risk of redundancy sufficient time will be given for consultation and for teacher's notice periods to expire before the proposed implementation date. To implement at the beginning of the following term notice must be given by the end of October, February or May.
- 4.7 Any measures we adopt will not adversely affect the Trust and the quality of teaching and learning provided to our students.
- 4.8 Employees and, where appropriate, trade unions or elected representatives, will be advised of the arrangements for them to respond to the proposals. When issues are raised during the consultation period they will need to be actively considered and responded to with an explanation for the nature of the response given within a reasonable time frame and as appropriate. A final response will be given at the end of consultation.
- 4.9 Employees who are absent from work due to maternity/paternity/adoption leave, long term sickness or secondment but whose substantive post is affected by the proposals will be included in any consultation process.
- 4.10 If the proposals include changing terms and conditions, then we will ensure that through consultation it is made clear to employees the changes and how they may affect them.

5 Selection

- 5.1 Where a process of selection is required to either identify which employees within a pool are at risk of redundancy, or, for application for alternative posts, the criteria used to select will be objective, robust, transparent, non-discriminatory and fair, and based on the skills required to meet our existing and anticipated Trust needs. We will consider, in consultation with the Trust's HR provider, the most appropriate method of selection in relation to the circumstances surrounding the specific restructuring and/or redundancy situation and the proposed selection criteria will be consulted on during the consultation process. In a redundancy situation where there are the same number of incumbents as there are roles proposed to be reduced, then the selection criteria will be on the basis that they occupy that role.
- 5.2 Employees on secondment or 'acting up' will be deemed to be in their substantive post for the purposes of any change process. policy.
- 5.3 Individual employees who are provisionally selected for redundancy following the application of the selection criteria will be informed and (where appropriate) invited to a meeting at which they will be given an opportunity to make representations that the application of the criteria is unfair or has been applied incorrectly as part of the consultation process.

6 Making compulsory redundancies

- 6.1 Every effort will be made to mitigate job losses where possible. When it is not possible to avoid making compulsory redundancies, employees who remain at risk of redundancy will be invited to a compulsory redundancy hearing to consider redundancy.
- 6.2 Where selection for redundancy is confirmed, employees selected for redundancy will be given notice of termination of employment in accordance with their contract of employment and written confirmation of the payments (and how it has been calculated) that they will receive (where applicable).
- 6.3 Employees will be given the opportunity to appeal against this decision. Details of the appeals process will be provided to the employees in writing following the decision being made.
- 6.4 Depending on the circumstances, the Trust may waive its right to insist on employees working their notice and instead give a payment in lieu of notice.

7 Pay protection

In circumstances where teaching staff are offered a role with less responsibility or requirement of a TLR they will receive safeguarding protection for the TLR payment for a period of 3 years. Safeguarding provisions for teachers are set out in the School Teachers' Pay and Conditions Document.

8 Support mechanisms

Alternative work/retraining

- 8.1 We will make every effort to redeploy any employee who is selected for redundancy and inform them of any vacancies that we have ring fenced in the proposed structure or elsewhere in the Trust and can offer as a redeployment opportunity until their termination date.
- 8.2 The manner in which redundant employees will be invited to apply for and be interviewed for vacancies will be organised depending on the circumstances existing at the time. While priority will be given wherever possible to employees under threat of redundancy, the Trust reserves the right to select the best available candidate in relation to any given vacancy. Employees selected for redundancy whilst on maternity/adoption leave or Shared Parental Leave have separate legal entitlement to be offered any suitable alternative.
- 8.3 An individual who is redeployed into a suitable, alternative post is entitled to a trial period of four weeks in the new job. This may be extended by mutual agreement for training purposes. If the redeployment opportunity is found to be unsuitable from either party following the trial, employment may be terminated on grounds of redundancy on the original terms, dependant on the reasons for refusal.
- 8.4 An employee will not be entitled to a redundancy payment if he or she unreasonably refuses an offer of suitable alternative employment. In this situation, the employee's contract would still be terminated by reason of redundancy but no redundancy payment will be made.
- 8.5 The Trust will consider if any form of re-training can be provided in order to assist employees at risk of redundancy to gain employment within the Trust.

Counselling service

- 8.6 Any employees who are at risk of redundancy or who have been issued a notice of redundancy or involved in a restructuring process will be able to access the confidential counselling help line, through the Education Support Partnership (<https://www.educationsupportpartnership.org.uk/helping-you/telephone-support-counselling>)

Time off

- 8.7 An employee under notice of redundancy, with at least two years' service, will be entitled to a reasonable amount of paid time off to look for alternative work, attend interviews, etc. Employees wishing to take advantage of this right should make the appropriate arrangements with the Executive Headteacher/ Head of School and provide proof of attendance if requested to do so.

9 Redundancy payments

- 9.1 Employees with two or more years' service will be entitled to a statutory redundancy payment. The period of continuous service will be calculated with reference to the Employment Rights Act and the Redundancy Modification Order. The Trust's redundancy payments are calculated using the statutory provisions.
- 9.2 The amount of this payment will be confirmed when the employee is selected for redundancy and the sum will be paid along with the employee's final salary payment or payment in lieu of notice.

10 Embedding the Change

Carrying out the implementation successfully does not in itself guarantee the success within the new structure. The Executive Headteacher will therefore need to give consideration to the following:

- Any updating or retraining needs
- Induction into new working practices, systems or procedures
- Changes to the configuration of the Trust's meeting structures and methods of communication
- Changes to appraisal arrangements
- Notifying other employees and stakeholders such as parents of the changes that may affect them

11 Review of policy

- 11.1 This policy is reviewed and amended every 2 years by the Board in consultation with the recognised trade unions. We will monitor the application and outcomes of this policy to ensure it is working effectively.

Appendices

Appendix 1 Definitions

Approved by Trustees on 24 February 2023

Next Review Date: January 2025 (2 years)

Definitions and Further Guidance:

Redundancy - legal definition of redundancy under the Employment Rights Act 1996 i.e., for the purposes of assessing whether the fair reason for dismissal is redundancy.

An employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to -

(a) the fact that the employer has ceased or intends to cease the business for the purposes of which the employee was employed, or to carry on that business in the place where the employee was so employed, or

(b) the fact that the requirements of that 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.

Please note that “redundant” under the collective consultation provisions in TULR(C)A 1992 has a much wider definition and includes any dismissal for a reason not related to the individual concerned. “Redundancy” in this context therefore includes dismissals as part of “fire and rehire” to push through contractual changes.

Voluntary Redundancy - No employee has a right to be considered for voluntary redundancy and therefore they have no right to appeal should their application for voluntary redundancy be refused. Decisions should be made on the needs of the Trust and/or academy and selection between volunteers may be necessary in the event of too many volunteers. Note that whilst they have no right to appeal they could submit a grievance if they believe their non selection was discriminatory. We would advise seeking further advice from HR if you intend to refuse a voluntary redundancy request.

Further guidance on Consultation

It should be noted that consultation should continue up to the point of the meeting to consider an employee’s dismissal. Although in practice further consultation meetings following the initial scheduled meetings will generally only be arranged at an employee’s request and on an individual basis. In respect of changing terms and conditions this will be if ‘fire and rehire’ is required.

If the terms are subject to collective bargaining and changing to non-collectively agreed terms then the procedure for changing those terms will need to be in line with the collective bargaining procedure.

To ensure consultation is meaningful you must ensure you actively consider ways of avoiding redundancy dismissals, reducing the number of people to be actively dismissed or mitigating consequences of dismissal

Note that if the proposals do not include redundancies and/or changes to terms and conditions there is no statutory requirement to consult but we would advise that you carry out meaningful consultation regardless

Individual consultations should be started after the collective consultation process has begun. A fair process should be at least one meeting giving affected employees the option to request further meetings if required. Consultation does not need to be done in person, it can be done in writing or telephone meetings can be arranged as a reasonable adjustment for those employees who are not attending work and are unable to attend a meeting in person.

Collective Bargaining - If the terms are subject to collective bargaining and changing to non-collectively agreed terms then the procedure for changing those terms will need to be in line with the collective bargaining procedure

20 or more employees - Under section 193 of TULRCA, employers are obliged to notify the Secretary of State (for Business, Energy and Industrial Strategy) on Form HR1 where they are proposing to dismiss as redundant 20 or more employees at one establishment within a 90-day period.

Changed Terms and Condition - Note once agreement is reached a variation to terms and conditions letter should be issued to employees to sign. Changes to terms and conditions can only be made by agreement on a collective or individual basis. If agreement can't be reached consideration should be given to extending consultation and/or a 'fire and rehire'. In these circumstances we would advise contacting your HR provider for further detailed advice.

If the terms are subject to collective bargaining and changing to non-collectively agreed terms then the procedure for changing those terms will need to be in line with the collective bargaining procedure

Employees in 'acting up' roles, or on secondment - If the role is a temporary acting up arrangement they should be considered in their substantive role. However, the other role that they are seconded to/acting up in might well be suitable alternative employment (or temporary suitable alternative employment) and therefore if their substantive post is at risk the acting up role needs to be considered as part of the process. I think if it is the temporary acting up role that is redundant, they would be within their rights to return to their substantive role (and the terms of the secondment/acting up would usually confirm the same).

Redeployment - Ensure the information is provided separately to any employee who does not have access to where vacancies are displayed for example because they are on sick leave or do not have access to the internet. It is good practice to each employee confirming the information provided in any meetings and drawing their attention to the established method of communicating the vacancies or providing details of the vacant roles.

Ensure that all vacant posts are offered to all employees selected for redundancy even if the post is of a lower status or different working pattern compared to the post they are being dismissed from. Ensure that any discussions are recorded and retained.