



Red Hall Primary School

Management of Change Policy

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MANAGEMENT OF CHANGE POLICY

(This Policy replaces the School's Management of Change Policy dated January 2005)

1.0 Introduction

- 1.1 Like all Councils, Darlington faces a significant financial challenge. The Council is responding to this in a strategic way via our business model, transformation programme and Medium-Term Financial Plan (MTFP) to ensure sustainability so that we can continue to meet the key aspirations and needs of people in Darlington.
- 1.2 To achieve this, we are in the process of transforming the organisation and our workforce to ensure that we can continue as an effective and efficient forward-looking Council. In doing so, it is inevitable that the Council will need make changes to, restructure and even discontinue some services.
- 1.3 The Council recognises that it must manage change in a proactive and effective way so as to promote the positive aspects of change and minimise detriment to employees and / or disruption to service delivery wherever possible.
- 1.4 In accordance with our core values, the Council acknowledges that the principles and procedures for managing change need to be open and honest agreed in advance with the trade unions and communicated effectively to all employees. As such, this policy aims to document the principles and procedures that Darlington Borough School will use when managing organisational change and any resulting redundancy situations.

2.0 Policy Statement

- 2.1 Red Hall Primary School will seek to maintain security of employment wherever practicable. Where the School are proposing to make redundancies, we will enter into consultation with all affected employees on an individual basis and, where appropriate, also with recognised trade unions and / or employee representatives. In the first instance we will consider steps that might, depending on the circumstances, be taken to avoid the need for compulsory redundancies. Examples of such steps include:
 - (a) Reviewing the use of agency staff, self-employed contractors and consultants.
 - (b) Restricting recruitment [in affected categories of employee and] in those areas into which affected employees might be redeployed.
 - (c) Reducing overtime [in affected departments] to that needed to meet contractual commitments or provide essential services.
 - (d) Considering the introduction of part-time working or other flexible working arrangements, where these are practicable.
 - (f) Identifying suitable alternative work that might be offered to potentially redundant employees.
 - (g) Inviting applications for early retirement or voluntary redundancy.

- 2.2 Any measures adopted must not adversely affect the School and our ability to provide a primary education to our children that is exciting, inspiring and give every pupil the opportunity to achieve their full potential.
- 2.3 The culture of the School going forward will remain one that is child focussed. Efficiency, innovation and change are viewed as part of the 'day job' and employees at all levels of the School will need to continually strive to deliver new efficiency savings to make maximum use of the funds available.
- 2.4 Where organisational change is necessary, the School will seek to minimise the impact on employees wherever possible. The School will consult with employees at the earliest possible stage to enable them to influence the shape of the reorganisation or proposed new working practices. Consultation will be made on a collective and/or individual basis; whichever is appropriate and in line with employment legislation in relation to the circumstances.
- 2.5 In significant restructuring exercises, the Governing Body will delegate responsibility to a committee to plan and implement the restructure. The project team will agree a general timetable for implementing the change at the start of the process. Realistic resources and timescales will be allocated, and the School will communicate with those concerned regularly throughout the change process.

3.0 Coverage of Policy

- 3.1 This policy applies to all Darlington Borough School employees but excludes those recruited by and working in schools with a delegated budget (unless the School choose to adopt it formally).

4.0 Responsibility

- 4.1 The Governing Body have overall responsibility for implementing this policy. However, all employees have the responsibility to keep up to date with organisational developments and to participate in change by responding to consultation exercises etc to ensure that their views can be taken into account wherever possible.

5.0 What Does Management of Change Mean?

- 5.1 Management of change means giving careful consideration to all the factors involved in or affected by the proposed change at the planning stage. It then involves taking all the steps necessary to ensure smooth implementation. However, it is important for employees to be aware that, despite careful planning, the actual implementation process can always be affected by external or unexpected events that could not have been foreseen at the start of the process and over which the School has no control.
- 5.2 Successful management of change can create opportunities. In addition to developing the School's capacity to change in response to new challenges and improve service delivery, it can also provide further development and advancement opportunities for existing School employees.

- 5.3 The basic principles for managing change are the same, irrespective of the size or scope of the change concerned, and involve communication, consultation and involvement. However, as there is more employment legislation to be adhered to if a redundancy situation arises (e.g. the Employment Rights Act 1996, the Trade Union and Labour Relations (Consolidation) Act 1992 and the Equality Act 2010) this is dealt with separately in the procedure below.

6.0 The Procedure

- 6.1 People react differently to change. Some find it exciting and stimulating, whereas others may worry and feel threatened about the impact that it will have on their working lives.
- 6.2 By having agreed procedures in place for dealing with all situations that can result from organisational change and involving employees in the change, the School hopes to minimise the anxiety that employees may feel when faced with a change situation. However, the detail will obviously need to be discussed and agreed with those involved on a case-by-case basis.

Changes to Working Practices

- 6.3 Even if an employee's actual job description or work location does not change, the need for continuous improvement to the School's services will sometimes mean that employees have to work in a different way. This could mean, for example, that an employee has to work to streamlined procedures or use new or different machinery or new ICT systems to do their job. It can also mean a move to different working patterns.
- 6.4 In such cases, the School will consult, communicate and negotiate with union representatives / individuals as appropriate at the earliest stage possible on how best the change(s) might be achieved, via meetings and/or briefings, newsletters or individual letters etc. The School will also naturally provide any necessary training / development required for the acquisition of any new skills, be it a formal course, or coaching etc. Where agreement cannot be reached regarding changes to contracts, the School may consider the option of issuing revised contracts where necessary. Employees will be given relevant notice of any variation to contract.

Revised Posts

- 6.5 Restructures can lead to a need for changes to jobs in terms of increased, reduced or some different duties. In such situations, the manager of the post concerned will develop a revised job description and person specification. The School's HR provider and/or the Council's JE Team will then assess these to see if the changes have any impact on the pay band and remuneration of the post. The manager/Head Teacher (and in relevant cases, the employee) may also be required to attend a meeting to provide further details. Employees will be given relevant notice in cases where a variation to contract is necessary and any dispute on the grading of the post will be subject to appeal.

‘Slotting in’ Process

- 6.6 An employee will normally be ‘slotted in’ to a revised post where the following three criteria apply:
- the employee’s current permanent and substantive role post remains largely or wholly changed. In this context ‘largely or wholly unchanged’ will mean a significant majority of the employee’s substantive post remains the same
 - no other School employee has a justifiable claim on the post (i.e. is not undertaking a substantial proportion of the revised post), and
 - the employee would be in a potential redundancy situation if they were not to move into the revised post.
- 6.7 Where these criteria apply, the School will generally consider it reasonable to ‘slot in’ employees to a revised post at the employee’s substantive pay band, or one pay band above or below this. A potential promotion situation will not necessarily preclude an employee who meets the above criteria from being ‘slotted in’ to a post. The School will take a decision based on the merits of each particular case.
- 6.8 Where an employee has been ‘slotted in’ to a post, the employee will generally receive the pay and conditions relating to the revised post. However, the Council’s Salary Protection Scheme will apply where employees are “slotted in” or “ring fenced” to a lower pay band post (please also see the section below).

‘Ring fenced’ Recruitment and Selection

- 6.9 In cases where more than one employee is in a position where their substantive post is ‘largely or wholly unchanged’ but a reduced number of posts are available and there is a potential redundancy situation, a ‘ring fenced’ recruitment and selection procedure will normally apply. The provisions set out in section 6.7 above will continue to apply, although the School will normally consider employees at an equivalent pay band to the revised post in the first instance, depending on the circumstances relating to each case.
- 6.10 In such cases, all the employees identified as having a claim on the revised post will be provided with the full job description and person specification. They will then be invited to apply for the post in competition with any other employees who have also been ‘ring fenced’ to that post. This will involve completing an application form and being interviewed against the requirements in the person specification by an interview panel comprising of at least two people, to include the person who will supervise/manage the post. The post will then be offered on merit to the person who most closely meets the person specification.
- 6.11 Please note that, in ring fenced recruitment and selection situations, the post will not be advertised / opened up to other employees.

Preference Exercises

- 6.12 In situations where there are to be a number of changes to structures / posts, an employee may have a number of options as to where they could work following a restructure. In such cases, a preference exercise may be undertaken to help facilitate the change. Employees will be provided with a revised organisation chart and advised of all the posts for which they are eligible to be considered. Employees will then be given a reasonable amount of time in relation to each particular situation to consider their options and advise the person leading the exercise for which posts they would like to be considered.
- 6.13 This may involve giving an order of preference. In such cases, the School will take into account the employee's first or second choice wherever possible.
- 6.14 Depending on the outcome of the exercise, the School will then either slot employees into posts or undertake ring fenced recruitment, in line with sections 6.6 to 6.11 of this policy.

New Posts

- 6.15 In cases where a completely new post is created as part of a restructure, the manager of the post concerned will develop a job description and person specification. The School's HR provide and/or the Council's JE Team will then assess these to advise what the pay band and remuneration of the post should be. The manager may also be required to attend a meeting to provide further details.

First Opportunity to Apply

- 6.16 In some cases, there may be no employees doing a substantial part of the new post and therefore do not have a claim to it however it is evident that the new role is a combination of more than two previous roles at a similar level within the remit of the reorganisation. In such situations and if the post is within one pay band of their substantive band, then these employees may be given the "first opportunity to apply" for the new posts but unlike a ring-fence situation, there is no requirement for an appointment to be made.
- 6.17 If there are no current employees with a claim on the new post and the first opportunity to apply has been considered and the new post still remains unfilled the post will normally be advertised in line with the School's recruitment and selection procedure. Any internal or external candidates may apply for the post in fair and open competition.

Moving to Other Teams

- 6.18 In some cases, reorganisations or changes to posts may mean that an employee's post moves over to a different team. These may not necessarily involve any major changes to terms and conditions of employment, given that the employee would be working for the same School. However, the employees concerned will naturally be consulted about such changes and their views taken into account where possible.

Moves to Partner Organisations

- 6.19 In certain cases, restructures may mean that areas of work currently undertaken by the School move to a partner organisation. Provisions relating to employment rights in cases of such transfers are mainly covered by the Transfer of Undertakings (Protection of Employment) Regulations 2006 (generally referred to as 'TUPE'). Where these provisions apply, they preserve employees' terms and conditions of employment when a business or undertaking, or part of one, is transferred to a new employer.
- 6.20 The TUPE Regulations do not govern the transfer of pension rights. Further information on this is available from the relevant pension's provider, or via the School's HR provider.
- 6.21 Where a decision is made to contract out services, the School will act in line with legislative requirements and guidance from Corporate Procurement and other statutory bodies involved.
- 6.22 Those employed by the School when the area of work moves to another organisation automatically become employees of the new organisation on the same terms and conditions (except for certain occupational pension rights). As such, employees' continuity of employment is preserved.
- 6.23 The School will try to avoid a two-tier workforce and include enhanced provision where possible. However, such provision may not always apply automatically and will be considered on a case-by-case basis. This will include endeavouring to seek that potential contractors offer the same or better terms and conditions; including seeking admitted body status to the Local Government Pension Scheme and/or Teachers Pension Scheme and that new staff employed to work alongside the transferees are offered terms and conditions which overall are no less favourable than for transferees.
- 6.24 The School will naturally inform the trade union of any employee(s) likely to be affected by such transfers and consult them about any measures that the School or the partner organisation envisages taking concerning affected employees, in accordance with the TUPE Regulations.

Redundancy

- 6.25 The School will aim to manage change so as to avoid compulsory redundancies wherever possible. However, in cases where fewer employees are needed to carry out an area of work or where an area of work is no longer to be undertaken and all of the above options have been exhausted, there may be occasions where the School has to make redundancies. In such cases, the School will take appropriate steps to keep the number of redundancies to a minimum, whilst taking business needs into account.

Consultation

- 6.26 Where it becomes necessary for the School to consider redundancies, the School will notify employees at the earliest possible opportunity of the reasons for the potential redundancy situation and of the School's proposals. This will be done by consulting employees and union representatives directly and where appropriate a HR1 will be issued;

6.27 The School will carry out consultations over the following time periods:

- A minimum of 45 days' consultation where 100 or more jobs are to be made redundant within 90 days or less
- A minimum of 30 days' consultation where 20 or more jobs are to be made redundant within 90 days or less
- As much consultation as is reasonably practical where fewer than 20 jobs are affected (generally 30 days as a minimum - in line with recommended good practice).

6.28 During consultations, the School will provide full information to union representatives and/or individual employees/ their chosen representative about the proposed redundancies and will give adequate time to respond. Information provided will include:

- The reasons for the proposed redundancies
- The numbers and categories of employees who may be redundant (including an equality analysis)
- The proposed method of carrying out any redundancy dismissals
- The time period over which the redundancies may be carried out, and
- The proposed method of calculating redundancy payments
- The number of agency workers in the School

6.29 The objectives of consultation will be to:

- Reach agreement with employees or their representatives on the above issues
- Avoid the need for redundancies wherever possible
- Reduce the number of employees who are to be made redundant to a minimum
- Determine the criteria to be used to select employee for redundancy, and
- Mitigate the consequences of any dismissals

Voluntary Redundancy/Early Retirement

6.30 Asking for applications for voluntary redundancy/early retirement can be a way of avoiding compulsory redundancies and of helping to implement the change process. Applications are not usually invited unless all other alternatives have been considered, as this can be costly to the School. As such, voluntary redundancy/early retirement should not be viewed by employees as being an automatic right. Any applications will be given due consideration on a case-by-case basis.

- 6.31 If an application is agreed, the employee will qualify for a redundancy payment if they have two years' continuous service. The calculation of the amount of redundancy payment will be determined in accordance with an employee's length of continuous local government service, normal working hours and week's pay and age at the date of dismissal. This will be calculated on an employee's 'actual week's pay (rather than the statutory week's pay limit) and multiplied by 1.73 weeks, as a discretion under the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006.
- 6.32 As the Local Government Pension Scheme (LGPS) regulations currently stand, if the employee has reached the age of 55 when the redundancy takes effect, the employee is also entitled to receive their pension and lump sum immediately, without losing any benefits, providing they have at least two months' membership of the LGPS, or have transferred rights from another pension scheme.

Selection for Redundancy

- 6.33 In cases where, following efforts to minimise or avoid compulsory redundancies or applications for voluntary redundancy or early retirement have been considered and not produced suitable or sufficient numbers of volunteers, or where the School does not feel it appropriate to offer voluntary redundancy/early retirement in the circumstances, the School will consider the criteria to be used when redundancies need to be enforced, in consultation with the trade unions. These will be published in the 'Selection for Redundancy Criteria' document.
- 6.34 A key consideration for the School will be to maintain a balanced workforce after the redundancies have been carried out. The School will ensure that the pool of employees to whom the selection criteria are to be applied is fairly defined. The criteria used in redundancy selection will be capable of objective substantiation and of being backed up with evidence and data.
- 6.35 The School will look at the reasons for and the extent of any absences. The School will naturally be mindful of legislation relating to the Equality Act 2010 when using attendance as a selection criterion.
- 6.36 The School will ensure that any criteria used are applied reasonably, fairly and consistently and will not discriminate either directly or indirectly against staff with any of the protected characteristics set out in the Equality Act 2010, or indeed on any of the grounds set out in the School's Equality Scheme.
- 6.37 When using multiple criteria, the School may weigh the criteria to reflect their varying importance in relation to the School's needs. The School will adopt a systematic method of rating employees against the criteria and keep records of the assessments and ratings, so that if the results are challenged, fairness and objectivity can be demonstrated.

Notice of Redundancy

- 6.38 Employees will be given appropriate notice of termination of employment on redundancy grounds in line with their contractual entitlement, as a minimum.

Redundancy Payment

- 6.39 Redundant employees who have a minimum of two years' continuous service will normally be entitled to a redundancy payment, which is calculated according to the individual employee's age, length of service and weekly pay. Further details are given in sections 6.32 to 6.33 of this policy.

Redeployment

- 6.40 This will apply to all permanent employees or those on a fixed-term contract in a potential redundancy situation following a restructure who:

- have more than one year's continuous service
- are employed by the School and

- 6.41 The School will seek to redeploy such employees to another post within the School, irrespective of the number of hours worked.

Employee Support

- 6.42 The School will give employees under notice of dismissal for redundancy reasonable paid time off work during working hours to look for alternative employment, to arrange training or attend job interviews.

- 6.43 The School will also encourage employees to contact Jobcentre Plus in Darlington, which provides a free service for bringing together employers with vacancies and people looking for work. Jobcentre Plus staff can also give details of training opportunities available.

7.0 Appeals

- 7.1 The School will consult with employees on organisational change and take account of employees' responses to consultation exercises wherever practicable.

- 7.2 The School has established a redundancy appeals procedure to deal with complaints from employees who feel that selection criteria have been unfairly applied in their case. This is detailed in the 'Selection for Redundancy Criteria'.

- 7.3 If employment is terminated on the grounds of redundancy, employees are entitled to appeal against this decision. The appeal should be made in writing on or within 5 working days of receipt of notice of dismissal, clearly stating the grounds on which the employee is appealing against the decision. The appeal should be addressed to the Clerk to the Governing Body.

8.0 Representation

- 8.1 The School will advise the trade unions of any potential plans for change at an early stage and involve them in the process at all stages. The School will respond to trade union responses to consultation exercises and consider any representation made in terms of an employee's (s') selection for redundancy.

9.0 Employee Assistance

- 9.1 Any employee experiencing changes at work should feel free to discuss any queries or concerns with their supervisor, manager or trade union representative. They should also ensure that they make their views known as part of any consultation exercise.
- 9.2 Confidential and professional counselling services are available to all School employees by contacting Alliance Workplace Counselling on 0800 1075880 (free of charge for up to six sessions) where the School's purchases this service.

10.0 Further Guidance

- 10.1 For further information on this policy, please contact your manager/Head Teacher in the first instance.