

Title	Organisational Change Policy
Associated Policies	<ul style="list-style-type: none"> • Redundancy Policy (TPO/STA/11) • Single Equality Policy (TPO/EO/01)

REVIEWED: MARCH 2020

NEXT REVIEW: MARCH 2022

1. Policy Statement

- 1.1 This policy aims to ensure that organisational change is conducted through clear, transparent and equitable procedures that put communication with staff, listening to staff and addressing issues through effective consultation and negotiation with the recognised trade union representatives at the heart of the process.
- 1.2 The policy will be implemented with a commitment to transparency, information sharing and good employee relations.
- 1.3 The policy will be applied in accordance with the Trust's Single Equality Policy and will be subject to an Equality Impact Assessment.
- 1.4 This policy does not form part of an employee's contract of employment, and it may be amended at any time following consultation with staff and trade unions.

2. Who does this policy apply to?

- 2.1 This policy applies to all Trust staff.

3. Who is responsible for carrying out this policy?

- 3.1 The implementation of this policy will be monitored by the Principals and Executive Leadership Team and will remain under review by Brooke Weston Trust. The review of this policy will be undertaken in consultation with Trade Unions.

4. What are the principles behind this policy?**Types of Change**

- 4.1 The broad types of change that this policy covers are:
 - Internal restructuring
 - Merger with an associated school
 - Transfer to another employer
- 4.2 The key features of organisational change under the above headings are that they may alter some or all of the following contract dimensions:
 - Work patterns
 - Work location
 - Grade, pay or other terms and conditions of service
 - Fundamental nature of roles and main responsibilities/duties
 - Employer
- 4.3 Where organisational change may lead to redundancy, the Trust's Redundancy Policy will be followed. The redundancy policy will be used where the needs of the business mean that there is the potential for a reduced demand for the number of employees required to carry out work of a particular kind.

- 4.4 Trade union representatives will be permitted appropriately agreed additional paid time off to deal with the extra demands of organisational change if necessary, where agreed in advance with the employer (see Trade Union Recognition Agreement for further information).

Restructuring

4.5 General Principles

A meeting will be held with trade union representatives at an early stage and will set out what the proposals are. A Senior Nominated Manager will take charge of managing the process, getting advice from the Trust HR Manager or the Trust external HR representatives.

- 4.6 The Senior Nominated Manager will set out the proposals which will be put forward through a formal consultation paper. This will include all relevant information. The consultation is likely to include:
- Rationale for change
 - Current and proposed staffing structure, including the numbers and descriptions of employees
 - Skills required for the new structure and any training opportunities
 - Job descriptions and grading/banding of posts
 - Method by which employees will be selected for posts within the new staffing structure(s)
 - The equality impact assessment
 - The timeframe for consultation
 - Feedback methods through the consultation process
 - Process to be followed after the consultation period concludes.
- 4.7 The consultation period should be for a minimum of 30 working days, unless the Senior Nominated Manager deems this not to be practicable at the earliest opportunity. This is intended to provide the relevant parties, including trade union representatives, sufficient time to consider the proposals fully.
- 4.8 Meetings will be held with trade union representatives to enable members of the management team and members of staff to discuss concerns throughout the change process and facilitate dialogue and feedback on possible solutions to any areas of potential difficulty or dispute.
- 4.9 In response to feedback and alternative proposals, the management team will inform relevant parties, including trade union representatives, of changes made to proposals or the rationale for rejecting them.
- 4.10 Any meetings with individual members of staff over the proposals will allow for the right to be accompanied by trade union representatives throughout the process.
- 4.11 Staff who are absent (due to maternity leave, adoption leave, sickness absence etc.) will still be consulted with, ensuring they receive all the same information as employees who are currently at work.
- 4.12 Information shall be shared in accordance with the ACAS Code of Conduct on Disclosure of Information to Trade Unions for Collective Bargaining Purposes.
- 4.13 The equality impact assessment will assess the impact of any proposal on groups that display the protected characteristics defined by the 2010 Equality Act, with a view to amending the proposal if the assessment reveals discriminatory impact and improving them to promote equality.

Method of restructuring posts

- 4.14 For any area subject to restructuring a full set of job descriptions for new and existing posts will be published and roles will be graded according to the NJC job evaluation scheme adopted by the Trust.
- 4.15 Posts shall be filled utilising slotting in and ring-fencing during a first round of recruitment:
- Slotting in without the need to go through a recruitment process shall apply where there has been no significant change in the duties and responsibilities of a post following restructuring and where the number of posts available is equal to or in excess of the number of existing post holders in the workplace department/service area.

- To qualify for this treatment a post must be of the same grade before and after restructuring, and no other member of staff should have a comparable claim on the post.
 - Where the number of staff exceeds the number of posts available in the new department/service area the Redundancy Policy will be used.
- 4.16** The criteria utilised to decide on the application of slotting and ring-fencing procedures will be fair, objective, consistently applied job related criteria, backed by evidence where possible. They will be non-discriminatory, in accordance with the Trust Single Equality Policy (TPO/EO/01).
- 4.17** All decisions concerning any aspect of a re-structuring process, such as slotting-in, ring-fencing, non-selection for a post, suitable alternative employment etc. that adversely impact on the employee shall be open to appeal by the affected employee. Please see section 4.22 below on Appeals for further detail.
- 4.18** Where an application is successful, the redeployee will be entitled to a minimum four week trial period in post. Following the trial period the redeployment will either be identified as successful, unsuccessful and the redeployee will return to the redeployment process or the trial period may be extended.
- 4.19** Where redeployment is deemed successful by both parties, this will be confirmed in writing to the redeployee. The employee will then adopt the terms and conditions of their new post, including any relevant pay protection.
- 4.20** If the organisation does not consider the employee to be suitable, or the employee does not consider the role to be a suitable alternative then the employer should refer to the redundancy policy in order to proceed with a dismissal.
- 4.21** Where redeployment has been unsuccessful after six weeks, the period can be extended by a further six weeks with the consent of the employee and the manager leading the change.

Appeals

- 4.22** If the employee wishes to appeal against any decision concerning any aspect of a re-structuring process, it must be given in writing to the relevant manager within 10 working days of receiving written confirmation of such decision.
- 4.23** The appeal will normally be heard by the Appeals Committee which will include the Principal (or Executive Principal where the Principal was the decision maker) and at least 1 governor (although we would always aim for 2 governors.)
- 4.24** The appeal should be heard within ten Academy days of the date of the letter of request for the appeal
- 4.25** The Appeal Hearing considers all papers relating to the restructure.
- 4.26** The relevant manager will normally present the case for the restructure decision.
- 4.27** The possible outcomes of an appeal are;
- Appeal rejected and no change to the decision.
 - Appeal successful. Dependant on the grounds of the appeal will determine what stage the process will return to, considering the feedback from the appeal hearing.
- 4.28** The chair of the panel will confirm the outcome of the hearing by writing to the employee within 10 working days of the hearing.

Pay Protection

- 4.29** Where a member of Support Staff's pay for their new job is less than the pay for their old job, the employee will be eligible for pay protection of their salary that endures for 12 months.

- 4.30 Where a member of Teaching Staff's pay for their new job is less than the pay for their old job, the employee will be eligible for pay protection of their salary that endures for 3 years in line with the Burgundy Book.
- 4.31 In such circumstances, the organisation will make every effort, for a period of 12 months following the redeployment, to offer the employee a job more suitable to their original status.
- 4.32 Changes to hours and weeks are not covered by pay protection.

Redundancy

- 4.33 Redundancy will always represent a last resort in the process of organisational change. See the BWT Redundancy Policy (TPO/STA/11) for further information.

Transfer to or from another employer

- 4.34 The Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014 will apply where:
- An undertaking is transferred from one employer to another and retains its economic identity;
 - A service provision change occurs.
- 4.35 **General Principles**
Trade unions representatives shall be consulted on from the outset of any review of services that may lead to proposals for transfer and engagement will continue throughout the process.
- 4.36 Before any service is put out to tender, full consideration will be given to:
- The benefits of retaining services in house for maintaining control over service standards and effective co-ordination with wider operations;
 - Addressing any failings found in current services through an in house improvement plan;
- 4.37 All appropriate information will be made available to staff and trade unions at all stages of the process. In addition to employment issues, financial, commercial and technical information will be shared in order to allow a full understanding of the proposal.
- 4.38 Any proposal arising from a service review will be subject to an equality impact assessment that will assess the impact of the proposal on groups that display the protected characteristics defined by the 2010 Equality Act, with a view to amending the proposal if the assessment reveals discriminatory impact and improving the proposal to promote equality. This will be shared with all Trade Unions.
- 4.39 **Procedure**
Before a TUPE transfer takes place, the organisation will inform the trade union or appropriate representative of the following:
- The fact that a transfer is to take place;
 - The reasons for the transfer;
 - The date or proposed date that the transfer is to take place;
 - The legal, economic and social implications of the transfer for the affected employees;
 - Any measure which the old or new employer will take as a result of the transfer, or if no such measures will be taken, this should be stated;
 - Details of agency staff working for the transferor;
 - The equality impact assessment.
- 4.40 Consultation will allow sufficient time with to consider representations from trade union representatives over proposed measures to be taken and to reply to them, stating reasons for objection where appropriate.
- 4.41 In the case of a transfer to a new employer, employees will be given adequate time to check and submit any concerns or questions about any Employee Liability Information (ELI) before it is sent over.

4.42 Contractor Selection Criteria

Criteria for selecting a contractor will take into account the Cabinet Office Principles of Good Employment Practice and the contractor's position on fair work practices.

4.43 Monitoring

If services are transferred to a contractor, in addition to regular evaluation of performance indicators, assessment will be made of the contractor's record in meeting commitments to fair work practices.

4.44 In the event of failure to meet commitments, steps shall be taken to ensure compliance and the contractor's record shall be considered when the contract becomes due for renewal.

Role of a trade union representative or workplace colleague at meetings

4.45 All employees have the right to be supported by a workplace colleague or trade union representative during a meeting to provide them with support, guidance and advice throughout any organisational change process.

4.46 The statutory right is to be accompanied by a fellow work colleague, a trade union representative, or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany an employee.

4.47 Where a member of staff wishes to bring a trade union representative or workplace colleague to the meeting, they should notify the relevant manager in advance of the meeting.

5. Policy Review

5.1 This policy will be monitored as part of the Trust's annual internal review and reviewed on a three year cycle or as required by legislature changes.