

Woolwich Polytechnic School POLYMAT Organisational Change and Redundancy Policy

Reviewed August 2016
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1. Introduction

The School is intent on meeting its obligations to consult with employees in good time regarding potential changes for the organisation as a result of any restructure. The School does so in the true spirit of seeking agreement on the proposals themselves and the ways of mitigating and minimising any negative effects on staff where at all possible.

This Policy does not form part of the terms and conditions of any employee's employment with the School and is not intended to have contractual effect. However, it reflects the School's current practices and employees are strongly encouraged to familiarise themselves with its content.

It is proposed that the procedures outlined in this document will apply to all permanent substantive staff or temporary employees with over two years' of continuous service with the School.

For the avoidance of doubt this does not include agency workers, casual hourly paid workers, consultants or those employed by a third party to perform particular functions for or on behalf of the School. The School will comply fully with the employer's statutory obligations around consultation and redundancy.

2. Minimising the Impact for Staff

The School is committed to minimising the negative impact of restructures for staff through:

- A fair, open and transparent change management process;
- A smooth transition to a revised structure;
- Individuals being appointed on the basis of skill, ability and experience in line with the School's recruitment processes;
- A full and meaningful consultation and negotiation with employees.

This will enable the School to facilitate the changes whilst recognising the need to retain existing staff, and valuing the breadth of experience and knowledge that exists within the workforce.

3. Minimising Redundancy

The School is committed to avoiding compulsory redundancies where possible, bearing in mind the financial implications. Measures for minimising or avoiding compulsory redundancies may include:

- The termination of agency staff, contractors and casual employees
- Non-renewal of fixed-term contracts expiring before restructure
- Ending secondments
- A total or partial freeze on recruitment,
- Retraining and redeployment of existing employees
- Reduction or elimination of overtime where practical
- Extend opportunities for part-time working, job sharing and flexible working
- Voluntary Redundancy / Voluntary Early Retirement

4. Proposals regarding Voluntary Redundancy

During formal consultation periods the School will consider whether, and if so on what terms, the School will allow staff to be released as voluntarily redundant. This will form one of the strands of formal consultation.

As well as the wishes of the individual, other key aspects will be taken into consideration in forming the decision about whether to take forward a voluntary redundancy application. These considerations will be:

- Whether the applicant is potentially in scope for redundancy
- The impact of the voluntary redundancy exit upon the School's retention of skills and experience
- The cost and affordability of any pensions and voluntary redundancy payments

At the end of the formal consultation period, decisions will be made on whether to recommend to the Redundancy Selection Committee the release of individuals on voluntary redundancy.

5. How will Posts be Filled?

A suggested method for filling posts during restructuring is detailed below. This applies to selective change and redundancy situations.

Stage 1: Assimilation

Where a post in the new structure is the same or substantially the same as the existing post, and where there is just one employee for the job, then the employee should be slotted into the job automatically, i.e., assimilated to the new post without the need for an interview.

Stage 2: Competitive Assimilation

Where there is a post in the new structure which is the same or substantially the same as the existing post but there are more employees who are eligible for the job than there are posts, employees will be subject to a competitive assimilation process, i.e., they will each compete for the posts available.

Stage 3: Ring Fencing

Ring-fencing will apply to “at risk” employees whose posts are being deleted or substantially changed and where new roles have some similarity to their current post and are of the same grade or no more than one grade higher or lower.

Ring fences will be constructed on the basis of unassimilated staff having a potential claim on a new post because of their “at risk” status and the similarity with their current post and grade. Staff who are ring fenced will need to take part in an internal recruitment process to assess their suitability for the proposed role.

Stage 4: Remaining unfilled posts

Any posts in the proposed new structure which are unfilled through direct assimilation, competitive assimilation or ring-fencing will only be advertised to the service areas affected in the first instance.

Stage 5: Redeployment

Employees who have not been appointed to posts via stages 1 - 4 have the right to be considered for redeployment.

These procedures may be adapted as appropriate at the discretion of the Governing Body depending on nature of the change being affected.

Stage 6: Redundancy

Those selected for redundancy will receive written formal notice in accordance with their individual contracts of employment.

Selection Process

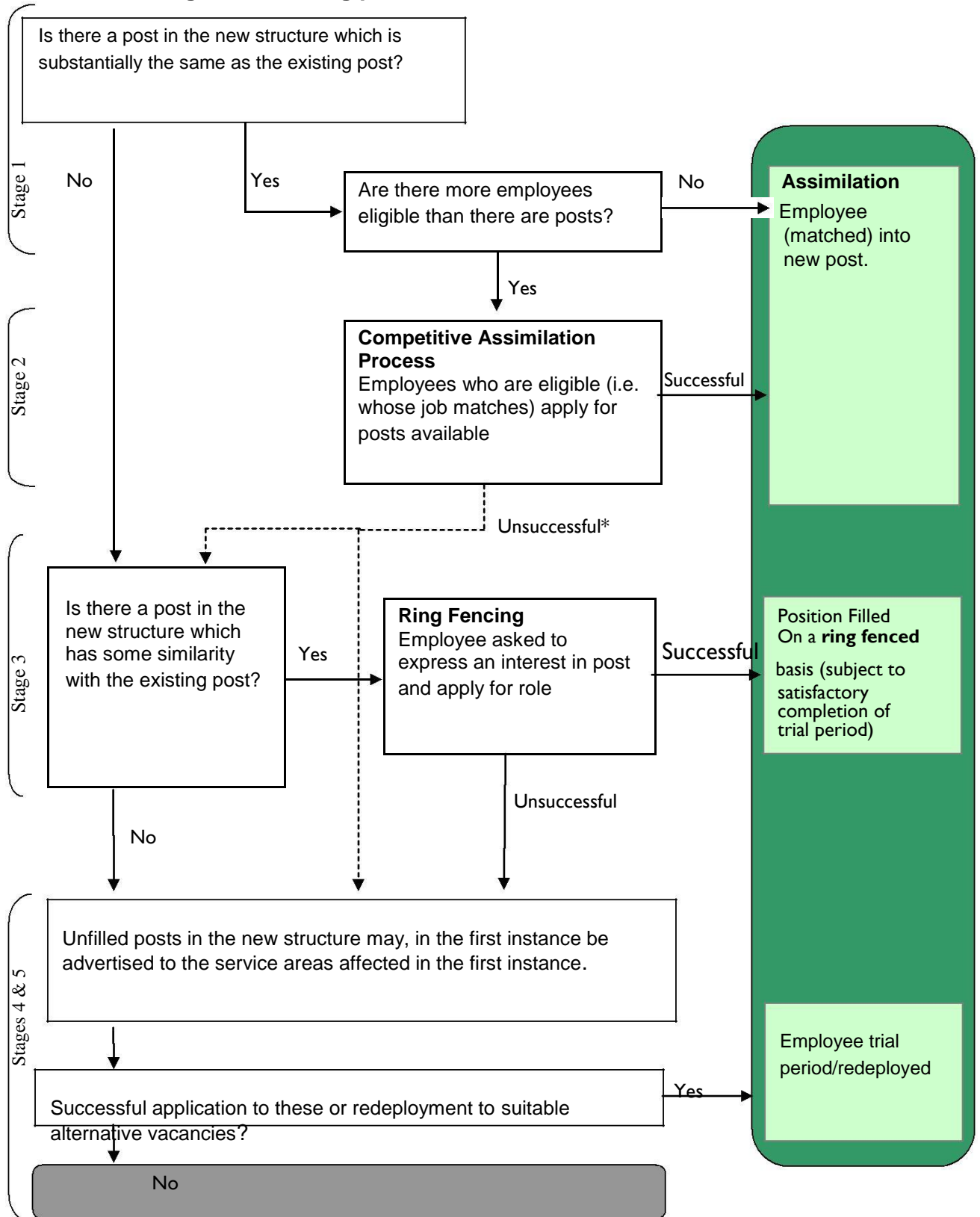
Where there is a need for competitive assimilation or competitive ring fencing then, in all cases, selection will be undertaken by assessing candidates Skills/Abilities/Experience against the person specifications of the new roles. This process will include interviews and

as appropriate, presentations and assessment exercises, and in will be line with the School's Recruitment and Selection Procedure.

Trial Period

If the employee is offered alternative employment, i.e. through redeployment or ring fencing and this employment differs in any way from his or her previous employment, they are entitled to a trial period of at least four weeks in the new position. This is to allow both parties to decide whether the employment is satisfactory. If at the end of the trial period the employee or the employer decide that the alternative employment is not suitable the employee will still be entitled to a statutory redundancy payment.

Flow Chart showing Job matching process



* Note: Where there are surplus vacant posts, employees who are unsuccessful in competitive assimilation exercises may be considered for ring fencing. Alternatively they will move to the redeployment pool.

6. Consultation

The School will follow a full, fair and meaningful consultation process normally commencing with affected employees when proposals are at a formative stage. Consultation provides an opportunity to explore alternative options before making a decision. It is not enough only to inform trade unions and employees about proposed changes. To be meaningful, it is necessary to:

- provide adequate information and time for employees and trade unions to consider and respond
- to consider and respond to any comments received before making a final decision

At the beginning of consultation the following information should be provided:

- A formal consultation document with the current and proposed structure
- the proposed job descriptions and evaluations
- the job matching/assimilation proposals

Employees should be briefed by a member of the Senior Leadership Team through group meetings and offered the opportunity of one-to-one meetings to discuss the changes.

8. Groups of Employees Needing Particular Consideration

Staff on Secondment or Temporarily Acting-up: Those seconded or acting up from a post which is subject to a reorganisation will need to be included in communication and consultation as their substantive post may be affected by the proposals.

Those seconded into or temporarily filling a post subject to reorganisation will normally have no rights in relation to assimilation and/or ring fencing in a reorganised service, but a decision will need to be made about whether the arrangement continues or return to their substantive post either before, or at the time of the implementation of the new arrangements.

Employees on Maternity Leave: If a redundancy situation arises at any stage during an employee's maternity leave, it may not be possible to continue to employ them under their existing contract of employment. In these circumstances, they must be offered priority consideration for any suitable alternative vacancies that exist. The terms and conditions of the new job must be not substantially less favourable than their original job.

Absent Employees: Employees absent from work due to sickness absence or authorised leave should be included in the consultation process.

9. Support for Staff During the Process

It is intended that the following support should be made available to employees:

- The opportunity for one to one meetings with the Head Teachers to discuss the change process and individual circumstances
- Timely provision of severance/pension information, where appropriate.

Staff are encouraged to:

- Get involved and be pro-active ensuring that views are known to the Head Teachers.
- Be realistic and accept that Head Teachers may have to implement a decision to restructure that has been made by the School as a whole.
- Keep up to date with changes to restructuring processes
- Focus on the skills and experience you can bring to a new job through the redeployment process

10. Making Redundancies

Employees who are to be issued with formal notice of redundancy will first be offered a meeting with a member of the Senior Leadership Team to discuss:

- that formal notice is likely to be issued and the potential last day of service
- The financial benefits payable upon termination
- Arrangements to allow reasonable time off during the notice period to look for work with other employers

Those selected for redundancy will receive written formal notice in accordance with their individual contracts of employment based on length of service up to a maximum of 12 weeks, or the statutory notice period whichever is greater.

Formal notice will state that the employee's contract is being terminated on the grounds of redundancy, the last day of service and the employee's entitlement to notice. If there is insufficient time between the issuing of notice and last day of service, payment will be made in lieu of notice for the period not worked.

Details regarding redundancy payment and a right of appeal will also be given. The appeal process is set out at point 11.

During the statutory notice period, an employee may give counter notice and ask the School to agree to an earlier termination date with their redundancy payment; there is no obligation on the School to agree.

Employees who have been given notice will be expected to work until the end of their

notice period; this will enable efforts to continue to be made to identify suitable alternative employment. However in exceptional circumstances the Head Teachers may apply garden leave arrangements or consider pay in lieu of notice.

Employees who take voluntarily redundancy or early retirement (with enhancements) will not be considered for any POLYMAT vacancies for 2 years from their last day of service. Any exceptions must be agreed with the Chair of Governors and the School's HR Team.

Before employment can be taken up in another school, Academy or Modification Body, there must be a break in service of four weeks and one day, failure to adhere to this will result in redundancy pay being lost, but continuous service will remain for redundancy purposes.

11. Appeal Process

Before making a formal appeal, employees should first discuss their concerns during the consultation process.

The Appeals Committee will convene a meeting with the employee and the Head Teachers. The employee will have the right to be accompanied at the meeting by either a trades union representative or work colleague from the School. HR will also attend to provide advice.

The Appeals Committee will be provided with the appeal statement submitted by the employee, the written response provided by the Head Teachers and copies of any other relevant documentation.

The School's Appeal procedure will be followed. In summary, the Appeals Committee will explain the matters to be considered and procedure to be followed including right of representation. The employee will present their case – both the Head Teachers and the Appeals Committee will have the opportunity to ask questions. The Head Teachers will present their case with both the employee and Appeals Committee able to ask questions. Both parties can then provide a final summary. The Appeals Committee will adjourn the meeting to consider the written and oral evidence and then notify the employee and the responding manager of their decision no later than five working days of the meeting.

The decision of the Appeals Committee will represent the final decision of the School and there will be no further right of appeal. Where an appeal is upheld, then the employee shall be entitled to the benefits of assimilation or ring fencing or have their selection for compulsory redundancy withdrawn.

Whilst the timescales detailed above can be varied by mutual consent, it should be noted that it is in the best interests of all parties that appeals are dealt with in a timely manner and long delays should be avoided.