



ORGANISATIONAL CHANGE MANAGEMENT POLICY

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This policy is a mandatory policy for all BEST schools and must be implemented with no amendments.

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1. INTRODUCTION

This policy sets out how the Trust will deal with the issues that arise when organisational change affects staffing requirements. Organisational change can lead to changes to job roles, redeployment and redundancies. BEST wishes to ensure that the impacts of organisational change on staff are minimised and are handled, as sensitively as possible.

This policy provides guidance to managers on their obligations when implementing change within the organisation. It also provides information to employees, and their representatives, who find themselves affected by such changes.

This policy operates in accordance with BEST's commitment to diversity and inclusion. In particular, the Trust does not tolerate discrimination on the grounds of age, caring responsibilities, disability, gender, gender reassignment, marriage or civil partnership, pregnancy or maternity, race (including colour, nationality and ethnic origin), religion or belief, sexual orientation, socio-economic status and trade union membership or non-membership.

When considering changes to employees' terms and conditions of employment that managers believe may fall within the remit of this policy, advice **must** always be sought from Human Resources.

2. POLICY CONTEXT

The purpose of the policy is to provide guidance and information. It sets out the principles the Trust believes are important when managing organisational change; it is neither a full statement of the law or a rulebook.

2.1 Who is covered by the policy?

As a general statement of principle, the policy covers all BEST employees. However, some employees may be subject to other, locally and nationally agreed procedures, which will continue to apply. However, the spirit and intent of the policy will apply to all employees of the Trust, so far as is reasonably practical.

2.2 When does the policy apply?

This policy applies whenever BEST implements change which may affect staffing structures. This may be as follows:

- Changes to the way the work is done

It may be necessary to introduce new ways of working for example to meet new government guidelines or regulations, to enable business success via a School Improvement Plan etc. This may result in changes to shift patterns, reporting lines or the method by which the work is performed. Employees may, on occasion, be required to relocate, or develop new skills. Whilst this can be disruptive and unsettling, only rarely will this type of change result in the termination of an employee's employment by reason of redundancy.

- Reductions in the number of employees

This may be necessary in order to implement cost savings, improve efficiencies or respond to new priorities. This can result in redundancies from existing roles and redeployment into

new roles. In some situations, it will also result in termination of employment by reason of redundancy.

Full and meaningful consultation with staff affected by planned changes will be undertaken, at the earliest opportunity. It is essential that information be given to staff, at an early stage. As appropriate, consultation and information sharing processes will include recognised unions.

On occasions, some business decisions will necessarily be taken prior to consultation. However, even in such circumstances, there will remain many opportunities for dialogue as regards process and approach.

For example, a decision to cease a particular service area may not be negotiable due to circumstances. However, the manner in which that decision is implemented, in terms of securing redeployment opportunities and other supportive measures, would be an appropriate subject for consultation.

3. MINIMISING THE IMPACT OF ORGANISATIONAL CHANGE

Whilst change is often essential, and can benefit all stakeholders, it can be disruptive. It can be a difficult time for all involved – managers, affected employees, their families and their representatives. The Trust wishes to minimise the disruption and difficulties that organisational change can cause. This can be achieved by:

- A best practice approach to organisation planning.
- Adequate information.
- Effective consultation.
- Support. Identification of personal and professional development needs.

These principles of good practice are influenced by BEST's legal obligations but will also be reviewed regularly to ensure compliance with best practice.

3.1 A best practice approach to organisation planning

It is important to take time to ensure that any proposed changes have been properly thought through, and in particular that they represent BEST's commitment to equality and diversity.

Set out below is a brief outline of a range of approaches. They are not in order of priority, nor will they suit every set of circumstances. Before pursuing any of these approaches or developing alternatives, professional advice from Human Resources and guidance must be sought.

In developing the preferred approach, managers will need to consult with affected employees in order to seek to agree the way forward. As appropriate, recognised trade union representatives will be involved in the consultation.

- Consider offering training, upskilling and support to meet the needs where for example new technologies or approaches need to be deployed.
- Consider all approaches to managing employment costs. This might involve the following:
 - Reduce overtime working in the affected service to a level meeting contractual commitments providing essential services;
 - Review and restrict recruitment in the service affected and, in those areas, where possible staff surplus might be absorbed;

- Review all contracted or sub-contracted work in areas affected;
 - Review the employment of temporary agency staff;
- The Trust’s redeployment procedures offer staff further opportunities for redeployment. In addition, employing schools may apply a freeze on advertising of internal vacancies so as to maximise opportunities for redeployment for staff affected by the restructuring.
- Consider establishing a transition plan, from the existing to the new structure. This should be clear and transparent. It may provide for the following:
 - “Red-circling” jobs that are effectively the same in the proposed structure as in the existing structure. Here a “match” may be taken as a job that is, broadly, the same in terms of grade and remit.
- Consideration may also be given to “ring fenced” selection processes, where staff may be invited to express preferences for jobs in the new structure, subject to the ring fence criteria; such applications must be assessed in an objective manner, which may include an interview process.
- Consider undertaking a skills audit – identifying those skills required for the jobs in the new structure and assessing the skills of staff within the current structure. To assist with this exercise managers may want to use job and person profiles, detailing “essential” and “desirable” characteristics.
- Seek volunteers for redundancy. There is no obligation on the employer to agree to any requests for voluntary redundancy – there may be grounds to reject any such requests, even if this means identifying others for compulsory redundancy.
- If compulsory redundancies are unavoidable then use objective and appropriate selection criteria. These should be designed to allow reasonable objectivity and could be weighted to the priorities for the restructure. Such criteria may include performance, attendance (disregarding pregnancy, caring for dependents or disability related absences); and disciplinary records. Use of the principle of “last in, first out” (LIFO) is not appropriate.

3.2 Adequate information

Information facilitates the consultation process. Good communication can reassure staff during periods of change and uncertainty. Written communication is particularly important because it allows employees to reflect on proposals and seek advice from others before responding. The method and frequency of communication that managers choose will depend on circumstances. Team meetings, newsletters and e-mails may all be appropriate.

When organisational change is proposed, BEST will provide as much information to staff affected as it can, as early as it can. As appropriate, recognised union representatives will be provided with the information that they need to respond to employees’ questions and comments and engage the Trust in a robust and productive dialogue.

Where collective redundancies are proposed then BEST will comply with its statutory obligation to provide information on the following:

- The reasons for the proposal to make redundancies;
- The number and categories of employees whose job security might be at risk;
- The number of employees in each category;
- The proposed method of selecting employees for redundancy;
- The proposed method of implementing any redundancies;
- The approach to calculating redundancy payments.

3.3 Effective Consultation

The Trust will involve recognised unions whenever it is appropriate to do so. This will particularly be the case where redundancies may result.

BEST will seek to involve recognised trade unions where relevant employees are affected by the proposed change. It is the policy of BEST to consult as early in the process as possible, but in any event the Trust is mindful of its obligations to consult whenever 20 or more employees at one establishment are at risk of redundancy, or where the Transfer of Undertakings Regulations apply. Human Resources advice and guidance must be sought whenever there are collective consultation obligations.

The law requires that redundancy consultation with unions is undertaken with a view to reaching agreement over ways of:

- Avoiding redundancies;
- Reducing the number of redundancies; and
- Mitigating the consequences of any redundancies.

The Trust will also seek to engage employees individually. Making sure that employees have an adequate opportunity to comment upon BEST's proposals is vital to ensuring that the right decision is taken and then implemented.

Individual meetings with affected staff will usually be undertaken. Such meetings are essential where the employee may be dismissed, whether by reason of redundancy or otherwise. Human Resources and line managers will jointly conduct such meetings, and trade unions will be involved where appropriate. The individual employee must be invited to the meeting in writing and has the right to be accompanied by a trade union official or colleague. Whilst there is no legal obligation on the Trust to allow friends or relatives to attend, friends and relatives can attend where appropriate, and at the discretion of BEST. The meeting will usually deal with the following:

- The reasons why the employee may be affected by any planned change (including, where appropriate, information about selection for redundancy).
- The employee's aspirations, and how these may be affected by the proposed change;
- Any alternatives that the employee can see to the proposed change;
- Any opportunities for redeployment, including information for and about the redeployment process;
- Queries relating to work or domestic situations;
- Possible retraining opportunities;
- Arrangements that will apply if their employment is terminated (financial arrangements, appeals, time-off work, references etc).

If an employee is dismissed, they will have the right of appeal against the decision.

It is accepted that there may be occasional sensitive business or operational needs where it is inappropriate that employees being dismissed for redundancy are expected to work the period of notice to which they are entitled. Instead, it is likely that a period of "gardening leave" will apply.

Any situation of potential gardening leave must be determined before staff are made aware of their selection for redundancy, and the decision to apply gardening leave must be discussed by the line manager and Human Resources with the recognised trade union(s) before staff are placed under notice of redundancy. The dignity of staff is at all times of the highest priority in such circumstances, and a protocol governing the process will need to be in place where staff are required to leave the workplace immediately.

4. SUPPORT DURING ORGANISATIONAL CHANGE

During periods of organisational change, staff should be reminded of the Trust's Employee Wellbeing Support and of the availability of support from trade union representatives, where appropriate.

In discussion with staff, opportunities for focussed training / upskilling and support to meet the needs of new technologies and / or new ways of working will be offered to staff affected by these changes.

In redundancy situations, there must be individual interviews with staff whose employment is at risk (see 3.3 above).

Human Resources will provide guidance on policy and implementation in support of managers leading an organisational change programme, and the level of support required will usually be agreed in advance.

Additionally, it may be appropriate to provide outplacement services to employees who will leave the Trust by reason of redundancy in order to equip them, as fully as possible, in securing alternative employment. Human Resources will arrange this on a case-by-case basis.

5. REDUNDANCY

Not all organisational change will result in redundancy.

Employees are only dismissed by reason of redundancy, if their dismissal is entirely or mainly because:

- The Trust has or will cease carrying out the service/business for which the employee was employed;
- BEST has or will cease carrying out the service/business in the place where the employee was employed;
- The Trust's need for employees carrying out work of a particular kind has or will cease or diminish; or
- The need for employees to carry out work of a particular kind in the place where they are employed has or will cease or diminish.

In practice, redundancies occur where a re-organisation of a department, section or job results in a reduction in the number of employees required to do that work, or in a significant change to the nature of the work performed by the affected employees.

Redundancy may also occur when a fixed term contract, or a series of temporary contracts, expires without renewal.

6. SELECTION FOR REDUNDANCY

It may on occasion be necessary to reduce the numbers of a particular type of job, or where many employees have similar skills. In such cases, it will be necessary to select which employees are to be made redundant. When selecting staff for redundancy, the Trust will take the steps set out below where appropriate. Not all the steps will be applied in every case, nor are they in order of priority. This will depend upon the most appropriate application according to the circumstances of the redundancy situation.

6.1 Ask for Volunteers

Whilst this might seem the most reasonable way to select employees for redundancy, there are a number of disadvantages that must be taken into account.

- Volunteers may be the very employees the employer would most like to keep in terms of skill and experience;
- Voluntary redundancy can be expensive, because longer-serving employees are likely to volunteer, thus attracting higher redundancy payments;
- If more employees volunteer than are required, the selection procedure applied amongst the pool of volunteers must also be fair.

6.2 Assess according to Skills, Qualifications or Competencies

It is essential that a balance of skills, qualification or competencies remains within the workforce to satisfy future business needs. As regards selection criteria for redundancy, appraisal outcomes may be taken into consideration, where all other considerations are equal.

6.3 Staff who are not employees

The work of staff who do not meet the “employee” definition, such as self-employed or agency temporary workers will be assessed to establish whether employees at risk of redundancy have the skills, qualification or competencies to undertake those roles. Care will be taken to ensure that, particularly in the case of temporary staff, employment protection rights are not being breached by virtue of the temporary status of their employment.

6.4 Attendance and Disciplinary Records

Current disciplinary records and levels of attendance may be assessed when selection for redundancy is necessary. The Absence Management Policy in operation in BEST, at the time of redundancies, will form the basis for assessing levels of attendance.

Attendance records will normally be taken into account on the basis of patterns over the 12 months preceding the notification to the recognised trade unions of the possible redundancies.

Absence that has been covered by medical certification will not be taken into account for the purposes of selection for redundancy, but absences which are uncertified or self-certified will count. Care must be taken to ensure that no discrimination under the Equality Act 2010 occurs: for example, sickness absence linked to pregnancy, gender reassignment and disability should not

be taken into account in selection processes, and that authorised absence is excluded from the calculation, including antenatal appointments, pregnancy, maternity, paternity and parental leave.

Attendance records must not be used where all the employees within the group at risk of redundancy have very low absence records. Other selection criteria would be applied and hold greater weight in such circumstances.

As regards disciplinary records, only 'live' disciplinary warnings will be used. An assessment of the level of disciplinary action against the employee will be made to assist in determining redundancy selection alongside the other selection procedures.

6.5 The matrix approach

In some cases, it may be appropriate to use a matrix, scoring employees over a variety of factors, such as those set out above.

6.6 Special provisions for those on maternity, paternity, adoption or parental leave

Employees who are at risk of redundancy whilst on maternity, paternity, adoption or parental leave have additional protection in law.

These employees can initially be treated the same as other employees in a selection pool for redundancy. However, if they are selected for redundancy, for the duration of any coinciding maternity, paternity, adoption or parental leave and notice periods (i.e. not during redundancy consultation, unless selection processes are occurring during the consultation); special provisions apply to protect them. Such employees have the right to be offered any "suitable alternative employment" in the organisation without having to go through a selection process or interview. This applies even where there are other employees that may be more suitable for the job.

If there is no suitable alternative employment, the employee can be made redundant during their maternity, paternity, adoption or parental leave, provided the reason is unconnected with the pregnancy or the leave itself, and a fair redundancy process is followed.

These special provisions do not constitute unlawful discrimination, as they are a legislative requirement.

7. AVOIDING REDUNDANCY DISMISSALS

The principles of good organisation planning, and informing and consulting stakeholders, will assist in minimising redundancies. However, there will be times when redundancies are inevitable. In such cases, it is the policy of BEST to seek to secure alternative employment for affected staff, wherever possible.

There is no strict definition as to what is or is not suitable alternative employment. However, the general principle the Trust will apply is that a job is suitable where the alternative post:

- Requires broadly similar skills and knowledge as those required of the redundant post, even if some degree of training or familiarisation is required and;
- Is based at the same location as the redundant post, or where there is little or no disruption to the individual caused by additional travel to and from work and;
- Is the same or similar grade to the redundant post. For this purpose, the Trust will regard “similar” as being one grade above or one grade below the redundant post.

Salary protection will apply to staff who are declared redundant by the BEST and are redeployed into a post one grade lower. It may also apply in some re-organisations where formal redundancies do not arise. Each case will be the subject of discussion with the employee affected. Salary protection will not usually apply in the case of redeployments for other reasons (e.g. as a result of injury or ill health) or as a result of grade changes (e.g. following national or local evaluation, where there is no change in job content.). Where other significant terms and conditions other than salary may be lost as a result of redeployment, protection will be determined on a case-by-case basis.

Where an employee is redeployed into a lower graded job in circumstances in which salary protection would apply, immediate (enhanced) pension benefits will not be paid.

Staff eligible to receive salary protection, will have their basic pay frozen, for no longer than three years.

Staff whose salaries are to reduce as a result of redeployment, and who are members of the Local Government Pension Scheme, may be entitled to a certificate of protection of pension benefits, which can remain in force for 10 years from the date of protection. Usually, pension entitlement is based on the level of pay during the last year of service, or on one of the two previous years' pay if that amount is higher.

However, staff in receipt of a certificate may elect to base their final pay on any of the last 5 years of their service or on the annual average of any three consecutive years falling within the last 13 years.

An employee who unreasonably refuses the Trust's offer of suitable alternative employment will not be entitled to the redundancy benefits outlined in sections 9 and 10 below.

8. TRAVEL AND DISTURBANCE

Where any new travel arrangements represent particular hardship, the Trust may exercise discretion on a case-by-case basis.

9. TRIAL PERIODS

An employee who accepts an offer of alternative employment will be given a minimum trial period of four weeks or such longer period as may be agreed with BEST to give both parties an opportunity to assess its suitability.

If, at the end of that trial period, the employee decides that they do not wish to accept the position permanently then they will not lose any entitlement to redundancy payments or early retirement unless, in the opinion of the Trust, the employee has unreasonably refused to continue with that job.

The Trust may also terminate a trial period, if it believes that the employee's performance in that role is inadequate. The employee will not be entitled to redundancy payments or early retirement unless BEST is satisfied that the job was unsuitable for them, taking into account the skills and experience that they possess and after considering the availability of training. In appropriate cases, the Trust will follow its Capability Procedure.

10. REDUNDANCY - FINANCIAL ARRANGEMENTS

10.1 Early Retirement

On the grounds of redundancy

If there is a compulsory redundancy situation of an employee aged 55 and over (and the employee is a member of the Local Government Pension Scheme (the "Scheme")) then early retirement may be granted. If granted then employees will be eligible to receive pension benefits under the Scheme. Whilst the Trust will act in accordance with the Scheme Rules, BEST will take into account the following when deciding whether or not to certify that an employee is entitled to immediate benefits because of their redundancy:

- The financial implications to the Trust.
- Prospects of redeployment within the Trust.

On other grounds

There may be circumstances where the Trust judges it necessary, in the interests of the efficient exercise of its functions, to offer early retirement to employees, even if the circumstances do not match the definition of redundancy.

Such circumstances may include:

- A change in the function of the office or workplace,
- Efficiency reviews of the office or workplace.

Any such offer of premature retirement is at the sole and absolute discretion of the Trust.

Early retirement is always subject to the prior approval of the Trust. Where an employee wishes to consider early retirement, an application must be made to their line manager in the first instance who will arrange, through Human Resources, for an estimate of pension entitlement to be calculated. Human Resources will discuss the estimate with the employee where the employee so wishes. An application for estimates, and the provisions of the estimate, implies no commitment by either party.

10.2 Statutory Redundancy Pay

The amount of **statutory** redundancy payment to which an employee is entitled depends on their age, length of service and pay. The entitlement is:

- Half a week's pay for each complete year of service up to age 21;
- One week's pay for each complete year of service between ages 22 and 40;
- One and a half weeks' pay for each complete year of service after age 41.

The maximum length of service taken into account to calculate a redundancy payment is 20 continuous years. An employee must have at least 2 continuous years of service to be entitled to a redundancy payment.

For the **statutory** redundancy payment, a week's pay is capped at the statutory maximum, which is reviewed each year. If you are made redundant after 6 April 2021, your weekly pay is capped at **£544** and the maximum statutory redundancy pay you can get is **£16,320**.

11. DOCUMENT HISTORY

Changes History

Version	Date	Amended By	Details of Change
v2.0	20/08/2021	Viv Hughes	Updated since academy conversions in February 2019. Updated in line with revised statutory redundancy maximum payment (April 2021).

Equality Impact Assessment

Date	Name	Details