

John Ruskin Primary School and Language Classes

# Reorganisation, Redeployment and Redundancy Procedure

Co-ordinator: Clare Tayton / Jonathan Verity

Last review: 2018

Readopted 2023

Next review: (as advised by the Local Authority)



**"Be Responsible, be fair, stay positive and care"**

# Reorganisation, redeployment and redundancy procedure

---

## Contents

Scope of this procedure .....	3
Introduction .....	3
Planning .....	4
Initial steps .....	4
Governing body roles .....	4
Potential redundancies .....	5
Preparing a consultation / communication document.....	5
Consultation.....	6
Implementation .....	8
The first committee meeting .....	9
The appeals committee meeting.....	10
Representations from the local authority.....	10
Embedding .....	10
Notes .....	11
Further information and support.....	11

## **Scope of this procedure**

1. This procedure has been written with the aim of assisting school leaders and governing bodies to deal with the staffing implications arising from changes to the school staffing structure, hereafter referred to as reorganisations.
2. The procedure provides a simple, four step process to manage change and complies with legislation and recommended best practice. It has been consulted on and agreed with constituent trade unions. It has been written for use by community schools but may be easily adapted and is recommended to other types of schools as required.

## **Introduction**

3. Governing bodies are advised to review their staffing structures annually, as part of their regular school improvement, curriculum and financial planning. The aim of any review should be to ensure that the school has a structure that is fit for purpose, provides a framework to enable ongoing development and delivers excellent pupil outcomes.
4. All posts within the school structure should have a detailed job description, which should also be reviewed annually or as required to reflect the changing needs of the schools.
5. Where, as a result of such reviews, changes are proposed to the staffing structure, the school must follow a fair and transparent process to consult (if required), communicate and implement the changes in accordance with their agreed reorganisation procedure.
6. For the purposes of this procedure, a reorganisation is defined as any significant change to the staffing structure of the school, regardless of whether this may result in any redundancies.
7. Reorganisations may be driven by a number of factors, such as:
  - a. An increase or decrease in pupil numbers
  - b. New curriculum requirements
  - c. New legislation
  - d. School improvement priorities
  - e. Budget pressures
  - f. Workload pressures and morale
  - g. Succession planning
8. These may prompt:
  - a. An increase or decrease in overall numbers of posts
  - b. A significant change to a job description for a particular role
  - c. Changes to the types of posts in the structure
  - d. The creation of new posts
  - e. Changes to the line management structure
9. When it has been identified that a reorganisation is required, there are four simple steps to follow to introduce these in a fair and effective way:
  - a. Planning

- b. Consulting
- c. Implementing, and
- d. Embedding

## **Planning**

### **Initial steps**

10. Thorough and considered planning is essential to ensure the success of any change process and governors and school leaders should ensure that sufficient time is allowed for this. An effective reorganisation process may take up to a year from initial planning through to implementation. When redundancies may arise, schools should note that employees may be entitled to up to 12 weeks' notice of termination of employment, and there are national deadlines to meet in respect of teachers' notice dates. Notice cannot be given until initial consultation has been completed.
11. The Department for Education guidance for schools on school workforce planning sets out the options and questions school leaders may consider when reviewing their structures: [School Workforce Planning: Guidance for Schools](#). The guidance also includes a suggested timetable for changes.
12. Governing bodies and school leaders are encouraged to involve their human resources advisers from the outset when considering a reorganisation, to ensure they are able to meet their legal and procedural requirements and to help them develop a realistic and achievable timetable. When setting a timetable, consideration should be given to reasonably foreseeable changes in the workforce that may impact on proposals, for example expected resignations and/or ending of fixed term contracts.
13. School leaders should include staff in their planning where appropriate. Staff are well placed to explain how their roles operate, what tasks or activities could be managed more effectively and how best to achieve this. How staff will react to proposed changes once consultation begins will depend on what they are expecting, what input and influence they feel they have, and how they will be personally affected. Informal involvement can help prepare staff for the more formal consultation process.

### **Governing body roles**

14. When it is proposed to reorganise the staffing structure, the governing body will be presented with proposals (normally by the head teacher) and asked to make a quorate 'in principle' agreement to take the reorganisation forward. Governors will then be appointed to first and appeals committees for the purpose of taking the procedures forward with the head teacher and the committees will have delegated authority to make decisions at relevant points within the procedures on behalf of the governing body.
15. The first committee will have authority to attend consultation meetings held under this procedure, hear representations from staff and made decisions relating to voluntary and/or compulsory redundancies. The appeal committee will have authority to hear appeals from staff about decisions made by the first committee.

16. Each committee will normally comprise three governors and one governor in each committee must be appointed as chair. Where it is not reasonably practicable to appoint three governors, the committees shall be set up to ensure that the appeal committee will comprise no fewer members than on the first committee. When appointing governors to committees, the governing body must consider and avoid any potential conflicts of interest. It is not recommended that staff governors are appointed to such committees.
17. School leaders will normally present the initial proposals to the governing body for 'in principle agreement' and these may be amended or expanded upon in response to any comments received. The head teacher will then liaise with the first committee to develop the proposals ready for consultation and/or communication.
18. The head teacher and first committee are advised to carefully consider the financial impact of proposed changes, including the potential cost of redundancies and/or early retirement which may arise to ensure that the proposals deliver value for money and that the new proposed structure is affordable. In particular, where budget challenges are a driver for change, consideration should always be given to opportunities for savings elsewhere in the school which could mitigate potential redundancies.

### **Potential redundancies**

19. For maintained schools, school leaders may wish to consider making an approach to the School's Financial Support Panel for funding towards the costs of potential redundancies. Advice on this process is available from the school's human resources team. No guarantee of funding can be given should a school decide to commence a reorganisation procedure prior to approaching the School's Financial Support Panel.
20. Where there is potential for redundancies arising from changes in any community school, the first committee must ensure that the local authority is consulted on the proposals and provided with opportunity to make representations before any action is taken.
21. Where there is no potential for redundancies to arise as a result of the proposals, formal consultation is not required with unions and/or staff and a first/appeal committee will not be required. It is however good practice for school leaders to communicate plans in a similar manner in such situations. Advice should be taken from the school's human resources provider in such circumstances.
22. An initial matching exercise should be undertaken at this stage to identify which posts are unaffected, matched or deleted as a result of the proposals.

### **Preparing a consultation / communication document**

23. A consultation / communication document will be developed which will comprise the following:
  - a. An introduction to the school
  - b. The drivers for the change and rationale for the proposals
  - c. The current and proposed staffing structures

- d. An analysis of the impact of the proposals on staff, including whether there is potential for redundancies
  - e. Where relevant, how staff will be selected for alternative posts and/or redundancy
  - f. The steps the school will take to mitigate potential redundancies
  - g. A timetable of the procedural steps
  - h. An overview of the school budget, including a comparison of costs between the current and proposed structures
  - i. Baseline equalities data of the school workforce and/or affected staff
  - j. Job descriptions for any new or amended roles, with evaluated grades and/or pay ranges
24. Once proposals are fully developed, the first committee must confirm their agreement to proceed with the reorganisation and report back on this decision to the full governing body. Consultation may then commence.

## **Consultation**

25. ACAS provide guidance for employers on how to manage change: <http://www.acas.org.uk/index.aspx?articleid=4669>. The guidance explains how change can impact on people and provides practical tips to managing changes sensitively and supportively. Schools are encouraged to consult this guidance and plan their communication strategy prior to embarking on consultation.
26. Once all planning stages have been completed, the consultation pack may be issued to constituent trade unions, any local union representatives in your school, and affected staff and this is the formal start of the consultation process. It is recommended that the pack is provided to all staff, including those not directly affected by the proposals, for information purposes. Contact information for constituent trade unions is available from the schools human resources team.
27. Where there is potential for redundancies, consultation is a statutory requirement and any failure to consult may be subject to legal challenge and financial penalties. Effective consultation with unions and staff is essential to the success of any reorganisation process. Unions and staff should be provided with sufficient information to give informed feedback on the proposals and opportunity to express their views.
28. Consultation must take place at the earliest opportunity and with a view to reaching agreement. This means consulting on:
- a. Your rationale for change
  - b. The proposed changes
  - c. How staff are affected
  - d. Steps to be taken to mitigate redundancies
  - e. The criteria for redundancy selection
29. It should be noted that proposals are just that, and school leaders and first committees should remain open to suggestions for changes arising from consultation and respond to representations made by staff and unions in a considered manner. For example, helpful changes may be suggested to the proposals themselves, the structure or how duties will be allocated, or may relate to the process of change such as the selection criteria. It is for

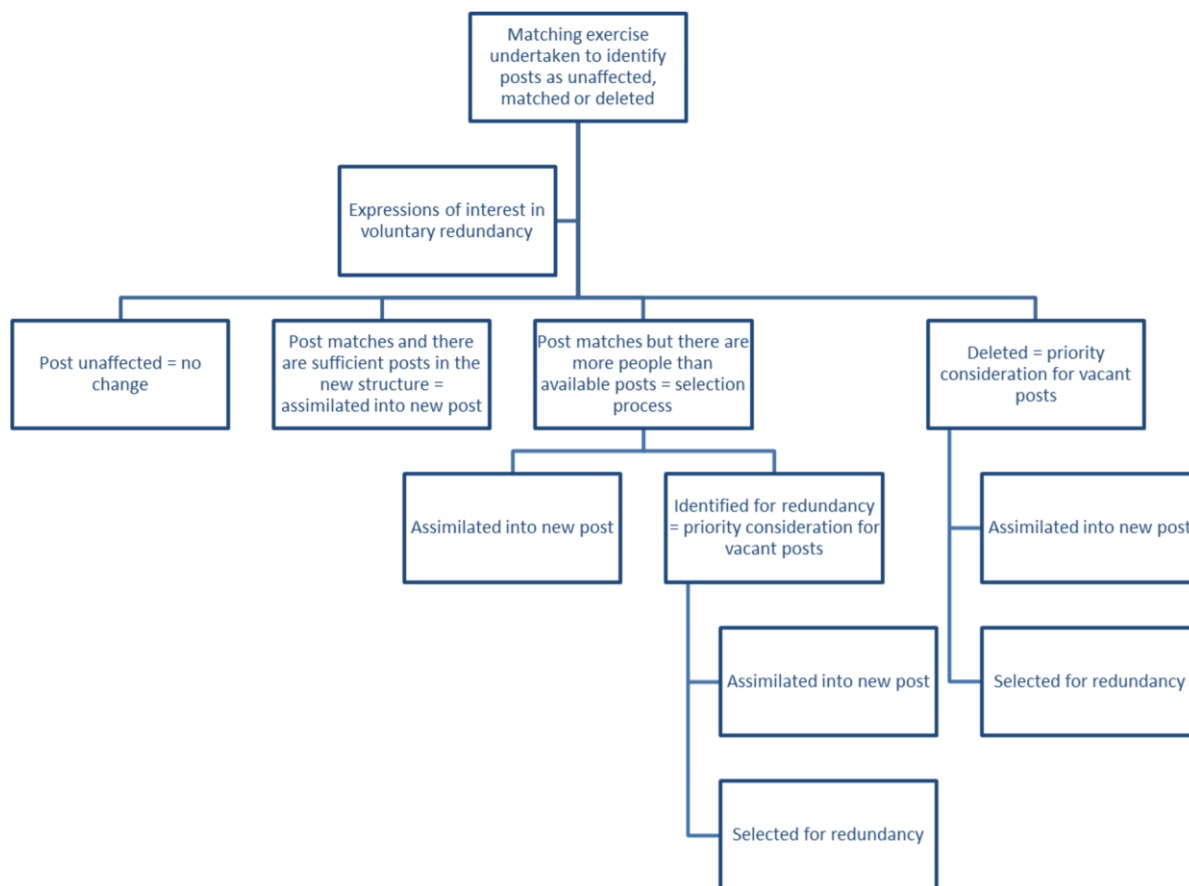
school leaders and first committees to determine whether any changes should be made to the initial proposals as a result of representations made and to ensure that when any changes are agreed they are communicated to staff at the end of the formal consultation process. Whilst the majority of representations will be made at the consultation stage, there may be further representations made during the implementation process set out from paragraph 37 below.

30. Where 20 – 99 employees are potentially redundant at any one establishment over 90 days or less, it is a legal requirement to ensure a consultation period of at least 30 days. This rises to 45 days where 100 or more staff are potentially redundant. Whilst it is not a statutory requirement in circumstances where there are less than 20 potential redundancies, a minimum consultation period of 30 days is recommended in all cases.
31. The formal consultation period begins when the consultation pack is issued to unions and staff. It is recommended that affected staff are informed of the nature of the proposals and how it may impact on them when the packs are issued, offered appropriate support and encouraged to contact their union representatives for advice.
32. Consultation will generally involve an initial meeting with constituent trade unions, one or more group meetings with affected staff and the offer of individual meetings with affected staff. All staff who may be at potential risk of redundancy by virtue of the proposals will be offered an individual consultation meeting with the head teacher and/or a member of the first committee to discuss their individual circumstances. The exact nature and number of meetings will depend upon the complexity of the changes proposed and number of staff affected and more meetings may be held if this is helpful to the process. The timetable in the consultation pack should clearly state when meetings will be held.
33. Arrangements must be made to ensure any affected staff who are absent from work at any stage of the process are included in all relevant communications and have opportunity to attend and participate in the consultation process.
34. To mitigate potential redundancies, during the consultation process staff may be invited to express their interest in alternative posts in the new structure and/or voluntary redundancies. The manner in which this will be managed should be clearly set out in the consultation pack.
35. Constituent trade unions must be invited to attend any collective meetings, irrespective of whether affected staff are members. Affected staff will be entitled to be represented at consultation meetings, including individual meetings, throughout this process. School leaders are entitled to invite a human resources adviser to attend meetings to provide advice and support.
36. Any changes arising as a result of the consultation process should be communicated to constituent trade unions and staff after the initial consultation period. It should be noted however that consultation officially continues with employees until such point as they are placed in the new structure, redeployed to an alternative post and/or their employment ends.

## Implementation

37. A matching process will have been undertaken during the planning stage to identify which posts are unaffected, matched or deleted. This normally involves a comparison between current and proposed job descriptions and work plans. The first committee should confirm their agreement to any proposed matches. Where a match exists and there are sufficient posts to accommodate affected staff, staff will be assimilated into the new roles. Where there is no match, or where there are more people than there are posts available, affected staff will be invited to express interest in voluntary redundancy and/or alternative posts. If following this there remains more people than posts a selection process will be undertaken.
38. Whilst it is accepted that there is no absolute way of determining whether a job has significantly changed, the matching process provides a structured and transparent approach to enable objective selection.
39. The selection criteria will have been specified in the consultation pack and subject to consultation with unions and affected staff. In applying the criteria the first committee must ensure that the process is undertaken fairly and sensitively and in such a way as to avoid any unlawful discrimination.
40. Staff that express an interest in voluntary redundancy will be provided with an estimate of their benefits, taking into account any notice requirements. Local Government Pension Scheme members aged >55 years as at the proposed last day of service are also eligible to access their pension benefits in the event of redundancy. There is no obligation on a staff member to pursue their request following an expression of interest, nor is there any obligation on the first committee to accept such requests. The decision on whether or not to agree requests will be made with the aim of mitigating compulsory redundancies and retaining a workforce that can contribute to the future success of the school and with due consideration to the financial impact of accepting the request.
41. The potential outcomes of matching and the process by which individuals may be assimilated into new posts or selected for potential redundancy are summarised in the flowchart below:





### The first committee meeting

42. The first committee will meet to consider the outcomes of the consultation process and impact on affected staff. They will determine whether to agree any requests for voluntary redundancy and / or whether to serve notice of compulsory redundancy.
43. School leaders will attend the committee meeting to explain the process followed, summarise any issues arising from consultation and to make recommendations relating to the outcomes for individual staff members.
44. Affected staff will be notified of the time and date of the first committee meeting and invited to make representations against the school leader's recommendation if they wish to do so. A minimum of 10 working days' notice must be given although in practice this is normally advised in the timetable provided with the consultation pack. Staff are not obliged to make representations. If they wish to do so, they may submit a written statement for consideration or attend in person. Staff are entitled to be accompanied at the first committee meeting by a trade union representative or work colleague and it is their responsibility to arrange this.
45. Following the first committee meeting the chair of the committee will confirm decisions to staff in writing. Where the outcome is a dismissal in a community school, the chair will notify the local authority. The Director of Education will issue formal notice of termination

of employment on the grounds of redundancy within 14 days of receipt of the notification letter from the first committee. Staff that are dismissed will have the right to appeal against their dismissal within 5 working days of the notification letter.

### **The appeals committee meeting**

46. The appeals committee will meet to consider any appeals raised by staff, normally within 10 working days of receipt of the appeal. In practice, the appeal meeting date will usually be set out in the timetable provided with the consultation pack. Staff raising appeals will be invited to attend to present their appeal and may be accompanied by their trade union representative or a work colleague if they wish. Alternatively they may submit written representations for consideration. The chair of the first committee will be invited to respond to the appeal following which the appeal committee will adjourn to consider their decision. The decision of the appeal committee is final.
47. The chair of the appeal committee will confirm their decisions to staff in writing. In community schools, where the outcome is changed as a result of the appeal, the chair will notify the local authority. The Director of Education will issue formal notification of the change within 14 days of receipt of the notification letter from the first committee.

### **Representations from the local authority**

48. In community schools, where a possible outcome is dismissal on the grounds of redundancy, the local authority must be notified of the date and time of the first committee and any subsequent appeals committee and invited to send a representative of the Director of Education to the meetings. The committees must take into consideration any representations made. The committee may also be supported at the meetings by their chosen human resources adviser.

### **Embedding**

49. During the consultation and implementation of the changes, the immediate priority for the school is to ensure the fair and sensitive treatment of those staff that may lose their jobs or may have their terms and conditions of employment changed. The success of the change process will be influenced significantly by the morale and engagement of those staff remaining once the new structure has been implemented.
50. When the new structure has been implemented, the school leaders will need to:
  - a. Manage those leaving the school
  - b. Support those remaining in the school
  - c. Induct staff into new and amended roles
  - d. Issue new / amended job descriptions, work plans and/or statements of terms and conditions
  - e. Provide professional development opportunities to support staff to meet the requirements of new / alternative roles
  - f. Fill any vacancies remaining
  - g. Update the school's pay policy to reflect any changes arising from the reorganisation
  - h. Update other school policies, procedures and protocols to ensure consistency with the new structure and ways of working

51. It may be appropriate to organise team events, group training and/or specialist support to ensure staff understand their new responsibilities and are well placed to succeed in their new roles.
52. School leaders are advised to review the success of the reorganisation process no later than 2 terms from implementation. The review would consider:
- a. Whether the changes have delivered the expected outcomes
  - b. What has worked well and what may need further development
  - c. Whether further changes are needed
  - d. Whether staff are working to the new roles
  - e. Any ongoing professional development requirements
  - f. Any lessons learned from the process
53. The manner of such reviews will be determined by school leaders. It may involve feedback from staff and other stakeholders and consideration of school improvement data. School leaders may choose to involve trade unions in such reviews; unions are expected to raise any issues arising from their members with school leaders as and when they arise.

## Notes

All references to working days are pro-rata for part time staff.

© **Schools Human Resources - Southwark Council, March 2018**

## Further information and support

Schools with an agreement for human resources services with the council should contact their [allocated advisers](#) for advice and support. The school's human resources team can support school leaders with their planning and at all stages of the process thereafter. We also provide a range of [additional documents](#) to support this procedure and which you can adapt to suit the needs of your school, including:

Committee meetings

Example timetable

Frequently asked questions

Model expression of interest form – voluntary severance

Model expression of interest form – alternative employment

Selection processes

Example communication document – no redundancies\*

Example consultation document – potential redundancies\*

[School workforce planning: guidance for schools](#) Department for Education, March 2018

[How to manage change](#) ACAS, March 2014

\*Please contact your HR Business Partner for these and for advice on which document to use.