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1.4		

Staff Reorganisation Policy & Procedure

Introduction

Primitas Learning Partnership (PLP) has a responsibility to maintain and, wherever possible, enhance its efficiency, effectiveness and financial viability. The Trust seeks to achieve this aim by prudent forward planning, in order to deliver its aims for teaching and learning.

In so doing, the Trust aims to protect, as far as is possible, the current and future employment of all categories of employed staff.

Where this Policy effects the Central Team staff, Academy should be replaced with Central Team, Local Governing Body should be replaced with the Trust Board and Headteacher should be replaced with Chief Executive Officer.

Purpose and scope

Each Academy and the Central Team within the Trust will, from time to time, review its staffing requirements in relation to both teaching and support services to ensure that our resources are utilised appropriately. The Trust also recognises that circumstances may arise outside the control of the Trust (be they, legislative, financial, educational or technological) which necessitate a process of organisational restructuring.

Whilst every effort will be made to find an appropriate post in the new structure for every existing employed member of staff it may be the case that a potential redundancy/redeployment situation arises as a result of restructuring. In this regard staff are directed to the Trust's Redundancy Policy and Redeployment Policy.

This policy applies to all staff holding contracts of employment with the Trust. This policy does not form part of the contract of employment.

Reviewing the structure

Within each Academy in the Trust the Local Governing Body supported by the Headteacher, is the primary body for reviewing the Academy's staffing structure in the light of its educational provision (including the School Improvement Plan and any recommendations by Ofsted).

All activities and structures may be reviewed for one or several of the following reasons (the list is not exhaustive):

- financial viability, based on a suite of indicators
- value for money
- quality measures, including prolonged adverse parental/pupil feedback
- declining student numbers
- changes to funding mechanisms
- technological change
- legislative change.

Should the Governing Body wish, for any of the above reasons (or for any other reason as deemed appropriate), to initiate a review of an activity it will normally establish, in the first instance, a sub group to report back to the full Governing Body with considered recommendations.

Additionally, a meeting should be convened with staff and unions, either together or separately, to advise them of the proposed process and timescales, thus minimising the opportunity for misunderstanding and misinformation.

Designing the new structure

Initially the Headteacher in conjunction with members of the subgroup, will formulate a Business Case which includes a draft staffing structure and implementation plan as a basis for consultation. The information should also include a rationale for the proposed change along with costings.

Any restructure is based on posts (as opposed to people) and will describe the roles and responsibilities that are required to move the Academy (forward to achieve the organisational objectives as set out in the School Improvement Plan).

To help in drawing up a revised staffing structure, the Headteacher and subgroup will determine their priorities over, for instance, the forthcoming three years and will consider:

- the School's Improvement Plan
- any actions identified as desirable in the Academy's Ofsted report
- broad aims and objectives for improving teaching and learning
- any other information relevant to a revised structure.

Skills Audits

A skills audit may be undertaken. This will help during a restructuring exercise when specific skills and experiences may be required in relation to fulfilling the variety of roles identified within the revised structure.

It may be appropriate to use a skills audit as part of the selection criteria for the reorganisation. The skills audit is a form requesting detailed information in specific sections. It enables an individual to provide the relevant information relating to their skills and qualifications. Employees will be expected to provide appropriate evidence of skills and experience detailed in this manner (such as qualification certificates etc).

In a reorganisation situation the skills audit is used to identify the profile of the employee and to ascertain their suitability for positions and thus help in the selection process by matching the selection criteria and the skills audit.

A skills audit can also be utilised in a redeployment situation, and completion of the audit matrix can enable the individual to provide a breakdown of their skills, knowledge and qualifications to enable them to be redeployed into another suitable position.

Job descriptions/person specifications

Once the composition of the revised staffing structure has been determined, there must be clarity and transparency in identifying any proposed alterations to the current staffing structure. This may involve, for example: detailing removal of posts; addition of new posts; amalgamation of responsibilities into one post etc.

To help in the consultation process it is advisable, in order to inform discussions, to draw up an organisation chart identifying accountability by showing proposed lines of management with related posts/responsibilities so that this can be compared with the existing structure.

Job descriptions and person specifications must be drawn up for new and amended posts and appended to this chart, showing grades where appropriate (for example support staff roles).

Informal consultation

Once the draft structure has been finalised (and before the Business Case is presented to the full Governing Body as a basis for formal consultation) it would be good practice for the Headteacher to share the provisional plans informally with staff and recognised trade unions to elicit their initial views to feed back to the Governing Body.

Information to be provided at this time should include the underlying rationale with budget information, draft structure, draft job descriptions and person specifications and draft implementation plan.

Formal consultation

Following informal consultation and subsequent approval by the Governing Body, formal consultation with staff and trade unions should begin.

The Headteacher should announce the start of the formal consultation by writing on behalf of the Governing Body to all staff and recognised trade unions advising them through the business case and proposal, of:

- the purpose and scope of the review
- rationale and draft structure including job descriptions and person specifications, and where appropriate old and new organisation charts showing grades and job titles
- implementation plan and any other documents
- a named individual to whom queries about the process should be sent
- the dates by which any written responses to the consultation exercise will be required (usually a period of up to four working weeks)
- the arrangements for any meetings to be held with the staff and trade unions during the review
- the timescale of the process, including the consultation timescale and dates of Governing Body meetings to:
 - i. consider and approve the draft structure and implementation plan for consultation
 - ii. receive feedback from the consultation and to approve a revised or final version of the structure and implementation plan
 - iii. give further consideration to the structure if it has been necessary to undertake significant revisions to the initial proposals.

A formal consultation meeting will be held at the start of the consultation period with staff and trade unions to discuss the proposals. Either the Headteacher or a Governor would usually chair this meeting. Notes should be taken during all formal meetings with staff and trade unions.

Members of staff who consider that they are directly affected by the process may wish to meet individually with the Headteacher (or a senior manager) to discuss the proposals and may be accompanied in that meeting by a trade union representative or workplace colleague.

During the formal consultation period staff and trade union representatives may submit observations and suggestions in writing.

Completion of formal consultation period

The Headteacher (or subgroup where applicable) will consider all representations received before presenting the draft structure and implementation plan (which may have been revised as a result of consultation) to the Governing Body .

The presentation of the Headteacher (or subgroup) will include specific reference to any amendments proposed, as well as any suggestions put forward during consultation which were not incorporated, along with reasons as to why these were not adopted.

At this stage the Governing Body may elect to adopt the proposed structure and implementation plan on the basis that consultation has been completed (if there are no amendments to the original proposals or such amendments as are proposed have been discussed freely in an open forum without objections being raised).

If the Governing Body proposes a revised structure as a result of suggestions put forward by staff and/or unions which have not themselves been subject to appropriate consultation, or if the Governing Body itself proposes amendments to the draft structure and implementation plan which have not been subject to consultation, an extended period of consultation with staff and unions should be undertaken.

The timescale of any further consultation should be proportionate to the scale of the amendments – this should not, however, be less than one week in duration.

Implementation

Following the end of the consultation period and the agreement of the Governors to a new staffing structure, arrangements should be made to fill the posts in the structure . The Headteacher (or Subgroup where applicable) will assimilate or appoint staff to the new structure.

Appointments to the revised structure may be made over a phased implementation period to suit the needs of the Academy and the timeline should be made clear during the consultation process.

The extent of the change from the existing structure to the new structure and any budgetary considerations may determine the appropriate timescales.

Appointment of staff to the new structure

All staff are regarded as occupying their substantive post in the existing structure, regardless of whether they might currently occupy a different post, whether on a temporary basis (such as maternity cover etc) or on secondment.

Those posts classed as being the same as, or substantially the same as, those within the current structure should be agreed and provisionally listed in the restructuring plan as ‘unaffected’ posts, whereas those posts in the existing structure which are substantially different to posts in the new structure are ‘affected’ posts.

Appointments to the new structure will be made ‘tier by tier’ and members of staff identified as ‘affected’ will be able to apply for posts as they are released.

Where there is an identified requirement (if, for instance, there is a skills or qualification gap between an individual and the post) full consideration should be given to offering appropriate training before any action is taken in relation to proposed redundancy.

Assimilation

Where a post is largely unchanged (substantially performing either identical or similar functions) the member of staff should be 'slotted in' or 'assimilated' into the post.

At the beginning of the appointment process those staff to be assimilated will be informed in writing.

Staff can make requests, to the subgroup of Governors, not to be assimilated to a post which is substantially similar to their current post. By doing so, however, they will forfeit their right to automatic assimilation (and any potential redundancy payment if they are not appointed to any other post in the structure) although they remain free to apply for any remaining unfilled posts.

If staff request not to be assimilated, Governors will consider whether they can accept their request or have determined to refuse it on the grounds that:

- no other persons employed have the knowledge and experience or ability to fill the post and/or
- it would not be in the best interests of efficiency of the Academy to release the present postholder from that position.

The postholder will be notified in writing of the outcome of their request. If the request is declined, they may appeal in writing, see below for Right of Appeal.

Ringfencing

Where a post in the structure is a combination of existing responsibilities it should be ringfenced to those members of staff who previously held those responsibilities (since they are at risk of potential redundancy).

Under these circumstances appointment to the post may be either via interview and/or skills matching and management should seek agreement with trade unions on the most appropriate method of appointment.

Advertising

Any unfilled posts remaining at the completion of the process will be advertised in accordance with the Trust's Recruitment & Selection Policy.

A newly created post which is substantially different from existing posts should be made available to all staff in the Academy and should be advertised externally.

Right of appeal

Upon receipt of the formal outcome of the reorganisation process staff have the right to appeal. The appeal must be submitted in writing and addressed to the Chair of the Trust Board.

Appeals must be made in writing within 5 working days of the decision, setting out at the same time the grounds for appeal, including all information that the employee will rely on at the appeal hearing.

An appeals panel will be appointed, they may be supported by a specialist adviser. Where this relates to the Central Team, the Trustee will not have previously been involved in the original decision.

Appeals will be heard without unreasonable delay and at an agreed time and place (in person, or over video conferencing if relevant). Employees' statutory right to be accompanied by a Trade Union Representative or colleague will apply. Notes will be taken during the appeal hearing and a copy sent to the employee.

The appeal will be dealt with impartially and by Trustees who have not previously been involved in the case.

The employee will be informed in writing of the results of the appeal hearing within 5 working days. There is no further right of appeal.

Data Protection

The organisation will comply with the provisions of the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR). Employee data will be processed by the organisation in accordance with the principles of that legislation, as necessary for the performance of the employee's contract of employment and/or the conduct of the organisation's business. The organisation will ensure that personal information about an employee, including information in personnel files, is securely retained.