

Shapla School Organisational Change Procedure

1. General Scope of the Procedure

- 1.1 This procedure should be applied to address the proposal to close Shapla School, and the subsequent reductions in permanent teaching/support staff and fixed term staff with more than one years service who are employed in Shapla school. (the right to receive a redundancy payment is not acquired until after 2 years continuous service).
- 1.2 This procedure, will also apply in the case of voluntary redundancies for the above staff.
- 1.3 Staff should note that this procedure cannot be implemented until approval for any potential redundancies has been given by the Local Authority (LA) School Restructuring Panel. This will not be given final sign off until after a decision is taken on March 3rd 2021 regarding the closure of Shapla School.

2. Aims of the Procedure

- 2.1 The possible closure of Shapla School means requirements for staff at the school are likely to be significantly different.
- 2.2 This procedure is intended:
 - To take account of the school's statutory duty to provide for the educational needs of all pupils in line with the National Curriculum;
 - To minimise the impact of situations involving re-organisations and or staff reductions;
 - To ensure that organisational change takes place as effectively as possible and avoids unnecessary disruption;
 - To ensure staff reductions are reached fairly and in accordance with employment law and statutory entitlements; and
 - To ensure that consultation with staff and the trade unions is commenced at the earliest possible opportunity.
- 2.3 The LA recognises that school closure can be an uncertain time for staff. Staff wishing to explore the personal financial implications of options open to them should contact Tim Dean (support staff) or Caroline Pullinger (teachers) at Tower Hamlets LA. Staff feeling they need additional counselling support or advice at this time should contact
- 2.4 Staff will be offered enhanced CPD opportunities during 2020/21 Academic Year to help them develop additional skills in preparation for the possible need to seek alternative employment.

Equal Opportunities Considerations

- 3.1 As all staff at the school will be affected by the proposal to close Shapla School, all groups of employees will face similar processes, reducing the risk of unequal treatment. However, the Headteacher should ensure that they assess the situation across the group of employees likely to be affected, before they embark upon any action relating to staff reductions.
- 3.2 In order to be certain that no single person or group of employees is being treated less favourably than others under this procedure, it is important that all action taken is monitored. If details are not already available, employees may be asked to provide information (e.g. about their ethnic origin) to enable the Local Authority to review the impact of this procedure.

4. The Procedure (prior to HR consultation)

- 4.1 Early in the Spring Term 2021 the Headteacher will complete the School Development Plan and budgetary information with proposals to address the possible closure of Shapla School. This will be considered by the governing body.
- 4.2 If the proposals are approved in principle, the governing body will agree an:
 - Organisational Change Panel (usually consisting of the headteacher and one governor)
 - Appeals Panel (consisting of 3 governors – excluding the governor that was on the Organisational Change Panel)
- 4.3 In February 2021, the lead member of the Schools' Organisational Change Panel is required to submit an outline indicative business case (with indicative financial implications in terms of savings and cost of severance), to the School Restructuring Panel (SRP) for initial discussion, challenge and consideration by the Panel, supported by their School Improvement Officer and HR Provider.

A decision in principle by the Panel, and the decision of the Cabinet on whether the proposal will be implemented, must be received before formal consultation with staff and trade unions can commence. The trade unions at Shapla were informed in May 2020 of the possible consultation and possible closure decision.

This school specific version of the Local Authority School Organisational Change Procedure has been written and shared with staff and unions in July 2020, to ensure clear communication.

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The reductions in the number of pupils in the West of the Borough have led to too few children attending Shapla for it to remain financially viable in future, despite the good quality education it has offered.

- 4.5 It is the current practice of the LA to seek the agreement of the school to cover the full costs of the “enhanced” severance element of the redundancy payment.
- 4.6 If the costs are less than the salary savings generated by the reorganisation, the expectation would be that the school meets those costs in year (bearing in mind that this is a on-off cost and the school would be in a position to obtain full advantage of the savings in the following year).
- 4.7 If the above is not the case, the LA will introduce a facility to allow schools to obtain a free loan from the LA to pay for the one-off costs over a maximum of a three year period (in line with the deficit recovery plan arrangements). This would usually be the case when the reorganisation is taking place for budgetary reasons.
- 4.8 Costs arising from the “statutory” element will be funded from a centrally managed budget as long as the school has obtained the approval of the SRP, and has acted reasonably and has followed the School’s redundancy policy.
- 4.9 Termination costs in respect of closing or merging school will continue to be met centrally. In addition, the LA will maintain a discretion in respect of meeting the costs of any termination required as a consequence of LA intervention for schools causing concern.
- 4.12 The Outline Business Case will be prepared for the Schools Reorganisation Panel during February, but will not be implemented unless the Council Cabinet reaches a decision to close the school.
- 4.13 As this is a proposed closure, the majority of posts are expected to be deleted. Any retained positions will be made clear in the Outline Business Case. There may be some posts that are not deleted. For example – school keeping and cleaning if there is to be continued use of the building, staff supporting particular EHCP plans, staff that other schools request be TUPEd to them as they have a specific staffing need.
- 4.14 All staff will have the opportunity to apply for voluntary redundancy.
- 4.15 In the event that not all staff who apply for voluntary redundancy have it agreed, the consultation document will include a set of criteria to prioritise the granting of voluntary redundancy. The Organisational Change Panel will take into account curriculum requirements when deciding whether to accept an application for voluntary redundancy.

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4.16 There may be an opportunity for some staff to apply for voluntary redundancy from just after the end of the Summer Term 2020 (July 30th) but some staff will need to be available during August because the school will not close until August 31st 2020.

5. The Procedure (the consultation)

5.1 The Organisational Change Panel will be responsible for consulting with staff and trade unions on methods for making reductions, and for selecting posts for redundancy following full consultation. In the event of a disagreement between members of the Organisational Change Panel the Headteacher will have the casting vote.

5.2 Provided that a decision in principle has been given by the SRP (as per paragraph 4.3), the School's Organisational Change Panel will consult with staff and trade unions on methods for avoiding compulsory redundancies (from mid - March), e.g. voluntary redundancy/early retirement, natural wastage, TUPE to another school.

If staff are voluntarily redeployed into a post and the salary is lower, they shall be entitled to salary protection in accordance with the school teachers pay and conditions document and for support staff any salary protection will be for 2 years.

5.3 The consultation will initially be in the form of a written document to the trade unions and relevant staff and will include the following information:

- The reason for the proposal
- The number and description of employees at risk
- The total numbers at the establishment (current and proposed structure)
- Steps that will be taken as a means of trying to avoid compulsory redundancies, such as voluntary redundancies
- The proposed method for selecting for compulsory redundancies, in the event that this is necessary
- Confirmation of the procedure that will be used to make the proposed redundancies
- The proposed method of calculating any redundancy payments.

5.4 This written document should be sent to the trade unions and relevant staff as soon as is reasonably practical and where possible at least 3 months before the first dismissal is envisaged to take place. Voluntary redundancies may still take place prior to this providing all parties agree.

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- 5.5 Invitations will be sought at this point for volunteers for redundancy. The Organisational Change Panel will take into account curriculum requirements when deciding whether to accept an application for voluntary redundancy.
- 5.6 Where sufficient staffing reductions cannot be met through the above methods, the Organisational Change Panel will be responsible for identifying the numbers and types of posts for compulsory redundancy.
- 5.7 The Panel will continue to consult with staff and trade unions regarding the proposals and on the proposed selection criteria for making compulsory redundancies.
- 5.8 The Organisational Change Panel will then apply the agreed selection criteria and identify specific posts for redundancy. Because the school is closing, this is likely to be almost all posts at the school. At this point, they will write to those staff whose posts have been identified and offer to meet with them in order that they may make individual representations).
- 5.9 Following this meeting the Panel, if applicable, will write to the relevant individuals confirming their decision to make a determination to dismiss on the grounds of redundancy (or in cases of non-teaching staff, to dismiss on the grounds of redundancy) and advise them of their right to appeal.
- 5.10 At this point, the Schools' Organisational Panel must submit the Final Business Case) to the SRP for final approval for the funding of the redundancy costs.
- 5.11 Suitable alternative employment will be sought for those individuals selected for redundancy. Where this search for alternative employment is unsuccessful, the determination to dismiss will proceed. The search for redeployment will be co-ordinated by the Local Authority.
- 5.12 Staff who wish to seek redeployment are able to do so. In the event of no position being found for them they would be entitled to a redundancy package.

6. Appeals

- 6.1 Upon receipt of appeals, the Appeals Panel will meet with the appellant and their representative to consider the grounds for appeal.
- 6.2 A representative from the Schools HR provider will attend this meeting to advise on procedural matters and matters of precedent.
- 6.3 The Appeals Panel will write to the individual concerned informing them of their decision, which will be final.

NB. Where no appeal is made, or where the individual's appeal is unsuccessful, Community Schools must inform the Corporate Director (Culture and Children) in

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writing of the determination to dismiss on grounds of redundancy, in order that a dismissal may be made.

7. Suggested Report Format to the SRP

7.1 Executive Summary

This should include the reasons for the proposal, i.e. is the proposal due to financial constraints or restructuring. Also include action taken to mitigate redundancies

7.2 Restructuring Proposals

This section should give details of number and the posts that will be at risk. The current and proposed structures should also be included as appendices.

7.3 Financial Implications

The financial situation should be outlined in this section, including the savings made, if any, as a consequence of the proposed reorganisation, indicative costs of redundancy and budgetary information included as appendices.

7.4 Outline Timetable

Relevant dates should be shown in table format – see Indicative timetable at Section 8

7.5 Any Additional Notes

Any information that you feel may be useful for the SRP can be included in this section of the report

7.6 Appendices

These should include:

- The Current Structure
- The Proposed Structure
- Any Proposed Job Descriptions
- Any Draft Job Matching List

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8. Indicative Timetable

ACTION	INDICATIVE TIMESCALE
Pre-publication consultation on possibility of closure of Shapla School	June 2020
Local Authority decision to publish statutory notice on closure proposal	October/November 2020
Notify LA of Outline Business Case (OBC) in preparation for possible closure	February 2021
Schools Reorganisation Panel - Consideration of OBC	February 15 th 2021
Cabinet reaches decision on closure, or not, for Shapla School	March 3 rd 2021
Submission of Revised OBC (if required)	March 4 th 2021
Panel makes decision in principle to support the consultation	March 5 th 2021
Commencement of Consultation Meeting with staff (& Human Resources) Meeting with TU (& Human Resources) (Consultation papers to be issued at this meeting if it hasn't already been issued)	March 12 th 2021
Surgeries one to one meetings with staff	March 15 – 26 th 2021
Meeting midway through consultation period Meeting with staff (& Human Resources) Meeting with TU (& Human Resources)	24 th March 2021
Easter Holidays	29 th March – 9 th April
Consultation period ends	23 rd April

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ACTION	INDICATIVE TIMESCALE
Responses to consultation process and final structure determined	26th April
Applications for staff who have volunteered for redundancy or early retirement to be considered against selection criteria and staff notified of the decision	30 th April
Job Descriptions to be determined and verified (if any)	30 th April
Apply Selection Criteria	May 7th
Appeals to be heard by OC Panel and OC Appeals Panel	May 10 th – 14th
Submission of Final Business Case (FBC)	May 17th
Schools Reorganisation Panel - Approval of funding	May 21st

10. LA Governance Arrangements

10.1 On 8th June 2011, the School Forum agreed new governance arrangements for the approval of school reorganisations and associated funding, effective immediately. These have been referred to in sections 4 and 5.