



## **Managing Organisational Change Policy**

Signed by CEO:



Signed by Chair of MAC Board :



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## 1.0 Purpose

1.1 Organisational Change (“OC”) is defined as the process used to manage changes to the organisational structure of a school. The purpose of this procedure is to provide schools with a framework for managing OC that complies with employment law and good HR practice.

1.2 It is based on these key principles:

- Consultation with employees and unions will be meaningful and transparent and seek to avoid and where possible minimise redundancies;
- All affected employees will be consulted about OC and will be supported where possible to participate fully in the process (including those on maternity, paternity, adoption, parental leave, secondment or sickness absence);
- All managers and governors will ensure that issues of gender, race, religion or belief, sexual orientation, disability, pregnancy/maternity, gender reassignment, age and/or marital status/civil partnership do not affect any decisions made;
- Managers and governors leading on OC will support employees who are under notice of redundancy, or who are displaced as a result of proposed structural change, to seek suitable alternative employment, both internally and externally and will take a considered approach to recruitment at these times, including halting permanent posts for the time being or leaving certain vacancies unfilled where possible;

## 2.0 Scope

2.1 This procedure applies to all employees in maintained schools.

2.2 It should be used when a school is proposing to make any changes to its staffing structure. However, the length of consultation and formal stages required will vary depending on the complexity of the proposals and whether the changes are positive i.e. the re-grading of posts leading to promotion opportunities, or negative, i.e. changes

which may lead employees to suffer a detriment (such as a reduction in pay, demotion and/or loss of job).

## 3.0 Definitions

### 3.1 In this procedure:

- 'Organisational Change' is the process used to manage changes to a staffing structure, and may or may not include redundancies;
- 'Local Authority' means Birmingham City Council acting in its capacity as a Local Education Authority;
- Any reference to a 'school' also includes an 'academy';
- Any reference to a committee of the governing body also includes an equivalent body for academy trusts;
- reference to a 'headteacher' includes a 'principal' in an academy as appropriate;
- 'Employee' means any person who is employed by the school or academy under a contract of employment.
- The employee's "chosen companion" is defined in employment law as a trade union representative or a co-worker at the same workplace chosen by the employee.
- Any reference to consultation in accordance with to ACAS guidelines – Consultation must always be a genuine two-way discussion about whether a change is needed and what kind of change is appropriate. Everyone involved must have the chance to have their views heard and be able to discuss the issues in a meaningful way. Employers must listen openly to any concerns or suggestions and genuinely consider them.

### **Right to be accompanied**

- 3.2 Under these procedures such a companion or representative may be present at each stage of the procedure. Where an employee chooses to be accompanied or otherwise assisted by a representative in accordance with the legislation, the headteacher, or the clerk to the Governing Body as the case may be, will seek to arrange hearings, etc, in consultation with the chosen trade union official or chosen workplace employee

### **Notes of meetings**

- 3.3 The governing body will require its clerk or an appropriate substitute to attend and make a full record of any meeting held by a committee under this procedure. Minutes of the meetings will be available to the employee or the employee's representative if requested and should normally be provided within 5 working days of the meeting. No participant should make a sound or video recording of a meeting without the consent of all the participants, including witnesses. If the content of the minutes is questioned, the person who wrote the minutes should check his or her notes of the meeting in

question and, if no reason is apparent for altering them, refer the question to the committee for verification. If a disagreement over the content remains, then the employee may append his or her version of the disputed part to the original minutes, which shall remain unaltered.

## 4.0 Pre consultation steps

4.1 Prior to commencing consultation with employees and, where appropriate, unions about the OC proposals, the headteacher (or other designated manager) should:

- a) Ensure that this procedure is adopted by the governing body in a full governing body meeting and that a note is made by the Clerk in the minutes for audit purposes;
- b) Explain to the full governing body that proposals are being prepared which may affect the staffing structure of the school, the full details of which will be shared with an appropriate HR representative and a separate OC committee prior to consultation starting. To ensure that subsequent OC proceedings are not compromised, the full governing body should not discuss the proposals in detail;
- c) Nominate a committee of 3 governors plus a reserve to support with the OC proposals or add the remit to an existing committee as appropriate (known as the OC Committee).
- d) Nominate a separate appeals committee of 3 governors plus a reserve to sit on any appeals panel as appropriate. Members of the OC Committee should not also be members of the appeals committee and vice versa;
- e) Prepare a written business case setting out the proposals for changing the school staffing structure, together with a rationale of benefits and risks including likely costings and impact on employee/s. This should be accompanied by a) existing staffing structure; b) proposed staffing structure; c) job descriptions and person specifications (if new posts are being created or existing posts are being amended); d) the proposed selection criteria e) implementation plan setting out proposed timescales and actions from moving from the current structure to the new structure; and f) any relevant supporting documentation, such as budgetary information, pupil intake numbers, and draft section 188 Notice and Form HR1 if more than 20 redundancies are proposed within a 90 day period.
- f) Prepare an Equality Impact Assessment to ensure that the OC proposals do not discriminate against employees with particular protected characteristics as defined in the Equality Act 2010.
- g) Once the business case and appendices have been approved by your local authority HR and School Financial Service representative, they should be presented to the OC Committee as a basis for consultation with employees and/or unions. The OC Committee may either a) authorise the headteacher to start formal consultation with employees and/or unions in line with the business

case; b) decide that the proposals require amending prior to starting consultation; c) decide that no further action should be taken on the basis that the proposals are not in the best interests' of the school or that a formal redundancy process should be delayed to test alternatives such as natural wastage.

- h) If redundancies are proposed, details of affected employees should be provided to your chosen HR provider when the business case has been prepared so that redundancy estimates can be calculated and shared with employees during the consultation period. This supports the premise that dismissal on the basis of compulsory redundancy will always be seen as a last resort and that voluntary redundancy should be considered before compulsory redundancy.
- i) Headteachers proposing to dismiss support staff of age 55 and above should contact pensions in good time to establish the amount of any pension strains that will be payable by the school if such employees are dismissed on redundancy grounds.
- j) Headteachers should direct employees to support they can access during this process. This may include but not limited to: Stress Risk Assessment, Occupational Health Referral, Employee Assistance Programme or equivalent, Mental Health First Aiders and time off for interviews. Additional support could be offered through the employee's trade union representative such as interview skills, completing CVs and access to their support line.

## 5.0 Restructures not involving redundancies

- 5.1 Where an internal re-structuring does not involve potential redundancies, pre-consultation steps a) to g) above should be followed. Following these steps, the length and nature of consultation will vary depending on the nature of the proposals.

### **Straightforward proposals**

- 5.2 Where a school is proposing to make straightforward changes to its staffing structure i.e. an increase in the number of posts, increases in salary grades, re-grading of posts leading to promotion opportunities, consultation with unions is not obligatory. The headteacher or designated manager should ensure that a copy of the business case and appendices is shared with all directly affected employees in a group meeting. This meeting will start the recommended consultation period of 5 - 10 working days depending on the nature of the change and affected employees' consent. Employees should be invited to meet with the Head or another designated manager individually during the consultation period to discuss any ideas or suggestions that they may have or raise any concerns. If the employee wishes to involve their union representative, the consultation period may need to be longer.
- 5.3 Following this meeting, details of the proposals should also be shared with the rest of the school employees, either in a staff meeting or via email, within the next day or two,

unless there are exceptional circumstances. Details of the proposals should also be supplied to all absent employees who are directly affected.

- 5.4 Following the consultation period, the headteacher or designated manager should feedback any comments or suggestions made by employee and/or unions to the OC committee and decide if the original business case requires amendments as a result. It is important that the business case accurately reflects the next steps and potential impact on employees.
- 5.5 Subject to 5.4 above, the new structure should be implemented in line with the stages set out in the business case.

**Proposals which may have a negative impact on employees**

- 5.6 If the proposals are contentious or may have a negative impact on employees, e.g. decreasing salary, reducing or increasing working hours, the following steps are recommended after pre-consultation steps a) to f) above have been followed:
  - a) Email a copy of final approved business case and appendices to all school recognised unions. This will start the recommended consultation period of 30 days.
  - b) Headteacher or designated manager should ensure that a copy of the business case and appendices is shared with all employees likely to be directly affected in a group meeting, or via electronic means. Employees should be invited to meet with the headteacher or another designated manager individually during the consultation period to discuss any ideas or suggestions that they may have.
  - c) Following the 30-day consultation period, the headteacher or designated manager should feedback any comments or suggestions made by employees and/or unions to the OC committee and decide if the original business case requires amendments as a result. It is important that the business case accurately reflects the next steps and potential impact on employees.
  - d) Subject to c) above, the new structure should be implemented in line with the stages set out in the business case and ensuring that principles of “assimilation/slotting-in” and “ring-fencing” are followed as appropriate.

Assimilation is the matching of an employee to a post without a selection process because the new or amended post resembles in all or most respects the employee’s existing post which is being replaced or changed.

Where assimilation is not relevant to a particular post or posts, or where there is more than one employee who would be eligible to be slotted into a post under the new structure, the school will need to undertake a ring-fenced selection process. ‘Ring-fencing’ takes place after assimilation. It means that employees whose posts will be deleted from the staffing structure are given the first opportunity to apply for newly created posts or suitable alternative posts before they are advertised elsewhere, either internally or externally.

- e) As part of the implementation process, the headteacher or designated manager should ensure that all employees are notified in writing of changes to terms and conditions of employment. If a teacher’s salary is varied as per the School



Teachers' Pay and Conditions Document, salary safeguarding will apply for a period of 3 years. Support staff salary protection is limited to the City Council's provisions. The school should notify your chosen HR provider in good time of any contractual changes so that overpayments etc. can be minimised.

- f) If during the consultation, it has not been possible to agree contractual variations which meet the school's needs on a voluntary basis with employees, the school may need to consider alternative processes in accordance with ACAS guidelines which may include redundancies. The headteacher should already have included details in the business case setting out how this process would work.

## **6.0 Consultation (Less than 20 redundancies within one establishment)**

- 6.1 Consultation is the meaningful sharing of information about the OC and, in particular, any proposed redundancies. The aim is to take into account feedback and comments from employees and trade unions, and to consider ways of reducing the impact of any negative restructure proposals (including redundancies).
- 6.2 When contemplating OC, the employer has a legal obligation to consult with affected employees individually if the proposal is to make less than 20 redundancies within one establishment i.e. one school or academy within a period of 90 days or less. Collective consultation requirements are only triggered if more than 20 redundancies are proposed within a 90 day period. Consultation is also crucial in maximising employee engagement and motivation during the change.
- 6.3 Although legally, there is no fixed length of consultation required for less than 20 redundancies and also no legal requirement for a formal consultation meeting with unions in these circumstances, the school will aim for as close as possible to 30 calendar days, subject to holidays and budgetary pressures. In exceptional circumstances, the OC committee may consider pausing the consultation period.
- 6.4 If the headteacher or designated manager has been authorised by its OC Committee to open consultation with employees, the headteacher shall email and invite the unions at city level to a first consultation meeting, providing them with a draft copy of the business case and supporting appendices for information purposes. The headteacher or designated manager will invite unions to make relevant written comments during the first consultation period. The first consultation meeting will start the statutory period of consultation.
- 6.5 Following the first consultation meeting, the headteacher or designated manager shall meet with all "affected employees" in group meetings or individually, where appropriate, to inform of the consultation period and ensure that meaningful consultation takes place.
- 6.6 If there is still a requirement for further consultation on potential redundancies, the headteacher or designated manager will invite the unions at city level to a second consultation meeting with the OC committee and where required providing them with

a final copy of the business case and supporting appendices. Unions are also encouraged to support their members at individual consultation meetings.

6.7 A copy of the business case should be shared with the employee during the meeting. Whilst employees are not legally entitled to representation at these meetings, it may be good practice to offer support from a chosen companion subject to time restraints. Individual consultation should take the form of at least one one-to-one meeting with the support of a chosen companion giving 5 days' notice. However, employees should be encouraged to request further meetings with managers during the consultation period if they feel this would be beneficial.

6.8 During the individual consultation meeting, employees should be informed about:

- The proposals for change, including rationale and possible impact on them individually;
- The proposed criteria for the selection process and/or methods of selection (competency based interview, skills audit and/or selection matrix);
- The amount of redundancy payment that the employee would be eligible to receive in the event that their redundancy was confirmed. Affected employee should be invited to express an interest in voluntary redundancy during the consultation period, so that this can be considered by the appropriate committee before any compulsory redundancy selections take place;
- Steps taken by the school to date (or anticipated future methods of) avoiding compulsory redundancies i.e. recruitment freezes, natural wastage, flexible working opportunities, offering voluntary redundancy/early retirement and/or varying employee terms and conditions
- Any potential suitable alternative employment that may be available in school;
- Listening to any concerns that they may have about the process (or any other relevant matters);
- Their rights to take reasonable time off for training, interviews, updating CVs etc. during the consultation period.

Meaningful consultation requires managers to listen carefully to affected employee and genuinely consider their suggestions, even if these are not accepted.

6.9 Although the employer is not legally required to consult with employees as a group in small-scale redundancy situations, it is good practice to hold a whole school meeting after the individual consultation meetings have taken place. This ensures that all employees are briefed about proposed changes, understand the rationale for change and have an opportunity to share views and/or suggestions about the proposals. It can also encourage bumped/transferred redundancies. It is advisable to keep a register of employee in attendance, so that employee who are absent due to maternity, paternity, adoption, sickness and/or secondment etc. can be consulted with separately. Please note all absent employees are entitled to the same length of consultation period

therefore the headteacher/designated manager should make arrangements with absent employees in good time to fulfil the consultation period.

- 6.10 Following the consultation period, the headteacher or designated manager should feedback any comments or suggestions made by employee and/or unions to the OC committee and decide if the original business case requires amendments as a result. It is important that the business case accurately reflects the next steps and potential impact on employees.

## **7.0 Consultation (More than 20 redundancies within one establishment)**

- 7.1 If more than 20 redundancy dismissals are proposed within one establishment within a 90 day period, collective consultation steps must be followed:
- 7.2 If the headteacher or designated manager has been authorised by its OC Committee to open consultation with employees and trade unions, the headteacher shall email the unions at city level and provide them with a copy of the business case and supporting appendices (to include a section 188 Notice and Form HR1 for notification to BIS). The Unions will be invited to a consultation meeting to discuss the business case and appendices.
- 7.3 If the proposal is to make between 20 and 99 employees redundant within a period of 90 days or less, the meeting with unions will trigger a 30 day consultation period, which should exclude any holiday period (a consultation period of at least 45 days will be needed if the proposal is to make 100 or more employees redundant at one establishment within 90 days or less). This meeting will normally be chaired by the OC Committee, with support from the headteacher as relevant. It must begin in good time i.e. at least 30 or 45 days before the first redundancy dismissal takes effect, and be meaningful i.e. look at ways of avoiding compulsory redundancies and require managers to listen carefully to affected employee and genuinely consider their suggestions, even if these are not accepted.
- 7.4 The outcome is likely to be one of the following:
- Confirmation by OC Committee that next step will be ongoing collective consultation with affected employees about potential redundancies (including inviting expressions of interest in voluntary redundancy) or a restructure of another nature; or
  - Confirmation by OC Committee that some or all of the proposed changes can now be made via normal management action i.e. voluntary movement of employee , natural wastage and/or voluntary changes in contracts;
- 7.5 Following the consultation meeting with unions, the headteacher or other designated manager shall meet with directly affected employee on a one-to-one basis. The purpose of the meeting will be to share a copy of the proposals, explain why there is a

potential redundancy situation and how they may be impacted. It should be made clear that they are at the start of the consultation period and encourage them to come forward with any suggestions that they may have as to how redundancies might be avoided or reduced during this period. Employee should be invited to meet with the head again during the consultation period, with or without their chosen companion, if this would be helpful. A copy of this procedure should be made available if requested to each employee and a brief note kept of the meeting. The head should also invite expressions of interest in voluntary redundancy and ask for this confirmation to be provided in writing to them by the end of the 30 day consultation period at the latest. Confidential minutes should be kept of this meeting and kept on file for audit purposes.

- 7.6 After the one-to-one meetings have taken place with directly affected employee, the headteacher shall provide an update to the whole school employee by way of group meeting. This ensures that all employees are briefed about proposed changes, understand the rationale for change and have an opportunity to share views and/or suggestions about the proposals. It can also encourage bumped redundancies. It is advisable to keep a register of employee in attendance, so that employee who are absent due to maternity, paternity, adoption, sickness and/or secondment etc. can be consulted with separately. Please note all absent employees are entitled to the same length of consultation period therefore the headteacher/designated manager should make arrangements with absent employees in good time to fulfil the 30 day consultation period.
- 7.7 Following the 30 (or 45-day) consultation period (see 6.3 above), the headteacher or designated manager should feedback any comments or suggestions made by employee and/or unions to the appropriate committee and decide if the original business case or section 188 Notice requires amendments as a result of the consultation and/or advice sought from HR.

## **8.0 Voluntary Redundancies (“VR”)**

- 8.1 In order to minimise the prospect of compulsory redundancies, redundancy estimates should be sought for affected employee once the business case has been approved by the OC Committee. As support employee who are dismissed on redundancy grounds aged 55 and above can attract a costly pension strain, which is payable by the school, the headteacher or designated manager should email their chosen HR provider early in the process to enquire about costs. Employees in this age bracket should also seek information from their pension providers on the implications for their pension if they were to be granted VR.
- 8.2 Redundancy estimates should be shared with affected employee during the consultation period and employee should be asked to submit their expressions of interest in VR during the consultation period, unless there are exceptional circumstances. Employee should be warned that the school is not obliged to accept any or all of the requests for VR that are received. Depending on the nature of the changes being proposed, a headteacher or appropriate manager, may wish to widen the voluntary redundancy pool to whole school employee, in order to consider a bumped redundancy situation.

- 8.3 Once expressions of interest have been received (from directly affected employee and/or bumped employee), the headteacher shall meet with the OC Committee to consider whether or not to accept the requests. Employee should be notified in writing by the OC Committee whether or not their request has been accepted, and subsequent next steps are below.

## 9.0 Employees made redundant whilst on maternity leave

- 9.1 Employees who are pregnant, on maternity leave, adoption leave, shared parental leave, neonatal care leave or have returned from leave and the birth of their child was within 18 months are entitled to priority as far as suitable alternative employment is concerned. Where an appropriate vacancy exists, an employee on maternity leave must be offered the alternative employment under a new contract that begins on the day immediately following the day on which her previous contract comes to an end. The new work must be suitable in relation to the employee and appropriate for her to do in the circumstances, and the new contract provisions must not be substantially less favourable than those of the previous contract. Case law suggests that, even if the only alternative employment available does not seem to be suitable, an employee on maternity leave should nonetheless be given the chance to consider it.
- 9.2 Where a suitable vacancy exists and the employer fails to offer it, the employee's dismissal will be automatically unfair. However, where the employee rejects the alternative employment, or no suitable vacancy exists, the employer is entitled to dismiss by reason of redundancy.
- 9.3 If an employee who is pregnant or on maternity or adoption leave is dismissed, they are entitled to a written statement of the reason for dismissal regardless of their length of service. This does not have to be requested by the employee.

## 10.0 Suitable Alternative Employment

- 10.1 Suitable alternative employment should be considered and offered where possible, right up to the date of dismissal. If such employment is offered and accepted, the employee concerned will have a statutory right to a trial period of four weeks in the alternative job where the terms of the new contract differs from those of the original one. However, if the employer offers the redundant employee suitable alternative work and they unreasonably refuse this, then the employee will not be entitled to a redundancy payment.

### 10.2 Redeployment

The school will make every reasonable effort to redeploy an employee who has been selected for redundancy. Whilst redundancy is to be viewed as the last resort, it is recognised that neither the governing body nor the Local Authority has the power to redeploy staff between schools or within the Local Authority. However, schools in a redundancy situation are encouraged to seek the support of the Local Authority as well as their own contacts with other schools in recommending staff vulnerable to redundancy for consideration for suitable vacancies.

## 11.0 Compulsory Redundancies ("CR")

11.1 If there is not a sufficient number of expressions of interest in VR, or the school is unable to accept any or all of the requests received on business grounds, the headteacher or designated manager shall:

- Write to the employee(s) who are identified for redundancy purposes i.e. because they are the only individual undertaking that role in school, or because the school is proposing to make all employee who undertake a specific role redundant and notify them that they have been provisionally selected for redundancy and have a right to a meeting before the OC Committee to discuss this; and/or
- Select an impartial panel of scorers who will be responsible for the provisional selection of employees for compulsory redundancy ("CR") using a selection matrix, skills audit; and a competency based interview. To minimise allegations of bias, the panel should comprise a minimum of 3 members, who will ideally have a current and good working knowledge of the skills and competencies of the employee at risk of redundancy.

11.2 Once the scoring process has been undertaken, the panel shall meet with the headteacher and explain how they undertook the scoring process, what evidence they took into account and which employees have been provisionally selected for redundancy. The headteacher will then meet with the OC committee to discuss the scoring. The OC committee may ask members of the panel to attend this meeting. The OC committee shall decide whether to accept the recommendations of the panel and who shall be selected provisionally for redundancy.

11.3 The headteacher will then write to those employees confirming that they have been provisionally selected and giving them the option to meet with the OC Committee to discuss their selection within a reasonable period. Each employee should be told what their score was and the rationale for that score. If they request this, the employee has the right to see a copy of the selection matrix setting out the scores of all employees in the selection pool. However, the name of each employee must be redacted for data protection purposes. Employee should be required to confirm or decline this offer of a meeting within 5 working days at the latest, so as not to unnecessarily delay the process.

## **12.0 Cease to Work/Dismissal Meeting before OC Committee (or by a headteacher with formally delegated authority to hold a hearing)**

12.1 If the employee provisionally selected for CR elects to have a formal meeting before the OC Committee, (or depending on the governing body's delegations, before the headteacher if they have not been involved previously in the management of the employee's redundancy), a meeting shall be arranged as set out below.

12.2 The employee may wish to make representations about their proposed redundancy including the way that the redundancy process was undertaken, the selection methods chosen, or the way in which they were applied, although this list is not exhaustive. Either party may wish to call the Chair of the scoring panel as a witness to this meeting.

12.3 If a provisionally selected employee confirms their wish to make representations before the OC Committee, they will receive a formal invite letter from the school confirming the date, time and venue. To ensure that the employee has enough time to prepare for this meeting, reasonable notice of the meeting should be given. This should be at least 15 working days, unless there are exceptional circumstances. If you know that an employee intends to be represented by a chosen companion, it is helpful to agree a date with them, before sending out the invite letter. If a trade union is unable to make the suggested date and time, the employee must suggest an alternative date and time which is reasonable and no more than 5 working days after the original date. The OC Committee may reject this suggestion but will do so only if it is unreasonable, when they may proceed to hold the meeting in the employee's absence. Advice should be sought from your chosen HR representative in these circumstances.

12.4 The Clerk to the governing body should ensure that all invited parties to the hearing (OC Committee, employee, their representative and the HR representative) receive copies of any supporting paperwork for this meeting at least 5 working days before the meeting. Any evidence supplied by the employee or management at short notice may not be considered by the OC Committee, this will be down to the discretion of the Chair of the OC Committee.

12.5 The outcome of the meeting may be:

- that the employee should cease to work at a community or voluntary controlled school - or be dismissed from employment at the school in the case of a voluntary aided or foundation school – on grounds of redundancy; or
- accept the employee's representations that they have been unfairly selected for redundancy and decide that employment will continue at the school.

If, as a consequence of deciding that a particular employee should not be made redundant, another employee is provisionally selected for redundancy, the OC committee should inform that employee in writing as soon as possible and give that person an opportunity to make representations before the OC committee as described above.

12.6 The committee shall communicate the decision to the parties in person or subsequently in writing as the committee shall determine. An oral communication shall be confirmed in writing within 10 working days, including the right of appeal.

12.7 A notification of a determination to cease to work at a community, community special, voluntary controlled or maintained nursery school shall include a statement that the local authority will be advised of the determination to enable it to issue a notice of dismissal as required by law. It shall state whether the employee is required to serve contractual notice or will be paid in lieu of notice and also give details of the right of appeal (see below). A notice of dismissal from a voluntary aided or foundation school shall state whether contractual notice is to be served or whether there will be pay in lieu of notice and shall give details of the right of appeal.

### **Time off to look for other employment**

An employee who has been issued with notice of dismissal for redundancy and has two years' continuous service by the expiry of the notice period has the right to take reasonable paid time off during working hours to look for new employment or to make arrangements for training for future employment. All requests for such time off must be agreed with the headteacher in advance. What is "reasonable" will depend on the

individual circumstances of the case and relevant factors may include how difficult finding new employment is likely to be, the distance that the employee may have to travel in order to do so, and the needs of the school.

## 13 Appeals

- 13.1 An employee has the right of appeal against the decision of the OC Committee or headteacher who has conducted the meeting at 12 above. An appeal shall be to a separate and impartial appeal committee established by the governing body.
- 13.2 An employee may appeal by giving written notice of the appeal and of all the grounds on which it is being made to the clerk to the governing body within 10 working days of receiving written confirmation of the outcome of the meeting at paragraph 10. The grounds for the appeal should be accompanied by any additional evidence to be presented in support of the appeal. There is no requirement to submit any documentation if the employee does not wish to, other than a statement from any witness who may be called by the employee. However, if the employee does not intend to submit any documentation there should be a positive statement from the employee and/or their representative to this effect and the employee will not be able to use at the hearing any evidence not previously circulated to the parties in advance.
- 13.3 The clerk to the governing body will immediately notify the headteacher or the person representing the committee (whichever took the decision against which the employee is appealing) of all the grounds of appeal and any additional evidence, with a request to submit any additional papers in response to the clerk within 7 working days.
- 13.4 The clerk to the governing body will then arrange an appeal hearing in reasonable time. The clerk shall give at least 10 working days' formal notice of the date, time and location of the appeal hearing to all participants. All documents relevant to an appeal hearing shall be enclosed with the letter. The employee/trade union rep may suggest an alternative time and date as long as it is reasonable and is not more than 5 working days after the original date. The committee may reject this suggestion if it is unreasonable and may proceed to hear the case in the absence of the employee or their representative, it also has the discretion to defer the date of the hearing in order to reach mutual agreement on a convenient date.
- 13.5 The witnesses may include, as appropriate to the circumstances of the case, the headteacher and/or a member of the committee who took the decision against which the employee is appealing, or the person who presented the case if that person was not the headteacher.
- 13.6 The order of proceedings for an appeal hearing will follow the procedure recommended by the local authority. The appeal committee will have regard to any guidance issued from time to time by the local authority on conducting an appeal hearing.
- 13.7 The appeal committee may dismiss the appeal or uphold the appeal.
- 13.8 The employee may choose whether to hear the appeal committee's decision in person or receive it subsequently in writing, but this choice shall not prevent the committee from choosing to adjourn and reconvene before making a decision. An oral announcement shall be confirmed in writing by the clerk to the governing body within



5 working days of the appeal hearing. If an appeal against a determination to cease to work at a community, community special, voluntary controlled or maintained nursery school is upheld, the letter of notification will state that the local authority will be notified immediately so that it can withdraw the letter of dismissal and reinstate the employee without a break in service. If an appeal against dismissal from a voluntary aided or foundation school is upheld, the letter of notification will include a withdrawal of the dismissal and reinstatement without a break in service.

## **14 Notification of conclusion of proceedings**

- 14.1 At the end of the proceedings the headteacher will give Employee Relations and the unions a summary of the outcome of the proceedings, in the form of the number(s) of employees obtaining work elsewhere, accepting variations in contracts, accepting voluntary redundancy or made redundant compulsorily.