

## **REDUNDANCY AND RESTRUCTURING POLICY AND PROCEDURE**

### **1. Purpose**

- 1.1 The need to make changes to the shape of the workforce and the numbers employed can arise for a range of reasons which can include technology, legislation, changes within the school/ academy Improvement Plan, significant change to the size of a school / academy, regulation, curriculum changes, budgets and funding as well as a range of other factors.
- 1.2 This document states the means by which The Trust will deal constructively, consistently and fairly with any changes which impact on the school /academy structure leading to a reduction in the number of posts and a redundancy situation.
- 1.3 Where a restructure will not impact on the number of posts or associated term and conditions or lead to a redundancy situation this procedure will not apply, although it will be normal practice to consult affected staff and trade unions on the proposed changes normally for 30 days prior to implementation.

### **2. Scope**

- 2.1 This policy and procedure applies to the majority of employees, however, it does not apply to employees engaged on a fixed term contract of employment whose employment will end on the contract termination date, agency workers or apprentices.
- 2.2 This policy and procedure does not apply where changes will not result in a potential redundancy situation.
- 2.3 This policy and procedure may cover only teaching staff or only support staff or it may include all staff.
- 2.4 The Trust is accountable in law for any decision to dismiss an employee by reason of redundancy. Trust HR staff will work in conjunction with The Headteacher and the Local Governing Body when a potential redundancy situation arises and will attend all relevant meetings and participate in this process as an equal partner.

### **3. Policy statement**

- 3.1 The Trust aims to provide a secure working environment and seeks to avoid the need for compulsory redundancies wherever possible.
- 3.2 Inevitably there will be occasions where changes leading to restructuring and / or redundancy may be unavoidable and in such cases, a rationale will be identified for the changes including confirmation of the staff group (s) affected.
- 3.3 Where redundancies cannot be avoided, The Trust will act as sensitively as possible acting fairly, consistently and in accordance with all relevant legislation and ACAS guidance.
- 3.4 The Trust recognises the importance of effective communication with individuals and groups of staff as well as their representatives when changes are necessary and therefore consultation between the Headteacher, Trust HR, trade union representatives and employees will take place at the earliest opportunity.
- 3.5 Employees have the right to be accompanied by a trade union representative or work colleague at any meeting held in connection with this policy and procedure.

#### 4. Definitions

- 4.1 **Restructuring** means to re-organise the way in which work is arranged and completed, this can impact on the way activities are undertaken, organisational hierarchy, job roles, job duties and, in the case of this policy and procedure, the number of staff to be employed.
- 4.2 **Redundancy** occurs where:
- the requirements of the business for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish.
  - the requirements of the business for the employees to carry out work of a particular kind in the place where they were so employed have ceased or diminished or are expected to cease or diminish.
  - the employer has ceased or intended to cease the business for the purpose of which the employee was employed.
  - the employer has ceased or intends to cease, to carry on the business for the purpose of which the employee was employed at the place where he was so employed.

#### 5. Planning stage

- 5.1 The Trust may require Local Governing Bodies to make changes to either the Academy structure and / or number of post holders for any of the reasons set out in 1.1.
- 5.2 In any event, Local Governing Bodies have a responsibility to plan for change and to approve the actions which are to be taken by the Headteacher under this policy and procedure.
- 5.3 Before any formal consultation takes place, all employees will be invited to suggest ways in which the required changes might be brought about for governors to consider.
- 5.4 Where redundancies may be required, as part of this planning process the Local Governing Body will establish a sub-committee of up to 3 and at least 2 members, to be advised by the Headteacher and The Trust, and who will be given delegated responsibility from the Governing Body for:
- Applying the redundancy selection criteria
  - Identifying redundant posts / post holders

#### 6. Consultation

- 6.1 The purpose of consultation is to make the affected staff and their trade unions aware of the issue, providing information to help them understand why the change needs to happen, sharing the Local Governing Body's proposals for resolution, considering alternatives, responding to and clarifying issues.
- 6.2 By the end of the planning stage, the Local Governing Body will need to be clear on a number of issues which will form the basis of the consultation requirements.
- 6.3 For proposed redundancy dismissals in accordance with the statutory requirements in Section 188 Trade Union Labour Relations (Consolidation) Act 1992 the following information is required:
- the reasons for the proposed changes;
  - the nature of the proposed changes;
  - the numbers and descriptions of employees affected by the proposed changes and why these groups have been selected;
  - the total number of employees in these groups;
  - a summary of budget information;
  - the budget impact in terms of both required and anticipated savings
  - the proposed method of selecting the employees (see below);
  - the selection criteria to be used;

- the proposed method of carrying out the dismissals;
- the proposed date of dismissal;
- ways in which the impact and number of compulsory redundancies may be reduced;
- the proposed method of calculating the amount of redundancy payments;
- structure charts as appropriate;
- the consultation timeline

- 6.4 A Section 188 notification will be sent to Trade Union Officials of all trade unions.
- 6.5 Consultation under Section 188 will not be deemed to have commenced other than that arising out of formal notification to the trade unions.
- 6.6 Section 188 notice will be sent by e-mail with a hard copy sent by post with an invitation to a collective consultation meeting including the date, time and location of the notification meeting with affected staff, asking officials not to contact members of staff until after the notification meeting.
- 6.7 The aim of collective consultation is to consult on the items listed in the Section 188 notice and to determine if there are ways to reduce the number of dismissals, avoid dismissals or mitigate the effects of dismissals.
- 6.8 Consultation will begin:
- At least 30 days before the first dismissal takes effect when up to 99 employees are at risk of being made redundant over a period of 90 days or less, or
  - at least 45 days before the first dismissal takes effect if 100 or more employees are at risk of being made redundant over a period of 90 days or less.
- 6.9 Consultation with affected employees will also take place with explanation given as to why they are at risk of redundancy, irrespective of whether they are members of a trade union or not. This is the first step known as the notification meeting.
- 6.10 Trade unions and employees will be advised of the date, time and venue of the notification meeting.
- 6.11 Affected employees on maternity, adoption, sickness absence or any other form of leave will be invited to the notification meeting and will have information sent their home addresses. If the employee is unable to come into work, but wishes to meet to discuss their situation, off-site arrangements will be suggested.
- 6.12 At the notification meeting the Headteacher will alert affected employees to the situation, explain why it has arisen, outline the process of consultation, explain the next steps, outline how employees may make representations throughout the consultation period, confirm the timescale and potential next steps including confirmation of the documentation which will be dispatched to them.
- 6.13 Following the notification meeting all staff who are affected will receive the Section 188 notice and this policy and procedure.
- 6.14 All other staff will receive information from the Headteacher to inform them of the circumstances in that some staff are affected by proposed changes, confirming that they are not affected.
- 6.15 Consideration will be given to all formal representations made through the consultation period and replied to including where the representations are accepted or rejected.
- 6.16 Individual employees who are directly affected by the proposals are able to meet with the Headteacher and / or HR throughout the individual consultation process.

- 6.17 At the end of the consultation the Headteacher will report the position to the Governing Body.
- 6.18 At the end of the consultation period all staff affected by the proposed change will be informed of the outcome of the consultation meetings at the earliest opportunity.

## 7. Measures to avoid or minimise compulsory redundancies

7.1 Measures which The Trust may deploy include the following:

- Provision of appropriate training to equip affected staff for new areas of responsibility.
- Staff turnover/natural wastage.
- Restricting normal recruitment practices
- Reducing/eliminating all overtime worked by existing staff in areas where redundancies have been identified.
- Considering volunteers for part time working and job sharing.
- Assessing the continued use or extension of agency staff and temporary contracts.
- Seeking volunteers for early retirement with actuarially reduced benefits
- Seeking volunteers for voluntary redundancy
- Considering reductions in hours
- Considering alternative suggestions from trade unions and employees
- Redeployment to other posts across The Trust.

## 8. Methods of selection

8.1 Where it is likely that redundancies are needed the two methods of selecting employees affected either via a pool or by self-selection.

**Self-Selection** means that there is only one post holder undertaking this work and there are no others to consider, as such the post holder is self-selecting by virtue of the nature of the work they undertake.

**Pool selection** means that there are a number of post holders in scope. This could arise from:

- a number of post holders who undertake the same role where the overall number of posts needs to be reduced; or
- that as a result of restructuring following a job matching exercise (see below) the number of ring-fenced post holders for the new post (s) are in excess of the number needed.

## 9. Job matching

- 9.1 Where it is not a case of simply reducing the number of post holders, and changes to either working practices, patterns of work, job duties, hierarchies, reporting lines and so on are required, the following steps are followed to identify employees at risk of redundancy.
- 9.2 New job profiles (job descriptions and person specifications) will be developed for every new post and as a first step the job match principles will apply which will compare the new role to the existing one.
- 9.3 Where posts are substantially the same an employee will be job matched to the new role. A job match occurs where:

### Job content

There are no significant differences in job content. At least 2/3 of existing responsibilities are a match to the new role (this is the key match criteria).

#### Status

The status of the post holder is at an equivalent level.

#### Capability

The post holder possesses the essential qualifications, experience, skills and knowledge to undertake the role.

#### Remuneration

Level of remuneration is within acceptable boundaries.

#### 9.4 In determining a job match:

- Substantive positions are used and not temporary promoted posts;
- If the new post is a promoted post in terms of either status or salary an employee does not have an automatic right to be slotted into a promoted role;
- Up to date job profiles (job descriptions and person specifications) will be used to inform decisions.

#### 9.5 The outcomes of the job match are that:

- There is only one employee whose job matches into the new role, and as such they are identified as being job matched and this process can conclude; or
- There is more than one employee who matches into the new role, and as such they form part of a pool, the new post is ring-fenced to them and a selection process will ensue. These posts should be identified as a separate group for each pool; or.
- There is no job match and as such the post is vacant.

### 10. Selection processes

10.1 Selection processes will be used for pool selection according to the circumstances. These are processes are not required for stand-alone posts which are self-selecting .

10.2 **De-selection** is used where there is no change in the role and there is a need to reduce the overall number of post holders who undertake that role. In these cases de-selection criteria will be applied. The outcome of this processes leads to an appointment or provisional selection for redundancy.

10.3 **Positive selection** is used when there is a new role to which 2 or more post holders have been job matched and consists of a submission of interest from ring-fenced staff to state for which (if more than one) of the posts they wish to be considered. In order to determine the successful post holder, an interview process will be held with the ring-fenced staff who have expressed an interest to determine who should be appointed. It is expected that in the majority of cases a member of the ring-fenced staff will be appointed unless there are strong reasons not to do so. The outcome of this processes leads to an appointment or provisional selection for redundancy.

### 11. De-selection criteria

11.1 Fair, objective and equitable selection criteria will be used when considering redundancy in order to maintain a balanced, skilled and experienced workforce.

11.2 No final de-selection criteria shall be confirmed unless there has been consultation over the proposed criteria with the relevant trade union

11.3 The precise criteria will vary according to each redundancy situation, but the following indicates the types of criteria which may apply:

- skills/knowledge/aptitudes required.
- qualifications/training.

- experience required for the post (gained in a formal or informal setting).
- disciplinary record.
- standards of work performance (where used these will be specified in the criteria).

- 11.4 The Headteacher acting on HR advice, may weight the criteria to reflect their relative importance.
- 11.5 Information for a deselection process will normally be provided by the employee's manager and provisional scoring will be undertaken by the Headteacher in conjunction with Trust HR or a member of SLT. In some circumstances where the information is not readily available, employees may be requested to complete a selection matrix.
- 11.6 Selection for redundancy should only take place when the consultation period has concluded as per the timescale set out above.

## 12. Meeting of the governors' sub-committee and next steps

- 12.1 Once all of the above processes have concluded the Headteacher will provide a report to the governor sub-committee to enable them to review the practices undertaken with a view to identifying the post holders provisionally selected for redundancy.
- 12.2 Normally on the next working day following the committee meeting, or if not possible as soon as possible thereafter, the following will be provided to trade unions and affected employees in writing:
- confirmation that their post is no longer at risk following a selection procedure;
  - confirmation that they have been appointed to a new role and are no longer at risk;
  - confirmation that they have been accepted for Voluntary Redundancy with the terms;
  - confirmation that the application for Voluntary Redundancy has been declined, the reasons for that decision and the impact;
  - confirmation that they have been provisionally selected for redundancy and next steps.
- 12.3 Employees who have been provisionally selected for redundancy will be invited to attend an individual consultation meeting with the Headteacher at which they may be accompanied by their trade union representative or a work colleague, and the following will be discussed:
- the grounds for the selection including the criteria adopted and how the employee scored against the criteria;
  - any suggestions that the employee can make to avoid a redundancy;
  - consideration of alternative roles;
  - the right to appeal to a panel of governors;
  - the details of the redundancy payment;
  - the notice period;
  - the right of appeal against provisional selection and next steps
- 12.4 Following the individual consultation meeting employees have 5 working days in which to appeal against their provisional selection for redundancy. If an appeal is not lodged, and the situation is unchanged, the employee will then receive written confirmation of selection for redundancy which will include:
- confirmation that dismissal is by reason of redundancy
  - the period of notice, including the period to be worked
  - the date on which employment will terminate
  - the total redundancy pay and how this has been calculated.
  - any other matters relating to terms and conditions (for example holiday pay) or return of equipment and so on.
- 12.5 If an appeal is lodged, this will be heard by a governor appeal panel prior to any confirmation letter.

### 13. Appeals process

- 13.1 In the event of an appeal against provisional selection for redundancy the grounds for the appeal should be submitted in writing to the Headteacher by the later of 5 working days following confirmation of provisional selection or the individual consultation meeting.
- 13.2 An appeal panel shall normally consist of 3 members (excluding the staff governor) who have not been involved in the process to date.
- 13.3 An appeal panel will be convened as soon as possible and employees will receive at least 5 working days' notice in writing of the meeting including the date, time location and of their right to be accompanied by a trade union representative or work colleague.
- 13.4 The appeal committee will consider the written appeal and any oral representations made and will then adjourn to reach a conclusion which may either be to uphold the employee's appeal or confirm the provisional selection decision. The panel may adjourn to obtain further information where required.
- 13.5 A decision by the appeal panel is final.
- 13.6 The decision of the appeal panel will be confirmed in writing within 5 working days from the date of the meeting.

### 14. Vacant posts

- 14.1 All vacant posts will be brought to the attention of those at risk of redundancy and no posts will be withheld on the basis that there is a belief that the employee may not consider them suitable.
- 14.2 Vacant posts may be advertised internally only where there the skills, qualifications and experience already exist in-house. A vacant post may be advertised internally and externally at the same time however internal candidates at risk who meet the essential requirements of the role will be considered ahead of external candidates.
- 14.3 Normal selection arrangements will apply unless there is a direct job match for an employee.
- 14.4 Once a selection process has been completed, and if an 'at risk' employee has been appointed, they will be informed in writing that they are no longer at risk of redundancy.

### 15. Assistance to staff faced with redundancy

- 15.1 During the period where staff are at risk of redundancy and especially if staff are served with redundancy notice, The Trust will release staff from their existing contracts where possible to enable them to take up alternative employment, including waiving of minimum notice periods by agreement where possible.
- 15.2 The Trust will also provide reasonable levels of paid absence to attend training or interviews connected with the search for future employment.
- 15.3 Pensions information will also be sought if required.

### 16. Suitable alternative employment

- 16.1 In terms of suitable alternative work, efforts will be made, where reasonably possible, to assist the closest match of the 'new' job to the 'old' job on factors of pay, status, location, working environment, requirement of the job and hours of work.

- 16.2 If alternative employment within The Trust is offered this will be accompanied by a minimum four-week trial period during normal working weeks. This period can be extended if agreed in writing between both parties.
- 16.3 Any offer of alternative employment will be confirmed in writing with confirmation of salary details, continuity of employment and conditions of service and any safeguarding arrangements which may apply to pay.
- 16.4 An employee may lose their entitlement to redundancy pay if they unreasonably refuse an offer of suitable alternative employment. The criteria normally used to determine whether a position offers suitable alternative employment include salary, contractual working hours, status / level and location.
- 16.5 It is noted that special provisions apply to an employee who is on maternity leave, adoption leave or shared parental leave and that they have a right to be offered a suitable vacancy before another employee. The Trust notes that in accordance with relevant Regulations that it is obliged to offer a suitable vacancy which is appropriate and on terms and conditions which are not substantially less favourable

### 17. Notice provisions in case of redundancy

- 17.1 Employees selected as redundant will be served with appropriate written notice of redundancy to terminate their employment in accordance with their contract of employment.

### 18. Voluntary redundancy

- 18.1 The Trust encourages the resolution of redundancy situations, where possible, through voluntary means.
- 18.2 Employees will normally be invited to indicate their willingness to consider Voluntary Redundancy. This indication will not imply any commitment on the part of The Trust or the individual.
- 18.3 Normally, formal consultation and Voluntary Redundancy will run concurrently, however in some cases it may be possible to identify Voluntary Redundancy solutions early on, avoiding the need for a formal procedure.
- 18.4 Consideration will be given to bumping where there is a broad fit of skills, qualifications and experience i.e. the practice of accepting an application for Voluntary Redundancy in order to provide a role to another employee who would otherwise be compulsorily redundant with the prior agreement of all parties concerned.
- 18.5 The Trust reserves the right to accept or reject applications for Voluntary Redundancy depending on organisational needs and to ensure that the correct balance of skills is maintained.
- 18.6 The Trust may reject applications for Voluntary Redundancy where a full account of the costs and affordability have been taken into account, including pension strain payments, and the costs are determined to be prohibitive.
- 18.7 Where applications are refused The Trust will provide reasons in writing. This decision will be final. Where individuals consider that they have been treated unfairly they have a right to initiate the Grievance Procedure.
- 18.8 Employees who take Voluntary Redundancy may be disqualified from receiving certain state benefits or insurances, and as such employees are advised to investigate this possibility by speaking to the Head of HR before making an application to take Voluntary Redundancy.



## 19. Redundancy pay

- 19.1 The Trust will make redundancy payments to those eligible to receive them and will comply with legislation covering redundancy payments. To be eligible, the employee must:
- Be made redundant.
  - Have at least two years' continuous service with The Trust or with organisations as specified in the Redundancy Payments Modification Order.
  - Not have been offered and taken up an offer of employment with another employer covered by the Redundancy Payments Modification Order.
  - Be working under a contract of employment.
  - Not have refused an offer of suitable alternative employment.
- 19.2 The amount of compulsory redundancy pay will be calculated in accordance with either the terms and conditions protected under TUPE, or in accordance with the statutory redundancy payments ready reckoner (Appendix 1). The maximum service which can be taken into account is 20 years.
- 19.3 Unless protected by terms and conditions inherited under TUPE, weekly pay in the case of Redundancy (Voluntary or Compulsory) will be based on an actual week's pay.
- 19.4 The Trust may choose to incentivise Voluntary Redundancy pay in order to encourage volunteers.

## 20. Pay protection

- 20.1 Teachers. If teaching staff are appointed to a lower salary post in the new structure they will receive pay protection for up to 3 years in accordance with the STPCD.
- 20.2 Support staff. If support staff are appointed to a lower graded post they will receive pay protection for 2 years from the date of appointment.

## 21. General Data Protection Regulation

- 21.1 All data within this policy will be processed in line with the requirements and protections set out in the General Data Protection Regulation.

### Document Management

Review cycle:	Every two years
Next review due:	August 2021
Policy owned by:	Head of Human Resources
Approving body:	Board of Trustees
Equality Analysis reviewed:	25.7.2019

**Appendix 1**
**Ready Reckoner to calculate the number of weeks' redundancy pay.**
**Service (full years)**

Age	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
17	1																		
18	1	1½																	
19	1	1½	2																
20	1	1½	2	2½	-														
21	1	1½	2	2½	3	-													
22	1	1½	2	2½	3	3½	-												
23	1½	2	2½	3	3½	4	4½	-											
24	2	2½	3	3½	4	4½	5	5½	-										
25	2	3	3½	4	4½	5	5½	6	6½	-									
26	2	3	4	4½	5	5½	6	6½	7	7½	-								
27	2	3	4	5	5½	6	6½	7	7½	8	8½	-							
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½	-						
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½	-					
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½	-				
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½	-			
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½	-		
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½	-	
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½	-
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19

Age	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30