



Reorganisation and Redundancy Policy and Procedure

Approved By: Trustees
Approval Date: October 2017
Review Date: October 2020

Reorganisation and Redundancy Policy

1. Introduction

- 1.1 The Trust is committed to ensuring its workforce operates effectively and efficiently, which is particularly important in light of funding limitations and budget constraints.
- 1.2 The Trust aims to ensure, as far as possible, the security of employment for employees. However, situations may arise where existing staffing levels cannot be reconciled with budget availability. In such a scenario, Trustees will consider and approve proposals to make staffing adjustments.
- 1.3 This policy and procedure relates to employees who are in a position that has been identified as requiring to be adjusted or removed from the staffing structure. It provides a framework of consultation and implementation when this situation arises, including redundancy.
- 1.4 When considering proposals for staffing reductions, Trustees will ensure that there is no disproportionate effect on any employee groups.
- 1.5 Any staffing reductions will be carried out within legislative requirements and in accordance with best practice. The Board of Trustees is legally accountable for any decision to dismiss an employee by reason of redundancy.
- 1.6 The Trust will ensure that there is a meaningful consultation process with employees and Trade Unions and provide support to affected employees during times of organisational change.

2. Scope

- 2.1 This policy applies to all employees of the Trust excluding the Executive Headteacher.
- 2.2 In the event of the Executive Headteacher post being in scope for reorganisation or redundancy, a parallel process as identified in this policy will be undertaken but reference to the Executive Headteacher will be replaced by Trustees who will lead the process.

3. Planning Organisational Change

- 3.1 The Trust commits to a consistent, and ongoing, approach to resource planning. Non-pay spending will be continually reviewed in order to minimise budget driven staffing reductions.

3.2 Organisational change, and any related staffing reductions, will be planned carefully, with consideration of the school's current and forecast budget situation together with anticipated curriculum demands, school numbers etc.

3.3 It should be recognised that the financial situation may change during the planning, consultation and selection stages of a restructure and this must be responded to.

4. Consultation

4.1 The Trust is committed to undertaking a meaningful consultation process during times of organisational change.

4.2 Employees who are affected by organisation change, and recognised Trade Unions, will be informed and formally consulted at the appropriate time. The formal consultation will include:

- The reasons for the proposed changes
- Details of the staff affected by the proposed changes (numbers, positions of employment etc.)
- The selection criteria to be used
- The dismissal process that will be used
- Ways in which compulsory redundancies can be reduced
- The proposed method of calculating redundancy pay
- Timescales

4.3 Employees who are affected, and recognised Trade Unions, will be given the opportunity to provide feedback on the proposals and this will be considered and responded to.

5. Measures to avoid redundancy

5.1 The Trust seeks to minimise the number and impact of redundancies and the Executive Headteacher, in conjunction with appropriate members of the Senior Leadership Team from the affected academy, will consider reasonable options to do this. Examples include, but are not limited to the following:

- Reviewing genuine temporary or fixed term contracts of employment.
- Reducing the use of agency staff
- Placing restrictions of recruitment
- Redeployment
- Voluntary solutions, including voluntary redundancy and voluntary reductions in working hours

6. Voluntary Solutions

- 6.1 In some circumstances, employees may be asked if they wish to put forward a voluntary solution which may mitigate a compulsory redundancy, e.g. voluntary redundancy or voluntary reduction in working hours.
- 6.2 Employees who are considering voluntary redundancy will be provided with an estimate of redundancy payment when required.
- 6.3 Employees are encouraged to take advice from their trade union when considering voluntary solutions.
- 6.4 All proposed voluntary solutions, including applications for voluntary redundancy, will be considered by the Executive Headteacher and will take account of all the available options.
- 6.5 A request for voluntary redundancy does not automatically mean that this will be approved.
- 6.6 Decisions to approve voluntary redundancy will be based on a business case relating to the skills required by the Trust.
- 6.7 Redundancy costs, and other financial considerations, should be taken into account during the decision making process for voluntary solutions.

7. Early Retirement

- 7.1 Non-teaching staff who have reached the age of 55 and who are members of the Local Government Pension Scheme, with the requisite Local Government Pension Scheme service, are entitled to early release of accrued pension benefits without penalty if they take early retirement as a result of compulsory or voluntary redundancy.
- 7.2 There is a cost of this to the Trust as it incurs additional payments to the pension fund. These costs will be taken into account when considering a voluntary redundancy request.
- 7.3 Members of the Teachers' Pension Scheme are not entitled to early retirement (with access to pension benefits before retirement age, without penalty).

8. Selection

- 8.1 Employees will be selected for compulsory redundancy only after all temporary/fixed term contracts (of less than 2 years and without previous Local Government continuous service at the redundancy date) have already been terminated in the areas affected.

- 8.2 If the required staffing reduction is not met through voluntary solutions, or by the ending of temporary and fixed term contracts, a selection process will be required from the 'at risk' employees.
- 8.3 If there is only one employee in the 'group' of staff that is 'at risk', or if the number of employees 'at risk' equals, or is less than , the number of positions to be removed from the structure, employees will be selected for redundancy on the grounds of their occupancy of the post only.
- 8.4 There are different methods of appointing to a new structure, and selecting for redundancy, and the appropriate method will be identified on a case by case basis and consulted on.
- 8.5 During a restructure, if a vacancy arises that is not filled from the 'at risk' group, by assimilation (see Section 9) or prior consideration (see Section 10), it will be advertised internally within the Trust prior to being advertised externally. The Executive Headteacher reserves the right to deviate from this approach if there is a justified business need, e.g. specific skills required, significant impact on service delivery due to delayed recruitment.
- 8.6 If the application of the chosen selection method results in an equal outcome for more than one employee, i.e. they cannot be separated by skills and experience, it may be appropriate for selection to be based on cost to ensure that the cost of redundancy is kept to a minimum.
- 8.7 Where a potential suitable alternative position of employment is identified in the new structure for an employee 'at risk' of redundancy, a comparison will be made between the duties and grade of the redundant position ('old') and the alternative role ('new'). The outcome of this comparison will determine whether an employee is slotted in to the new role (see Section 9), given prior consideration (see Section 10) or required to apply via a competitive process (see Section 11).

9. Assimilation or 'Slotting In'

- 9.1 If the grade of the 'new' role is the same, or lower, than the 'old' role, and the duties are 50% unchanged, the employee may be slotted into the new role.
- 9.2 If there is more than one employee with slotting in rights, all employees with slotting in rights will be ring-fenced to the 'new' position and a competitive selection process will take place.

10. Prior Consideration

- 10.1 If the grade of the 'new' role is higher than the 'old' position, and the duties are 50% unchanged, the employee will be given prior consideration for the role. This means that the employee will be considered for the position before this is opened up to a wider field.

10.2 In this scenario, a method of assessment will take place to ensure that the employee has the necessary skills and experience to undertake the role. In most cases, this is likely to be an interview.

10.3 A reasonable level of training and support will be given to an employee who is appointed via prior consideration.

10.4 If there is more than one employee with prior consideration rights, all employees with prior consideration rights will be ring-fenced to the new position and a competitive selection process will take place.

11. Competitive Selection Process

11.1 Where no slotting in or prior consideration rights exist, a new position will be appointed to from a competitive selection process.

12. Selection Matrix

12.1 A selection matrix will usually be used when a group of employees, working in the same position, needs to reduce in number.

12.2 The selection matrix will be consulted upon.

12.3 As with other selection methods, this would be used after any voluntary solutions have been explored.

12.4 A Selection Matrix will consider factors such as an employee's skills, experience, qualifications, training and contribution to the individual School and wider Trust.

12.5 A selection matrix is usually used in this scenario because it is reasonable to expect that an employee already employed in a position is carrying out the requirements of the role to a reasonable level. A selection matrix ensures that the selection is based on the skills and experience that an employee can bring to the role, the School and the Trust.

13. Formal Redundancy Meeting

13.1 When the selection process concludes, the outcome will result in a provisional selection for redundancy.

13.2 Once an employee has been provisionally selected for redundancy, they will be informed and invited to a formal redundancy meeting with the Executive Headteacher.

13.3 The Executive Headteacher has delegated authority to dismiss an employee on the grounds of redundancy, at this formal redundancy meeting should it be deemed necessary. This is granted by Trustees at the point of approving the proposals prior to consultation.

13.4 The employee will be provided with the following information, in writing, at least five working days before the meeting will take place:

- The meeting will be chaired by the Executive Headteacher
- The date, time and place of the meeting
- Copies of all documents to be considered at the meeting
- The right to be accompanied by a trade union representative or work colleague - Possible outcomes of the meeting

13.5 The outcome of the meeting will be communicated to the employee within five working days of the meeting taking place.

13.6 Where the outcome is redundancy, the employee will be issued with formal notice of redundancy and provided with information about the appeal process.

13.7 An employee who is made redundant is entitled to either their contractual or statutory notice period, whichever is greater.

14. Appeal

14.1 An employee who wishes to appeal a redundancy dismissal should inform the Executive Headteacher, in writing, within five working days of receiving the decision in writing.

14.2 The employee must state the grounds for the appeal.

14.3 The purpose of an appeal is:

- To review the decision taken by the Executive Headteacher -
To consider whether the procedure has been followed correctly.

14.4 An appeal will be heard by a panel of no less than three Trustees who have not previously been involved in the case. The appeal will normally take place within six working weeks of the appeal request being received by the Executive Headteacher.

14.5 The Executive Headteacher will present the case for redundancy at an appeal hearing.

14.6 The Trustees will receive HR advice during the appeal hearing.

14.7 The Trustees will confirm the outcome of the hearing, in writing, to the employee within five working days.

15. Redeployment

15.1 An employee who is selected for redundancy will be offered support in finding suitable alternative employment.

15.2 The Trust will ensure that employees who are under notice of redundancy, are informed of any vacancies that arise in the Trust, and given the opportunity to demonstrate that the vacancy is a suitable alternative to redundancy, based on their skills, experience, qualifications or knowledge and the requirements of the position. This process will take place prior to any other recruitment exercise, subject to paragraph 8.5.

16. Suitable alternative employment

16.1 Suitable alternative employment will be identified after consideration of the duties, responsibilities and grade of the role, in comparison to the redundant position.

16.2 An employee is able to challenge the suitability of the role by demonstrating that they do not possess the appropriate skills, qualifications, experience or knowledge.

16.3 An employee wishing to challenge the suitability of identified alternative employment should put their reasons in writing.

16.4 The Executive Headteacher will consider any challenges to the proposed suitable alternative employment.

16.5 If an employee's challenge is accepted, the redundancy process would continue for the employee, with no detrimental impact on redundancy pay.

16.6 If an employee's challenge is not accepted, and the Executive Headteacher determines the proposed role to be a suitable alternative to redundancy, the employee may forfeit their redundancy pay.

17. Trial Periods

17.1 If suitable alternative employment is found within the Trust, an employee is entitled to a trial period. A trial period is an opportunity for both parties to assess the suitability of the role for the employee.

17.2 An employee may decline the position on the grounds of it not being suitable alternative employment. In this scenario, the employee would follow the process outlined in Section 16.

17.3 For support staff, a trial period will normally be four weeks. For teacher, a trial period will be at least four weeks but is likely to extend to one term.

17.4 Training needs will be evaluated during the trial period.

18. Support in seeking alternative employment outside of the Trust

18.1 An employee who is under notice of redundancy is entitled to reasonable time off to attend interviews.

18.2 The Trust will provide advice should it be requested, to an employee who is under notice of redundancy, on the preparation of a CV and completion of an application form. This advice will be provided by the Trust HR team.

18.3 The Trust will consider requests from employees to leave before their notice period, e.g. where alternative employment is found that has a start date before the planned redundancy date.

19. Pay protection

19.1 If an employee finds suitable alternative employment they may be eligible for pay protection if their new post attracts a lower salary than their redundant post.

19.2 For teaching staff, pay protection will be in line with the School Teachers Pay and Conditions Document.

19.3 For non-teaching staff, pay protection is paid at 18 months of compensation based on the difference in pay between the new salary and the old salary but capped at two grades difference or 20% of the old salary, whichever is lower.

20. Excess travel

20.1 Employees who are redeployed may be eligible to make an excess travel claim if they have a longer daily journey from home to their new place of work than the place of work of their redundant post. This will only apply where the difference between their old journey to work and new journey to work is at least 10 miles. Where the difference in mileage is less than 10 miles per day, employees will be responsible to meeting the additional cost of travelling to work.

20.2 Excess travel payments will be made based on the actual weeks worked per year and paid for 12 months, unless the employee's situation changes during this time.

21. Redundancy pay

21.1 Employees with more than two years' Local Government continuous service are entitled to a redundancy payment when dismissed on the grounds of redundancy.

21.2 Redundancy pay is calculated on the number of years' continuous employment (with organisations who are listed on the Redundancy Modification Order). Each completed year of service, up to a maximum of 20, after the age of 18 counts for payment on the following scale:

- From age 41, but under 65: 1.5 weeks' pay - From
- age 22, but under 41: 1 weeks' pay
- From age 18, but under 22: 0.5 weeks' pay

The Trust will use an actual week's pay for the purpose of calculating the redundancy payment, rather than using the statutory formula for a week's pay which is often lower.

21.3 Redundancy pay is free of deductions but HMRC regulations come into force for payments over £30,000.

21.4 Redundant employees will be entitled to redundancy pay provided they have more than two years' Local Government continuous service and have not found alternative employment with an organisation covered by the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 – known as the Redundancy Modification Order.

21.5 All employees will be required to complete a declaration that confirms they have not accepted employment with another organisation covered by the Redundancy Modification Order within the stated timescales prior to their redundancy payment being made.

22. Employees on maternity leave

22.1 If an employee's post becomes redundant while she is on maternity leave, she must be offered any suitable alternative post which is available in the Trust, even if this means recruiting a temporary replacement to that alternative post until her return from maternity leave.

22.2 Where an employee on maternity leave is unable to return to work (for all or part of the required return to work period) because she has been dismissed for redundancy, her entitlement to receive full occupational maternity pay would not be removed. The exception to this is if the employee indicated at the outset that she did not intend to return to work following her maternity leave.

23. Other contractual changes

- 23.1 Not all changes resulting from a restructure will result in a dismissal on the grounds of redundancy.
- 23.2 Redundancy dismissal occurs for a whole post only. If changes are made to a post, that do not constitute redundancy, for example a compulsory reduction in working hours, an employee will be consulted and agreement sought.
- 23.3 Where agreement on contractual change cannot be reached, it may be appropriate to dismiss for Some Other Substantial Reason (SOSR) and offer re-engagement on new terms. If the employee refuses the offer of re-engagement, no redundancy payment would be made.