

Important guidance note for branches and school reps using this policy

The model policy below can be used as a 'benchmark' for negotiations with local academy trusts. Branches and reps should try and improve on these terms locally if you have examples of other more advantageous agreements



Management of change - redundancy avoidance & handling policy

MANAGING CHANGING STAFFING NEEDS

1. Introduction and Application

This document sets out the principles and procedures for managing changing staffing needs in the Trust. This may reflect the need to change and re-organise staffing structures to improve organisational effectiveness and such change will not necessarily result in a reduction in staffing numbers. In some cases the change is minor and relate to the re-organisation of structures, teams, roles and jobs, without the need to reduce staffing, at other times the need for change is more substantial.

The aims of this procedure are:

- to provide a clear framework for the process of staff re-organisation and restructuring
- to ensure that staff restructuring is carried out in legally compliant way
- to ensure consistency and fairness of treatment

The principles of this document also apply to staff employed in the centre by the Trust. In such cases the term Principal will be replaced by Chief Executive or other senior manager and the Academy governors, by the Board of Trustees.

The procedure should be used for staff restructuring which may or may not lead to staffing reductions and redundancy. Where redundancy is a possible outcome, the procedure takes account of legislative requirements and guidance contained in the ACAS Code of Practice on Redundancy Handling.

In general terms staff restructuring may be necessary in response to:

- *changing financial circumstances*
- *changing organisational priorities*
- *or for other organisational, economic or technical reasons*

Where an individual's contractual terms are protected under TUPE and they are more advantageous than those detailed in this policy, the more beneficial terms will continue to apply. Therefore before embarking on a consultation on proposed staffing changes Academies must check with HR which staff are on TUPE protected redundancy entitlements.

NB: The trade unions' participation in consultations on the form of this policy or its application in individual academy situations should not be taken as representing the acceptance of the principle that employees may be subject to compulsory redundancy.

2. Responsibilities and Roles

Whom	Responsibilities
Principal	To set out a clear rationale for any planned changes to the staffing structure the detail and timing of which are included in the production of a business case/consultation document.
	To keep the Academy governors and the Trust's HR team aware of proposals under this procedure and progress with implementation.
	To plan and implement any changes to the staffing structure set in a fair and consistent way, in accordance with the procedures in this document.
Employee	To engage in the process of organisational change, responding constructively to the opportunity for consultation and participating in any appointment process.
	To raise with their Line Manager if assistance is required on account of disability.
Academy governors or Trustees	To be made aware of the staff restructure proposals.
	To act as the appeals body in the event of any appeals by potentially redundant staff.
Human Resources	To provide advice, guidance and support the Principal or Executive and Academy governors or Trustees to ensure that the procedures in this document are followed correctly and in a fair, reasonable and equitable manner, upholding the rules of natural justice.

3. Principles

The following principles will apply:

- The Trust through the Principal is responsible for ensuring that employees are treated fairly and with respect, in the event of any organisational change that affect overall numbers and or/grades or changes to the way employees undertake their jobs. This policy and procedure seeks to outline a framework for the fair and consistent implementation of change within the organisation.
- The Principal will ensure that any restructuring will be based on a clear rationale, that relevant information is shared with staff for consultation purposes. Any implementation plan will allow time for due processes to take place, complying with legal requirements as a minimum, allowing for consultation periods and for the issue of contractual and statutory notice periods.
- The procedure acknowledges that the process of staff restructuring should be approached with great care and sensitivity not only because of the effect on individuals concerned but on staff in general. All efforts will be made to achieve structural changes through voluntary means, including slotting in and re-appointment to new or redesigned posts (which will be evaluated under the NJC JE scheme). Salary safeguarding provisions may apply in accordance with relevant conditions of service.

- Changes may involve technical and/or process changes and/or result in a requirement for either fewer people or a different grade/skill mix (i.e. a diminished need for work of a particular kind).
- Posts should not be deleted when there are only small changes to jobs (or working practices) which do not change the overall nature of the job or can be covered within the general flexibility of the job description, e.g. the introduction of new technology into working practices, curriculum changes and changing systems.
- Where there are fewer posts in the new structure than the existing one, or there are significant differences between old and new posts, a potential redundancy situation will arise. This will be approached with particular care and sensitivity, following agreed procedures to ensure that the criteria for determining any redundancy are clear, justifiable and legal. All alternatives to staff redundancy will be explored and where possible staff reductions will be made on a voluntary basis.
- In the event that redundancy is necessary, the Principal or designated senior leader will support affected staff to seek employment in a suitable alternative position within the Trust; if this is not possible and only as a very last resort, it may be necessary to terminate the contract of employment on grounds of redundancy.
- Any changes will be designed and implemented with due regard to fairness and equality, including consideration of any reasonable adjustments for employees with a disability.

In operating this procedure, advice must be sought from Human Resources to help ensure that the procedures in this document are followed correctly.

The steps to be followed by Academies conducting staff restructures are summarised in the flowcharts appended to the end of this document. The flow chart on page 16 deals with restructure situations where no reduction of staffing takes place and the flow chart on page 17 deals with restructures involving a reduction in staffing.

4. The stages in the process of a staffing restructure

The following stages apply to the process of staffing restructure.

4.1 Identifying the need for change

The ultimate aim of any restructuring process is to identify how the organisation can most effectively and efficiently deliver its aims and objectives. This will entail consideration of the broad objectives and principles that the academy or the Trust is seeking to achieve as set out in the Academy's Improvement Plan and organisational strategy.

The aim of this process is to develop a clear rationale for the restructure and, in particular to be clear that the intended aims cannot be achieved through the normal review of job descriptions and working practices.

4.2 Preparing the Business Case

Once the Principal has identified a potential need to restructure, he/she will need to formulate a clear rationale for the changes. This should be accompanied by a proposed staffing structure, costings, implementation plan and timeline which should be the basis for consultation with staff and unions.

Costing the revised structure will be a crucial part of the process. In accessing this, the Principal will take into account the number and cost of each of the types of posts he/she intends to have in the structure. It will be important to model costs to ensure that the revised staffing structure is sustainable going forwards.

Posts in the proposed structure will require a job description and person specification, either an existing version or a new one. New roles should be evaluated jointly by HR and the recognised unions so that they can be bench-marked against similar roles in the Trust's other academies. Using the job descriptions, the Principal will indicate clearly (without at this stage putting names of individual staff members against posts):

- which posts are new
- which posts are largely unchanged and therefore almost an exact match to an existing responsibility
- which posts are a combination of several responsibilities previously in the structure

The Principal may identify a possible need to make changes to the staffing structure at any stage of the year. Careful thought should be given to the timing of any changes, in particular, whether changes should take effect from the start of the academic year or could feasibly take place at other times.

The Principal will make every effort to avoid compulsory redundancies by considering

- offers of voluntary redundancy – including from employees outside of the affected group
- recruitment freezes
- a reduction or freeze in the use of agency workers/termination of temporary contracts
- the provision of opportunities to be considered for new posts in the structure
- the provision of information on any suitable vacancies across the Trust
- opportunities for job sharing or part-time working
- voluntary offers for a reduction in hours
- staff turnover

Note that a timeline for all parts of the consultation and implementation process must be provided and an Equalities Impact Assessment (EQIA) should also be completed and attached to the consultation documents.

4.3 Content of the Business Case

For the purposes of consultation, the business case should set out in writing:

- The reason(s) for proposals leading to the potential redundancy situation
- The numbers and descriptions of employees (posts) whom it is proposed are potentially at risk of redundancy
- The total numbers and descriptions of the employees (posts) currently affected and in the pool for selection
- The total number of employees of any such description employed by the employer at the establishment in question
- The proposed new structure, job descriptions and person specifications
- The cost of the new structure in comparison to the existing structure
- The proposed method of selecting the employees to be dismissed
- The proposed method of carrying out the dismissals, with due regard to any agreed procedure, including the period over which the dismissals are intended to take
- Strategies to be adopted to mitigate the effects of redundancy where possible
- The method of calculating the redundancy payments to be made to employees who may be dismissed.
- Timescales to be used.
- Any other reasonable information requested

4.4 The Consultation

Once the business case and proposed structure has been prepared, a period of informal confidential consultation with the recognised unions will take place. The aim of this period is to draw on the expertise and experience of the unions to help improve the proposal before the formal consultation with staff begins.

Once this informal period is over formal consultation with staff and recognised trade unions should begin at the earliest opportunity. The structure, timelines, implementation plan and whether redundancy is a possible outcome and any other relevant information should be shared with local recognised trade unions (Academy Consultation Group) for the purposes of consultation.

The proposals should also be made available to all affected staff who should be informed of the situation, usually through a meeting and through distribution of the consultation document. The proposals should also be shared with any staff who are indirectly affected by the change(s).

The Academy will take particular care to consult about possible redundancy with staff who are absent from the academy, such as staff on maternity leave and anyone who is absent due to illness.

Consultation with staff and unions must be undertaken as a 'genuine' exercise of meaningful consultation. For example, actively considering ways of avoiding redundancy dismissals, reducing the number of people to be dismissed or mitigating the consequences of dismissal.

Academies will provide additional facilities time for union representatives in a redundancy situation, where necessary.

Consultation is an opportunity for staff and trade unions to:

- Understand the draft structure and proposals
- Seek clarification on any areas that cause concern
- Request further information
- Suggest changes or amendments to the proposal

The Principal will:

- Help staff understand the proposals
- Meet any reasonable request for more information
- Consider amending the proposal in the light of suggested changes
- Explain why he/she has decided to accept or reject each suggestion in writing

Comments from staff may be:

- By individual written submission
- Shared verbally during a consultation meeting
- Via a team leader/manager as a team response
- Via a trade union representative

Comments from recognised TU representatives may be

- By individual written submission
- A group written submission
- Shared verbally within a meeting

7

4.5 During the Consultation Period

The statutory duty, in situations where between 20 and 99 redundancies are proposed at one establishment, requires that consultation must take place at least 30 days before the first dismissal is to take effect, and where 100 or more redundancies are to arise at one establishment at least 45 days before the first dismissal is to take effect.

The trust will however offer a 30 days consultation period as a minimum in situations where less than 20 redundancies are proposed.

The Principal should meet with individual staff to discuss aspects of the review if a member of staff wishes to do so. If a staff member asks for such a meeting to take place they must be advised that they have the right to be accompanied by a trade union representative or work colleague.

The Principal should keep the staff and recognised trade unions fully informed of progress during the consultation period, so that their views can be taken into consideration. The Academy can make adjustments to their proposed structure to take account of new developments over the consultation period and as suggestions are received through the consultation process.

6

4.6 Conclusion of Consultation

The Principal must consider any alternative suggestions made by the trade unions or staff and reply in writing to those representations and, if rejecting, modifying or accepting any of them, state the reason why. Every effort should be made to mitigate job losses.

4.7 Implementing the Change

Implementing the change will depend on its nature. In particular, it will be important to identify:

- Whether the number of posts in the new structure is greater than, or equal to, the number of eligible employees
- Whether the new or revised posts are similar or dissimilar to those in the old structure
- Whether the restructure requires a reduction in posts (either across the structure as a whole or at a particular level).

Where there is a risk of compulsory redundancies the academy should look to ask for expression of interests in voluntary redundancy before moving to the next stage of assimilating employees into the new structure. See section 5 for details on the Trust's voluntary redundancy scheme

4.8 Assimilation to posts in the new structure where there are no redundancies

Where the number of posts in the new structure is greater than or equal to the number of eligible employees appointments may be subject to "assimilation" through non-competitive ring fence arrangements. The effect of this ring fence is to confine posts to existing employees who are directly affected by the changes or whose jobs may be at risk.

This policy allows for matched posts to be offered to present incumbents, without competition, through the process of slotting in. The Principal will determine which post holders meet this criterion.

4.9 Competitive assimilation

Where more than one person meets the criteria for assimilation, the post will be "ring-fenced" to those eligible for consideration and all those who meet the criteria and wish to be considered for the post will be asked to demonstrate, using a form provided, how they meet the requirements of the post. All those eligible for consideration will be interviewed for the post in accordance with the recruitment and selection process.

4.10 Appointment to new posts in the structure

Any remaining vacancies in the new structure may be subject to normal recruitment procedures. Where the posts in the new structure are dissimilar to those in the existing structure, they should be ring-fenced and only advertised to post holders within the ring fence in the first instance.

4.11 Temporary/agency staff

When providing a consultation paper to unions, employers are obliged to disclose:

- The number of agency workers working for the employer (in all areas, regardless of whether they are areas affected by the restructure or not)
- The areas of the organisation they are working.
- The type of work they are carrying out.

After all permanent staff have been given the opportunity to secure suitable alternative employment through their respective ring-fences, then temporary staff may be given an opportunity to be considered for any unfilled vacancies.

4.12 Displaced employees

Employees who are not appointed within their own “ring fence” will be supported to seek suitable alternative employment elsewhere in the Trust. Where a displaced employee meets the essential criteria in the person specification of an alternative vacant role they should be offered the opportunity to be slotted into this role. Staff can also be invited to apply for new positions (which may be promotional) or for any unfilled vacancies elsewhere in the Trust.

4.13 Vacancies which arise during consultation and implementation

Should vacancies arise during consultation or implementation (which are not directly linked to the restructure or affected staff areas), priority should be given to any staff whose job(s) may be at risk.

4.14 Restructures involving reduction of posts/redundancy

An employee is taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to the fact that:

- The employer has ceased or intends to cease to carry on the business for the purpose of which the employee was employed, or closes the place in which he/she was working, or;
- The requirements of that business for employees to carry out work of a particular kind in a place where they were so employed have ceased or diminished or are expected to cease or diminish.

Those staff potentially at risk of redundancy will have an opportunity to have an individual consultation meeting to discuss their circumstances. Following the application of any agreed process or redundancy criteria and meetings, a decision will be made as to which staff will be made redundant.

Where there are fewer posts available in the new structure or where the new posts differ either because they are of a different grade or where the tasks and responsibilities of the new posts are dissimilar to those in the former structure, it may be necessary to devise after consultation with the recognised unions an appropriate redundancy selection process – see 4.17 below. This is to ensure that any staff reductions are carried out in a fair and equitable manner.

This will involve a process to select individuals for redundancy and selection criteria will be identified and shared with the union representatives and staff. Once confirmed staff will be required to participate in the process. This is likely to include the completion of a skills audit and the provision of other data relevant to the criteria.

4.15 Exploring voluntary options

Subject to the outcome of the consultation process, the Principal should meet all relevant staff to inform them of the final outcome and to discuss potential voluntary solutions with them. These discussions could include exploration of:

- Voluntary redundancy (subject to business/operational requirements)
- Voluntary redeployment
- Voluntary reduction in hours
- Premature retirement
- Job sharing
- Bumping (where someone not 'at risk' asks for redundancy and creates a vacancy for others 'at risk')
- Ending fixed term contracts for employees where the reason for the contract being fixed term was solely "due to anticipated staffing reductions". Note that anyone who has worked continually for the same employer for 2 years or more has the same redundancy rights as a permanent employee.

A reasonable timescale should be agreed by the Principal for individuals to consider these options, including seeking financial benefits information.

Individual employees may seek information, without prejudice, from the Principal, on the voluntary options mentioned above if these are available. Estimates of financial benefits for premature retirement and/or redundancy will be available on request.

Staff made redundant age 55 and over

Where a member of the Local Government Pension Scheme (LGPS) with at least 2 years pensionable service is made redundant aged 55 years and over they are entitled to the immediate payment of the LGPS pension earned up to the date of leaving without any reduction for the pension being paid early.

Early Retirement

Support staff in the LGPS aged 55 years and over not made redundant are still entitled to take voluntary early retirement if they so wish. In these circumstances it is up to the trusts discretion whether or not the pension is subject to a reduction for the pension being paid early.

Flexible Retirement

The trust will also consider requests for flexible retirement

Financial Advice

Staff are encouraged to talk to their unions when considering voluntary, flexible and

early retirement options and ensure they seek independent financial advice before coming to a decision.

4.16 Outcome of voluntary solutions

The Principal will determine which employees the Academy needs to retain to maintain a balance of expertise within the service. This process must be carried out fairly using objective criteria.

Volunteers whom the Principal selects for redundancy on this basis will have their employment terminated on the grounds of voluntary redundancy.

If the reduction can be achieved through a voluntary reduction in hours, the Principal will arrange for the agreed amendment(s) to individual contracts of employment to be confirmed in writing to the employees concerned.

If voluntary solutions are not forthcoming, or do not meet the whole of the staffing reduction(s) required, the Principal will inform relevant staff of the need to move to the next stage of the procedure.

4.17 Selection procedure

The process for selecting staff for redundancy will be through the use of selection criteria. The precise criteria to be used will be consulted upon with union representatives at the start of the consultation process. As Academies have differing areas of specialism/requirements and the employees involved in each situation will be different, selection criteria will be developed as and when required. The criteria and process of selection will be appropriate to the particular redundancy exercise; nevertheless, local consultation should be based on the following clear principles: that the criteria and process are fair, transparent, consistent, objective and non-discriminatory, and appropriate to the staff groups being selected for redundancy. In addition, criteria should be measurable, clear and precisely defined and capable of verification by reference to relevant information. Great care must be taken in the choice of criteria to avoid indirect discrimination, such as length of service (which may amount to indirect age discrimination against younger employees and/or against women, who may have shorter service due to time out for raising children), sickness absence or flexibility (which may amount to discrimination because of or arising from disability or because of sex). The Trust HR Manager must be involved in the construction of the criteria

When the criteria come to be applied to the scoring of the staff in the pool, this must be undertaken by a panel of preferably an odd number of people but comprising at least two and all scoring decisions must be fairly and honestly applied and documented. Staff involved will be entitled to see their own score and to receive an explanation of how their score was arrived at. There will be a right of appeal against the decision, to a panel who are independent of the original decision.

Where selection has been confirmed, employees must be invited in writing to a formal meeting where they will be given notice of termination of their employment in accordance

with their contractual entitlement. They will also be informed of any other payment entitlements they may have, including the redundancy payment to be made.

Employees will also be given permission to take paid time off work during their notice period to look for work or seek retraining opportunities, in accordance with current legislation. Redundant employees who accept alternative employment within the Trust will be entitled to a trial period of four calendar weeks, without loss of entitlement to redundancy, or with an extended trial period where agreed.

4.18 Appeal

Appeals will be heard by an Appeal Panel of Academy governors using the procedure on page 20. The appeal should be lodged in writing with both the Principal and the Clerk to the Academy governing body within 10 working days of the employees receiving notification of the outcome of the first meeting.

The employee must be given at least 10 working days' notice of the meeting to hear the appeal and may be accompanied by a workplace colleague or a recognised union representative.

The Appeal Panel shall consider any representation made by the employee and his/her representative and by the Principal or his/her representative as appropriate. They will determine whether or not the appeal shall be upheld or otherwise and inform the employee and his/her trade union representative in writing, of their decision within 5 working days.

4.19 Suitable Alternative Employment

During the consultation, implementation and notice periods, efforts will be made to mitigate redundancy by looking at employment opportunities such as redeployment,

The Principal/manager should discuss any support available which may be helpful, including:

- Information about posts that might be suitable at other Trust establishments
- Whether any form of re-training might assist the individual to gain alternative employment within the Trust
- Any other support needs that the individual may have, including information on redundancy benefits, etc.

4.20 Refusal to accept a reasonable offer

If a suitable offer of employment is made and unreasonably refused by the employee, then there is no liability to make a redundancy payment. A suitable alternative job will take into account the scope, change in duties, pay, grade, location and hours of work. If a post has been declined and there is a dispute whether this constitutes suitable alternative employment, an appeal hearing will be arranged for the employee to explain why they believe the post does not fall into this category. Management will also have the right of response at this hearing.

Assistance in finding alternative employment

Employees who are under notice of Redundancy and who qualify for a statutory redundancy payment have an entitlement to a reasonable amount of paid time off to look for alternative employment or to arrange training. The Academy is also committed to:

- Contacting other Academies for any suitable vacancies which may be offered to employees.
- Contacting the local authority with a view to canvassing for any vacancies which may be offered to the redundant employees.
- Contacting the local job centre, who provide a free service for bringing together employers with vacancies and people looking for work
- Providing support and guidance to employees with application writing and/or interview support

5 Redundancy Compensation

5.1 Redundancy

An employee dismissed by reason of redundancy will be entitled to redundancy compensation if he/she has been continuously employed for a period of two or more years.

Previous service with local authorities or other specified employers, as defined in, and subject to the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modification) Order 1999 is recognised.

5.2 Redundancy calculations for Teachers

Redundancy pay calculation for teachers to be determined in negotiation with the recognised teaching unions.

5.3 Redundancy calculations for Support Staff

Under the statutory redundancy scheme employees with two years service have their redundancy pay calculated as follows:

- 0.5 weeks' pay for each full year aged under 22 years
- 1 week for each full year aged 22 to 40 years
- 1.5 weeks' pay for each full year aged 41 and above

To help avoid compulsory redundancies the Trust will enhance the statutory redundancy scheme in two respects:

- redundancy pay will be based on an employee's actual contractual gross weekly pay, rather than statutory limit for a week's pay and
- The Trust will multiply the statutory scale (number of week's pay for every year of service) by a factor of 1.75.

A "paid week" is defined as the employee's contracted weeks plus any holiday entitlement. This figure is shown on the employee's contract of employment.

Calculation of weekly pay for employees on term time contracts

When determining what is meant by a week's pay in calculating redundancy pay for term-time workers, employers must use the actual amount earned for a week's work as the basis for redundancy pay, not a worker's annual salary divided by 52 (which would be lower). An employment appeal tribunal ruled that the higher amount should be used as the basis for calculating redundancy pay (Gilbert and others v Barnsley MBC, EAT/674/0)

For example, an employee may be required to be in work for 40 weeks, and be entitled to 5 weeks paid holiday. In such a case, the calculation of a week's pay is the annual salary divided by 45, and not by 52. The remaining weeks are weeks when the employee is neither at work or on paid holiday and so are to be disregarded. The fact that salary is paid in 12 equal monthly installments is to be viewed as an administrative convenience.

Notice Periods:

In addition to any redundancy payment entitlement, support staff employees who are dismissed on the grounds of redundancy are entitled to contractual notice, or payment in lieu of notice.

5.5 Salary Safeguarding – Teachers

Staff who accept assimilation to a lower graded post during a restructuring exercise will be eligible for salary protection Safeguarding for teachers will be in accordance with the arrangements set out in the School Teacher's Pay and Conditions Document.

5.6 Salary Safeguarding – Other staff

Safeguarding for all other staff employed by the Trust, will be for 3 years. The following components of pay are protected:

- Basic salary
- Basic contract hours (including contracted overtime)

- Any sick pay, holiday pay, maternity, paternity or adoption pay will reflect the level of protected basic pay. All protected pay is pensionable.
- All pay related allowances, e.g. standby, letting fees, shift allowances

During the protection period:

- There will be no annual incremental progression on the protected grade
- Pay awards will not be applied until the substantive grade is equal to or greater than the protected salary

Protection may end or be reduced within the 3 year period where:

- the employee is successful in securing another role at a higher grade
- the new substantive grade catches up with the protected basic salary

6. Embedding the Change

Carrying out the implementation successfully does not in itself guarantee the success within the new structure. The Principal will therefore need to give due consideration to the following:

- Any updating or retraining needs
- The need for induction into new working practices, systems or procedures
- Changes to the configuration of the school's meeting structure and methods of communication
- Changes to appraisal arrangements

7. Special Circumstances

7.1 Change of Principal

Where it is known in advance that an Academy's Principal will change during the restructuring period, both the current and the incoming Principal should be involved in the review of processes where at all possible.

7.2 Redundancy when on Maternity, Paternity and Adoption Leave

All staff on maternity, adoption, paternity or parental leave, will be included in any consultation exercises, and will be kept informed throughout any periods of organisational change/staffing reductions.

Selecting an employee for redundancy on the grounds of pregnancy or due to the taking of maternity, paternity or adoption leave will be deemed automatically as unfair dismissal.

Statutory payments (SMP, SPP and SAP) are not affected and continue until the end of the Maternity or Adoption Pay Period, or until the employee starts work for a new

employer. An employee on maternity, paternity or adoption leave, who is under notice of dismissal on the grounds of redundancy, must be offered any suitable alternative vacancy available in preference to other employees.

Redundancy during maternity, paternity or adoption leave will end the contractual entitlement to occupational maternity, paternity and adoption pay and the right to return.

These payments can be counted in the payment of notice pay. Employees will not be required to repay the occupational element of any maternity/adoption pay paid to them on being made redundant.

7.4 Re-employment following Redundancy

Re-employment with Local Authorities, maintained Schools, Academies and other associated bodies is covered by the rules specified within the Redundancy Payments Modification Order (the Modification Order).

If an employee is under notice of redundancy (i.e. is still employed) and receives an offer of employment with another employer covered by the Modification Order, and starts work within four weeks of leaving the Academy, they will lose their entitlement to the redundancy payments provided by the Scheme as this is considered continuous employment.

If an employee accepts a new role within a Trust organisation within 4 weeks of the date of redundancy, they will be required to repay any redundancy compensation.

Flow chart for restructure with no staffing reductions

Step 1: Design proposed new structure

Step 2: Informal confidential consultation with recognised unions on draft proposal; including business case, financial projections, implementation plan and impact assessments – possible changes to proposal as a result

Step 3: Formal consultation with unions and employees on proposed changes

Step 4: Response to consultation

Step 5: Populate new structure slotting in and ring fencing

Step 6: Imbed the new structure – induction, training and review

Flow chart for restructure involving staffing reductions

Step 1: Design proposed new structure

Step 2: Informal confidential consultation with recognised unions on draft proposal; including business case, financial projections, implementation plan and impact assessments – possible changes to proposal as a result

Step 3: Formal consultation with unions and employees on proposed changes

Step 4: Response to consultation

Step 5: If decision is to go ahead ask for expressions of interest in VR

Step 6: Populate new structure once first VR round completed – slotting in and ring fencing

Step 7: Redundancy selection if necessary but only after all alternatives have been exhausted

Step 8: Redundancy notices issued – during this time the Trust will work with the employee to look at all alternatives to redundancy

Step 9: Appeals against selection for redundancy

Indicative Timetable for Managing Change (With staffing reductions)

Note: this indicative timetable assumes the need to make reductions of staff, with effect from 31 August. Principals should identify a specific timetable, which allows all required timescales to be met.

September – December	Initiation and Design of the new structure
January	Informal confidential consultation with unions
February	Formal consultation with employees and unions begins
March	Responses to consultation
March to end of April	Assimilation/Ring-fencing/Identification of volunteers/other options
Easter – early April	
Early May	Selection for redundancy if necessary and only after all other options exhausted
Mid May	Notification of appeal
End of May	Appeal heard
Early June	Notice issued

Procedure for Hearing Appeals Under Redundancy Procedures

1. The Chair will introduce those present and describe the purpose of the meeting.
2. The Principal or relevant manager will be invited to describe the reasons for the proposal that the employee should cease to be employed by reason of redundancy.
3. The Employee/Representative or members of the panel may ask questions of the Principal/Manager.
4. The Employee/Representative will present the grounds for the appeal.
5. The Principal/Manager and members of the panel may ask questions of the Employee/Representative.
6. The Principal/Manager will be invited to sum up.
7. An adjournment will then be called in order for the decision to be considered. The Principal/Manager, the employee/representative should withdraw. A decision should be made as soon as possible and the employee advised of the outcome in writing within 5 days.

Notes:

- A representative of Human Resources may be present to offer advice.
- The Chair will arrange for notes to be taken of the meeting, which should record the date and time of the meeting, those present, the matters discussed and the decision. The notes should be sent within 5 working days to the Employee/Representative. If the Employee/Representative is dissatisfied with the notes, the reasons for their dissatisfaction will be considered and, unless satisfactorily resolved, will be recorded.
- Witnesses will not normally be called except by agreement of the parties.
- This procedure may be varied by agreement of the parties.