

Title of Policy/Procedure	Redundancy, Reorganisation and Redeployment Policy and Procedure
Reviewer(s):	Head of HR
To be read in conjunction with the following policies:	LGPS Pension Discretions Policy
Consultation Process	Policy to be agreed with TU's at The Blue Kite Academy Trust JCC
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1.0 Aims and scope of the policy and procedure

This policy applies to all teaching, academy support and Trust staff.

The policy provides a framework of consultation required to manage any change management processes including reorganisation and redundancy. The Trust will ensure that there is a meaningful consultation process with employees and trade unions and will provide support to affected employees during times of organisational change.

When considering proposals for staffing reductions, the Trust will ensure that there is no disproportionate effect on any employee groups

Our aim is to avoid compulsory redundancies wherever possible. However, it is recognised that from time to time there are circumstances that may lead to a need to reorganise the staffing structure eg. falling pupil numbers, reduction of income.

2.0 Planning Organisational Change

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

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

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.

Prior to consulting on any change programme, the business case will be signed off by the Board of Trustees.

3.0 Definition of Redundancy

An employee is 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 purposes for which the employee was employed, or to carry on that business in the place where the employee was so employed.
- the requirement for the employee to carry out work of a particular kind, or to carry it out in the place in which they are employed, has ceased or diminished, or is expected to cease or diminish.

This could be redefined as:

- The fact that the academy has to reduce its staffing establishment for budgetary or other reasons, or
- The fact that staffing at an academy needs to be reorganised to respond to organisational or curricular changes

4.0 Minimise the need for redundancy

The Trust seeks to minimise the number and impact of redundancies and the CEO and Headteachers will consider reasonable options to achieve this.

- ending genuine fixed term contracts, temporary or variable hours contracts where possible
- fill any essential vacancies with existing staff where possible
- secondment opportunities or alternative roles within the Trust or retraining, subject to agreement with the member of staff
- flexible working/reduction in hours, subject to agreement with the member of staff
- voluntary solutions including voluntary redundancy and voluntary reductions in working hours
- try to make financial savings in other areas, freezing vacancies, reduce use of supply agencies
- generate additional income
- reduce other/non-staffing costs

5.0 Consultation

The Trust is committed to undertaking a meaningful consultation process with affected employees and recognised Trade Unions during times of organisational change.

Employees will be notified of the need for a reorganisation and the post(s) affected. The Employee(s) will be invited to a formal consultation meeting.

5.1 First Consultation Meeting

The purpose of the first formal consultation meeting is to discuss the redundancy situation, clarify the procedure that will be followed and seek to avoid compulsory redundancy where possible by voluntary means. Consideration will be given to any representations and/or alternative proposals made at this stage; the following details will be shared:

- 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
- how the dismissals are to be carried out, including the period over which the dismissals are to take effect
- the proposed method of calculating redundancy pay

If any employees would like an individual consultation meeting at this stage then these can be arranged. They will have the right to be accompanied by a trade union representative or work colleague.

5.2 Voluntary Measures

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.

Employees who are considering voluntary redundancy will be provided with an estimate of redundancy payment.

Employees are encouraged to take advice from their trade union when considering voluntary solutions.

All proposed voluntary measures, including applications for voluntary redundancy, will be considered by the CEO and Headteacher of the affected academy.

Decisions to approve voluntary redundancy will be based on a business case relating to the skills required by the Trust. Redundancy costs, and other financial considerations, should be taken into account during the decision-making process for voluntary solutions.

5.3 Early Retirement

Non-teaching staff who have reached the age of 55 and who are members of the Local Government Pension Scheme with the required 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.

This is an additional cost to the Trust as the pension strain costs would need to be funded. These costs will be taken into account when considering a voluntary redundancy request.

The Trust's Pensions Discretions policy sets out the exercise of additional discretions outside of the normal approach.

Members of the Teachers' Pension scheme over the age of 55 are entitled to take their pension early, however this would be actuarially reduced. Teachers in these circumstances are encouraged to seek financial/trade union advice.

5.4 Second Consultation Meeting

Following an agreed period of time employees and trade unions will be invited to a second consultation meeting.

The Headteacher will feedback on any alternative proposals that have been proposed and considered and the Academies current financial position.

If no offers of voluntary redundancy, early retirement or alternative proposals to avoid or minimise compulsory redundancy are agreed the Headteacher will set out the selection process.

6.0 Selection process

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.

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.

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.

If there is only one employee in the 'group' of staff that is 'at risk' then they will be selected for redundancy on the grounds of their occupancy of the post only.

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 given prior consideration (see para 6.1) or required to apply via a competitive process (see para 6.2).

6.1 Prior Consideration

If the grade of the 'new' role is the same as the 'old' position, and the duties are 80% 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.

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.

If there is more than one employee with prior consideration rights, they will all be ring-fenced to the new position and a recruitment selection process will take place. Employees will be interviewed against the person specification/job description and supported by their most recent performance management review

6.2 Competitive Selection Process

Where no prior consideration rights exist, a new position will be appointed to from an external/internal competitive selection process.

6.3 Selection/skills Matrix

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

A selection matrix will consider factors such as an employee's skills, experience, qualifications, training and contribution to the individual academy and wider Trust. Additional factors such as conduct, performance and absence will be used but will not include any protected characteristics. Employees will be given a specific timeframe in which they should complete and return the forms.

A senior member of staff/HR Officer who is not involved in the selection process should be available to give assistance to employees where necessary by providing them with any relevant information from their personal files

This process will be supported by the previous 2 years performance management reviews and relevant personnel data held on file eg. Disciplinary records.

The CEO and Headteacher with support from the Head of HR will undertake the redundancy selection with reference to the completed staff skills audit forms. The forms will be anonymised and a written record made on the basis on which decisions are taken.

7.0 Formal Redundancy Meeting

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

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

The CEO has delegated authority to dismiss an employee on the grounds of redundancy, should it be deemed necessary.

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 CEO
- 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

- the outcome of the meeting will be communicated to the employee within five working days of the meeting taking place.
- where the outcome is redundancy, the employee will be issued with formal notice of redundancy and provided with information about the appeal process.

If a decision is taken to not uphold the redundancy the employee will be notified and the selection process revisited.

8.0 Appeal

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

The employee must state the grounds for the appeal.

The purpose of an appeal is:

- to review the decision taken by the CEO
- to consider whether the procedure has been followed correctly.
- the application of the selection criteria

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 two working weeks of the appeal request being received by the CEO

The CEO will present the case for redundancy at an appeal hearing. The employee has the right to attend the hearing and present their grounds for appeal. They are entitled to be accompanied by their trade union representative or work colleague

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

9.0 Suitable alternative employment

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

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

An employee is able to formally challenge in writing the suitability of the role by demonstrating that they do not possess the appropriate skills, qualifications, experience or knowledge. If an employee's challenge is accepted, the redundancy process would continue for the employee, with no detrimental impact on redundancy pay. If an employee's challenge is not accepted, and the CEO determines the proposed role to be a suitable alternative to redundancy, the employee may forfeit their redundancy pay.

9.1 Trial Periods

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. 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.

Following the agreed period if the offer of alternative employment is not successful the redundancy terms will stand.

Training needs will be evaluated during the trial period.

10.0 Support in seeking alternative employment outside of the Trust

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

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's HR Department.

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

11.0 Pay protection

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.

For teaching staff, pay protection will be in line with the Academies Teachers Pay and Conditions Document, currently a three-year protection period.

For non-teaching staff, pay protection is paid at 12 months compensation based on the difference in pay between the new salary and the old salary but capped at one grade difference. If the member of staff is on a Hay grade the pay protection will be a maximum of £2,000

12.0 Redundancy pay

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

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. A weeks pay is based on paid weeks

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

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 Modification Order.

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.

13.0 Employees who are absent from work

Any employees who are absent from work must be consulted and kept informed of any proposed changes. This can include employees on long-term ill health, work break, maternity/adoption leave or secondment.

It is unlawful to select a woman for redundancy on the grounds that she is pregnant or on maternity leave. If alternative jobs are available for redundant employees, an employee on maternity leave who has been selected for redundancy must be offered a suitable vacancy before any other employee. 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.

14.0 Other contractual changes

Not all changes resulting from a restructure will result in a dismissal on the grounds of redundancy.

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.

Additionally, where a restructure leads to a reduction in TLR or SEN allowances then the teacher will be consulted on the variation to their contract and salary safeguarding applied in accordance with the Trust's Teachers Pay and Conditions document.

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 a reasonable offer of re-engagement, no redundancy payment would be made.