

THE CAM ACADEMY TRUST REDUNDANCY & RESTRUCTURING POLICY	
Approved in consultation with the Trust Finance Committee on behalf of the Trust Board:	May 2008
Consulted on with recognised Trade Unions	October 2022
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Date of next review:	October 2026
Responsible Officer:	Trust HR Manager

Whilst it is the Trust Board and Local Advisory Boards intention to develop and expand the activities of the Trust schools and to provide a stable work environment and reasonable security of employment for its employees, it is also their responsibility to ensure the economic viability of each school in an increasingly competitive environment. Circumstances may arise where changes in the market, technology, funding, organisational requirements and the like, make it necessary to seek reductions in staffing levels leading to subsequent redundancies or organisational change.

A review of the staffing structure will be with a view to ensuring that the allocation of responsibilities and duties is effective and focused on teaching and learning to raise standards.

Purpose

This policy sets out how each school will approach and manage organisational change and potential staffing reductions. The main aim of this policy is to ensure fair and effective procedures are followed in managing staff involved in change, including informing and consulting individuals and recognised trade unions.

In order to minimise the impact of such organisational changes, the policy will be adopted wherever possible. However, it must be recognised that where the needs of the school so dictate, the procedure will be adapted to the particular circumstances which prevail, following consultation with representatives of the recognised trade unions.

If there is a required increase in staffing overall, or in particular areas, the Trust Safer Employment Policy will be followed.

In following this process, all schools will have regard to its duties under the public sector equality duty (PSED) and, in the event of changes to terms and conditions or any redundancies, it will seek to avoid discrimination and any prohibited conduct under the Equality Act 2010.

Scope

This policy applies to all employees. It does not apply to agency workers, consultants or self-employed contractors.

Redundancy

The Trustees/Local Advisory Boards will consider potential redundancies if the following circumstances occur:

- The Trust/School has ceased, or intends to cease, to carry on the business for which the employee was employed, or to carry on that business in the place where the employee was employed;
- or
- The requirements of the Trust/School for employees to carry out work of a particular kind, or to carry it out in the place where they are employed, have ceased or diminished or are expected to cease or diminish.

Avoiding redundancies

The Trustees/Local Advisory Board will always try to avoid and mitigate against the need for compulsory redundancies and consider steps that might be taken, depending on the circumstances, to avoid redundancy. Examples of such steps include but are not restricted to:

- Reviewing the use of agency staff, casual staff, self-employed contractors and consultants.
- Restricting recruitment in affected categories of employee and in those areas into which affected employees might be redeployed.
- Considering the introduction of short time working, job-sharing or other flexible working arrangements, where these are practicable.
- Retraining or transferring staff to other duties.
- Voluntary reduction in hours or transferring from full-time to part-time.
- Identifying suitable alternative work with the School/Trust that might be offered to potentially redundant employees.
- Inviting applications for early retirement or voluntary redundancy. Volunteers should normally be invited from the group of employees who are at risk of redundancy. In all cases, the acceptance of a volunteer for redundancy will be a matter of discretion for the Trust Board/Local Advisory Board who reserves the right not to offer voluntary redundancy terms or to refuse an application where it is not in the interests of the school to do so. A deadline should be set for applications for voluntary redundancy which expires before the start of the selection process.

Note:

Any revisions of job descriptions should be agreed between the Headteacher/Principal and the member of staff.

Any measures adopted must not adversely affect the running and management of the school.

Procedure

Step One - Planning

In the event that it is necessary to restructure or make a reduction in staff, a draft business plan will be produced and authorised by the Trustees/Local Advisory Board. Depending on the number of staff affected by the proposals, it may be necessary for the business plan to comprise of a formal section 188 notice.

The business plan should include the following:

- The rationale for the proposal with an outline of any budgetary implications
- Scope of the review or change, that is the number and descriptions of the posts affected . This should include whether there are any proposed redundancies.
- The total number of employees of any such description employed at the School.
- If structural/departmental changes are envisaged – a copy of the old and new staff structure charts.
- If the proposals include changes to terms and conditions, these should be set out within the proposals.
- The proposed selection method and selection criteria. The timeline for consultation.
- The method of calculating any compensation to be paid to redundant employees.
- The number and role of agency or casual workers working temporarily for and under the supervision and direction of the School, if applicable.
- Equality considerations and implications. The review should take into account equal pay considerations to avoid any later legal challenge.
- The timescales for overall implementation. Staff notice periods must be factored into the timescales.

The selection criteria as outlined in the business plan and on which the staff and recognised trade union(s) will be consulted will be determined by the Chief Executive, Primary Executive Lead or school Headteacher/Principal in consultation with the Chair of the Trust Board/Chair of the Local Advisory Board.

Any ongoing or historic disciplinary or capability sanctions should not be used as a selection criterion.

Recognised trade unions will be informed of our intention to consult with colleagues as soon as reasonably possible.

Step 2 – Consultation and Engagement

The Chief Executive, Primary Executive Lead or school Headteacher/Principal will consult with recognised trade unions with a view to reaching agreement and will consult with the employees affected by the proposals whether or not they are in a recognised Trade Union.

The following matters will be considered for consultation:

- Restructures that affect employees

- Potential redundancies
- Changes to terms and conditions of employment including changes in working practices, location of employees etc

The legal requirement to collectively inform and consult with unions derives from section 188(4) of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA). As such the Chief Executive, Primary Executive Lead or Headteacher/Principal must collectively inform and consult with recognised trade unions where there is a proposal to dismiss as redundant 20 or more employees at one establishment within a 90 day period or less.

Collective consultation must begin 45 days before the first proposed dismissal takes place if the proposals impact 100 or more employees. For less than 100 employees, the minimum consultation period is 30 days. If the proposals affect less than 20 employees, a reasonable period of consultation will be required.

The Chief Executive, Primary Executive Lead or Headteacher/Principal will announce the start of the review and consultation process by writing on behalf of the Trust/School to all affected employees, school representatives and the secretaries of the recognised trade unions (in a potential redundancy situation). A copy of the business plan (or section 188 notice as necessary) will be enclosed and the covering letter should advise of the following:

- The timescale for the process and dates of any relevant meetings.
- The dates by which any written responses to the consultation will be required. A period of **4 weeks** will be allowed for written comments by staff and unions. The period can be reduced where the proposals involve a single employee or a small group, or where otherwise agreed.
- To whom queries about the process should be sent.

The Chief Executive, Primary Executive Lead or Headteacher/Principal will make arrangements to meet with any members of staff who consider they are directly affected by the proposals and who wish to discuss matters in person. Staff may be accompanied by a recognised trade union representative or colleague if they wish.

If requested by the trade unions, the Chief Executive, Primary Executive Lead or Headteacher/Principal should meet with the unions during the consultation period.

The Chief Executive, Primary Executive Lead or Headteacher/Principal will arrange for notes to be taken of all meetings held during the consultation stage. Key points made during the meeting and the outcome should be clear.

Any affected staff on long-term sickness absence, maternity leave, adoption leave, or any other type of leave will also be consulted. Consideration will be given to adapting the communication method where necessary, as will the need for reasonable adjustments to allow all staff to equally take part in consultation.

Staff on maternity, paternity, adoption, and shared parental leave have extended rights and, if selected for redundancy, are automatically entitled to be offered any suitable alternative vacancies.

Voluntary redundancies

If the proposals envisage compulsory redundancies, inviting staff to take voluntary redundancy is a good way of mitigating against the compulsory redundancies. A deadline should be set before any selection process begins.

Any employee who seeks information on the benefits available as a result of volunteering to be selected for redundancy will be entitled to do so without prejudice to their position.

The Trustees/Local Advisory Board will decide if any requests for volunteering to be selected for redundancy can be accepted. If a request is accepted, an offer will be made to the employee identifying the level of compensation that will be paid if the employee is dismissed as redundant.

Step 3 – Consideration for responses received from staff and unions

The Chief Executive, Primary Executive Lead or Headteacher/Principal will give due consideration to all written responses. If, as a result of any written comments, the Chief Executive, Primary Executive Lead or Headteacher/Principal determines to amend the draft structure plan, the amendments will be subject to a further week's consultation.

The final draft will be drawn up by the Chief Executive, Primary Executive Lead or Headteacher/Principal and presented to the Trustees/ Local Advisory Board for consideration with a recommendation for adoption.

Following the adoption of any proposals, the formal procedures for implementation will start.

Step 4 – Implementation

Changes to terms and conditions

If the Trustees/Local Advisory Board resolves to change the terms and conditions of employment, this contractual variation will be confirmed in writing.

The school will ensure that the appropriate contractual or statutory notice periods (whichever is more) are followed for staff who do receive notice to terminate their contracts. Implementation should take place at the same time for all staff.

Selection in reorganisation and redundancy situations

If the Trustees/Local Advisory Board resolves to reorganise/make compulsory redundancies, the selection criteria that has been consulted upon will be applied.

Slotting in

Where a post is largely unchanged, and therefore a significant match to the responsibility of an existing member of staff, that member of staff should be 'slotted in' to the post.

Ring-fenced

Where a post is a combination of a number of existing responsibilities held by current staff, then the post should be ring-fenced to those staff only.

An individual's pay level and current responsibility will determine their entitlement to be in a ring-fenced group. For teachers, this will be determined by the value of permanent teaching and learning responsibility payments.

Where more than one post is available at a particular level, members of the ring-fenced group will be asked to express a preference from those posts available.

Candidates will be selected using fair selection criteria (details below) and the most suitable candidate/s will be appointed. The remaining candidates will be considered for the next ring-fenced level down (where available).

Promotion

A post in the new structure which has no similar role in the current structure, and which represents a promotion will first be advertised internally within the school and open for all to apply. If a suitable candidate cannot be appointed, the post will be advertised externally.

Staff should be provided with the opportunity during consultation to appeal to be included within a ring-fenced group. The employee should first appeal directly to the Chief Executive, Primary Executive Lead or Headteacher/Principal. If they remain dissatisfied, the employee should write to the Trustees/Local Advisory Board setting out their reasons for appeal. The Trustees/Local Advisory Board will consider any appeal and respond to the employee within **10 working days**.

Selection criteria

The selection method used to select those employees who are at risk of redundancy will be based on criteria which are:

- Objective
- Transparent and fair
- Applied consistently
- Based on the skills required to meet existing and anticipated business needs
- Non-discriminatory directly or indirectly on grounds of any protected characteristic under the Equality Act 2010. Part-time employees and those working under fixed-term contracts will be treated the same as permanent, full-time employees.

Any scores and information collected as part of the selection process should be recorded and in sufficient detail to enable selected staff to understand why they have been selected. Scores should be made readily available to staff on request. It is important that information on scoring is anonymised to ensure details about individual employees are kept confidential. The Trust/School will ensure compliance with the GDPR and Data Protection Act 2018.

Step 5 – Making compulsory redundancies

Within the context of the needs of the organisation, the Trustees/ Local Advisory Board will make every effort to avoid compulsory redundancy by achieving reductions through:

- Natural turnover and staff resignations.
- Deletion of appropriate vacancies.
- Voluntary redeployment of staff into other suitable posts within the School.
- Voluntary transfer to part time working, reduced hours or job-sharing arrangements.
- Voluntary redundancy.
- Review of genuine fixed term contracts and use of agency workers.

Where this has not been possible and following selection, a designated officer, usually the Chief Executive, Primary Executive Lead or Headteacher/Principal, will consult individually with those employees who have been provisionally selected for redundancy. The employee will be given the opportunity to make representations regarding their proposed redundancy and to suggest any alternatives to redundancy within a defined time frame.

The employee(s), who will be given at least **10 working days'** notice of this meeting, will have the right to be accompanied by a trade union representative or workplace colleague.

Where, having considered any representations made by the employee, selection for redundancy is confirmed, employees selected for redundancy will be given notice of termination of employment in accordance with their contract of employment. They will also be given written confirmation of the payments that they will receive. Employees will be given the opportunity to appeal against this decision (see below).

Where the employee is no longer at risk of redundancy, this will be confirmed in writing by the Chief Executive, Primary Executive Lead or Headteacher/Principal.

The Chief Executive, Primary Executive Lead or Headteacher/Principal will continue to look for suitable alternative employment for redundant employees and inform them of any suitable alternative employment, until their termination dates. The manner in which redundant employees will be invited to apply for and be interviewed for vacancies will be organised depending on the circumstances existing at the time. Alternative employment may be offered subject to a trial period of four weeks.

Subject to the school's operational needs, employees will be allowed to take reasonable time off work during their notice period to seek alternative employment. Any request for such time off should be made as outlined in the Staff Absence Policy.

Eligibility for redundancy payment

To be eligible for a redundancy payment, the employee should fulfil the following:

- be dismissed by reason of redundancy
- have at least two years' continuous service
- be directly employed by the School

The employee will not qualify for a redundancy payment if they:

- are self-employed, engaged through an employment agency or through a contract for services
- are dismissed for a reason other than redundancy
- unreasonably rejects suitable alternative employment
- Accepts a suitable alternative post in a School, Academy, or within a local government organisation, within 28 days of the date of the termination of employment by reason of redundancy.

Redundancy payments

Redundancy payments will be at least in accordance with the statutory entitlement laid down in the Employment Rights Act 1996.

All employees who are selected for redundancy will be given written notification of:

- The amount of any redundancy payment
- The amount of any premature retirement compensation
- The date on which the redundancy would be effective.
- Advice on accrued pension benefits, if appropriate.
- Advice that the employee should consult their trade union.

Appeals

Staff have the right of appeal against a dismissal for redundancy.

Any appeal should be in writing, stating the full grounds of appeal, to the Clerk of the Trust Board/ Local Advisory Board within **10 working days** of the date of the letter providing notice of termination of employment.

The appeal should be dealt with as promptly as possible, and wherever possible within **20 working days** of the appeal being lodged. The employee will be provided with at least **5 working days'** notice of the date, time and place of the appeal hearing.

The employee may be accompanied, if they so wish, by a recognised trade union representative, or work colleague of their choice. If the trade union representative/colleague is unable to attend on the



date proposed, the employee can offer an alternative time and date, within **5 working days** of the original date.

A staff appeals panel appointed by the Trustees/Local Advisory Board and comprising at least three governors shall hear all appeals. The staff appeals panel should consist of members who have not previously been involved in this process.

Implementation

Terms and conditions of any new posts will be confirmed in writing by way of an offer of a new contract of employment. Upon acceptance, the employee will be deemed to have accepted the alternative post. This does not effect continuity of employment.