



Management of Change & Redundancy Policy

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Together, pursuing life in all its fullness

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1. Context

This policy should be used when dealing with redundancies and organisational restructures, so as to ensure that any staff reductions and or staffing reorganisations are carried out fairly and equitably and within the parameters of UK employment law.

It is important that Leaders undertake planning to address these matters at the earliest opportunity and work together with the Trade Unions order to best achieve the above and minimise the impact upon staff.

This policy has been consulted on with the recognised Trade Unions.

The Information and Consultation of Employees Regulations 2004 and case law requires employers to undertake fair consultation where redundancies/change processes are proposed for implementation. 'Fair consultation means (a) consultation when proposals are still at a formative stage; (b) adequate information on which to respond; (c) adequate time in which to respond; and (d) conscientious consideration by the employer in responding to the consultation feedback'.

This policy applies to all staff employed by the Trust from 1st September 2021.

For all staff employed before 1st September 2021 TUPE provisions will apply:

- Coventry:
 - Redeployment Scheme (for Teachers) (Appendix 1)
 - Security of Employment Agreement (for Non-Teachers) (Appendix 1)
- Warwickshire:
 - Management of Change and Redundancy Policy (Appendix 2)

2. Purpose

Academies face constant pressure to enhance levels of teaching and learning whilst also managing the effects of falling rolls and changes to the curriculum. This can only be achieved effectively where employees, who are affected by change, feel confident that their interests and concerns are being taken into account. The purpose of the Management of Change and Redundancy Policy is to provide a framework for dealing with redundancy and/or organisational change fairly and consistently, whilst seeking to balance the needs of employees with the needs of the individual Academy to become more efficient.

3. Definition

The management of change is the reconfiguring of staffing structures that result in a different grade/skills mix. Redundancy however is a diminishing requirement for work of a particular kind and redundancy may occur within a management of change situation or in isolation.

Management of change and/or redundancy may occur in many scenarios including the following:

- Financial constraints
- restructures resulting in a requirement for either fewer people or a different roles and skill base;
- technical and/or process changes resulting in a requirement for either fewer people or a different roles and skills base;

- school closure – leaving all employees at risk;
- Cessation of a fixed term contract e.g. ending of ‘child specific’ contracts.

4. Approval for Change

Leaders must first draft proposals to make redundancies/changes in the staffing levels, organisational structure and associated role requirements and seek advice where required from the HR Department. See pro forma Business Case for commencing a staffing restructuring/redundancy process in the Guidance Toolkit to assist with this exercise and must be approved by the Trust Board of Directors.

5. Responsibilities

School Staffing Regulations 2009

Where redundancies are required the School Staffing Regulations 2009 allow for initial dismissal decisions to be delegated to the headteacher. However, it also recommends that where Headteachers have a direct involvement in instigating proposals to dismiss, arrangements for delegating initial dismissal decisions will need to be considered on a “case by case” basis. If there are any concerns, these can be raised with the Chief Executive Officer.

All references in this Policy to documents held within the Guidance Toolkit may be amended by Human Resources from time-to-time. They do not form part of the Management of Change and Redundancy Policy, nor are they intended to be, incorporated into an individuals’ Contract of Employment.

Role of the Trust Board

The Trust Board will first approve the aims, objectives, finance, and proposed outcomes for organisational changes/redundancies in accordance within their powers and duties.

The Headteacher/Line Manager will normally be delegated to facilitate and oversee the planning, consultation and implementation of the proposed changes in a transparent and fair process. Their role will be to:

- Acknowledge and discuss the proposals set out by the Headteacher.
- Notify the Human Resources Department at the earliest opportunity of potential redundancies.
- To determine appropriate selection criteria in consultation with recognised Trade Unions (i.e., if more than one employee affected).
- Outline the proposed redundancy skills matrix for consultation with recognised Trade Unions.
- Outline the redundancy timetable consultation with recognised Trade Unions and share proposals with staff.
- Consider proposals put forward during the consultation process, meet with staff members who wish to make representations; and formally respond in writing.
- At the end of the consultation, consider the information on the staff skills and experience summary sheet and make the final decision on which post(s) are to be nominated for being ‘at risk’ of redundancy based.
- Subsequently hear representations from the employee(s) whose posts(s) are selected for redundancy where the employee exercises their right to such a meeting.
- Notify employees, in writing, the outcome of the nomination meeting and rights to appeal and redundancy compensatory figures if applicable.

- At appeal meetings the Chair of the Nomination Panel will present the case to the Appeal Panel. The Headteacher may be called as a witness if required, and the appellant may call their own witnesses.

Role of the Appeal Panel

The role of the Appeal Panel will be to:

- Hear any appeals from employees together with representations from the Chair of the Nomination Panel including any witnesses called.
- Invite and notify the employee, in writing, the outcome of the Appeal.

Role of the Headteacher/Principal

The role of the Headteacher/Line Manager will be to:

- Plan processes and ensure the Trust complies with policy;
- Forward a completed version of the Business Case Form to the HR Department
- Lead the communication/consultation process with the Trade Unions and employees;
- On behalf of the Nomination Panel, to consult with the recognised Trade Unions regarding the proposed redundancy selection criteria and subsequently apply the selection criteria and nominate/identify employees for potential redundancy;
- Meet employees in private to inform them (in writing) of their nomination for potential redundancy and to confirm this in writing;
- Present a statement of case to the Nomination Panel of their recommendation of selection for redundancy;
- At appeal meetings, support the Chair of the Nomination Panel in presenting their case at the Appeal Panel if called as a witness;
- Ensure that employees, including those who may be absent from work e.g. on maternity/paternity leave or sickness, secondments are consulted and kept informed;
- Advise the HR Department of individual/s selected for redundancy.

Role of Human Resources (HR) Department

HR will provide advice and guidance to the Headteacher/Line Manager in the implementation of redundancies/change process. This will be in relation to:

- Advice in relation to writing the business case for Trust Board approval.
- The consultation and notification process including facilitating completion of the Section 188 letter;
- Attendance at group and individual consultation meetings
- Redundancy selection arrangements and redundancy/retirement figures;
- Advice regarding supporting displaced employees.

6. Planning to Avoid Redundancy

Forecasting and managing change is integral to successful medium and long-term planning. Change can occur for a variety of reasons (predominantly financial), which need highlighting clearly to staff as part of the consultation, these might include:

- New curriculum requirements;
- Changes in legislation and policies;
- Falling pupil numbers;

- Reduced budgets;
- Statutory school reorganisation;
- Academy development plans;
- Cessation of specific funding streams.

The purpose of consultation is to avoid redundancies and to mitigate the circumstances for those involved in the process. As Academies undertake their overall planning process, they should seek to avoid or minimise any potential employee surpluses as a consequence of such changes. There are a number of strategies which should be considered, these may include:

- Employee turnover (non-replacement of leavers);
- Restricting recruitment i.e., temporary posts, freezing posts (the Trade Unions representatives may request the numbers of volunteers used);
- Filling vacancies from amongst existing employees;
- Retraining or re-skilling;
- Secondment;
- Job share amongst existing employees;
- Voluntary reduction in hours;
- Voluntary early retirement;
- Voluntary redeployment;
- Voluntary redundancy.

In order to avoid compulsory redundancy, Voluntary Early Retirement (VER) or Voluntary Redundancy (VR) as voluntary strategies should be given consideration. Staff members will be provided with the information on what their voluntary redundancy payment would be before being asked to make a final decision. Staff should take full consideration of any pension implications. This will be at the same rate to Compulsory Redundancy.

The first priority will always be to seek a suitable alternative post for an employee, therefore any expression of interest in VER or VR does not mean that it will be granted. Each case will be assessed on its own merit, depending on the circumstances, taking into consideration:

- The need for the continued use of the skills and/or experience of the person making the application;
- Whether any suitable alternative work is available in any other Academy which the displaced employee may be considered for;
- A cost/savings analysis being undertaken;
- Whether the volunteer is already in receipt of an offer of employment from another employer, covered by the Redundancy Payments Modification Order, to start within 28 days of the termination of their current employment;
- Whether volunteers from posts not 'at risk' of redundancy could be considered subject to the 'at risk' employee being appointed into the volunteers' position. This is known as 'bumping'.

The Trust undertakes not to use any volunteer or other unpaid staff which could potentially place paid staff at risk of redundancy.

7. Consultation

7.1 The first step in any redundancy/change programme is consultation, which should start as soon as practically possible once the need for redundancy/change has been identified. The purpose of consultation should be:

- To share information about the need for change and the draft proposals;

- To engage with employees and their Trade Union Representatives and provide an opportunity for them to contribute to the change process by inviting and considering views, ideas and alternative proposals;
- To ensure the consultation is sufficient so as to be meaningful, taking into account the nature of the proposals and levels of consultation involved.

Consultation should commence at the earliest possible opportunity, i.e., at the beginning of the process when the proposals for redundancy/change are at a formative stage and not decisions. Headteachers/Line Managers will need to ensure that any alternative suggestions made by the Trade Unions to avoid compulsory redundancies are given consideration and responded to; therefore, early and meaningful consultation is essential.

In accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, the following statutory timescales should be followed:

- If there are **20 – 99** employees to be dismissed by reason of redundancy, the statutory consultation period is **30** days.
- If there are **100+** employees to be dismissed by reason of redundancy, the statutory consultation period is **45** days.

There is no set time period laid down where redundancies involve **less than 20** employees; however, the period of consultation should be sufficient to be meaningful, taking into account the nature of the proposals and level of consultation involved. The formal consultation period for a change process will normally last for 30 calendar days but may be a shorter period where it is considered appropriate. It is important that the Trade Unions and employees are given the opportunity to influence change proposals prior to any final decision being made.

All those directly affected by the proposals need to be consulted, i.e., employees within the affected area(s) and the recognised Trade Unions. Please note staff holding a fixed term contract, with under two years continuous service, that has reached their **agreed termination date** before the proposals are due to take effect will be excluded from the collective consultative obligations.

Consultation should include providing an outline rationale and details of the changes to the organisation structure, numbers and grades of posts, any system or process changes and, where jobs have changed considerably, copies of revised job descriptions. This should include the current and proposed staffing structures, the Academy financial information such as the annual accounts; and the minutes of the Board meeting at which the decision to consult on proposals was made. The Academy should meet with the Trade Unions before presenting the restructure(s) to staff. A consultation timeline should be shared with Trade Unions and response timeframe agreed. Those staff whose posts are being restructured or are at risk will have the opportunity to raise any individual considerations. **See the Guidance Toolkit for information on what is recommended for inclusion in the consultation document.**

If a Trade Union Representative/Officer is considered for redundancy, then the full time Trade Union Officer and local Secretary for that Union should be consulted prior to any decision being made.

Following an initial consultation meeting with Trade Unions and staff, a letter should go to the employee(s) informing them of their right to attend consultation meetings and outlining the key details of the consultation process, see the Guidance Toolkit.

7.2 Section 188 Notices / Fixed Term Contracts

Where staffing reductions appear unavoidable, the Trust has a duty under sections 188-198 of the Trade Union and Labour Relations (Consolidation) Act 1992, to consult with and issue formal Management of Change & Redundancy Policy v1 June 2021 Page No. 8

notices to the recognised Trade Unions about the potential redundancy situation as soon as the redundancies are contemplated; and to inform all employees. The HR Department will require the issue of Section 188 Notices to be issued (regardless of the number of employees), for which the following information will be provided:

- The reasons for the proposals to reduce staffing levels.
- The total number of employees affected, broken down into categories, employed at the school.
- The total number and description of employees whom it is proposed to dismiss by reason of redundancy (included fixed terms contracts – see below).
- The proposed method of selection for redundancy.
- The proposed method of effecting the redundancies, including the period over which the dismissals will take effect i.e., the date of the first and last proposed redundancies.
- Details of the method of calculation of any redundancy payments other than those required by law.
- The application of TUPE Redundancy provisions, if applicable (See section 1 for further information. See Appendix 1 and 2 for policies and Appendix 3 for the provisions).
- The number of agency workers, the type of work and where they are working.
- The date of the first consultation meeting.

When counting the number of redundancies proposed any fixed-term contracts must be included in the numbers for the notice to Trade Unions if the proposal seek to terminate the contract early and proposes to do so on grounds of redundancy. Where the proposal is to terminate a fixed-term contract on the date agreed in the contract, such a dismissal does not need to be included in the number of proposed redundancies. This is the case even if the dismissal occurs within the same period of time as the proposed collective redundancies. Please note: if a continuous fixed term contract has been renewed such that a series of contracts run for 4 years or more, then these contract holders should be regarded as permanent staff and included in the Section 188 notices to the Trade Unions.

See Guidance Toolkit for an example Section 188 notice letter. This should be issued to the relevant Trade Unions.

7.3 HR1 Form

If the proposed changes could result in over 20 potential redundancies, then a HR1 Form (see link <https://www.gov.uk/government/publications/redundancy-payments-form-hr1-advance-notification-of-redundancies> should be submitted to the Insolvency Service. This will be issued by the HR Department) and must be submitted at the same time as the Section 188 Notice letter detailed in Section 8.2.

8. Employees who are Absent from Work

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

This is particularly important for employees who are on maternity leave, as under maternity legislation it makes it automatically unlawful to select a woman for redundancy because she is on maternity leave. It is also unlawful, under the anti-discrimination legislation, to select a woman for redundancy on the grounds that she is pregnant.

Further advice should be sought from the HR Department and detail on the specific responsibilities surrounding redundancy and pregnant workers can be found in the Acas guide.

<https://www.acas.org.uk/media/3447/Managing-redundancy-for-pregnant-employees-or-those-on-maternity-leave/pdf/Managing-redundancy-for-pregnant-employees-or-those-on-maternity-leave.pdf>

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. If you don't do this, her dismissal may be automatically unfair. If you do offer a suitable alternative position and the employee unreasonably turns it down, she loses her right to a redundancy payment.

If an employee taking Maternity Leave is placed 'at risk' of redundancy her maternity Leave period will be deemed to be the Maternity Leave period commencing as indicated on the MATB1 form provided by the employee prior to her Maternity Leave commencing.

Employees who are on long-term absence due to ill-health may well be disabled for the purposes of the Equality Act 2010 and should not be subjected to any detriment by reason of their disability.

Absent employees should be offered the same support and consultation and be subject to the same selection criteria. They should also be offered the same opportunity to make representations and to appeal against the decision to end their contract. Any reasonable adjustments to accommodate disabled employees must be made.

9. Keeping Records

Details of consultation meetings should be recorded and documented so that the school can clearly demonstrate that it has followed the policy and abided by statutory requirements.

10. Implementation

Once the proposals have been finalised and agreed, the redundancies/changes should be implemented within an agreed timescale. The Headteachers/Line Managers are required to produce and consult on the timescales for the implementation of the staffing reduction or organisational change process. Advice should be sought from the HR Department as required.

11. Academy Closures

In this instance, all the employees in the affected Academy will be formally notified that they are 'at risk' of redundancy and, as such, the Academy has specific statutory responsibilities. These responsibilities should be discharged as soon as possible so that the statutory requirements on consultation can commence and appropriate action taken to avert compulsory redundancies.

11.1 Academy Combinations (Mergers)

In the instance where certain posts in the combined staffing structure are to be deleted then Section 12 (above) applies. Wherever possible a ring-fence will be adopted for managing the appointment of staff to the new combined/Federated Academy. In practice this will mean placing a ring fence around employees at the two establishments planned to combine and all appointments to the new organisation structure being made from the pool of staff at the two Academies.

Once the new organisation structure has been developed, together with job descriptions, a selection process will be used to assign staff to the posts in the new structure. This should be made as least onerous as possible and wherever possible staff confirmed in post where there is a direct match of numbers of posts, staff and relevant skills and experience.

11.2 Re-organisation and re-structuring

Trade Unions should be informed of a proposed staffing re-organisation or re-structuring. If it is likely to involve redundancies, the Headteacher/Line Manager must inform all representatives of the recognised Trade Unions at the earliest opportunity i.e., immediately preceding consultation with staff on such proposals.

12. New Posts and Ring-Fencing Arrangements

Where, as a result of the agreed changes, posts have significantly changed in responsibility, it is usual practice for the old posts to be deleted from the establishment and new jobs created with revised job descriptions and person specifications. The opportunity should be taken to also review:

- Teaching and Learning responsibility payments.
- Working patterns, including job share and flexible working.
- Working practices.
- Safeguarding arrangements of salary as a result of any changes (as per current STPCD).
- Any other allowances.

Posts should not be deleted, however, 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, i.e., the introduction of new technology into working practices, curriculum changes and changing systems, etc.

Assimilation or 'Slot-in'

The appointment to all posts within the new structure will be initially subject to "assimilation" and 'ring-fence' arrangements, thereby confining applications to existing employees who are directly affected by the changes and, specifically, those whose jobs may be at risk.

For staff on a Trust Support Staff contract this Policy allows for "70% compatible" posts to be offered to present incumbents, without competition. For staff on teaching contracts of employment, posts should be 70% similar to their current post. If this cannot be determined, then normal recruitment and selection procedures will be applied.

The assimilation process will not be possible where there are fewer posts available in a revised or new structure. In this situation, it will be necessary to agree an appropriate selection process.

Ring-fencing

Once the assimilation to any posts in the new structure has been dealt with, the remaining 'ring-fenced' employees should be invited to apply for all other remaining vacancies. All such applications should be submitted in a consistent format (i.e., by completing a standard application form which must include inter alia details of skills, experience, and qualifications). After all permanent staff have been given the opportunity to secure suitable alternative employment through their respective ring-fences, then temporary staff should be given the opportunity to be

considered for any unfilled vacancies although the provisions of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 should be borne in mind if these contracts have not ceased before the time of the implementation of the process i.e. permanent and fixed term staff considered equally.

Employees who are not appointed within their own “ring-fence” should be supported to seek suitable alternative employment including redeployment within the Trust. Where a displaced employee meets all the essential criteria of a person specification for an alternative role, they should be guaranteed to be considered through the selection processes for that role.

13. Redundancy Selection Criteria

The Selection Criteria should be objective, equitable and measurable.

The Selection criteria could include the following examples:

- Written application and interview.
- Skills, experience, and qualifications (excluding age related criteria that cannot be justified as proportionate and legitimate and ensuring equality of access/opportunity).
- Occupational testing (aptitude and psychometric testing);

Please note the above is not an exhaustive list of examples. See Guidance Toolkit for a sample criterion. The proposed selection criteria must be consulted on with staff and their representatives as part of the overall consultation process (i.e., rationale, numbers and types of posts affected, new structures etc.).

In relation to redundancy selection criteria, full due regard should be given to ensure compliance with all equalities legislation including the Equality Act 2010.

14. Nomination for Redundancy

Where there are more staff in the redundancy pool than there are posts available, it may be necessary for the Headteacher/Line Manager to perform a rating/scoring of the ‘at risk’ candidates using the selection criteria, profile forms and selection matrix against all candidates and provisionally selecting employees for nomination for redundancy. The Headteacher/Line Manager should ensure records detailing the reasons for the nomination are available for future Redundancy Dismissal Meetings and Appeals. The Headteacher/Line Manager should ensure that other relevant information is available, e.g., job descriptions/person specifications. The selection criteria must not be altered during the selection process.

The Headteacher/Line Manager should meet with each selected person individually, who has the right to be supported by their Trade Union Representative or work colleague if required. The Headteacher/Line Manager will take them through the redundancy selection process, give them the opportunity to comment on the proposed nomination and issue them with a letter informing them of their recommended selection and date and time of the Nomination Panel hearing. The letter will give at least five working days’ notice, notifying them of their selection and inviting them to make representations, in person or in writing (at the election of the employee), to a Dismissal Meeting with the Nomination Panel. If the employee's chosen representative is not available, the employee can suggest an alternative time and date, so long as it is reasonable and it is not more than five working days after the original date. The employee will also be asked in the invitation letter to confirm whether or not they will be attending. Employees should be strongly advised by the Headteacher/Line Manager to contact their Trade Union Representative at this point, if they have not already done so.

The **appropriate Senior Manager** will be the Designated Manager at each stage of the procedure. If there are any concerns, these can be raised with the Chief Executive Officer.

15. Representation to the Nomination Panel

The Nomination Panel is required to meet, irrespective of whether or not the employee attends, in order to make a resolution confirming the dismissal or rescinding it and confirming this in writing. See Guidance Toolkit for an example letter.

A Clerk will ensure that documentation to be submitted to the Nomination Panel Meeting is sent to all parties, including both the employee (only relating to themselves) and the employee's Trade Union Representative, at least five working days prior to the date of the meeting; the employee will be permitted to submit relevant documentation at the meeting itself, if necessary.

Guidance Toolkit Note 2 provides an outline of the recommended conduct of the dismissal meeting. Employees are entitled to have an opportunity to attend a Dismissal Meeting with the Nomination Panel before any dismissal is confirmed and then to attend an appeal meeting should they wish to challenge the decision of the Nomination Panel. This forms part of the legal requirement upon the Trust to act reasonably and consequently, any employee who considers that they have been unfairly selected for redundancy should have an opportunity to state their case orally or in writing.

As the dates for Nomination Panel Dismissal and the Appeal Committee Meetings will have been pre-set as part of the consultation process, it is expected that employees and representatives will already have been informed and are expected to have noted this. However, if an employee's representative is unavailable and the employee or the representative proposes an alternative date and time, which is reasonable and within five working days of the scheduled Dismissal or Appeal Meeting, the original meeting must be postponed.

The Headteacher/Line Manager (as delegated by the Nomination Panel) will prepare a Statement of Case, including the matrix for all the 'pool' that were considered for potential redundancy (**names should be omitted to preserve confidentiality**). The Statement of Case should include reasons for the redundancy, consultation process and an explanation of the selection criteria.

The panel may be advised, by a representative from the HR Department, who has not previously been involved in supporting the Head teacher in this process. Their role will be to advise on points of law and policy regarding the case.

16. Representation to the Appeals Panel

16.1 In relation to staff served with a notice of redundancy

Employees wishing to appeal their notice of redundancy should outline their grounds for appeal against the decision to dismiss within ten working days of receiving the written notice of redundancy. This should be addressed to the Head of HR.

A Redundancy Appeals Panel shall be established. No one on the panel will have participated in the selection for redundancy. At least five working days' notice must be given of the time and place of the appeal hearing. The employee will have the right to be supported by their Trade Union Representative or work colleague. If the employee's chosen representative is not available, the employee can suggest an alternative time and date, so long as it is reasonable and it is not more than five working days after the original date. The conduct of the meeting to be followed is shown in **Guidance Toolkit**. If there are any concerns, these can be raised with the Chief Executive Officer.

The decision of the Redundancy Appeals Panel shall either be confirmed verbally following an adjournment of the hearing or in writing following the hearing. In any event The Chair of the Redundancy Appeals Panel will write to the individual to confirm the outcome within five days of the hearing.

16.2 In relation to an organisational change matter affecting an employee (still in post)

Any employee who feels that this Policy has not been applied properly in their case may raise the matter initially with their Headteacher/Line Manager. If, as a result, the matter is still not resolved to their satisfaction the individual should clearly outline their grounds for appeal so this complaint can be appropriately considered under the grievance procedure.

17. Redeployment/Redundancy

The Trust is committed to supporting affected staff to seek alternative employment

All affected staff will be signposted to the Trust vacancy website to see what vacancies exist. Their applications will take priority if they fit the person specification and the requirements for the vacancy. This will be advised from the very first consultation meeting by a Human Resources Officer. Furthermore, Human Resources will provide support and assistance, and consider requests for retraining and familiarisation e.g., a post in another phase. The Trust should permit paid time off for redeployees to consider such vacancies (including discussions with relevant Officers) and visits to the establishment/Academy concerned.

The Headteacher/Line Manager should make ‘at risk’ staff aware that details of assistance in preparing job applications, interviews and other help can be found on The National Careers Service Website www.direct.gov.uk/NationalCareersService.

If it has not been possible to successfully re-deploy the employee(s), they should be given the appropriate contractual or statutory (whichever is the greater) period of notice with a view to terminating their contract of employment on grounds of redundancy.

Note: *If a suitable offer is made and unreasonably refused by the employee, there may be no liability to make a redundancy payment. A suitable alternative job will take into account the scope of change in duties, pay, grade, location, hours of work etc. 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 the post does not fall into this category. If the alternative post is not deemed suitable then the employee may be entitled to a redundancy payment.*

17.1 Redundancy Pay

Once an employee has been given notice of redundancy, they may be entitled, under the Employment Rights Act 1996, to:

- A compensatory redundancy payment if no suitable alternative jobs have been refused.
- Full pay during their notice period (even if they would otherwise lose pay, e.g., sickness, maternity/paternity leave or accepting a lower paid job).
- Reasonable time off for job hunting.
- A minimum 4-week trial period in any alternative job accepted.

Redundancy Pay will be calculated by your HR department. This will be determined on the statutory redundancy calculator to determine the number of weeks redundancy entitlement. For the purposes of a week's pay, this will be based on one week's gross actual pay or the statutory maximum per week whichever be the greater

18. Teacher Salary Safeguarding and Protection

Salary protection (known as safeguarding in the STPCD) (including responsibility points i.e., TLRs) will be offered in line with the STPCD, for assimilated, slot in or ring-fenced jobs on the basis of freezing the employee's existing level of earnings until the salary of the new substantive grade exceeds actual earnings (or the three-year time limit specified for teaching staff has expired) - whichever is the shortest time period.

Considering the Teacher's current salary including responsibility points (i.e., TLRs) may result in the proposed salary of the assimilated, slot in or ring-fenced job being lower than the current salary. This will be considered on a case-by-case basis dependent on the pay range of the assimilated, slot in or ring-fenced job.

The Trust will safeguard the salary including responsibility points (i.e., TLRs), in line with the STPCD, of a teacher redeployed to a vacancy in another post within the Trust, on a lower scale provided no other suitable post on the appropriate scale is secured. This will be on the basis of freezing the employees existing level of earnings until the salary of the new post exceeds actual earnings (or the three-year time limit specified for teaching staff has expired) – whichever is the shortest time period.

It is expected that such a safeguarded Teacher would make a contribution in the new post commensurate with his or her safeguarded salary; however, no guarantee can be given that a Teacher's status will be protected.

As part of this process, the Trust will comply with the relevant provisions of the STPCD and will give the required notification as soon as possible and no later than one month after the determination.

19. Support Staff Salary Protection

If an employee accepts a lower graded post, their level of earnings will be protected up to a maximum value of 10% of their contractual former earnings level for a period of three years or until the new earnings reach the former level, whichever is the sooner. During the period of protection increments and cost of living rises will not be paid.

20. Transfer of Undertakings (Protection of Employment) (TUPE) 2006

The Trust will honour and apply the provisions in relation to redundancy and redeployment that apply to staff who transferred into the Trust from another employer or were employed by the Trust before 1st September 2021 (Appendix 1 and 2).

In a restructure/reorganisation, if there is a variation of contract proposed (i.e., amendment to hours), the employee will retain the right to remain on the existing contract of employment with current TUPE provisions or they can choose to move over to a new Trust contract where the provisions in this policy and other provisions will apply. The options and provisions that will apply in both scenarios will be fully communicated and consulted on as part of the consultation.

Any member of staff employed at the Trust before 1st September 2021 who is subsequently redeployed, will lose the protections under TUPE relating to redundancy at the point at which they take up the new post. The provisions relating to redundancy under this policy will apply to the new post.

The provisions that apply under TUPE are in Appendix 1 and 2 and summarised in Appendix 3.

21. Notice Periods

The fair application of this policy may take a variable amount of time to complete dependent upon the extent and complexity of the changes being made. Headteachers/Line Managers should consider this and ensure that the Statutory and contractual notice periods and timescales are strictly adhered to. Advice should be sought from the HR Department to ensure this requirement is appropriately addressed.

22. Monitoring and Review

The Trust will review the outcomes of redundancy and change management to check that the proper procedures have been followed and to identify any points that can be learned from those cases and implement any necessary changes.

The procedure will be monitored to ensure consistency of application and adherence to equalities legislation, to ensure that the policy operates in accordance with the duties to promote equality, to eliminate discrimination and to promote good relations between staff with protected characteristics as required under the Equality Act 2010. The employer will carry out an Equality Impact Assessment which will be shared with staff and Trade Unions.

When carrying out any reviews or monitoring, the Trust will ensure that individuals' personal data is handled in accordance with GDPR. Records will be treated as confidential.

This policy will be reviewed every three years in consultation with recognised Trade Unions.

Appendix 1 – Coventry

(Double-click on the image to access the policy)

Redeployment Scheme (Teachers)

Redeployment Scheme (Revised from Dec 1997) (Teachers) refreshed December 2005

(Summary of the key benefits of, and main changes to,
the teachers' redeployment scheme)

1. Status

This procedure (originating from Dec 1997) applies to all mainstream, special and voluntary aided schools (as adopted).

2. Benefits

Redeployment opportunities have to be explored in law before staff are dismissed on the grounds of redundancy. The redundancy scheme assists Governing Bodies in complying with this legal obligation.

The cost of dismissing staff on the grounds of redundancy are high both in financial and human terms.

Financial – Whilst the cost of any redundancy payments are usually met by the City Council, it is still a significant cost against the potential schools budget, which could be utilised more effectively to support teaching and learning.

Human – A dismissal on the grounds of redundancy not only affects the person dismissed, but also those colleagues who remain and often those who have managed the process (Heads and Governors). The morale costs of dismissal along with the potential for affecting future recruitment processes (because of perceptions about whether the school is a "good employer") should not be underestimated.

Redeployment is a more effective use of human resources, than a situation where one school is dismissing a teacher, whilst another is seeking to recruit a similarly qualified and experienced teacher.

Only teachers who can receive a supportive reference from their existing school will be placed on the redeployment list. Redeployment is not an opportunity to "unload" a teacher in professional difficulties onto another school. Where such difficulties exist in a school, then they should be treated through the capability procedure, and not through redundancy/redeployment procedures.

3. Main Changes

The existing scheme is "open ended" – it does not provide for an end point to our collective redeployment endeavours. The new scheme gives an end point to the process.

Where a redeployee is not redeployed from the date identified (normally 31 August), the cost of employing the teacher in the following (final) term will be paid for by the Directorate for Children, Learning and Young People, with any necessary redundancy having effect from the end of that term (normally 31 December).

Redeployment
Dec 1997 (refreshed Dec 05)
Page 1 of 7

Security of Employment Agreement (Non-Teachers)

Security of Employment Agreement (Non-Teachers) May 2007

Investing in Change
People Make the Difference

ADDENDUM TO THE SECURITY OF EMPLOYMENT AGREEMENT FOR THE PERIOD 1st JUNE 2005 TO 31st MAY 2010

During the abovementioned period, the Security of Employment Agreement protection period will last for whichever is the longer of a minimum of 3 years or until May 31st 2010 (or any subsequently agreed date). Protection of any kind will cease when new earnings reach the former level in any event.

Should a 'single status protected' employee's post become redundant, the single status protection will cease and the Security of Employment level of protection will be based on their previous protected single status salary at the time of redeployment.

Sue Iannantuoni
Sir, HR Manager, Corporate Support
October 2005

ADDENDUM TO THE SECURITY OF EMPLOYMENT AGREEMENT WITH EFFECT FROM 1st MAY 2007

With effect from 1st May 2007, employees entitled to receive a redundancy payment will have the option of:

- a payment equivalent to 1.5 times the entitlement to statutory redundancy pay, or
- a payment equivalent to statutory redundancy pay plus a 6 week lump sum based on current salary levels

Security of Employment Agreement
June 07
Page 1 of 44

Appendix 2 – Warwickshire

(Double-click on the image to access the policy)

Management of Change and Redundancy Policy

Warwickshire Education Services

Management of Change and Redundancy Policy

Applicable to all community and voluntary controlled schools (where WCC is the employer) and voluntary aided, foundation and academy schools participating in the Warwickshire Consultation Framework.

Schools must ensure they are following the latest version of this policy and any associated legislative updates that will be provided.

In Support of
Learning



HR and Payroll
Service



Management of Change and redundancy Policy
Issued: January 2014 (reviewed August 2020)

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Redundancy Ready Reckoner

(Double-click on the image to access the spreadsheet)



Severance_Ready_Reckoner.xlsx

Appendix 3: Change Management and Redundancy – Provisions

	Coventry TUPE Redeployment Agreement Security of Employment (SoE) (applies to all staff under TUPE contracts and employed at the Trust as at 31 st August 2021)	Warwickshire TUPE Management of Change and Redundancy Policy (applies to all staff under TUPE contracts and employed at the Trust as at 31 st August 2021)	DoCMAT This policy (applies to all staff employed at the Trust from 1 st September 2021)
Redeployment	Redeployment first	Has redeployment	Redeployment within Trust
Redundancy Pay	Gross Pay or Statutory Pay whichever is higher	Gross Pay or Statutory Pay whichever is higher	Gross Pay or Statutory Pay whichever is higher for all staff
Enhancements	Buffer Term	No Buffer Term	No Buffer Term
Salary Protection (Restructure – assimilation, ring-fence, slot-in)	Salary Protection with consideration of higher TLR on a case-by-case basis. If lower, follow STPCD safeguarding.	Salary Protection with consideration of higher TLR on a case-by-case basis. If lower, follow STPCD safeguarding.	Salary Protection with consideration of higher current salary with TLR than offered position considered on a case-by-case basis. If lower, follow STPCD safeguarding.
Salary Protection (Redeployment)	Salary Protection for redeployees in line with STPCD	Salary Protection for redeployees in line with STPCD	Salary Protection for redeployees (TLR protection as STPCD Safeguarding) Redeployees would move to new terms and conditions
Salary Protection (Support Staff)	10% of their contractual former earnings level protected for a period of three years or until the new earnings reach the former level	Same as Coventry	10% of their contractual former earnings level protected for a period of three years or until the new earnings reach the former level
Support Staff	VR: 2 x Gross Pay CR: 1.5 x Gross Pay + 6 weeks	1.75 x Gross Pay	No multiplier – Gross Pay