

Reorganisation, Redundancy and Redeployment Policy & Procedure

The STAR Multi Academy Trust

Date Reviewed	Changes Made	Adopted by Trust Board
January 2022	EPM Review – terminology, Trust Board Committees identified	5 th April 2022
April 2024	NYES HR review – enhanced protections for pregnancy and parental leave, Trust obligations to the Government Redundancy Payments Service, HR1 form requirement	16 July 2024

SECTION	CONTENTS	PAGE
1	Aims and scope	1
2	Definition of redundancy	1
3	Planning	1
4	Timescales	3
5	Consultation	3
6	Selection or appointment stage	4
7	Appeal stage	4
8	Alternative employment	4
9	Redundancy payments	5
10	Termination of employment	5
Appendix 1	Process flowchart	6

1 Aims and Scope of the Policy

1.1 This policy applies to all teaching and support staff employed by the STAR Multi Academy Trust.

The policy sets out the legal requirements and practice required to manage situations of Reorganisation, Redundancy and Redeployment.

1.2 Our aim is to avoid compulsory redundancies wherever possible. However, it is recognised that from time to time there are changes (for example, falling pupil numbers or changes to curriculum) that may necessitate the requirement to consider reorganisations and redundancies. Where it has not been possible to manage staffing changes informally, this policy sets out the process to be followed to ensure that:

- Staff are treated fairly and consistently
- Discrimination on unlawful grounds does not occur
- Meaningful consultation is undertaken with staff and recognised trade unions

2 Definition of Redundancy

2.1 Redundancy situations arise where there is a cessation of, or reduction in, a type of work in a particular workplace. It applies to changes in the demand for that work and not to reasons related to the individuals carrying out the work or their characteristics.

2.2 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.

3 Planning

3.1 Prior to commencing a reorganisation/redundancy process we will consider the following:

- natural turnover
- reviewing fixed term, temporary or variable hours contracts and considering whether these can be ended or amended fairly (HR advice should be sought when proposing to terminate a contract)
- terminating the engagement of relief staff employed via agencies
- filling any essential vacancies with existing staff where possible
- offering secondment opportunities or alternative roles within the Trust or retraining, subject to agreement with the member of staff

- offering flexible working/reduction in hours, subject to agreement with the member of staff
- offering voluntary redeployment/transfer
- trying to make financial savings in other areas, freezing vacancies and job sharing opportunities should be considered, where appropriate
- The Trust may also invite applications for voluntary redundancy but will usually only do so at the point when it becomes clear that compulsory redundancies will otherwise have to take place.

3.2 In the event that it is still necessary to reduce or reorganise staff at the Trust, the relevant manager having consulted with the Trust Board or delegated body will prepare a proposal for consultation with the professional associations and the individuals concerned. This proposal will be ratified by the relevant decision making structures in place and will include the following:

- the reasons for redundancy
- the number of staff in a potential redundancy situation and any ring-fencing arrangements if applicable
- budget/financial reports
- current and proposed staffing structures
- the proposed method of selection for redundancy
- the timescales for consultation and the date on which any dismissals will take effect (see below). A timetable of key steps and dates will be provided
- information of how redundancy payments will be calculated for those employees made redundant

3.3 Identifying the need for a Staffing Review

The need to make a change to the Trust staffing structure may arise for a number of reasons, such as:

- new initiatives at either a local or national level
- a change in the number or type of pupils
- improved/best practice ways of working
- budgetary restrictions
- school closures

It is the Trust Board's responsibility to define the service to be provided within the Trust and to formulate the most appropriate staffing structure to deliver that service, taking into account recommendations from the Headteacher/Executive Headteacher/CEO/COO.

3.4 When the decision has been made to commence a staffing review process, the project manager (usually the Headteacher or Executive Headteacher in the case of a school reorganisation) will prepare a written proposal to allow for meaningful consultation which will be ratified by the Trust Board. This will usually include:

- background information to the proposal including the reasons for redundancy, relevant financial information and why specific posts have been provisionally selected for redundancy.
- current and proposed staffing structures including details of affected employees e.g. names, job titles, employee numbers, grades, clearly indicating the proposed changes, the number of staff in a potential redundancy situation (pool) and any ring-fencing arrangements if applicable.
- any proposed new/amended job descriptions and where possible for any new posts to have been job evaluated (support staff only) prior to start of consultation.

- the proposed method of selection for redundancy including proposed selection criteria/skills audits/interviews if using.
- a timetable of key steps and dates will be provided including the timescales for consultation and implementation and the date on which any dismissals will take effect.
- how redundancy payments will be calculated for those employees made redundant.
- information about redeployment and other support available e.g. Employee Assistance Schemes, if provided by the Trust, to those in a compulsory redundancy situation.

Employees who are pregnant or on maternity, adoption or shared parental leave

It is automatically an unfair dismissal to select an individual for redundancy on the grounds of their pregnancy but this does not prevent those who are pregnant from being selected for redundancy on any of the grounds being applied to the staff group affected. Similar protections exist for those on maternity, adoption or shared parental leave.

The Trust will ensure that all staff, including those who may be absent from work due to maternity leave or other family leave reasons, are consulted and kept informed throughout the redundancy/restructuring process. In addition, the Trust will ensure it complies with any additional legal entitlements afforded to staff during the protected period arising from pregnancy/maternity.

Where an individual on maternity leave is selected for redundancy they will be offered any suitable alternative vacancy if one is available. In these situations, there is no requirement for the individual to apply for the post and, in line with statutory requirements, they will be given priority over other employees selected for redundancy.

Where an employee on maternity, adoption or sick leave is made redundant, any payments made to the employee in respect of occupational maternity, adoption or sick pay will go towards meeting the obligation in respect of notice pay.

Salary Safeguarding

When undertaking a review of the TLR structure, the salary safeguarding arrangements outlined in the School Teachers Pay and Conditions Document will apply.

3.6 Appointing the Committees

The Trust Board must appoint two committees to deal with the review: a 'Reorganisation Committee' and an 'Appeal Committee'.

In line with the Trust's scheme of delegation, decision making responsibility for implementing any restructuring and redundancy processes will be delegated as follows:

Staff Group	Reorganisation Committee	Appeals Committee
Central Trust Staff	Trustees	Trustees
School Staff	Local Governing Body	Trustees
Headteachers	Trustees	Trustees

The following guidelines should be adhered to when appointing the committees:

- consider whether any Trustee/Governor has any conflict of interest that would prevent them from being a member of the committee
- each committee should nominate one member as Chair.
- the same Trustees cannot sit on both committees
- the Headteacher should attend meetings in an advisory and information giving capacity and has a right to do so
- ideally, both committees should have an appropriate gender and ethnic mix in its panel membership, if possible.
- committee members must be able to commit to a series of meetings throughout the process (as identified in appendix A)

The responsibilities of the Reorganisation Committee are:

- to consider and agree the proposals for the new structure
- to identify the impact on different staff groups
- to establish criteria/selection processes by which staff would be identified for positions in the new structure and/or establish criteria/processes by which staff would be identified for redundancy, within a ring-fence group Criteria should be proposed early enough in the process to allow for meaningful consultation
- to consult with recognised Trade Unions and members of staff in relation to the staffing review and to respond to feedback received during the consultation
- to consider voluntary applications for redundancy (where it is applicable to do so), reduction in hours or redeployment
- where ring-fences apply, to select and appoint to the posts within the structure/select employees for redundancy,
- to hear and respond to representations from employees

The Appeals Committee will:

- hear appeals from employees against the decision of the Reorganisation Committee
- consider whether to uphold the Reorganisation Committee's decision and inform employees accordingly

4 Timescales

4.1 Consultation will begin in good time and begin at least:

- 30 days before the first dismissal takes effect, if 20 to 99 employees are to be made redundant at one establishment over a period of 90 days or less
- 45 days before the first dismissal takes effect, if 100 or more employees are to be made redundant at one establishment over a period of 90 days or less

4.2 The timescales given above are the minimum legal requirement for formal consultation, however the timescale for carrying out this procedure should be considered carefully in terms

of both what is required for the consultation to be seen as being meaningful and also for the Trust to be able to issue notice to any staff who are made redundant.

- 4.3 Where there are less than 20 employees proposed for redundancy the Trust will consult for a minimum of 30 days unless varied by agreement with Trade Unions.

5 Consultation

- 5.1 Consultation, communication and involvement are vital to a change process, whether or not it will involve redundancies and consultation will be carried out in a timely manner.
- 5.2 If it is not possible to make the necessary reductions through the measures outlined in (3.1) and there is a requirement to make compulsory redundancies, all affected employees and recognised professional associations will be advised that compulsory redundancies cannot be avoided.
- 5.3 Formal meetings will be arranged with at least five working days' notice. All involved should be consulted on the procedure that will then be followed and the criteria that will be applied to make a selection for compulsory redundancy or appoint to a revised staffing structure. This will include those at risk of redundancy having the opportunity for individual consultation.

6 Selection or Appointment stage

- 6.1 Where there are fewer positions available than there are staff seeking to remain in the revised structure, competitive selection will need be carried out to select individuals for redundancy. Selection methods and criteria may include:
- Interviews,
 - Completion of skills audits
 - Voluntary redundancy
- 6.2 If there is a requirement to appoint to a new structure, in most instances this will take place top down appointing to the most senior posts first. Offers of employment are made on a provisional basis, subject to the conclusion of the reorganisation process and any subsequent appeal processes.
- 6.3 The criteria and methods used to select will be objective, robust, transparent, fair, non-discriminatory and based on the attributes required to meet the existing and anticipated Trust needs, following consultation with recognised trade unions.
- 6.4 Where individuals are nominated for compulsory redundancy they will be given notice of termination of employment in accordance with their contract of employment and written confirmation of the redundancy payments that they will receive.

Requirement to notify the Government's Payments Redundancy Service

In cases where there is a proposal to dismiss 20 or more staff [teachers, support staff or both], as redundant at one establishment, within a period of 90 days or less, the Trust must notify the Government's Payments Redundancy Service, using the appropriate form – HR1.

An 'establishment', is the place where the staff member is assigned to work, normally a school. If staff operate from more than one site, each site is treated separately for notification and consultation purposes. Notification must take place at least 30 days (20-99 dismissals) or 45 days (100+) before the first dismissal and before you issue any individual notices of dismissal. A copy of the HR1 form/notice must also be sent to any union representatives of the affected and consulted staff at the same time.

7 Appeal stage

- 7.1 Employees will be given the opportunity to appeal against this decision. The employee should appeal within 10 working days' notification that they have been selected for redundancy.
- 7.2 The appeal should be heard at a hearing with an appropriate panel, who are non-staff trustees previously uninvolved in the process for objectivity, with the required delegated powers. 10 working days' notice of any hearing will be given and employees with be notified of the decision of the panel in writing within 5 working days of the hearing.

8 Alternative employment

- 8.1 During the notice period, the Trust will seek alternative employment for redundant employees and inform them of any suitable vacancies within the Trust that arise before their termination date. Where an employee who has been nominated as redundant appears to be suitable they will be considered in the first instance prior to any other candidates. The Trust reserves the right not to appoint individuals to a vacancy if they are deemed not to meet the requirements of the post and would not do so within a reasonable time frame with further training.
- 8.2 Alternative employment may be offered subject to a trial period where appropriate. Redundant individuals will be entitled to a 4 week trial period if they are appointed to an alternative post. This may be extended by mutual agreement for training purposes. If during or following the trial period, the alternative post is deemed to be unsuitable the employment will be ended on the grounds of redundancy under the original terms.
- 8.3 An individual will not be entitled to a redundancy payment if they unreasonably refuse an offer of suitable alternative employment. The termination reason would still be redundancy. A range of factors will be considered when assessing the suitability of alternative employment, including:
- the salary and benefits of the new role
 - the location of the new role
 - how similar the role is to the current job including its status
 - the individual's qualifications, skills and abilities in relation to the job
 - working arrangements e.g. number of hours, working pattern, etc.
 - contract terms e.g. temporary, permanent
- 8.4 Reasonable paid time off will be given to employees under notice of redundancy to look for alternative work. Appropriate arrangements should be made and agreed with their line manager.

9 Redundancy payments

- 9.1 Under the Employment Rights Act 1996, providing an employee has two years continuous service or has continuous service under TUPE arrangements they will qualify for a redundancy payment.
- 9.2 A statutory redundancy payment is calculated on the basis of a week's pay, the employee's age and length of continuous service at the date of termination. It is calculated as follows:
- half a week's pay for each completed year of service up to the age of 21
 - one week's pay for each completed year of service between 22 and 40 years of age
 - one and half week's pay for each completed year of service over the age of 41
- 9.3 Length of service is capped at 20 years and weekly pay is currently capped at £643 as of 6th April 2024.

Note: Check any arrangements protected under TUPE.

- 9.4 Support staff who are still in the Local Government Pension Scheme and who are made redundant when they are aged 55 years or over, will be entitled to unreduced retirement benefits. The Trust will not grant premature, unreduced retirement benefits or mandatory compensation when members of the Teachers' Pension Scheme are made redundant.
- 9.5 Term time only and term time only plus contracts ending part way through the year may be subject to a TTO calculation. The appropriateness of applying this to redundancy situations will be considered on a case by case basis.

10 Termination of Employment

- 10.1 If an employee is entitled to a redundancy payment, the amount of this payment will be confirmed when the employee is selected for redundancy and will be paid along with the employee's final salary payment or payment in lieu of notice. Depending on the circumstances, the Trust may waive its right to require employees to work their notice and instead give a payment in lieu of notice. In such cases, full discussions will take place with the affected employee and their representative as appropriate.
- 10.2 Academies are deemed as associated employers for the purpose of redundancy payments under the **The Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999**. An employee selected for compulsory redundancy or accepted for voluntary redundancy will not be entitled to a redundancy payment if they are offered and accept employment within a Local Authority or an associated employer before their existing contract ends, to commence within 4 weeks of their existing contract ending. In these circumstances, the new employment would be regarded as continuous service.

Appendix 1 - Process flowchart

