

Reorganisation, Redundancy and Redeployment Policy & Procedure

The STAR Multi Academy Trust

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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.

2 Definition of Redundancy

- 2.1 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
- ending fixed term contracts, temporary or variable hours contracts where possible (HR advice should be sought when proposing to terminate a contract)
- terminate the engagement of relief staff employed via agencies
- 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
- invite applications for early retirement.
- invite voluntary redundancy which may include any incentives the academy trust may wish to consider. Any decision to release an employee under such schemes will be at the discretion of the Academy Trust.
- try to make financial savings in other areas, freezing vacancies and job sharing opportunities should be considered, where appropriate

- 3.2 In the event that it is still necessary to reduce or reorganise staff at the Academy Trust, the headteacher/Executive headteacher, 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 School Staffing Review

The need to make a change to the Trust current 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 Academy Trust and to formulate the most appropriate staffing structure to deliver that service, taking into account recommendations from the headteacher/Executive headteacher.

Where it has been identified that there is a need to review the Academy Trust staffing structure, where more than minor changes are required, the decision to undertake a review must be made by the Trust Board. This decision must be taken and minuted prior to further steps being taken. The nominated Governors are minuted at LGB level and the nominated Trustees are minuted at Trust Board level.

When undertaking a review of the TLR structure, in most circumstances the same principles of this policy and procedure may apply in relation to the planning, consultation and implementation stages. However, different safeguarding provisions apply to the removal or change of a TLR under the STPCD and any appeal process would be dealt with under the Academy Trust’s pay policy.

3.4 Appointing the Committees

The Trust Board must set up two committees to deal with the review: a ‘Selection Committee’ and an ‘Appeal Committee’. These committees should be nominated and agreed by the fully quorate Trust Board.

Selection committee	Appeals committee
Mixture of LGB and Trustee’s Proposals approved by the Trust Board	Trustees

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

- consider whether any Trustee/LGB 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 Selection 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 Selection Committee
- consider whether to uphold the Selection 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.
- 5.4 Employees on maternity, paternity, adoption leave or shared parental leave and those absent due to sickness must also be included in the consultation process. Consideration must be given to effective communication.
- 5.5 There is protection in law for women on maternity leave in a redundancy situation. Where an employee is ring-fenced to a job(s) as part of the appointment process to a new structure they will be expected to participate in the process and will not be slotted-in by virtue of "Maternity" reasons. Preferential treatment will commence when an employee is in notice of dismissal (on the grounds of redundancy) or has been informed in writing of their dismissal meeting. This also applies to employees on additional paternity leave and adoption leave.

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. This will be in line with the relevant scheme of delegation.
- 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.
- 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 Academy 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.

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 will 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 Academy Trust will seek alternative employment for redundant employees and inform them of any suitable vacancies within the Academy 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 Academy 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.
- 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 £544 as of 6th April 2021.

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 gain access to their retirement benefits. These pension costs can be substantial and may still be applicable.

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

