Chelmsford County High School for Girls

Staff Redundancy & Restructuring Policy

Approved by the Governing Body: ~~13th June 2018~~

Chelmsford County High School for Girls

REDUNDANCY & RESTRUCTURING PROCEDURE

Redundancy & Restructuring Procedure

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Redundancy / Re-structuring Procedure

1. Introduction

This procedure sets out the process that will be followed where:

- there is a need to amend the staffing structure
- there is a need to reduce staffing
- the academy is closed
- a redundancy situation arises at the academy

1.1 Policy Statement

The Governing Body will:

- Keep its staffing structure (as contained in the academy's pay policy) under regular review and plan effectively for future needs;
- Implement measures aimed at avoiding redundancy wherever possible;
- Ensure that effective communication and consultation takes place with employees and professional associations/trade unions where redundancy / re-organisation situations do arise;
- Provide support and re-training opportunities wherever possible, for affected staff;
- Ensure that 'at risk' staff have priority for any appropriate vacancies within the academy;
- Support staff in their attempts at obtaining suitable alternative employment beyond the academy.

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1.2 Definitions

1.2.1 Redundancy

Redundancy is one of the potentially fair reasons by which employees may be dismissed.

Redundancy is defined by statute as a situation where:-

(a) the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed by him/her; or has ceased, or intends to cease, to carry on that business in the place where the employee was so employed;

OR

(b) the requirements of that business for employees to carry out work of a particular kind, or to carry out work of a particular kind in the place where he/she was so employed, have ceased or diminished or are expected to cease or diminish.

Redundancy situations may arise for a number of reasons including:

- academy closure or re-organisation/re-structuring;
- fall in pupil numbers or changes to curriculum requirements resulting in reduced staffing requirements;
- withdrawal/reduction of SEND or other special provision/funding;
- other circumstances where the need for employees to carry out work of a particular kind ceases or diminishes, including the cessation of fixed term contracts.

1.2.2 Re-structuring

A re-structuring can be defined as any change to the staffing structure as set out in the academy's pay policy.

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2. Scope

The procedure is applicable to all categories of staff where a re-organisation, closure or redundancy situation occurs. A modified version of this procedure may be followed in respect of fixed term temporary posts.

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3. Roles & Responsibilities

3.1 It is the responsibility of the Governing Body to:

- establish and plan changes to the staffing structure which seek to avoid redundancy situations;
- establish redundancy procedures;
- establish an appropriate committee to handle appeals;
- declare a redundancy situation where this is unavoidable;
- consult with the relevant parties;
- ensure that staff are dismissed fairly by reason of redundancy where necessary.

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3.2 It is the responsibility of the Headteacher to:

- advise the governing body on staffing structures which seek to avoid redundancy situations;
- implement re-organisation/redundancy procedures fairly;
- make fair initial dismissal decisions.

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3.3 It is the responsibility of all staff to:

- co-operate with procedures and redundancy avoidance strategies;
- implement strategies to mitigate individual loss e.g. actively seek alternative employment.

4. The Procedure

The Procedures are summarised at Appendix B.

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4.1 Declaration of a redundancy

Where initial strategies to avoid a redundancy situation have been unsuccessful, the Governing Body (delegated to the Management Committee) will meet to formally declare a potential redundancy situation.

Where a re-organisation is proposed, the Governing Body may declare a redundancy situation at an early stage as a precautionary measure, even though the exact potential for redundancy may not yet be fully known.

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4.2 Timescales

In order to allow for meaningful consultation and notice periods, and where possible, the procedures will often commence many months before the date that any redundancy or new structure are to take effect.

4.3 Consultation

4.3.1 With staff

The Headteacher will discuss any potential redundancy situations with staff at the earliest opportunity, where appropriate, before formal declaration of a redundancy.

In the case of re-organisation, the scope and period of consultation will depend on the extent of the proposed changes. Where a significant change is proposed, an implementation plan will normally be produced as part of the consultation process, to explain exactly how the process will be managed and its effect on staff.

Staff are encouraged to engage in meaningful discussion and to make suggestions about the new structure, how it might be implemented and measures which might be taken to avoid any redundancies. Details of discussions will be recorded.

4.3.2 With the Trade Unions/Professional Associations

When the Governing Body (delegated to the Management Committee) determine a re-organisation and/or declare a formal redundancy situation, it will undertake, in conjunction with the Local Authority where appropriate, consultations with the relevant recognised professional associations/trade union with a view to reaching agreement.

Where an Academy Trust proposes to make 20 or more employees redundant within a 90-day period, in accordance with statute, the Trust will issue a Section 188 notice, disclosing in writing information relevant to the potential redundancy. Formal responses should be received within 2 working weeks. In the case of a re-organisation, this will include formal consultation on changes to the staffing structure and on the implementation plan where applicable.

Staff should of course seek advice from their professional associations/trade union as and when they consider it appropriate.

4.3.3 Meaningful consultation will continue throughout the formal procedure.

The Governing Body and Headteacher will consider any representations made by staff and/or the professional associations/trade unions. Replies will be made to formal representations in writing and, if any are rejected, the reasons will be stated.

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The purpose of consultation is to inform and to seek views about how redundancies may be avoided and the potential impact of any new staffing structure.¶

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4.4 Redundancy Avoidance

4.4.1 The Governing Body will require the Headteacher to instigate compulsory redundancy avoidance measures including:-

(a) not filling vacant posts externally (where appropriate);
(b) slotting into appropriate posts within the school;*
(c) ring fenced selection for posts within the school;*
(d) searching for suitable alternative posts;*/**
(e) exploring other options with employees and their representatives e.g. changes to hours, change to part-time work;
(f) seeking volunteers for redundancy;***
(g) seeking volunteers for flexible retirement;****

In the case of re-structuring/re-organisation, these measures will form part of the overall consultation document. These measures will continue throughout the entire procedure.

*With salary protection where applicable and in accordance with the Academy's Pay Policy and the Teachers' Pay & Conditions Document;

**The Academy will make every effort to identify suitable alternative employment for at risk staff. An employee who refuses an offer of suitable alternative employment may not be entitled to a redundancy payment.

*** Voluntary redundancy will not be considered until or unless all other means of avoidance have proved unsuccessful. Applications for voluntary redundancy will only be accepted in accordance with current governing body policy and where this would not be detrimental to the needs of the academy. Where there are more volunteers than needed, the selection criteria may be applied (see 4.5 of this Procedure and Appendix A).

****Employees are free to pursue flexible retirement options. Some options require the employers' approval. Approval will not normally be withheld where there is no cost to the employer.

4.5 Salary protection

Where an employee who is at risk of redundancy is appointed to a post at a lower salary, or is appointed to a post at a lower salary as a result of a re-structuring, his/her salary will be protected:

either:

- in accordance with the terms of the Teachers' Pay & Conditions Document where these terms apply to their contract;

or

- in accordance with this procedure, at their former salary for a maximum of 18 months, after which time the employee will revert to the substantive grade for the post.

4.6 Trial periods

Staff who are successfully redeployed after having been given notice of dismissal, will be entitled to a four-week trial period, where the terms and

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Staff who are successfully redeployed after having been given notice of dismissal, will be entitled to a four week trial period, where the terms and conditions of the new post are significantly different from those of their existing post.¶
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conditions of the new post are significantly different from those of their existing post.

4.7 Selection Procedures

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4.7.1 Selection in a re-organisation

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In the case of a re-organisation, staff will normally be slotted and/or interviewed for available posts. The method of appointment to available posts will be outlined in the implementation plan where appropriate.

In these cases, any redundancies will usually be identified through non-appointment to available posts.

4.7.2 Selection for redundancy

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In other redundancy situations, if the strategies adopted in 4.4 above (or any other strategies that may have arisen as a result of consultation) do not resolve the situation, the Headteacher will determine and apply the selection criteria as set out in Appendix.

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Staff and unions will be consulted on the selection criteria and the method by which they will be applied.

4.7.3 Notification

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Once an individual has been identified as redundant, s/he will be notified verbally by the Headteacher. The Headteacher will then write to the individual setting out the details of how the decision was reached and inviting the employee to a meeting to discuss this.

4.7.4 The Meeting

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- The employee will be given at least 7 clear working days notice of this meeting and provided with papers relevant to the case at least 5 working days before.
- The employee must make every effort to attend this meeting.
- The employee has the right to be accompanied by a trade union representative, an official employed by a trade union, or work colleague. Trade union representatives who are not employed officials must have been certified by their union as being competent to accompany an employee. The manager may be advised by an HR Advisor.
- One postponement may be allowed where the employee's chosen representative is unavailable on the proposed date. In this case an alternative date, within 5 working days of the original date, should be proposed by the employee and/or his representative.
- The employee must submit any papers they wish to be considered and the name of their representative to the Headteacher at least 3 clear working days before the meeting.
- At the meeting the Headteacher, who may be accompanied by an HR Adviser, will set out their reasons for selecting the employee and listen to their representations.
- After the meeting the Headteacher will write to the employee to inform him/her of the outcome and their right of appeal.
- Following this meeting, where the decision is to dismiss on the grounds of redundancy, the Governing Body will issue notice, to the individual, in

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accordance with the appropriate conditions of service and statutory requirements.

4.7.5 The Appeal

- If the employee wishes to appeal, s/he must inform the Chair of Governors in writing, including the grounds of the appeal, within 5 working days of receipt of the written outcome of the meeting.
- If the employee does so, the employee will be invited to a meeting of the Governing Body Dismissal Appeals Committee. The employee will be given at least 5 clear working day's notice of this meeting.
- The Headteacher will supply the employee with papers relevant to the appeal at least 3 clear working days before the appeal meeting.
- The employee must take all reasonable steps to attend this appeal meeting and has the right to be accompanied as above.
- The employee must supply the Headteacher and the Governing Body Dismissal Appeals Committee with copies of any papers they wish to be considered, and the name of their representative, at least 2 clear working days before the meeting.
- The Dismissal Appeals Committee will hear evidence from the Headteacher and the employee (and their representative).
- The Dismissal Appeal Committee may be advised by an HR adviser.
- The Dismissal Appeal Committee will inform the employee in writing of the final decision within 3 working days of the appeal meeting.

4.7.6 Redundancy avoidance possibilities will continue to be sought throughout the period of notice.

4.8 Redundancy Payments

Employees with more than 2 years continuous service may be eligible for redundancy payments. A ready-reckoner for calculating statutory redundancy payments is at Appendix C.

For each complete year of service up to a maximum of 20, eligible employees are entitled to:

- for each complete year of service under age 22 – half a week's pay
- for each complete year of service age 22-40 – one week's pay
- for each complete year of service age 41 and over – one and a half weeks' pay

Redundancy payments are calculated using actual weekly pay rather than the statutory maximum.

Where employees with more than one contract are made redundant from only one post, service for redundancy purposes will relate to the redundant post only.

Employees will not be entitled to a redundancy payment if they secure alternative employment, with an employer covered by the Local Government Modifications Order, to commence within 4 weeks of the date of redundancy. Where an offer of alternative employment is made, the start date of this employment should not be

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artificially delayed to facilitate the 4 week break. Where this does occur, employees will not be entitled to a redundancy payment.

Employees who are redundant may also be entitled to release of their pension in accordance with pension scheme rules/local policies.

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4.9 Support for Employees

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The Academy will provide reasonable support for employees at risk of redundancy, e.g.:

- reasonable time off to attend interviews and training and development;
- support with writing applications;
- exploration of re-training opportunities;
- notification of internal vacancies and specific provision of information about other vacancies within the LA where possible.

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5. Data Protection

A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an alternative person arranged by the academy to take notes.

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The academy processes any personal data collected during the redundancy / restructuring procedure in accordance with its data protection policy. Any data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of completing the redundancy/restructuring procedure. On the conclusion of the procedure, data collected will be held in accordance with the academy's retention schedule. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the academy's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the academy's disciplinary procedure.

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Appendix A – Redundancy Selection Criteria

In order to fairly select an individual employee for redundancy, the Headteacher must apply objective selection criteria. As each redundancy situation will be different, the detail of the selection criteria will need to be determined on a case-by-case basis. In all cases, staff and Trade Unions/Professional Associations will be consulted on this process. However, all selection decisions will follow the stages set out below.

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a) Determine the 'at risk' group i.e. whole academy, department, section, or group within the establishment which has surplus staff. Where there is only one employee in this group s/he will be selected for redundancy without the need to apply the remaining selection criteria.

(b) Determine the requirements of the academy, department or section.

(c) Determine the suitability (with reference for example to skills and qualifications where relevant) of those in the 'at risk' group in relation to the requirements of the academy, department or section.

Suitability will be assessed objectively. Employees will contribute to this usually by completion of a skills audit linked to the requirements determined in (b) above. Employees' managers, in addition to the Headteacher, may also be required to contribute to this process.

(d) A judgement will be made as to which staff best meet the requirements of the academy, department or section and thereby which employee(s) may be selected for redundancy.

Appendix B – Redundancy / Restructuring Procedure at a glance

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Appendix C Statutory Redundancy Entitlement

	Completed Years of Service																		
Age	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
16																			
17	½																		
18	1	1½																	
19	1	1½	2																
20	1	1½	2	2½															
21	1	1½	2	2½	3														
22	1	1½	2	2½	3	3½													
23	1½	2	2½	3	3½	4	4½												
24	2	2½	3	3½	4	4½	5	5½											
25	2	3	3½	4	4½	5	5½	6	6½										
26	2	3	4	4½	5	5½	6	6½	7	7½									
27	2	3	4	5	5½	6	6½	7	7½	8	8½								
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½							
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10						
30	2	3	4	5	6	7	8	8½	9	9½	10	10	11	11					
31	2	3	4	5	6	7	8	9	9½	10	10	11	11	12	12				
32	2	3	4	5	6	7	8	9	10	10	11	11	12	12	13	13			
33	2	3	4	5	6	7	8	9	10	11	11	12	12	13	13	14	14		
34	2	3	4	5	6	7	8	9	10	11	12	12	13	13	14	14	15	15	
35	2	3	4	5	6	7	8	9	10	11	12	13	13	14	14	15	15	16	16
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14	15	15	16	16	17
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15	16	16	17	17
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16	17	17	18
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17	18	18
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18	19
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19
42	2½	3½	4½	5½	6½	7½	8½	9½	10	11	12	13	14	15	16	17	18	19	20
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
44	3	4½	5½	6½	7½	8½	9½	10	11	12	13	14	15	16	17	18	19	20	21
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	16	18	19	20	21	22
46	3	4½	6	7½	8½	9½	10	11	12	13	14	15	16	17	18	19	20	21	22
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
48	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
49	3	4½	6	7½	9	10	12	13	14	15	16	17	18	19	20	21	22	23	24
50	3	4½	6	7½	9	10	12	13	14	15	16	17	18	19	20	21	22	23	24
51	3	4½	6	7½	9	10	12	13	15	16	17	18	19	20	21	22	23	24	25
52	3	4½	6	7½	9	10	12	13	15	16	17	18	19	20	21	22	23	24	25
53	3	4½	6	7½	9	10	12	13	15	16	18	19	20	21	22	23	24	25	26
54	3	4½	6	7½	9	10	12	13	15	16	18	19	20	21	22	23	24	25	26
55	3	4½	6	7½	9	10	12	13	15	16	18	19	21	22	23	24	25	26	27
56	3	4½	6	7½	9	10	12	13	15	16	18	19	21	22	23	24	25	26	27
57	3	4½	6	7½	9	10	12	13	15	16	18	19	21	22	24	25	26	27	28
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59	3	4½	6	7½	9	10	12	13	15	16	18	19	21	22	24	25	27	28	29
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