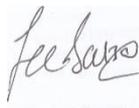


# Epping Forest Schools Partnership Trust

*Unlocking the Potential of Collaboration*

## Redundancy and Restructuring Procedure

This Model ECC Policy was released in:	September 2018
It was ratified by the Board of Trustees on:	July 3 <sup>rd</sup> 2019
Signed by the Chair of Trustees:	
This Policy will be reviewed by the Trust every three years. Next review date:	July 2022

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EFSPTR Redundancy and Restructuring Policy

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## Redundancy & Restructuring Procedure

### 1. Introduction

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

- there is a need to amend the staffing structure
- there is a need to reduce staffing
- there is a closure
- a redundancy situation arises

#### 1.1 Policy Statement

The Trust is committed to ensuring that:

- staffing structures are kept under regular review and that there is effective planning for future needs;
- measures aimed at avoiding redundancy are employed wherever possible;
- meaningful communication and consultation from the earliest opportunity take place with the employee, and their trade union representative where applicable, where redundancy / restructuring situations arise;
- selection for redundancy is based on clear criteria that will be applied following appropriate consultation with staff and unions (see 4.4 below)
- support and retraining opportunities are provided for affected staff wherever possible;
- 'at risk' staff have priority for any suitable vacancies within the Trust;
- support and advice is provided to employees selected for redundancy to help them find suitable alternative employment;
- in order to minimise the need for compulsory redundancies, the Trust will consider voluntary redundancy requests if appropriate.

#### 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:

- restructuring;
- fall in pupil numbers or changes to curriculum requirements resulting in reduced staffing requirements;
- withdrawal/reduction of SEND or other special provision/funding;
- a relocation of activities;
- 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 Restructuring

A restructuring can be defined as any change to the staffing structure. A restructuring may or may not lead to a redundancy situation.

## 2. Scope of the Procedure

The procedure is applicable to all categories of staff where a restructuring or redundancy situation occurs. A modified version of this procedure may be followed in respect of fixed-term temporary posts and those staff with less than two years' service.

## 3. Roles & Responsibilities

3.1 The Trust Board will ensure that procedures are in place to:

- consult employees and trade unions (where appropriate) regarding these procedures prior to adoption;
- communicate procedures to staff;
- monitor and review procedures to ensure that they are implemented in a timely, fair and consistent manner.

3.2 Specific roles and responsibilities

Employees in "at risk" group / roles being restructured	Formal declaration of potential Redundancy Situation	Manage process and make initial dismissal decision <sup>1</sup>	Hear appeal <sup>1</sup>
Employees in a single school	LGB Trust Panel** Trust Board	Headteacher	LGB Panel** Trust Panel**
Central Trust Staff Employees across Trust schools	CEO Trust Board	Senior Manager CEO	Trust Panel**
Headteacher role	CEO Trust Board	CEO	Trust Panel**
CEO role	Trust Board	Deputed Trustees	Trust Panel**

<sup>1</sup>Different individuals/groups will deal with the two stages to ensure appropriate separation of function.

Note 1: The term "Headteacher" is used to identify the person with responsibilities of headship within each school, who may be referred to locally as Head of School, Headteacher, Executive Headteacher

Note 2: The CEO and Chair of the Trust Board will be notified prior to any decision to dismiss a member of staff (unless it is the CEO themselves)

3.3 It is the responsibility of all staff to:

- co-operate with procedures and redundancy avoidance strategies;

3.4 It is the responsibility of the Trust to:

- implement strategies to mitigate individual loss e.g. to actively identify alternative suitable employment within the Trust

## **4. The Procedures**

The Procedures are summarised at Appendix A.

### **4.1 Declaration of a redundancy**

Where initial strategies to avoid a redundancy situation have been unsuccessful, a formal declaration of redundancy will be made as soon as possible.

Where a restructuring is proposed, a redundancy situation may be declared at an early stage as a precautionary measure, even though the exact potential for redundancy may not yet be fully known.

### **4.2 Consultation**

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.

#### **4.2.1 Staff**

Any potential redundancy situations will be discussed with relevant staff at the earliest opportunity and where appropriate, before formal declaration of a redundancy.

In the case of restructuring, the scope and period of consultation will depend on the extent of the proposed changes. Where a significant change is proposed, a consultation document 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 comment on any new structure and how it might be implemented and measures which might be taken to avoid any redundancies. Formal consultation meetings will be recorded.

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

#### **4.2.2 With the Trade Unions/Professional Associations**

When restructuring and/or a formal redundancy situation has been declared, appropriate meaningful consultation will be undertaken with the local professional associations/trade union representatives and, where appropriate, as set out in the Trust's formal union consultation and facilities agreement.

Where the Trust or school 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, under the Trade Union and Labour Relations (consolidation) Act 1992 (TULRCA). A HR1 notification will also be sent to the Department for Trade and Industry, disclosing in writing information relevant to the potential redundancy. Formal responses should be received within 2 working weeks.

4.2.3 Meaningful consultation will continue throughout the formal procedure. Any representations made by staff and/or the professional associations/trade unions will be considered and responded to in writing at the earliest opportunity.

### **4.3 Redundancy Avoidance**

4.3.1 Compulsory redundancy avoidance measures will be instigated including:-

- (a) not filling vacant posts externally (where appropriate);
- (b) slotting into appropriate posts within the Trust;\*
- (c) ring-fenced selection for posts within the Trust ;\*
- (d) priority interviews within the Trust;

- (e) 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 restructuring where there is a risk of redundancy, these measures will form part of the overall consultation document where appropriate. These measures will continue throughout the entire procedure.

\*With salary protection where applicable in accordance with the Trust's Policies and where applicable the Teachers' Pay & Conditions Document;

\*\*The Trust will make every effort to identify suitable alternative employment for at risk staff, including at other schools within the Trust where appropriate. An employee who unreasonably refuses an offer of suitable alternative employment will 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 where this would not be detrimental to the needs of the Trust. Where there are more volunteers than needed, the selection criteria may be applied (see 4.5 of this Procedure and Appendix B).

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

#### 4.3.2 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 conditions of the new post are significantly different from those of their existing post.

#### 4.3.3 Salary protection

Where an employee, who is at risk of redundancy, is appointed to a post in the Trust at a lower salary, or is appointed to a post at a lower salary as a result of a restructuring, his/her salary will be protected:

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

### 4.4 **Selection Procedures**

#### 4.4.1 Selection for redundancy

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, selection criteria will be determined and applied as set out in Appendix B.

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

#### 4.4.2 Selection in a restructuring

In the case of a restructuring, staff will normally be slotted and/or interviewed for available posts. The method of appointment to available posts will be outlined in the consultation document where appropriate.

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

#### 4.4.3 Notification

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

#### 4.4.4 The Meeting

- The employee will be given at least 5 clear working days notice of this meeting and provided with papers relevant to the case.
- 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 Adviser.
- 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, will be set.
- The employee must submit any papers they wish to be considered and the name of their representative at least 2 clear working days before the meeting.
- At the meeting the reasons for selecting the employee will be explained and the employee will have the opportunity to make representations.
- After the meeting the outcome will be confirmed in writing. This letter will also set out the right of appeal.
- Following this meeting, where the decision is to dismiss on the grounds of redundancy, the Trust will issue notice, to the individual, in accordance with the appropriate conditions of service and statutory requirements.

#### 4.4.5 The Appeal

- If the employee wishes to appeal, s/he must submit this 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 an appeal hearing. The employee will be given at least 5 clear working days' notice of this meeting.
- The Headteacher will supply the employee with papers relevant to the appeal at least 5 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 by a trade union representative, friend or colleague.
- 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 and status 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.

4.4.6 Redundancy avoidance options will continue to be explored throughout the period of notice.

### 4.5 **Redundancy Payments**

Employees with more than 2 years' continuous service may be eligible for a redundancy payment in the event of termination of their contact by reason of redundancy,

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.

A ready-reckoner for calculating statutory redundancy payments is at Appendix C.

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

#### **4.6 Support for Employees**

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

- time off to attend interviews and training and development;
- support with writing job applications;
- exploration of work related re-training opportunities;
- notification of internal vacancies

#### **4.7 Notice Periods**

Notice will be given in line with terms and conditions or statutory notice.

### **5. Data Protection/GDPR**

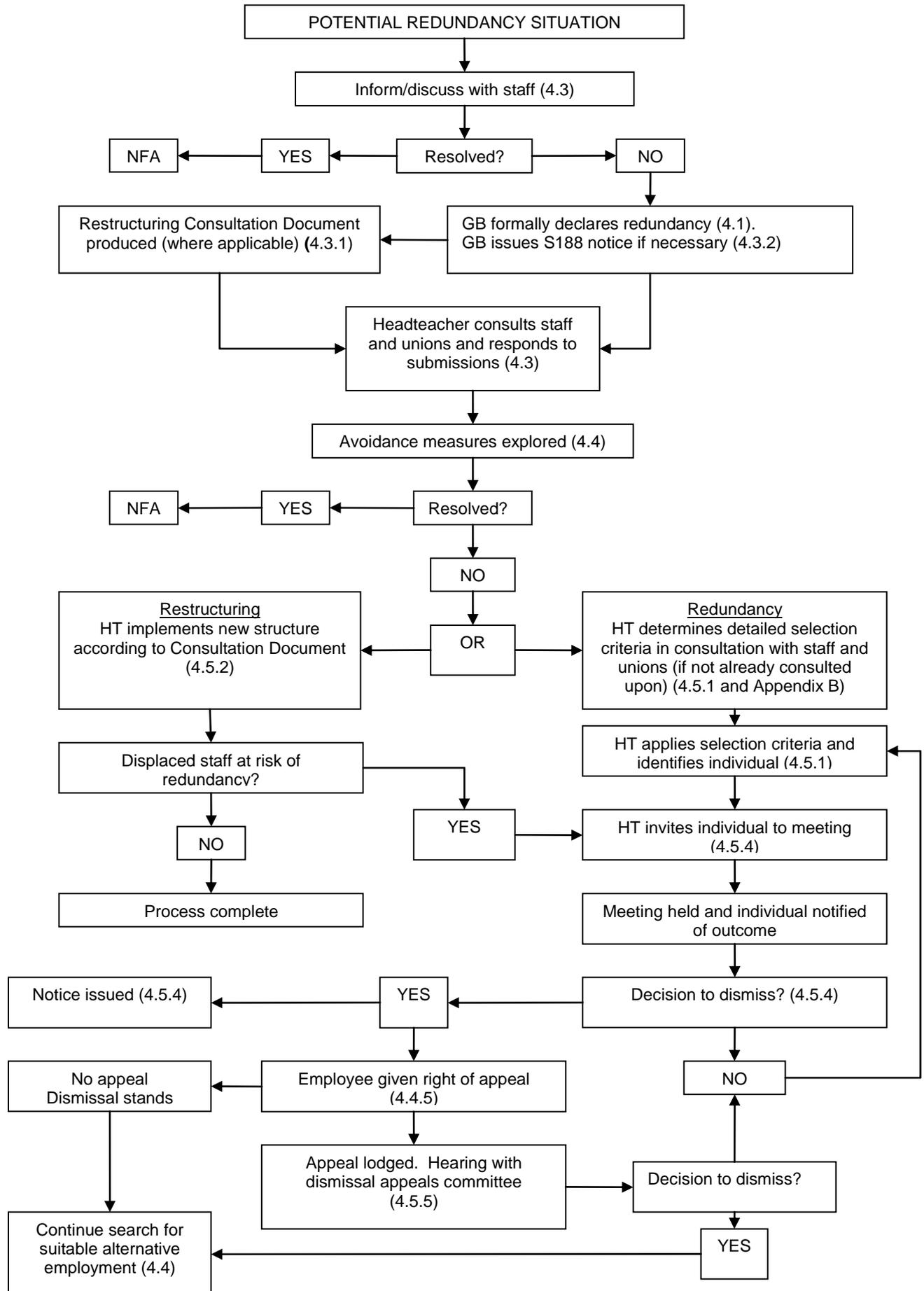
A written record of all meetings conducted under this procedure will be made, either by the person holding the meeting or by an alternative person arranged by the school to take notes.

The school 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 school’s retention schedule. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the school's Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the school's disciplinary procedure.

**Appendix A – Redundancy / Restructuring Procedure at a glance**

(brackets refer to relevant paragraph of the Procedure)



## Appendix B – 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 their local representatives will be consulted on this process. All selection decisions will follow the stages set out below.

- 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 C – Ready Reckoner for Statutory Redundancy Payments**

Age	Completed Years of Service																			
	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	10½							
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½						
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½					
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½				
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½			
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½		
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½	
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17	
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½	
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18	
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½	
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19	
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½	
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	
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	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	
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	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	
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	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24	
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½	
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25	
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½	
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26	
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½	
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27	
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½	
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28	
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½	
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29	
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½	
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30	

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You can contact us in the following ways:  
By telephone: 033301 39810  
By email: [educationHR@EESforschools.org](mailto:educationHR@EESforschools.org)  
By post: EES for schools, Education HR, Seax House, Victoria Road South, Chelmsford, CM1 1QH  
Visit our website: [www.EESforschools.org](http://www.EESforschools.org)

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