



Brampton Abbots CE Primary School



Bridstow CE Primary School



The Oak Meadow Federation

## Redundancy & Reorganisation Policy and Procedure

This policy will be reviewed and updated by the Governing Body at least every three years. All references to 'the school' imply both Brampton Abbots and Bridstow Primary Schools.

Policy approved by Governing Body on 2<sup>nd</sup> March 2020

Signed Daniel Brearey, Headteacher

Paul Mason, GB Chair

Policy due for review March 2023

# Redundancy & Reorganisation Policy and Procedure

## Table of contents

1. POLICY.....	2
2. SCOPE.....	2
3. PRINCIPLES.....	3
3.1. The Schools' Redundancy and Reorganisation Policy and Procedure.....	3
4. PROCEDURE.....	3
4.1. Avoiding Compulsory Redundancy.....	3
4.2. Identifying the need for change.....	3
4.3. Formal Approval by Governing Body.....	4
4.4. Formal Consultation.....	5
4.5. Implementation.....	6
4.5.1. Voluntary Redundancy .....	6
4.6. Job Matching.....	6
4.6.1. Slotting in. ....	6
4.6.2. Ring fencing.....	7
4.7. Selection Criteria .....	7
4.7.1. Determining the Selection Method and Criteria .....	8
4.7.2. Implementation of Selection Criteria .....	9
4.8. Appeals .....	10
5. SCHOOLS ALTERNATIVE WORK SCHEME .....	11
6. TRIAL PERIODS .....	12
7. PAY PROTECTION FOR LOWER GRADED POSTS.....	13
8. RECORD KEEPING .....	13
9. COMPLIANCE.....	14
10. IMPACT ON SCHOOL PRIORITIES .....	14
11. TRAINING AND AWARENESS REQUIREMENTS .....	14
12. MONITORING .....	14

## 1. POLICY

The purpose of this policy is to set out the framework and principles for the management of redundancies in schools. This policy and procedure highlights how redundancy and restructuring should be approached within schools.

A potential redundancy situation is one of the most serious staffing issues that can face the governing body and management of a school. This is because of the effect it has upon the employee(s) concerned, the staff as a whole and the organisation of the school.

## 2. SCOPE

This policy and procedure apply to all employees who work in a maintained school, but can be applied to Voluntary Aided, Trust Schools and Academy Schools. All Community and Voluntary Controlled schools where the Local Authority is the legal employer must follow this policy and procedure. The governance arrangements for Voluntary Aided, Trust schools and Academies are different in that the governing body is the legal employer as opposed to the Local Authority. Therefore, the procedure may be varied in accordance with the arrangements at the school. Voluntary Aided Schools should, of course, keep the Diocesan Authorities informed of any action they intend to take. Where Voluntary Aided, Trust schools and Academies develop their own arrangements for managing redundancies in their school, these arrangements must be communicated to HR Services.

This policy applies to both teaching and support staff members in schools and takes account of the differing terms and conditions. This procedure governs how potential redundancy situations will be handled within schools. The procedure may be subject to variation to meet specific circumstances following consultation with Trade Unions.

### **3. PRINCIPLES**

#### **3.1 The Schools' Redundancy and Reorganisation Policy and Procedure.**

The procedure is based on the following guiding principles:

- Redundancies should be avoided if at all possible. Schools and governing bodies must ensure that all other reasonable alternatives are explored before initiating the redundancy procedure.
- Staff, representatives and trade unions will be informed of the potential need for redundancies as soon as is reasonably practicable
- Consultation with employees and trade unions will be constructive and meaningful.
- Employees will be consulted throughout the procedure.
- Employees will be treated equitably and fairly through all stages of the procedure.
- Individuals identified within the pool for redundancy will be dealt with sensitively and will have the right to make representations to the first panel of governors (Panel A) before any final redundancy decision is made.
- Individuals identified as 'at risk' will be given the right to appeal to a separate panel of Governors (Panel B).

Any individual whose post is selected for redundancy will be given appropriate guidance and support including exploring alternative work options.

### **4. PROCEDURE**

#### **4.1 Avoiding Compulsory Redundancy**

When facing a redundancy situation, the Headteacher, in conjunction with the Governing Body, should explore options to avoid or minimise the need for compulsory redundancies. This may include:

- reducing the workforce through natural staff turnover and restrictions in recruitment;
- internal redeployment to fill existing or anticipated vacancies;
- seeking volunteers for early retirement / redundancy;
- restricting the use of agency, casual staff, and external consultants;
- reducing the working hours of employees who are employed on permanent variable contracts;
- looking for opportunities of possible redeployment (in consultation with the Local Authority for community and voluntary controlled schools) and/or retraining within the school;
- actively seeking any other appropriate means (e.g. job-share using the provisions of existing variable contracts and freezing foreseeable vacancies);
- voluntary reduction of working hours.

#### **4.2 Identifying the need for change**

The Headteacher, in conjunction with the Governing Body, is responsible for determining the staffing structure, and will continually review the staffing, financial and curriculum plans of the school. If through this process of review, it appears that redundancy may be necessary, or where it is established that there is a need to change specific roles within a structure the appropriate mechanism to follow is a restructure process. This is where there is a change to the primary accountabilities of the job function. This may be appropriate in cases of changes to the leadership / TLR structure or support staff structure, head teachers of community and voluntary controlled schools must:

- inform the chair of governors

- discuss the financial situation with Finance Services
- discuss any curriculum implications with the Learning & Achievement Service
- discuss the redundancy arrangements with Human Resources

The School will need to demonstrate that a redundancy situation exists. The Headteacher should complete the Redundancy Business Case proforma (TEMPLATE 2 – BUS CASE) including a proposed timeframe for this purpose. This will be used in preparation for consultation with employees and trade unions.

This document will be reviewed by Human Resources and Finance Services in the case of community and voluntary controlled schools, who will approve before the full schools redundancy procedure is commenced, and before approval by the Governing Body.

The Director of Children’s Wellbeing (or their nominated representative) in conjunction with Finance and HR will need to agree that there is a genuine need for a redundancy due to financial reasons and where there is no alternative other than redundancy the LA will meet the cost of redundancy for community, voluntary controlled, voluntary aided schools and trust schools in line with the Council’s redundancy payment policy.

The School should also complete an Equality Impact Assessment (TEMPLATE 20 – EQUAL IMP ASSESS) By completing a Workforce Equality Impact Assessment we aim to place equality at the centre of decision-making, policy and practice.

The assessment helps to assess the impact (actual or likely) of a significant service or functional change, or policy has on different sections of our workforce and to assess the probability of the changes having a disproportionate impact.

#### **4.3 Formal Approval by Governing Body**

Before considering the proposal to restructure, the governing body will adopt the procedure. If governing bodies of community and voluntary controlled schools choose not to adopt the formal redundancy procedure, and do not follow LA process, the School will risk being eligible for total redundancy costs and potential employment tribunal costs where applicable.

A full Governing Body meeting must be arranged in order to formally adopt the procedure and to delegate governing body powers to the relevant redundancy committees. A model Governing Body Resolution can be viewed in TEMPLATE 1 – GOV BODY RES.

The Headteacher should prepare a detailed restructure proposal (the Redundancy/Business Case proforma – Appendix 2, is good preparation for this and TEMPLATE 4 – CONS DOC may be used) – for the Governing Body to consider. This will include:

- the reason for the restructure proposal i.e. falling rolls, work of a particular kind ceasing or diminishing
- school budget and pupil data forecasts
- total number of redundancies and the job categories affected
- proposed date for redundancies to be effective

This meeting will also be used to elect candidates for the redundancy dismissal committee (Panel A), and the redundancy appeal committee (Panel B). Both committees must be made up of three governors and there must also be another governor elected as reserve, should any of the governors be unavailable. This information should be made available to trade union representatives.

The redundancy dismissal committee (Panel A) and redundancy appeal committee (Panel B) should not include staff governors. In a situation where the school cannot establish either Panel due to not having enough governors an approach can be made to the governing body of a school within the cluster.

In the case of a potential conflict of interest concerning a governor on either panel i.e. a personal connection between a governor and a member of staff at the school, the conflict should be declared to the chair of governors, who will decide if the governor should take any further part in the redundancy process.

The Governing Body should consider the information presented, and once in agreement, approve the proposal that the School is required to make staffing reductions in the form of one or more redundancies.

The Governing Body is encouraged to seek advice from HR Services and where appropriate a member of HR Services may attend this meeting.

Following approval, the relevant trade union representatives at school and county or regional level will be notified formally in writing (TEMPLATE 5 – COMMENCE TU).

Following approval, a detailed timetable will be completed allowing sufficient time for each stage of the redundancy procedure to ensure the effective date of redundancies can be achieved. (TEMPLATE 3 - PLANNER).

#### **4.4 Formal Consultation**

The Headteacher, well in advance of the consultation meeting with staff, should notify HR Services of the redundancy consultation arrangements so that an HR Advisor can attend the first consultation meeting with staff.

The Headteacher should arrange a consultation meeting with all staff including those that may not be affected by the proposals. The formal consultation period should be long enough, usually a minimum of 10 working days, to ensure meaningful consultation with employees and trade unions. The Headteacher should ensure that the trade union representatives (county secretaries and school level) are invited to the meeting, or if they are unable to attend, they are sent the relevant documentation.

The meeting must provide detailed information on the reasons either for the redundancies and must explore any alternatives to compulsory redundancy or the headteacher must determine changes required to any posts within the structure and develop revised job descriptions and person specifications for any posts that have been identified to change. (TEMPLATE 4 - CONS DOC)

Employees must be informed of the following:

- that a situation exists which requires a restructure of the existing staff structure
- the reason for the redundancy situation or the reason for the restructure of posts within the staffing structure
- the planned date of proposed redundancies / structure changes. This should be based on the school's leadership and management arrangements, organisational, financial and curriculum needs. This proposal forms the basis of the redundancy pool.
- identify the potential staff groups affected and the scale of the reduction
- that the Governing Body is keen to explore alternative methods to compulsory redundancy including; voluntary redundancy, reductions in working hours etc.
- how redundancy payments are calculated and relevant contact numbers of HR Services in order to obtain redundancy estimates
- that a skills audit will be required to be completed should the procedure progress to selection for compulsory redundancy.

The Headteacher will invite employees where redundancies are needed to be made to complete a skills audit. The skills audit will be used as the basis to implement relevant selection criteria should this be necessary in later stages. A model skills audit can be viewed in TEMPLATE 7a and 7b – SKILLS AUDIT.

The Headteacher / Chair of Governors must write to all employees providing a summary of the discussion held at the meeting. A model letter regarding the need for redundancy can be viewed in TEMPLATE 6 – COMMENCE STAFF.

## **4.5 Implementation**

### **4.5.1 Voluntary Redundancy**

The employee requests an estimate of their benefits from Human Resources. This request is obtained in confidence and does not obligate the individual at this stage.

If the employee wishes to proceed with the application, the employee submits a formal voluntary redundancy request in writing to the Headteacher to be considered by the Governing Body.

The Headteacher discusses the request with the Governing Body and considers whether approval is permissible based on the future needs of the school in conjunction with the school curriculum and the school's development plan. Voluntary redundancy requests do not have to be accepted.

In these circumstances, it is usual that the redundancy dismissal committee (Panel A) undertakes the above actions, as they have delegated powers to do so on behalf of the full Governing Body.

The Headteacher in conjunction with the Governing Body (or redundancy dismissal committee (Panel A)) approves or rejects the voluntary redundancy request. In the event that the number of voluntary redundancy requests exceed the reduction required, selection criteria will be determined by Panel A to select which voluntary redundancy requests will be accepted. Requests will be considered within 5 days of the end of the consultation period.

The decision of the Governing Body Panel A must be confirmed in writing to the individual by the Headteacher. Where a request is refused, the Governing Body Panel A will be required to justify why the request could not be accepted - Appendix 7.

The employee will have a right of appeal against the decision not to award voluntary redundancy. Appeals should be made using TEMPLATE 14 – APPEAL FORM and sent to the Headteacher within 5 working days of the receipt of the voluntary redundancy decision. The appeal process as detailed in 4.10 will then be followed. The redundancy procedure will be put on hold until appeal hearings have taken place.

Where the Governing Body Panel A is able to accept voluntary redundancy requests and this equates to the required reduction to be made, this will formally end the redundancy procedure, and the Headteacher should inform the staff and HR Services who will notify trade unions representatives.

Employees who have been accepted for voluntary redundancy should be made aware of the Modification Order and for community and voluntary controlled schools the council's policy regarding reemployment within a 3-month period following redundancy should also be explained. See TEMPLATE 9a – VOL RED ACCEPT.

## **4.6 Job Matching**

Following consultation, a job matching exercise will be undertaken in order to confirm the relevant managing change process to be followed.

Where no alternative posts are available, eg in the case of a reduction in posts rather than restructure, TEMPLATE 11 – CONFIRM AT RISK provides a template letter notifying employees that they are now formally at risk of redundancy

### **4.6.1 Slotting in.**

A slotting in situation exists where:

- The primary purpose of the post and job content are at least an 80% match, and

- where the employee meets the essential requirements of the person specification or can do so with training
- there is only one person eligible for the post, or the number of eligible persons and number of posts equate
- **for support staff posts only** - slotting in does not involve grade uplift/promotion which has been established by job evaluation
- where there is a reduction in the number of posts available although there is at least an 80% match in job content and purpose (eg there are more eligible people than the number of posts). This will result in a **Competitive Slot**. A selection process will be held which will be restricted only to those eligible for slotting to those particular roles.

TEMPLATE 11a – CONFIRM SLOT provides a template letter notifying employees that they have been slotted in.

#### 4.6.2 Ring fencing.

A ring-fencing situation exists where:

- there is a 60 – 79% match in the primary job purpose and day to day accountabilities with a post in the new structure
- **for support staff posts only** - the post in the new structure is either one grade lower, the same grade, or one grade higher than the existing post

Selection processes for ring fenced employees will normally be undertaken before the roles are opened to wider internal/external competition

TEMPLATE 11b – CONFIRM INTERVIEW provides a template letter notifying employees of ring fencing.

TEMPLATE 10a and 10b – JOB MATCH FORM and JOB MATCH GUIDE provide a slotting in/ring fencing assessment grid when comparing old and new job descriptions including guidance notes.

#### 4.7 Selection Criteria

Where a redundancy situation arises and the school has not received sufficient number of voluntary redundancy requests, or where the school could not accept a voluntary request, it will be appropriate to progress to determining the selection criteria for compulsory redundancy.

The Headteacher (in conjunction with the LA for community and voluntary controlled schools), is required to consult with recognised trade unions on school redundancies and will disclose all relevant information with regard to the redundancy situation.

The Headteacher requests a first meeting of Panel A which should:

- consider possible alternatives to redundancy including those suggested during the consultation period by staff or union representatives
- invite representatives of the recognised trade unions to suggest ideas to resolve the difficulties

The Headteacher and Panel A will determine final details of the scale of reduction in each staff group expressed in salary / FTE / hours. This provides the determination of the redundancy pool.

In the case of either a restructure or redundancy, the Headteacher and Panel A will also determine the selection method for the remaining posts/posts in the new structure. Selection will normally take place using one of the following methods:

- **Selection interview**, against the criteria in the person specification in the new post, in accordance with the School or LA's recruitment and selection policy. This method will be used when the school is reorganising or restructuring. The term "interview" in this context may cover selection through an Assessment Centre which uses a variety of selection tools to test multiple competencies.

- **Selection criteria** where each employee is rated against job specific skills and relevant qualifications based on the requirements of the posts as detailed in job descriptions and person specifications. This method will be used when the school is reducing the number of employees required in the same or very similar jobs. This will be undertaken by their line manager, a headteacher and an HR representative.

The approach to the method of selection will be a matter for consultation during the consultation process with trade unions.

Where redundancy results the details of the redundancy pool and the selection method will form the basis of the redundancy proposal.

The Headteacher will issue the redundancy proposal to trade unions and invite them to attend a meeting with Panel A to consult on the formal redundancy proposal, giving five working days' notice. The purpose of the meeting will be to discuss, with a view to reaching agreement on the following:

- the reason for the redundancy situation
- confirmation of the potential numbers of staff to be made redundant and the areas affected
- confirmation of acceptances for voluntary redundancy and any other ways to avoid compulsory redundancies
- mitigating the consequences of the redundancies
- the proposed selection criteria / selection method.
- determining whether further meetings are necessary
- establishing provisional dates for hearings and appeals

Arrangements for the trade union representatives to meet an hour before the meeting should be made in order that trade union representatives can review and discuss the proposal document prior to meeting with Panel A, the Headteacher. A member of HR Services may also attend this meeting.

Panel A will then meet with the county or regional union secretaries and HR Services to discuss the proposal and consider their points of view, and to consult on the selection criteria. This will include confirmation of the structure and the proposed selection criteria to be used. Ultimately it is the responsibility of Panel A to take the decisions about how the school will proceed. (NB a model selection criteria proforma can be viewed in TEMPLATES 8a and 8b –SELECT SEC AND SELECT PRI to assist Panel A in determining appropriate selection criteria.)

The Headteacher will hold a further staff consultation meeting at which it will be confirmed whether the redundancy procedure will continue based on the outcome of the meeting between Panel A and trade union representatives. At this meeting the Headteacher should confirm the staffing structure and the scale of reduction in each staff group and identify the redundancy pool if not previously identified at the first staff meeting. The Headteacher will issue the redundancy selection criteria to employees in order that each potentially affected employee has the opportunity to finalise their Skills Audit ahead of Panel A implementing the selection criteria.

The redundancy dismissal committee (Panel A) with the support of the Headteacher and, if requested, a member of HR Services, will implement the selection criteria (see 4.9) to identify individuals potentially at risk of redundancy.

Affected staff members will be notified in writing if they have been identified in the redundancy pool. (See TEMPLATE 12 – PROV SELECT RED).

#### **4.7.1 Determining the Selection Method and Criteria**

Following the consultation period, and the determination of the selection method and selection criteria, arrangements will be made for Panel A to either meet in order to apply the selection criteria or for a selection interviewing exercise to be undertaken.

In the case of selection interviewing the normal provisions regarding recruitment and selection should be observed.

Where the selection criteria method is preferred the following guidance should be adhered to.

Fixed term contract status is not a reason in itself for selection for redundancy during a formal consultation, and those on fixed-term contracts should generally be included in the consultation and the pool from which roles are chosen for redundancy.

However, there are exceptions where those on fixed term contracts may not be included in the consultation process and pool, such as:

- Where the employee was specifically recruited to complete a particular task, which is due to come to a legitimate end and this was made known to them when they were recruited, for example to:
  - Cover a maternity, adoption, shared parental leave period;
  - Cover a secondment;
  - Work on a specific project with an end date.

Selection criteria should give full consideration to a detailed analysis of qualifications, skills, competence and performance of each individual identified in the redundancy pool, and where appropriate must be supported by documented evidence i.e. performance management, lesson observations, and qualification certificates. A member of staff should not be penalised if supporting evidence such as performance management, lesson observations, appraisals have not been undertaken at the school or a previous school.

When using the performance management/appraisal system consideration should be given regarding if the system is robust and were objectives equally challenging for all staff.

In order to avoid direct or indirect discrimination when using absence for selection criteria any absence related to disability or pregnancy related illnesses should not be included.

Panel A with the Headteacher, and/or support from HR Services, should then objectively apply the criteria to ascertain which employees most closely match the post in terms of qualifications, skills, competence, performance with particular reference to the school's development plan and staffing structure. One record of scoring should be determined for each employee identified in the pool. A scoring sheet collating all scoring information on each candidate will be available in anonymous form for scrutiny by trade union representatives. This document provides the evidence and audit trail of the application of the selection criteria to select an individual. It is imperative that this is applied and completed objectively, fairly and accurately as this will be used as evidence for any subsequent appeal or employment tribunal. TEMPLATE 8a and 8b – SELECT SEC and SELECT PRI

By applying the selection criteria, a total point score will be calculated for each individual. The individuals with the highest point score will be appointed to relevant posts within the remaining staffing structure. The individual(s) within the redundancy pool with the lowest point score will be selected for redundancy, subject to appeal.

In a situation where two individuals have been awarded the same point score following the implementation of the selection criteria, both individuals should be notified and informed that the selection for redundancy will be determined by an appropriate selection method such as a selection interview.

#### **4.7.2 Implementation of Selection Criteria**

The Headteacher should make arrangements within 48 hours of implementation of the selection criteria to notify the employee(s) in writing of the outcome and where applicable the proposal to terminate their employment on the grounds of redundancy. In the case of provisional selection for redundancy they will invite the employee(s) to attend a redundancy dismissal meeting in order to make representations to the redundancy dismissal committee (Panel A), see TEMPLATE 12 PROV SELECT RED. The Headteacher, or their nominated representative, will personally distribute this letter and will offer any support to the individual as appropriate.

The employee must be informed of their right to be accompanied by a work colleague or trade union representative, and they must be given at least 5 working days' notice of the meeting. This meeting should be rearranged within 5 working days of the original date if either the individual or the trade union representative is unable to attend the meeting.

The purpose of this meeting is to discuss the reason for the dismissal and to provide the employee with an opportunity to ask questions regarding the redundancy selection criteria and to make representations against the decision.

Panel A supported by a member of HR Services, will consider relevant representations and will make a decision as to whether to confirm the redundancy decision or to review the application of the selection criteria. The outcome of the meeting will be confirmed within 5 working days. See TEMPLATE 13 CONFIRM SELECT RED.

Where the redundancy decision is confirmed, the employee must be informed that they have a right of appeal against their selection for redundancy to a separate panel of governors (redundancy appeal committee, Panel B). In the case of community and voluntary controlled schools, the LA must be notified in order to issue the dismissal notice.

Under the Burgundy Book, notice periods for teachers are:

Notice Period	Relevant Dates
2 Months for the Autumn Term	To leave at 31 December, issue notice by 31 October
2 Months for the Spring Term	To leave at 30 April, issue notice by 28 (29) February
3 Months for the Summer Term	To leave at 31 August, issue notice by 31 May

Teachers are also governed by statutory notice provisions detailed below.

**Notice periods for support staff** will be in line with the provisions of statutory notice in line with length of service. A minimum of four weeks' notice up to twelve weeks' notice, e.g., if an individual has six years' service, they will be entitled to six weeks' notice. HR Services will advise Headteachers regarding the notice period that applies to each individual selected for redundancy.

Panel A should ensure that the employee is aware of the impact of the Modification Order. In addition, for community and voluntary controlled schools the impact of the council's policy regarding reemployment in the 3 months following a voluntary or compulsory redundancy should also be explained to the employee.

#### 4.8 Appeals

Employees may appeal in the following circumstances:

- against the ring-fencing decision and how it applies to them
- has not been selected to a post to which they have been ring fenced
- the employee believes they have been unfairly selected for redundancy
- has been offered a job they believe is not a suitable alternative
- has been denied a job they believe constituted a suitable alternative

The employee should submit a completed appeal form to the Headteacher within 5 working days of receipt of the letter. (*The Headteacher will notify the Appeals Panel and make arrangements accordingly*), (see TEMPLATE 14 – APPEAL FORM).

The redundancy appeals panel (Panel B) will consider any appeal made by the employee. On receipt of the appeal form, arrangements will be made to hear the appeal within 10 working days. (See TEMPLATE 15 – APPEAL INVITE)

Appeals will normally be dealt with at the appropriate stage within the process however in certain circumstances it may be more appropriate to schedule all appeals at a later stage, for example, following selection for redundancy decisions. The timing of appeals will be a matter for discussion during consultation.

The employee must be notified of their right to be accompanied by a work colleague or trade union representative. The employee and the representative have the right to choose not to attend the meeting and may prefer to make representations in writing. Alternative arrangements should be made where either the individual or the union representative cannot attend. An alternative meeting date should be arranged within 5 working days of the original hearing date.

The Headteacher and the Chair of Panel A will be required to attend the appeal hearing to explain how the ring-fencing decision or redundancy selection criteria was applied and how the decision was determined.

The individual supported by their trade union representative or work colleague will outline the basis of their appeal.

The redundancy appeals panel (Panel B) will consider the evidence presented at the appeal hearing and will decide whether to uphold or overturn the decision of Panel A. Panel B will be supported by another representative from HR services who has not been previously involved in the procedure. The decision of Panel B will be confirmed in writing within 5 working days. See TEMPLATE 16 – APPEAL OUTCOME.

Should Panel B uphold the appeal and over-turn the decision of Panel A, the procedure will be re-entered at the appropriate point.

If the decision is to uphold the decision of Panel A, Panel B should confirm the instruction to the LA to issue notice of redundancy to the individual(s). HR Services will issue notice to the employee, confirming the termination of employment on the grounds of redundancy on behalf of the LA (for community and voluntary controlled schools) or the Governing Body (for voluntary aided, trust, and academy schools).

Timescales in this procedure can only be varied by mutual consent.

## **5. SCHOOLS ALTERNATIVE WORK SCHEME**

It is a statutory requirement for an employer to explore alternative work options for those employees who are under notice of redundancy.

For community and voluntary controlled schools, the LA is the legal employer and therefore the LA has a statutory duty to explore alternative work options in all community and voluntary controlled schools and across the Council. Therefore, governing bodies must follow the conditions as detailed in 5.4.

For voluntary aided, trust and academy schools, the Governing Body is the legal employer and therefore they will need to make provisions for exploring alternative work options in their own organisation. However, the LA will work with governing bodies of voluntary aided, trust schools and academies to seek alternative employment for employees under notice of redundancy. It is recommended that all governing bodies including voluntary aided and trust schools support the

alternative work scheme in order to mitigate against redundancies across the county. Academy schools have the option to support the alternative work scheme.

Employees in community and voluntary controlled schools who are identified 'at risk' will be considered for suitable alternative employment at other community and voluntary controlled schools and across the Council.

This will be achieved through a nomination process by the Director of Children's Wellbeing. Schools / governing bodies are advised to give serious consideration to individuals on the alternative work scheme by:

- Where possible contacting HR Services prior to advertising a post to determine whether a suitable applicant exists who has been selected for redundancy.
- Where community and voluntary controlled schools advertise externally, the Director of Children's Wellbeing will nominate an 'at risk' individual for the post provided they have suitable skills and experience. HR Services will support the matching process.
- The Governing Body will give consideration to an individual on the alternative work scheme and will shortlist and interview employees on the alternative work scheme provided they meet the essential criteria for the post as determined by the school.
- If the candidate is not appointed to the post, the school will provide written feedback on the reasons for non-appointment to the post.
- Offering the post (subject to a trial period) to an employee on the alternative work scheme where it has been identified that they are the best candidate through the selection process or where they have equal points score with another candidate who is not on the alternative work scheme.

There are many benefits of redeployment for schools, governing bodies and the LA. Benefits include:

- Ensures schools and governing bodies comply with their statutory obligation to identify alternative work options for 'At Risk' employees.
- Retains employees and negates the need to make redundancy payments.
- Demonstrates that the individual will be treated fairly and provided with opportunities if facing compulsory redundancy.
- Provides equitable treatment if all governing bodies engage with the redeployment process.
- Reduces the risk of an Employment Tribunal claim.
- Reduces the overall cost of redundancy payments.
- Reduces the cost of early release of pension and lump sum payments for those over 55.

The alternative work scheme procedure will be managed by HR as follows:

- Individuals who are on notice of redundancy will be asked to complete an alternative work questionnaire form. See TEMPLATE 17 – SCH ALT WORK.
- HR Services will maintain a list of individuals 'At Risk' on the redeployment register.
- HR Services will provide regular details of suitable vacancies to individuals on the redeployment register.
- HR Services will notify community and voluntary controlled schools of the nomination of the Director of People's Services of a candidate who is a potential match to a particular vacancy within a school.
- HR Services will advise voluntary aided, trust and academy schools of a candidate who is a potential match to a particular vacancy within a school.

## 6. TRIAL PERIODS

An employee who has been identified as redundant has a statutory right to a four-week trial period in an alternative job, without losing their entitlement to a redundancy payment, should they decide not to continue in the alternative job.

Either the employee can seek a trial period, or the employer may require one as a condition of the redeployment. Trial periods are recommended, in particular in cases where there is doubt as to the suitability or acceptability of a job. Trial periods are normally four weeks but may exceptionally be extended by agreement between the Headteacher and the employee at any time up to a maximum of twelve weeks.

Where possible the trial period should be arranged whilst the individual is under notice of redundancy. If this is not possible the trial period can be arranged after the planned termination date by agreement. In the circumstance where the individual is not confirmed in the post, the individual's employment will terminate at the end of the trial period. No further notice will be due.

At the end of any trial period, the employee must decide whether or not to accept the new contract of employment being offered. On acceptance, the terms of the new contract will be implemented and a period of pay protection, where applicable.

At the end of a trial period, if either the individual or the headteacher deems the post unsuitable, the party concerned will write to explain the reasons why. If this is a management decision, the reasons must be capable of objective justification (see above). If time remains on their notice period, the employee will remain on the alternative work scheme for the remaining period they have left, during which time further alternative posts may be identified.

## **7. PAY PROTECTION FOR LOWER GRADED POSTS**

Pay protection for basic wage/salary for those employed on NJC (National Joint Council) terms and conditions will be for six months from the date of appointment /redeployment (unless the employee obtains another job at a higher level during that period), funded by the outgoing service except where separate corporate financial arrangements have been made.

Pay protection will apply to the grade of the substantive post and not the number of hours worked, therefore pay protection will be pro-rata if the employee accepts a post at fewer hours. However, where an employee accepts a post with increased hours, pay protection will only apply to their previous substantive hours.

Where pay protection applies any loss in annual leave (affected by a grade reduction) will also be protected for a maximum period of 12 months on a pro-rata basis.

All other terms of the employee's substantive post will not be protected (e.g. unsocial hours payments, allowances etc...).

Safeguarding periods for teaching staff will be as determined by the STPCD (School Teachers Pay and Conditions Document).

## **8. RECORD KEEPING**

In order to respond to any appeals or claims for unfair dismissal, the Headteacher should ensure that the following records are collated and maintained, and retained for a period of twelve months:

- Copy of the business case
- Copy of the consultation documents, and other evidence of consultation and formal response given to consultation
- Copy of the finalised structure
- Copy of notification to BIS (where applicable)
- Copy of written notification to trade unions of potential redundancies
- Copy of the redundancy policy and procedure

- Evidence of decisions/action taken to avoid compulsory redundancies
- Copies of meeting notes including employee consultation meetings, individual consultation meeting with employees, and Panel A meetings
- Copies of redundancy termination letters to employees, including calculation of redundancy package
- Evidence of the redundancy selection criteria used / selection interview questions
- Information from any appeal hearing, including:
  - Date of hearing
  - Hearing notes
  - Details of the information considered by redundancy appeals committee (Panel B) and the decision made
  - Notification of the outcome

## **9. COMPLIANCE**

Failure to follow this procedure may impact on good employee relations and the reputation of the school and governing body as a good employer. In addition, it may result in the governing body breaching employment legislation, incurring financial penalties and / or damage to its reputation.

Headteachers of community and voluntary controlled schools who fail to manage in accordance with this policy will be investigated by the Director of People's Services (or their representative) and this may lead to formal action under the Teachers' Capability Procedure or the Schools' Disciplinary Policy and Procedure.

## **10. IMPACT ON SCHOOL PRIORITIES**

The policy provides clear statements about the Headteacher and employee responsibilities to ensure that the conduct of all school employees is of a high standard. This procedure supports schools in delivering excellent teaching and learning and enables the governing body to effectively meet its key school priorities.

## **11. TRAINING AND AWARENESS REQUIREMENTS**

Headteachers and employees will be informed about this policy and procedure via communication channels such as school newsletters, schools online and websites.

## **12. MONITORING**

Herefordshire Human Resources Services is responsible for ensuring the review of this policy and procedure and the Governing Body is responsible for adopting and implementing this policy and procedure.

HR Services will monitor the effectiveness of the policy through information received via feedback from Headteachers and employees through, for example, management team meetings and exit interviews, as well as the numbers of employees using this procedure.

## APPENDIX 1 – DEFINITIONS AND RESPONSIBILITIES

### DEFINITIONS

The meaning of some key words and phrases, for the purposes of this policy, are explained below:

**Headteacher** - the person responsible for leading and managing the school.

**Trade Union** - a trade union or professional association that is recognised by the LA/Governing Body for the purposes of collective bargaining.

**Trade Union Representative** - any representative of a trade union or other staff representative.

**Working days** - any working term day defined by the school term dates.

**Pool** - an identified group of employees affected by the proposed changes who will be subject to these procedures.

**Redundancy** - defined by law as a situation where:

- the employer has ceased or intends to cease to carry on business for the purposes of which the employee was employed, or has ceased or intends to cease to carry on that business in the place the employee was so employed; or,
- the requirements of the employer for employees to carry out work of a particular kind in the place where the employee was so employed have ceased or diminished or are expected to cease or diminish. (It is this aspect of the definition that normally applies when reorganisation/restructure occurs).

**‘At Risk’** - the employee is at risk of being selected for redundancy as a result of being identified as part of a pool of employees where compulsory redundancies need to be made.

**Suitable Alternative Employment** - an alternative job offered to the employee that is considered suitable in terms of pay (taking account of pay protection), grade, status, place of work, hours, working environment, training, etc.

**Trial Period** - applies to offers of suitable alternative employment which are subject to a four week trial period if any term of the new contract differs from the corresponding term in the old contract (trial periods may be extended by agreement).

**Continuous Qualifying Service** - an employee with two years’ continuous service with the same employer, which qualifies the employee for a redundancy payment. In local government this includes all continuous local authority, academy and other relevant service as defined in the national Modification Order.

### RESPONSIBILITIES

**Headteachers** are responsible for the effective management of their school, This includes financial planning, and ensuring staffing structures are ‘fit for purpose’. The Headteacher is responsible for ensuring that employees are informed of any changes affecting their conditions of service as soon as is practicably possible. The Headteacher is responsible for consulting with employees and their representatives and implementing organisational change in accordance with the policy and procedure. The Headteacher and the Governing Body are responsible for exploring all possible solutions so that redundancies can be avoided.

**Governing Bodies** are responsible for the overall governance of the school. Governing bodies have a specific role where procedures relate to the appointment and dismissal of employees at the school. It is the responsibility of Governing Bodies to adopt this policy and procedure where it is identified that redundancies are required, and to establish appropriate panels in order to determine redundancies in accordance within this procedure.

The **Local Authority** is responsible for providing Community and Voluntary Controlled Schools with appropriate budget information. The LA is also responsible for providing advice, guidance and support in accordance with the provisions of this policy and procedure. This also extends to Voluntary Aided, Trust and Academy schools provided that the appropriate SLAs have been purchased.

**HR Services** is responsible for providing expert HR advice to Headteachers and Governing Bodies on the Schools' Redundancy Policy, in line with employment and education law. This also extends to Voluntary Aided, Trust and Academy Schools provided that the appropriate SLAs have been purchased.

**Employees** are responsible for familiarising themselves with any proposals put forward and for making themselves available for the purposes of consultation meetings, and actively engaging with the employer in relation to finding suitable alternative employment and undertaking further training.

**Minute taking.** The Headteacher must make arrangements for meetings to be minuted to ensure an accurate record of the discussions.