



CHANGE MANAGEMENT & REDUNDANCY POLICY

		Page
1	Context	3
2	Purpose	3
3	Definition	3
4	Approval for Change	4
5	Responsibilities	4-5
6	Planning to avoid redundancy	6
7	Consultation	7
8	Employees who are absent from work	9
9	Keeping Records	9
10	Implementation	9
11	School closure, School combinations (mergers), Reorganisation and restructuring	10
12	New posts and ring-fencing arrangements	10
13	Redundancy Selection Criteria	11
14	Nomination for Redundancy	12
15	Representation to the Nomination Panel	13
16	Representation to the Appeals Panel	13
17	Redeployment/Redundancy	14
18	Salary Protection	15
19	Notice Periods	15

1. Context

This policy should be used when dealing with redundancies and organisational restructures, so as to ensure that any staff reductions and or staffing reorganisations are carried out fairly and equitably and within the parameters of UK employment law.

It is important that Headteachers and the Governing Body undertake planning to address these matters at the earliest opportunity and work together with the trade unions and professional associations in order to best achieve the above and minimise the impact upon staff.

This policy has been consulted on with the recognised trade unions and professional associations.

The Information and Consultation of Employees Regulations 2004 and case law requires employers to undertake fair consultation where redundancies/change processes are proposed for implementation. 'Fair consultation means (a) consultation when proposals are still at a formative stage; (b) adequate information on which to respond; (c) adequate time in which to respond; and (d) conscientious consideration by the employer in responding to the consultation feedback'.

2. Purpose

Schools face constant pressure to enhance levels of teaching and learning whilst also managing the effects of falling rolls and changes to the curriculum. This can only be achieved effectively where employees, who are affected by change, feel confident that their interests and concerns are being taken into account. The purpose of the Management of Change and Redundancy Policy is to provide a framework for dealing with redundancy and/or organisational change fairly and consistently, whilst seeking to balance the needs of employees with the needs of the individual school/academy to become more efficient.

3. Definition

The management of change is the reconfiguring of staffing structures that result in a different grade/skills mix. Redundancy however is a diminishing requirement for work of a particular kind and redundancy may occur within a management of change situation or in isolation.

Management of change and/or redundancy may occur in many scenarios including the following:

- Financial constraints
- restructures resulting in a requirement for either fewer people or a different roles and skill base;
- technical and/or process changes resulting in a requirement for either fewer people or a different roles and skills base;
- Federations / combinations (mergers);
- school closure – leaving all employees at risk;
- Cessation of a fixed term contract e.g. ending of 'child specific' contracts.

4. Approval for Change

Governing Bodies must first approve proposals to make redundancies/changes in the staffing levels, organisational structure and associated role requirements and seek advice where required from the WES HR Advisory Service. See pro forma **Business Case for commencing a staffing restructuring/redundancy** process in the Guidance Toolkit to assist with this exercise. Any process affecting the terms and conditions of a Local Authority employee in a school must be brought to the attention of the WES HR Advisory team.

5. Responsibilities

School Staffing Regulations 2009

Where redundancies are required the School Staffing Regulations 2009 allow for initial dismissal decisions to be delegated to the head teacher/principal. However, it also recommends that where head teachers/principals have a direct involvement in instigating proposals to dismiss, arrangements for delegating initial dismissal decisions will need to be considered on a "case by case" basis. Given that the head teacher/principal will inevitably have direct involvement in implementing redundancy policy, it would be the strong advice of this policy that dismissal on the grounds of redundancy should be undertaken by a Nomination Panel. This should comprise a minimum of 3 Governors and the role of the head teacher/principal would then be to present the case and answer questions. An Appeal Panel should be set

up to deal with appeals against the Nomination Panel, comprising of a minimum of 3 Governors. The number of Governors on the Appeals Panel should not be less than those on the Nomination Panel. No Governor may be a member of both committees. It is mandatory that staff governors are not members of either panel in order to ensure complete impartiality.

Standing committees with the appropriate terms of reference should be established in advance to ensure that there are no delays in proceedings. For an outline of the recommended conduct for the dismissal and appeal meetings and the meeting structure/script for the Chair of these hearings. Please refer to the '**Guidance Toolkit on the Management of Change and Redundancy Process**'.

All references in this Policy to documents held within the Guidance Toolkit may be amended by Human Resources from time-to-time. They do not form part of the Management of Change and Redundancy Policy, nor are they intended to be, incorporated into an individuals' Contract of Employment. To avoid difficulties schools must ensure they are using the most recent policy and guidance.

Role of the Nomination Panel

The Governing Body will first approve the aims, objectives, finance, and outcomes for organisational changes/redundancies in accordance within their powers and duties.

The head teacher/principal, will normally be delegated to facilitate and oversee the planning, consultation and implementation of the change in a transparent and positive way. Their (or Nomination Panel) role will be to:

- Acknowledge and discuss the proposals set out by the head teacher/principal.
- Notify the relevant Trade Unions and Human Resources provider at the earliest opportunity of potential redundancies.
- To determine appropriate selection criteria in consultation with recognised Trade Unions (i.e. if more than one employee affected).
- Outline the proposed redundancy skills matrix for consultation with recognised trade unions.
- Outline the redundancy timetable consultation with recognised Trade Unions.
- Consider proposals put forward during the consultation process and formally respond in writing.
- At the end of the consultation, consider the information on the staff skills and experience summary sheet and make the final decision on which post(s) are to be nominated for being 'at risk' of redundancy based.
- Subsequently hear representations from the employee(s) whose posts(s) are selected for redundancy where the employee exercises their right to such a meeting.
- Notify employees, in writing, the outcome of the nomination meeting and rights to appeal and redundancy compensatory figures if applicable.
- At appeal meetings the Chair of the Nomination Panel will present the case to the Appeal Panel. There may be instances where the head teacher/principal is required in addition to support the Chair.

Role of the Appeal Panel

The role of the Appeal Panel will be to:

- Hear any appeals from employees together with representations from the head teacher/principal and Chair of the Nomination Panel.
- Invite and notify the employee, in writing, the outcome of the Appeal.

Role of the head teacher/principal

The role of the head teacher/principal will be to:

- Plan processes and ensure the Governing Body complies with policy;
- Forward a completed version of the Business Case Form to the WES Advisory team (for maintained schools);
- Lead the communication/consultation process with the Trade Unions and employees;
- On behalf of the Nomination Panel, to consult with the recognised trade unions regarding the proposed redundancy selection criteria and subsequently apply the selection criteria and nominate/identify employees for potential redundancy;
- Meet employees in private to inform them (in writing) of their nomination for potential

- Redundancy;
and to confirm this in writing;
- Present a statement of case to the Nomination Panel of their recommendation of selection for redundancy;
- At appeal meetings, support the Chair of the Nomination Panel in presenting their case at the Appeal Panel;
- Ensure that employees, including those who may be absent from work e.g. on maternity/paternity leave or sickness, secondments are consulted and kept informed;
- Advise the WES HR Advisory team of individual/s selected for redundancy.

Role of Human Resources (HR) Provider

The HR provider will provide advice and guidance to the Governing Body/ head teacher/principal in the implementation of redundancies/change process. This will be in relation to:

- advice in relation to writing the business case for Governing Body approval.
- the consultation and notification process including facilitating completion of the Section 188 letter;
- redundancy selection arrangements and redundancy/retirement figures;
- advice regarding supporting displaced employees.

6. Planning to Avoid Redundancy

Forecasting and managing change is integral to successful medium and long-term planning. Change can occur for a variety of reasons (predominantly financial), which need highlighting clearly to staff as part of the consultation, these might include:

- New curriculum requirements;
- Changes in legislation and policies;
- Falling pupil numbers;
- Reduced budgets;
- Statutory school reorganisation;
- School development plans;
- Cessation of specific funding streams.

The purpose of consultation is to avoid redundancies and to mitigate the circumstances for those involved in the process. As Governing Bodies undertake their overall planning process, they should seek to avoid or minimise any potential employee surpluses as a consequence of such changes. There are a number of strategies which should be considered, these may include:

- Employee turnover (non replacement of leavers);
- Restricting recruitment i.e. temporary posts, freezing posts (the trade unions representatives may request the numbers of volunteers used);
- Filling vacancies from amongst existing employees;
- Training or re-skilling;
- Secondment;
- Job share amongst existing employees;
- Voluntary reduction in hours;
- Voluntary early retirement;
- Voluntary redeployment;
- Voluntary redundancy.

In order to avoid compulsory redundancy, Voluntary Early Retirement (VER) or Voluntary Redundancy (VR) as voluntary strategies should be given consideration.

The first priority will always be to seek a suitable alternative post for an employee, therefore any expression of interest in VER or VR does not mean that it will be granted. Each case will be assessed on its own merit, depending on the circumstances, taking into consideration:

- The need for the continued use of the skills and /or experience of the person making the application;
- Whether any suitable alternative work is available in any other school or Local Authority workplace where

- the Council is the employer to which the displaced employee may be considered for;
- A cost/savings analysis being undertaken;
- Whether the volunteer is already in receipt of an offer of employment from another employer, covered by the Redundancy Payments Modification Order, to start within 28 days of the termination of their current employment;
- Whether volunteers from posts not 'at risk' of redundancy could be considered subject to the 'at risk' employee being appointed into the volunteers position. This is known as 'bumping'.

7. Consultation

7.1 The first step in any redundancy/change programme is consultation, which should start as soon as practically possible once the need for redundancy/change has been identified. The purpose of consultation should be:

- to share information about the need for change and the draft proposals;
- to engage with employees and their trade union representatives and provide an opportunity for them to contribute to the change process by inviting and considering views, ideas and alternative proposals;
- to ensure the consultation is sufficient so as to be meaningful, taking into account the nature of the proposals and levels of consultation involved.

Consultation should commence at the earliest possible opportunity, i.e. at the beginning of the process when the proposals for redundancy/change are genuine proposals and not decisions. Head teacher/principals will need to ensure that any alternative suggestions made by the Trade Unions to avoid compulsory redundancies are given consideration and responded to; therefore, early and meaningful consultation is essential.

In accordance with the Trade Union and Labour Relations (Consolidation) Act 1992, the following statutory timescales should be followed:

- If there are **20 – 99** employees to be dismissed by reason of redundancy, the statutory consultation period is **30** days.
- If there are **100+** employees to be dismissed by reason of redundancy, the statutory consultation period is **45** days .

There is no set time period laid down where redundancies involve **less than 20** employees; however the period of consultation should be sufficient to be meaningful, taking into account the nature of the proposals and level of consultation involved. The formal consultation period for a change process will normally last for 30 calendar days but may be a shorter period where it is considered appropriate. For clearly defined redundancies this will normally be for no less than 14 calendar days. For example where there are low numbers of staff affected, or where agreement is reached. It is important that the Teachers' Associations, Trade Unions and employees are given the opportunity to influence change proposals prior to any final decision being made.

All those directly affected by the proposals need to be consulted, i.e. employees within the affected area(s) and the recognised Teachers' Associations and Trade Unions. Please note staff holding a fixed term contract that has reached their agreed termination date before the proposals are due to take effect will be excluded from the collective consultative obligations.

Consultation should include an outline rationale and details of the changes to the organisation structure, numbers and grades of posts, any system or process changes and, where jobs have changed considerably, copies of revised job descriptions. **See the Guidance Toolkit for information on what is recommended for inclusion in the consultation document.**

Following an initial consultation meeting with staff, a letter should go to the employee(s) informing them of their right to attend consultation meetings and outlining the key details of the consultation process, see the Guidance Toolkit.

7.2 Section 188 Notices and Fixed Term Contracts

Where staffing reductions appear unavoidable, the Governing Body has a duty under sections 188-198 of the Trade Union and Labour Relations (Consolidation) Act 1992, to consult with and issue formal notices to the recognised Trade Unions/ Associations about the potential redundancy situation as soon as the redundancies are contemplated; and to inform all employees. The Local Authority (undertaken by the HR Advisory service), where it is the employer, will require the issue of Section 188 Notices to be issued (regardless of the number of employees), for which the following information will be provided:

- The reasons for the proposals to reduce staffing levels.
- The total number of employees affected, broken down into categories, employed at the school.
- The total number and description of employees whom it is proposed to dismiss by reason of redundancy (included fixed terms contracts – see below).
- The proposed method of selection for redundancy.
- The proposed method of effecting the redundancies, including the period over which the dismissals will take effect i.e. the date of the first and last proposed redundancies.
- Details of the method of calculation of any redundancy payments other than those required by law.
- The number of agency workers, the type of work and where they are working.
- The date of the first consultation meeting.

When counting the number of redundancies proposed any fixed-term contracts must be included in the numbers for the notice to trade unions if the proposal seek to terminate the contract early, *and* proposes to do so on grounds of redundancy. Where the proposal is to terminate a fixed-term contract on the date agreed in the contract, such a dismissal does not need to be included in the number of proposed redundancies. This is the case even if the dismissal occurs within the same period of time as the proposed collective redundancies. Please note: if a continuous fixed term contract has been renewed such that a series of contracts run for 4 years or more, then these contract holders should be regarded as permanent staff and included in the Section 188 notices to the trade unions.

See Guidance Toolkit for an example Section 188 notice letter. This should be issued to the relevant Trade Unions/Associations.

7.3 HR1 Form

If the proposed changes could result in over 20 potential redundancies then a **HR1 Form** (see link <https://www.gov.uk/government/publications/redundancy-payments-form-hr1-advance-notification-of-redundancies>) should be submitted to the Insolvency Service. This will be issued by the Local Authority for Community schools (by the WES HR Advisory team) and must be submitted at the same time as the Section 188 Notice letter detailed in 8.2.

8. Employees who are Absent From Work

The head teacher/principal must ensure that employees who are absent from work are consulted and kept informed of any proposed changes. This can include employees on long-term ill health, work break, maternity/adoption leave or secondment.

This is particularly important for employees who are on maternity leave, as under maternity legislation it makes it automatically unlawful to select a woman for redundancy because she is on maternity leave. It is also unlawful, under the anti-discrimination legislation, to select a woman for redundancy on the grounds that she is pregnant. **Further advice should be sought from your HR provider and detail on the specific responsibilities surrounding redundancy and pregnant workers can be found in the Acas guide.** <http://www.acas.org.uk/media/pdf/r/f/Managing-redundancy-for-pregnant-employees-or-those-on-maternity-leave-accessible-version.pdf>

If alternative jobs are available for redundant employees, an employee on maternity leave who has been selected for redundancy must be offered a suitable vacancy before any other employee. If you don't do this, her dismissal may be automatically unfair. If you do offer a suitable alternative position and the employee unreasonably turns it down, she loses her right to a redundancy payment.

If an employee taking Maternity Leave is placed 'at risk' of redundancy her maternity Leave period will be deemed to be the Maternity Leave period commencing as indicated on the MATB1 form provided by the employee prior to her Maternity Leave commencing.

Employees who are on long-term absence due to ill-health may well be disabled for the purposes of the Equality Act 2010 and should not be subjected to any detriment by reason of their disability.

Absent employees should be offered the same support and consultation and be subject to the same selection criteria. They should also be offered the same opportunity to make representations and to appeal against the decision to end their contract. Any reasonable adjustments to accommodate disabled employees must be made.

9. Keeping Records

Details of consultation meetings should be recorded and documented so that the school can clearly demonstrate that it has followed the policy, and abided by statutory requirements.

10. Implementation

Once the proposals have been finalised and agreed, the redundancies/changes should be implemented in a timely manner. The head teacher/principal and/or Chair of Governors are required to produce and consult on the timescales for the implementation of the staffing reduction or organisational change process. Advice should be sought from HR as required.

11. School Closures

In this instance, all the employees in the affected school will be formally notified that they are 'at risk' of redundancy and, as such, the school has specific statutory responsibilities. These responsibilities should be discharged as soon as possible so that the statutory requirements on consultation can commence and appropriate action taken to avert compulsory redundancies.

11.1 School Combinations (Mergers)

In the instance where certain posts in the combined staffing structure are to be deleted then 12 (above) applies. Wherever possible a ring-fence will be adopted for managing the appointment of staff to the new combined/ Federated academy. In practice this will mean placing a ring fence around employees at the two establishments planned to combine and all appointments to the new organisation structure being made from the pool of staff at the two academies.

Once the new organisation structure has been developed, together with job descriptions, a selection process will be used to assign staff to the posts in the new structure. This should be made as least onerous as possible and wherever possible staff confirmed in post where there is a direct match of numbers of posts, staff and relevant skills and experience.

11.2 Re-organisation and re-structuring

As soon as it becomes apparent that a proposed staffing re-organisation or re-structuring is likely to involve redundancies, the head teacher/principal must inform all representatives of the recognised Trades Unions at the earliest opportunity i.e. immediately preceding consultation with staff on such proposals.

12. New Posts and Ring-Fencing Arrangements

Where, as a result of the agreed changes, posts have significantly changed in responsibility, it is usual practice for the old posts to be deleted from the establishment and new jobs created with revised job descriptions and person specifications. The opportunity should be taken to also review:

- Teaching and Learning responsibility payments.
- Working patterns, including job share and flexible working
- Working practices.
- Safeguarding arrangements of salary as a result of any changes (as per current STPCD).
- Any other allowances.

Posts should not be deleted, however, when there are only small changes to jobs (or working practices), which do not change the overall nature of the job, or can be covered within the general flexibility of the job

description, i.e. the introduction of new technology into working practices, curriculum changes and changing systems, etc.

Assimilation or 'Slot-in'

The appointment to all posts within the new structure will be initially subject to "assimilation" and 'ring-fence' arrangements, thereby confining applications to existing employees who are directly affected by the changes and, specifically, those whose jobs may be at risk. For staff on a School Support Staff contract this Policy allows for "70% compatible" posts to be offered to present incumbents, without competition. If there is any uncertainty regarding this percentage, a review of the job evaluation factor levels can be used as a guide. If it contains no more than 4 changes to the job evaluation factors when comparing the old and the changed post, then that employee can be 'slotted in' if they meet the essential criteria of the job person specification.

For staff on teaching contracts of employment, staff will only be automatically assimilated to vacancies in the new staffing structure when the head teacher/principal determines that there have only been minor modifications to the new overall role responsibilities and job function. If this cannot be determined then normal recruitment and selection procedures will be applied.

The assimilation process will not be possible where there are fewer posts available in a revised or new structure. In this situation, it will be necessary to agree an appropriate selection process.

Ring-fencing

Once the assimilation to any posts in the new structure has been dealt with, the remaining 'ring-fenced' employees should be invited to apply for all other remaining vacancies. All such applications should be submitted in a consistent format (i.e. by completing a standard application form which must include *inter alia* details of skills, experience, and qualifications). After all permanent staff have been given the opportunity to secure suitable alternative employment through their respective ring-fences, then temporary staff should be given the opportunity to be considered for any unfilled vacancies although the provisions of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 should be borne in mind if these contracts have not ceased before the time of the implementation of the process i.e. permanent and fixed term staff considered equally.

Employees who are not appointed within their own "ring-fence" should be supported to seek suitable alternative employment elsewhere. Where a displaced employee meets all the essential criteria of a person specification for an alternative role, they should be guaranteed to be considered through the selection processes for that role.

13. Redundancy Selection Criteria

Selection criteria could include the following examples:

- past performance;
- attendance (excluding maternity and disability related absence and to take account of gender specific conditions and workplace induced sickness and injury);
- conduct (which is recorded as part of a formal process);
- written application and interview.
- skills, experience, and qualifications (excluding age related criteria that cannot be justified as proportionate and legitimate and ensuring equality of access/opportunity).
- occupational testing (aptitude and psychometric testing);

Please note the above is not an exhaustive list of examples. See Guidance Toolkit for a sample criterion. The proposed selection criteria must be consulted on with staff and their representatives as part of the overall consultation process (i.e. rationale, numbers and types of posts affected, new structures etc.).

Sickness absence, due to pregnancy and maternity or a long-term medical condition (that satisfies the definition of a disability under the Equality Act 2010), should **not** be used as a selection criterion. Whilst length of service has previously been considered an acceptable criterion for selection; under age discrimination legislation (the Equality Act 2010), criterion which relies on length of service as a sole, or

main, selection criterion can be considered discriminatory and therefore unlawful. The application of LIFO (last in, first out) criterion is likely to lead to the youngest being selected and therefore constitutes indirect discrimination.

Advice from the HR provider should be sought to ensure that the choice of objective criteria for redundancy selection is justifiable. If the choice of criteria means that staff are selected for redundancy;

- on the basis of their age, or;
- in a way that causes a disadvantage to a certain group of young or old employees.

Either of those criteria could constitute age discrimination, unless the choice can be objectively justified. Objective justification could be achieved by demonstrating that the criterion has been chosen to achieve a legitimate business aim and is a proportionate means of achieving that aim. An example of when this is possible could be in a Voluntary Redundancy situation where the cost of releasing a younger or shorter serving employee would be lower due to the current method of calculating redundancy payments.

The use of length of service as a selection criterion may also create a risk of other discrimination claims. The period of continuous employment is normally used to calculate length of service. However, to only take account of full-time service might be considered indirect sex discrimination and contravene the Part-Time Workers (Prevention of Less Favourable Treatment) Regulations 2000.

Although the criteria may be considered objective, the selection may be unfair if they are carelessly or mistakenly applied.

Selection criteria should be reasonably applied in the light of the circumstances of each individual. For example The Equality Act 2010 (when considering the protected characteristic associated with disability) makes it unlawful for the employer to treat a disabled person less favourably for a reason connected to their disability, without a justifiable reason. Employers are required to consider reasonable adjustments to working conditions, or the workplace, to accommodate a particular disability.

14. Nomination for redundancy

Where there are more staff in the redundancy pool than there are posts available, it may be necessary for the Head teacher/Principal (as delegated to them by the Nomination Panel) to perform a rating/scoring of the 'at risk' candidates using the selection criteria, profile forms and selection matrix against all candidates and provisionally selecting employees for nomination for redundancy. The Head teacher/Principal should ensure records detailing the reasons for the nomination are available for future Redundancy Dismissal Meetings and Appeals. The Head teacher/principal should ensure that other relevant information is available, e.g. job descriptions/person specifications. The selection criteria must not be altered during the selection process.

The Head teacher/Principal should meet with each selected person individually, who has the right to be supported by their trade unions representative or work colleague if required. The Head teacher/Principal will take them through the redundancy selection process, give them the opportunity to comment on the proposed nomination and issue them with a letter informing them of their recommended selection and date and time of the Nomination Panel hearing. The letter will give at least 5 working days' notice, notifying them of their selection and inviting them to make representations, in person or in writing (at the election of the employee), to a Dismissal Meeting with the Nomination Panel. The employee will also be asked in the invitation letter to confirm whether or not they will be attending. Employees should be strongly advised by the Head teacher/Principal to contact their Trade Union Representative at this point, if they have not already done so.

15. Representation to the Nomination Panel

The Nomination Panel is required to meet, irrespective of whether or not the employee attends, in order to make a resolution confirming the dismissal or rescinding it and confirming this in writing. See Guidance Toolkit for an example letter.

The Clerk to the Governing Body will ensure that documentation to be submitted to the Nomination Panel Meeting is sent to all parties, including both the employee (only relating to themselves) and the employee's Trade

Union Representative, at least 5 working days prior to the date of the meeting; the employee will be permitted to submit relevant documentation at the meeting itself, if necessary.

Guidance Toolkit Note 2 provides an outline of the recommended conduct of the dismissal meeting. Employees are entitled to have an opportunity to attend a Dismissal Meeting with the Nomination Panel before any dismissal is confirmed and then to attend an appeal meeting should they wish to challenge the decision of the Nomination Panel. This forms part of the legal requirement upon the school to act reasonably and consequently, any employee who considers that they have been unfairly selected for redundancy should have an opportunity to state their case orally or in writing.

As the dates for Nomination Panel Dismissal and the Appeal Committee Meetings will have been pre-set as part of the consultation process, it is expected that employees and representatives will already have been informed and are expected to have noted this. However, if an employee's representative is unavailable and the employee or the representative proposes an alternative date and time, which is reasonable and within 5 working days of the scheduled Dismissal or Appeal Meeting, the original meeting must be postponed.

The head teacher/principal (as delegated by the Nomination Panel) will prepare a Statement of Case, including the matrix for all the 'pool' that were considered for potential redundancy (**names should be omitted to preserve confidentiality**). The Statement of Case should include reasons for the redundancy, consultation process and an explanation of the selection criteria.

The panel may be advised, by a representative from the HR provider, who has not previously been involved in supporting the Head teacher in this process. Their role will be to advise on points of law and policy regarding the case.

Where the Council is the employer the Nomination Panel must ensure the decision is communicated to the Local Authority, who then has a legal duty to confirm the redundancy dismissal and provide appropriate notice.

16. Representation to the Appeals Panel

16.1 In relation to staff served with a notice of redundancy

Employees wishing to appeal their notice of redundancy should outline their grounds for appeal against the decision to dismiss within 5 days of receiving the written notice of redundancy. This should be addressed to the Chair of Governors.

A Redundancy Appeals Panel, comprising 3 Governors shall be established. None of the Governors will have participated in the selection for redundancy. At least 5 working days' notice must be given of the time and place of the appeal hearing. The conduct of the meeting to be followed is shown in **Guidance Toolkit**.

The decision of the Redundancy Appeals Panel shall either be confirmed verbally following an adjournment of the hearing or in writing following the hearing. In any event The Chair of the Redundancy Appeals Panel will write to the individual to confirm the outcome within 5 days of the hearing.

16.2 In relation to an organisational change matter affecting an employee (still in post)

Any employee who feels that this Policy has not been applied properly in their case may raise the matter initially with their head teacher/principal. If, as a result, the matter is still not resolved to their satisfaction the individual should clearly outline their grounds for appeal so this complaint can be appropriately considered under the grievance procedure.

17 Redeployment/Redundancy

The Council is committed to supporting affected staff to seek alternative employment.

The Headteacher should make 'at risk' staff aware that details of assistance in preparing job applications, interviews and other help can be found on The National Careers Service Website www.direct.gov.uk/NationalCareersService. Face to face support seminars are run with the Careers Service and other contributors. For further detail contact roseoneill@warwickshire.gov.uk 01926 476605. Schools that buy into the WES HR Advisory Service have access to courses via the WES Training Portal on the WES website (eg. CV writing, interview skills).

If it has not been possible to successfully re-deploy the employee(s), they should be given the appropriate contractual or statutory (whichever is the greater) period of notice with a view to terminating their contract of employment on grounds of redundancy.

Note: *If a suitable offer is made and unreasonably refused by the employee, there may be no liability to make a redundancy payment. A suitable alternative job will take into account the scope of change in duties, pay, grade, location, hours of work etc. If a post has been declined and there is a dispute whether this constitutes suitable alternative employment, an appeal hearing will be arranged for the employee to explain why the post does not fall into this category. If the alternative post is not deemed suitable then the employee may be entitled to a redundancy payment.*

17.1 Redundancy Pay

Once an employee has been given notice of redundancy, he/she may be entitled, under the Employment Rights Act 1996, to:

- A compensatory redundancy payment, if no suitable alternative jobs have been refused.
- Full pay during their notice period (even if they would otherwise lose pay, e.g. sickness, maternity/paternity leave or accepting a lower paid job).
- Reasonable time off for job hunting.
- A minimum 4-week trial period in any alternative job accepted.

Redundancy Pay will be calculated by your HR provider. This will be determined on the statutory redundancy calculator to determine the number of weeks redundancy entitlement. For the purposes of a week pay, this will be based on one week's gross actual pay or the statutory maximum per week whichever be the greater.

18 Teacher Salary Protection

(See Guidance Toolkit for detail of the current salary protection arrangements) Protection will be offered on the basis of freezing the employee's existing level of earnings until the salary of the new substantive grade exceeds actual earnings (or the three year time limit specified for teaching staff has expired) - whichever is the shortest time period. Employees who reject offers of suitable appointment during an assimilation process cannot thereafter be guaranteed personal salary protection.

19 Notice Periods

The fair application of this policy may take a variable amount of time to complete dependent upon the extent and complexity of the changes being made. Head teacher/principals and Governing Bodies should consider this and ensure that the Statutory and contractual notice periods and timescales are strictly adhered to. Advice should be sought from the WES HR Advisory team to ensure to ensure this requirement is appropriately addressed.