

The Good Shepherd Multi Academy Trust

Managing Change Policy

June 2016



**The Good Shepherd
Multi Academy Trust**

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Managing Change Policy V2 210916

Values

Every member of the Trust family of schools will be valued and encouraged to fulfil their potential. In our Trust we believe:

- Everyone has something to offer
- Trust, honesty, empathy and social responsibility are the Christian values that frame our work
- We are here for the whole person, spiritually, morally, educationally and socially
- In working with transparency and openness

Introduction

This procedure applies in situations where the Trust or the schools within the Trust find it necessary to make structural or organisational changes or redundancies. The procedure is intended to support The Trust Board, Local Governing Bodies, managers and headteachers who are dealing with change affecting their workforce to ensure that changes are dealt with in a fair and consistent way.

This procedure applies to all employees of the Trust.

The Procedure has two sections

Section 1: Reshaping Guidance

This section of the procedure should be followed where services or establishments are being reviewed and the changes being proposed are likely to result in a change to roles, grades/scales/ranges and/or terms and conditions and also a change to the way the service is delivered. This may also lead to a reduction in staffing numbers by means of redundancy.

Section 2: Redundancy Guidance

This section of the procedure should be followed where there is a proposal to reduce staffing numbers for a specific group of staff and a wholesale change and review of the wider service or establishment is not required.

The relevant guidance should be applied to the type of change being implemented. This will be decided by the Local Governing Body (LGB) of the school or The Personnel Committee of the Trust at the start of the process, seeking further guidance from the Trust's HR provider as required.

Principles

The Trust has a duty to manage its services in the most cost effective and efficient manner. While it is committed to the aim of maintaining security of employment for its employees as far as practicable, it also recognises that there may be circumstances where it is necessary to make changes.

This procedure is based on the following principles and will:

- deliver a quick, fair and effective transition in support of Trust /school priorities
- ensure a consultative and flexible approach to change
- ensure the Trust has the right number of people, with the right skill sets, attitudes and behaviours working in modern and efficient ways within each school and central staff team.

Reshaping (see Section 1)

The main stages to the reshaping process are outlined below:

- **Planning & Communication** – Determining the appropriate approach to a restructuring or reorganisation situation.
- **Consultation and Engagement** – Determining the appropriate approach to consult with employees and trade unions on the proposals before being finalised.
- **Decision** – Considering the options, including any written and verbal feedback and any alternative proposals made by trade unions or staff, and deciding on the preferred approach.
- **Implementation** – Communicating the preferred approach decided upon, implementing any new structure or working arrangements, dealing with employees who are leaving and those who are staying. Applying processes consistently and fairly.

Redundancy (see Section 2)

The main stages to the redundancy process are outlined below:

- **Measures to avoid redundancy** - In circumstances where there may be a redundancy, the LGB/ Trust should in consultation with the staff and trade unions explore all possibilities to avoid/ reduce the numbers.
- **Redundancy proposals** - If a redundancy cannot be avoided the LGB/ Trust will produce a business case explaining the circumstances.
- **Collective consultation** - The Trust is committed to complying with the statutory consultation requirements and the LGB/ Trust will meet with the staff and recognised trade unions to carry out a full and meaningful consultation.
- **Individual consultation** - The manager/headteacher will arrange to meet with the individual employees in scope, accompanied by their trade union representative or work based colleague if the employee requests this.
- **Selection For redundancy** - The proposed selection criteria will be shared with the trade unions and the employees in scope.
- **Following Selection** - The manager/headteacher will arrange to meet with the employee where their post has been selected for redundancy to discuss the next steps.

Section 1 Reshaping Guidance

1.1 Planning and Communication

This document provides a framework to support LGB/ Trust to implement service changes in a fair and consistent way.

Planning is vital for an effective change to take place. The LGB/ Trust need to consider the following:-

- Drafting the Statement of Change which includes a business case and proposals for change
- Identifying resources
- Drafting a communication plan
- Support and advice for employees
- Identifying a realistic timetable taking account of contractual notice periods
- Employees who may be covered by the Equality Act 2010 and may require reasonable adjustments
- Vacancy management and potential suitable alternatives and re-deployment opportunities including alternative employment support where applicable

Once proposals are designed approval must be obtained in accordance with the Trust's Scheme of Delegation prior to any engagement taking place.

Before engagement starts the LGB/ Trust must ensure they have specific data and information and also prepare a Statement of Change (**Appendix 1**) which should include as a minimum, the following:

- Reasons for the proposal; Business Case, Draft Proposals, Communications Plan, Timetable
- Affected employees; all affected employees should be identified and included within scope. Pregnant employees and those on maternity leave who are affected by the proposals will be included within scope of the proposals. If an employee on maternity leave is selected for redundancy they have priority over any other groups for consideration for alternative employment.
- Impact on employee numbers; including any post reductions/increases
- Existing and proposed structure charts showing grades/scales/ranges, reporting lines
- Role profiles and Post Specifications and professional responsibilities; details of the proposed roles
- Information outlining any proposed changes to non-statutory terms and conditions

Fixed term/temporary employees (without a substantive post) and permanent employees should be treated the same when considering in scope and assimilation, irrespective of their length of service. However consideration will be given to not including fixed term contracts which were issued for a specific reason and with a defined end date e.g. maternity leave cover.

Assimilation will be undertaken on the basis of the permanent substantive position. Fixed term/temporary/acting up/secondment arrangements where the employee has a substantive post will not be considered for assimilation purposes, irrespective of the length of these arrangements.

1.2 Consultation and Engagement

The employer is committed to full and meaningful consultation and engagement with both employees and Trade Unions. The overarching engagement process has been developed

to ensure that the employer meets both its statutory consultation requirements and also provides best practice guidance for consultation and engagement. However it is important to ensure the proposed timetable is both realistic and then followed. See **Appendix 2** for proforma timetable.

Where there are no redundancies there is no statutory specified time period for consultation however, it is recommended that the employer act reasonably to ensure meaningful consultation can take place.

All employees affected by the proposals should be included in scope of the consultation and engagement. Where the proposals may lead to redundancies all employees in scope should be informed that by being in scope they are in the selection pool for any potential redundancies.

Before commencing the formal consultation period consideration should be given to the following:

- Vacancy Management – where there are leavers/existing vacancies, could work be re-assigned to colleagues or undertaken differently rather than seek to recruit to the post? Normal recruitment approval processes would apply.
- Flexible/Agile working – are there any employees who wish to voluntarily change their way of working or reduce their contracted hours? (Will the demands of service requirements still be met?).
- Flexible Retirement – are there likely to be any employees who would like to consider flexible retirement?
- Voluntary redundancy
- Ways of avoiding any redundancy dismissals, if any
- Ways of reducing the number of employees to be dismissed, if any
- Ways of mitigating the consequences of the dismissals, if any

Once the above options have been considered employers should look at how changes will take place. This may be a combination of some or all of the above as well as the steps below. During the process you may have to keep re-considering options as employees are accommodated and options change.

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It is important that consultation with both employees and Trade Unions is undertaken. A pre-meeting will be held to brief Trade Unions (TUs) on the proposals ahead of the formal start of the engagement period. At these meetings the following should be considered:

- The Statement of Change documents
- Equality impact assessment
- Early notification to TUs of dates for consultation meetings
- Consideration of alternative proposals from the Trade Unions and staff

Engagement on proposed changes is essential if the changes are to be successful as it encourages involvement, and gains the commitment of all. Engagement is not about telling people what is going to happen, it is about involving people in the decision making process and enabling them to shape the change. Every effort will be made to seek agreement, but it is recognised that final proposals may not be agreed in their entirety by all parties involved at the end of the engagement process.

An engagement plan should be agreed at the outset and it is recommended that this is for a minimum period of four weeks. It will include the timing of regular updates on feedback received during the consultation period, how this has been considered and any changes this has made to the proposals. This is particularly important if the consultation process results in significant changes to the original proposal.

A number of different options can be considered for the engagement process, some may be more appropriate than others depending upon the scope and nature of the change proposed and can include team meetings, group meeting, individual meetings, newsletters, or hand-outs to help structure the content of meetings. However as an absolute minimum all affected and potentially affected employees who are in scope of the proposals should be offered the opportunity of an individual meeting, during which a trade union representative or a work colleague can be present. A record should be kept of all meetings.

Whilst engagement is taking place it is important that all 'in scope' employees examine their current role profile to ensure it accurately reflects the reality of their substantive role. Amendments to job descriptions will only be accepted with the relevant line manager/ headteacher agreement.

Employees who are absent from work due to maternity, long term sickness, career break etc. must be consulted and included in all aspects of the change management programme. Should further clarification be required please contact The Trust's HR provider.

1.3 Employee Consultation Meetings

These should take place at the start, middle (where appropriate) and end of the engagement process. The meetings should be honest and open, informative for attendees and allow the opportunity for questions, comments and ideas. It is essential that employees feel able to speak freely and contribute to the discussion.

The purpose of these meetings is:-

- Start meeting – to launch the proposals, outline the consultation and engagement process, timescales and implementation approach. The Statement of Change should be issued at or immediately after this meeting.
- Mid-point meeting – to provide any feedback to date and discuss any issues or concerns.
- End meeting - this takes place once the consultation period has ended and final decisions have been made regarding the proposals. It provides the opportunity for clarity and confirmation of the future structure, to summarise the feedback received, identify where feedback has been incorporated and provide clear information regarding implementation and next steps.

Trade Unions will be invited to the above meetings.

Subject to the number of employees in scope of the reshaping exercise it may be helpful to create a dedicated email box for all questions and feedback to be sent. A plan to manage responses should be agreed as part of the communication plan. From this the generic FAQs can be updated and shared with employees.

The employer will always aim for either individual or collective agreement via meaningful consultation. As part of the communications with employees they should be made aware that if agreement cannot be reached on the proposed change, it may be necessary to go through a formal dismissal and re-engagement process. This will involve the employer serving notice to terminate the existing contract and offer the employee re-engagement on the new terms.

1.4 Voluntary Redundancy

Applications for Voluntary Redundancy may be sought during this engagement phase if that would potentially mitigate any compulsory redundancies and/or bring about a cost saving to the organisation. This should be actioned in accordance with the timescales and details specified in the Voluntary Redundancy Policy.

1.5 Decision

At the end of the consultation phase the LGB/ Trust will factor in a period of time to consider any feedback received and based on that feedback decide whether any changes should be made to the original proposal. The final proposals will be communicated at the end of consultation staff meeting.

Affected employees should be provided with the final documents including the new organisational charts and job descriptions. The information should clearly state which posts are new, which are changed and which posts are to be deleted or added.

Implementation

1.6 Assimilation and Vacancy Preference Process

1. All employees in scope of the reshaping activity will be in the 'ring fence' for the new posts. The employees will have been identified during the planning stage.
2. Fixed term/temporary employees (without a substantive post) and permanent employees should be treated the same when considering assimilation, irrespective of their length of service. However consideration will be given to not including fixed term contracts which were issued for a specific reason and with a defined end date e.g. maternity leave cover.
3. Assimilation will be undertaken on the basis of the permanent substantive position. Fixed term/temporary/acting up/secondment arrangements where the employee has a substantive post will not be considered for assimilation purposes, irrespective of the length of these arrangements.
4. Whilst engagement is taking place it is important that all 'in scope' employees examine their current role profile to ensure it accurately reflects the reality of their substantive role. Amendments to job descriptions will only be accepted with the relevant line manager agreement. See **Appendix 3** for the Assimilation Criteria and Record Form.

1.7 Assimilation Outcomes

The four outcomes are as follows:

1.7.1 Direct assimilation

Defined as where a role in the new structure is substantially similar (75% match or more) and at the same grades/scale/range.

Employees identified as direct assimilation who decline to accept the role, may not be entitled to a redundancy payment should they decide to unreasonably reject the offer. However they would be eligible to be considered for any vacant posts identified through a vacancy preference process.

Once an employee has been offered and has accepted a post to which they were assimilated, they cannot be considered for any other post until the vacancy preference process has been completed.

Direct assimilation can only occur where there are sufficient posts available for the number of employees involved. If there are fewer posts than employees then a competitive selection process will be required.

1.7.2 Assessment assimilation

Defined as where a role in the new structure is substantially similar (75% match or more) and at a different grade.

It is the responsibility of the employee to identify and objectively evidence that a new post is substantially similar (75% match or more), which must be verified by 2 LGB members or Trust Personnel Committee members.

Upon verification a desktop assessment will be undertaken to ensure that the candidate for assimilation has the required level of skills, knowledge and competencies to undertake the essential duties of the new post.

In some cases it may be necessary to use an alternative but appropriate assessment process, such as observed working, skill test or selection interview.

Employees identified as assessment assimilation who decline to accept the role, may not be entitled to a redundancy payment should they decide to unreasonably reject the offer. However they would be eligible to be considered for any vacant posts identified through a vacancy preference process.

1.7.3 Competitive selection - when there are more people than posts

A competitive selection process is necessary for recruitment to those posts where there are more employees who meet the assimilation criteria than jobs.

All eligible candidates would be assessed using appropriate selection criteria, to ensure that candidates have the knowledge, skills and competencies to undertake the essential duties of the new post and may be required to attend a selection interview in accordance with the Trust's recruitment and selection practices.

1.7.4 No match

Employees who are not assimilated or appointed to posts, will be formally placed 'at risk of redundancy' and afforded 'ring fenced' status in the Vacancy Preference Process.

All employees will be notified in writing of the outcome of assimilation. There is **no right of appeal** against assimilation decisions. Any queries regarding assimilation outcomes should be raised promptly.

1.8 Vacancy Preference Process

Where an employee is not assimilated into one of the posts in the new structure, they will have the opportunity to be considered for the remaining posts before they are opened up to wider competition.

All employees in the original scope of the reshaping will be provided with the details of the remaining vacancies to be filled in the structure and given the opportunity to apply for up to a maximum of 3 roles.

It is not possible to guarantee that there will be 3 posts available for all employees to apply for; this will be dependent on the size and level of change within the service area.

Along with their preferences employees will be asked to submit a written statement to demonstrate how they meet the essential criteria for each role applied for.

Where possible interviews will be combined so that, employees will only be asked to attend one interview, regardless of how many preferences they have. This may not always be possible or appropriate and will depend on the service and type of role.

Appointment will be on merit and determined by assessing the skills, knowledge and experience of the candidate during the interview and/or selection process.

1.9 Vacancy Preference Process Outcomes

Successful employees will be offered a position and issued with a new contract.

Where an appointment is made to a lower graded post, the Trust's Pay Protection Procedure for Support Staff will apply. If the employee is appointed to a lower salary they will be placed on level B of the grade. If as a result of the appointment the employee's salary increases they will be placed on level A of the grade. Normal progression arrangements will apply thereafter.

For teachers the School Teachers Pay and Conditions Document (STPCD) safeguarding arrangements will apply.

A meeting will be arranged with unsuccessful employees to advise them that they have been unsuccessful in securing a position and to fully explore the options and support available.

Managers/headteachers should then follow the **Redundancy Guidance (Section 2)**

1.10 Restructure Vacancy Management

In parallel some new posts may justify advertising internally and/or externally at the same time as the Vacancy Preference Process is being undertaken. These will be:

- Where the post represents a substantial promotion for the likely internal candidates affected by the reorganisation
- Where there are no internal candidates whose jobs are 'at risk'
- Where there are more available posts than numbers of employees 'at risk'; or
- Where, in exceptional and senior cases, the importance of the post is such that the 'best candidate' criterion is absolutely critical.

Following implementation it is important to ensure that managers continue to support and engage with employees, to ensure that they understand the underpinning principles and logic behind the change.

Other factors to consider during implementation

1.11 Workplace Relocation

If employees are to be relocated and will incur additional mileage then the "Workplace Relocation – Additional Travel Assistance" scheme will apply.

1.12 Suitable Alternative Employment

Suitable alternative employment will be considered by both the employee and the employer. In determining suitable alternatives the following factors should be considered;

- Level of pay
- Grade
- Location
- Working hours or time

An employee who unreasonably refuses an offer of suitable alternative work may lose their right to redundancy pay.

Section 2 Redundancy Guidance

2.1. Introduction

The following procedure is designed to conform to the requirements of employment protection legislation, education legislation and to good standards of industrial relations practice. Any reference to redundancy throughout this procedure shall be deemed to refer to the statutory definition of redundancy, as amended from time to time.

It is the policy and intention of the Trust to ensure, as far as practicable, security of employment for staff employed in its schools. However it is recognised that there may need to be changes in staffing to reflect changing circumstances. Where this situation arises within a school, the procedure as laid down in this document should be followed.

The definition of redundancy for the purposes of redundancy payment and unfair dismissal is contained in the Employment Rights Act 1996. A dismissal is by reason of redundancy if it is attributable wholly or mainly to the fact that:

- a) The employer has ceased or intends to cease, to carry on the business for the purposes which the employee was employed, either generally or at the place where the employee was employed, or
- b) The requirements of the business for employees to carry out work of a particular kind, either generally or at the place where the employee is employed, have ceased or diminished or are expected to cease or diminish.

In this context redundancy is defined as a dismissal for a reason not related to the individual.

Before any person is employed to work at a school in the Trust is dismissed on grounds of redundancy, the Local Governing Body shall ensure that it has received appropriate advice from the Trust's HR provider.

The Trust will be the respondent in law in the event of unfair dismissal and/or unlawful discrimination Awards determined by an Employment Tribunal in such circumstances may be a charged against the school's budget. Additionally the Local Governing Body must give the Trust a minimum of six weeks notice of any impending redundancy so that the Trust may consider whether there are any other suitable posts in the area. The notice entitlements (especially of longer serving support staff and teachers) must be considered if necessary action is to be achieved within the required timescale.

The Trust will implement these procedures if so determined by a school's individual Scheme of Delegation.

The Trust may be represented at any stage in this procedure by an appropriate nominated officer.

The flow diagram attached as **Appendix 7** sets out the key stages of this procedure. This should be used as a guide only, not as a substitute for the detailed procedure that follows.

2.2. Measures to avoid or minimise potential compulsory redundancies

In all cases where there is a possible redundancy, it should be noted that the Trust and the Local Governing Body have a statutory duty to seek to avoid (or reduce) such action. Under circumstances in which potential redundancies are envisaged the LGB shall consult with accredited representatives of the recognised trade unions and all employees as to whether it is possible to avoid/reduce potential redundancies by means such as:

- a) natural wastage;

- b) policy of restricted recruitment under which every reasonable attempt will be made to fill vacancies from amongst existing employees/ deletion of vacancies;
- c) where practicable, provide appropriate training to equip employees for new duties/ areas of responsibility;
- d) review as appropriate the non-renewal of staff on temporary/fixed term contracts;
- e) make reductions in working time where contracts of employment allow;
- f) seek volunteers for reduced hours/weeks working on a fixed term or permanent basis;
- g) invite applications for voluntary redeployment. Staff should be assured that expressing an interest in voluntary redeployment cannot in itself be used to subsequently select them for compulsory redundancy;
- h) invite applications for voluntary redundancy. Further details on this process can be found in the **Voluntary Redundancy Policy**

The headteacher shall ensure that all staff, **including any who are absent from school**, are consulted on these issues and given appropriate time to respond.

2.3. Compulsory Redundancy Proposals

Where following consideration of the above measures it appears that compulsory redundancy cannot be avoided, the Local Governing Body shall make a formal redundancy proposal. Discussions shall focus on the school's staffing needs and the Local Governing Body shall not at this stage discuss or make reference to any individual member(s) of staff.

2.4. Establishing Committees

A Redundancy Committee should be established to oversee the process of consultation and hearing of representations and should determine and apply the selection criteria. This committee should comprise of at least three Local Governing Body members including the headteacher where possible. If the headteacher is not able to be a member of the committee, the committee shall work closely with, and seek advice from, the headteacher as appropriate.

When establishing committees it is important to ensure separation for the different stages.

An Appeals Committee of the Local Governing Body shall be established to hear any appeal(s) which may be lodged against redundancy dismissal. The Appeals Committee shall consist of at least three Local Governing Body members **who have not been involved in any previous action or decision connected with the redundancy dismissal**. Where there are not enough LGB members available, central Trust staff or directors or individuals nominated by the Trust can be involved.

In the case of Central Trust staff or those staff working in a number of schools the Personnel Committee of the Trust will be responsible for establishing the Redundancy Committee and the Appeals Committee on the same principles as outlined above.

2.5. Collective Consultation Processes

Formal consultation (this is additional to the consultation about ways to avoid or minimise redundancies outlined in section 2 above) with the recognised trade unions, initiated by written notification (including the completion and issue of Form HR1, if more than 20 staff are being made redundant), shall be undertaken at the earliest opportunity and in any event begin: -

At least 90 days before the first dismissal takes effect if 100 or more redundancies are proposed at one establishment within a 90 day period, and

Otherwise, at least 30 days before the first dismissal takes effect

The following information shall be disclosed in writing: -

- a) the reasons why potential redundancies are proposed;
- b) the numbers and descriptions of staff who it is proposed to dismiss as redundant;
- c) the total number of staff of any such description employed in the school;
- d) the proposed method of selection, if appropriate;
- e) the proposed method of carrying out the dismissals and the timescales to be used;
- f) the proposed method of calculating redundancy payments;
- g) an explanation of the scoring which will be applied to the selection criteria, along with a copy of the selection criteria and score sheet.

The following information should also be provided:

- Financial information including the current budget position relevant to the redundancy scenario.
- A copy of any skills pro-forma issued to staff.
- the number of pupils on roll - last year, current year and projected roll for next year broken down by year group.
- details of the current and proposed curriculum plan.
- current time-table - and proposed years.

In view of the potentially lengthy processes involved in terms of consultation and potential redeployment, Local Governing Bodies are asked to identify potential surplus staffing as far in advance as practicable and to take active steps as given above to avoid the necessity for redundancy.

Simultaneously, staff in the redundancy pool shall be consulted collectively and each member of staff therein shall receive a copy of this procedure. Reasonable time shall be allowed to enable individual employees to consider their position and/or consult with a trade union representative or colleague employed at the school.

The headteacher and or Redundancy Committee, if requested, shall meet with the accredited representatives. The Trust may be represented at this meeting. The consultation meeting shall consider ways of:

- a) avoiding the dismissals;
- b) reducing the numbers to be dismissed; and
- c) mitigating the consequences of the dismissals

and shall be undertaken with a view to reaching agreement with the recognised trade union representatives.

2.6. Individual Consultation Process

Where the outcome of the collective consultation exercise has not identified means by which redundancy of staff could be avoided, the headteacher shall arrange for consultation to then take place with individual employees (and if they wish, accompanied by their trade union representatives or work based colleague) within the group of staff from which redundancy selection will be made, **prior to the selection for redundancy**. Such consultation shall serve to clarify:

- a) the reason(s) for the redundancy proposal;
- b) the timescale involved;
- c) the proposed method of selection (including an explanation of how the selection criteria will be applied and a copy of the proposed selection criteria and score sheet);

- d) each employee's individual professional profile;
- e) the employee's personal aspirations;
- f) any particular personal circumstances;

all of which shall then be taken into account **before making the selection**. The headteacher shall ensure that all relevant staff, including any who are absent from school are consulted including employees who may be affected by the redundancies, even though they are not within the redundancy selection themselves.

All points made by the employees and/or their representatives shall be considered and reasons given in writing if any point is rejected.

Following the consultations, the headteacher on behalf of the Redundancy Committee shall convey formally the outcome of the consultation to all the trade unions, in writing, and give reasons where any alternative proposals have been rejected. The Redundancy Committee will ensure the Local Governing Body is advised of the outcome of the collective consultation exercise.

2.7. Selection for Redundancy

Criteria used shall be:

- a) objective (measurable), clear and precisely defined;
- b) transparent, i.e. easily understood by all;
- c) applied fairly and honestly;
- d) non-discriminatory on the grounds of sex (including pregnancy), race, trade union activities, sexual orientation, religion or religious belief (except where a genuine occupational requirement applies), disability or age;
- e) weighted and scored

Selection criteria, including score sheets and confirmation of how the criteria will be applied, shall be published to all staff within the group from which selection will take place and also forwarded to the recognised trade unions.

Staff shall then be given the opportunity to provide written details of how their own particular circumstances relate to the selection criteria, **before selection takes place**. The Redundancy Committee shall meet in order to utilise this information in applying the criteria and to identify the individual(s) whose posts are to be proposed for redundancy.

Additional guidance on Selection for redundancy criteria can be found in **Appendix 4**. Following the application of the selection criteria, staff whose posts are proposed for redundancy shall at the earliest opportunity be so informed by the headteacher. Written invitations shall then be given to the staff concerned to attend an Employee Representation Meeting with the headteacher/Redundancy Committee.

2.8. Employee Representation Meetings

The member of staff shall be given not less than five working days' notice in writing of the date, time and place of the hearing and shall be given the opportunity to be accompanied at the meeting by a trade union representative or work based colleague employed at the school. The employee shall be informed in writing of the circumstances which have led to her/his proposed dismissal including the reason for redundancy, the selection criteria, all the employees anonymised individual scores or reasons for selection and shall be issued in advance with an outline structure for the meeting as set out in **Appendix 5** of this procedure.

The member of staff may be accompanied by trade union representative or work based colleague employed at the school and shall have the opportunity of making representations including (if so wished) written representation to the Redundancy Committee of the Local Governing Body. The Redundancy Committee shall have regard to such representations

before reaching a decision. A representative of the Trust/ HR advisers will normally attend to advise on the proceedings. Any advice given by the Trust representative/ HR advisers must be considered before any decision regarding the matter is taken.

The Redundancy Committee will adjourn to reach a decision. This decision shall be given verbally to the employee at the end of the meeting and confirmed in writing thereafter. Where appropriate, such notification will include the details of the time, date, venue and arrangements of any appeal hearing.

For additional information on Notice of Redundancy see **Appendix 6**.

2.9. Appeal Hearings

If the decision of the Redundancy Committee is to confirm the redundancy proposal, the member of staff shall be given the right to appeal against this decision to a further and separate panel of LGB members (the Appeals Committee). Appeals shall be lodged by the employee in writing giving reasons for the appeal, to the Clerk to the Local Governing Body of the school within 5 working days of receipt of the letter informing the employee of the initial dismissal decision.

The structure of the meeting, which shall take the form of a full rehearing, shall be in accordance with **Appendix 5** of this procedure. The function of the Appeals Committee is: -

- to ratify the dismissal, or
- to overturn the decision to dismiss and allow the appeal.

When the appeal process has been completed, if the initial dismissal decision is confirmed, the employee shall be notified accordingly and this shall be confirmed in writing. There shall be **no further right** of appeal within the terms of this procedure.

Where a decision is taken to allow an appeal, the employee shall be advised accordingly and this shall be confirmed in writing. Notification of termination of the employment contract, issued by the Trust after the initial dismissal decision shall be rescinded, as appropriate, by the Trust

2.10. Additional Support to Employees

Employees under notice of termination of employment on the grounds of compulsory redundancy shall be entitled to: -

- a) Information and advice about future employment possibilities.
- b) Access to any redeployment arrangements maintained by the Trust.
- c) Information about the calculation of severance or redundancy pay.
- d) Reasonable leave of absence without loss of pay to attend interviews or arrange for training connected with future employment.
- e) Release from their existing contracts where possible to take up alternative employment with the waiving of minimum notice periods by agreement.
- f) Efforts to find suitable alternative employment within the school and the wider service of the Trust.

If, following the issue of dismissal notices, the Local Governing Body is able to find appropriate ways of avoiding the redundancies, such measures shall be adopted and the dismissal notices shall be withdrawn.

2.11. Compulsory Redundancy Payments

Compulsory redundancy payments follow statutory guidelines, published by the government and relate to the length of continuous service, age and weekly wage (to a maximum limit). For guidance with regards to continuous service please refer to **Appendix 6**

If the Trust issues an employee with notice of redundancy and before the dismissal takes effect and the employee accepts an offer of employment from another body specified in Part II of Schedule 2 of the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999, they will lose their entitlement to a redundancy payment. See **Appendix 6** for further guidance regarding what may constitute 'another body'.

This only applies where the relevant body makes the offer of a new job before the end of the employee's notice period with the school and the new employment starts within the four weeks after the date of redundancy. This then constitutes a break in service and will affect employees redundancy, sick pay, maternity and annual leave entitlements.

Further more those employees who benefit from VR will not be considered for re-employment with an establishment specified in Part II of Schedule 2 of the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 within 12 months of the date of the termination of their employment. This extends to employment, whether on a permanent, temporary or fixed term contract.

Appendix 1

STATEMENT OF CHANGE

**To: All staff within the scope of the change
TU representatives**

1 Background

2 What is the Process?

This Statement of Change sets out the impact of the service review on staff structures, roles and employees. It will be used to underpin engagement with staff on the proposals and is designed to ensure a framework that allows both a consistent approach yet allow an understanding that an element of flexibility may be required depending on issues arising from specific reviews.

The process will follow the Trust's Managing Change Procedure.

3 Engagement

There will be a x week engagement period for all staff in scope of the review. An initial face to face briefing will begin the process, setting out the proposals and engagement process. There will be an opportunity to ask questions of service managers and the briefing will be attended by (HR Provider) with Trade Unions representatives also invited to support staff.

The Statement of Change will be made available to all staff.

Engagement opportunities will be tailored to the specific needs of the school/ Trust and employees in scope. They will consist of **

4 Trade Unions

The Trust is committed to work closely with Trade Union colleagues through this period of significant and sensitive change.

Trade Union representatives will be briefed informally ahead of the initial meeting with affected employees and the Statement of Change document will be shared with them at that meeting. Union representatives will also be invited to all attend engagement meetings and an opportunity will be made available at the end of the initial staff meeting to allow an initial discussion with their members.

5 Review, Decision and Outcome

We will aim to notify all in scope employees of the outcome within 2 weeks of the engagement process ending. This will be accompanied by an outline timetable for the process.

Should there be a need to extend the 2 week decision period as a result of significant issues raised, then all staff will be notified as early as possible, with an explanation for why an extension is required.

6 Assimilation Processes

The full details of the assimilation process are contained in the Reshaping Guidance part of the Managing Change Policy.

Where an employee's previous role is the same grade and a 75% match for the new role they will be directly assimilated to that role unless there are fewer roles than employees who meet the criteria. In the latter case appointments will be made following interview to identify the best candidate(s).

Employees not directly assimilated to a role, or where there are more suitable employees than roles, will be offered the opportunity to express a preference for consideration for up to 3 roles through the **Vacancy Preference Process (VPP)**. Interviews will then be conducted to consider suitability for each role.

7 At Risk

Where it is not possible to directly assimilate an employee to a new post within the structure they will be placed "at risk" because there is no suitable alternative employment within the proposed structure. "At risk" is a formal term relating to redundancy.

Where employees have not been appointed to posts following VPP all avenues will be explored to avoid the need for redundancy; however once there are no other options available then redundancy notices will be issued.

8 Voluntary Redundancy (VR) – Delete if not appropriate

Insert information where applicable.

9 What Do We need to Achieve through this Review and Restructure?

We aim to achieve the following:

10 Scope

The posts in scope of the proposed review are:

Post Title, Grade/Scale/Range & Salary	Number of FTE	Number Posts
Totals		
Cost of Structure		

11 Future Structure and Staffing Proposals

The current and the new proposed structure can be found in **Appendices 1 and 2**. The proposed new structure for consultation will consist of:

Post Title, Grade & Salary	Number FTE
Total	
Cost of Structure	

If agreed following consultation, this would result in:

- A net reduction of xx FTE from xx FTE posts to xx FTE (Note there are currently xx vacant posts /xx FTE)
- Structure cost reduction of £xx (from £xx to £xx)

12. Approach for the establishment of the proposed structure

The proposed timeline for the review is set out in the attached Appendix 3.

13. How to engage with the reshaping proposals

Insert as appropriate

14. Timescales

The proposed timeline for the review is set out in the attached **Appendix 3**.

I hope that I have covered as much as I can as part of this document, however if there are any queries please contact **.

Name

Title – xx

Appendices

Appendix 1 Current structure

Appendix 2 Proposed structure

Appendix 3 Timeline

Appendix 2

TIMETABLE

DATE/S	ACTIVITY
Phase 1 - Information exchange/engagement	
	Meeting with Trades Unions ahead of the start of engagement
	Meeting with staff in scope (Trade Unions invited) Consultation process starts <i>Date, Time & Location</i>
As required	Individual meetings available upon request
	Mid-Point staff meeting (Trade Unions Invited) <i>Date, Time & Location</i>
	Consultation process closes
Phase 2 - Decision	
	Collation and review of feedback from staff and Trades Unions and reflection of structure proposal.
	Final Decision Staff meeting (Trade Unions Invited) - Final structure released <i>Date, Time & Location</i>
Phase 3 - Implementation	
	<ul style="list-style-type: none"> - Assimilation outcomes confirmed - Vacancy Preference Process - Interviews - Where applicable redundancy notices issued
	Transition to new structure

Appendix 3

ASSIMILATION CRITERIA AND RECORD

Name	
Old post	
New post	
Assimilating manager	
Date	

Direct Assimilation Criteria		Rationale	Meets criteria? Score 0 = no 1 = partially 2 = yes
Must score 75% or more against the criteria outlined below (in total)			
Purpose	New role should be substantially similar when comparing the purpose to the old role	<i>Provide rationale</i>	
Overall responsibility for key service/functional areas	New role should be substantially similar when comparing the responsibility to the old role	<i>Provide rationale</i>	
Overall responsibility for financial/management resources	New role should be substantially similar when comparing the responsibility to the old role	<i>Provide rationale</i>	
Essential minimum qualification	New role should have the same minimum essential qualifications and/or professional memberships as the new role. <i><u>AND where applicable</u></i> <i>Professional qualification requirements are the same, and the individuals possess the qualification.</i>	<i>Provide rationale</i>	
Skills	New role should be substantially similar when comparing the skills required to the old role	<i>Provide rationale</i>	

Key responsibilities and tasks	New role should be substantially similar in terms of tasks and key responsibilities	<i>Provide rationale</i>	
Meets all criteria above, matching 75% or more in total? <i>If "no" go directly to outcome and record "No Match"</i>			Yes / No
Grade	Is new post the <u>same</u> grades as old role – e.g. <i>Grade 7</i>		Yes / No <i>If "no" undertake Assessment Assimilation process</i>
Assessment Assimilation – used when 75% match or more, but grade differs			
<p>An assessment assimilation process is necessary to ensure that candidates who match to a post, but where the job grade is different, have the knowledge, skills and competencies to undertake the essential duties of the post.</p> <p>The process would require the identification of the key differences between the old and new post and verification that the candidate can evidence the knowledge, skills or competencies required.</p> <p>Assessment would normally be a desktop exercise where supporting evidence would be provided and considered.</p> <p>In some cases it may be necessary to consider other forms of assessment including discussion based assessment, observation, skills test or selection interview where appropriate.</p> <p>Rationale would be provided in determining any outcome.</p>			

Outcome		
Record outcome	<i>Provide rationale</i>	Direct assimilation / Assessment assimilation / Competitive assessment / No match

Assimilating manager signature	
Date	

Appendix 4

SELECTION FOR REDUNDANCY GUIDANCE

1 Selection Criteria

In the event that the Trust must select individuals for redundancy from a pool of employees, the criteria adopted and the manner in which those criteria are applied must provide fair redundancy procedure and ultimately achieve a fair dismissal.

The purpose of having selection criteria is:

- a) To enable management to make the difficult and sensitive decision of who to select for redundancy in as fair, objective and consistent way as possible.
- b) To retain, as far as possible, a balanced workforce with the appropriate mix of skills, knowledge and experience for effective service delivery in the future.
- c) To comply with legislative requirements ensuring that employees are not unfairly selected for redundancy.

In a redundancy situation it is advisable to use a redundancy selection matrix or points based system, clearly setting out the criteria by which individual employees are scored.

A list of criteria will be drawn up, making sure there is more than one and ideally up to four used to demonstrate the selection is fair and in line with business need.

If more than one group of staff are being made redundant, it may be appropriate to use different selection criteria for different groups.

Employees and union representatives will be consulted about the choice of criteria.

The blank assessment form will be circulated before selection takes place. This will allow employees and the Trades Union(s) an opportunity for feedback on the selection criteria and marking system to be adopted.

2 Method of Applying the Selection Criteria

It is important that clear records are maintained of the scoring and decisions made by the Selection Panel.

Guidance on the application of the process should be followed below:

- In advance of the selection process the employee should be issued with a pro forma for completion.
- Offer a meeting to each employee to discuss their own circumstances, verify information, and provide assistance to employees in the completion of 'Employee record of evidence'.
- Arrangements should be made to discuss, or meet with; employees who are absent from work for reasons of either sickness absence or maternity, to ensure that they are included in the pre selection meeting and provide assistance with the 'Employee record of evidence'.
- For the selection process to be carried out fairly, the Redundancy Committee will meet to consider the pro-forma and assess each employee against the criteria.
- Clear records must be kept of decisions made by the Selection Panel during the Selection process. The Redundancy Committee will be required to provide and keep records of the evidence of the reasoning applied to each criteria established i.e. in assessing skills useful to the organisation, in addition to keeping all records referred to within the Redundancy Selection Criteria template and capture outcomes and decisions also on the Employee record of evidence.
- Where criteria require judgements to be exercised, in the absence of data it is important that this can be validated as far as possible, e.g. through the application of criteria, making records of the reasons for decisions.

Appendix 5

OUTLINE STRUCTURE FOR EMPLOYEE REPRESENTATION/ APPEAL HEARINGS

1. Introductions. Both sides may request an adjournment that will be considered by the Chair.
2. Purpose of Meeting
to determine outcome of redundancy proposal; or to hear an appeal against a decision to make the employee's post redundant.
3. Submission by the Presenter on behalf of the School:
 - (a) Reason for proposal or decision
 - (b) Method of selection for redundancy
 - (c) Proposed date of implementation
4. Questions on the Submission may be asked by:
 - (i) the employee
 - (ii) the employee's representative
 - (iii) the dismissal committee
 - (iv) the Trust HR adviser (as appropriate)
5. Representations by (or on behalf of) the Employee:
May be made orally and/or in writing
6. Questions on the Employee's representations may be asked by:
 - (i) the presenter
 - (ii) the committee
 - (iii) the Trust HR adviser (as appropriate)
7. Presenter
 - (i) to have a right of reply to the employee's representations
 - (ii) may make a closing statement- but may not introduce any new matter.
8. Employee or her/his Representative
May make a closing statement but may not introduce any new matter.
9. Adjournment and Decision
Decision to be determined. Any advice given by the Trust HR adviser (as appropriate) must be considered by those concerned before a decision is made. Normally to be communicated to the employee immediately and confirmed in writing at the earliest opportunity. Where the decision has the effect of determining the outcome of an initial redundancy proposal, communication of the outcome must include notification of Appeal provisions.

Appendix 6

ADDITIONAL INFORMATION ON NOTICE OF REDUNDANCY

1 Notice Periods and Payment in Lieu of Notice

The notice period will be an individual's contractual or statutory notice period, whichever is greater (see table below).

NJC for Local Government Services

<u>Contractual Notice</u>		<u>Statutory Notice</u>
<u>Grade</u>	<u>Notice Period</u>	
1-9	1 month	Less than 2 years' service 1 week.
10-14	2 months	More than 2 years' service, two week's plus one additional week for each further complete year of continuous employment, up to a maximum of 12 weeks
Above 14	3 months	

For example, an employee employed on Grade 9 or below has a contractual entitlement to one month's notice. However, if s/he has more than 4 years' service s/he would be entitled to one week's service for each year of service. So, an employee with 6 years' service would be entitled to 6 weeks' notice, and as this is longer than the contractual notice period of one month, the 6 week notice period would be applicable.

Extract from Burgundy Conditions of Service

4. *Period of notice and termination of contract*

4.1 All teachers shall be under a minimum of two months' notice, and in the Summer term three months', terminating at the end of a school term as defined in paragraph 1 in the burgundy book as follows:

the Summer term from May1 to August 31

the Autumn term from September 1 to December 31

the Spring term from January 1 to April 30

4.2 Notwithstanding paragraph 4.1 above, all head teachers shall be under a minimum of three months' notice and in the Summer term four months, terminating at the end of a school term as defined in paragraph 1 above.

4.3 Notwithstanding paragraph 4.1 above, where a teacher has been continuously employed for more than eight years he/she shall be entitled to receive additional notice, as specified in the Employment Rights Act 1996.

4.4 The provisions of paragraphs 4.1 to 4.3 apply to the termination of a teacher's contract for any reason other than gross misconduct, including dismissal for ill-health and redundancy.

Pay in lieu of notice will normally only be made where it is not possible to give the period of notice to which an employee is entitled to under the terms of their contract of employment. In normal circumstances when giving notice of termination of employment, the employee would be expected to work their period of notice. Only in circumstances where there are good reasons for requiring the employee not to work their period of notice would a payment in lieu of notice be made.

It is not permissible to give or accept a longer period of notice than is provided for in the employee's contract of employment in order to make an "enhanced" payment in lieu of notice.

Pay in lieu of notice needs to be approved by the Trust Board only and should meet one of the following criteria:

- Grant Reductions - where funding for a particular post will cease and therefore there will be no requirement for that post to continue after a given date, which may occur prior to the end of the employee's notice period;
- Budget efficiencies - where certain budget efficiencies need to take effect before the end of the employee's notice period;
- Restructure - where a restructure will take effect prior to the end of the employee's notice period and therefore there is no post/duties for the employee to perform;
- Closure of premises - where a school will close prior to the end of the employee's notice period and there is no suitable alternative work to transfer the employee into during this period;
- Extenuating/special circumstances - where there is an objectively justified business case to release the employee from their employment prior to the end of their notice period.

2 Leaving Before the End of the Notice Period and Counter-Notice

An employee may find that they wish to leave employment before the expiry of their notice period e.g. if they secure employment elsewhere.

In such circumstances the employee can send a letter, called a counter-notice, to their manager/Headteacher requesting to leave before the end of the notice period.

If a manager/Headteacher receives counter-notice from an employee they will need to assess the request in order to decide if it is reasonable to release them early. Where this is the case, the employee will not lose their right to a redundancy payment but they will forfeit their right to be paid for the period of notice that they do not serve. However, if there is a formal objection to the request to leave early, and the employee subsequently leaves before the end of their statutory notice period, they may forfeit their right to a redundancy payment.

3 Considering a Request to Leave Early

In deciding whether to allow an employee to leave before the end of their notice period, the following should be considered:

- How much of the notice period is left – it may be more reasonable to release someone who is in the last week of their notice period than someone who is in the first week of their notice period;
- What would be the impact of releasing the employee early – would this affect business continuity or handover plans etc and would this be manageable or not.

An employee whose counter-notice is not accepted may take the matter to an Employment Tribunal and it is therefore important that to be able to justify any decision to object to the counter-notice, and to document this accordingly.

If an employee's request for counter-notice is accepted the Payroll team should be notified of the new termination date to ensure that the employee is not overpaid.

4 Statutory Redundancy Pay Ready Reckoner (go to index)

The redundancy payment due to an employee depends on their age and years of service (up to a maximum of twenty years). This determines the number of weeks' pay due as set out in the statutory redundancy pay table. This table is used for both compulsory and voluntary redundancy.

To calculate the number of weeks' redundancy pay, cross reference the person's age and complete years of service.

Statutory redundancy pay table																			
	Service (Years)																		
Age	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
17*	1																		
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	17	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

Statutory redundancy pay table

Service (Years)																			
Age	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
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

17* The table starts at age 17, as it is possible for a 17 year old to have 2 years' service.

Compulsory school leaving age can be 15¾ or 15 4/5ths where a child is 16 before 1 September.

61+ The same figures will apply for all employees aged 61 and above.

The number of weeks' pay due is based on the following:

- 0.5 week's pay for each full year of service where age during year less than 22
- 1 week's pay for each full year of service where age during year is 22 or above, but less than 41
- 1.5 weeks' pay for each full year of service where age during year is 41+

When using the above amounts to calculate an employee's entitlement to redundancy pay where an employee's service crosses two bands, the figures in each band should be added together. For example:

Example - if you are 25 with 7 years' service, you will be entitled to 5 weeks' redundancy pay. The 5 weeks entitlement is based on 0.5 weeks' pay for each completed year of service between age 18 and 22 and 1 week's pay for each completed year of service between age 22 and 25. (1 weeks' pay only applies where an employee, who is entitled to a redundancy payment, has completed a year service at age 22 or above).

5 Years of Service

Years of service are defined by the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999. This provides that, for mainstream local government staff, continuous service within local government and with a number of other prescribed associated bodies shall be taken into account in respect of entitlement to and calculation of a redundancy payment.

The following is a list of the main employers covered by the **MODIFICATION ORDER 1999** and with whom employment is treated as continuous both for calculation of redundancy payments and in the disqualification from payment in certain circumstances where an offer or further employment is accepted.

- Local authorities in England, Wales and Scotland; (A county council, district council, the Greater London council or a London Borough council) also bodies advising local

authorities (local authority associations, LACSAB, LGTB, provincial councils).

- The commission for the new towns.
- The housing corporation.
- The development corporation.
- Industrial estates corporations.
- Development agencies.
- Local authority passenger transport executives.
- Probation committees.
- Police authorities (civilian staff) except the Metropolitan Police.
- Combined Fire Authorities.
- Schools with defined statutory relationships to local authorities.
- Assisted or grant aided further education establishments.
- Certain Scottish education bodies.
- Local rating valuation panels.
- Institutions to be funded by the polytechnics and colleges funding council (PCFC), the PCFC itself, grant maintained schools, city technology colleges and city colleges for the technology of the arts.

A full list of organisations within each of these categories can be obtained by request from the Trust HR support staff.

6 Continuous service - overview

1. For all staff (both those in teaching and support roles) **transferring out of school employment to an Academy** TUPE regulations will apply and continuous service will be recognised for purposes of redundancy, sick pay, maternity and annual leave entitlements
2. For all staff (both those in teaching and support roles) **voluntarily applying for a vacant post in an Academy** TUPE regulations will NOT apply, however continuous service will be recognised for purposes of redundancy only as Academy service is counted as per the Redundancy Modification Order. All other terms and conditions can be set by the Academy
3. For all staff (both those in teaching and support roles) **moving back from an Academy voluntarily applying for a post in a school** TUPE regulations will NOT apply, however continuous service will be recognised for purposes of redundancy only as Academy service is counted as per the Redundancy Modification Order.
4. For all staff (both those in teaching and support roles) **moving between different Academies voluntarily applying for vacant posts** TUPE regulations will NOT apply, however continuous service will be recognised for purposes of redundancy only as Academy service is counted as per the Redundancy Modification Order. All other terms and conditions can be set by the Academy.

7 A Week's Pay

The actual weekly wage is that which the employee is entitled to under the terms of their contract at the calculation date. The calculation date is the date on which the employer gives the employee the minimum notice to which they are legally entitled.

The actual weekly wage will be calculated as follows:

- Where hours of work do not vary - weekly wage will be calculated based upon basic salary. Whereby the annual salary is divided by 52.14.
- Where hours of work vary from week to week - weekly wage will be calculated using basic pay received within the last 3 month period.

- In exceptional cases a decision to consider the best 3 month period, in the last 12 months, will be considered (but only with approval from the Trust).

8 Obtaining Employment with a Modification Order Body

If the employer issues an employee with notice of redundancy and before the dismissal takes effect they accept an offer of employment from another body specified in Part II of Schedule 2 of the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999, they will lose their entitlement to a redundancy payment.

This only applies where the relevant body makes the offer of a new job before the end of the employee's notice period with the Trust and the new employment starts within the four weeks after the date of redundancy.

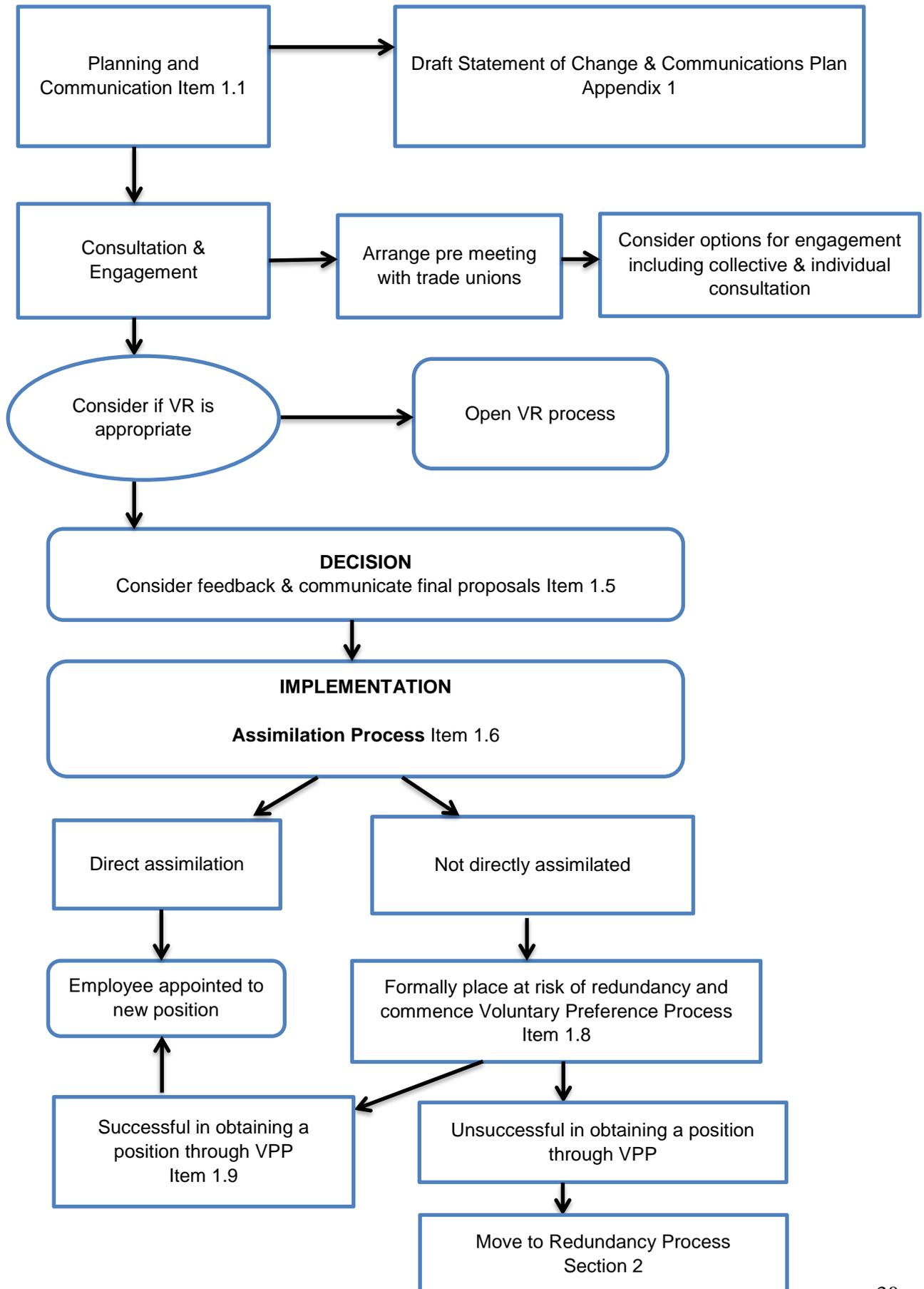
9 Pension Benefits

Under the Local Government Pension Regulations a pensionable employee whose service is terminated on the grounds of redundancy and who is aged 55 or over is entitled to immediate payment of pension benefits, without reduction, in accordance with the Regulations. There is a cost to the employer that should be taken into consideration when deciding on voluntary redundancy costs.

Teachers' pensions are governed by the regulations of the Teachers' Pension Scheme. There is no automatic right for teachers to access their pension early i.e before 65. If you are between 55 and 65 then you can apply to the teacher pension scheme for early release but your pension would be reduced.

Managing Change Section 1 Reshaping

Decision to Follow Reshaping Process Taken



Managing Change - Section 2 Redundancy

