



Reorganisation Policy

(including managing and avoiding
redundancy)

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Reorganisation Policy

1. Introduction

- 1.1 This procedure has been adopted by TEFAT for the purposes of managing the staffing structure of each academy.
- 1.2 TEFAT regards its employees as its most valuable asset and aims to provide a stable work environment and security of employment for all staff.
- 1.3 Each academy must, however, be able to respond to the need for organisational development and change. In order to minimise the impact of such events and wherever possible avoid redundancies, the principles and procedures within this policy will be followed.

2. Purpose

- 2.1 The principle aim of this policy is to provide an effective and fair way of dealing with the staffing implications of financial constraints, organisational improvements and service reviews. The framework recognises the need to reorganise, rationalise and, where necessary, reduce staff numbers.

3. Scope

- 3.1 This procedure should be used whenever an academy considers reorganisation whether or not it involves a redundancy.
- 3.2 In cases where reorganisation is unlikely to result in reduced numbers of staff, but will impact on existing roles, the principal, or nominated alternate, will consult with relevant staff and trade unions.

4. Equal Opportunities

- 4.1 The reorganisation procedure must always be applied fairly and in accordance with employment law and the TEFAT Equal Opportunities Policy.

5. Determining Academy Staffing Structures

- 5.1 It is the principal's responsibility, in consultation with the governing body, to define the service that is to be provided within their academy and to formulate the most appropriate staffing structure to deliver that service within the constraints of budgets etc.
- 5.2 The staffing structure of each TEFAT academy will be reviewed annually by the governing body and Principal. Where change is proposed, this review will include consultation with the relevant trade unions in line with paragraph 3.2 above.
- 5.3 The possible need for reorganisation of the academy staffing structure may be identified for the following reasons:

- Changing requirements
- New legislation
- Organisational improvements
- Budgetary restrictions
- Other substantial reasons not listed above

6. Legal Requirements and Timescales for Consultation

- 6.1 Legislation and case law in relation to redundancy require that consultation shall take place at the earliest opportunity and continue throughout the redundancy process and must in any event begin:
- at least 30 days before the first dismissal takes effect if between 20 and 99 employees are to be made redundant at one establishment over a period of 30 days or less or
 - at least 45 days before the first dismissal takes effect if 100 or more employees are to be made redundant at one establishment over a period of 90 days or less.
- 6.2 As an employer, TEFAT is required by law to notify in advance proposed redundancies of 20 or more employees in a period of 90 days or less to the Department of Business Innovation & Skills (BIS).
- 6.3 Trade unions will, however, be informed as soon as possible in writing, in accordance with section 8 below, where the principal has identified the possible need for reorganisation of the staffing structure under which there would appear to be no practical alternative to a reduction in staffing.
- 6.4 The formal consultation process will cease when any reorganisation has been completed and any employees affected have either been appointed to a new structure, successfully redeployed or made redundant having completed their contractual notice period.

7. Establishing Appropriate Panels

- 7.1 The local governing body will establish:
- A 'Staffing Panel' (usually consisting of three members of the senior leadership team, (usually including the principal).
 - If the reorganisation or redundancy includes the senior leadership team, the 'Staffing Panel' should consist of the Principal and two members of the academy governors.
 - An 'Appeals Panel' (normally comprising three members, consisting of at least 3 academy governors.

Members of the Staffing Panel are not permitted to be members of the Appeals Panel.

- 7.2 The function of the Staffing Panel is to:
- establish and weigh criteria by which staff would be identified for positions in the new structure and/or to establish and weigh criteria by which staff would be identified for potential redundancy;
 - determine which posts on the new structure will be regarded as new and which posts will be subject to ring-fencing or direct matching;
 - conduct consultations and respond to the consultation procedures as outlined in detailed below;

- make a preliminary identification of staff;
- inform the identified staff in writing of the reasons for identification and ensure they are aware of their right to make representation and to be accompanied by a trade union representative;
- hear representations;
- ensure that the names of those members of staff identified are not published until the 'Staffing Panel' has finished its work;
- inform the employee of their formal identification for redundancy and the right to make an appeal.

8. The Consultation Process

8.1 Where the principal has identified the possible need for reorganisation of the staffing structure under which a reduction in staffing is possible, the principal will submit a proposal to the governing body for approval.

8.2 Informal discussion with the relevant trade union representatives should take place as soon as possible in the process and written documentation sent once approved by the LGB to cover the following:

- The reasons for the proposals
- The number and descriptions of staff affected
- The total number of employees of each description that work in the academy
- The proposed method of selection for staff to be placed into posts and how the dismissals will be carried out
- The procedures and timescale to be used, including proposals for consultation meetings with union representatives with a view to reaching an agreement
- The alternatives to redundancy which are being considered, as detailed in appendix 1
- The proposed method of calculating the amount of redundancy payments
- The number of temporary agency workers and what work they are carrying out

8.3 It is an important part of the procedure that consultations begin with trade unions at the earliest possible opportunity. Ideally, academy management should agree dates and times of the consultation meetings with trade unions, which are mutually convenient. Academy trade union representatives should be granted reasonable additional facility time to assist in the consultation process.

8.4 A meeting will take place with the trades unions to consult over reorganisation proposals and any anticipated staff reductions prior to any consultation with staff. In good time before that meeting, the trades unions will be provided with any relevant information which may include:

- the business case presented to governors
- any budgetary considerations (such as current and proposed budget)
- details of planned curriculum changes
- the current and proposed staffing structures, including staff numbers
- the current and proposed job descriptions

8.5 When the consultation meeting with the relevant trade unions have taken place, meetings should take place with all staff or with the groups affected to consider alternatives to any potential redundancy. The meetings should give time for a full explanation, as well as questions and comments from the staff. An HR representative may be present to advise on, or answer, any HR matters. Notes of any consultation meetings should be taken. Arrangements should be made to allow affected employees to meet both collectively and individually with their trade union representatives during work hours to discuss the proposed reorganisation and to submit written responses as part of the consultation.

8.6 Appropriate consultation on proposed reorganisation or redundancy must be undertaken with

employees on maternity and adoption leave and long term sick leave. Special arrangements will be made with these employees to ensure that they are not disadvantaged and receive the same treatment as any other employee would receive.

- 8.7 Where an employee is affected by a reorganisation whilst on maternity or adoption leave, special protections apply. Please seek advice from your HR officer in such cases.
- 8.8 Following these consultations, consideration will be given to whether the proposals need to go ahead or be revised. All written responses must be responded to in writing. If new proposals are drawn up, then it may be necessary to repeat the steps in 8.1 to 8.7.
- 8.9 Once the proposals have been finalised the next step is for the Staffing Panel to issue a statement to all staff (copied to all Trade Union Representatives) which should contain:

- The current and proposed staffing structures, including staff numbers
- Reasons for the proposed reorganisation details (where relevant) of academy budget; the academy development plan and the curriculum plan
- Clarification of the areas in which any reductions are envisaged
- The total number of employees of each description, who are selected for new posts in the structure or whom it is proposed to make redundant
- The proposed criteria to be used in selecting those for new posts in the structure or for identifying staff to be made redundant
- Proposed timescales, including when dismissals are envisaged to take place
- A request for volunteers for reduced hours, severance, early retirement, etc., if appropriate
- Please note that the redundancy pool should not consist of only one member of staff unless it can be clearly demonstrated that it falls 'within the range of reasonable responses'.

- 8.10 Individual employees affected should be informed in writing as soon as possible of:

- Their proposed placement or non-placement in the structure;
- Any need to be interviewed;
- Any redeployment proposals and options

Simultaneously, the relevant trade union representatives must be sent a complete set of the proposals.

9. [Alternatives to Compulsory Redundancy](#)

- 9.1 When it has been identified that there is a need for staff reductions, it is important that all steps are taken to avoid compulsory redundancy.
- 9.2 There are various options that should be explored before individual members of staff are identified for redundancy (see appendix 1 for a list of options for consideration).

10. [Voluntary Severance](#)

- 10.1 Staff in the work area concerned may be invited to express an interest in voluntary severance or early retirement (if eligible) on the grounds of the efficiency of the service. However, this should normally be targeted/limited to those work areas where staff will be allowed to go, and not to general calls



for volunteers in work areas where those coming forward will be refused release. Where there is competition for a post, that group may be targeted.

11. Methods of Selection and Criteria Used to Identify Staff

- 11.1 Before any action is taken to identify staff for positions in the new structure, it is important to initiate a freeze on recruitment to relevant vacant posts
- 11.2 A balanced approach will be used to assess employees for positions in the new structure using a range of weighted criteria. Selection will normally be paper-based assessment. The overriding factor for selection is to retain those employees who most closely match the skill sets required and therefore are most likely to contribute to the future success of the academy. In the event that the academy proceeds with the process of redundancy it will establish criteria for selection that are objective and do not discriminate with regard to protected characteristics¹ pregnancy and maternity. Selection for redundancy must not take place for any reason that is unlawful.
- 11.3 In relation to reorganisations and rationalisations, the method of selecting employees for posts within the new structure/staffing arrangements (and therefore of identifying those who have no post, if this is necessary), is to match the duties of the existing posts to equivalent duties required of posts in the new structure. Where a direct match to direct match is not apparent (by comparing job documentation of the old and new posts), a judgement is to be reached by the governors as to the closest match available. The existing post holder(s) should then be placed into the new post. This will be based on substantive posts only. Depending upon the circumstances it may be appropriate to consider 'ring-fencing' posts.
- 11.4 Where there are two or more suitable candidates for a post, and where the 'direct match' criterion is unable to discriminate between them, the individuals should be interviewed in competition for that work. Where competitive interviews are impractical, a skills audit approach may be used. Any criteria set will have full regard to future service needs and the TEFAT academy's equal opportunities policy. In all cases, the selection criteria proposed must be subject to consultation with the relevant Trade Unions prior to its application.
- 11.5 Any criteria used for the identification of staff, must be:
- Capable of clarifying the unit of selection
 - Objective
 - Measurable
 - Reasonable
 - Non-discriminatory
 - Consistently applied
 - Capable of being checked and used by the governors
 - Known to the staff in advance
 - Relevant to the posts in question.

12. Personal Representations

- 12.1 Having completed the consultation and selection process, the Staffing Panel should convene

¹ Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation

a meeting to make their final decisions. However, before final decisions are made, the employee(s) concerned must be given an opportunity to make written and personal representation to the Staffing Panel. The employee may be accompanied at the meeting by a trade union representative or a work colleague of their choice.

- 12.2 Prior to this meeting, employees should be given adequate information to assist them in preparing representations, particularly (if appropriate) on the criteria used to recommend the deletion of their post, resulting in their dismissal by reason of redundancy.
- 12.3 After considering these representations, the Staffing Panel will inform the employee(s) concerned of their decision in writing within 10 working days. Notice of dismissal will be given to the employee(s) at this stage.

13. Appeals

- 13.1 If the employee wishes to appeal against the decision of the Staffing Panel, such an appeal must be received in writing by the Principal, within 10 working days of the date of the notification of the Staffing Panel's decision.
- 13.2 The Appeal Panel shall, meet to hear the appeal. Wherever possible, this will be within 10 working days of receipt of the appeal notification. The employee has a right to be accompanied by a trade union representative or a work colleague of their choice.
- 13.3 At the appeal meeting, the Staffing Panel will present its case, presented normally by the Principal. This will be followed by the employee or his/her representative presenting the employee's case. The Staffing Panel is then entitled to sum up their case, followed by the summing up of the employee or his/her representative. The decision of the Appeal Panel will be conveyed to the employee verbally at the end of the meeting, if practicable, and in writing, within five working days of the meeting. The decision of the Appeal Panel shall be final.

14. Redeployment of Staff

- 14.1 When the need for reorganisations, resulting in staff reductions, are identified within academies, it is the direct duty of the governing body to do all in its power to find, or facilitate the search for, alternative employment. Alternative employment may be sought within the academy or in other TEFAT academies. Contact can be made with the local authority to determine vacancies in local schools.

15. Trial Periods

- 15.1 An employee who is redeployed has a statutory right to a trial period of four weeks in an alternative job where the provisions of the new contract differ from the original contract, without losing their entitlement to redundancy term. The period to begin when the previous contract has ended. The four-week trial period can be extended for retraining by written agreement. The length of the extension is discretionary, to be reviewed after four weeks.

16. Rejection of Suitable Alternative Employment

- 16.1 Where an employee unreasonably refuses offers of alternative suitable employment they may lose all rights to redundancy compensation. Alternative employment is, however, unlikely to be considered suitable if it rejected by the employee on the basis that:
- a. the salary is lower, or the non-salary benefits are significantly less than the original job;
 - b. the status is significantly lower; in terms of the effect this would have on the employee's career history;
 - c. the location or working time for the job involve the employee in significant domestic / personal disruption or additional costs, (subject to flexibility clauses in the contract of employment).

17. Assistance in Finding Other Work

- 17.1 Employees who are 'at risk' of redundancy and who qualify for a statutory redundancy payment also have a statutory entitlement to a reasonable amount of paid time off to look for another job or to arrange training. As a good employer the academy should provide a range of assistance in finding other work, e.g. access to Internet, referral to outplacement services as appropriate.

18. Redundancy – Compensation Package

- 18.1 All employees who have at least two years' continuous service will qualify for redundancy pay. This includes continuous service with any employer covered by the provisions of the Redundancy Payments Modification Order
- 18.2 The number of weeks' pay on which the payment is based are as follows, up to a maximum of 20 years' service:
- 0.5 week's pay for each full year of service where the employee's age was under 22
 - 1 week's pay for each full year of service where the employee's age was 22 or above, but under 41
 - 1.5 weeks' pay for each full year of service where the employee's age was 41 or above
- 18.3 A week's pay for the purposes of redundancy pay is defined as either a normal week's pay for the employee or the pay figure used in calculating limits on statutory redundancy payments* whichever is the higher, representing a just and reasonable amount as compensation for loss of office. Where a term time only worker is paid in 12 equal monthly instalments, a "week's pay" for redundancy purposes is based on the weeks actually worked in a year (including holiday) rather than 1/52.

Where a reduction in working hours is agreed as an alternative to compulsory redundancy a compensation payment will be made to those who have their hours reduced. This payment will be calculated in the same manner as the redundancy payment but just on the hours lost. For example, if a member of staff reduces hours from 20 a week to 15 a week, actual weekly pay for the compensation payment will be calculated on 5 hours."

- 18.4 A written statement must be given to an employee who is eligible for a statutory redundancy payment detailing how the payment has been calculated. While this requirement relates to the statutory payment, good practice demands that all such payments should be explained.



18.5 Where appropriate, the TEFAT may consider using its discretion to offer a payment greater than that above, in particular in order to seek to achieve job reductions by voluntary means. If this discretion is applied it would apply to all affected staff. Where employees retain the right to different terms by virtue of TUPE protection, this right will in all cases be observed.

* The pay figure used of calculating limits on statutory redundancy pay is £475 per week from 6 April 2015 as set out in the Employment Rights (Increase of Limits) Order 2015. The pay figure applicable under this policy will include any increases in this pay figure as made from time to time. Staff will be given the most up-to-date calculation at the point when consultation begins.

19. Salary Safeguarding

19.1. In the event that reorganisation results in redeployment to a lower paid position:

- Salary safeguarding arrangements for teaching staff will be in accordance with the provisions as set out in the School Teachers Pay and Conditions Document
- Salary safeguarding arrangements for non-teaching staff will be for 3 years. The value of the safeguarding will be reduced on the anniversary of the change, as follows:

Year 1 = 100%

Year 2 = 60%

Year 3 = 40%

The following components of pay are protected:

- Basic salary/hourly rate
- Basic contract hours (including contracted overtime)
- Any sick pay, holiday pay, maternity, paternity or adoption pay will reflect the level of protected basic pay. All protected pay is pensionable.

The following components of pay are not protected:

- Additional hours worked over the minimum contractual guarantee
- All pay related allowances, e.g. standby, letting fees, shift allowances
- All pay related enhancements, e.g. overtime, unsocial hours, bank holiday working
- All non-pay related allowances, e.g. car allowance, subsistence allowance, annual leave
- Any adjustments to the hourly rate resulting from the standardisation of the working week and number of working weeks per year
- Market supplements and acting up and honoraria payments
- Any increase in minimum contractual hours introduced after the operative date of pay protection

Salary protection:

- Will not apply where employees voluntarily move to another job
- Will not apply where the reduction in pay is as a result of a reduction in hours
- Will be adjusted where employees voluntarily reduce their hours
- Will not increase to cover additional hours, whether these are permanent or ad hoc
- Will not be applied to non-contractual overtime



20 Records

20.1 It is recommended that the following records are maintained and be readily accessible for a minimum of 9 months after the last dismissal arising from redundancy has occurred:

- evidence of action to avoid potential redundancies;
- evidence of the use of objective redundancy selection;
- evidence of equality monitoring
- comprehensive information on the 'Staffing Panel' decisions, dates of meetings, contemporaneous notes, information considered by the Staffing Panel, notification of the outcome.
- comprehensive information on any appeals raised including the basis of the appeal, dates of meetings, contemporaneous notes, information considered by the Appeals Panel in considering the employee's appeal, clarification of the decision making process, notification of the outcome.
- copies of redundancy termination letters to employees, including the calculation of benefits;
- copies of an employee's written acceptance to payments made under TEFAT's financial package as compensation for loss of office;
- copies of written notification to the trade unions of potential redundancies;
- evidence of appropriate consultation;
- copies of written notification to the BIS.

21. Review

The operation of this policy will be kept under review and such changes will be made to the policy as deemed appropriate following necessary consultation with the trade unions.



Appendix 1 – Consultation timeframe

Options may include:

- Reduced non-staffing expenditure
- Natural Wastage (e.g. resignations, retirements, etc.)
- Restriction on recruitment and non-replacement of posts
- Termination of temporary/casual appointments (subject to the requirements of the Employees (Prevention of Less Favourable Treatment) Regulations 2002)
- Voluntary early retirement
- Voluntary phased retirement
- Voluntary severance
- Voluntary job sharing arrangements (if appropriate)
- Voluntary transfer to part-time employment within the school
- Voluntary reduction in hours (including overtime, if relevant)
- Transfer of staff into other suitable work within the school (retraining where applicable)
- Potential redeployment of staff in to other suitable work within TEFAT academies where both governing bodies agree to this

Appendix 1 – Consultation timeframe

Where a change is proposed to the staffing structure, consultation will begin at the earliest opportunity.

The following timescales are for guidance only. Please also refer to section 8. There will be occasions when the suggested timescales will not be appropriate.

- Written details should be sent to all relevant trade unions as soon as possible after the principal has identified the possible need for a reduction in staffing.
- Where possible trade unions should be given 10 working days' notice of the consultation meeting.
- The full staff meeting should be arranged as soon after the trade union consultation meeting. Preferably 5 working days' notice for staff should be given.
- Following the staff meeting, a statement of intentions should be issued to staff (copy to trade unions) preferably within 10 working days of the meeting.
- If volunteers for redundancy, reduced hours, etc., have been requested in the statement to staff, volunteers should be given 7 working days (from date of letter) to show an interest
- Volunteers should receive estimates within 7 working days of showing an interest.
- Volunteers would be expected to give a response as to whether they wish to accept redundancy, reduced hours, etc., within 10 working days of receiving their estimate.
- If no volunteers are forthcoming, the selection criteria/process (discussed with trade unions in consultation meeting) will need to be implemented. The selection process will, ideally, be completed within 15 working days.
- The principal (or nominee) should meet individually with those employees selected for redundancy (or variations in duties, etc.) within three working days of completion of the selection process. The principal should explain the reasons for selection orally and in writing. The letter should include an opportunity to declare a wish to make oral representation to the Staffing Panel within 10 working days of receipt of notification letter.
- Employees selected should be given 10 working days' notice of the oral representation hearing.
- After hearing oral representations, the Staffing Panel should confirm their decision in writing within 5 working days of the meeting. The letter should give the employee an opportunity to appeal against the decision to an Appeals Panel. The employee should be given 10 working days from receipt of the decision letter to lodge an appeal.
- Employees should be given 10 working days' notice of the appeal hearing.
- After hearing the appeal, the Appeals Panel should confirm their decision verbally at the end of the meeting, if practicable, and in writing within 5 working days of the meeting. The Appeals Panel's decision is final.



NAME OF ACADEMY

Consultation

Context

Background information leading to the need for reorganisation. This is essentially the business case.

Proposal

Set out here what is being considered as action.

Current leadership structure at xx academy

Include here a clear structure chart of current position. Posts, grades and FTE but not names.

Current leadership structure at xx academy

Include here a clear structure chart of proposed position. Posts, grades and FTE but not names.

Financial implications

Any impact this may have on academy budget.

Staffing implications

For example, are there likely to be potential redundancies and if so, how many.

Training and development

What plans there are to support staff in new structure?

Consultation process

- a) How long will the consultation period be?
- b) Who will be consulted and how?
- c) How might consultation views be received?

Consultation commences **xxxxx (date)**

Consultation ends **xxxxx (date)**

Implementation plan

Following the consultation process the posts will be filled as followed:

For each post affected how will the appointment process work – assimilation, interview, other assessment. Will there be any ring-fencing?

Implementation process

Timeline of actions.

Details of who to send comments to should be set out.

Appendix 4 – Teacher redundancy timetable



