

# Reorganisation and Redundancy Policy

## Document Control

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## Related policies and documents

- Pay Policy
- Employee Assistance Programme

## Definitions

- Where the word 'Trust' is used in this document it refers to The Elliot Foundation Academies Trust.
- Where the words 'Governance Body' are used they refer to the relevant Governance Body of an individual academy within the Trust.
- Where the words 'Senior Leader' are used they refer to the CEO/Executive Principal/Principal/Director or member of the senior leadership team leading the reorganisation process
- Where appropriate the Local Governance Body of individual academies will publish details of the procedures and practices to implement Trust policies.

## The Elliot Foundation Academies Trust Values

### 1. Put children first

- a. We trust and value your professionalism
- b. We share the responsibility for the learning and welfare of all of our children
- c. Our purpose is to improve the lives of children

### 2. Be safe

- a. Don't assume that someone else will do it
- b. Look after yourself, your colleagues and all children
- c. We are all responsible for each other's safety and well being
- d. Discuss any concerns with an appropriate member of staff

### 3. Be kind & respect all

- a. People are allowed to be different as are you
- b. Kindness creates the positive environment we all need to flourish
- c. This kindness should extend to ourselves as well as to others

### 4. Be open

- a. If you can see a better way, suggest it
- b. If someone else suggests a better way to you, consider it
- c. We exist to nurture innovators and support those who take informed risks in the interests of children

### 5. Forgive

- a. We all make mistakes
- b. Admit them, learn from them and move on

### 6. Make a difference

- a. Making the world a better place starts with you
- b. Model the behaviour that you would like to see from others

## **1. Policy statement and objectives**

- 1.1. The Elliot Foundation Academies Trust (TEFAT) recognises its employees as the organisation's most valuable asset. The Trust is committed to providing a stable work environment and security of employment for all staff where possible.
- 1.2. It also recognised that the Trust needs to adapt to change, ensuring its workforce operates effectively and efficiently to support the educational needs and life chances of children. There will be instances where the Trust needs to revise its structures in response to internal or external influences, particularly in the light of fluctuating demands and funding arrangements as and when they arise.
- 1.3. This policy sets out the framework intended to achieve a fair, consistent and transparent approach to reorganisation and staffing reductions which engages staff and trade unions in a meaningful way and reflects due regard to relevant legislation and contract provisions.

## **2. Scope and principles**

- 2.1. This policy applies to all employees of the Trust, including those employed on temporary contracts of employment.
- 2.2. In the development of this policy, consideration has been given to the impact on protected characteristics under the Equality Act.
- 2.3. The Trust will manage all proposals to staffing reorganisation proposals in accordance with this policy, relevant legislation and in line with the Trust Scheme of Delegation.
- 2.4. Employees who are affected by staffing reorganisation proposals will be provided with appropriate information and support in a timely manner. This includes employees who are absent from work for any reason.
- 2.5. The Trust will ensure that the redundancy of posts of employment is a last resort, having explored and exhausted all other means of addressing changes to staffing requirements. It is recognised that there may be occasions where redundancy is unavoidable and in these circumstances, the Trust will avoid compulsory redundancies where possible.
- 2.6. This policy does not form part of any employee's contract of employment and it may be amended at any time following consultation with staff and recognised trade unions.

### 3. Roles and responsibilities

#### 3.1.

Affected Staff Category	Senior Leader responsible for managing the reorganisation process	Redundancy Dismissal Hearing Officer/Panel	Redundancy Dismissal Appeal Panel
<b>School based staff</b> (except Principal/Executive Principal structures)	Executive Principal/Principal	Executive Principal* or Members of TEFAT Operations Group	Redundancy Dismissal Appeal Panel (3 members of TEFAT Operations Group**)
<b>Executive Principals/ Principals</b>	Member of TEFAT Operations Group/CEO	CEO* or nominated Trustees (appointed by Chair of Trustees)	Redundancy Dismissal Appeal Panel (3 Trustees)
<b>Centrally employed staff</b> (except Directors/CEO)	Member of TEFAT Operations Group/CEO	CEO* or nominated Trustees (appointed by Chair of Trustees)	Redundancy Dismissal Appeal Panel (3 Trustees)
<b>Members of TEFAT Operations Group</b>	Chief Executive Officer	Nominated Trustees (appointed by Chair of Trustees)	Redundancy Dismissal Appeal Panel (3 Trustees)
<b>Chief Executive Officer</b>	Nominated Trustee (appointed by Chair of Trustees)	Nominated Trustees* (appointed by Chair of Trustees)	Redundancy Dismissal Appeal Panel (3 Trustees)

\* provided they have not previously acted as the senior leader managing the reorganisation process

\*\* one member of the panel may be a Principal of another TEFAT school

3.2. Separate members of the central HR Team will provide support and guidance to the Senior Leader responsible for managing the reorganisation process, the Redundancy Dismissal Officer/Panel and the Redundancy Dismissal Appeal Panel.

### 4. Support for employees

4.1. The Trust is committed to ensuring employees are supported during periods of change and uncertainty. It is recognised that early, clear and honest two-way communication with employees and their trade union representatives is essential during reorganisation processes.

4.2. The support provided to staff will usually include:

- the opportunity to hold one to one discussions with the leading manager to discuss the impact of any reorganisation proposals specific to their own employment or personal circumstances;
- the Trust's Employee Assistance Programme (EAP) which provides free and confidential advice;

- the availability of support from recognised trade unions;
- the availability of a nominated 'pastoral' contact identified within the Trust/academy in cases of significant reorganisation.

## **5. Equal opportunities**

- 5.1. The Trust will manage organisational change, fairly and consistently in accordance with the organisation's Values and equalities legislation.
- 5.2. Reasonable adjustments will be considered where appropriate in relation to the reorganisation process itself and any outcomes or working arrangements as a result of the changes, ensuring:
- (a) information relating to the reorganisation process is made available in accessible formats where appropriate, eg braille or large font
  - (b) adjustments to access arrangements enabling an employee to engage in the consultation process and/or selection meetings and hearings are made as appropriate
  - (c) redundancy selection criteria does not give rise to discriminatory outcomes
  - (d) additional consideration is given to the impact of the reorganisation on any existing reasonable adjustments for pupils and/or staff as a result of protected characteristics
  - (e) affected staff benefit from reasonable adjustments in any continuing or redeployed role
- 5.3. The Trust recognises that in some situations it may be appropriate to conduct a full Equality Impact Assessment (EIA). This will be determined during the initial planning stages of organisational change by the senior leader managing the proposals. The senior leader managing the proposals should discuss equality impact with the relevant member of the central HR Team during the initial planning stages, who will advise and support them to complete the formal assessment if required.

## **6. Planning for organisational change**

- 6.1. The Trust commits to a proactive and ongoing approach to workforce planning in line with Academy Improvement Plans and the wider organisational strategy.
- 6.2. Principals (academy based) and Departmental Directors/CEO (Central Team) will define the most appropriate staffing structure to support the service delivery, in consultation with the relevant Governance Body.
- 6.3. Principals and senior leaders will make effective use of opportunities to support workforce planning and likely future staffing needs, including:
- natural turnover and staff resignations;

- restrictions on relevant recruitment and deletion of appropriate vacancies;
  - restrictions on relevant overtime;
  - voluntary retraining and/or redeployment of staff into other suitable posts within the Trust;
  - voluntary contractual changes such as requests for part time working, reduced hours or job sharing arrangements;
  - ongoing review of genuine fixed term contracts
- 6.4. When considering staffing changes, Principals and senior leaders should give careful consideration to whether the aims of the required change can be achieved without a staffing restructure, for example, through non-pay related spend or a review of job descriptions and working practices.
- 6.5. Conversations relating to minor changes of job descriptions and working practices will normally be managed informally, through mutual collaborative discussion with the Principal or senior leaders, save for exceptional circumstances. If mutual agreement cannot be achieved then it may be necessary to invoke the more formal process in accordance with this policy.
- 6.6. There are a number of reasons why changes to a staffing structure may need to be considered which include:
- changing requirements, for example curriculum requirements
  - financial, budgetary restrictions or funding changes
  - necessary organisational improvement and efficiencies
  - the work of a particular kind is no longer required
  - changes to legislation

## **7. Business case**

- 7.1. A business case will be produced by the Principal (academies) or CEO/Director (central team) detailing the proposed staffing structure changes. This will be considered by the relevant Governance Body and approval must be established before any reorganisation process is commenced.
- 7.2. The business case proposal will include the following:
- rationale for the proposed change
  - Equalities Impact Assessment detail if applicable
  - relevant aspects of current and proposed staffing structures
  - impact of the proposed changes on service delivery and associated salary costs (including any relevant redundancy and/or salary safeguarding/protection)
  - implementation plan, including any selection process
  - timeline (to include dates for consultation)



- 7.3. Any proposed changes to structures will be reviewed and assessed for suitability and sustainability in accordance with the organisational goals by the relevant Governance Body. Particular consideration will be given to the impact on staff alongside the overall impact on education and learning and business needs.

## **8. Consultation**

- 8.1. The Trust is committed to ensure that a collaborative approach to change is undertaken. A meaningful consultation period will be undertaken with affected employees and relevant trade unions with a view to reaching agreement on the proposals and any ways to avoid or minimise the impact on affected staff wherever possible.
- 8.2. The Trust will take care to consult with affected staff who are absent from work due to sickness, maternity, adoption, paternity or other leave.
- 8.3. The Trust will provide additional facilities time for union representations where necessary to allow them to participate in reorganisation consultation meetings.
- 8.4. Written confirmation of the proposals will be provided to both recognised trade unions and affected staff at the outset of the process. This documentation is intended to assist them in understanding the proposals and process and will include:
- (a) the reasons for the redundancy;
  - (b) the number and descriptions of the employees affected;
  - (c) the total number of employees of any such description employed at the academy/central team;
  - (d) the proposed senior leader responsible for managing the reorganisation process, including determining those employees selected for redundancy;
  - (e) proposed method of selection of the employees to be placed into roles and/or dismissed by reason of redundancy, including details of any proposed selection criteria;
  - (f) the proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect;
  - (g) the method of calculating any compensation to be paid to redundant employees;
  - (h) the timetable of the process, including any competitive selection meeting dates and dismissal hearing dates.

8.5. The consultation period will commence as soon as practicable and will initially be set as follows:

Number of redundancies in the workplace	Consultation duration
Fewer than 20 redundancies	Minimum 10 working days (with the option to extend the consultation period in appropriate circumstances)
20 - 99 redundancies within 90 days in 1 workplace	Minimum 28 days (to commence at least 30 days before the first redundancy dismissal takes effect)
100 or more redundancies within 90 days in 1 workplace	Minimum 28 days (to commence at least 45 days before the first redundancy dismissal takes effect)

8.6. The main purpose of the consultation period is to:

- ensure affected staff and their trade union representatives understand the proposals, rationale and process fully
- encourage employee participation and engagement in the proposals and process
- enable senior leaders to receive and consider feedback, suggestions and concerns from affected staff and their trade union representatives
- reduce the stress and anxiety of those individuals who are affected by the changes by enabling them to feel informed and actively engaged in decision making
- consider any suggestions for avoiding and/or mitigating the impact of the proposals, including the need for compulsory redundancies
- discuss and consider employee redeployment and retraining for other suitable roles
- discuss any method of mapping staff to roles in the new structure and the criteria and method of selection to be used in the event of compulsory selection

8.7. The formal consultation period will commence with an initial pre-meeting with relevant trade unions followed by a meeting with all staff or with the groups affected and their trade union representatives. The meeting should give time for a full explanation of the written proposals, as well as questions and comments from employees.

- 8.8. Employees should also be afforded the opportunity to meet with the relevant senior leader overseeing the consultation process on a one to one basis during the consultation period. Employees will be entitled to bring a workplace colleague or recognised trade union representative to those meetings.
- 8.9. Due consideration will be given to any representations made by affected staff or recognised trade unions during the consultation period with a genuine spirit of cooperation. A written response at the end of the formal consultation period will be provided to staff and trade unions confirming the outcome of the consultation process and any next steps.
- 8.10. Consultation should be ongoing and continue throughout the reorganisation process and therefore, any changes which take effect after the close of formal consultation which impact the proposals will still be given due consideration and responded to.

## **9. Fixed term contracts**

- 9.1. In broad terms, staff employed on fixed-term contracts should not be treated less favourably than those employed on permanent contracts. However, specific circumstances may arise where there is an objective justification for treating fixed-term workers differently in organisational change processes. An example of this circumstance may be when a fixed term worker had a reasonable expectation that their work would come to an end at a certain date e.g. on completion of a project, maternity leave or the return of the substantive post holder and there may not be a need to include them in the organisational change process provided this remains the case.
- 9.2. Where a fixed term assignment is cut short due to organisational changes, or the fixed term worker had a reasonable expectation that their work was continuing, they will normally need to be included in any job matching and selection pools.
- 9.3. Each circumstance should be considered on a case by case basis and senior leaders should seek advice from the relevant member of the central HR Team.

## 10. Voluntary redundancy

- 10.1. Where a reduction of multiple posts has been proposed, directly affected employees will be given the opportunity to request 'voluntary redundancy' during the consultation period. They should do so in writing in the manner outlined in the consultation paperwork.
- 10.2. Any employee who seeks information on the benefits available as a result of volunteering to be selected for redundancy will be entitled to do so without prejudice to their position.
- 10.3. The Trust may, in exceptional circumstances, consider offering a payment greater than the standard redundancy compensation when seeking to achieve job reductions through voluntary severance.
- 10.4. The senior leader will consider requests for voluntary redundancy and decide which to accept in line with the criteria included in the consultation documentation. The outcome of any requests for voluntary redundancy will be confirmed formally in writing to individual employees.

## 11. Compulsory redundancy selection

- 11.1. If the necessary reduction of staffing is not achieved by voluntary means, the senior leader will, following the consultative process, conduct the selection process for compulsory redundancy or delegate it to another senior manager if appropriate.
- 11.2. The selection criteria will have been included as part of the consultation process and will use objective and relevant criteria which can be applied consistently in relation to all employees at risk of redundancy.
- 11.3. The criteria may include but is not limited to:
  - skills, qualifications or experience
  - attendance record, which must be accurate and not include absences relating to disability, pregnancy or maternity
  - disciplinary record
  - work performance and aptitude for the work
- 11.4. The methods of selection may include but are not limited to:
  - paper based assessments, such as reviews of relevant paperwork and skills audits
  - relevant testing or other forms of assessment
  - interviews

- 11.5. Employees should be assessed and scored against the agreed selection criteria in a fair and consistent way and all scoring decisions will be documented.
- 11.6. The outcome of the selection process will result in the provisional selection of specific employees to be dismissed by reason of redundancy. All employees who have been part of the competitive selection process will be informed in writing of the outcome and any next steps relevant to their own employment. If desired, they will be entitled to see their own score and receive an explanation of how that score was determined.
- 11.7. If provisionally selected for compulsory redundancy, employees will be given the option of accepting the selection and dealing with the termination of their employment by reason of redundancy on a paperwork consent basis or to contest the selection at a Redundancy Dismissal Hearing (see paragraph 13 below).

## **12. Self selecting compulsory redundancy**

- 12.1. A self selecting redundancy may occur when only one member of staff is employed in a unique role at the workplace and that role is no longer required in the staffing structure.
- 12.2. Following the consultation process, the employee will receive written confirmation of the outcome. If the decision is made to proceed with the deletion of the employee's post, they will be notified that they have provisionally been identified for redundancy without the need for any competitive selection process.
- 12.3. The employee will be given the option of accepting the recommendation for redundancy and dealing with the termination of their employment on a paperwork consent basis or to contest the on at a Redundancy Dismissal Hearing (see paragraph 13 below).

## **13. Redundancy dismissal hearing**

- 13.1. If provisionally selected for compulsory redundancy, employees will be entitled to attend a Redundancy Dismissal Hearing for the provisional selection for redundancy to be examined by the relevant Redundancy Dismissal Hearing Officer/Panel (see paragraph 3 above).
- 13.2. The Redundancy Dismissal Hearing Officer/Panel will be supported by a representative from the Trust's central HR Team or other suitable HR advisor not previously involved in the reorganisation process.

- 13.3. The employee will be given at least 5 working days notice of the hearing (unless otherwise mutually agreed between the parties) and may be accompanied either by a work colleague or trade union representative. If the employee or their trade union representative is unable to attend this hearing for a valid reason, a new date will be agreed within 5 working days.
- 13.4. The written notification of the hearing will include the following:
- the date, time and venue of the hearing;
  - the name/s of who will be conducting the hearing and their advisor;
  - the right to be accompanied by a trade union representative or workplace colleague;
  - the names of the Senior Leader responsible for managing the reorganisation process who will be in attendance to present the provisional selection for redundancy, and their advisor;
  - that an independent note-taker will be present;
  - copies of all supporting documents to be used as evidence by those presenting the provisional selection;
  - the employee's entitlement to submit additional relevant documentation in advance of the hearing and to identify any additional witnesses they wish to call to attend, provided they do so to be received no later than 2 working days in advance of the hearing;
  - the possible outcomes of the hearing; and
  - a copy of the Reorganisation & Redundancy Policy.
- 13.5. The hearing will allow the employee to make written and personal representations in support of their case to challenge the provisional selection for redundancy. Employees should be given adequate information to assist them in preparing representations, particularly (if appropriate) on the selection criteria used to provisionally select their post for redundancy prior to the hearing.
- 13.6. A copy of the agenda to be used at the hearing can be found at Appendix A.
- 13.7. The final decision will be conveyed to the employee orally at the end of the meeting, if practicable and confirmed in writing within five working days of the meeting taking place. This notification will also set out the employee's right to appeal the decision.

## **14. Redundancy dismissal appeal**

- 14.1. An employee wishing to appeal their dismissal on the grounds of redundancy will be able to do so on one or more of the following grounds:
- process irregularity;
  - the Redundancy Dismissal Officer/Panel took into account irrelevant evidence;
  - the Redundancy Dismissal Officer/Panel failed to take into account relevant evidence;
  - the Redundancy Dismissal Officer/Panel misinterpreted evidence; and/or
  - new evidence has come to light which the parties were not aware of at the time of the hearing
- 14.2. A written statement giving the reasons for the appeal should be submitted by the employee within 10 working days of receiving the decision in writing.
- 14.3. The appeal will take place as soon as possible following receipt of the employee's appeal and will be heard by a relevant appeal panel (see paragraph 3), none of whom will have been involved in the selection of the employee for redundancy. The panel will be supported by a representative from the Trust's central HR Team or other suitable HR advisor not previously involved in the reorganisation process.
- 14.4. The employee will be given at least 5 working days' notice of the hearing (unless otherwise agreed between the parties) and may be accompanied by a recognised trade union representative or workplace colleague. If the employee or their trade union representative is unable to attend this hearing for a valid reason, a new date will be agreed within 5 working days.
- 14.5. The procedure to be followed at an appeal hearing is at Appendix B.
- 14.6. The outcome of the Appeal Hearing will be conveyed to the employee orally at the end of the meeting, if practicable and confirmed in writing within five working days of the meeting taking place. The decision of the Appeal Panel is final.

## **15. Notice of redundancy dismissal**

- 15.1. All Executive Principals and Principals shall be under a minimum of three months' notice and in the Summer term four months, terminating at the end of a school term.

- 15.2. 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:
- a. the Autumn term from 1st September to 31st December
  - b. the Spring term from 1st January to 30th April
  - c. the Summer term from 1st May to 31st August
- 15.3. 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.
- 15.4. Support staff employees who are given notice that their employment will be terminated on the grounds of redundancy will be entitled to notice in accordance with their length of service and contract of employment up to a maximum of 12 weeks.

## **16. Salary safeguarding and pay protection**

- 16.1. **Reduction of hours of work as an alternative to compulsory redundancy**  
In these circumstances the employee will be entitled to receive a compensation payment calculated in the same manner as the redundancy payment but solely in relation to the lost working hours.
- 16.2. **Redeployment to an alternative role paid at a lower FTE salary**  
In these circumstances the employee will be entitled to salary safeguarding in accordance with the provisions of the School Teacher's Pay and Conditions Document (STPCD) (teachers) or pay protection in accordance with the Trust's Pay Policy (support staff). Support staff pay protection will apply to the basic rate of pay and contractual hours (including contracted overtime).

## **17. Redundancy compensation**

- 17.1. Employees who have completed two years continuous service will qualify for redundancy compensation. This includes continuous service with any employer covered by the provisions of the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 ('Redundancy Modification Order').



- 17.2. Employees are entitled to redundancy compensation based on length of service and their age at the time of completing those years of service. The number of weeks' pay on which the redundancy compensation is based are as follows:
- Half a weeks pay for each full year the employee was under 22 years of age
  - One weeks pay for each full year the employee was 22 or older but under 41 years of age
  - One and half weeks pay for each full year the employee was 41 years of age or older
- 17.3. Length of service for the purposes of calculating redundancy compensation is capped at 20 years.
- 17.4. A week's pay for the purposes of redundancy pay is defined as a normal week's pay for the employee. Where a support staff employee who works less than 52 weeks of the year (eg 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 annual leave entitlement).
- 17.5. A written statement must be given to an employee who is eligible for redundancy compensation detailing how the payment has been calculated.
- 17.6. Employees may lose their right to redundancy pay if they secure an offer of suitable alternative employment before their existing employment terminates:
- with the same employer or another employer listed in the Redundancy Payment (Local Government) (Modification) Order 1999 (as amended), and
  - the employee accepts the new job which starts within four weeks of the termination of their existing job.
- 17.7. All employees will be required to complete a declaration that confirms they have not accepted employment with another organisation covered by the Redundancy Modification Order within the stated timescales prior to their redundancy payment being made.
- 17.8. Employees aged 55 or over who are made redundant will be entitled to have their pension benefits paid immediately without any early retirement reductions, subject to scheme eligibility criteria.

## **18. Redeployment of staff**

- 18.1. All employees who are selected for Redundancy will be offered support to find suitable/alternative employment within the Trust, including during their notice period up to the effective date of their redundancy dismissal.

- 18.2. Employees who are under notice of redundancy will be offered employment in suitable vacancies which arise within their own work location during this period, provided they are able to meet the essential requirements of the job either immediately, or within a reasonable timescale.
- 18.3. Employees will be given, wherever possible, prior consideration for vacancies which arise during this period in other TEFAT academies or the central team. and may be suitable alternative employment opportunities.
- 18.4. Female employees on maternity leave have a priority to be offered a suitable alternative vacancy without having to undergo a competitive selection process.

## **19. Trial periods**

- 19.1. If suitable alternative employment is found within the Trust, an employee is entitled to a trial period. A trial period is an opportunity for both parties to assess the suitability of the role for the employee.
- 19.2. A trial period will normally be for a period of 4 weeks, but can be extended by mutual agreement.
- 19.3. The Trust will provide the employee with details of the alternative role which is to be subject to a trial period and will ensure that the employee is aware that their entitlement to a redundancy payment will be lost if they work beyond the end of the four-week trial period, or the jointly agreed extended period, as they will be deemed to have accepted the new employment.
- 19.4. If either party confirms the role as unsuitable following the trial period, the employee will retain their right to a redundancy payment, provided they have not unreasonably deemed the role to be unsuitable.

## **20. Rejection of suitable alternative employment**

- 20.1. Where an employee unreasonably refuses offers of alternative suitable employment they may lose all rights to redundancy compensation.
- 20.2. In determining what constitutes suitable alternative employment, a number of factors will be taken into consideration, including:
- how similar the work is to the current job
  - the contractual terms of the job being offered, including the pay, status, hours and location
  - the skills, abilities and circumstances of the employee in relation to the job

## **21. Support in seeking alternative employment outside of TEFAT**

- 21.1. Employees who are under notice of redundancy and who qualify for a statutory redundancy payment also have a statutory entitlement to a reasonable amount of paid time off work to look for another job or to arrange training.
- 21.2. The Trust/academy will provide advice should it be requested, to an employee who is under notice of redundancy, on the preparation of a CV, completion of an application form and interview techniques.
- 21.3. If an employee is offered another job elsewhere and the new employer wants them to start before their redundancy notice ends, they should speak to the Senior Leader to request early release. The Senior Leader will be supportive in accommodating the request, without the employee losing their redundancy pay, where possible.

## Appendix 1 - Agenda for Redundancy Dismissal Hearing

### 1. PRESENTATION OF THE SENIOR LEADER/MANAGEMENT PANEL'S CASE

- a. The Senior Leader or Chair of the Management Panel presenting the management case may make an opening address outlining the case.
- b. The Senior Leader or Chair of the Management Panel and/or their HR advisor calls each witnesses in turn so that:
  - the witness is asked questions by the Senior Leader or Chair of the Management Panel and/or their HR advisor
  - the employee and/or their trade union representative has the opportunity to ask the witness questions
  - the Senior Leader or Chair of the Management Panel and/or their HR advisor may ask the witness questions of clarification
  - the Redundancy Dismissal Hearing Officer/Panel have the opportunity to question the witness
  - each witness withdraws after giving evidence, except the Senior Leader or Chair of the Management Panel who has been a witness to his/her own case has the right to remain throughout the hearing
- c. The employee and/or their trade union representative has the opportunity to ask the Senior Leader/Chair of the Management Panel questions.
- d. The Redundancy Dismissal Hearing Officer/Panel has the opportunity to ask the Senior Leader/Chair of the Management Panel questions.

### 2. PRESENTATION OF THE EMPLOYEE'S CASE

- a. The employee and/or their trade union representative may make an opening address outlining the employee's case.
- b. The employee and/or their trade union representative calls each witnesses in turn so that:
  - the witness is asked questions by the employee and/or their trade union representative
  - the Senior Leader/Chair of the Management Panel and their HR advisor has the opportunity to ask the witness questions
  - the employee and/or their representative may ask the witness questions of clarification
  - the Redundancy Dismissal Hearing Officer/Panel have the opportunity to question the witness
  - Each witness withdraws after giving evidence, except the employee who has been a witness to his/her own case who has the right to remain throughout the hearing
- c. The Senior Leader/Chair of the Management Panel and/or their advisor has the opportunity to ask the employee questions.

- d. The Redundancy Dismissal Hearing Officer/Panel has the opportunity to ask the employee questions.

### **3. SUMMING UP**

- a. The Senior Leader or Chair of the Management Panel has the opportunity to sum up their case if they wish to do so.
- b. The employee and/or their trade union representative has the opportunity to sum up their case if they wish to do so.
- c. Both parties then withdraw.

### **4. THE REDUNDANCY DISMISSAL HEARING OFFICER/PANEL'S DECISION**

- a. The Redundancy Dismissal Hearing Officer/Panel, together with an appointed adviser(s), are to deliberate in private, only recalling the parties to clarify points of uncertainty on evidence already given. If recall is necessary both parties are to return, notwithstanding that only one may be concerned with the point under clarification.
- b. The Redundancy Dismissal Hearing Officer/Panel is to announce the decision to both parties at the close of the proceedings whenever possible. The decision will be confirmed in writing within 5 working days.

### **NOTES ON THE PROCEDURE**

- 1. The Senior Leader or Chair of the Management Panel's case may be presented by someone other than themselves whilst they remain in the hearing throughout as or with their representative.
- 2. The Redundancy Dismissal Hearing Officer/Panel will normally have access to an adviser to advise him/her/them on the law and on procedure. The Redundancy Dismissal Hearing Officer/Panel will make the decision. No adviser shall vote on the matter being considered.

## **Appendix 2 - Agenda for Redundancy Dismissal Appeal Hearing**

### **1. PRESENTATION OF THE EMPLOYEE'S CASE**

- a. The employee and/or their trade union representative will have the opportunity to present their appeal
- b. The employee and/or their trade union representative calls each witnesses in turn so that:
  - the witness is asked questions by the employee and/or their trade union representative
  - the Redundancy Dismissal Hearing Officer/Chair of Panel and their HR advisor has the opportunity to ask the witness questions
  - the employee and/or their trade union representative may ask the witness questions of clarification
  - the members of the Redundancy Dismissal Appeal Panel have the opportunity to question the witness
  - Each witness withdraws after giving evidence, except the employee who has been a witness to his/her own case who has the right to remain throughout the hearing
- c. The Redundancy Dismissal Hearing Officer/Chair of Panel and/or their HR advisor will have the opportunity to ask questions of the employee and their trade union representative
- d. The Redundancy Dismissal Appeal Panel and their advisor will have the opportunity to ask questions of the employee and/or their trade union representative.

### **2. PRESENTATION OF THE REDUNDANCY DISMISSAL HEARING OFFICER/CHAIR OF PANEL RESPONSE**

- a. The Redundancy Dismissal Hearing Officer/Chair of Panel and/or their HR advisor will present their opening statement, outlining their response to the appeal.
- b. The Redundancy Dismissal Hearing Officer/Chair of Panel and/or their HR advisor calls each witnesses in turn so that:
  - the witness is asked questions by the Redundancy Dismissal Hearing Officer/Chair of Panel and/or their HR advisor
  - the employee and/or their trade union representative has the opportunity to ask the witness questions
  - the Redundancy Dismissal Hearing Officer/Chair of Panel and/or their HR advisor may ask the witness questions of clarification
  - the members of the Redundancy Dismissal Appeal Panel have the opportunity to question the witness
  - each witness withdraws after giving evidence, except the Redundancy Dismissal Hearing Officer/Chair of Panel who has been a witness to his/her own case has the right to remain throughout the hearing

- c. The employee and/or their representative will have the opportunity to ask questions of the Redundancy Dismissal Hearing Officer/Chair of Panel based on the information given by him/her.
- d. The Redundancy Dismissal Appeal Panel and their advisor will have the opportunity to ask questions of the Redundancy Dismissal Hearing Officer/Chair of Panel.

### **3. SUMMING UP**

- a. The Redundancy Dismissal Hearing Officer/Chair of Panel and/or their HR advisor will have the opportunity to sum up their case if they wish to do so.
- b. The employee and/or their trade union representative will have the opportunity to sum up their case if they wish to do so.
- c. Both parties will then withdraw.

### **4. THE REDUNDANCY DISMISSAL APPEAL PANEL DECISION**

- a. The Redundancy Dismissal Appeal Panel along with their HR advisor will deliberate in private, only recalling the parties for points of clarification
- b. The Redundancy Dismissal Appeal Panel is to announce the decision to both parties at the close of the proceedings whenever possible. The decision will be confirmed in writing within 5 working days.
- c. The appeal hearing may confirm or overturn the original decision or may recommend some alternative action. The decision of the appeal hearing is final.

### **NOTES ON THE PROCEDURE**

- The Redundancy Dismissal Hearing Officer/Chair of Panel's case may be presented by someone other than themselves whilst they remain in the hearing throughout as or with their representative.
- The Redundancy Dismissal Appeal Panel will normally have access to an adviser to advise them on the law and on procedure. The Redundancy Dismissal Appeal Panel will make the decision. No adviser shall vote on the matter being considered.