



Trinity Multi Academy Trust

Policy:	Managing Staff Reductions (Incorporating Staffing Structure Reviews)
Date of review:	July 2020
Date of next review:	July 2023
Lead professional:	HR Manager
Status:	Non-Statutory

1. Purpose of policy and guiding principles

- 1.1. Trinity Academy Multi-Academy Trust will ensure, as far as possible, security of employment for its employees. However, it is recognised that there may be changes in education policy, legislation, organisational requirements, curriculum need and technology developments which may affect staffing needs.
- 1.2. The purpose of this document is to provide leaders in the trust with a policy, and procedures, that Directors have adopted to promote a clear and consistent approach for managing staff reductions. This policy covers redundancies and staffing structure reviews.
- 1.3. The trust, through consultation with recognised trade unions, will seek to minimise the effect of redundancies through the provision of sufficient time and support to finding alternative employment for affected staff.
- 1.4. Where there is no alternative to compulsory redundancy the trust will handle the redundancy in the most fair, consistent and sympathetic manner possible and minimise, as far as possible, any hardship that may be suffered by those concerned.
- 1.5. At all points in the consultation and redundancy process, employees have a right to representation from a trade union representative or a work colleague.
- 1.6. The purpose of this policy is:
 - to comply with statutory redundancy procedures
 - to ensure that all employees are aware of the processes their employer will follow when reviewing the staffing structure
 - to clarify the timescales involved in a restructure and/or redundancy process
 - to establish a system which is fair to all employees.
- 1.7. The policy also recognises best practice in seeking to maintain good working relationships between staff and management and the operational needs of the trust or an academy.
- 1.8. Each Principal is responsible for managing staffing in their academy and under this policy is authorised to make decisions to dismiss on the grounds of redundancy. For non-academy based staff the CEO has this authority.
- 1.9. This policy applies to all employees of the trust, including Principals and trust leaders. Where the term 'Principal' is used in these procedures, the Principal has the right to delegate some responsibilities to a member of the Senior Leadership Group. This is with the exception of dismissal decisions. The Principal may agree other delegations, with the agreement of their Local Governing Body.

2. Links with other policies or legislation

- 2.1. This policy links with terms and conditions of employment for all staff.
- 2.2. Trinity Academy Trust will treat all employees equally and consistently in accordance with the academy's equality policy. This includes the use of equality impact assessments.
- 2.3. This policy links to the relevant employment legislation with regard to consultation periods, fair dismissal procedures and the Equality Act.

3. Consultation

- 3.1. The policy was approved by the Board of Directors after consultation with the recognised Trade Unions.
- 3.2. It should be noted that agreement on this policy could not be found through the JCNC arrangements. Directors have been advised of the situation and have agreed to adopt the policy.

4. Definition

- 4.1. An employee is dismissed for redundancy, and may qualify for redundancy pay, if the following conditions are satisfied:
 - the employer has ceased, or intends to cease continuing the business, or
 - the requirements for employees to perform work of a specific type or to conduct it at the location in which they are employed has ceased or diminished.

5. Staffing structure review

- 5.1. Through discussion and consultation with senior leader colleagues, the Principal has the delegated authority to propose staff structure changes to their Local Governing Body, and begin the consultation process.
- 5.2. These changes will inevitably impact staff. The proposed changes may result in:
 - New posts being created
 - The removal of existing, vacant posts
 - The removal of existing posts, where a post holder is in post
 - Job evaluating an existing post, which an individual currently holds
 - A combination of the above.
- 5.3. When the proposed restructure creates new posts or removes vacant posts, the Principal, where possible, will consult with the Local Governing Body, trade unions, and employees on the changes. This is advised, however, due to timescales and the need to respond to a situation quickly, s/he is not obliged to consult. It is good practice however, to inform staff of these changes as soon as practical.
- 5.4. When the proposed restructure involves the removal of a post, which is not vacant, and therefore an employee(s) are directly affected, this requires a consultation exercise. The Local Governing Body is required to support this proposal, prior to a consultation exercise. Section 7 describes the consultation process.

6. Staffing reductions

- 6.1. As defined in Section 4 redundancies may be required as the work, of a specific type, has ceased or diminished. In a situation where work has reduced and one or more post holders are no longer required this may result in compulsory redundancies.
- 6.2. In this situation, the Principal should consider the ways outlined in **Appendix 1** to minimise redundancies. Should these not prove effective, the Principal should begin a consultation exercise, as outlined in Section 7.

7. Consultation

- 7.1. Prior to consultation, the Principal is required to produce a rationale, implementation plan, timetable of key dates, and other relevant information. The date when the new structure will be in place should also be clear.
- 7.2. Depending on the nature of the changes and/or staff reductions, job descriptions and salary information may also be available.
- 7.3. At the earliest opportunity, the academy trust will inform trade union representatives of the proposed consultation plan and the staffing changes. This will include an overview of staffing requirements and potential redundancies.
- 7.4. Consultation should begin as early as possible. It should begin, and be completed before, any redundancy notices are issued. There are statutory minimum periods of consultation and to ensure that it meets these minimum requirements, the academy should begin consultation at least 30 days before the first dismissal takes effect.
- 7.5. For the purposes of this policy (and subject to statutory provisions), there will normally be a consultation period of 10 working days. There is provision to allow reasonable flexibility to this timeline, subject to both parties agreement (generally this will be a maximum of 20 working days where fewer than 20 employees are potentially redundant).
- 7.6. In all situations where there are proposed redundancies the academy will begin consultation, with a commitment to the following:
 - considering any alternative proposals with a view to reaching agreement on ways to avoid redundancies
 - reducing the number of employees to be dismissed, or affected
 - ways to mitigate the consequences of dismissals.
- 7.7. As a minimum, the information to be shared via consultation will be:
 - the reasons for the proposals
 - the number and descriptions of employees that are proposed to be dismissed as redundant

- relevant financial information
 - the total numbers of employees of each description employed at the establishment
 - the proposed method of selecting the employees who may be at risk of redundancy
 - the proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect
 - the method of calculating the amount of redundancy payments to be made to those who are dismissed
 - a draft timetable of the redundancy process
 - details of how to contribute to the consultation process and the date by which a response has to be received.
- 7.8. This information is usually shared with trade unions via a Section 188 letter. This is recognised as the start of the formal consultation process and must be sent to the recognised trade unions.
- 7.9. Depending on the situation, the Principal may consult on other areas such as arrangements for travel or relocation expenses, additional time off (with or without pay) for retraining or seeking alternative work.
- 7.10. All the employees directly impacted by the proposed changes should be informed and consulted. Ideally, this will be by individual meetings with the Principal, or another senior leader, followed up with any relevant information in writing. The employee is able to be accompanied to this meeting by a trade union representative, or work colleague.
- 7.11. It is good practice to share the information on the restructure, and potential redundancies with the wider staff group, enabling them to contribute to the consultation exercise.
- 7.12. Following the closure of the consultation exercise, the Principal on behalf of the Local Governing Body, must consider the information put forward and respond, in writing to the contributor(s). This response will detail any changes to the initial proposal or confirm the proposal will go ahead.

8. Selection criteria

- 8.1. Where more than one person is identified as being at risk of redundancy a selection criterion will need to be agreed. The criteria must be objective and fair. During the consultation stage trade union representatives will have the opportunity to contribute to the selection criteria.
- 8.2. The purpose of having objective criteria is to ensure that employees are not unfairly selected for redundancy. Examples of criteria that can be used include experience, skills and capability. Attendance records may be used, however, this must be with due regard to the Equalities Act, in relation to disability (or other) discrimination.
- 8.3. The criteria must recognise the business needs of the organisation, the qualifications, skills and experience required to contribute to an effective and efficient workforce. If any criterion is weighted higher than others, this should be made clear and justified.
- 8.4. The selection criteria must be applied to each individual at risk of redundancy. The Principal, with advice from the HR team will apply the criteria. This will be based on a combination of personnel records, performance management information, experience, skills, line manager feedback and formal interview.
- 8.5. Individuals will be invited to contribute to this exercise, to ensure that all information gathered is accurate. This contribution may be a formal meeting or submitting paper based information, depending on the situation. In any meeting they have the right to be represented,
- 8.6. All assessments against the agreed criteria need to be documented. This should be used to support any decision.
- 8.7. Following the decision of the selection panel, the HR team will write to all employees advising of their provisional selection for redundancy and their right to make representation to a representation hearing.

9. Representation hearing

- 9.1. Once the individual(s) have been identified at risk of redundancy they have the right to make representations against this decision. This can be in person or in writing.
- 9.2. The selection committee, usually the Principal will form the hearing panel. The employee will be invited to a representation hearing, giving at least five working days' notice of the hearing and be made aware of their right to be accompanied by a trade union representative or work

- colleague. The invitation will make clear that the employee does not need to attend a representation hearing and that non-attendance will not affect their statutory right of appeal.
- 9.3. The purpose of the hearing is to allow the employee to make any representations, clarify any points and give full consideration to the decision to proposed dismissal.
 - 9.4. After full consideration to any representations the panel will inform the employee of their decision, in writing. This will also outline the appeal process.
 - 9.5. The HR team will issue formal notice of dismissal to the employee, outlining the notice period, final date of employment and any redundancy payment due. Notice periods are defined by individual terms and conditions of employment, with the minimum notice period being four weeks.
 - 9.6. Should the trust find alternative ways to avoid the redundancy then the notice will be withdrawn.

10. Appeals process

- 10.1. Appeals against the decision to make the individual redundant should be made, in writing, to their Chair of Governors, via the Principal's PA, within ten working days of being notified of potential redundancy. An appeals hearing will be convened as soon as practically possible. The grounds for appeal may include: the selection procedure used or the application of the procedure.
- 10.2. A panel of three Governors, not involved in the original decision will form the panel. The trust may use Governors or Directors from across the trust to form an appeal panel. This is in the interests of impartiality. Their decision will be confirmed in writing within five working days of the hearing.

11. Other information

- 11.1. Redeployment, trial periods and further support is outlined in **Appendix 2**.
- 11.2. Safeguarded salary arrangements are outlined in **Appendix 3**.
- 11.3. Severance payments are outlined in **Appendix 4**.
- 11.4. Where an employee is offered a role deemed to be a suitable alternative role they should consider carefully declining any offer, as this could be regarded as resigning and therefore any redundancy compensation could be withdrawn. Whether a role is suitable depends on a number of factors and where an employee makes a case that a job offer is unsuitable this will be discussed on a case-by-case basis.
- 11.5. The trust is covered by the Redundancy Modification Order 1999 and 11.4 applies to any job offers from organisations listed under the Order. Employees should seek advice from their Trade Union representative or the HR team for further information regarding the Order.

12. Roles and responsibilities

- 12.1. The role of the CEO/Principal
 - The role of CEO is to ensure that this policy is applied fairly and consistently across the trust
 - The CEO will ensure that this policy is available to Governing Bodies to review and adopt.
 - The role of Principal is to ensure that this policy is applied fairly and consistently across their academy
 - The Principal will ensure that any proposals for staffing reductions are shared for meaningful consultation
 - The Principal will meet with effected staff.
- 12.2. The role of the Directors/Governors
 - The Directors/Governors will monitor, evaluate and review policies in line with statutory and best practice guidelines
 - The Directors/Governors will ensure that all measures possible have been considered to avoid compulsory redundancies
 - When required, the Directors/Governors will form a representation/appeal panel and confirm any decisions made.

12.3. The role of the employee/other staff

- The HR Manager will monitor proposals, ensuring timescales, notice periods and information shared is accurate and meets statutory requirements
- The HR team will propose and carry out an objective selection exercise, relevant to each situation
- The HR team, in conjunction with the Principal, will ensure that time off and other support is available to those staff at risk of redundancy
- All staff are able to contribute to consultation exercises which impact colleagues
- All staff are expected to maintain professional standards during any restructure exercise, which is recognised as a difficult time for those individuals involved
- All staff are expected to engage in redeployment support offered by the trust.

13. Monitoring and Evaluation

- 13.1. This policy will be monitored and evaluated in line with statutory changes.
- 13.2. This policy should be reviewed at least every four years to ensure compliance to legislation, academy needs, national and local terms of employment and good practice.
- 13.3. Any reviews to this policy will be in consultation with staff, including representatives of unions and associations recognised by the academy.

Appendix 1 - Ways to minimise redundancies.

Measures that should be considered for avoiding compulsory redundancies include:

- Natural wastage
- Terminating temporary or casual employment (dependant on the employment rights of that post holder)
- Restricting recruitment
- Offering suitable, alternative employment. This will include information on any salary protection and the details of a trial period. See **Appendix 3** for more information
- Considering offers of part time working or job share arrangements
- Deploying staff to other schools, through partnership arrangements, secondment opportunities etc.
- Retraining staff
- Reduction or elimination of overtime
- Volunteers for redundancy. (There is no enhanced financial package available for voluntary redundancy).

It should be noted that voluntary redundancy applications will be considered, but may not be accepted depending on the needs of the academy.

Appendix 2 – Redeployment, trial periods and salary safeguarding

1. Redeployment to alternative post

- 1.1. Where a post holder is at risk of redundancy, the academy will, wherever possible redeploy that individual to a suitable post. An employee at risk of redundancy must be considered for any appropriate vacancy.
- 1.2. Depending on the number of people at risk of redundancy and the nature of the vacant post, redeployment will be based on a recruitment and selection event, or by assimilating a post holder to a vacant post. Wherever possible, the academy will seek to assimilate an employee through consultation and agreement.
- 1.3. Redeployees wishing to be considered for a vacancy must inform the HR team of their interest in a post. (Contact details will be provided to the employee along with how they can access information about vacant posts).
- 1.4. Redeployees will be assessed for their suitability against the essential criteria for vacant post, as outlined in the Person Specification. The employee may be asked to submit a brief supporting statement to demonstrate how they meet the essential criteria of the role to allow the recruiting line manager to make this assessment. If one or more redeployee matches the person specification all candidates should be invited to a selection process.
- 1.5. Where a redeployee at risk of redundancy, demonstrates they meet the essential criteria for any vacant post the employee should be offered this role as a suitable alternative to redundancy. If the redeployee is not considered to meet the essential criteria for an appointment, the redeployee will be given feedback on the reasons why.
- 1.6. Where a post holder is at risk of redundancy and meets the majority of the essential criteria for any vacant post they will be given an interview, in most cases this will be in advance of external candidates.
- 1.7. The redeployee may query, via the HR team, any posts they are not invited to be interviewed for, stating why they believe they meet the essential criteria.
- 1.8. Redeployment can only be to a vacant post. Posts will not be created to avoid redundancy.
- 1.9. Should an employee agree to move to an alternative post, this will be confirmed in writing. The offer will outline the salary safeguarding arrangements and trial period, as appropriate.

2. Trial period

- 2.1. An employee who is under notice of redundancy 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.
- 2.2. The trial period begins when the previous contract has ended and ends four weeks after the date on which the employee starts work under the new contract. The effect of the trial period is to give the employee a chance to decide whether the new job is suitable without necessarily losing the right to a redundancy payment.
- 2.3. The four week trial period can be extended for retraining purposes by agreement and confirmed in writing. This will specify the date on which the trial period ends and sets out the employee's terms and conditions after it ends. If the employee works beyond the end of the four week period or the jointly agreed extended period any redundancy entitlement will be lost because the employee will be deemed to have accepted the new employment. Employers should communicate this to the employee when the alternative job offer is made. The employer should also use the trial period to assess the employee's suitability.
- 2.4. Should the employer wish to end the new contract within the four weeks for a reason connected with the new job, the employee will preserve the right to a redundancy payment under the old contract. If the dismissal was due to a reason unconnected with redundancy, the employee may lose that entitlement.

3. Time off to look for new work, or training

- 3.1. When an individual is at risk of redundancy, they will have the first option of applying for any posts. Priority will be given to current employees for vacant posts.
- 3.2. Employees who are under notice of redundancy and have been continuously employed for at least two years, qualify for a statutory entitlement to a reasonable amount of time off to look for another job or to arrange training.

- 3.3. The academy will allow up to **five** additional paid days leave for employees at risk of redundancy, as described in 3.1. Leave should be requested in line with the usual procedures.
- 3.4. The academy will commit, in the cases of five or more redundancies, to contacting the local Jobcentre. This is with a view to supporting those at risk of redundancy with details of vacancies and details of training opportunities available.
- 3.5. The academy has in place an employee assistance programme, which will be available to employees at risk of redundancy.
- 3.6. Internal support for completing applications forms, coaching for interviews and other advice is available from line managers, HR or other colleagues. Alternatively, external support may be sourced, and reasonable costs will be met by the academy.

Appendix 3 – Safeguarding salaries/Protected pay

1. Teaching staff

- 1.1. As teachers, safeguarded salary provisions are outlined in the School Teachers Pay and Conditions Document.
- 1.2. The academy has adopted these terms and conditions and therefore any safeguarding arrangements are as detailed in this document. This includes the length of safeguarding and the opportunity to agree appropriate duties relevant to the safeguarded sum.

2. Support staff

- 2.1. For support staff who accept an alternative role, or a re-evaluated role that attracts a lower salary scale they will receive a maximum of two years' salary protection at a maximum of one salary grade above their new substantive role.
- 2.2. Salary protection is at the employees current scale point, or based on the highest spinal point of the salary grade above their new substantive role.
- 2.3. For those employees in receipt of pay protection their protected pay will be 'frozen' for the duration of the protection. Employees will not receive annual increments/cost of living increases during the period of protection, unless the new level of pay is equal to, or more than, the protected amount.
- 2.4. After 2 years' protection the employee will revert to the salary of their new substantive post (at the highest spinal column point).
- 2.5. The protection also applies to Annual Leave. In the event of the new post carrying a lower annual leave entitlement, the employee's entitlement to annual leave at the point of accepting the new post will be maintained for 2 years and then revert to the annual leave entitlement of the new substantive post.

3. When Pay protection doesn't apply

- 3.1. Pay protection will not apply in the following circumstances:
 - Where there is transfer to a lower graded job as a result of disciplinary action, capability or at the employee's own request
 - Where hours are changed as a result of organisational change or restructuring
 - Where hours or the job role is changed through a request by the employee
 - To temporary arrangements such as: secondments, temporary promotions or, acting up arrangements. At the end of any temporary arrangement employees will revert back to their substantive role.

Appendix 4 – Severance payments for staff

Redundancy payments are calculated in accordance with the statutory formula. This is based on length of continuous service and age.

The table on the next page shows how these payments are calculated.

Whilst using the statutory formula, the academy has two additional rules that apply to redundancy payments:

1. Redundancy payments will be based on an employee's ACTUAL weekly pay and are not subject to the limits of the statutory scheme.
2. As result of the Redundancy Payments (Local Government) (Modification) Order 1983, an employee is entitled to receive a redundancy payment based on all continuous local government and related service (subject to a maximum of 20 years). This also means that, if an employee who has been given notice of redundancy receives an offer (made prior to the date of redundancy) of suitable alternative employment in local government or a related service, to commence within four weeks of their date of termination, there will be no entitlement to a redundancy payment.

Employees should also be aware that should they unreasonably refuse an offer of suitable alternative employment with the academy, this could disqualify them from their entitlement to a redundancy payment.

	Service (Years)																			
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
Age																				
18*[1]	1																			
19	1	1½																		
20	1	1½	2																	
21	1	1½	2	2½																
22	1	1½	2	2½	3															
23	1½	2	2½	3	3½	4														
24	2	2½	3	3½	4	4½	5													
25	2	3	3½	4	4½	5	5½	6	6½	7										
26	2	3	4	4½	5	5½	6	6½	7											
27	2	3	4	5	5½	6	6½	7	7½	8										
28	2	3	4	5	6	6½	7	7½	8	8½	9									
29	2	3	4	5	6	7	7½	8	8½	9	9½	10								
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11							
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12						
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13					
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14				
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15			
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16		
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	
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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	
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50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½	
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	
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60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½	
61*[2]	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30	