

The Mercian Trust

Redundancy and Reorganisation Policy

Policy Owner	The Mercian Trust
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1. Introduction

This procedure should be used when dealing with redundancies and organisational restructures, in order to ensure that any staff reductions/reorganisations are carried out fairly and equitably and within the parameters of UK employment law.

Changes in the way the academy services are provided will sometimes lead to individual jobs or groups of jobs changing or no longer being required. Most commonly, these changes will be as a consequence of an academy's budget being unable to sustain the existing staffing complement. At other times, it may be necessary to conduct a staffing re-structure or review in order to respond to the changing needs of the Trust/academy.

The purpose of this procedure is to provide a framework for dealing with redundancy and/or organisational change processes that may affect staff terms and conditions and potentially result in redundancy. It is the Trust's aim to avoid redundancies if at all possible and this procedure is designed to support that aim.

2. Principles Underlying the Procedure

There is a statutory responsibility for employers under Section 188 of the Trade Union and Labour Relations (Consolidation Act 1992 (TULCRA) to disclose prescribed information to appropriate representatives. The Business Case [or S188 as appropriate] is to be provided to the appropriate recognised Trade Unions [Branch Secretaries] and staff during or prior to the consultation period

Through positive workforce planning, The Mercian Trust will endeavour to maintain the efficiency and effectiveness of service provision in order to safeguard the current and future employment of its employees.

3. Fair & Equitable Treatment

The Mercian Trust is committed to ensuring that this policy does not discriminate directly or indirectly on grounds of race, colour, ethnic or national origin, religion or belief, gender, sexual orientation, marital status, pregnancy, disability, age, trade union membership and activity.

Under section 197 of the Employment Rights Act 1996, the non-renewal of a fixed term contract is a dismissal in law. Therefore, employees with over 2 years' service whose fixed-term contract is not renewed may be entitled to a redundancy payment.

4. Communication & Consultation

Effective communication with employees is crucial in managing any workforce change. Where practical, informal consultation regarding any changes affecting staff, will begin at the earliest opportunity. This will be directed to the affected employee group who may potentially be affected by the changes initially and then the whole staff when appropriate. Such informal consultation may consist of a staff briefing or individual briefings to discuss issues which could lead to redundancies at a later date.

Once the requirement for redundancies is confirmed by the Trust Board the formal process will be initiated within an individual academy. At this time the fullest practicable information will be provided to the employee at the earliest possible stage and co-operation and involvement of the employee and trade unions will be sought.

It is recognised that initial consultation is often a time of concern and worry for all interested parties, but especially for the employee potentially affected by any proposals. Employees

have the right to be consulted and represented or accompanied by a trade union representative or work colleague at any stage of the process.

Consultation is:

- the provision of information which is clear and detailed enough to; enable the Trade Unions to understand and consider the proposals;
- an invitation to them to discuss and comment on the proposals;
- a readiness to consider in good faith any comments or suggestions made before a formal decision is taken.

In the case of redundancy there is a legal requirement that consultation must:

- address ways of avoiding or reducing redundancies;
- consider how to mitigate the effects of any redundancy dismissals;
- be aimed at reaching agreement.

If it is proposed to make more than 20 employees redundant, The Mercian Trust are legally required to inform the Department of Works and Pensions via a HR1 Form.

There will be two main forms of consultation. These are as follows:

1. With Trade Unions

Consultation should take place with recognised Trade Unions in all cases. Trade Unions recognised are listed below:

National Association of Head Teachers (NAHT), National Association of Schoolmasters Union of Women Teachers (NASUWT), National Education Union (NEU), The Association of School and College Leaders (ASCL), UNISON, UNITE and GMB.

2. Consultation with Employees

The Trust will ensure that, in addition to the consultation with trade unions there is full consultation with employees, both collectively and individually where requested. It needs to be remembered that some employees are not members of a trade union but will have the same right to be fully consulted as those who are members.

Affected employees on secondment, sick leave, maternity leave and any other statutory leave will need to be included within any consultation process.

Definition of redundancy

Under the Employment Rights Act 1996 redundancy arises when employees are dismissed because:

- the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed; or
- the employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed; or
- the requirements of the business for employees to carry out work of a particular kind has ceased or diminished or are expected to cease or diminish; or
- the requirements of the business for the employees to carry out work of a particular kind, in the place where they were so employed, has ceased or diminished or are expected to cease or diminish.

Put more simply a redundancy is the deletion of a post which is no longer required.

5. Responsibilities

Where redundancies are required, the School Staffing Regulations 2009 allow for initial dismissal decisions to be delegated to the Principal. However, it also recommends that where the Principal has a direct involvement in instigating proposals to dismiss, arrangements for delegating initial dismissal decisions will need to be considered on a “case by case” basis and referred to a selection committee.

Appeals will be heard by a nominated committee.

Role of the Principal

The academy’s CEO/CFO will first approve the aims, objectives, finance, and outcomes for organisational changes/redundancies in accordance with their powers and duties.

The role of the Principal will be to:

- notify relevant trade unions/staff representatives and human resources providers at the earliest opportunity of potential redundancies;
- provide written notice to the recognised trade unions regardless of the number of employees it is proposed to make redundant, highlighting the potential numbers and the types of role affected and by when this is proposed to take effect;
 - issue a Section 188 notice letter when it is proposed that 20 or more staff are affected;
- outline the redundancy timetable consultation with recognised Trade Unions.
- Assist with individual consultations throughout the consultation period

Role of the Selection Committee:

- determine appropriate selection criteria in consultation with recognised trade unions;
- outline the skills matrix to be completed by employees, in consultation with recognised Trade Unions.
- outline the redundancy timetable consultation with recognised Trade Unions.
- consider proposals put forward during the consultation process and formally respond.
- Consider, at the end of the consultation, the information provided by the Principal on the staff skills and experience summary sheet and make the final decision on which post(s) are to be declared redundant based on the agreed criteria;
- hear representations from the employee(s) whose posts(s) are selected for redundancy where the employee exercises their right to such a meeting;
- notify employees, in writing, of the outcome of the meeting and rights to appeal and redundancy compensatory figures if applicable;
- present the case to the Appeal Manager. There may be instances where the Principal is required in addition to support the Chair.

Role of the Appeal Committee

The role of the Appeal Committee will be to:

- hear any appeals from employees together with representations from the Principal
- notify the employee and the Trust board/academy, in writing, of the outcome of the appeal.

Role of HR

The academy’s HR provider will provide advice and guidance to the local governing body and Headteacher/Principal in the implementation of redundancies/change. This could include:

- supporting the consultation process;
- supporting the development and implementation of selection arrangements;
- ensuring compliance with any statutory requirements which may include
 - (1) taking “due regard” in accordance with the Equality Act 2010 or
 - (2) the issuing of an HR1 notice to the Department for Business Innovation and Skills where 20 or more posts are ‘at risk’ of redundancy. A copy must be provided to the relevant Trade Unions.

6. Procedure for Managing Staffing Reductions (MSR)

6.1 Trust Board Meeting

The purpose of this meeting will be to agree the need for staffing reductions through the MSR process, the areas that will be affected, to confirm the timetable and appoint the various committees required over the entire MSR process.

Is Redundancy Necessary?

In the first instance the Trust Board will discuss the need for staffing reductions and consider alternatives. The aim should always be to avoid redundancy if at all possible. Alternatives could include:

- making necessary savings elsewhere;
- agreeing with Finance a reduction of the deficit over a period (up to 3 years);
- a recruitment freeze;
- offering part-time or job-share to existing full –time staff;
- voluntary redeployment;
- voluntary early retirement;

If the conclusion of this initial discussion is that there is no other feasible alternative but to continue with a staffing reduction, the Trust Board will agree the areas likely to be affected by MSR, and the scope.

The Selection Committee will be elected from the Trust Board/Local Governing Body and it will be formally documented in the minutes of the meeting that the selection committee will be given the authority to carry out the MSR process, the development of the selection criteria (if applicable) and the assessment of individuals against these criteria.

At this meeting the Appeals Committee will also be elected. This committee will include members of the Trust Board/Local Governing Body who have not been involved in the MSR process until the Appeal stage.

6.2: Business Case and Timeline

The next step in the process is the development of a business case supported by a clear timeline of all stages throughout the MSR process.

The business case will set out:

- the reason for the requirement for a reduction in employee numbers;
- what impact this reduction will have on the working procedures of other employees;
- the number of employees of any such description employed at the location or within the management area concerned;
- the number of staff affected, the job titles and grades of employees whose positions may no longer be required;
- the proposed method of selection;

- the timescale over which the reduction in employee numbers will take place;
- options and alternative employment opportunities available to avoid compulsory redundancies.

The business case is developed by the relevant Headteacher/Principal in connection with their HR support and is to be forwarded to The Trust for approval in principle prior to the start of a consultation.

The timeline should be devised taking account of consultation requirements and the need to ensure all terms and conditions of employment are adhered to. An example business plan and timeline can be seen in Appendix 1.

6.3 Implementation

Once the proposals have been finalised and agreed, the redundancies/changes should be implemented in a timely manner. The Headteacher/Principal is required to produce and consult on the business plan and timescales. Advice should be sought from HR as required.

6.4 Commencement of Formal Consultation Period

Once the Trust Board has confirmed the requirement to make a staffing reduction, employees will normally be issued with a copy of the business plan and timeline. This business plan will notify them as to the date of the employee/ group consultation meeting. Under the policy the consultation period will usually commence from the date of the group consultation meeting. Each employee and each Trade Union should receive a copy of the business plan and a copy should also be placed in the individual academy.

Under this policy there is a minimum formal consultation period of 20 working days with employees and recognised trade unions.

However, there is a specific legal requirement overriding this under certain circumstances. This applies where employers propose to dismiss 20 or more employees. In this situation the employer must begin consultation:

- At least 30 days before the first dismissal takes effect if 20 to 99 employees are to be made redundant over a period of 90 days or less, and
- At least 45 days before the first dismissal takes effect if 100 or more employees are to be made redundant over a period of 90 days or less.

The information set out within the business plan will be issued to the recognised Unions. Where possible it is helpful to the process if this information is received by the trade unions prior to a formal consultation meeting with employees.

The Headteacher/Principal must consider any representations made by the union and give reasons if any point is rejected. It should also comply with any reasonable request for further relevant information, e.g. budget details, pupil numbers, staffing numbers and structures. This information should be provided in writing.

6.5 Group Consultation Meeting

This meeting will be with all affected employees and relevant trade union representatives. The purpose of the meeting will be to ensure that full consultation with employees is undertaken regarding the need for staffing reductions.

The meeting will include communication regarding the detail of the business plan which will be issued during this meeting and on the proposed selection criteria if applicable. The meeting also gives employees an opportunity to put forward suggestions as to how staffing reductions could be avoided and ask any further questions they may have in relation to the procedure.

A copy of this policy should be available at the meeting for each of the employees affected by the proposal.

If applicable the criteria on which the selection is to be made will also be available at the meeting. The 20 working day consultation period will begin only when the criteria is distributed. A key focus of the meeting will be an explanation of how the selection criteria will be applied and how the scoring will operate if applicable.

In the event of a staffing restructure, where redundancies may be possible, any new/revised job descriptions and person specifications will be distributed during the first week of the consultation process.

Discussion with employees and unions at all stages of the consultation period can eliminate problems which may otherwise have arisen later in the process.

If at any stage of the consultation there is any change to the information provided to the employees and Trade Unions that may affect the selection process, employees may be consulted once more.

Employees who are absent from work

The Headteacher/Principal must ensure that employees who are absent from work are consulted and kept informed of any proposed changes. This can include employees on long-term ill health, work break, maternity/adoption leave or secondment. This is particularly important for employees who are on maternity leave, as under maternity legislation it makes it automatically unlawful to select a woman for redundancy because she is on maternity leave. It is also unlawful, under the anti-discrimination legislation, to select a woman for redundancy on the grounds that she is pregnant.

If an employee taking maternity leave is placed 'at risk' of redundancy, her notice period will be extended until the end of her maternity leave period. It should also be noted that, if it is not possible to redeploy her she may be required to repay the 12 weeks half-pay element of occupational maternity pay. The maternity leave period will be deemed to be the maternity leave period commencing as indicated on the MATB1 form completed by the employee prior to her maternity leave commencing.

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

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

6.6 Individual Consultation Meeting

As part of the consultation process, the opportunity for individual meetings will be made available for the employees who face possible redundancy and their representative (if applicable and not acting in a legal capacity). Employees are advised to directly request

individual meetings to the Headteacher/Principal during the consultation meeting. These meetings would take place during the 20 working day consultation period.

If requested, the purpose of an individual one to one meeting would be:

- To explain the Business Plan.
- An opportunity for the employee to raise any possible ways of avoiding any dismissals on the grounds of redundancy, of reducing the number of such dismissals, and / or mitigating the consequences of any dismissals.
- To ask any general questions that the employee may have.

6.7 Selection Committee Meeting One

At the end of the consultation period the selection committee will meet in order to consider any alternatives to staffing reductions put forward by staff/unions during the consultation period, and to decide if the selection process/criteria need to be amended in the light of this feedback or the needs of the academy.

During the meeting a written response will be drafted for affected employees and trade unions. This will address the issues raised during the consultation period.

Finally, the selection committee will confirm the remaining activities in the MSR including the application of selection criteria and timescales if applicable.

Application of Selection Criteria (where applicable)

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

- A-typical increments
- Teaching and learning responsibility (TLR) payments
- Working patterns, including job share and flexible working
- Working practices
- Safeguarding arrangements of salary as a result of any changes
- Any other allowances.

Posts should not be deleted, however, when there are only small changes to jobs (or working practices), which do not change the overall nature of the job, or can be covered within the general flexibility of the job description, e.g. the introduction of new technology into working practices, curriculum changes and changing systems.

The appointment to all posts within the new structure will be initially subject to “assimilation” and ‘ring-fence’ arrangements, thereby confining applications to existing employees who are directly affected by the changes and, specifically, those whose jobs may be at risk.

Compatibility can be assessed by producing a table that compares and identifies the current job responsibilities against the new proposed job responsibilities. This should compare each line in the respective job descriptions in terms of the percentage of match and then an overall percentage job of compatibility of the two separate job responsibilities.

The assimilation process will not be possible where there are fewer posts available in a revised or new structure. In this situation, it will be necessary to agree an appropriate selection process. As this process could, potentially, constitute a redundancy selection exercise, advice and agreement **must** be sought from HR.

Once the assimilation to posts in the new structure has been dealt with, the remaining 'ring-fenced' employees should be invited to apply for all other remaining vacancies. All such applications should be submitted in a consistent format.

After all permanent staff have been given the opportunity to secure suitable alternative employment through their respective ring-fences, then temporary staff should be given the opportunity to be considered for any unfilled vacancies although the provisions of the Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 should be borne in mind if these contracts have not ceased before the time of the implementation of the process.

Employees who are not appointed within their own "ring-fence" will be supported to seek suitable alternative employment elsewhere. Staff can also be invited to apply for new positions (which may entail a promotion) or for any unfilled vacancies elsewhere.

Redundancy selection criteria

There should be a range of selection criteria, for example (the following is not an exhaustive list of examples.)

- past performance;
- attendance (excluding any absences which would be deemed discountable under the Equality Act);
- conduct;
- written application and interview.
- skills, experience, and qualifications.

Where selection criteria needs to be applied, the employer should refer to their HR Advisor who will be able to assist in developing some examples that are used/adapted to the specific needs of the academy.

Sickness absence, due to pregnancy and maternity or a long-term medical condition (that satisfies the definition of a disability under the Equality Act 2010), should **not** be used as a selection criterion. Whilst length of service has previously been considered an acceptable criterion for selection; under age discrimination legislation (the Equality Act 2010), criterion which relies on length of service as a sole, or main, selection criterion can be considered discriminatory and therefore unlawful. The application of LIFO (last in, first out) criterion is likely to lead to the youngest being selected and therefore constitutes indirect discrimination.

Advice from HR should be sought to ensure that the choice of objective criteria for redundancy selection is justifiable.

Objective justification could be achieved by demonstrating that the criterion has been chosen to achieve a legitimate business aim and is a proportionate means of achieving that aim.

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

6.8 Selection Committee Meeting Two - Confirmation of Nominations for Redundancy

The Headteacher/Principal and the selection committee will now consider the whole redundancy process prior to proceeding to the next stage. A review of the application of the selection criteria will take place.

Consideration will be given to whether staffing reductions are still required (given some weeks have passed since the MSR process started) and any changes since the commencement of the process to the scope of these staffing reductions (how many, which areas of the academy etc.).

Consideration will also be given as to whether there has been adequate consultation and that all issues raised during the consultation period have been responded to.

Subsequently, the selection committee will evaluate the application of the selection criteria, confirm the nomination(s) of individuals for redundancy and conclude with a review of the fairness of the overall MSR process.

6.9 Notification of Selection to Nominated Staff

The Selection committee should arrange for any employee whom they have provisionally selected for redundancy to be informed in writing by the Chair of the Committee. This notification will provide an opportunity for the nominated employee to attend a representation hearing in order to make representations in person to the selection committee if they choose to do so. These representations will need to be taken into account before the nominated employee's selection is confirmed.

Five working days' notice will be given in relation to the hearing date and the notification will outline the right of the employee to be accompanied by their trade union or work colleague. Where requested a collective summary sheet / matrix showing the anonymous scores of all employees within a selection pool will be provided.

6.10 Representation Hearing

The Headteacher/Principal will be in attendance at this meeting in addition to a HR representative if required. Their role in the hearing will be to give advice and information. The selection committee will explain the reasons for the provisional selection and:

- Will allow the employee or their representative to make representations;
- Clarify any points arising;
- Will give full consideration to its provisional decision.

After the hearing the selection committee will either confirm the original decision or select another employee for redundancy. In the latter case, that employee will be informed and given the same opportunity to make representations.

If following the representation hearing the selection committee confirm the original decision, the Chair of the selection committee will put this in writing to the individual (s) affected, this letter will also advise the employee of the right to appeal.

A model agenda for a representations hearing can be seen in Appendix 2

6.11 Issue of the Formal Notice Letter

Notice to terminate is issued by the Chair of the Trust Board on behalf of the Mercian Trust.

In order to formally terminate employment, the following action is also required:

(i) In the case of an Academy, the Chair of the Trust Board will issue notice to terminate employment and inform the payroll provider of its decision.

Formal notice will be issued in accordance with the following timescales:

(i) Associate Staff Statutory entitlement is for 1 weeks' notice per year of continuous service up to a maximum of 12 weeks (and subject to a minimum of 1 month for most school associate staff unless contractual entitlement is greater);

(ii) Head Teachers/Principals 3 months' notice (4 months in the summer term) ending on 31 December, 30 April or 31 August as appropriate;

(iii) Other Teachers 2 months' notice (3 months in the summer term) or statutory notice if that exceeds contractual notice – see (i) above - ending on 31 December, 30 April or 31 August as appropriate.

6.1 Appeal against Selection for Redundancy

Employees have the right to appeal against a decision to select them for redundancy. If they do wish to exercise that right, they must notify the Chair of the Appeal Committee, in writing, within 5 working days of the date of the confirmation of Nomination for Redundancy (post representation hearing). This letter will ideally briefly state the grounds of the appeal. Once again, the employee has the right to be accompanied by a trade union representative or work colleague.

The appeal will be heard by the Appeals Committee consisting of members of the Trust Board/Local Governing Body not involved in the original decision. This committee will focus on careful and objective examination of how the selection committee applied the criteria if applicable.

Should the appeal be successful, the Appeals Committee will consider whether to select another employee for redundancy, in which case the process of selection, opportunity for representation, notification of redundancy, notice to terminate and right of appeal will be repeated.

Additionally, the following action will be required to be taken should the appeal have been successful:

(i) The Chair of the Trust Board will issue withdrawal notice re-instating employment and inform the relevant payroll provider of its decision.

Whether the appeal has been successful or unsuccessful the employee will be notified of the outcome in writing.

A model agenda for an appeal hearing can be seen in appendix 3.

7. Redeployment

The Trust Board will consider throughout the MSR process whether alternative employment is available at the individual academy or across The Mercian Trust for an employee who is made compulsorily redundant. There is no requirement to create a job specifically for this purpose, or to offer a job which does exist but for which the employee is objectively unsuitable. However, employees would be considered for any appropriate vacancy where it is felt their skills and experience may be transferable.

8. Redundancy pay

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

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

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

Where an employee is offered similar alternative employment and unreasonably refuses to accept it, there is no right to a redundancy payment. Where a redundant employee is offered a new job on different terms and conditions, but which is deemed to be 'suitable alternative employment', and unreasonably refuses to accept it, there is no right to a redundancy payment. However, in such cases the employee has a statutory right to a trial period of 4 weeks in the job if it is deemed to be 'suitable alternative employment' - on the same grade for example - and they meet the requirements of the role and it is felt their skills and experience could be transferable, during which to assess suitability. If the new job requires the employee to be retrained, a longer trial may be agreed in writing in advance. If, after a trial period, the employee refuses to accept an offer of alternative employment, it may be possible to allow an extended trial period or to seek another redeployment opportunity. Alternatively, a redundancy payment would be made if the job is unsuitable or the employee's refusal to accept it is reasonable.

Redundancy payments and break in service

If an employee is made redundant and they receive a job offer from an organisation covered under the Statutory 'Modifications Order' before they leave then there is no entitlement to redundancy if that job is then taken up within 4 weeks of finishing their current contract.

9. Salary protection

Staff who accept assimilation to a lower banded post during a restructuring exercise may be considered for limited salary protection on a case by case basis but ensuring consistency across the Trust.

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

10. Miscellaneous

Exceptional circumstances

Upon commencement of a redundancy consultation process, there may be exceptional circumstances where an affected employee wishes to accept a nomination for redundancy without entering the full formal stages of the process. The Trust Board will consider any such requests if appropriate. In these circumstances the employee would be advised to liaise with their trade union, if applicable.

Where an agreement is reached by all parties, the employee nominated must confirm in writing that they accept their nomination for redundancy and do not wish to attend a representation hearing or appeal against this nomination.

In line with this policy, the nominated employee would be issued with a formal notice letter and receive a redundancy payment based upon their actual weekly pay, their service and age at the termination date, using the statutory redundancy calculator in the same way as outlined in this policy. The employee would also be entitled to be paid notice pay in line with their conditions of employment as outlined in this policy.

11. Time off Work

An employee who is given notice of dismissal on grounds of redundancy and who has at least 2 years' continuous service by the end of the notice period has a legal right to reasonable time off with pay during working hours to seek new employment or to arrange retraining. What is 'reasonable' depends on the circumstances of the particular case.

12. Re-Engagement Following Redundancy

Former employees who wish to apply for future vacancies with the Trust will be considered in open competition with other applicants in line with normal recruitment practices.

If employees are re-engaged within 4 weeks, continuity of service will not be broken and employees would be required to return any redundancy pay received. If redundancy pay is not paid back and the employee is made redundant again at a later date, redundancy pay will only be for the remaining service period following re-engagement.

Appendix 1 – Example Business Plan and Timeline

1. Purpose

- 1.1 This consultation document links directly with the agreed principles set out in The Mercian Trusts Redundancy & Reorganisation Policy.
- 1.2 This document provides information as a basis for consulting with the trade unions and individual colleagues ensuring a fair and equitable process which complies with consultation requirements governed by legislation and as set out in The Mercian Trusts Redundancy & Reorganisation Policy.

2. Responsibilities

- 2.1 Local Governing Body/Trust Board Members.....Name Governing Body/Trust Board members nominated for the selection and appeal committees.
- 2.2 The school leader responsible for this change is: Headteacher/Principal or nominated deputy. They are supported by: other manager? HR provider?
- 2.3 If agreement cannot be reached on any aspect of the proposals contained within this document, it is the responsibility of the Governing Body/Trust Board to consider a decision followed by further consultation with the recognised Trade Unions as appropriate

3 Background

- 3.1 Background to school situation [posts, subject area, purpose, objectives, etc] . What has/is changed/changing??

4. Rationale

- 4.1 In line with the Redundancy & Reorganisation Policy and S188 of TULCRA 1992 full details of the rationale for the review must be disclosed within this business case.
- 4.2 Information that should be disclosed include:-
 - *What is the business driver for change [Why, How, When, What is changing]?*
 - *What developments and changes have taken place?*
 - *What will be the result?*
 - *Financial position.*
 - *New requirements? Think about “the need to.....” and “the desire to.....”*

5. Budget Implications

- 5.1 What are the budget implications of the proposals.....

6. Proposals/Options *(delete as appropriate)*

- 6.1 Taking into account the information provided in the background and rationale above, the proposed changes will have the following impact on employees:

[include separate tables for post(s) proposed as redundant, ending FTC etc. **Details of agency workers should also be separate.** Include totals at the end bottom of each column]

Current positions:

Current Positions	FTE	Headcount	No of positions	Grade

Proposed positions:

Proposed Positions	FTE	Headcount	No of positions	Grade	Difference

The number and description of employees proposed to be dismissed as redundant is:

Current Positions	FTE	Headcount	No of positions	Grade

7. Selection Method

7.1 The method/s used for this project will be: **(interview or selection criteria)**

7.1.1 **(If Selection Criteria)** The proposed Selection Criteria will be in accordance with Appendix (?) of this paper. Staff in the vulnerable group will be required to complete a Skills Audit and submit for consideration by the Selection Committee.

(If Interview) Include details of any other methods involved – eg in tray exercise/presentation

7.2 Ring Fencing (if applicable):Include who is in any proposed ring fence and basis for decision

7.3 Assimilation (if applicable):.....Include any proposals for assimilation and the basis for decision

8. Timescales

8.1 Consultation with the recognised Trade Unions will commence on [date]. It is anticipated that the first notice of redundancy will not be issued until [date]. The new structure will be effective from [date]

8.2 Further details about the timescales are set out below:

Process	Proposed Dates
Change approved by Trust Board/Local Governing Body	
Consultation with trade unions	
Consultation briefing with colleagues	
Individual consultation meetings with colleagues	During Consultation period
Deadline for feedback from consultation	
End of consultation period	
Selection Committee One - Consideration of feedback by selection committee	
Amendments followed for further consultation if necessary or ratification	
<p>Confirmation of final proposals and issue of preference/skills audit forms to staff (unless proposed changes achieved through volunteers)</p> <p>OR</p> <p>Confirmation of final proposals and interview details to staff (unless proposed changes achieved through volunteers)</p>	
<p>Return of Preference/skills audit forms if applicable</p> <p>Selection Process (interview or consideration of Skills Audit forms by selection committee)</p>	

Selection Committee Two – ratification of final proposals/individuals informed of outcome in writing	
Representations hearing	
Individuals notified of outcome of selection process and formal notice provided if applicable	
Appeals	
New structure effective	

9. Contact Details

Appendices

- Appendix 1 - Proposed Method of Calculating Redundancy Pay
- Appendix 2 - Selection Criteria or details of Interview Committee
- Appendix 3 - Job Descriptions (old and new) – if applicable
- Appendix 4 - HR1 Form – (only applicable if there are more than 20 redundancies)

Appendix 2

Representations meeting Agenda

Parties taking part

The identified Governors who constitute the Selection Committee, one of whom acts as Chair of the selection Committee
The Headteacher/Principal
The Appellant/s
The Appellant's representative
A representative from HR
Minute Taker

Suggested procedure for the meeting

1. Introduction by Chair and explanation of procedure.
2. The Selection Committee or its representative(s) will confirm the reason for their decision.
3. The employee/s will state his/her case against the decision and be able to ask questions of the Selection Committee. ***The employee/s may be accompanied by a representative who may speak on his/her behalf.***
4. The Selection Committee can seek clarification from the employee/s of any points raised in their presentation.
5. Parties to retire, including the Headteacher/Principal.
6. Representative from HR remains to offer advice.
7. Selection Committee consider the case.
8. Parties are informed of the Committee's decision at the conclusion of the meeting if possible and the decision is later confirmed in writing.

OR

9. Parties are informed that a decision has not yet been reached and that they will be informed within five working days.

This procedure may be varied by agreement of all the parties.

Appendix 3

APPEALS MEETING AGENDA

Parties taking part

The identified Governors who constitute the Appeals Committee, one of whom acts as Chair of the Appeals Committee

Adviser to the Appeals Committee

Representative(s) of the Selection Committee

The Headteacher/Principal

The Appellant

The Appellant's representative

Suggested procedure for hearing

1. Introduction by Chair: explanation of procedure.
2. Selection Committee representative – usually the Chair of the Committee (**NOT the Headteacher/Principal**) should put the case for the selection of the appellant.
3. Appellant (or representative) may ask questions of the Selection Committee representative.
4. Appellant (or representative) should put case against the selection of the appellant.
5. Selection Committee representative may ask questions of appellant.
6. Committee may ask questions of the Selection Committee Representative and of the Appellant
7. Head teacher to be invited to express his/her views if (s) he has not done so already.
8. Selection Committee representative to sum up case. *
9. Appellant (or representative) to sum up case. *
10. Parties to retire, including the Headteacher/Principal.
11. Adviser to the Appeals Committee remains with the Appeals Committee to offer advice.
12. Appeals Committee to consider the case.
13. Parties are informed of their decision at the conclusion of the Appeal hearing if possible and then confirmed in writing

OR

14. Parties are informed that a decision has not yet been reached and are informed in writing within five working days by the Committee.

*NOTE: No new evidence or material will be allowed at this stage. This procedure may be varied by agreement of all the parties.