



Thinking Schools Academy Trust

“Transforming Life Chances”

Restructure & Redundancy Policy

This policy was adopted on	September 2018
Consulted with Recognised Trade Unions	June 2022
Adopted by the Trust following consultation	September 2022

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1. Introduction

1.1 Responsibility for Governing Bodies

Prior to commencing a restructure or redundancy process, the Headteacher/Principal will present all the information relevant in a business case for the proposed restructure/ redundancies. Where redundancies may be possible then this will be shared with the governing body for their consideration and approval. If it was a small restructure where there would be no redundancies then the Headteacher/Principal would discuss with their Director of Education.

Where the governing body is satisfied of the need to proceed, and that no other reasonable alternatives exist, they will instruct the Headteacher/Principal or nominated person to begin a consultation process and, if appropriate, confirm that a redundancy situation is unavoidable. In the case of restructures a redundancy situation may be declared as a precautionary measure in situations where the extent of any redundancies is not yet known.

If redundancy is possible then in this instance responsibility for dismissal decisions is delegated to the Headteacher/ Principal, the redundancy process may be managed by, and initial restructure and redundancy decisions made, solely by the Headteacher/ Principal. A redundancy / restructure panel of one or more governors may be convened to hear the matter in situations where it is not appropriate for the Headteacher to perform this function. Appeals will be heard by a panel of two or more governors who have had no prior involvement in the matter under consideration. It will be usual for a governor panel to be comprised of no less than two members, although this may vary depending on the circumstances. Staff Governors cannot be a member of a governor redundancy restructure or appeal panel.

1.2 Responsibility of the Academy

- (a) To plan and review the staffing structure to best meet the needs of pupils whilst ensuring the optimum use of the Academy's resources.
- (b) To establish and adhere to restructure and redundancy procedures.
- (c) To consult with Employees and their Trade Union representatives from an early and formative stage.
- (d) To seek to minimise redundancies and identify alternative employment opportunities for Employees who are at risk of redundancy.
- (e) To ensure that where redundancies are necessary Employees are dismissed fairly.

1.3 Responsibilities of the Employee

- (a) To co-operate with reorganisation procedures
- (b) To seek to mitigate individual loss by actively exploring alternative employment and accept work where it is suitable.

2. Scope

This Policy and Procedure applies to all Employees of The Thinking Schools Academy Trust.

Certain entitlements may be dependent on length of service within a Trust School or continuous service dates. The Trust will continue to apply TUPE entitlements.

3. Adoption Arrangements and Date

This procedure was adopted by the Board of Directors of The Thinking Schools Academy Trust on 1st September 2015 and supersedes any previous Redundancy & Restructure Policy and Procedure.

This policy will be reviewed by the Board of Directors every 4 years or earlier if there is a need. This will involve consultation with the recognised unions.

4. Restructures

There are many reasons why a School/Academy may need to restructure which may include the following reasons:

- changing curriculum requirements
- changes in legislation and policies or new initiatives at either a local or national level
 - a change in the number or requirements of pupils
- budget changes
- improved/best practice ways of working
- school reorganisation, including closures

The Trust is dedicated to supporting all staff to ensure that where any restructures occur, redundancies are used only when all other possible options have been exhausted such as:

- Re-training
- Redeployment
- Change of Contract

5. Definition of Redundancy Situation

Redundancy is defined in the Employment Rights Act 1996, and can occur when an employee is dismissed because:

“The employer ceases, or intends to cease, to carry on the business for the purposes of which the employee is employed by them, or has ceased, or intends to cease, to carry on the business in the place where the employee was so employed”. **i.e. The Academy closes**

“The requirements of the business for employees to carry out work of a particular kind have ceased or diminished, or are expected to do so”. **i.e. Need for particular work ended or diminished**

“The requirements for the business for employees to carry out work of a particular kind in the place where the employee is employed have ceased or diminished, or are expected to do so”. **i.e. May no longer need particular skills in the same location.**

The definition of redundancy for collective consultation purposes includes any dismissals for reasons not related to the individual.

6. Avoidance Measures of Compulsory Redundancy

Where a potential redundancy situation arises, the Trust will in the first instance consider any appropriate avoidance measures including:

- Restricting recruitment of similar posts (both within a school and other local trust schools);
- Cessation of temporary/fixed term contracts/ Secondments, where it is lawful and fair.
- Reductions in overtime;
- Internal re-organisation – restructuring;
- Natural turnover and employee resignations;
- Retraining;
- Explore a reduction in hours
- Secondments;
- Support for employees to find suitable alternative employment either within the Academy or within the Trust
- Early Retirement/“Voluntary” redundancy
- Reduction in the use of casual or supply staff.
- Redeployment (within the school and to other local Trust schools)

All of these measures should be considered before and throughout the process and it should be noted in particular that there is an obligation on the Governing Body to make reasonable efforts to find suitable alternative employment within the Academy. The Academy will also endeavour to identify suitable alternative employment opportunities within the Trust where appropriate.

7. Consultation

Consultation is a key part of any redundancy or restructure plans and this is support by the Trade Unions and Labour Relations (Consolidation) Act 1992; as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1999.)

Some key points to be noted are that regardless of the numbers of potential redundancies, it is a statutory requirement that consultation must:

- (a) Include reasonable notice of consultation meetings
- (b) Be at the earliest opportunity (sometimes even before all the information is available) with staff and trade unions and be meaningful; take place even if those who may be declared redundant are not union members, and must still consult the trade union recognised for the employee group/s concerned;
- (c) Be formal via a formal consultation letter to trade unions which will include disclosure of certain information required by law (details of the appropriate union officer should be obtained from HR).

- (d) Be “with a view to reaching an agreement”;
- (e) Include notification to Secretary of State for Trade and Industry through completion of a HR1 form (where relevant);
- (f) Include an examination of ways of
 - avoiding the dismissals (see Section 4)
 - reducing the numbers of employees to be dismissed
 - mitigating the consequences of dismissals

For the purposes of collective consultation, the requirement applies to any potential dismissal where the reason is not related to an individual (e.g., performance or conduct) and can include dismissals arising from a restructuring of work, or terminating an individual contract and re-engaging on new terms and conditions.

It should be noted that consultation must also take place with individual employees. Individuals should not be approached before trade union consultation commences.

Under the Trade Union and Labour Relations (Consolidation) Act 1992, as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1999, there is an obligation to consult appropriate representatives of any employees who may be affected by the proposed dismissals or may be affected by measures taken in connection with those dismissals.

This means that the potential impact of the proposed redundancies must be considered, not only in respect of those employees who it is proposed to dismiss, but also any consequential impact (direct or indirect) on the staff who will remain, e.g. changes in working arrangements or terms and conditions of employment.

8. Selection for Redundancy

8.1 Planning/Timing

- (a) It should be recognised that achieving staffing reductions within the Trust legally and fairly requires considerable planning.
- (b) As well as the time for meaningful consultation, and avoidance measures, any selection process for redundancy must include the full appeal procedure.
- (c) In addition to proper consideration and counselling for employees, the contractual/statutory notice periods for staff must be taken into account if the Governing Body needs to achieve the reductions.
- (d) Depending on the complexity of the consultation process, the time required to complete the process can be anything from 8-14 working weeks plus a Notice Period of up to 12 weeks depending on the individual’s contract of employment and length of service.
- (e) In the case of teachers, whose contracts can only be terminated at the end of a term, formal notice must be reached by the following dates (please note that by virtue of

length of service some teachers may have accrued up to 12 weeks' notice under statute):

For redundancies at the end of the Summer term 31 st August	3 months notice from 31 st May
For redundancies at the end of the Autumn term 31 st December	2 months notice from 31 st October
For redundancies at the end of the Spring term 30 th April	2 months notice from 28 th February

9. Arrangements for Redeployment to other Trust Schools

The Trust will take reasonable steps to identify suitable alternative employment opportunities for staff 'at risk' of redundancy. The following arrangements for redeployment apply to all Trust schools.

Suitable alternative employment can be outlined as:

- A similar role to your current role
- The same qualification and skill set being required (additional training as appropriate)
- Similar pay group to your current role (no less than 2 pay groups below)

In order to reduce the possibility of compulsory redundancy for permanently employed staff, efforts to secure suitable alternative employment must commence as soon as individual employees are notified that their post is at risk of proposed for redundancy.

The Academy will take steps to ensure that potential opportunities for redeployment to suitable alternative employment elsewhere in local Trust Academies are brought to the attention of the 'at risk' employee(s) concerned as soon as formal consultation commences. Employees under notice of redundancy will be given priority consideration for interview/vacancies within the Trust schools. The Academy does reserve the right to appoint the best candidate to any vacancy unless an at risk employee's substantive post is 75% the same as a vacant post in another local Trust Academy in terms of responsibility and accountability in which case slotting will occur.

Efforts to redeploy 'at risk' employees will be made in parallel to the consideration of their redundancy by a governing body and can continue up to the proposed last day of employment.

Employees will be allowed reasonable paid time off to seek suitable alternative employment. Requests for time off will be balanced with the business needs of the school.

The Academy will endeavour to bring suitable vacancies to the attention of 'at risk' employees.

Where an 'at risk' employee expresses interest in a vacancy, HR will nominate the employee to the Headteacher/Principal and/or the governing body as appropriate for appointment or interview.

Employees may be automatically placed or 'slotted' into a post in the reorganised structure if their current post is largely unaffected by the proposed changes. In general terms slotting may be considered in instances where:

- The grade is unchanged or is 75% the same
- There are the same or greater number of jobs in the new structure as in the current structure (or into another local Trust school vacancy)
- The job is deemed to be 75% the same in terms of responsibility and accountability, job tasks, salary, working hours and overall objectives.

Posts that are potentially eligible for slotting will be identified during the consultation process. The Headteacher/Principal or Redundancy / Restructure Panel will determine which posts will slot and eligible employees will receive written confirmation of this usually at the end of the Formal Consultation stage.

Wherever possible, slotted roles will be confirmed at the earliest opportunity to reduce uncertainty.

An employee on maternity, adoption and additional paternity leave, and who is under an "at risk" notice of redundancy, will have a statutory automatic right to be offered suitable alternative work, if available, ahead of any other employees. In the event that more employees fall into this category than posts available a selection process will need to be used.

Where an employee who is on maternity or adoption leave is made redundant statutory maternity and adoption pay will continue until its expiry – however occupational maternity / adoption pay will cease at the date of redundancy

If the 'at risk' employee is offered an appointment, and accepts, the employee will transfer to the new post as soon as possible in accordance with their terms of employment unless mutually agreed by both parties. The receiving establishment has the right to determine the date upon which the employee will commence duties. Continuity of service will be preserved.

In the event that an employee under notice of redundancy is offered alternative employment under a new contract of employment with terms and conditions that differ (wholly or in part) from the corresponding provisions of the previous contract, the employee has a statutory entitlement for a trial period of at least four weeks in which both parties can determine suitability (i.e. the employer and employee). This statutory four-week trial period should begin when the old contract expires.

Offers of appointment will be made in writing and will include as a minimum the following details: a description of the work to be undertaken, the rate of pay applicable, hours of work, the location, any training to be given if appropriate, the duration of the trial period and any other terms and conditions which may be different from the employee's existing job.

If either party determines within the trial period that the new job is not suitable, the employment will terminate by reason of redundancy on the date on which employment on the previous contract was due to end. In cases where an Employee terminates the trial period without good reason the School reserves the right to withhold the redundancy payment.

The trial period may be extended beyond the initial 4 weeks by mutual agreement to enable further retraining. Any extension will be confirmed in writing.

If the employee works beyond the end of the four-week trial period and no express extension has been agreed in writing, as set out above, the employee will be deemed to have accepted the new employment and any redundancy entitlement will be lost.

If an 'at risk' employee rejects an offer of redeployment they should state their reasons for doing so. The Academy will advise them whether such action is likely to prejudice any entitlement to redundancy pay.

The employment may be terminated where it is mutually agreed that the redeployment has not proved satisfactory. In these circumstances, and provided the termination takes effect within one term of transfer, the employee will not forego any redundancy payment to which they may be entitled.

10. Salary Protection

When as a result of a reorganisation within the Trust a post is downgraded or an employee is redeployed to a post attracting a lower grade within the Trust, the Trust will provide basic salary protection for 3 years for support and teachers following expiration of notice, provided the new post is deemed as suitable alternative employment- which would be one pay group lower than their current pay group.

During the 3 year Salary Protection period, the employee's pay will move to the pay rate of the new role and the difference in pay will be paid as a separate salary protection payment each month. If the employee receives a pay award during this period the pay increase will be applied to the new role's pay rate but the salary protection payment will reduce by the same amount.

After 3 years, the employee will revert to the substantive grade of the new post.

Employees are advised to take advice regarding any possible effect it may have on their pension.

Should the employee successfully apply for another position, the terms and conditions of that post will apply and the salary protection will be withdrawn.

11. Indicative Redundancy Timeline

		Working Weeks
1	Governing Body meets <ul style="list-style-type: none"> • Agree need to proceed with proposed restructure and commence consultation • Redundancy / Restructure Panel identified (where appropriate) • Appeal Panel identified 	Week 1
2	Early Consultation Meeting with Employees and Trade Union / Professional Associations <ul style="list-style-type: none"> • Proposals Explained • Business Case & information letter issued 	Week 2 At least 5 working days notice of meeting
3	Formal Consultation Period / S188 <ul style="list-style-type: none"> • Headteacher/ Principal or Panel meeting to consider any feedback from ECM and authorise Formal Consultation • Section 188 letter and documentation circulated to unions 	Week 3 - 5 Following point 2. 30 working days formal consultation
4	Individual Consultation Employees given the opportunity to meet on 1:1 basis	Week 3-4 Usually during first working week of formal consultation
5	End of Formal Consultation Headteacher/Principal or Panel considers responses to consultation and whether original proposals should proceed	Week 5 Allow 1 working week following the end of the formal consultation period.
6	At risk letters sent Employees placed at risk and notified of selection process	Week 7 Allow 1 week
7	Selection <ul style="list-style-type: none"> • Audits / Applications to be returned • Selection meeting • Interviews held (if applicable) 	Week 7-9
8	Notification of outcome <ul style="list-style-type: none"> • Communicate outcome of process • Inform employees if their posts are selected for redundancy or • Offer of an alternative post made / contractual variation confirmed • Employees advised of right to representation & appeal 	End of Week 9
9	Representation Meeting <ul style="list-style-type: none"> • Representations to made by • Representation to be heard by • Employees advised of outcome by 	Week 10 Usually held within 5 working days after notification of outcome Week 11 Outcome within 5 working days of representation meeting
10	Notice Issued Notice will be the greater of statutory or contractual entitlement up to a maximum of 12 weeks	Week 12 After representations, in line with contractual entitlement

11	Appeal Meeting <ul style="list-style-type: none"> • Appeals to be made by • Representations to be heard by • Employees Advised of the outcome by 	10 working days to make appeal. Appeals usually heard within 10 working days Outcome within 5 working days of appeal meeting
12	Contracts terminate by reason of redundancy	

12. Compulsory Redundancy - Selection Criteria

12.1 The Academy will establish a suitable objective and fair method for selecting Employees whose jobs will be made redundant. This proposed selection criteria and method will be shared with recognised professional associations during consultation.

Selection criteria may include one or more of the following,

- Standard core competencies such as, o subject expertise
 - flexibility across subject areas/ proven ability to teach more than one subject
 - proven ability to teach across more than one key stage or area o Specialist teaching skills or experience (pastoral role, SEN, etc)
- Job specific competencies and specialist skills
- Formal Disciplinary records (unexpired disciplinary warnings only)
- Performance management records and achievement of objectives
- Relevant Qualifications
- Continuous Professional Development within the past 5 years
- Evidence of wider contribution (within directed time/normal working hours and in the context of the post).

The precise selection criteria may vary dependent on the selection pool and what is reasonable given the circumstances as well as consultation.

When identifying selection criteria the Academy will have careful regard to equalities issues and reasonable expectations for the job role. The process for the selection criteria will be carried out in a non-discriminatory manner. An Equality Impact Assessment of this policy will be undertaken to ensure that no groups or individuals with protected characteristics are unintentionally disadvantaged by the policy or practice.

The Academy will seek to ensure that the selection criteria are robust and fairly applied and objectively scored for all candidates within the pool.

Selection criteria may be assessed either via:

- A skills audit
- An application and interview process
- A selection activity (but, excluding new lesson observations)
- An analysis of staff data.

More than one selection method may be used, where multiple methods are used the relative weighting of these will be specified during the consultation process.

The proposed selection criteria and method will be consulted on with the recognised trade unions.

Where there is a single employee in the selection pool or all posts within a pool are to be removed from the structure, it will not be necessary to undertake a selection process.

12.2 Selection in a reorganisation

Where new posts or significantly different posts are created as a result of a restructure, recruitment to these will usually be via a competitive application / recruitment process. The precise process will be outlined during consultation.

In such circumstances, these vacancies may be ring fenced to certain groups of Employees or individuals, in the first instance. Any ring fencing provisions will be outlined during consultation.

In this instance, any redundancies will be identified through non recruitment to available posts.

13. Redundancy Payments; Alternative Employment; Notice

13.1 Employee Rights to Redundancy Payments

Redundancy payments will be calculated in accordance with a formula laid down in statute. There are, however, two additional rules which apply to all staff in the Trust.

- (i) Redundancy payments are normally based on an employee's actual/gross weekly pay, and are not subject to the limit in the statutory scheme.
- (ii) As a result of the Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999, an employee is entitled to receive a redundancy payment based on all continuous local government and related service). 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 Trust Academies or Local Government, to commence within four weeks of their date of termination, there will be no entitlement to a redundancy payment.
- (iii) The regulations are complex and advice should be sought from HR. Redundancy Payments

When the actual date of redundancy is settled, and the necessary documentation has been completed by the HR Services (Academies) Section, The Finance & Head of HR will arrange for the appropriate payments to be made.

13.2 Alternative Employment

13.2.1 The Governing Body will endeavour to identify suitable alternative employment opportunities within the Trust where appropriate.

13.2.2 Offer of Alternative Employment

The Academy will take reasonable steps to identify suitable alternative employment and redeployment opportunities for Employees under notice of redundancy.

Individuals will be made aware of any vacancies which arise within the Academy.

While priority will be given wherever possible to Employees under notice of redundancy, the Academy reserves the right to appoint the best available candidate to any vacancy.

Any offers of alternative employment will be made in writing, including a full statement of the terms and conditions offered.

Where the Redundancy/Restructure Committee accepts a volunteer for redundancy it should be noted that this will still constitute a dismissal on the grounds of redundancy and public agencies advised accordingly upon request.

13.3 Refusal of Suitable Alternative Employment

Should an employee feel unable to accept a contractual variation or offer of a new post they may wish to discuss the reasons for this informally with the Headteacher/Principal in the first instance. It will be for the employee to demonstrate to the Redundancy / Restructure committee the reason why an alternative offer made by the Academy is not reasonable and suitable.

An employee who unreasonably refuses an offer of suitable alternative employment made with broadly comparable terms and conditions, may lose their entitlement to redundancy pay. In such circumstances, dismissal would still be for reason of redundancy.

13.4 Alternative Employment – Trial Periods

In the event that an employee under notice of redundancy is offered alternative employment under a new contract of employment with terms and conditions that differ (wholly or in part) from the corresponding provisions of the previous contract, the governing body has a legal obligation to give the employee a trial period of at least four weeks in which time both parties can determine suitability about the job. This offer should be in writing. This statutory four-week trial period should begin when

the old contract expires. If the trial period is unsuccessful, the employee will be redundant on the same terms that applied at the end of the original contract.

- (a) During the trial period the employee is free to terminate the new contract, and on termination to be treated as though he/she had been dismissed on the date the previous employment ended. If the employee's reasons for termination of the trial period are considered unreasonable, he/she may lose entitlement to a redundancy payment. The employee would be given notice in line with the procedure – If the trial was unsuccessful the employee would be regarded as being dismissed by reason of redundancy at the same date the employment was originally due to end.
- (b) If the employee works beyond the end of the four-week trial period and no express extension has been agreed in writing, as set out above, the employee will be deemed to have accepted the new employment and any redundancy entitlement will be lost.

A trial period longer than the statutory period of four weeks (but only where this is necessary for retraining purposes) may be agreed with the employee. Such an agreement must be in writing setting out the start and finish of the extended trial period and the employee's terms and conditions after it ends. A maximum of one term may be agreed for an extended trial period.

13.5 Time Off to Seek Alternative Employment

- (a) An employee who is given notice of dismissal for reasons of redundancy has the right, before this notice expires, to reasonable paid time off from work in order to look for new employment or make arrangements for training for future employment.
- (b) This provision relates only to those employees who have been continuously employed for two years or more. But where it does not apply the governing body should still allow employees to take reasonable paid time off for the reasons specified in (a) above.

13.6 Notice

13.6.1 Once notice has been given in writing, it can only be withdrawn by mutual consent. If, for example, a teacher is given notice, and subsequently a suitable vacancy arises due to another teacher leaving, the notice given cannot be unilaterally withdrawn. Of course, the Governing Body would have a legal obligation to offer the post to the teacher under notice, and the teacher would have to accept the offer, even during the notice period, or risk losing entitlement to all redundancy benefits.

13.6.2 Outstanding Leave Under Notice.

Employees should be told of any outstanding leave which they must take during the notice period if this is at all possible. In the event that this is not possible, the employee will be paid in lieu for any outstanding leave not taken.

14. Guidance for Representation and Appeal Meetings/Hearings

Representations and Appeals should take place at a reasonable time and place usually during the employee's normal working hours and, in the case of employees who work term time only, during the Academy term. These arrangements may be varied by mutual agreement.

Consideration should be given to the venue for the hearing. There should be adequate rooms for the parties and arrangements to ensure that the hearing is conducted with discretion and confidentiality maintained. A venue away from the Academy site may be appropriate in certain circumstances.

The precise procedure to be followed will vary depending on the particular circumstances of each case, but in general the following will apply:

Procedure for Representation Meetings

- The Headteacher/ Principal or Chair of the Redundancy & Restructure panel will introduce those present and their roles, explain the procedure to be followed and the format of the meeting.
- The Headteacher/ Principal or Chair of the Redundancy & Restructure panel will explain the reasons why the employee has been provisionally identified for redundancy with reference to the outcome of any audit or selection process. The employee and their representative may ask any questions relating to this.
- The employee and their representative present reasons why they should not have been selected. This may include asking the panel to reconsider its initial selection decision. The employee is not permitted to add to information given during the selection process or comment on the performance of others. The Headteacher/ Principal or Redundancy/Restructure Panel may ask questions relating to the points raised by the employee.
- The meeting is adjourned to enable the Headteacher/ Principal or Redundancy/Restructure Panel to consider the points raised and whether the provisional decision to dismiss should be upheld.
- The representation meeting is reconvened and the outcome is communicated verbally to the Employee. The outcome will also be confirmed in writing to the Employee within 5 working days of the decision.

Procedure for Appeals

- The panel will be staffed by governors/DoE's/ Heads or another appropriate member who was not party to the original decision to select the employee.

- The panel will identify a chair whose role is to facilitate the appeal meeting.
- The chair of the panel will introduce those present and their roles, explain the case to be considered, the procedure to be followed and the format of the meeting.
- The employee or their representative shall put the case in support of the grounds for appeal, including any mitigating circumstances. This may include referring to written submissions and evidence. The headteacher or the chair of the panel may ask questions of the employee and their representative.
- The Academy's representative presents the case for upholding the previous panel's decision and refers to written documentation. The employee and their representative and panel may ask questions of the Academy's representative.
- The panel will invite both parties to sum up their cases, with the employee or their representative having the final word. The hearing will then be adjourned whilst the panel deliberates over the evidence.
- Adjournments may be requested by both parties or by the panel during the appeal hearing. If new evidence is presented the appeal may need to be adjourned while this is investigated.
- The appeal hearing will then be adjourned whilst the panel deliberates over the evidence. If further clarity is required both parties may be recalled and the hearing reconvened so that all parties may hear any additional evidence.
- The appeal hearing is reconvened and the outcome is communicated verbally to the employee. This should also be confirmed in writing. On occasion it may not be possible for the panel to reach a decision on the day of the hearing in which case the appeal may be reconvened or all parties may agree for the outcome to be communicated in writing within 5 working days of the decision being made.
- Where the decision is made to uphold an employee's appeal the matter will be reinstated.

The Role of the Representative

The employee has the right to be accompanied to a hearing or appeal meeting by either a workplace colleague or recognised trade union representative.

The representative may address the hearing to put and sum up the employee's case, respond on behalf of the employee at the hearing and confer with the employee during the hearing. The representative does not have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the employer from explaining their case.

The Role of HR

The Academy may request that HR attends an appeal meeting whose role is to advise the panel on the procedure and any points of employment law.

A further member of HR may also be in attendance to support the Academy in the presentation of their case. HR may be allowed to ask questions and clarify issues on behalf of the party they are supporting.

15. Statutory Redundancy Calculations Chart

Age (years)	Service (years)																			
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
17	1																			
18	1	1½																		
19	1	1½	2																	
20	1	1½	2	2½	-															
21	1	1½	2	2½	3	-														
22	1	1½	2	2½	3	3½	-													
23	1½	2	2½	3	3½	4	4½	-												
24	2	2½	3	3½	4	4½	5	5½	-											
25	2	3	3½	4	4½	5	5½	6	6½	-										
26	2	3	4	4½	5	5½	6	6½	7	7½	-									
27	2	3	4	5	5½	6	6½	7	7½	8	8½	-								
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½	-							
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½	-						
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½	-					
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½	-				
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½	-			
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½	-		
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½	-	
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½	
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17	
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½	
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18	
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½	
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19	
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½	
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24	
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½	
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25	
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½	
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26	
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½	
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27	
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½	
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28	
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½	

59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30

Appendix 1 – Employee Assistance Programme

Confidential Counselling Service for TSAT Employees

A confidential counselling service is available for all Employees across the Trust provided by Smart **Clinic**. The service offers information, advice and support 24 hours a day, 7 days a week. This includes a telephone support line, access to advice and information, coaching and counselling where appropriate. To access the service please use the contact details below:

- Telephone: 0845 862 2113
- Access the online services via www.client.smartclinic.com and use your personal log in details.
- Download the app for convenience – details are available online.



Appendix 2 – Salary Protection/ Compensation Protection

If, for reasons of redundancy an employee is given redeployee status, they will, when applying for internal vacancies, be guaranteed an interview for roles where they meet the identified minimum criteria. Where an employee on TSAT terms and conditions is redeployed to a lower graded post within a Trust School they will be subject to the Salary Protection Scheme.

Salary Protection Scheme Principles:

- Redeployment to a post on the same grade will be on the basis of appointment at the employee's existing salary.
- Employees who are redeployed to a post at a lower grade than their redundant post will be appointed to the top of the lower grade. Salary protection compensation will be paid to an employee in these circumstances.
- Salary Protection is based on the difference between the employee's annual salary prior to their redeployment and the top of the grade of their new substantive post.

The Salary Protection compensation is made on the following basis:

- It does not include overtime payments, payments for working unsocial hours, any allowances as applicable to the original post and or other benefits that are specifically attached to the original grade.
- Payment in monthly instalments over 3 years.
- In the case of support staff where the redeployment is to a post which is more than two pay groups below the employee's previous post, the Salary Protection compensation will only apply to a maximum of one pay group above the new substantive post.
- A recalculation will be made if the employee's annual remuneration increases substantially before the salary protection period ends (i.e. the protection will end if the employee secures a post which has a grade which matches or is greater than their previous substantive post).

- The protection arrangements do not extend to annual leave entitlements and notice periods.
NB: The protection of other non-financial contractual elements such as leave entitlement can, in exceptional cases, be agreed by the Deputy CEO.
- Salary Protection compensation payments should be included in any future redundancy payment. However, salary protection compensation is non-pensionable.
- Staff paid loss of earnings compensation do not receive the TSAT annual pay award on their 'actual' pay until the protection is removed. The level of compensation received each year will be reduced to reflect pay progression and annual pay award to the pay point of the 'new' post.
- Staff who are on a protected salary (i.e. on a salary higher than the grade maximum for their substantive post) will be subject to a performance assessment in the normal way, but will not be entitled to receive a nonconsolidated performance payment (lump sum).
- Staff who are in receipt of salary protection may require to carry out additional responsibilities commensurate of the salary protection compensation.

Appendix 3 – Procedure for Redundancy

- The Headteacher/Principal gathers all relevant information on the needs of the Academy to change/reduce current staffing structures, the costs of current resources, forecast budget out turns etc. and discusses these with relevant Advisers (from HR, Finance Director and the CEO), then with the Governing Body.
- Where the Governing Body believes that no other reasonable alternatives exist, it should instruct the Headteacher/Principal to commence early consultation with recognised trade unions and staff on a potential redundancy situation.
- The Governing Body should where required establish a Redundancy/Restructure panel (minimum two non-staff governors) which will have delegated responsibility to consult formally with trade unions, and carry out any redundancy selection with advice from the Headteacher/Principal and the HR Adviser. It should also establish an Appeals Panel (three Governors who have had no prior involvement) which will take no further part in discussions on the subject, so that appeals against any initial dismissal decision can be heard without prejudice.

In the unlikely event that 20 or more dismissals are possible, there will also be a statutory requirement to notify the Secretary of State for Trade and Industry, and advice should be sought from the HR Adviser

The Academy will set reasonable timescales for each stage of the process

Establishing the need for staff reductions at the right time is therefore crucial and the following timescale is suggested:-

Proposed termination date	Notice date required	Suggested time to establish the potential need for redundancies of staff
31 December	31 st October	1 st April
30 April	28 th February	1 st September
31 August	31 st May	1 st December

The Academy, in consultation with Professional Associations may, in exceptional circumstances, adopt a shorter timescale for the process, but with due regard for the need for meaningful consultation. A shorter timescale may also be followed in the case of restructures which do not involve potential redundancies or where Employees are in agreement to the proposed changes.

Compulsory Redundancy Process:

Internal Management

- (a) The Headteacher/Principal or Redundancy/Restructure panel confirm that all practical avoidance measures within the Academy are being considered before beginning formal consultation.

Secondment/Redeployment/Employment Elsewhere/Matched roles

- (a) Collective Consultation will take place with unions ahead of an internal consultations.
- (b) As soon as consultation with staff commences the Headteacher/Principal arranges for counselling/support interviews with HR where appropriate.
- (c) The Headteacher/Principal discusses references with those staff looking for employment outside the Academy.
- (d) The Headteacher/Principal asks the HR Adviser to explain any salary protection arrangements as position arises. See section 9. (and compensation for any extra travelling costs to staff concerned).
- (e) The Headteacher asks HR to explain the TSAT's redeployment arrangements for staff who are 'at risk' of redundancy and to clarify that the TST has the power to insist that the Governing Body of any trust school must appoint someone at risk in another TSAT school to a similar post where one is available.

Early Retirement/"Volunteers" for Redundancy

As a means of preventing compulsory redundancies – applications for voluntary redundancy will be considered.

- (a) At the stage of Early Consultation, the Headteacher/Principal asks all staff in the unit of selection for potential volunteers to express an interest by a certain date. It should be stressed that this is totally without prejudice, i.e., that this does not commit the employee, or the Governing Body at this stage, and will not influence any process of selection.

Any requests for estimates of terms will be passed to the HR Adviser for processing.

- (b) Once the employee has had the chance to consider the estimate of terms, he/she should be asked to confirm their interest in writing though this would not guarantee agreement by the Headteacher/Principal or Redundancy/Restructure panel at this stage.

(c) Where there are too many suitable volunteers, the Headteacher/Principal or Redundancy/Restructure panel will determine the criteria to be applied in each instance and that these may vary depending on the requirements of the school.

(d) Any volunteers not accepted have no right of appeal against this decision, although the Headteacher/Principal or Redundancy/Restructure panel should give their reason(s).

Early Consultation

The Headteacher/Principal asks HR to arrange a meeting involving representatives of recognised professional associations (*details of the appropriate professional association officer should be obtained from HR*), a HR Partner, and the Headteacher/Principal at the Academy, to be followed by a meeting with all potentially affected staff. This can take place immediately afterwards or at another agreed time. At least 5 working days notice of the meeting should be given.

Each staff member affected needs to be invited to the meeting. The letter should state that the meeting is to discuss re-organisation proposals and that Union Representatives will be present but it is advised that the letter does not refer to more detailed information.

At the first meeting, the Headteacher/Principal will provide copies of relevant written confirmation on things such as the Academy budget position, forecast pupil numbers, curriculum audit, detailed staffing list, the current and proposed staffing structures and a draft timetable for implementation of redundancies. At the meeting, the Headteacher/Principal should explain the problem, and identify the proposed unit of selection if it is not the whole Academy, respond to any queries, note any suggestions from trade unions for further research and report to the Redundancy/Restructure panel (if appropriate) at its next meeting. The trade union representatives and HR will remain present at the meeting with staff during which the situation will be explained and staff will have the opportunity to ask questions and suggest alternatives. Staff should also be given the opportunity to meet separately with their union representative, and the trade union be given the opportunity to raise any concerns that arise with the Headteacher/Principal.

The interval between early consultation and formal consultation should be at least 10 working days

Formal Consultation

Where no immediate practical alternatives to resolve the matter are found at the early consultation stage, the Headteacher/Principal or Redundancy/Restructure panel must meet to start formal consultation with advice from HR. Formal consultation should take place regardless of the numbers of potential redundancies.

Under Section 188 of the Trade Union Labour Relations (Consolidation) Act 1992, consultation should be commenced as soon as the employer has formed proposals. The proposals may be

modified in the course of consultation, but they must be made. The information that has to be disclosed and consulted upon must cover the following items:-

- Reasons for the proposals and any proposed redundancies
- Numbers and descriptions of Employees it is proposed to make redundant
- The total number of Employees of this description employed at the Academy
- The proposed method of selecting those who may be dismissed
- The proposed method of carrying out the dismissals, including the period over which dismissals will take place
- The proposed method of calculating redundancy payments
- Timescales for the process
- Other options for consideration and ways in which compulsory redundancies may be reduced or avoided – including inviting volunteers – or the consequences of redundancies mitigated
- Arrangements for individual consultation meetings
- Proposed selection criteria for those at risk of redundancy
- Invite Employees and their representatives to put forward responses or counter proposals with a view to reaching agreement where possible.
- The proposed new/amended Job Descriptions Details of the selection process to any new roles

Trade unions in receipt of a Section 188 letter must be given a reasonable time in which to consider the proposals and to respond (normally 15 working days). The Headteacher/Principal or Redundancy/Restructure panel must consider any representations made by the unions and respond formally in writing giving a reason for any representation not accepted.

Selection for Redundancy

- a) Once the Headteacher/Principal or Redundancy/Restructure panel has replied to any written responses from trade unions at the Formal Consultation stage, and sufficient volunteers have not been found and agreed, the Headteacher/Principal will issue 'at risk' letters to all staff in the unit of selection together with details of any selection methods and / or a copy of a staff audit form (and a copy of the agreed selection criteria) for completion and return within one week. Further details concerning determination for selection criteria can be found at appendix 2.
- b) Where audit is used the Headteacher/Principal or Redundancy/Restructure panel must then meet and, select employee(s) for redundancy by matching the selection criteria agreed during consultation to the information contained on the anonymous audit forms. (The HR Advisor removes the names from the Redundancy/Restructure Sub Committee's copies prior to selection).
- c) Where interview is used, a member of the Redundancy/Restructure Sub Committee and Senior Leader from the Academy should interview employees against set questions. They will then select employee(s) for redundancy based on the criteria scored from the interview.

- d) The Headteacher/Principal or Redundancy/Restructure panel must not reach a firm decision until after employees have had the opportunity to make representations to them, and the Panel or Headteacher/Principal have had the chance to consider these carefully
- e) The Employee(s) selected should be informed by the Headteacher/Principal in writing, and be given the opportunity to make representations against its decision at a date/time already communicated to staff and trade unions (usually within one week of the selection meeting not including closure periods). The employee(s) must be given the opportunity to be represented by a trade union representative or workplace colleague.
- f) Employees who have been provisionally selected for redundancy or who have declined an offer of alternative employment / contractual variation will be invited to attend a representation meeting with the Redundancy Panel.

The purpose of this meeting is for the Headteacher/Principal/ Redundancy/Restructure panel to explain the reasons for the Employee's selection and for the Employee to ask any questions relating to this. The Employee may also wish to present reasons why they should not have been selected to the Panel. However it should be noted that the meeting is not an opportunity for the Employee to add to information already provided during the selection process or comment on the performance of other Employees in the pool. At the end of the meeting the Employee may wish to ask the Panel to reconsider its provisional selection decision.

Representation meetings should take place as soon as practicable, and usually within 5 working days of written notification of the outcome of the selection process. The panel may adjourn the representation meeting should the Employee present information requiring further investigation.

A trade union representative or workplace colleague may be present at this meeting. The meeting may be postponed for up to 5 working days if the Trade Union representative or workplace colleague cannot attend.

- g) Employees will receive written notice of their dismissal by reason of redundancy, once they have been advised of the outcome of any Representation meeting. Employees may appeal in writing, against the decision to terminate their current contract by reason of redundancy, this must be in writing within 10 working days of receipt of the letter.

Notice will be the greater of the contractual or statutory entitlement, up to a maximum of 12 weeks as determined by qualifying continuous service under the terms of the Local Government Modification Order. Where statutory notice is issued this will be 1 week for each year of service, up to the maximum of 12 weeks.

- h) An appeal may be made on one or more of the following grounds:
 - Unfairness of decision
 - New evidence has come to light
 - Significant procedural irregularities

- i) The Appeals Panel will hear any appeals from employees against the decision of the Redundancy/Restructure Sub Committee, according to the procedure set out in Appendix 4.

If the appeal is upheld, the decision will be confirmed to the employee and trade unions in writing. A letter withdrawing notice will be issued.

- j) Once an employee has been issued notice of the termination of employment on grounds of redundancy, the Academy will continue to assist in efforts to secure redeployment.

Ways of assisting with redeployment and the conditions surrounding redundancy payments can be found in Appendix 2.

- k) It is possible that employees who have been accepted as volunteers for redundancy, or who have been selected for compulsory redundancy, are offered suitable alternative posts either in the same Academy or in another Trust Academy – for example because another member of staff resigns. This can occur during the contractual notice period. Employees who unreasonably refuse suitable alternative posts may lose their entitlement to redundancy payments.