



Hunsbury Park Primary School

Redundancy and Restructuring Policy

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Statement of intent

Hunsbury Park Primary School has a duty to continuously review staffing needs and costs to ensure pupils receive an enriched education, while anticipating the need for any changes in staffing by careful forward planning.

The purpose of this policy is to provide a consistent and fair procedure for handling redundancies. This policy provides information on how staffing restructures can avoid redundancies and, if they are unavoidable, how the school can manage redundancies effectively.

1. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- The Data Protection Act 2018
- The UK General Data Protection Regulation (UK GDPR)
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- Equality Act 2010
- Employment Rights Act 1996

This policy operates in conjunction with the following school policies:

- Data Protection Policy
- Records Management Policy
- Disciplinary Policy and Procedure
- Complaints Procedures Policy

2. Roles and responsibilities

The governing board's role is to:

- Ensure that this process is carried out fairly and consistently and that any managers involved in any aspect of it have the appropriate training and skills to do so.
- Be committed to the principle of avoiding or minimising compulsory redundancies wherever feasible and ensure that alternative methods such as redeployment are used to manage reductions during the course of re-organisations.
- Identify potential over-staffing situations during regular reviews of budget-setting and budget delivery.
- Commence the redundancy process.

The headteacher is responsible for:

- Communicating this policy to all the relevant staff members and the wider school community.
- Providing the relevant information to HR and payroll departments regarding departing staff members.
- Upholding confidentiality and not sharing information with staff members unnecessarily.

The Senior Leadership Team and school business manager are responsible for:

- Where necessary, informing payroll and pensions of the departing staff member.
- Ensuring business continuity, e.g. removing the individual from the website, delegating their duties until a replacement is found, and organising a handover period between the departing staff member and the replacement.

- Assessing, in liaison with the DPO, what information the school may need to retain regarding the individual and ensuring they are informed of this, in accordance with the Data Protection Policy And the Records Management Policy.
- Ensuring the ICT technician terminates the departing staff member's accounts at the school and
- Ensuring the site manager obtains means of access to the school premises, e.g. keys from the departing staff member, and any other school-owned equipment that is in the departing staff member's possession.

The SLT are responsible for providing information in relation to workforce planning and resources to the governing board as require.

The departing staff member is responsible for:

- Following any defined exit procedures, as outlined in their employment contract.
- Continuing to work to the expected standards for the duration of their notice period, as defined by their employment contract.
- Reviewing any files on their school computer system that they may require prior to the account being deleted.
- Ensuring they return school equipment in the same condition they received it.
- Keeping relevant information about the school confidential.

The LA's role is to:

- Attend meetings where redundancies are being considered.
- Pay the cost of redundancy

3. Definitions

Workforce change can arise from a number of reasons, including, but not limited to:

- School requirements.
- Diminishing resources.
- School operational changes.
- Legislation or school practice changes.

The term 'workforce change' is defined as:

- Where staffing numbers will be reduced.
- Where hours of work will be reduced.
- Restructuring and reallocating staff in different parts of the school.

Compulsory redundancies will be avoided by the school wherever possible. To assist this, workforce planning, budget analysis and strategic forward planning will be carried out. If redundancies are required, they will be planned in advance as this is essential to maximise openings to retrain and redistribute staff. Applications for voluntary redundancy, flexible working and other voluntary options will be considered during the process.

Where the school is embarking upon a workforce change procedure, which may or may not result in the need to make staffing reductions, HR advice will be sought before beginning this process.

Definition of redundancy

An employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is wholly or mainly attributable:

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

4. Operating the consultation process

Regardless of whether staff numbers could be reduced due to workforce change, consultation with staff, trade unions and/or employee representatives will take place in good time and in line with statutory requirements. All affected employees will be consulted on an individual basis.

Timescales

To reach an agreement on a revised structure, the school will seek to complete the consultation process within the statutory consultation requirements, preferably in the shortest time frame possible.

Stage one – preparing workforce change proposals and starting consultation

The headteacher will draw up a written business case for workforce changes, which includes detailed information on the proposals for consultation such as:

- A draft business rationale, project plan, and timeline for executing the changes.
- An equality impact assessment.
- Draft proposals for the procedure which include:
 - The justification for the changes
 - Full organisational structure
A brief outline of the proposed job profiles
 - Any other supporting documentation including appropriate budgetary information and up-to-date job descriptions

The following information should also be prepared:

- The existing workforce structure, including funded vacancies
- A document highlighting the key differences in structure and staffing
- A list of employees potentially affected including temporary, fixed-term, secondments, maternity leave, long-term sick leave etc
- A list of trade unions to be consulted

- Equality impact information
- Any selection criteria that will be used in the process

The headteacher and governors will prepare the information listed above along with all relevant documents and appoint key liaison officers.

Trade unions will be invited to a consultation meeting by letter with a minimum of five working days' notice and HR advice will be provided on composition of the consultation meeting. Proposals will be presented to the relevant trade unions in an initial consultation meeting.

Notes during the meeting will be produced, agreed and signed. The notes will accurately reflect the discussion and give reasons for any proposals, including acceptances and rejections of any counter proposals.

To give trade unions a better understanding during the consultation process, comments will be considered and responded to during the rationale for initial proposals. Proposals or counter proposals will be considered as they may contribute to shaping the proposed new organisational structure.

If the trade unions produce alternative proposals, a considered response will be presented to them at the earliest opportunity that highlights where there may be potential for settlement and where the original proposal may be modified and any consequences that this may have. Where the alternative proposals are not seen to be viable or practical, the response will outline the matters and state the consequences of adopting them.

A timescale for the consultation process will be prepared and meetings will be scheduled on a weekly basis. Feedback mechanisms from the trade unions to management and, where possible, from the employees directly themselves will be agreed. If it is deemed appropriate to receive feedback outside of the formal consultation meetings, this will be discussed and confirmed at the next formal meeting.

A staff meeting will be arranged as soon as possible after the Trade Union consultation meeting to enable the proposals to be presented to employees. The relevant Trade Union representatives will attend and distribute the proposal documents and explain the proposals in detail. This should identify positions only, not employees. Throughout the process, the school will ensure that absent employees are fully informed of and consulted about developments and a record should be kept of information.

Employees of the key liaison officer who should receive feedback together with any deadlines involved will be notified and comments can be made.

Employees are made aware that they can stay behind at the end of staff meetings and speak to their Trade Union representatives.

Stage two – subsequent consultation meetings

Feedback from Trade Union representatives and employees is collected, summarised where appropriate, and includes any alternatives that have been suggested. Feedback will then be discussed and explored with the Trade Union representatives.

The school will be prepared to consider alternative suggestions and make changes to the proposals in response to the feedback, if necessary. Some changes may be able to be agreed at this meeting, others may need to be considered further and fed back at a later meeting.

Consultation will also include ways of avoiding redundancy dismissals, reducing the numbers of employees to be dismissed and mitigating the consequences of the dismissals. This will be balanced against the need to meet the objectives of the proposed changes but if the objectives can be achieved by an alternative method, proper consideration will be given to such counter proposals.

It will be confirmed with the trade unions of any outstanding issues that need to be resolved in order to reach an agreement and the timescales for resolution.

Stage three – final consultation meeting

Feedback on any revisions to the proposals will be discussed and explored. A detailed explanation of the consequences of adopting any alternative proposals will be provided where it has not been possible to include them.

The school and the trade unions will seek to discuss and resolve any issues in a positive way in order to move the proposals forward.

If all matters have been resolved as far as possible, the agreement will be confirmed.

Seeking agreement

The purpose of the consultation process is to reach agreement between the school and the trade unions, wherever possible, on the new structure. Both the school and the trade unions will seek to resolve any differences in a constructive and positive way; this may involve both sides making compromises in order to move forward.

Employment legislation does not require that an agreement must be reached with the trade unions; however, the school will consult in good faith and in good time with a view to reaching agreement where possible.

Following a thorough consultation process and attempts to resolve any differences where it has not been possible to reach an agreement, the school may need to take an independent decision that the final structure, list of staff affected, and the selection criteria proposals should be implemented.

Stage four – assimilation procedure

The purpose of the assimilation procedure is to provide a fair, transparent and efficient process for placing existing staff into the new school structure and identifying any displaced staff for redeployment and possible redundancy, should redeployment elsewhere in the school not be possible.

Both the school and trade unions have a responsibility to ensure that the procedure is applied in a fair, transparent and open manner and the headteacher will formulate the school's assimilation proposals.

Employees on temporary, fixed-term contracts or secondment arrangements should have advice obtained from HR to ensure that any assimilation rights are determined correctly.

Secondments

Employees on secondment have assimilation rights in their fundamental post, they do not have assimilation rights in the post that they have been seconded to.

Fixed-term contract employees

HR advice will be sought as these employees' rights may be determined or affected by the reason for the contract being temporary or fixed-term. These employees must be included in the assimilation process like any other employee. Consideration must be given to any previous service with other schools and LAs as this may impact upon any redundancy pay.

Any employees with more than two years of continuous service will be protected by both unfair dismissal and redundancy legislation the school follows a fair process when making staff redundant.

Redundancy pay

Any staff members who are made redundant will be entitled to a minimum of:

- Their contractual notice, which is a minimum of one week's pay for each year of service up to a maximum of 12 weeks' pay.
- A tax free statutory redundancy payment of:
 - One and a half weeks' pay for each complete year of service in which the employee was aged 41 or over at the beginning of the year.
 - One week's pay for each complete year of service in which the employee was aged 22 to 40 at the beginning of the year.
 - Half a week's pay for each complete year of service in which the employee was under the age of 22 for any part of the year.

A week's pay" for the purposes of a statutory redundancy payment is capped at £538 and a maximum of 20 years of service may be taken into account, the maximum possible statutory redundancy payment is £16,140.

5. Assimilation

Establish assimilation categories

Employees' assimilation rights are determined by inspecting the following factors:

- Evaluation of the duties and responsibilities of each post in the new structure compared to those in their current fundamental post, as defined in the relevant job description
- Current level within the relevant part of the school
- Applicable experience, skills and competencies

The headteacher will present the school's assimilation proposals at the update meeting and allow Trade Union representatives to offer comments and questions to help understanding of the proposals.

To apply the assimilation procedure effectively, the following information will be shared with the Trade Union representatives at the update meeting:

- The finalised structure
- A template list with details of all current employees with current job titles, levels, contract status, location and assimilation consideration
- A list of employees who have communicated interest in voluntary redundancy, reduction in hours or other voluntary options
- Job descriptions and personnel specifications for jobs in the old structure, and draft job descriptions and personnel specifications for jobs in the new structure
- Acting up and temporary arrangements

The evaluation of duties and responsibilities of each post in the new structure should be compared with existing substantive posts and should be based upon many duties and responsibilities listed in the new job description being the same as those in the employee's existing fundamental post.

All posts will be assigned an assimilation category of A, B, C or D.

It is necessary to establish the level at which an employee works, this is to preserve the employee's status, where possible, and to ensure fairness in the assimilation procedure. An employee's level within the organisation should be considered in relation to factors such as their job level and their reporting relationship.

An employee may be given the same level in the new structure as the level they work at in the old structure. An employee may be assimilated at a level below their current level, but this will only occur if it fairly displaces an employee who works at that lower level.

Where an employee cannot be assimilated at the current level, or to the level below, and there are no category C opportunities to apply for, the employee is displaced and will be considered for redeployment elsewhere in the school. Where a level-by-level approach is not necessary, or appropriate, an alternative approach can be determined through consultation between management and Trade Union representatives, according to the circumstances.

Where a job function is being split into two or more elements, and the job function has staff already in place, the current post holders will be consulted as to their preferred post.

Assimilation category definitions

Category A

The post is considered to be directly similar in tasks, duties and responsibilities to the post in the previous structure. The grade and reporting relationship may be different, but the employee can be identified as being available for integration.

The member of staff merely needs to be assimilated to the new structure. Where there are more members of staff available for assimilation than category A posts in the new structure and all such members of staff are considered suitable then a limited competition selection procedure will apply.

An employee assigned with category A assimilation rights to a post in the new structure cannot have any other automatic assimilation rights to other posts within the organisational structure, unless the category A assimilated posts are oversubscribed. At which time those category A assimilated staff, that are unsuccessful in the category A limited competition selection process, will be reclassified within the process.

Category B

The post is considered to be broadly similar in tasks, duties and responsibilities to the post in the previous structure, though the grade and reporting relationship may be different. There may be one or more members of staff who can be identified as being available for assimilation to this post. The course of action is to integrate the member of staff whose current key tasks, duties and responsibilities are most similar to the new job.

Employees assigned with category B integration rights to a post in the new structure cannot have any other automatic assimilation rights to other posts within the organisation structure, unless posts are oversubscribed. At this time, those category B assimilated staff that are unsuccessful in the category B limited competition selection process will be reclassified within the process.

If there are still posts available once the selection process has completed, or there are no category B assimilations with the same grade, an employee with a higher grade will be considered for a category B post.

Category C

The post has now changed in emphasis by task, duty, responsibility or level from the previous structure. Where the new post represents a significant change in duties and responsibilities, a limited competition selection process to assess suitability of the potential new post holder may be necessary. Consultation with the headteacher, HR and the trade unions must take place to consider an appropriate selection process.

The course of action is as follows:

- Where only one staff member is recognised as being appropriate on the basis of their key task, duties and responsibilities of a former post, they can be assimilated directly
- Where more than one staff member can be identified as carrying out part of the duties and responsibilities, then limited competition selection should take place and particular staff members are identified as available for selection
- Where no members of staff are available, this post becomes open to other members of staff elsewhere

Category D

The post has been created to reflect a new direction or function within the school and as such, these posts have been generated to reflect an entirely new route or role.

The course of action is as follows:

- Internal advertising indicating the key requirements of the post

- Every possible consideration to be given to those members of staff who are affected from elsewhere within the school with suitable experience, qualifications and abilities
- A selection procedure will be undertaken

Employee notification of assimilation definitions and right of appeal against the assimilation category

Employees will be notified of their proposed assimilation rights following the assimilation process. They will be informed of their right of appeal against the assimilation category they have been allocated, which should set out the reasons for the appeal within five working days of notification of their assimilation rights. Appeal hearings will be arranged as soon as possible.

Notification of assimilation decisions

When assimilation categories have been assigned, and any relevant appeal hearings completed, the following will then take place:

Direct assimilations - Employees who have directly been assimilated into a post in the new structure will be informed and will receive a start date in writing.

Selection processes - Where this is required to assimilate employees into a post, it will be put in place as soon as possible. This will normally be undertaken by a limited competition selection interview which must be relevant and appropriate to the post, but there may be situations where other selection processes may be more appropriate.

The use of a redundancy selection matrix will be considered but will depend on whether the new job is similar to the existing job and whether there are significant numbers available. It is not fitting where the job or the skills required have been changed. If the use of a matrix is being considered, prior consultation will take place first with HR and the trade unions. The process of those staff affected completing a redundancy selection matrix should, where possible, will be built into the process from the start.

A matrix could be used as a means of identifying who will be dismissed if having undertaken the consultation previously outlined, there is still a need to consider redundancy.

The headteacher is required to consult with recognised trade unions, Teacher Associations and worker representatives on proposed selection criteria before determining and setting them. The selection matrix must be objective, reasonable and fair.

The matrix will not be discriminatory, particularly in relation to these circumstances:

- Gender, race, disability, marital status.
- Trade Union reasons.

Category C posts

Category C posts available will be identified, and with that, any employees available to be considered for them. Careful consideration will be given on employees eligible to be considered for category C posts, especially where the post poses a promotion opportunity.

Irrespective of the number of candidates available for any category C post, arrangements will be put in place as soon as feasible for a selection process to be undertaken to assess employee suitability for the post.

If none of the employees suit the role, then no appointment will be made. Where no appointment is made, the vacancy will become available for advertisement and recruitment through the standard process.

Displaced employees should have an arranged displacement notification meeting. The contractual documentation should be presented at this meeting, and should have the displaced employee a HR advisor or either Trade Union representative or work colleague present. At this meeting:

- The procedure and results of any assimilation processes and selections undertaken by the employee will be discussed.
- Relevant staff will be informed of redundancy.
- Any opportunities of redeployment within the school will be discussed.
- Any expressions of interest in redeployment opportunities will be processed as practically as possible, as it will run in concurrence with the notice period.

Once the employee is displaced:

- They will not be able to accept their previous duties and alternate duties should be allocated to the employee.
- Practical requests for time to carry out job searches, applications and interviews should be allowed.
- If they wish to forgo their notice period, they should give the decision plenty of consideration, and have a response submitted in writing highlighting that there will not be any payment in lieu of notice.
- Meetings should be scheduled in to keep the displaced employee up-to-date with any relevant developments during the notice period.

6. Disputes

Where a consultation is currently taking place and a dispute arises, there will be an effort made to resolve the dispute in accordance with the school's procedures.

If a grievance is raised, it will run concurrently with the procedure in line with the Grievance Policy. If the grievance procedure is not concluded before the end of the notice period, it may result in reinstatement.

7. Monitoring and review

This policy will be reviewed on an annual basis by the headteacher. The next scheduled review date for this policy is April 2024.

Any changes to this policy will be communicated to all staff and relevant stakeholders.