



Leicestershire Traded Services

Bradgate Education Partnership

Organisational change policy for Swallowdale Academy (Nov 16)

The governing body of

adopted this policy on .

It will be reviewed of .

Trusted service

This policy sets out the Academy's approach to dealing with potential redundancies. It does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of the Governing Body/ BEP Trustees.

Although the Academy's policy is to avoid redundancies wherever possible, the needs of the Academy may from time to time require a reduction in the overall number of staff employed, organisational changes that result in some employees being made redundant, or some other role or responsibility changes

Where this is necessary, the Academy will ensure that:

- the total number of redundancies made is kept to a minimum;
- employees and, where appropriate, their representatives are fully consulted on any proposals and their implementation. The Academy will commit to meaningful consultation with employees and the Recognised Trade Unions regarding proposals.
- selection for redundancy is based on clear criteria that will be objectively and fairly applied;
- every effort is made to redeploy or find alternative work for employees selected for redundancy; and
- support and advice is provided to employees selected for redundancy to help them find suitable work when their employment has come to an end.

Further information on the application of the policy is available in the supporting Organisational Change Guidance document.



Purpose

The purpose of the Organisational Change Policy is to set out the approach to managing restructuring and redundancy within the Academy. The policy and procedure establishes a fair, transparent and effective process for dealing with such situations, ensuring compliance with statutory requirements.

The Academy will not need to follow this policy when carrying out minor changes - they will not be changes which affect employee's terms and conditions. Minor changes will be those changes which form part of day to day management; examples of such include: change of job title, job profile, Key Stage, Department/faculty or manager reporting line changes. However such changes would still be subject to

consultation with staff affected by such minor changes.

Governor's Decision to Implement Restructuring/Redundancy

The Local Governing Body will meet to make the formal decision to restructure / reduce Academy staff and appoint a Lead Person (i.e. Head Teacher) to manage the process on behalf of Trust. LA Human Resources will only give advice.

Avoiding or Minimising Redundancies

The Academy is committed to minimising the number of compulsory redundancies and therefore the following measures / alternatives will be fully explored and used when appropriate:

- Redeployment of staff to another BEP school (where possible)
- Deletion of vacant posts
- Restriction or suspension of recruitment
- Recruiting to fixed term contracts
- Cessation or reduction of overtime
- Cessation or reduction of casual contracts
- Voluntary reduction in hours (individually or collectively)
- Voluntary redundancy

This list is not exhaustive and all measures will be considered.

Consultation & Communication

Where the Academy is proposing to make fewer than 20 employees redundant, the lead person(s) will communicate with the affected employees and the representatives of the recognised Teacher Trade Unions / Professional Associations and Support Staff Trade Unions at the earliest opportunity - this may initially take place prior to formal consultations regarding staffing restructurings / reductions. During a formal consultation period the lead person(s) will undertake to have meaningful consultation.

There is no specified statutory minimum period where it is proposed to dismiss 1-19 employees; however consultation during this process will be meaningful. The Academy will seek to agree with affected employees and the representatives of the recognised Teacher Trade Unions / Professional Associations and Support Staff Trade Unions a consultation period appropriate to the proposed changes.

Where the Academy is proposing to make 20 – 99 employees redundant, then a consultation period of at least 30 calendar days (including weekends, but excluding school closures) will be provided.

The Academy has a statutory duty under Section 188, Trade Union and Labour Relations (Consolidation) Act 1992, to disclose in writing, information regarding the proposals. This is commonly known as 'the Action Plan'.

Once all comments, suggestions and where appropriate voluntary options have been seriously and thoroughly considered and where appropriate responded to, the Action Plan will be finalised by the Lead Person(s), and distributed

Copies of the final Action Plan, which highlights all the changes which have been made, must then be sent to the employees affected and the Trade Unions.

Consultation will also include staff not in school during the consultation period on periods of absence, such as; maternity, adoption, shared parental leave or other long term absence.

Voluntary Redundancy/Reduction of Hours

In order to minimise the need for compulsory redundancies, the Academy may consider voluntary requests from employees. The Academy reserves the right at its absolute discretion to decline requests for voluntary redundancy / reduction.

Selection

The criteria and process used in selecting employees for redundancy, loss of hours or to deployment to new or changed posts will depend on the existing circumstances and the particular needs of the Academy at the time, and will be detailed in the action plan. However, every effort will be made to construct a fair and robust set of criteria following appropriate consultations.

Individual employees who are provisionally selected for redundancy, loss of hours or deployment to new or changed posts following the application of the criteria, will be initially informed of the fact and invited to a meeting with the lead person(s), at which they will be given an opportunity to make representations, if they feel that there has been a mistake in the application of the criteria or they consider it has been unfair.

Provisional compulsory redundancy or loss of hours decisions will be considered at a hearing.

Compulsory Redundancy/Loss of Hours Hearing

A hearing will be convened to consider compulsory redundancies or loss of hours.

The employee will be given written notification of the hearing and provided with at least 10 working days notice, and advised of their right to be accompanied at the hearing.

Outcomes of the hearing will be confirmed to employee(s) in writing within three working days of the hearing. Individuals will have the right to appeal decisions, and appeals are to be made in accordance with the Academies Appeals Procedure.

Depending on the circumstances, the Academy may waive its right to insist on employees working their notice and instead provide a payment in lieu of notice.

Implementing Other Outcomes

Voluntary requests and all other changes to posts (e.g. grades, hours, new posts) will be confirmed in writing by the Trust (or as delegated) and where appropriate new contracts or variations to contracts issued.

In the case of compulsory changes to existing work patterns or roles, employees will also be afforded the right of appeal.

Redeployment

Reasonable efforts will be made within the Trust to redeploy staff selected for redundancy into alternative posts within other BEP Academies for which they are suitably qualified / experienced, following appropriate selection process. While priority will be given wherever possible to employees under threat of redundancy, the Academy reserves the right to select the best available candidate in relation to any given vacancy.

Withholding a redundancy payment

No redundancy payment will be made if, in the view of the Governors, an employee unreasonably refuses an offer of suitable alternative employment, including declining confirmation in post or unreasonably terminating a trial period following redeployment.

Time Off to Arrange Training or Seek Alternative Employment

Employees who are selected for compulsory redundancy will be granted reasonable time off work (at the Academy's discretion) with pay during their notice period to look for new employment or to make arrangements for training for future employment.

Other Considerations

Maternity, adoption, shared parental leave

Employees on Maternity, adoption, shared parental leave will have some preferential treatment and protection from redundancy.

If a redundancy situation arises while an employee is on maternity, adoption or shared parental leave, they will be offered any suitable alternative vacancy if one is available, and will be given priority over and above any another employee who is also at risk of redundancy but not on such leave. This preferential treatment applies where they have failed to obtain a post following the selection process and have been issued with their formal redundancy notice or where the employees post is proposed to be deleted; the individual will be entitled to

preferential treatment from the outset.

Job Evaluation - New Posts (Support Staff Only)

Employees who have issues or concerns regarding the grade of a new post will need to raise their concerns with the Lead Person(s) part of the formal consultation process.

Secondments/Acting Up

Employees, who are on secondment / acting up, will be considered in their substantive post, irrespective of the period of time on secondment / acting up.



Compensation Payments, Pensions & Safeguarding

Redundancy and Compensation payments and any costs incurred in relation to release of pension will be met by the Academy.

Employees may be entitled to redundancy compensation if they have been continuously employed for at least 2 years and calculations will be based on age, length of service and salary.

The Redundancy Payments (Local Government) (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 provides that if an employee under notice of redundancy is offered a job with another local authority or a body covered by the Modification Order and takes up the job within 4 weeks of their date of redundancy, they will not be entitled to receive a redundancy payment because their continuity of service is preserved.

Calculation of redundancy pay is based on actual salary.

Teaching Staff

Voluntary Redundancy

Under 55 – Redundancy Payment

Over 55 – Redundancy Payment, Lump Sum, Early Pension Release (without actuarial reduction to benefits)

Compulsory Redundancy

Under 55 – Redundancy Payment

Over 55 – Redundancy Payment Lump Sum, Early Pension Release (without actuarial reduction to benefits)

Support Staff

Voluntary and compulsory redundancy for all Academy support staff warrants the same level of redundancy compensation.

Employees in the Local Government Pension Scheme aged under 55 with at least 2 years pension membership will have their pension benefits deferred/frozen in the pension fund.

Employees in the Local Government Pension Scheme aged 55 and over will receive immediate payment of

pension benefits with no reduction (subject to a minimum of three months' scheme membership).

Deletion in hours: Compensation payment

Where an employee has their working hours compulsorily reduced, they will receive a compensation payment on the basis of a redundancy payment pro rata to the number of hours lost - the payment will be subject to tax and National Insurance contributions.

Where during a restructuring, an employee is appointed to a post in the new structure at a lower grade and their hours of work have also been compulsorily reduced, they will be entitled to receive pay protection based on their new hours of work and a compensation payment for the reduction in hours based on the higher graded post salary.

Where during a restructuring, an employee applies for a post which is not their comparable post and it comprises fewer hours than their previous post, there will be no entitlement to any compensation payment.

Voluntary reduction in hours by an employee or a number of employees: Compensation payment

An employee or a number of employees may agree to reduce their hours, in order to avoid a redundancy or to avoid a need to compulsorily delete hours. When considering requests, the lead person(s) will ensure that the proposal would avoid the need for one or more redundancies or to avoid the need to compulsorily delete hours and that it is in line with the needs of the Academy, which includes the retention of key skills.

If the request is agreed the employee(s) concerned will receive compensation on the basis of a redundancy payment pro rata to the number of hours lost (provided they have at least 2 years continuous Local Government service). As the employee(s) is not redundant the payment will be taxable.

Flexible Retirement (Support Staff only)

Employees who receive a compensation payment will not be granted Flexible Retirement in relation to the reduction in hours. Pay protection will not apply where Flexible Retirement has been agreed.

A member of the Local Government Pension Scheme aged 55 and over who is redeployed to a lower graded job, may request release of their pension (Please refer to the Academy Flexible Retirement Policy). However, it is important to note that if there is a cost to the Academy, then the request may be declined.

Pay protection (Support Staff only)

If an employee is redeployed into a job one grade below their current grade, salary will be protected on a red-circled basis (i.e. frozen – no incremental progression or pay awards) for one year* or until the maximum salary for the new job becomes higher than the frozen salary, whichever is the earlier. Where the new job is more than one grade below the employee's current grade, the employee's salary will reduce to the maximum of the grade above the grade of the new job and be red-circled as above.

** three years for Academies established prior to 1st May 2012.*



A series of horizontal dotted lines spanning the width of the page, providing a template for writing notes.



Notes

Notes

A series of horizontal dotted lines for writing notes.



Leicestershire Traded Services

General Enquires

Phone: 0116 3050700
Email: hrrservices@leics.gov.uk
Web: www.leicestershiretradedservices.org.uk
Twitter: @LeicsSchools

Direct Queries

Mary Robson, External Team Manager
Phone: 0116 3055702
Mobile: 07730 582743
Email: mary.robson@leics.gov.uk

Services provided by

