

Redundancy and Organisational Change Policy

1. Introduction

- 1.1. The staffing needs of a school or service will vary from time to time and the Chief Executive Officer has a responsibility for managing this process so as to minimise any adverse effects either through shortages or surpluses of employees.
- 1.2. Instances will arise where a school or service will need to reduce the current numbers of employees. Early identification of this need is essential and can be achieved through forward planning. Projections of future pupil numbers, curriculum needs and financial resources will assist the Trust in this task. Likewise, projections of employee losses through retirement, promotion and resignations will give some indication of the potential mismatch between present and future resources.
- 1.3. This policy sets out the procedures to be followed to ensure the fair treatment of individuals affected by such a situation.

2. Scope

- 2.1. This policy and procedure applies to all employees of Nexus MAT, however, The Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024 allow for special protection from redundancy. Please contact the Trust HR Team for further details.

3. Stage 1: Identification and initial consultation

- 3.1. Where the Trust Board contemplates that a reduction in employees is necessary, information must be supplied to the Trade Unions recognised by the Trust. A model letter for this purpose is included at Appendix 1.
- 3.2. The statutory framework enables employers to choose whether to consult trade un*
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3.3. For the purposes of consultation, the Trust should disclose in writing to the trade unions and employees:

- i) reasons for the reductions;
- ii) job titles and numbers of employees whom it is proposed to reduce;
- iii) job titles and total number of employees in the school or service;
- iv) proposed method of selecting the employees who may be dismissed;
- v) effective date of the reductions.

3.4. A meeting will be convened by the Chief Executive Officer at which all relevant employees and their trade union representatives will be informed of the situation. This initial meeting is crucial to the successful implementation of any employee changes and should take place at the earliest opportunity and at least one term in advance of the date upon which any reductions are required.

3.5. A letter should be issued in advance to all relevant employees confirming the issues to be addressed at the meeting. A model letter is included at Appendix 2.

3.6. The purpose of the meeting is to inform the employees and trade unions of the changes which need to take place and to enable a full exploration to:

- i) avoid the dismissals;
- ii) reduce the numbers of employees to be dismissed;
- iii) mitigate the consequences of the dismissals.

3.7. Such consideration shall include:

- i) natural wastage;
- ii) voluntary redundancy;
- iii) termination of relevant temporary appointments;
- iv) voluntary transfer of employees to other suitable work within the Trust, with consideration being given to retraining where appropriate;
- v) the availability of salary protection from the Trust to aid the transfer of employees to other schools or service areas.

3.8. Details of individuals willing to consider _____ will be supplied to the Trust to enable estimates of benefit to be supplied to _____

individuals. An expression of interest in redundancy does not commit either the individual or the Trust to agreeing to this course of action.

3.9. All possibilities of alternative employment will be fully explored including the provision of retraining.

3.10. Volunteers for redundancy or alternative employment do not render themselves more liable than other employees for selection under the compulsory procedures set under Stage 2.

4. Stage 2: Compulsory Procedure

4.1. If the reductions cannot be reached by the means outlined under Stage 1 it will be necessary for the Trust to apply compulsory redundancy procedures to implement the changes.

4.2. The Trust will need to finalise criteria by which it proposes to select employees for redundancy following a consultation meeting with the relevant employees and trade unions. The Trust is required to decide this after consultation with employees and trade unions.

4.3. Any criteria used should not result in random selection nor should they discriminate on any grounds. The following criteria are examples which can be used:

- i) needs of the school or service;
- ii) management and organisational needs of the school or service;
- iii) qualifications;
- iv) experience;
- v) future skills requirement;

4.4. These are not mutually exclusive and with the exception of curriculum needs are not in priority order.

4.5.

4.6.1 Statutory consultations with trade union or employee representatives are required by Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, as amended, when it is proposed to dismiss as redundant 20 or more employees at an establishment. Consultation will

commence in Stage 1 of this procedure and must begin in good time when redundancies are contemplated.

- 4.6.1 No specific period of consultation is stipulated in the Act where there are fewer than 20 employees. There will be few occasions therefore when any one school will be under a duty to consult with trade unions or employee representatives. However, redundancy is an important process which the Trust will be asked to address and effective consultation with employees and trade unions will help allay anxieties which may exist and will promote a more positive employee relations climate. In all instances, the Trust should allow sufficient time for meaningful consultation to take place.
- 4.6.1 Reasonable notice must be given of the proposed meetings with trade unions and employees. The consultations must be conducted with a view to agreement being reached. The Trust has to consider any issues raised in the consultations and where it decides not to accept suggestions put forward by the trade unions give reasons for rejecting them.

5. Stage 3: Notice of redundancy

- 5.1 At the conclusion of the consultations the Trust will need to apply the agreed criteria to select for dismissal on redundancy grounds the employees it no longer requires. A Committee should be established to do this. It should consist of at least 3 individuals, none of which can be a member of the Appeals Committee. An Appeals Committee of at least the same size should also be established.
- 5.2 Individual employees who are likely to be dismissed on grounds of redundancy should be given the opportunity to meet with the Committee before the dismissal decision is taken. The employee is entitled to be accompanied at this meeting by a trade union representative or work colleague.
- 5.3 An individual who has been selected for redundancy will have the right of appeal to the Appeals Committee on the grounds that the selection criteria have not been correctly applied. There is no right of appeal against the need to reduce employee numbers. At the Appeal hearing the

Appendix 1: MODEL LETTER NOTIFYING TRADE UNIONS OF OVERSTAFFING

Dear

It would appear that staffing reductions may be necessary in the school with effect from..... This is due to

It is hoped that the changes can be implemented in such a way as to avoid redundancies or, if this cannot be achieved, to minimise the effects of any redundancies as far as possible.

EITHER

I would like to arrange a meeting with you to discuss the situation in more detail.

OR

An initial meeting with potentially affected employees is due to be held on (date) at

Appendix 2: MODEL LETTER TO EMPLOYEES

Dear Colleague

It would appear that staffing reductions may be necessary in the school with effect from..... This is due to

It is hoped that the changes can be implemented in such a way as to avoid redundancies or, if this cannot be achieved, to minimise the effects of any redundancies as far as possible. You may be interested in voluntary redundancy or

7. Where redeployment is proposed appropriate trial periods will be used. For teachers it could be appropriate for this to be up to one term. Trial periods can be used for retraining purposes by written agreement which specifies the end date and the employee's terms and conditions after it ends.
8. Any trial period can be mutually agreed as successful or unsuccessful at any point without prejudice to the individual's redundancy entitlements. If, after discussion, the employee and manager differ on this matter it will be deemed unsuccessful and redundancy will normally follow. However, if the new post is clearly an entirely suitable alternative to redundancy, then the individual should be aware that unreasonable refusal of the post may jeopardise their redundancy payment.

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