



Woolwich Polytechnic
School for Boys



Woolwich Polytechnic
School for Girls

PolyMAT

Organisational Change and Redundancy Policy

Reviewed August 2021
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1. Introduction

It is our intention to manage the Trust in a manner which results in secure employment for our employees. We will always try to avoid the need for compulsory redundancies but in some situations, this may regrettably be necessary, for example where the pattern or volume of our work changes and requirements for particular roles may reduce.

In following any redundancy procedure in accordance with this policy, we will not discriminate directly or indirectly on grounds of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation. Part-time workers and fixed-term employees will not be treated less favourably than full-time or permanent comparators.

This Policy only applies to employees of the Trust who have greater than two years' continuous service. It does not form part of the terms and conditions of any employee's terms and conditions of employment with the Trust and is not intended to have contractual effect. It is, however, provided guidance purposes only and the Trust reserves the right to amend this policy at any time.

For the avoidance of doubt this does not include agency workers, casual hourly paid workers, consultants or those employed by a third party to perform particular functions for or on behalf of the Trust. The Trust will comply fully with the employer's statutory obligations around consultation and redundancy.

2. The Purpose of the Policy

Where compulsory redundancies are unavoidable, the Trust is committed on meeting its obligations to consult with employees in good time regarding potential changes for the organisation as a result of any restructure. The Trust does so in the true spirit of seeking agreement on the proposals themselves and the ways of mitigating and minimising any negative effects on staff where at all possible.

The purpose of this policy is to ensure that, whenever a reduction in employee numbers is proposed:

- we will communicate clearly with all affected employees and ensure that they are treated fairly;
- will handle the redundancy exercise in a fair, consistent and sympathetic manner;
- we will try to find ways of avoiding compulsory redundancies;
- we will consult with potentially affected employees and with recognised trade unions and/or employee representatives where applicable; and
- we will ensure any selection for compulsory redundancy is undertaken fairly and reasonably.

3. Minimising the Impact for Staff

The Trust is committed to minimising the negative impact of restructures for staff through:

- A fair, open and transparent change management process;
- A smooth transition to a revised structure;
- Individuals being appointed on the basis of skill, ability and experience in line with the Trust's recruitment processes;
- A full and meaningful consultation and negotiation with employees.

This will enable the Trust to facilitate the changes whilst recognising the need to retain existing staff, and valuing the breadth of experience and knowledge that exists within the workforce.

4. Minimising Redundancy

The Trust is committed to avoiding compulsory redundancies where possible. Measures for minimising or avoiding compulsory redundancies may include:

- The termination of agency staff, contractors and casual employees
- Non-renewal of fixed-term contracts expiring before restructure
- Ending secondments
- A total or partial freeze on recruitment
- Natural wastage
- Salary freezes
- Retraining and redeployment of existing employees
- Reduction or elimination of overtime where practical
- Extend opportunities for part-time working, job sharing and flexible working
- Voluntary Redundancy / Voluntary Early Retirement

5. Proposals regarding Voluntary Redundancy

During formal consultation periods the Trust will consider whether, and if so on what

terms, the Schools will allow staff to be released as voluntarily redundant. This will form one of the strands of formal consultation.

Employees can express an interest in volunteering for redundancy and in some cases, the Trust may ask for expressions of interest, however, other key aspects will be taken into consideration when forming the decision about whether to take forward a voluntary redundancy application and there is no guarantee that an expression of interest will be agreed. Each case will be considered by reviewing the needs of the service, the costs and impact to the Trust.

The Trust will usually consider:

- Whether the applicant is potentially in scope for redundancy
- The impact of the voluntary redundancy exit upon the Schools' retention of skills and experience
- The cost and affordability of any pensions and voluntary redundancy payments

6. How will Posts be Filled?

A suggested method for filling posts during restructuring is detailed below. This applies to selective change and redundancy situations.

Stage 1: Assimilation

Where a post in the new structure is the same or substantially the same as the existing post, and where there is just one employee for the job, then the employee should be slotted into the job automatically, i.e., assimilated to the new post without the need for an interview.

Stage 2: Competitive Assimilation

Where there is a post in the new structure which is the same or substantially the same as the existing post but there are more employees who are eligible for the job than there are posts, employees will be subject to a competitive assimilation process, i.e., they will each compete for the posts available.

Stage 3: Ring Fencing

Ring-fencing will apply to "at risk" employees whose posts are being deleted or substantially changed and where new roles have some similarity to their current post and are of the same grade or no more than one grade higher or lower.

Ring fences will be constructed on the basis of unassimilated staff having a potential claim on a new post because of their "at risk" status and the similarity with their current post and grade. Staff who are ring fenced will need to take part in an internal recruitment process to assess their suitability for the proposed role.

Stage 4: Remaining unfilled posts

Any posts in the proposed new structure which are unfilled through direct assimilation, competitive assimilation or ring-fencing will only be advertised to the service areas affected in the first instance.

Stage 5: Redeployment

Employees who have not been appointed to posts via stages 1 - 4 have the right to be considered for redeployment.

These procedures may be adapted as appropriate at the discretion of the Governing Body depending on nature of the change being affected.

Stage 6: Redundancy

Those selected for redundancy will receive written formal notice in accordance with their individual contracts of employment.

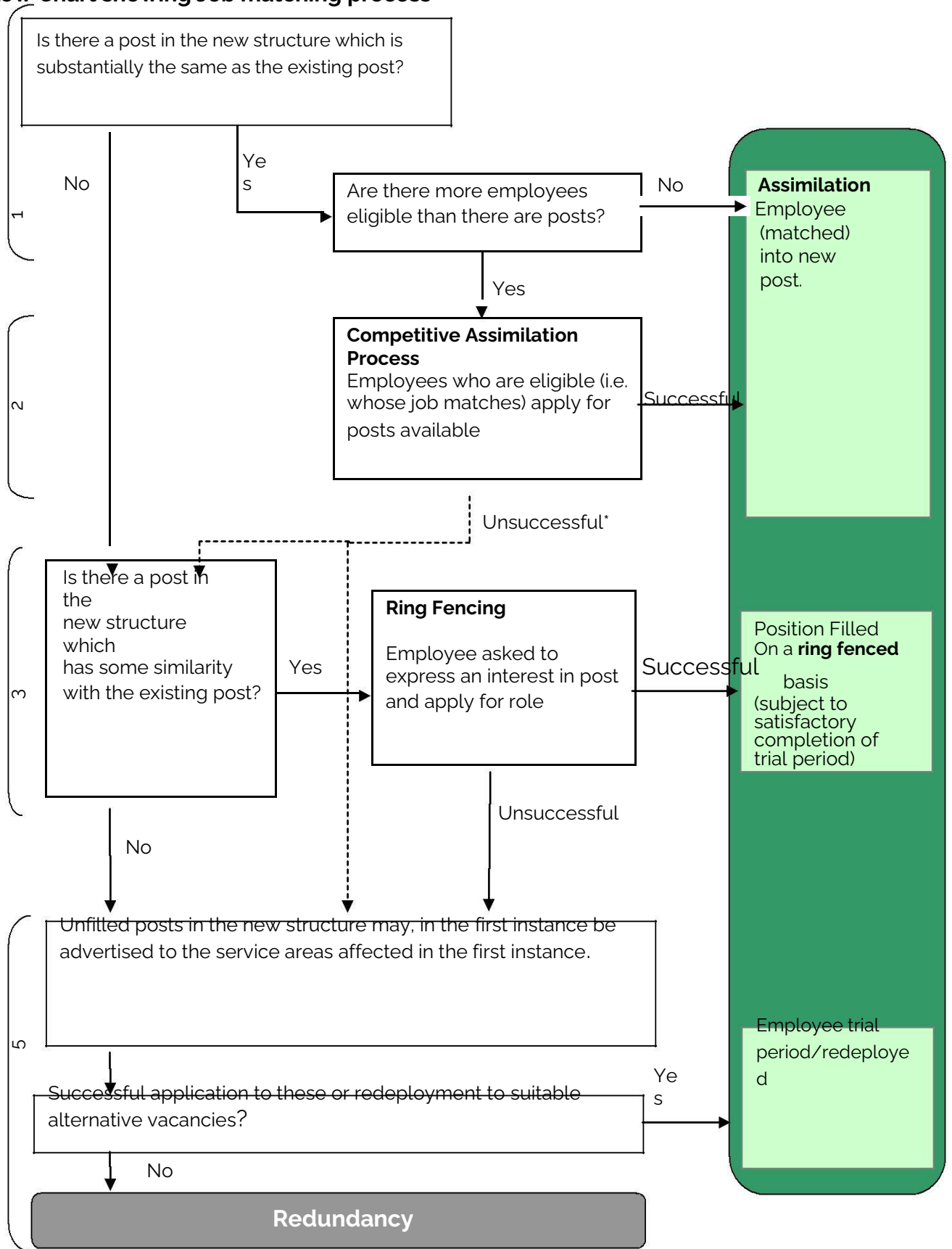
Selection Process

Where there is a need for competitive assimilation or competitive ring fencing then, in all cases, selection will be undertaken by assessing candidates Skills/Abilities/Experience against the person specifications of the new roles. This process is likely to include interviews and as appropriate, presentations and assessment exercises.

Trial Period

If the employee is offered alternative employment, i.e. through redeployment or ring fencing and this employment differs in any way from his or her previous employment, they are entitled to a trial period of at least four weeks in the new position.

Flow Chart showing Job matching process



* Note: Where there are surplus vacant posts, employees who are unsuccessful in competitive assimilation exercises may be considered for ring fencing. Alternatively, they will move to the redeployment pool.

7. Consultation

The Trust will follow a consultation process with affected employees and, where appropriate, also with recognised trade unions and/or employee representatives. Consultation provides an opportunity to explore alternative options before making a decision. Affected employees will be provided with adequate information and time to consider and respond to the proposals.

The Trust will then consider and respond to any comments received before making a final decision in relation to the proposals.

At the beginning of consultation, the following information should be provided to affected employees:

- A formal consultation document with the current and proposed structure
- the proposed job descriptions and evaluations
- the job matching/assimilation proposals

Employees should be briefed by a member of the Senior Leadership Team through group meetings and offered the opportunity for one-to-one meetings to discuss the changes.

8. Groups of Employees Needing Particular Consideration

Staff on Secondment or Temporarily Acting-up: Those seconded or acting up from a post which is subject to a reorganisation will need to be included in communication and consultation as their substantive post may be affected by the proposals.

Those seconded into or temporarily filling a post subject to reorganisation will normally have no rights in relation to assimilation and/or ring fencing in a reorganised service, but a decision will need to be made about whether the arrangement continues or return to their substantive post either before, or at the time of the implementation of the new arrangements.

Employees on Maternity Leave: If a redundancy situation arises at any stage during an employee's maternity leave, it may not be possible to continue to employ them under their existing contract of employment. In these circumstances, they must be offered priority consideration for any suitable alternative vacancies that exist. The terms and conditions of the new job must be not substantially less favourable than their original job.

Absent Employees: Employees absent from work due to sickness absence or

authorised leave should be included in the consultation process.

9. Support for Staff During the Process

It is intended that the following support should be made available to employees:

- The opportunity for one-to-one meetings with the Head of School to discuss the change process and individual circumstances
- Timely provision of severance/pension information, where appropriate.

Staff are encouraged to:

- Get involved and be pro-active ensuring that views are known to the Head of School.
- Be realistic and accept that Head of School may have to implement a decision to restructure that has been made by the Trust as a whole.
- Keep up to date with changes to restructuring processes
- Focus on the skills and experience you can bring to a new job through the redeployment process

10. Making Compulsory Redundancies

Employees who have been provisionally selected for redundancy will be consulted with individually. These individuals will be invited to a meeting with a member of the Senior Leadership Team to discuss their provisional selection including:

- that formal notice may result if no alternative can be found, and if that is the case, the potential last day of service
- The financial benefits payable upon termination if that is the outcome
- Arrangements to allow reasonable time off during the notice period to look for work with other employers

Those selected for redundancy will be given written formal notice of termination of employment in accordance with their individual contract of employment and subject to minimum statutory requirements.

The employee will receive written confirmation that their contract is being terminated on the grounds of redundancy, the last day of service and the employee's entitlement to notice. If there is insufficient time between the issuing of notice and last day of service, at its absolute discretion, the Trust may make payment in lieu of notice for all or part of the notice period.

This letter will also provide confirmation of the redundancy payments the employee will receive and the opportunity to appeal against the decision. The appeal process is

set out at point 11.

Head of School

11. Alternative Employment

The Trust will continue to look for alternative employment for any employee selected for redundancy and in that instance will inform you of any vacancies that it has until your termination date. The manner in which employees selected for redundancy will be invited to apply for and be interviewed for vacancies will be organised depending on the circumstances existing at the time. Alternative employment may be offered subject to a trial period, where appropriate.

If such suitable alternative employment is available, you will receive a written offer detailing the terms and conditions applicable to the new employment. Your acceptance should be in writing.

If you refuse the offer of alternative employment, you must do so in writing, setting out your reasons. Unreasonable refusal of an offer of a suitable alternative job will lead to loss of your right to a redundancy payment.

12. Time off to seek work

If you are under notice of redundancy (and have at least two years' continuous service) you will be entitled to take a reasonable amount of paid time off work to look for alternative employment, attend interviews or to undertake training for future employment.

13. If you wish to leave before the end of the notice period

It may be possible for you to agree with the Trust an earlier leaving date. However, this will be entirely at the Trust's discretion and if this is not agreed, you would have to resign to bring your employment to an early end. A resignation during the notice period would mean that you are not treated as "dismissed" by reason of redundancy. This means that there would be no entitlement to redundancy pay.

14. If you get another job outside of the Trust before the notice period ends

Where the following situation applies:

- you receive an offer of a job from another organisation within the Modification Order, **and**
- that job offer was made while you were under notice of redundancy, and before the end of your notice period, **and**
- the start date of that new job is within four weeks (including five Sundays) of the end of the notice period.

The Redundancy Payment (Local Government) (Modification) Order 1999 (more commonly known as the "Modification Order") will apply and you will not be entitled

to any redundancy pay. This is because the Modification Order operates to deem that your employment will have continued (for the purposes of redundancy payments (and pension is appropriate)) into that new employment.

For further information on the Modification Order please contact the Chief Operations Officer.

15. Redundancy Pay

If you have 2 or more years' continuous service you may qualify for statutory redundancy pay, which is calculated by age, weekly pay (capped as per statute) and length of service (capped at 20 years), as is detailed in the Employment Relations Act 1996.

16. Appeal Process

Before making a formal appeal, employees are encouraged to first discuss their concerns during the consultation process.

If you wish to appeal against a decision to dismiss you by reason of redundancy, you should write in the first instance (unless informed otherwise) to the Head of School who will liaise with the Board of Governors to convene an appeal hearing. The appeal must be submitted within 10 working days of the decision you are appealing against, setting out the grounds and basis for your appeal.

Redundancy appeals will usually be conducted and determined by a panel of three members of the Governing Body (the Appeals Committee), alongside with the employee and the Head of School. HR may also attend to provide advice.

The employee will have the right to be accompanied by either an accredited trade union representative or work colleague from the school at any appeal hearing and will be given a full opportunity to state their case.

The Appeals Committee will be provided with the appeal statement submitted by the employee and copies of any other relevant documentation.

The appeal hearing will be minuted by a note taker and you will be supplied with a copy of the minutes as soon as is reasonably practicable after the hearing.

In summary, the Appeals Committee will explain the matters to be considered and procedure to be followed including right of representation. The employee will present their case – both the Head of School and the Appeals Committee will have the opportunity to ask questions. The Head of School will present their case with both the employee and Appeals Committee able to ask questions. Both parties can then provide a final summary. The Appeals Committee will adjourn the meeting to consider the written and oral evidence and then notify the employee and the responding manager of their decision no later than five working days of the meeting.

No decisions will be reached during the hearing itself. The Appeals Committee will need to consider all the evidence together with the representations you have made, and in some cases may need to carry out further investigations before a decision can be reached. The employee will be notified of the result of the appeal in writing without unreasonable delay.

The decision of the Appeals Committee will represent the final stage of the Trust's redundancy procedure.

Where an appeal is upheld, then the employee shall be entitled to the benefits of assimilation or ring fencing or have their selection for compulsory redundancy withdrawn.

Whilst the timescales detailed above can be varied by mutual consent, it should be noted that it is in the best interests of all parties that appeals are dealt with in a timely manner and long delays should be avoided.

17. Pension implications of being made redundant

17.1 Members of the Local Government Pension Scheme (LGPS)

If you are a member of the LGPS, are **over the age of 55** and have more than 2 years' membership in the LGPS, you are entitled to immediate payment of your benefits based on your membership built up to the day you leave employment. The Trust is required to make any necessary payments to your pension fund to ensure that there is no reduction for you being paid earlier. Further details will be provided by the Trust should this apply to you.

If you a member of the LGPS, are **under the age of 55** and have more than 2 years' membership in the LGPS, your pension built up to the date you leave employment will become a deferred benefit. It will increase each year with the cost of living and is payable at your normal pension age. You can choose to have your deferred benefit payable at any time from age 55 but it may be reduced for being paid early and for longer. You may request to transfer your deferred benefit to another pension scheme at any time before payment.

17.2 Members of the Teachers' Pension Scheme (TPS)

Your pension built up to the date you leave employment will become a deferred benefit. It will increase each year with the cost of living and will be payable at your normal pension age.

If you find employment at another Trust which entitles you to membership of the TPS, you should be able to start or continue in your membership of the TPS (subject to the scheme rules in force at that time).

If you find employment which is non-teaching but with the local authority, you should be able to join the Local Government Pension Scheme instead (subject to the

scheme rules in force at that time).

If you find employment with an employer which does not entitle you to membership of the TPS, you may have a number of options (dependant on the scheme rules from time to time in force):

- You may be able to transfer your TPS pension to a scheme run by your new employer;
- You may be able to keep your pension in the TPS, although you will not be able to contribute to it;
- Your contributions will be refunded automatically if you have been a member of the scheme for less than 2 years.