

REDUNDANCY AND MANAGING ORGANISATION CHANGE POLICY

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Contents

Redundancy & Managing Organisational Change Policy

1. Introduction	3
2. Application of the policy and procedure	3
3. Notification and Consultation.....	4
4. Avoidance of compulsory redundancy	4
5. Selection for redundancy.....	5
6. Appeals	5
7. Miscellaneous	5

Redundancy & Managing Organisational Change Policy

1. Introduction	6
2. Preparation and planning	6
3. Communication and consultation	6
4. Consultation with employees.....	8
5. Notification to Government.....	8
6. Avoidance of compulsory redundancy	8
7. Notice terminating employment.....	9
8. Pregnant employees and employees on maternity leave	9
9. Selection for redundancy.....	10
10. Slotting in	11
11. Redeployment and retraining of employees at risk	12
12. Trial period	13
13. Pay protection	14
14. Time off to attend interviews	14
15. Grievances and appeals.....	14
Appendix 1: Selection Criteria	15
Appendix 2: Appeals procedure.....	18

Redundancy and Managing Organisational Change Policy

1. Introduction

- 1.1 The Trust operates in a competitive and constantly changing environment. It recognises the need to model its workforce needs over time to ensure it delivers the best possible education to its pupils in line with statutory and local requirements and current educational theory.
- 1.2 The Trust will, wherever possible aim to achieve the best mix of staff through careful forward planning and sound vacancy and resource management. However, it recognises that despite this, it will on some occasions be necessary to implement restructuring and/or redundancy programmes to achieve necessary staffing levels and in order to meet budget requirements
- 1.3 Where this is necessary, the Trust will seek to ensure continuity of employment so far as it is compatible with the effective, economic, and efficient provision of the Trust's services. It is the Trust's policy to try to avoid compulsory redundancy and it will only be resorted to when circumstances make it unavoidable. Nevertheless, determination of the requirements of the service is the responsibility of the Trust. In the event of a situation arising in which consideration of redundancy seems likely, the procedure set out in this document will be followed.

2. Application of the policy and procedure

- 2.1 This document will be applied where proposed changes put forward by the Trust may lead to a number of redundancies. A redundancy arises where:

- An employer ceases or intends to cease a business, or
- The requirements for employees to perform work of a specific type or to perform it at the location where they are employed has ceased or diminished. This definition includes a reduction in the working hours of an employee or employees.

Redundancy can also occur when an employer reorganises the workforce and there is:

- Less work, and/or
- Changes in conditions that result in new jobs being created that are quite different from the old ones.

- 2.2 It is possible that the redundancy procedure will have to be used in cases where the Trust needs to:

- Close or move all or part of the business
- Make cost savings due to a change in demand or as part of a drive for greater cost efficiency or in order to meet budgetary requirements
- Introduce new technology or ways of working

- 2.3 All Trust staff who have permanent contracts or temporary contracts of employment with more than one year's continuous service are covered by this policy. Staff on fixed-term contracts will be covered by this policy if they have more than two years' continuous service and/or if their contract term will be cut short by any proposed redundancy.

3. Notification and Consultation

3.1 Collective consultation

3.1.1 Where a reorganisation of services or other measure which affects job security is contemplated, the Trust will meet its legal obligations by formally notifying the appropriate recognised Trade Union(s) as soon as possible before the proposed date of implementation and not later than the periods of notification set out in section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, (as amended). Before firm decisions are taken on any measures proposed, there will be full consultation with the recognised trade unions. In consulting the trade unions, the Trust will set out proposals for dealing with the staffing implications of the measures. The law referred to earlier in this section states that consultation must start in "good time" and must begin:

- At least 30 days before the first dismissal takes effect if 20 to 99 employees are to be made redundant at one establishment over a period of 90 days or less
- At least 45 days before the first dismissal takes effect if 100 or more employees are to be made redundant at one establishment over a period of 90 days or less.

3.1.2 In the event of any redundancy, Trade Unions must be consulted in all cases, irrespective of whether the staff selected for redundancy are members of the trade union. If an "at risk" employee is not a trade union member, consultation will be with the appropriate Trade Union(s) for the employee's category of employment. The consultation must start early enough for meaningful consultation to take place and must be undertaken with a view to reaching agreement with representatives. This does not mean reaching a binding agreement; it means attempting in good faith to reach a reasonable agreement.

3.1.3 The consultation must include:

- Ways of avoiding redundancy dismissals
- Reducing the numbers of staff to be made redundant
- Mitigating the dismissals

3.1.4 The consultation must also, by law include a disclosure in writing of certain information to the trade union representatives, as set out in section 3.5 of the redundancy procedure.

3.2 Individual consultation

3.2.1 In addition to the statutory requirement of consultation with recognised Trade Unions, each potentially affected employee shall be notified in writing as soon as possible of the potential risk to job security, that the Unions have been advised and that further notice will be given if the risk materialises. Thereafter, and before a selection is made, each of the affected employees will be consulted in more detail on an individual basis.

4. Avoidance of Compulsory Redundancy

4.1 The Trust will seek ways to avoid or reduce compulsory redundancies. The potential means, which will form part of the consultation, are set out in section 6 of the procedure.

5. Selection for Redundancy

- 5.1 Should compulsory redundancy become unavoidable; selection will be made by applying objective selection criteria as described more fully in the procedure.
- 5.3 It is the Trust policy to avoid any form of unfair discrimination on the grounds of: age; sex; marriage or civil partnership; pregnancy or maternity leave; gender reassignment; disability; race, including colour, nationality, ethnic or national origin; religion/belief or sexual orientation or offending background, at any stage of the selection for redundancy. These principles will be carried through in the application of the Redundancy & Managing Organisational Change Procedure.

6. Appeals

- 6.1 There shall be a right of appeal in respect of selection for redundancy and the ways in which the redundancy procedures have been operated. The redundancy appeals process is set out in the Redundancy & Managing Organisational Change Procedure.

7. Miscellaneous

Any reference to action by the CEO/Headteacher includes action by a senior manager exercising authority delegated to them by the CEO/Headteacher.

Scope

- This policy applies to all employees of the Trust.
 - The term 'employee' refers to any member of staff whether teaching or support staff, employed to work by the Trust either within a School or the wider Trust
 - Employees on temporary/fixed-term contracts who have completed two years' service with the Trust at the date of the implementation of the new structure or employees whose fixed-term contracts may be terminated early as a result of the proposals.
 -

Changes in Employment Law or Educational Legislation may form part of the policy.

Delegation

- The term 'Headteacher' refers to Lead Manager, Headteacher/Executive Headteacher, or CEO.

Redundancy & Managing Organisational Change Procedure

1. Introduction

- 1.1 It is the Trust's policy to try to avoid compulsory redundancy and it will only be resorted to when circumstances make it unavoidable. Where compulsory redundancies are contemplated the procedures set out below will apply.
- 1.2 When entering into consultation with the recognised Trade Union(s) on redundancy proposals a full review will be made by the Headteacher to ensure that redundancies are unavoidable.

2. Preparation and planning

- 2.1 The Trust may identify a potential need to make staffing or organisational changes as part of its annual business planning cycle. It will usually prepare a business case for larger scale change proposals, and for smaller scale changes will adopt either a business case or set out the rationale for the proposed changes in a proposal document. The business case will cover the following:
 - Details of proposed changes
 - Rationale for proposed changes
 - Proposal for implementation, including timescale
 - Financial implications
 - Effect on employees.
- 2.2 Once it has been completed, it may be necessary to forward the proposal to the CEO/Headteacher or Board of Trustees. Once it has received approval in principle, the consultation can begin.

3. Communication and Consultation

- 3.1 Communications are intended to inform all stakeholders, as appropriate of the changes proposed, reasons and timescales. It is important to ensure that all employees affected receive such communication, including employees on long term sick leave and maternity leave.

Communication with employees should include:

- Reasons for and nature of change; this includes benefits to the Trust and stakeholders as appropriate and also includes a structure chart and the outcomes of the Equality Impact Assessment (EIA) and any other risk assessment
- Job descriptions and person specifications should be given to all those affected and adequate time should be given for consideration and comment
- Relevant financial information, both expenditures involved in the change process and any cost saving that may result from the changes
- Impact of the change on employees and on staffing generally which may include potential loss or shortages of posts and how the Trust proposes to deal with these, e.g., recruitment, training and development, redeployment within the Trust, retirements, and redundancies.

Consultation should start at the earliest opportunity and as widely as possible and, if redundancies are likely to result from the proposed changes, must be in accordance with

the timescales set out below. Consultation must be meaningful and considered replies must be given to any representations made.

It may be appropriate to arrange meetings with the employees/trade union representatives throughout the process to clarify the proposal resolve any immediate issues and provide feedback.

If, as a result of consultation, changes are made, these may need to be referred back to the CEO/Headteacher or Trust Board as appropriate.

- 3.2 Where it is proposed to dismiss as redundant 20 or more employees it is the Trust's duty to consult collectively with appropriate representatives of the staff affected, i.e., the staff who are in posts proposed to dismiss as redundant and other staff who may be affected by the redundancies, e.g. those whose workload may increase as a consequence. As the Trust recognises a (number of) Trade Union(s) it will consult with them as appropriate representatives.
- 3.3 The Trust will formally notify the appropriate recognised Trade Union(s) as soon as possible before the proposed date of implementation and not later than the periods of notification set out in law for collective consultation. The legislation, set out in the Trade Union and Labour Relations (Consolidation) Act 1992, (as amended) states that consultation must start in "good time" and must begin:
- At least 30 days before the first dismissal takes effect if 20 to 99 employees are to be made redundant at one establishment over a period of 90 days or less
 - At least 45 days before the first dismissal takes effect if 100 or more employees are to be made redundant at one establishment over a period of 90 days or less.
- 3.4 The consultation must start early enough for meaningful consultation to take place and must be undertaken with a view to reaching agreement with representatives. The Trust will commit to consider any alternative proposals with a view to reaching agreement on ways of avoiding dismissals, reducing the number of employees to be dismissed and how to mitigate the effect of the dismissals. This does not mean a binding agreement must be reached; rather, it means attempting, in good faith to reach a reasonable agreement.
- 3.5 Irrespective of the number of redundancies proposed consultation should begin at the earliest opportunity. In calculating the figures to be given to the Trade Union representative(s) all posts it is proposed to dismiss as redundant will be included, irrespective of whether suitable alternative employment has been identified.
- 3.6 The following information will be provided to the Trade Union representative(s) by the Trust, in addition to the information set out in section 3.1, after advice from the Trust's HR provider -
- (a) The reasons for the redundancy proposals
 - (b) The number and descriptions (i.e., job categories) of the employees whom it is proposed to make redundant
 - (c) The total number of employees in the area of service in question
 - (d) The proposed method of selecting the employees to be made redundant
 - (e) The proposed method of carrying out the redundancies, including the period over which the redundancies are to take effect (i.e., a timetable)
 - (f) The proposed method of calculating the amount of any redundancy payment made to those who are dismissed, and

(g) The numbers of agency workers, where they are working and the type of work they are doing.

3.7 The intention is that the Trade Union representative(s) should be given all information relevant to the proposed redundancies to enable meaningful and effective consultations to take place including, if possible, any information over and above the minimum requirements listed above. If representations are made by the Trade Union(s) these must be given considered replies, in writing wherever possible, by the CEO/Headteacher).

4. Consultation with employees

4.1 The CEO/Headteacher will, at the time of giving notice to recognised Trade Unions or as soon as is reasonably practicable after that, inform all potentially affected employees that their post may be at risk, that recognised Trade Unions have been consulted and that a further notice will be issued if they are confirmed as being “at risk”.

4.2 At the conclusion of the statutory consultation with recognised Trade Unions, the CEO/Headteacher will identify those employees from whom a selection will be made and will notify them in writing of the selection criteria.

4.3 Each of the affected employees shall be afforded the opportunity of individual consultation with the CEO/Headteacher or delegated senior manager prior to selection being made.

5. Notification to the Government

5.1 When it is known that 20 or more employees are likely to be made redundant at any one establishment, the CEO/Headteacher, after advice from the Trust’s HR provider, will complete and send form HR1 (notification to the Secretary of State). A copy of form HR1 will be provided to the appropriate Trade Unions together with formal notification as required by Section 188 of the Trade Union and Labour Relations. N.B. For the purposes of the HR 1 form an establishment is the site where an employee is assigned to work.

6. Avoidance of Compulsory Redundancy

6.2 The Trust will endeavour to avoid redundancy wherever possible and will apply the redeployment provisions of this procedure robustly in order to maximise the number of suitable alternative employment opportunities available to “at risk” staff.

6.1 Within the area of service affected, and the wider Trust; where there could be employment opportunities for employees at risk, consideration should be given to other options including:

(a) Not filling vacancies, reductions in overtime, voluntary reductions in working hours, etc.

(b) Not advertising vacant posts externally until it has been ascertained that there are no “at risk” employees within the Trust that meet the essential criteria, or until any suitable “at risk” candidates have been given the opportunity to apply and for whatever reason have not been successful

(c) Ensuring that “at risk” employees who meet the essential criteria are considered prior to any external advertising

- (d) A ban on the engagement of temporary and casual employees in circumstances where employment opportunities can be made available to employees at risk
- (e) A review of the contracts of existing temporary and casual employees which may be terminated or not renewed when this is practicable
- (f) Reviewing the use of consultancy, contracting and agency services where this would create employment opportunities for employees at risk and would not be in conflict with other Trust policies, or legal or operational requirements
- (g) The redeployment within the Trust and retraining of employees “at risk”.

6.2 The Trust will consider applications for voluntary redundancy (severance) and early retirement and will invite employees to apply at the beginning of the consultation process. Volunteers for redundancy should be sought at the beginning of the appointment/selection process. It must be made clear that where an employee volunteers for redundancy this does not necessarily mean that the Trust can allow them to go. The needs of the Trust, including costs, must be considered first. An individual who is “slotted” can still apply for voluntary redundancy where this may lead to the redeployment of an ‘at risk’ employee.

6.3 Any employee contemplating early retirement or voluntary redundancy will be advised of retirement benefits or terms of severance before making their final decision to apply for early retirement or redundancy. **However, benefit calculations will only be given where the individual has already received provisional approval of their application.**

7. Notice terminating employment

7.1 The CEO/Headteacher should give employees notice of the date of the proposed redundancies as soon as possible and not later than that required by the minimum period of notice referred to in their individual written statements of particulars of employment or contract.

7.2 The giving of notice will not prevent the CEO/Headteacher from offering suitable alternative employment (incorporating a trial period) if circumstances change.

8. Pregnant employees and employees on maternity leave

8.1 It is essential, that where restructuring/redundancy arises any employees on maternity leave are included in the consultation and selection processes.

8.2 There may be situations where the employee still wishes to pursue alternative employment options, albeit, at a lower grade (with the Trust’s Pay Protection provisions applicable at that time) as an alternative to redundancy but care needs to be taken to ensure that all opportunities for alternative employment at a comparable grade have been explored.

8.3 The right to return to work and related protection against a detriment comes into existence as soon as the employee provides notification of her pregnancy and intention to take maternity leave.

8.4 If an employee’s job becomes redundant in her absence the Trust is obliged to offer any available suitable alternative employment, even if she has not yet confirmed her intention to return to work, i.e., the assumption is that an employee will return to work following maternity leave unless she indicates otherwise.

8.5 An employee will be entitled to a redundancy payment only if she meets the service qualifications for such payments. Particular consideration exists for pregnant employees in a redundancy situation, which are taken into account in the following sections.

9. Selection for redundancy

9.1 Should compulsory redundancy become unavoidable the Headteacher will review the requirements of the Trust and organise the assessment procedures.

9.2 The assessment will be based on the following criteria which are set out in more detail in Appendix 1: Selection Criteria:

- Job Performance
- Attendance Record
- Disciplinary Record

9.3 A weighting has been applied to job performance in order to give primary consideration to the Trust's service requirements.

9.4 Each potentially affected employee will be evaluated against each of the criteria. All employees in a discrete group will be evaluated by the same manager(s).

9.5 Each affected employee and his or her representative will be entitled to know what information has been used to arrive at the points allocated to him or her and to appeal against such marking to their Headteacher – see the Redundancy Appeals Procedure.

9.6 The reference period for the application of the job performance criteria will be the 2 years immediately before the date on which notice of the risk of redundancy was issued. The reference period can be modified by agreement according to any conditions that might need to be taken into account.

9.7 Selection for redundancy will be made from those individuals “at risk”. Compulsory redundancy will normally begin with the employee with the least points. If, after taking account of these factors, more than one individual in the redundancy selection group has the same number of points, a further selection process may be undertaken with those individuals, normally an interview, and staff will be informed of this at the start of the selection process.

9.8 Periods of absence/sickness should be recorded and evaluated for a period extending 2 years prior to the date the redundancy consultation commences. Any period of sickness/absence relating to "maternity" must be discounted. Note - there must be a direct link to maternity, i.e. the absence of a pregnant woman with flu would still count towards the absence record as it could be shown that this was not related to the issue of her pregnancy.

9.9 Care should be exercised in the evaluation of sickness of disabled persons (the Disability provisions of the Equality Act). Advice is available from the HR provider.

9.10 A list will be supplied to the relevant Trade Union and to the employee upon request showing by reference to each relevant group the rank order of employees following application of the selection criteria.

9.11 There will be the opportunity for each employee and his or her representative to discuss in detail a disputed selection.

912 The Trust commits to using fair and objective criteria, in line with its Equal Opportunities Policy. Some selection criteria are automatically unfair under the law. The Trust, in recognising this affirms that it will not select an employee for redundancy for any of the following reasons:

- Pregnancy, including all reasons relating to maternity
- Family, including parental leave, paternity leave, adoption leave or time off for dependants
- Acting as an employee representative
- Acting as a Trade Union representative
- Being a part-time or fixed-term employee
- Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation
- Pay and working hours, including e.g., refusal to give up rest breaks or asserting a right to a minimum wage.

9.13 Should a female employee become redundant during maternity leave she is entitled to not be selected for redundancy if she meets the minimum requirements of any selection criteria.

Equally if the female employee meets the minimum criteria of the person specification for any alternative role then she has priority for selection over any employees who are not on maternity leave, even if they score more highly. Failure to employ a pregnant woman for a vacant post due to her pregnancy is direct discrimination.

9.14 Exceptionally, different selection criteria may be used if it is not possible to use the standard format. Where this is the case it will be advised as part of the consultation and feedback will be requested and taken into account.

10. Slotting-in

10.1 Redundancy processes can involve a simple downsizing, restructuring or the removal of one post where circumstances lead to it ceasing to be required. In either scenario the Trust has an obligation to identify and offer suitable alternative employment to “at risk” staff.

10.2 Employees who have been acting up for a period of more than six months may be eligible for “slotting” but consideration must be given to their substantive post and whether this appears in the new structure. It is unlikely therefore that they will be “slotted” unless their substantive post has been removed from the new structure and they are “at risk.” If their substantive post is a “slot” then this will take precedence over the acting-up position

10.3 Where a post in the new structure is significantly similar to the existing post, (normally 75% or higher) and where there is only one employee for the job, then the employee should be “slotted-in” to the post without the need for a technical interview. A significantly similar post is one where there is a variation in working method, or balance of skill, or a slight change in responsibility.

10.4 Where the new structure provides more than one slotting opportunity for an ‘at risk’ employee, (e.g. posts that are significantly similar as the existing post) then they will be

given the opportunity to express a preference to “slot”. This preference will be considered but final decisions will be made in accordance with operational needs.

- 10.5 Where a post is suitable for slotting-in of more than one “at risk” employee who meet the “75%” criteria, but the number of ‘at risk’ employees is greater than the number of posts available within the new structure then a selection process will take place, but this will be ‘ring-fenced’ to those at risk staff who meet the more than 75% match.
- 10.6 All “slots” in the Trust will be identified and finalised before moving to the next stage of the appointment and selection process.
- 10.7 Following the slotting-in and ring-fencing process, it will then be possible to identify all staff who remain at risk and the posts within the relevant area that remain vacant. These posts will be advertised and ring-fenced to all staff within the Trust that are at “risk”.
- 10.8 Posts which remain unfilled at the end of the selection process may then be advertised externally in accordance with the Trust’s recruitment processes.
- 10.9 Employees who remain without an alternative post at this point will be declared formally at risk of redundancy and will be subject to the redeployment provisions set out in section 11.
- 10.10 Individuals can appeal against a decision that their post is not less than a 75% match with a post in the new structure. These appeals will be heard by a panel of Governors/Trustees advised by a HR representative. The right to appeal against selection will be unaffected and will be heard in conjunction with the appeals procedure.

11. Redeployment and retraining of employees at risk

- 11.1 Where compulsory redundancies are necessary the CEO/Headteacher will declare the relevant employees “at risk”. “At risk” employees will be advised of any suitable vacancies within the Trust for which they might consider applying.
- 11.2 Once employees have been identified “at risk”, as set out in the policy, a meeting should be arranged with the employee(s), and relevant Lead Manager. At this meeting, the redeployment process should be fully explained, and guidance given to the employee.
- 11.3 The Lead Manager will advise as to whether “at risk” staff may be ring-fenced or slotted in for particular vacancies within that exercise within the Trust.
- 11.4 If an ‘at risk’ employee applies for a post within the Trust when it has been advertised, they will be considered alongside other applicants. “At risk” applicants must, however, be shortlisted if they meet the essential requirements of the post which are measured from the application or could meet them with reasonable training.
- 11.5 Managers must consider making reasonable adjustments to jobs for “at risk” staff who fall within the provisions of the Disability provisions of the Equality Act. Advice may be sought from the HR provider.
- 11.6 If no “at risk” applicants meet the essential requirements of the post which are measured from the application process, or could meet them with reasonable training, then the manager leading the shortlisting must ensure that the shortlisting records are completed thoroughly to show the reasons why the “at risk” applicant(s) have not been shortlisted.

- 11.7 At the end of the interview stage, an “at risk” interviewee must be appointed ahead of non “at risk” interviewees if the “at risk” interviewee meets the essential requirements of the post which are measured from the interview process or could meet them with reasonable training. This applies even if non “at risk” candidates score higher.
- 11.8 The shortlisting or interview records may be used in any appeal or Employment Tribunal proceedings brought by an “at risk” applicant and the chair of the panel called to give evidence in relation to their decision.
- 11.9 If at the interview stage there are more than one “at risk” employees who meet the essential requirements of the post, or could meet them with reasonable training, then first priority must be given to such staff who are on, Maternity Leave. Second priority must be given to employees who have been identified by Occupational Health as having a disability covered by the Disability provisions of the Equality Act. Third priority will be given to staff “at risk” for any other reason.
- 11.10 The appropriate checks should be completed before any offer of alternative employment is made to an “at risk” member of staff. These will include medical clearance if a new type of job and (if not required in the previous job but required in the new) a DBS check at the appropriate level.
- 11.11 If redeployment is not achieved, the Trust will record what vacancies have been considered and the reasons they were unsuitable.
- 11.12 If an employee is offered a post that the Trust determines suitable alternative employment and they refuse the offer on unreasonable grounds, the Trust may withhold their redundancy pay (where they are at risk of redundancy). The employee may also not be eligible for any payment under the occupational pension scheme.
- 11.13 No time period for seeking redeployment can be predetermined. An appropriate time period will be determined by individual circumstances e.g. the number of vacancies that have been available for consideration, what type of post is being sought etc. As a guideline a maximum period of 12 weeks to seek redeployment would be reasonable, but this may differ due to individual circumstance e.g. an imminent restructure. The Trust must consider the merits of each case and consult with the HR provider before issuing notice.
- 11.14 The time period for seeking redeployment will normally include the employee’s notice period.

12. Trial Period

- 12.1 Employees will be given a 4-week trial period if, as part of a restructure or redundancy exercise, they have been offered a different post as an alternative to redundancy. The trial period may be extended by a further four weeks if this is necessary for training purposes.
- 12.2 Reasonable training will play a key role in assisting in the smooth redeployment of ‘at risk’ employees to new posts. Training can be a range of experiences from formal attendance on a course to undertaking different tasks. The new Line Manager will set out a training plan detailing what will be provided.

- 12.3 During the trial period the new Line Manager will monitor and arrange review meetings. This should normally take place on a weekly basis and be documented and recorded. This will provide an opportunity to discuss any necessary support or training and identify any areas of skills that the employee needs to develop.
- 12.4 At the final review meeting it should be determined if the trial period has been successful. A formal record should be made of the decision and the outcome recorded on the personal file. During the trial period the employee may still apply for other posts within the Trust with 'at risk' status where the post is more suitable, e.g. it matches the employee's substantive grade and their trial period is in a post of a lower grade. This only applies to posts that are advertised and applied for within the Trust during the trial period.
- 12.5 If the employee has been re-deployed into a temporary or fixed term post within the Trust, the redeployment process will commence again before the expiry of the contract.
- 12.6 If the trial period is successful, a new contract of employment will be issued to the employee, detailing terms, and conditions of employment.
- 12.7 If the trial is unsuccessful the Trust will then determine whether dismissal on the grounds of redundancy or further redeployment is the appropriate action. The latter will only be the case where there are suitable vacant posts to attempt redeployment.

13. Pay Protection

- 13.1 "At risk" employees appointed to a lower graded post will, at the end of their trial period, be subject to the pay protection arrangements set out in the Trust's pay protection policy. To this end, where for example an employee is considered for two posts, the post which most closely matches their substantive level will be offered.

14. Time off to attend interviews

- 14.1 Employees who have received notice of dismissal by reason of redundancy shall be entitled to be allowed reasonable time off with full pay in order to look for new employment, or to make arrangements for training.

15. Grievances and appeals

- 15.1 If staff are dissatisfied with the application of this procedure, they may invoke the grievance procedure, except in the three scenarios set out in 14.2, where the redundancy appeals procedure, (appendix 2) will apply.
- 15.2 The Trust redundancy appeals procedure is applicable where an employee believes that:
 - (a) They have been unfairly dismissed
 - (b) They have been unfairly selected for redundancy, or
 - (c) They have reasonable grounds for refusing an offer of alternative employment which have not been accepted by the Trust.

Selection Criteria

1. Job Performance

(i) Performance and Capability

- Measures the level of quantitative work produced on a daily basis at a consistent level in the current job.
- Shows initiative in achieving targets and demonstrates in all aptitudes the ability to do the current job.

Rating	Score
(A) <i>A highly productive individual who consistently produces well above the targets expected for the job in question. An unusual, highly capable performer.</i>	9 - 10
(B) <i>A self-motivated individual who shows they are generally capable and produces with the minimum of supervision and/or guidance.</i>	7 - 8
(C) <i>An individual who produces at the required level with the expected degree of supervision and/or guidance with some degree of competence.</i>	5 - 6
(D) <i>An individual whose performance ranges from just below the level expected to unsatisfactory performance requiring constant supervision and/or guidance, with limited or no capacity to carry out required duties.</i>	1 - 4

(ii) Quality

- The standard of work produced is at the necessary level of quality and the level of errors are rare, or are of a small enough magnitude as to be acceptable.

Rating	Score
(A) <i>Consistently produces good quality work with very few significant errors. Can be given most tasks and left unsupervised.</i>	7 - 10
(B) <i>Generally produces work of a good standard but occasionally makes errors. Can be given the majority of tasks to perform.</i>	5 - 6
(C) <i>General standard of work varies from in need of marginal improvement with a few avoidable errors, to general level of work unsatisfactory with repetitive errors. Unable to be assigned to difficult jobs.</i>	1 - 4

(iii) Adaptability and Flexibility

- The individual has the additional skills, qualifications and/or experience which can be usefully transferred within/outside the normal area of work, to suit the future needs of the service required.

Rating	Score
(A) <i>An individual who has additional skills and/or experience which are readily transferable without further training and can carry out the majority of work in the current department to a high level of competency.</i>	8 – 10
(B) <i>An individual who has additional skills and/or experience but the level is confined to a more limited range of work.....</i>	5 - 7
(C) <i>An individual who has no readily transferable skills or minimal experience without undergoing significant retraining.</i>	0 - 4

(iv) General Approach to Work

- Measures such qualities as general enthusiasm and commitment to completing the task.

Rating	Score
(A) <i>A very co-operative individual who performs tasks outside of normal sphere of job without being instructed.....</i>	7 - 10
(B) <i>An individual who generally co-operates well within the normal scope of the job.....</i>	5 - 6
(C) <i>An individual who only does that which is reasonable and only if instructed by supervision.</i>	3 - 4
(D) <i>An individual who is generally uncooperative, typified by an attitude of "it's not my job"</i>	1 - 2

2. Attendance record

- Time actually lost over the best two of the last three years (pro rata as regards employees with less than three years' service) on sick/unauthorised leave.

<i>Absence Percentage</i>	<i>Points</i>
<i>More than 7%</i>	<i>1</i>
<i>More than 3% but less than 7%</i>	<i>2</i>
<i>More than 1% but less than 3%</i>	<i>3</i>
<i>Less than 1%</i>	<i>4</i>

Number of working days pro rata for part-time staff.

NB 1 *In order to ensure that a disabled employee is not at a substantial disadvantage under the provisions of the Disability provisions of the Equality Act, sickness absences directly related to the employee's disability should be recorded, but subsequently excluded from the calculations of the attendance record.*

NB 2 *The HR provider will advise a "trigger" date; backwards from which the three year period can be counted and an absence assessment arrived at. A "year" in this instance will count 12 months back from the trigger date set by the HR provider.*

Any absence due to maternity must not be treated, under any circumstances, as absence for the purpose of this assessment. The whole period of maternity should be discounted and the period prior to, or either side of, the maternity period should be used for the purpose of the counting of absence.

3. Disciplinary Record

Category	Points
<i>A final warning within the past 3 years.</i>	1
<i>A written warning in the past 3 years.</i>	2
<i>A verbal warning in the past 3 years.</i>	3
<i>No disciplinary record.</i>	4

4. Recruitment Exercise

In the event of a tie-break the employees at risk are selected by interview against the essential criteria for the post. The successful candidate for the post is then appointed.

Appeals Procedure

1. Introduction

- 1.1 This procedure is to be followed in the circumstances when an employee who has received a written notification of redundancy believes that: -
- (a) They have been unfairly dismissed
 - (b) They have been unfairly selected for redundancy
 - (c) They have reasonable grounds for refusing an offer of alternative employment that has not been accepted by the Trust

2. Procedure

- 2.1 Where an employee believes that they have grounds of appeal under this procedure; it should first be raised in writing to the Lead Manager/Headteacher or other nominated officer, (through the Trade Union representative if desired).
- 2.2 An appeal can be made after the employee has received notification of: -
- (a) Dismissal for redundancy
 - (b) An offer of suitable alternative employment / redeployment
- 2.3 The time limit for such appeals is 5 working days after the employee receives the notification.
- 2.4 Where applicable, the Lead Manager/ Headteacher (or other nominated officer) should meet with the individual as soon as possible and then reply in writing to the appeal within 5 working days.
- 2.5 If an appeal is not satisfactorily resolved at this point the employee, or their Trade Union or other representative may, on their behalf put further appeal in writing to the CEO or in the case that the CEO provided the outcome, the appeal must be made to the Chair of Trustees, stating the basis for the appeal. They must exercise this right in writing within 10 working days of the date of receipt of the written response from the Lead Manager/Headteacher. If the appeal is to the CEO the panel will be formed of three members, consisting of members of either of the Executive team or Trustees who have had no prior involvement in the case. If the appeal is to the Chair of Trustees, the hearing panel will be formed of the first three Trustees available, providing there is no conflict of interest or prior involvement in the case. This is the final stage of the appeals procedure
- 2.6 The appeal must be made to the CEO via the Trust central address or by email to admin@secat.co.uk or in the case of a referral to the Chair of Trustees, to the Governance Manager, by post via SECAT House or to katylove@secat.co.uk Appeals must be made within 10 school days of receipt of the outcome. This appellant must state the grounds of their appeal and whether the appellant will be represented and if so, by whom.
- 2.7 The Governance Manager will then convene a meeting of a Trustee panel for the case to be heard where applicable.
- 2.8 The employee shall be given notice in writing at least 15 working days in advance of the time and place of the hearing and shall be allowed to be represented by his or her Trade Union representative, or some other person of his/her choice and shall be enabled to call witnesses and produce documents relevant to the case at the hearing. If the appellant

rejects the offer of three proposed dates, without good reason, the CEO/Governance Manager will decide when to hold the meeting. It will then proceed in the appellant's absence on the basis of written submissions from both parties.

2.9 Any documents which the CEO/Headteacher or employee intends to present at the hearing shall be sent to the Governance Manager not less than 10 working days before the hearing. Failure to observe this requirement may result in the documents being excluded or delay in the hearing the appeal.

2.10 The time limits referred to above can be varied with the agreement of all parties concerned.

3. Conduct of Appeals

- 3.1 Appeals under the Redundancy Procedure will be heard by an appropriate Trustee Panel, advised by an HR Adviser. None of these should have had prior involvement in the case. The Trustee Appeal Panel represents the final stage of the Trust's Redundancy & Managing Organisational Change procedure. The procedure to be followed at the appeal hearing is set out below
1. The Chair of the Panel should introduce all parties, confirm they have all received the appropriate paperwork, confirm the grounds of appeal with the appellant and their representative (if any) and explain the purpose of the hearing
 2. The presenting officer will present the management case in the presence of the appellant and their representative (if any) and the panel.
 3. The other parties may ask questions of the presenting officer in the following order: appellant and/or representative, Panel members, HR Adviser.
 4. The presenting officer may then call witnesses who can be questioned in the following order: presenting officer, appellant and/or representative, Panel members, HR Adviser.
 5. The presentation is then reversed, with the appellant and/or representative having the chance to put their case and call witnesses.
 6. Questions may be asked on this presentation by the presenting officer, followed by Panel members and the HR Adviser.
 7. The appellant and/or representative may then call witnesses who can be questioned in the following order: appellant and/or representative, presenting officer, Panel members, HR Adviser.
 8. The Presenting Officer, followed by the appellant/representative, will have the opportunity to sum up their cases, if they so wish.
 9. Both parties will withdraw, leaving the Appeal Panel to deliberate, accompanied by the HR Adviser. If recall is necessary to clear points of uncertainty both parties will return, notwithstanding that only one may be concerned with the point giving rise to doubt. In addition, the Panel may require that other witnesses/evidence should be called or produced in order to ensure that all necessary facts are considered before making a decision. The Panel may decide to adjourn the hearing to allow for this if necessary.
- 3.2 If a decision can be made within a reasonable time of the parties withdrawing, both parties should be recalled and informed of the Panel's decision. In all cases, and whether or not the decision has been given verbally at the end of the hearing, the employee will be sent a letter, outlining the reasons for the decision, within 5 working days of the Appeal hearing.