CHILTERN LEARNING TRUST

Organisational Change Procedure

Date Reviewed	Body	Next Review Date
Spring Term 2024	Board of Trustees	Spring Term 2026

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Introduction

Chiltern Learning Trust recognises the need for the school's structure and employees to adapt to change and, as far as possible, will aim to provide security of employment for employees by careful forward planning. However, from time to time the needs of the Trust may mean that a re-organisation and/or different staffing requirements are necessary.

This model procedure has been devised by Chiltern Learning Trust's HR provider after consultation with recognised trade unions.

The roles and responsibilities set out within this procedure should be read alongside CLT's scheme of delegation. Template letters may need to be adapted accordingly.

1. Purpose of Procedure

1.1. This procedure provides:

- a method of responding promptly to organisational change, recognising that reorganisation and restructuring is sometimes required in a school setting
- a mechanism whereby employees and representatives are involved in the process
- a fair way of managing the effects of change on the employees concerned
- guidance to ensure that schools comply with their statutory obligations for collective consultation where these apply

1.2. The situations in which this procedure may apply are:

- restructuring
- 'downsizing' a work group arising from a reduction in the amount of work
- changes in terms and conditions of employment

2. Timescales

This procedure sets out statutory timescales for consultation where there are proposed redundancies. However, wherever possible, it is essential to allow sufficient time to undertake the required process. In planning for organisational change, adequate time must be allowed for meaningful consultation to be undertaken, for implementation of the changes and for contractual notice periods to which employees are entitled. The process will therefore often need to begin a number of months prior to the date that any proposed new structure takes effect.

3. Planning to avoid redundancies

Schools should plan ahead to avoid any staff surplus if future reductions in staffing and/or significant restructuring is likely. In order to avoid compulsory redundancies, the following strategies should be implemented as appropriate:

- three-year budget planning and proactive action to minimise any likely deficit
- natural wastage; holding vacancies and restricting recruitment in relevant areas of staffing
- filling essential vacancies internally
- reducing the use of supply and agency staff
- where organisational change is envisaged, recruiting staff on a temporary basis 'due to a forthcoming school restructure'.
- seeking volunteers for voluntary redundancy or reduction in hours. It is good practice to seek volunteers for voluntary redundancy from all staff, including those outside the affected group, where this may avoid compulsory redundancies.

4. Procedure for restructuring and /or 'downsizing' in a work group

4.1. Stage one – developing the proposal

4.1.1. Any restructuring process will follow the principles of the Education (Review of Staffing Structure) (England) Regulations 2005. Where it is identified that a restructuring or downsizing exercise may be required, the Headteacher will develop a report setting out the proposal for change and submit this to the governing body/trust board (model report at appendix 1). Any staff governors should be precluded from consideration of the proposal at this stage.

The proposal report will include:

- the vision for the restructuring
- reasons for the proposal
- background and context
- current position
- proposals
- structure charts showing both existing and proposed structures
- financial impact
- posts affected by proposals
- proposed means of implementing the change (see paragraph 4.4). Where it is proposed to apply redundancy selection criteria, where possible, these should be specified and included in the report.
- any measures to avoid the need for redundancy or to keep redundancies to a minimum
- timetable for consultation, decision making and implementation
- consultation feedback arrangements
- any particular equality groups that may be adversely affected
- support available e.g. employee assistance programme (Health Assured)

The Trust's HR provider should be consulted on the preparation of the proposals and this report. It is good practice for trade union representatives to be advised in relation to any organisational change at the earliest opportunity in order to facilitate their early involvement.

4.1.2. Following approval by the governing body, the proposal should be communicated to affected staff and their trade union representatives at the earliest opportunity. The governing body/trust may delegate responsibility for undertaking the review of the staffing structure to the Headteacher. Subject to the agreement of the governing body, the above report will be used as the basis for an employee consultation paper. (See model at appendix 2). The financial impact may be included in summary form.

Relevant draft job descriptions and person specifications for proposed new posts should be developed and indicative grades included (after having taken advice on likely grades from the Trust's HR provider) and, where being used, the redundancy selection criteria. Where new job descriptions are required, time should be built in for these to be evaluated.

4.2. **Stage two – consultation**

4.2.1. All affected staff will be invited to attend a formal group consultation meeting (invite letter at appendix 4). For many proposals, it will be relevant to invite the whole school, as the consequences of restructuring can impact directly and indirectly on all staff. Recognised trade union representatives must also be invited to attend this meeting. Seven calendar days' notice should be given to employees and trade unions of this meeting. Copies of the employee consultation paper will be made available at the meeting, together with draft job descriptions, where possible, and a copy of the Organisational Change Procedure. Where individual employees may be directly affected by the proposals (for example where their posts may be deleted), headteachers will want to meet confidentially with these individuals on a one to one basis in advance of the formal consultation meeting so that they will feel prepared.

4.2.2. At the meeting the Headteacher, who may be supported by governors and an HR Adviser, will present the employee consultation paper and respond to any immediate questions. The arrangements for feedback and questions on the proposals will be provided in detail and employees will be made aware that alternative proposals put forward by them, or by trade unions on their behalf, will be given serious consideration. The employee consultation paper will be sent/made available to all employees and trade unions not attending the meeting, including any employees not at work due to sickness, maternity/paternity or other reasons. This meeting will commence a period of formal consultation.

4.2.3. The consultation period will normally be 30 days within the school term. If the proposals will directly affect more than 20 employees the governing body must ensure that the duty to consult under Section 188 of the Trades Unions and Labour Relations (Consolidation) Act 1992 as amended by the Employment Rights Act 1996 is met. This will apply where it is proposed that 20 or more redundancies/dismissals may be required at one establishment over a 90-day period. Under these circumstances, consultation with recognised trades unions must be for 30 days (45 days if 100 or more employees are affected) and should be with a view to reaching agreement on the management and reduction or avoidance of redundancies in the school.

Where there are 20 or more people affected (i.e. potential redundancies), the Headteacher will commence consultation with the trades unions by sending a 'section 188 letter'. Advice from the Trust's HR provider should be sought in the preparation of this letter.

The Trade Union and Labour Relations (Consolidation) Act 1992 states that the following information must be provided to trades unions:

- numbers of employees affected
- categories of employees, such as teachers/support staff or teaching assistants/administration staff
- total number of employees by category
- the reasons for the potential redundancy dismissals
- the effective date of any dismissals
- how redundancy pay will be calculated
- methods or criteria for any redundancy selection
- process and timescales that will be followed – i.e. application of the school's Organisational Change Procedure
- the number of agency workers temporarily employed by the school
- the department in which any agency workers are employed and the nature of work being undertaken by them

A model letter for this purpose is included at appendix 3. A copy of the letter should be sent to the relevant trade unions

4.2.4. The consultation period provides the opportunity to explore any alternative options, in particular where these could avoid or reduce the need for compulsory redundancies, before a decision is made by the governing body. All suggestions submitted during the consultation will be considered and responses provided before a final decision is made.

4.2.5. During the period of consultation, the headteacher (or other senior manager) will offer a one to one meeting with those directly affected by the proposals. The employee may be accompanied by a work colleague or trade union representative at the meeting. A guide for these meetings is attached at appendix 5. The headteacher may meet with other staff less directly affected on a group basis as appropriate.

4.2.6. At the end of the consultation period the proposals will be reconsidered by the governing body together with any feedback or alternatives that have been put forward. Governors will make a determination on the final structure taking into account all of the information available.

4.2.7. After the governors' determination, staff will be informed of the final structure and/ or agreed change and the proposals will then be implemented. (See appendix 7 for an example of an implementation plan.)

4.3. **Stage three – implementation**

4.3.1. Before implementing the new structure compulsory redundancy avoidance measures, identified in the consultation document, will be implemented.

4.3.2. **Fixed term and temporary employees**

Where there are temporary employees in the affected work group(s) these will be included in the consultation process and in the formal Section 188 consultation process if it is required. Any proposals which will affect this group of workers will be included in the employee consultation paper.

4.3.3. Any employee who is engaged on a fixed term contract or temporary contract and who has two years continuous service, or will have by the date at which redundancies take effect, will be treated in the same way as employees on indefinite contracts.

4.3.4. The school should terminate the contracts of employees engaged on temporary contracts issued specifically 'pending a structure/organisational change' at the school as a first step to avoid the compulsory redundancy of other employees in the work group.

4.3.5. The contracts of other temporary employees (with less than two years' service) should also be examined to determine whether the condition of the temporary contract will be met in the relevant period, for example a contract for a Teaching Assistant linked to a named child and where the child will leave the school before or soon after the implementation date of the proposals. Under such circumstances, the post holder's contract need not be renewed.

4.3.6. **Voluntary redundancy**

If there is a requirement to reduce the number of posts in the structure, the headteacher will seek volunteers for redundancy before the implementation phase begins. Applications will be considered in light of avoiding compulsory redundancy and will have regard to the operational needs of the school. Acceptance of volunteers is not guaranteed and will take account of a range of factors, including the overall cost, whether a redundancy situation exists and the schools need to retain particular knowledge and skills.

4.3.7. If the number of volunteers is in excess of what is needed, the school will establish objective criteria by which to select the number of volunteers needed from the relevant work area.

4.3.8. Voluntary redundancy payments will be calculated in the same way as compulsory redundancy payments.

When these steps have been completed the new structure will be implemented. Advice should be sought from the Trust's HR provider in such circumstances.

5. Implementing the new structure

The methods used to implement the new structure will depend on the existing circumstances and the particular needs of the school or trust at that time. Implementation of the new or amended structure will usually be achieved using the methods and strategies described below. It may be necessary to use a combination of criteria and methods of selection. This will have been set out in the consultation documentation.

5.1.1. **Post deletion** applies where an employee's existing post does not appear in the new structure and there are no posts that s/he can be slotted into or any suitable posts against which s/he can be ring fenced. Under these circumstances the process may move straight to a potential dismissal meeting with the headteacher, see 4.5 below.

5.1.2. **Slotting in** will happen at an early stage and applies where:

- there is more than an 70% match between the job content and the skills and knowledge required between the existing (substantive) post and the new post **and**
- the remuneration of the existing and new post is broadly the same **and**
- there is the same number of, or fewer, existing post holders and new posts

Slotting in will usually apply where the two posts are the same grade. In certain circumstances employees may be considered for 'slotting in' to posts one grade above or

one grade below where the job content of the new posts and skills required are very similar to the new post. Advice from the Trust's HR provider should be sought in such circumstances. The employee will be advised in writing using the letter at appendix 17.

5.1.3. **Ring fenced interview / selection process** - in the case of a restructure situation, where there are posts in the new structure that may constitute suitable alternative employment for existing employees, a selection process will be carried out to determine the employees most suitable to those roles. This will usually be by way of interview but may also incorporate other relevant objective information as set out below. Any redundancies will usually be identified through non-appointment to available posts following the methods below.

Ring fenced interviews/selection process may apply where:

- existing posts have been deleted and new posts created in the structure that represent suitable alternative employment for post holders in terms of the job role and skills required and pay and hours are comparable but where the criteria for slotting in have not been met.

or

- an individual cannot be slotted into a new post due to an insufficient job match but there is one person and one post. The interview process is to establish whether the employee has the necessary skills and knowledge to undertake the role now needed.

or

- there are a number of posts being deleted from the existing structure and there are fewer posts of a similar kind within the new structure. An existing postholder may be ring fenced against a post at a lower grade where this would constitute suitable alternative employment and, in some circumstances, may be ring fenced against a post at a higher grade, for example where there is a significant job match and redundancy may be avoided.

This selection process will determine who will be appointed to the new posts and thereby identify those at risk of redundancy.

5.1.4. Affected individuals will be informed that they are within a ring fence, the post(s) for which they can apply and the application details. A simplified application form at appendix 13 can be used if a formal application process is deemed appropriate.

5.1.5. Selection to ring fenced posts will usually be achieved via interviews. Interviews will be conducted on the basis of the critical skills, qualifications and knowledge required for the new role. These 'critical criteria' should be highlighted on the person specification. Critical criteria will be identified as those requirements that are considered the most important for the role. Experience should not normally be included, unless there are statutory or similar reasons to do so. Specialist knowledge and qualifications/training can be included if relevant and key to the post.

Where appropriate, other relevant, objective information may be taken into account as part of the selection process. This could include relevant tests, written submissions from the employee, management assessments or consideration of employment records such as performance appraisals. Where this is the case, it will be made clear to all affected employees.

5.1.6. The headteacher must ensure that methods used for ring fenced assessments are objective, fair and related to the role. The process should be applied consistently to all affected employees.

5.1.7. Appointments to posts via ring fencing (unless employees are slotted in, based on a 100% job match) will be subject to a statutory trial period of four weeks. The trial period can be for

a longer period providing this is agreed in writing prior to the start of the trial period and only to take into account of reasonable additional training.

5.1.8. Where an employee has been appointed to a post where a trial period is applicable, at the same time as s/he is notified of their appointment to the new post, s/he should be given notice of termination of the existing contract by reason of redundancy. The trial period will commence the day after the notice period expires. Should the trial period be deemed unsuccessful – either by the school or the employee – the contract may be terminated at the end of the trial period by reason of redundancy without a further period of notice. Advice from the Trust's HR provider should be sought in such circumstances.

5.1.9. **Recruitment to new posts** applies where there is a new post(s) within the structure and no existing employee can be slotted in and there are no employees to whom it can be ring fenced. In some instances, it will be appropriate to make new posts available internally in advance of the implementation of other strategies to reduce the number of employees who may be put at risk of redundancy. Otherwise this can be done at the end of the process either internally, where employees remain at risk of redundancy, or externally if not.

5.1.10. **Recruitment to unfilled posts** applies where posts in the new structure remain unfilled at the end of the implementation phase. Such posts may be advertised internally in the first instance where employees remain at risk.

5.1.11. If, as a result of the above processes, an employee secures a post which is at a lower grade than their existing post or is for fewer hours per week or weeks per year than currently, pay protection may apply for a limited period. (For details, see paragraph 9)

5.1.12. **'Downsizing' a work group** applies where the new structure requires a lesser number of posts of the same kind, e.g. teacher, teaching assistant. Criteria for selection will have been the subject of consultation and will be applied by the headteacher, in consultation with other managers as appropriate, after formal consultation has been concluded. Criteria for redundancy selection may include for teachers:

- overall subject needs
- special subject requirements
- qualifications to teach certain age groups
- ability to teach different subjects
- additional qualifications
- performance
- attendance (excluding absence for maternity and disability related reasons) and disciplinary record
- critical skills and experience (not based on length of service)

and for support staff:

- performance
- attendance (excluding absence for maternity and disability related reasons) and disciplinary record
- qualifications
- critical skills and experience (not based on length of service)

Judgements of individuals against the redundancy selection criteria will be objective and evidence based and under no circumstances based either directly or indirectly upon the age of individual employees. Suggested selection matrices are attached at appendix 8 and 9. The lowest scoring employee(s) will be selected and identified as being at risk of redundancy.

5.1.13. **Priority status for redeployment opportunities**

Employees who are pregnant, are on maternity leave, adoption leave or shared parental leave or who have recently returned from such leave have statutory protection in redundancy situations and have the right to be offered a suitable alternative vacancy, if one is available, **without the requirement for interview** before being made redundant. This gives this group of employee's priority access to redeployment opportunities over other affected employees.

Schools must contact their HR provider in relation to this.

5.2. **Potential dismissal meeting**

5.2.1. After the implementation strategies are completed, any employee who has not secured a post in the new structure will be invited to attend a potential dismissal meeting with the headteacher, who will be advised by an HR Adviser and a member of CLT's central team, representing the employer (letters at appendix 10 (downsizing) and 11 (post deletion).

5.2.2. Seven calendar days' notice will be given of this meeting. The employee may be accompanied by a work colleague or trade union representative. The invitation to the meeting will also invite the employee to submit written representations to be considered at the meeting if s/he disagrees with being selected for redundancy. If the employee was selected as a result of the application of redundancy selection criteria s/he should be provided with their own scores with their letter of invitation. Employees should not be provided with the scores of other employees. These written representations should specify clearly why s/he believes his/her selection for redundancy was flawed.

The meeting will consider:

- the redundancy selection process – including the individual's scores where a redundancy selection matrix has been applied.
- any representations made by the employee
- any possibilities for redeployment
- the timetable of the redundancy
- details of redundancy payment the employee would receive
- support available.

5.2.3. The meeting may be adjourned whilst the headteacher considers any new information made available at the meeting and takes advice from the HR Adviser. The meeting may be reconvened and the employee informed of the outcome. This outcome will be confirmed in writing and if the decision is that the redundancy still stands, notice of the termination of employment on the grounds of redundancy will be given in writing within seven calendar days (Letter at Appendix 12).

5.2.4. The employee will be given a period of notice on full pay in accordance with his/her contractual entitlement. For teachers, termination dates will be in accordance with Teachers' Pay and Conditions.

5.2.5. **Appeal**

The employee has a right to appeal against selection for redundancy. The appeal must be in writing to the Chair of Governors and sent within five calendar days from the notification of the outcome of the potential dismissal meeting and should set out, in detail, the reasons for the appeal. The employee may be asked to evidence when the appeal letter was sent to the Chair of Governors. Details will be provided of where any appeal letter must be sent. The employee will be given seven calendar days written notice of the appeal hearing and all information to inform the appeal will be sent to the employee and the governor appeal panel at the same time (the letter can be found in appendix 18).

The format for the appeal hearing is set out in appendix 19.

Any successful appeal against dismissal will result in the withdrawal of written notice of redundancy or dismissal.

6. Process for changes to terms and conditions

6.1. This will apply in circumstances when the school determines that the terms and conditions of employment of some employees are no longer appropriate to the schools needs and vision. This could include:

- reduction in contracted hours
- changes to post grade (e.g. after job evaluation)
- changes to weeks worked or times when attendance at work is required. Please note: under some circumstances, a reduction in hours as a result of a reduction in work required may constitute a redundancy and the process described above may be required. Headteachers should seek the advice of Luton HR Traded Services team.

6.2. Such revisions require a change to employment contracts and therefore necessitate a period of consultation with affected employees and similar steps to those outlined above. Provided the reasons for the changes proposed are reasonable, they can be implemented lawfully provided a proper process has been followed.

6.3. When the headteacher identifies that a change of this kind is necessary, a report to the governing body should be prepared specifying the proposal, the reasons for the proposed change, the benefits and any financial impact.

6.4. Subject to the views of governors, the headteacher will convene a consultation meeting with affected staff and trade unions as above. This will be informal consultation with a view to reaching an agreement to the change. A short period (for example a week) should be given for employees to consider the proposal. If, at the end of that period, employees agree to the change (undue pressure should not be applied under any circumstances) a meeting with the headteacher or senior manager should be convened with each employee affected (see invite letter at appendix 14). This meeting will give formal notice of the change, in accordance with that employee's contractual entitlements, unless an earlier date is mutually agreed. The letter at appendix 15 should be used to confirm this change.

6.5. If no agreement is reached during the informal stage, a formal consultation meeting should be convened by the headteacher, as above, followed by a period of formal consultation of up to 30 days depending upon the extent of the changes proposed. Trade union representatives should be invited to this meeting. If the changes affect more than 20 employees then a formal Section 188 consultation process with trade unions and accompanying timescales are required as set out at 4.2.3. The headteacher will continue to consult with employees and their representative during this period in good faith with a view to achieving a mutually agreeable outcome. A one to one meeting will be offered during the formal consultation period to all affected employees (a template for the meeting can be found at appendix 6). The headteacher must review and consider each affected employee's individual circumstances and carefully consider feedback arising from the consultation process.

6.6. The headteacher will continue to consult and negotiate with affected employees throughout the consultation period in order to try to reach a resolution. At the end of the consultation period the proposals should be re-considered by the governing body together with all responses and feedback from the consultation process as above. If the governing body determines that the proposals should be taken forward, then affected employees, as a last resort, will be invited to an individual meeting (letter at appendix 14) at which the formal notice to terminate the existing contract will be issued, alongside the offer of a new contract, with the revised terms and conditions. Where accepted, the new contract will take effect the day after the existing contract terminates. Pay protection may apply where the change results in a reduction in salary as a result of either a change in grade or hours worked per week. (a letter can be found at appendix 15, to be used where agreement has been reached). Please contact the Trust's HR provider if agreement is not reached and notice of dismissal is to be given 'for some other substantial reason' (SOSR).

6.7. Employees who decline to accept the offer of re-engagement on the new terms and conditions may appeal against the decision to terminate their existing contract. The arrangements for, and the structure of, the appeal is as outlined in appendix 19. An employee whose appeal is unsuccessful will not be entitled to a redundancy payment.

7. Redeployment

7.1. Where an employee in the school has been given notice of termination of contract on the grounds of redundancy, the headteacher should review each vacancy as it becomes available within the school and determine whether this could constitute suitable alternative employment for the employee at risk. This judgement will have regard to the job role, pay, hours and employment conditions. If a vacancy is suitable then the headteacher will provide an opportunity for the affected employee to apply for the post in advance of advertising it either internally or externally. If successful, notice will be withdrawn, no redundancy payment will be made and pay protection arrangements may apply.

7.2. As Chiltern Learning Trust is a multi-academy trust, employees at risk of being made redundant, may be redeployed to a suitable position at another school within the trust. This will continue until the dismissal date is reached. The employee will be required to complete an application form, and an interview process will apply.

8. Redundancy payments

8.1. An employee with two or more year's continuous service will be entitled to a redundancy payment which will be calculated in accordance with the attached schedule (appendix 20). Where relevant, details of entitlement will be provided during the consultation period.

8.2. Where an employee aged 55 or over is made redundant and is a member of the Local Government Pension Scheme (LGPS) s/he will be awarded early release of pension based on length of pensionable service. The cost of early release of pension will be met from the school's delegated budget. It is advised that estimated costs are sought from LGPS at an early stage. The Trust's HR provider can assist with this.

8.3. If the redundant employee is 55 or over and is a member of the Teacher's Pension Scheme there is no such entitlement and the teacher may access his/her pension on an actuarially reduced basis. School governing bodies may decide to meet the costs of the early retirement of a teacher under these circumstances. Should this be the case, this will be determined in advance of the consultation period, the governing body's position will be consistently applied.

9. Pay protection

9.1. Teachers' entitlement to salary protection is defined in the School Teachers' Pay and Conditions Document. Currently, where a teacher secures a teaching post with a lower remuneration package, salary will be protected for a period of three years subject to any changes to the School Teachers' Pay and Conditions Document.

9.2. Where non-teaching staff are redeployed to a post at a lower grade, or where there is a change to contracts as a result of restructuring which results in a financial detriment, pay protection to a maximum of one grade is payable for a period of 18 months in total. This is broken down as nine months in full and for a further nine months protection of 50% of the difference. Pay protection is restricted to a one grade difference in pay.

9.3. Where an employee is deployed to a post with fewer contracted hours than their current post, pay protection will apply to a maximum of 20% of their existing contracted hours pay for the first nine months and half of this amount for the following nine months.

9.4. The cost of pay protection will be met by the school.

9.5. Contact the Trust's HR provider for a pay protection calculation if applicable

10. Support for Employees

It is acknowledged that organisational change can be stressful for employees affected by it and schools will take appropriate supportive steps. Those employees who have been given notice of redundancy are entitled to reasonable time off to look for alternative employment. The school will give serious consideration to any requests for relevant training made by potentially redundant employees. The school will also provide details of the schools Employee Assistance Programme (if applicable).

11. Transfer of Undertakings (Protection of Employment) (TUPE)

11.1. In particular circumstances, governors may make the determination to transfer work to another employer or transfer into the school work currently carried out by another employer e.g. school meals catering. Under such circumstances, the Transfer of Undertakings legislation may apply. If a governing body determines to convert to academy status then the TUPE legislation will apply to all current employees of the school as they transfer to the academy or MAT.

11.2. The Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended by the Collective Redundancies and Transfer of Undertakings (Protection of employment)

(Amendment Regulations 2014) set out the rights of employees and the duties of an employer under circumstances Where a transfer is proposed. The TUPE process can be complex and in places specific and it is strongly advised that the advice of the Trust's HR provider is sought at the earliest opportunity.

12. Modification Order (RPMO)

12.1. Section 162 of the Employment Rights Act (ERA) provides that a redundancy payment will be calculated on the basis of the period of continuous employment. The effect of the 'Modification Order' is that this will include continuous employment with bodies on the Order.

12.2. In both cases the usual rules of continuity apply so that if there is a break of more than a week (running from Sunday to Saturday) between two contracts continuity will be broken (except where there is a redundancy and a new job is taken up within four weeks - see below).

12.3. **Where a new job offer is made by another Modification Order body.**

If an employee who is under notice of redundancy receives an offer of a job from another Modification Order body before the termination of his or her employment and takes it up within four weeks of the end of the old employment, there will be no dismissal for redundancy payment purposes.

12.4. This may lead to difficulties for an employer if they are unaware of a job offer that has been made to an employee under notice of redundancy. It is advisable, therefore, before making the redundancy payment to ask the employee if he or she has been offered another job with a Modification Order body and, if so, whether he or she intends to take it up within four weeks of finishing his or her current job.

12.5. If an employee does take on a new job with a Modification Order body in these circumstances, the provisions relating to a trial period in the ERA will apply. Therefore, if the employee decides not to continue with the job during the first four weeks he or she will be able to terminate the contract (whether with or without notice) and receive a redundancy payment from the old employer.

Appendices

Appendix 1

Template - Proposal to Governing Body

Organisational Change proposals to the governing body should include the content below. This content will be adapted to inform the employee consultation document to launch formal consultation.

1. The vision for the restructuring / organisational change

This section will set out what the school hopes to achieve by the changes planned and how these will contribute to the school's development priorities and plans and to positive outcomes for pupils. Where changes to terms and conditions are proposed, the reasons why the changes are required must be clearly set out.

2. Background and context

This section will describe the current situation of the school and why it needs to change. It will outline the relevant developments in the local or national context and the challenges these present for the school. This might include for example changes to the curriculum, developments in the Ofsted inspection methodology, school funding, changes to the school roll, legislative or best practice developments or re-organisation following an amalgamation.

3. Current position

This sets out the current staffing position in the school and of the staff groups relevant to the proposed changes and will include the current organisational structure if relevant.

4. Proposals

This describes the changes proposed for the school and for each staff group and explains the rationale for the changes and the outcomes sought. This section can also include a number of options for achieving the results that are aimed for and the pros and cons of each.

5. Financial impact

This details the current cost of the affected work groups together with the costs of the proposal or options. It should include any pay protection costs in order that governors can understand when any savings identified can be realised.

6. Posts affected by proposals

This section will clearly set out in summary form the existing posts that are affected and the impact of the proposals should they proceed. For example, it will be clear which existing posts may be deleted and any new posts that are planned to be created.

7. Implementation Plan

This will describe how the proposals would be implemented and the order in which it is proposed to implement each stage. Implementation will be in accordance with the school's Organisational Change Procedure.

8. Timetable for consultation, decision making and implementation

Timetable as below should be completed.

Action ***Date***

Governing Body meeting to consider proposals

Meeting with staff and TUs to commence consultation including formal consultation with TUs if required

One to one and group meetings as necessary

End of consultation and deadline for written responses

Governing Body meeting to re-consider proposals

Staff informed of finalised proposals

Implementation period

Specify details of timescales envisaged for when interviews will take place

Dismissal meetings (where appropriate)

Termination dates (where appropriate)

Appendix 2

Organisational Change

(insert name of school) – Proposed Restructure Employee Consultation Brief

1. Purpose and Background

- This briefing document sets out proposals to make changes to the organisation of XXXXXX XXXXX school's *support/teaching* staff structure
- It outlines the timetable for formal consultation with affected employees and trade unions and confirms the date when final proposals will return to the governing body for approval.
- The governing body have given their approval to commence with formal consultation on the proposals as outlined below.

1.1 Background and context

TO BE COMPLETED - Information on the current situation of the school, why change process is required. It will outline any related developments in the local or national context and the challenges these present for the school. This might include for example changes to the curriculum, developments in the Ofsted inspection methodology, school funding, financial situation or changes to the school roll.

1.2 Scope

The scope of this employee brief is:

- *Indicate the posts affected.*

You can also insert for clarity – posts not affected by the proposal.

1.2 The Current Position

This sets out the current staffing position in the school and of the staff groups relevant to the proposed changes and will include the current organisational structure if relevant.

2. Proposal (s)

We need your feedback about the proposal(s) set out in this document. This is your opportunity to shape the future of the school.

Please remember that these are initial proposals only and that the final proposals will only be known once the formal consultation period has ended.

The proposals affecting staff are as follows:

Briefly outline the proposal(s) for the school and for each staff group, including any rationale for the changes and/or the outcomes sought.
State clearly any posts which will be deleted
State clearly any posts which will be created
State clearly any vacancies which will be filled or deleted under the proposal(s)
Highlight any proposed changes to terms and conditions, for example changes to work patterns or weeks per year.
It should be evident to a school employee what is planned to happen to their existing post.

3. Existing Structures

Please see Appendix A

(Attach the existing staff structure at end of employee brief)

4. Proposed structures

Please see Appendix B

(Attach the proposed staffing structure at end of employee brief)

5. Staff affected by the proposal(s)

Notes

NB the information in this section is key and must be accurate in order to draft the letter to the Trades Unions to notify of all staff affected. This is a legal requirement under the Trades Union and Labour Relations (Consolidation) Act 1992.

You must notify the HR adviser supporting the process of the names of those employees affected against each line of the chart below. Names of those affected do not form part of the Section 188 notification to the TUs

Example:

Post title	**Grade**	**FTE**	**Headcount**	**Vacant (Yes)**
Team Manager	*M1*	*4.5*	*3*	*1.5*
Team Manager	*M1*	*1*	*0*	*1*
Administrative Officer	*L3*	*1.00*	*2*	
Total		6.5	5	2.5

7. Consultation and next steps

The Organisational Change Procedure will be used throughout the process.

Governing Body permission to consult given	date
Trade Unions informed	date
Job evaluation (if applicable)	date
Formal consultation starts on	**date**
One to one Meetings	dates
Formal consultation ends on	**date**
Board of Governors permission to implement sought	date:

During the period of formal consultation:

- all affected employees will be offered a **one-to-one** meeting
- group staff meetings will be arranged as necessary
- continual and open dialogue on further suggestions and ideas to arrive at the best proposals for change is encouraged
- describe the mechanisms that will be put in place to capture comments/suggestions during consultation - such **as:**

  - All affected employees have the opportunity to **email** their views about the proposals to (the headteacher or designated member of SLT). Each email received will be logged and a response provided. A Q&A document to track responses may be used and updated regularly.

- detailed documentation (including draft job descriptions within the new structure) will be made available to affected staff during consultation. Our aim is to achieve this by……. (date). (particularly relevant for restructuring)
- trade Unions will be involved throughout
- if applicable, formal notices of redundancy are likely to be served from……. (*date)*, at the earliest.
- if applicable, dismissals are likely take effect from……. (*date)*, at the earliest.

8. Implementation

Implementation will be in line with the Organisational Change Procedure.

A draft implementation plan may be circulated towards the end of the consultation period or once consultation closes and the final proposal(s) likely to be presented to the Board of Governors for approval become clear.

*Where selection criteria/matrix are to be used in a downsizing exercise these should be shared during the consultation period.

A final implementation plan will be circulated following the Board of Governors decision. In general, implementation will commence immediately.

A HR adviser will advise on technical/procedural aspects of implementation plans.

9. Employee Support

Spectrum.life are the schools Employee Assistance Programme (EAP) provider. The Employee Assistance Programme (EAP) is a free, confidential counselling and wellbeing support service that provides support to all employees, their partner / spouse and dependent children over 16 still living at home.

The service is available 24/7, 365 days a year, and can help support employees with issues such as:

- health and well-being information
- stress at home or work
- financial issues including debt
- legal information
- career guidance
- family and relationship matters
- consumer issues

Employees can contact Spectrum.life on 0808 196 2016, or by accessing the online platform https://app.spectrum.life/login. The organisation code is LUTON.

Additional support may be sought from your individual trade union.

Appendix 3

GMB
Unison
NASUWT
ASCL
NEU
NAHT

XX XXXXX 2020

Dear Colleagues

STAFFING REDUCTIONS:SECTION 188, TRADE UNION AND LABOUR RELATIONS (CONSOLIDATION) ACT 1992

I am writing to you as (*insert name of school*) is facing the need to reduce support staff numbers in the near future.

In order to meet the operational needs of the school against ongoing cost challenges, it is anticipated that the school will not be able to financially sustain the current (*support/teaching)* staff team in the foreseeable future from (*insert date*) therefore a new staff structure is proposed.

The reasons for this reduction in staffing is to ensure the staff structure meets the current needs of the school community, whilst making best use of the school's budget resources.

Any reductions in staffing will be managed in accordance with the locally agreed Organisational Change Procedure agreed with your union/association and adopted by the governing body.

Clearly, it is the school's and the governors' wishes that if at all possible compulsory redundancies are avoided and, to that end, the Headteacher and the Governors will be exploring strategies for compulsory redundancy avoidance as identified in the local procedure. The current method of calculating the amount of any redundancy payments can be found in the Organisational Change Procedure.

There are *(insert number)* staff directly affected by the proposal restructure, however all members of staff will be invited to engage with the consultation process.

Posts affected are outlined in the table below:

Post title	**Current**		
	Grade	**Headcount**	**fte**
(insert post title)	*(?)*	*(number of employees?*	*(insert full time equivalent)*
TOTAL			

Adapt as needed:
It is proposed to delete the following (*insert number*) posts of which (*insert number)* are currently vacant:

- *List posts and number of employees in post (both full and part time)*

It is then proposed to create the following *(insert number*) posts: (Grades to be confirmed):

- *List posts and number of employees in post (both full and part time)*

**Include details of any agency workers temporarily employed at the school.*

Proposed Changes to Terms and Conditions of Employment:

It is proposed to (*insert changes proposed*)

Draft job descriptions for all new posts will be made available to all staff early in the consultation process.

Further details will be provided in the employee consultation document.

Should there be compulsory redundancies then it is proposed that the selection methods as set out in the Organisational Change Procedure will be followed. Any compulsory redundancies will take effect from (*insert date)* at the earliest.

The period of (*insert date from insert date to*) constitutes a formal period of consultation with you. In anticipation that you would wish to enter into a period of consultation on the above matters, I would like to invite you to meet with me on *(insert date)* at Insert time at *(insert location).* Please confirm with me directly if you will be attending this meeting.

At (*insert time*) on this date I will hold a formal consultation meeting with all staff at which your attendance is welcome.

The consultation will be conducted in good faith and with a view to reaching agreement.

Yours sincerely

Chair of Governors/Headteacher

Appendix 4

(INSERT DATE)

Dear Colleague

Organisational Change, Proposed Restructure - Formal Consultation
***(insert name*) School**

As you may be aware, there have been recent discussions around a review of the school's *support/teaching* staff structure.

Our governing body have recently been presented with a proposal and have given permission for a period of formal consultation to commence with school staff.

I am writing to let you know that your substantive post is potentially affected by this review.

The school intends to enter into a period of formal consultation with affected staff and the trade unions commencing on (*insert date*) 2021. The formal consultation period will end XXXXXXX 2021.

A group employee consultation meeting has been arranged for:

(insert day and date*) 2024 at 3.30 pm in *(insert location)

Please make every effort to attend this meeting.

You will be provided with an employee consultation document at this meeting, it will provide further detail on the proposal and outline the timetable for formal consultation.

The school has a strong commitment to consulting with employees and obtaining views before taking any decision, in particular where this affects their employment. In addition, given the numbers of employees potentially affected, the school has a statutory duty under the Trade Union & Labour Relations (Consolidation) Act 1992 and subsequent amendments to consult with you.

It is important to emphasise that when we enter a period of formal consultation, no decision has been made and your input and comments are welcomed.

At the end of the consultation period, all comments and suggestions received will be used to make an informed decision.

Throughout the consultation period and any following decisions, we will be acting in accordance with the school's Organisational Change Procedure.

You will be invited early in the formal consultation to attend an individual meeting to discuss how the proposals will affect you, ask any questions or address any concerns that you may have. If you wish to be accompanied at any meetings during this process by a work colleague or a trade union representative, please note that it is your responsibility to ensure that they are available to attend.

Spectrum.life are the schools Employee Assistance Programme (EAP) provider.

The Employee Assistance Programme (EAP) is a free, confidential counselling and wellbeing support service that provides support to all employees, their partner / spouse and dependent children over 16 still living at home.

The service is available 24/7, 365 days a year, and can help support employees with issues such as:

- health and well-being information
- stress at home or work
- financial issues including debt
- legal information
- career guidance
- family and relationship matters
- consumer issues

Employees can contact Spectrum.life on 0808 196 2016, or by accessing the online platform https://app.spectrum.life/login. The organisation code is LUTON.

In the meantime, should you have any queries with regards to this matter, please do not hesitate to speak to me directly.

Yours sincerely,

Name
Headteacher

Appendix 5

Formal Consultation 1 to 1 Meeting Record

Review/Restructure: …..……

Date of meeting: ……..…….

Employee: …….....

TU Rep/work colleague: …….……

Head Teacher/manager conducting meeting:
…….....

HR Rep (if applicable): .....

Post details

Post title: …….....

Grade: ……..... Contracted hours: ……..….....

RPMO Continuous start date: ……

School start date: .....

Date of birth ……. Over 55? Yes / No

Explain standard record sheet to go through and will be given a copy at the end.

*Make it absolutely clear that no decision has been made as yet with regards to the proposals. Meeting today is because your post is **potentially** affected.*

The formal consultation period started on: ……. …… …….. (date)

and ends on: …….. …… (date).

Section 188 was issued to the unions on …… (date) to advise of posts that are potentially affected. Your post was named on the S188.

Explain how post is potentially affected by the proposals.

The proposals will be considered by Board of Governors on …….. .
**Delete as appropriate*

If approval is given implementation will begin immediately.

1. Have you received a copy of the Employee consultation document?

Yes / No

If "NO" - provide employee with a copy.

2. Do you understand the proposals in the Employee consultation document?

Yes / No

If No explain the proposals

3. Any individual circumstances that may be affected as a result of the proposals that you would like recorded?

.....

.....

.....

.....

……

……

…….

4. Voluntary Redundancy (VR)

Where voluntary redundancies will help to minimise compulsory redundancies, within any part of a restructure, expressions of interest from affected employees will be considered.

The headteacher, with advice from HR, will decide whether or not a request for VR can be agreed. Applications are only likely to be agreed where it will help to retain more employees who wish to stay with the school; or where agreeing VR will not have a detrimental effect on service delivery or lead to a loss of scarce skills/essential experience.

Do you wish to be considered for voluntary redundancy? Yes / No

Advise the employee that although they wish to be considered for VR this does not mean that voluntary redundancy will be approved.

5. Do you have further comments/questions you wish to make with regard to the proposed changes?

……

……

……

……

……

……

……

At the end of the formal consultation period you will be advised of the outcome and the draft plans for implementation. Following the governing body's decision, you will be advised of any decisions that have been made, and how this will affect you.

6. Employee Support

Changing times can often be difficult.

Spectrum.life are the schools Employee Assistance Programme (EAP) provider.

The Employee Assistance Programme (EAP) is a free, confidential counselling and wellbeing support service that provides support to all employees, their partner / spouse and dependent children over 16 still living at home.

The service is available 24/7, 365 days a year, and can help support employees with issues such as:

- health and well-being information
- stress at home or work
- financial issues including debt
- legal information
- career guidance
- family and relationship matters
- consumer issues

Employees can contact Spectrum.life on 0808 196 2016, or by accessing the online platform https://app.spectrum.life/login. The organisation code is LUTON.

Careers support, advice and information is available from the Learning Partnership Ltd. (Bedfordshire & Luton). You can contact them on;
01234 851154
or visit their website at **www.learning-partnership.org.uk**
(This service is provided on behalf of the National Careers Service)

Signed: **Employee:**……

Headteacher: …….

Appendix 6

Formal Consultation – individual meeting regarding proposed changes to terms and conditions of employment

Review: ……

Date of meeting: ……..…….

Employee: …….…….....

TU Rep/work colleague: …….…….

Headteacher/manager conducting meeting:
…….....

HR Rep (if applicable): .....

Post Details

Post title: …….....

Grade: ……..... Contracted hours: ……..….....

RPMO Continuous start date: ……

School start date: .....

This sheet confirms that you have been made aware of the changes that are proposed to be implemented on…….. *(date)*. You will be given a copy of this sheet at the end of the meeting.

A consultation document has been made available to you; this document outlines the need to:

.....

.....

..... *(detail proposed changes*).

As you will be aware, we have been in formal consultation since ..... *(date)* and this meeting has been arranged to discuss with you, individually, how the proposed changes will affect you. No decision has been made as yet with regards to the proposals.

1. **Do you understand the proposals?** Yes / No

   If No, explain the proposals

2. **Do you think you will be willing to agree to the proposed changes?**

Yes / No (if not, why not?)
(delete/circle as appropriate)

Comments:

……..

……..

……..

.....

.....

3. Are there any individual circumstances relevant to the proposal that you would like me to consider?

……

……

……

……

…….

4. Next steps

a. As you have stated that you think you will be willing to accept the proposed changes to your terms and conditions, following the consultation period we will meet again and notice of the change will be formally confirmed.

OR

b. As you have stated that you are not currently willing to accept the proposed changes or you are still unsure, we will meet again shortly to further discuss the proposal taking account of your feedback today. It is important that we attempt to arrive at a resolution.

5. Any comments/questions?

.....

.....

.....

…….

……..

6. Employee Support

Changing times can often be difficult.

Spectrum.life are the schools Employee Assistance Programme (EAP) provider.

The Employee Assistance Programme (EAP) is a free, confidential counselling and wellbeing support service that provides support to all employees, their partner / spouse and dependent children over 16 still living at home.

The service is available 24/7, 365 days a year, and can help support employees with issues such as:

- health and well-being information
- stress at home or work
- financial issues including debt
- legal information
- career guidance
- family and relationship matters
- consumer issues

Employees can contact Spectrum.life on 0808 196 2016, or by accessing the online platform https://app.spectrum.life/login. The organisation code is LUTON.

Signed: ……
(Employee)

Signed: …….....
(Manager)

Appendix 7

(*Insert name of school*)
Implementation Plan

As you are aware, we have been consulting with you and the trade unions recently on plans to make changes to the school's *support staff/teaching* structure. Formal consultation concluded on (*insert date*) 2024.

You all had the opportunity to attend a 1-1 meeting and were invited to engage with the consultation process. A number of valuable and positive comments were made during the consultation process.

All comments submitted as part of the formal consultation have been acknowledged and responded to. Thank you for your input.

I reported to governors on (*insert date*) 2024 and they have given approval for the new structure to be implemented as follows:

To delete the existing posts of:

- *(insert post titles, number of posts and fte)*

To create the following new posts:

- (*insert post title, number of posts and fte*)

Finally, I will be proposing to change the terms and conditions of employment of the following post holders:

- *(insert proposed changes)*

It is the intention to progress with the implementation detailed below as quickly as possible.

In implementing the new structure, the overriding aim will be to secure appropriately skilled people in each role in the new structure.

We will aim to conclude appointment to the new structure as quickly as possible to minimise the period of uncertainty for staff.

Implementing the new structure

COMPLETE EACH SECTION ONLY IF APPLICABLE – IF NOT APPLICABLE PLEASE DELETE

It will then be the intention to appoint to the new structure as follows:

1. Post deletions

The following posts are proposed for deletion:

- *(insert post title, grade and fte)*

Each of the affected employees will receive a letter inviting them to a meeting to discuss the next stage of the process.

2. Selection criteria for posts in the new structure - downsizing a work group

This applies where a new structure requires a lesser number of posts of the same kind. Criteria for selection will include skills & experience, attendance, performance and conduct. A written selection criteria process (downsizing matrix) will therefore be used to appoint employees to posts in the new structure.

There will not be the requirement for an interview for any of the posts.

Appointing to posts in the new structure:

New posts in the new structure are as follows:

- (*Insert post title and grade*)

Process for appointment:

The following post holders will each be invited to complete a shortened application form evidencing selection criteria.

Insert ring fencing arrangements where needed
(*insert job title and grade*)

Detail interview arrangements

Judgements of employees against the selection criteria will be objective and evidence based. The lowest scoring employees will be at risk of redundancy.

Unfilled posts

If posts in the new structure remain unfilled following the interview process they will usually be opened up to affected staff meeting the criteria who have not secured a post and remain at risk of redundancy before being released to redeployment, internal appointment and finally external recruitment.

The Next Stage:

'Notice' meetings will be scheduled, if necessary, following the appointment process, at which information on estimated redundancy payments and pension benefits (if applicable) will be available.

Notice will not be given until recruitment to the new structure has been completed and suitable alternative employment within the new structure has been explored.

Any queries please speak to me directly.

Appendix 8

Downsizing
Suggested redundancy selection criteria – teaching posts

QUALIFICATIONS - Initial teaching, further and advanced.

QTS (if a teacher): 1 point

Further qualification directly relevant to current post: 1 point per qualification

SKILLS AND EXPERIENCE

Identify three critical criteria from the personnel specification and asses as follows:

1 = poor, 2 = fair 3 = average, 4 = good, 5 = excellent.

For secondary (teachers)

Subject specialisms that the school requires: 5 points subject

For schools with a sixth form, relevant teaching within the sixth form during the last two years: 4 points

ATTENDANCE (EXCLUDING PREGNANCY RELATED SICKNESS AND DISABILITY ADJUSTMENTS)

95%+ attendance at work over the last two years: 10 points
90-94% attendance at work over the last two years: 5 points
Less than 90% attendance at work over the last two years: 0 points

PERFORMANCE

Formal live warning for poor performance (capability) on file: **deduct** 10 points

CONDUCT

Live warning for misconduct on file: **deduct** 10 points per warning

Management advice issued (and evidenced) in last 12 months **deduct** 2 points per warning

Those with the lowest score will be nominated for redundancy.

Appendix 9

Downsizing
Suggested redundancy selection criteria – non-teaching posts

Criteria will be specific to the type of post being considered. For some posts there will be no qualifications which are relevant.

E.g. For each relevant qualification – e.g. NVQ in childcare, HTLA 1 point

SKILLS AND EXPERIENCE

Identify three critical criteria from the personnel specification and grade as follows:

1 = poor, 2 = fair 3 = average, 4 = good 5 = excellent.

ATTENDANCE (EXCLUDING PREGNANCY RELATED SICKNESS AND DISABILITY ADJUSTMENTS)

95%+ attendance at work over the last two years: 10 points
90-94% attendance at work over the last two years: 5 points
Less than 90% attendance at work over the last two years: 0 points

PERFORMANCE

Formal live warning for poor performance (capability) on file: **deduct** 10 points

CONDUCT

Live warning for misconduct on file: **deduct** 10 points per warning

Informal (but evidenced) warning in last 12 months **deduct** 2 points per warning

Those with the lowest score will be nominated for redundancy.

Appendix 10

(*insert date*)

Dear Name

Staff Restructure – selection for redundancy – downsizing an employee group

As you are aware, following a consultation period and approval of the proposal to restructure by the school's governing body, I am now in the process of implementing the new structure.

I regret that initial analysis of the information I have collected indicates that you may be dismissed on the grounds of redundancy.

I am writing therefore to invite you to attend a meeting with me on (*insert date and time & location*). You are entitled to be accompanied to the meeting by a trade union representative or work colleague. I shall be advised by a HR adviser.

I attach a copy of the criteria, your personal data and the evaluation of this to inform the meeting. You may submit written representations to the meeting if you believe that the criteria has been applied inaccurately in your case or the selection process has been flawed. Should you wish to do this please ensure that I receive your statement two working days in advance of the meeting, that is by (*insert time and date).*

Should you not attend the meeting and have not contacted me to make alternative and timely arrangements a decision may be taken in your absence. Alternatively, your representative may speak on your behalf or you may rely on a written submission.

Please note that, subject to full consideration of written or verbal representations at the meeting, a possible outcome from this meeting may be the issuing of your contractual notice to terminate your employment on the grounds of redundancy.

Should you require any further information prior to the meeting, please speak to me directly.

Yours sincerely

(insert name)
Headteacher

Appendix 11

(insert date)
Dear Name

Staff Restructure – selection for redundancy – Post deletion

As you are aware following a consultation period and approval of the proposal to restructure by the school's governing body, I am now in the process of implementing the new structure.

As you are aware, your existing post does not appear in the new structure proposed for the school and to date you have not secured an alternative post within the new structure. Unfortunately, you are potentially at risk of redundancy.

I am writing therefore to invite you to attend a meeting with me on (*insert date and time & location*). You are entitled to be accompanied to the meeting by a trade union representative or work colleague. I shall be advised by a HR Adviser.

The purpose of the meeting will be to consider:

- The redundancy selection process
- Any representations that you may like to make
- The timetable of the redundancy & details of the redundancy payment
- The support available for you

You may submit representation to the meeting if you believe the selection process for redundancy has been flawed. Should you wish to do so please ensure that I receive your statement two working days in advance of the meeting that is by *(insert time and date).*

Please note that a possible outcome from this meeting may be the issuing of your contractual notice to terminate your employment on the grounds of redundancy.
Should you not attend the meeting and have not contacted me to make alternative and timely arrangements a decision may be taken in your absence. Alternatively, your representative may speak on your behalf or you may rely on a written submission.

Should you require any further information prior to the meeting, please speak to me directly.

Yours sincerely

(insert name)
Headteacher

Appendix 12

(INSERT DATE)

Dear Name

Meeting Outcome: Redundancy Dismissal

I write to confirm the outcome of the meeting on *(insert date*). I was accompanied by (*insert name*), HR Adviser who was present for the purpose of giving advice. You were aware of your right to be accompanied and ***EITHER*** attended alone **OR** attended accompanied by your trade union representative/work colleague *(insert name).*

Delete as appropriate:
***For post deletion*:**
We discussed the basis for the deletion of the post of (INSERT POST TITLE & GRADE) and the process we have been through to arrive at this stage.

(*If relevant*) *You advised me that (insert key points from meeting)*

For downsizing:
We went through the criteria for redundancy selection and the reason you had been provisionally selected for redundancy.

(If relevant) In response you advised me that (insert key points from meeting)

Having considered all the facts I have determined that the decision to select your post for redundancy remains unchanged and that you will be dismissed on the grounds of redundancy.

(If relevant – I have notified the local authority accordingly)

You are entitled to X weeks' notice effective from *(insert date of day after meeting)*. This means that your existing contract of employment in this post will terminate on *(insert contractual notice end date)*

Severance and Pensions:

The approximate redundancy payment payable to you is enclosed with this letter. If you have any queries about your figures please speak to me directly.

The redundancy pay quoted above will be paid to you on the relevant pay day of the tax month of termination.

For your information, redundancy pay of up to £30,000 (and/or some other payments made on termination of employment) may be payable without deduction for tax and national insurance under regulations operated by HM Revenue and Customs. This will depend on circumstances and on HMRC guidance current at the time employment finishes*).* This letter is therefore not to be taken as a guarantee that you will be paid any or all of your termination payments without relevant tax or national insurance deductions.

If you would like to request a personal pension estimate to be sent to your home address please complete and return the enclosed form to *(insert name*) for processing. If you require any further information on your pension please contact the Local Government Pension Scheme team directly on pensions@bedford.gov.uk or by telephone on (01234) 276912.

Accepting another job offer:

Please note that if you receive an offer of employment from any Local Government Authority or other associated body covered by the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999, prior to the termination date of this employment, and commence employment with the **new** organisation within four weeks of the date of your last day of service with the school, you will lose entitlement to a redundancy payment. This is because all such employers are deemed to be the same employer and therefore if you take employment with such an employer it is treated as if you had taken up employment with your current employer. If you are unclear if a particular organisation is covered by the Redundancy Payments Modification Order, please check with them before accepting a job offer.

Employee Assistance:

Spectrum.life are the schools Employee Assistance Programme (EAP) provider.

The Employee Assistance Programme (EAP) is a free, confidential counselling and wellbeing support service that provides support to all employees, their partner / spouse and dependent children over 16 still living at home.

The service is available 24/7, 365 days a year, and can help support employees with issues such as:

- health and well-being information
- stress at home or work
- financial issues including debt
- legal information
- career guidance
- family and relationship matters
- consumer issues

Employees can contact Spectrum.life on 0808 196 2016, or by accessing the online platform https://app.spectrum.life/login. The organisation code is LUTON.

You are entitled by law to take reasonable time off to look for other employment and to prepare applications and attend interviews or for training to help you gain future employment. You should make the appropriate arrangements with your manager for any reasonable time off you may require for this purpose.

Appeal Process:

You do have the right of appeal to the Governing Body against the decision to make this post redundant and should you wish to do so, you should send your appeal in writing, stating clearly the

grounds for your appeal to the Chair of the Board of Governors within five calendar days of receipt of this letter.

Next Steps:

Please speak to me directly if anything is unclear or you require any further information.

I would like to take this opportunity to thank you for your contribution and to wish you every success for the future.

Yours sincerely

(insert name)
Headteacher

cc Personal File

Enc Redundancy estimate
Pension estimate request form

Appendix 13

SHORTENED APPLICATION FORM (Critical Criteria only)

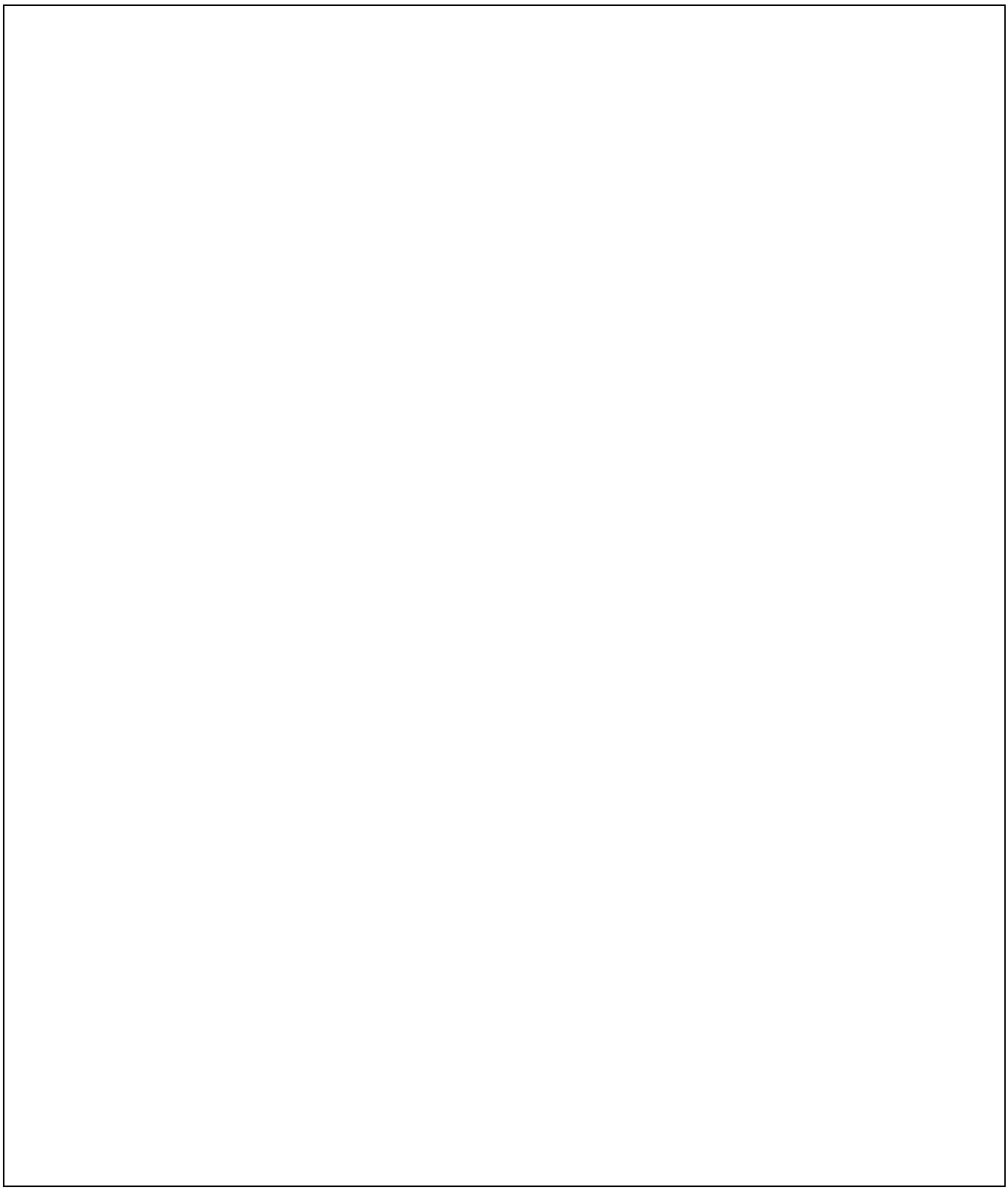
PERSONAL AND CONFIDENTIAL

Name	
Title of post applying for	
Current post title	
Current grade	
Current hours per week	

APPLICATION

Please detail below briefly how you meet each of the **critical criteria** of the person specification for the post you are applying for.

(Note: detail your main achievements/skills/experience etc. relevant to the post you are applying for. *Please expand upon your skills, abilities, knowledge and work experience and state how you consider it will enable you to successfully perform the job you are applying for. Please remember that this information will be taken into consideration when selecting the successful candidate, so give specific examples that illustrate the points you are making.)*



Appendix 14

(INSERT DATE)

Dear

Invitation to meeting – notice of change to terms and conditions

I write to invite you to attend a meeting with me on (insert time and date) to discuss further the proposal agreed by the governing body to vary the terms and conditions of your employment. I may be advised by an HR Adviser and there will be a note taker in attendance to make a note of the meeting. You may be accompanied by a trade union representative or work colleague.

The reason for the meeting is to explore any further avenues whereby we may agree a mutually acceptable outcome and to seek your agreement to the new terms and conditions of employment.

Please confirm your attendance at the meeting. If you wish to discuss the matter again informally please speak to me directly at any time.

Thank you for your cooperation with this process.

Yours sincerely

(insert name)
Headteacher

Appendix 15

(INSERT DATE)

Dear

Notice of change in terms and conditions

I write to confirm the outcome of our meeting on *(insert date*).

As you are aware, I have been consulting with you on a change to your terms and conditions of employment. This has been necessitated for reasons outlined in the employee consultation document and *(insert if appropriate*) *discussed at our one-to-one meeting/s on *(insert date/dates)*.

We met to discuss the proposed changes to your contract with the school as follows:

- *(insert proposed changes)*

(If relevant) Thank you for your feedback and for taking the time to prepare a written statement, the content of which is recorded in the notes of the meeting. You asked that the school consider (insert key points made).

I have carefully considered and reviewed your feedback and would comment as follows:
**
In conclusion, as I explained to you at the meeting the school deems that the terms and conditions proposed constitute a reasonable change to your employment terms for the reasons given. This letter therefore gives you notice, in accordance with your contractual entitlement, of a variation to your terms and conditions of employment.

Please note that this change will take effect *from (insert day after end of contractual notice period).*

You will receive pay protection for the total period of 18 months commencing *(insert date as above*). Nine months in full and for a further nine months on 50% of the difference. For clarity please find attached a pay protection calculation. **delete where not relevant*

You will receive a change to the particulars of your contract in due course.

If you have any queries or comments in relation to the content of this letter, please speak to me immediately. Please sign the form attached and return to me at your earliest convenience.

Yours sincerely

(insert name)
Headteacher

Enc Pay protection calculation (*if applicable*)

I, _____ accept the variation to my terms and conditions of employment as set out in the above letter.

Signed _____

Date _____

Appendix 16

(INSERT DATE)

Dear

I refer to the meeting held on *(insert date)* with regards to the staff restructure at *(insert name of school)*

As communicated to you, effectively, the post you currently occupy of *(INSERT POST & GRADE*) has been deleted in the new structure. You are entitled to *(insert contractual notice period*) weeks' notice with effect from *(insert day after meeting date)* and I hereby give you formal notice that your employment in this post will be terminated by reason of redundancy on *(insert end of contractual notice date*) when your existing contract of employment will expire.

However, I am pleased to confirm that, the post of (INSERT POST & GRADE) in the new structure, has been identified as suitable alternative employment. Your appointment to this new post will take effect from *(insert day after notice period expires unless an earlier start date has been mutually agreed, if so insert that date and state 'as mutually agreed').*

As discussed, you will receive pay protection for a period of 18 months in total; nine months at 100% and nine months at 50% of the difference. Pay protection will commence on *(INSERT DATE NEW CONTRACT STARTS*). A pay protection calculation is attached.

As explained to you, and in line with normal practice, there will be a statutory, mutual four-week trial period in the new post. Your trial period will commence on *(insert start date in new post).*

Please could you complete and sign the response slip below and return it to me within five working days of receipt of this letter to confirm your acceptance of the alternative role. Should you accept this offer of employment, a revised Statement of Written Particulars and job description will be issued. The Statement of Written Particulars will detail further pay protection arrangements.

You do have the right of appeal to the governing body against the decision to delete your post, should you wish to do so. Your appeal should be sent in writing to the Chair of Governors within five calendar days of receipt of this letter.

I sincerely hope that you will be able to accept this offer of suitable alternative employment and would like to take this opportunity to wish you in advance every success in your new role.

Yours sincerely,

Name
Headteacher

Response slip

I can confirm that I wish to accept the position of (*insert post title and grade)* as suitable alternative employment.

Name (please print) ……..

Current Post: …….

Signed …….. Date ……

I do not wish accept the position of (*insert post title and grade)* I understand that I may forfeit any entitlement to a redundancy payment if, in the school's view, there has been a suitable offer of alternative employment made which has been unreasonably refused.

Name (please print) ……..

Current Post: ……

Signed …….. Date ……...

When completed and signed, please return this form to:
(insert name)

Appendix 17

(Insert date)

Dear

Following the review of the staff structure at (*INSERT NAME OF SCHOOL*), which is currently being implemented, I am writing to confirm how this affects your position with the school.

I am pleased to advise that, following a job matching exercise, you have been slotted into the post of '(*INSERT POST TITLE'*) at your current grade.

You will shortly receive a variation to contract that will confirm your new job title.

I enclose a copy of the job description for this position.

There is no further process. The effective date for the change is (*INSERT DATE*).

Finally, I would like to thank you again for your cooperation with this process.

Please speak to me directly if you have any query on the content of this letter.

Yours sincerely,

(Insert name)
Headteacher

Appendix 18

(Insert date)

Dear

Invitation to appeal hearing

I have received your letter of appeal in which you appeal against selection for redundancy.

You are invited to attend an appeal which will be heard by the following *governors (insert names)*. The appeal has been convened to take place on *(insert time, date and location*).

The panel will be advised by (*insert name)* from HR and a note taker will be in attendance. You are entitled to be accompanied to the appeal by a trade union representative or work colleague.

I enclose the paperwork which will inform the appeal. Should you have any further paperwork that you would like the panel to consider you must submit it at least five working days in advance of the hearing to (*insert name and location).*

Should you not attend the appeal, and have not contacted me to make alternative and timely arrangements, a decision will be taken in your absence. Alternatively, your representative may speak on your behalf or you may rely on a written submission.

Yours sincerely

Name
Chair of Governors

Appendix 19

Conduct of the appeal hearing

The Chair of the Governor appeal panel hearing the appeal will first seek confirmation of the grounds of appeal. i.e.

That the dismissal was not on ground of redundancy;
Either the selection of employee was unfair
or the procedure was not correctly or fairly applied.

The appellant and/or his/her representative shall first present his/her case.

The headteacher, who may be accompanied by an HR Adviser, may question the appellant and/or his/her representative and his/her witnesses.

The governors of the appeal panel and HR representative may question the appellant and/or his/her representative and his/her witnesses.

The headteacher will then present his/her case.

The appellant and/or his/her representative may question the headteacher and/or his/her representative and his/her witnesses.

The governors hearing the appeal and HR representative may question the Headteacher and his/her witnesses.

The appellant and/or his/her representative shall then be asked to summarise his/her case.

The headteacher shall then be asked to summarise his/her case.

The Chair of the governor appeal panel shall then ask the headteacher, the appellant and/or his/her representative to withdraw.

The case will then be considered in private and a decision reached.

The hearing will then be reconvened and the parties informed of the decision. If for any reason a decision cannot be reached the same day the parties will be notified of the decision by letter.

A letter confirming the decision should be sent to the appellant within seven calendar days of the hearing.

The decision of the governor appeal panel hearing will be final and binding and there will be no further right of appeal.

Appendix 20

Redundancy payment entitlement

Redundancy pay table (using actual weekly pay)																			
	Service (Years)																		
Age	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**	**13**	**14**	**15**	**16**	**17**	**18**	**19**	**20**
17	1																		
18	1	1½																	
19	1	1½	2																
20	1	1½	2	2½	-														
21	1	1½	2	2½	3	-													
22	1	1½	2	2½	3	3½	-												
23	1½	2	2½	3	3½	4	4½	-											
24	2	2½	3	3½	4	4½	5	5½	-										
25	2	3	3½	4	4½	5	5½	6	6½	-									
26	2	3	4	4½	5	5½	6	6½	7	7½	-								
27	2	3	4	5	5½	6	6½	7	7½	8	8½	-							
28	2	3	4	5	6	6½	7	7½	8	8½	9	9½	-						
29	2	3	4	5	6	7	7½	8	8½	9	9½	10	10½	-					
30	2	3	4	5	6	7	8	8½	9	9½	10	10½	11	11½	-				
31	2	3	4	5	6	7	8	9	9½	10	10½	11	11½	12	12½	-			
32	2	3	4	5	6	7	8	9	10	10½	11	11½	12	12½	13	13½	-		
33	2	3	4	5	6	7	8	9	10	11	11½	12	12½	13	13½	14	14½	-	
34	2	3	4	5	6	7	8	9	10	11	12	12½	13	13½	14	14½	15	15½	-
35	2	3	4	5	6	7	8	9	10	11	12	13	13½	14	14½	15	15½	16	16½
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30