



Symphony Learning
TRUST

Organisational Change Policy

Adopted by Symphony Learning Trust on	January 2021
Next Review Due	Change of Regulations

Policy developed by



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This policy applies to all staff including the Head Teacher and Executive Head Teacher.

This policy will be implemented in accordance with the Trust's Scheme of Delegation and Articles of Association. The constitution of formal panels will be determined by the Trust's Scheme of Delegation.

The school must notify both the employee and the LA of their decision. The LA will then write to the employee to dismiss them within 14 days of the notification.

This policy does not form part of employees' terms and conditions of employment and may be subject to change at the discretion of the Trustees/Governing Body.

For the purposes of this policy the Head Teacher will be referred to as 'Head Teacher' and school/academy will be referred to as 'school'.

1. Purpose

1.1 The purpose of this policy is to set out the approach to managing restructuring and redundancy procedures within the school. This policy establishes a fair, transparent and effective process for dealing with such situations.

1.2 The Trust's overall objective is to avoid redundancies wherever possible, however, the needs of the school may from time to time require:

- a reduction in the overall number of staff employed,
- role or responsibility changes, or
- cessation of work/reduction in the need to carry out work of a particular kind.

1.3 Where this is necessary, the school will ensure that:

- the total number of compulsory redundancies made is kept to a minimum,
- employees and their representatives are fully consulted on any proposals and their implementation. Consultation with employees and the Recognised Trade Unions regarding any proposals will be meaningful,
- selection for redundancy is based on clear criteria that will be objectively and fairly applied, and
- support is provided to employees selected for redundancy to help them find suitable work when their employment has come to an end.

1.4 The Trust will not need to follow this policy when carrying out minor changes such as those changes which form part of day to day management, for example:

- change of job title,
- change of line manager/reporting lines.

However, the school will ensure that employees are informed of such changes and be able to put forward their views regarding these changes.

2. Governors'/Trustees' Decision to Implement Restructuring/Redundancy

Please refer to the Scheme of Delegation, which outlines the delegated responsibilities in relation to the school/trust restructuring.

<https://www.symphonylearningtrust.co.uk/trust-documentation>

- 2.3 Once the [Local] Governing Body have delegated the management of the process to the Lead Person it is important that, from this point forward, the Governors are not involved in the restructuring/redundancy process. This is to ensure that they remain independent from the process until a point when they may be required to be part of a selection process/redundancy hearing or appeal hearing.
- 2.4 In some cases, it is recognised that a Governor may work alongside the Headteacher on day to day matters regarding the restructure. In these circumstances Governors must ensure that they remain independent from the redundancy/appeal panel.

3. Avoiding or Minimising Redundancies

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

- Deletion of vacant posts,
- Restriction or suspension of recruitment,
- Recruiting to fixed term contracts,
- Cessation or reduction of overtime,
- Cessation or reduction of casual contracts,
- Voluntary reduction in hours (individually or collectively),
- Voluntary redundancy,
- Redeployment opportunities within the school/across the Trust. (see Section 10).

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

4. Consultation & Communication

- 4.1 Where the school is proposing to make fewer than 20 employees redundant, the lead person(s) will communicate with the affected employees and the representatives of the recognised Teacher Trade Unions/Professional Associations and Support Staff Trade Unions at the earliest opportunity - this may initially take place prior to formal consultation regarding staffing restructurings/reductions. .
- 4.2 Consultation will include all employees who are not in school during the consultation

period, including those on periods of absence, including maternity, adoption, shared parental leave or other long-term absence or those who are on a career break.

- 4.3 There is no specified statutory minimum period for consultation where it is proposed to dismiss 1-19 employees; however, the school will seek to agree with affected employees and the representatives of the recognised Trade Unions/Professional Associations a consultation period appropriate to the changes being proposed.
- 4.4 For proposals to make 20 – 99 employees redundant, a consultation period of at least 30 calendar days (including weekends but excluding school closures) will be provided.
- 4.5 For proposals to make 100 or more employees redundant, over a period of 90 days or less, at least 45 days consultation will be required.
- 4.6 The school must notify the Redundancy Payments Service (RPS) before a consultation starts, using the HR1 Form, when they are proposing to make the following redundancies:

Number of proposed redundancies	When notification to RPS must be given
20 to 99	30 days before the first redundancy
100 or more	45 days before the first redundancy

- 4.7 An action plan will outline the details of all proposals which will be subject to consultation.

5. Action Plan

- 5.1 The action plan will outline the following:
 - a) the reasons for the proposal (including budget figures and projected budget figures),
 - b) the number and details of employees affected by the proposals (e.g. teachers or support staff),
 - c) the number of employees it is proposed to dismiss on grounds of redundancy,
 - d) the proposed method of selecting the employees to be dismissed,
 - e) the proposed method of carrying out the dismissals, including the period over which they are to take effect,
 - f) the proposed method of calculating redundancy payments (see Appendix A).
- 5.2 The formal consultation period will commence once the draft Action Plan is shared with employees.
- 5.3 At the end of the consultation period, all comments, suggestions and where appropriate voluntary options will be thoroughly considered and responded to. Following this, the Action Plan will be finalised by the Lead Person(s), and distributed.
- 5.4 Copies of the final Action Plan, which highlights all the changes made, will then be

sent to the employees affected and the Trade Unions.

6. Voluntary Redundancy/Reduction of Hours

- 6.1 In order to minimise the need for compulsory redundancies, the school may consider voluntary requests for redundancy from employees. The decision to grant redundancy is discretionary and will be based on criteria which are clear, fair, non-discriminatory and easily evidenced. These may include:
- whether there will be sufficient knowledge, capacity and skill base left within the school should the request be approved,
 - the extent to which agreeing the request will help facilitate the service redesign and required savings,
 - the cost of agreeing the request.

7. Selection

- 7.1 The criteria and process used in selecting employees for redundancy, loss of hours or for deployment to new or changed posts will depend on the existing circumstances and the particular needs of the school at the time and will be detailed in the action plan. Criteria will be fair, consistent and measurable.
- 7.2 The lead person will meet with Individuals to make them aware of the outcome of the selection process. This meeting is an opportunity to explore and discuss the reasons for the outcome.
- 7.3 Following these meetings, arrangements will be made for those employees selected for compulsory redundancy or loss of hours to attend a redundancy hearing.

8. Compulsory Redundancy/Loss of Hours Hearing

- 8.1 A hearing will be convened to consider compulsory redundancies or loss of hours.
- 8.2 The employee will be given written notification of the hearing and provided with at least 10 working days' notice and advised of their right to be accompanied at the hearing.
- 8.3 Outcomes of the hearing will be confirmed to employee(s) in writing within three working days of the hearing. Individuals will have the right to appeal decisions. All appeals are to be made in accordance with the school's Appeal Policy.
- 8.4 Depending on the circumstances, the school may provide payment in lieu of notice.

9. Implementing Other Outcomes

- 9.1 Voluntary requests and all other changes to posts (e.g. grades, hours, new posts) which

have been accepted will be confirmed in writing and where appropriate new contracts or variations to contracts issued.

- 9.2 In all cases, employees will also be afforded the right of appeal, except where an application for a voluntary option has been declined.

10. Redeployment

- 10.1 Efforts will be made within the school/Trust to redeploy staff selected for redundancy into suitable alternative posts within the school, for which they are suitably qualified/experienced, following an appropriate selection process. Whether a job is suitable depends on:

- how similar the work is to the current job
- the terms of the job being offered
- the skills, abilities and circumstances in relation to the job
- the pay (including benefits), status, hours and location

Priority for vacant posts will be given, wherever possible, to employees under threat of redundancy.

- 10.2 There is no requirement for a school to create a job specifically for the purpose outlined above. However, employees will be considered for any appropriate vacancy where it is felt their skills and experience may be transferable, whilst they are working their notice period.

10.3 Withholding a redundancy payment

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

11. Time Off to Arrange Training or Seek Alternative Employment

- 11.1 Employees who are selected for compulsory redundancy will be granted reasonable time off work with pay during their notice period to look for new employment or to make arrangements for training for future employment.

12. Other Considerations

12.1 Maternity, adoption, shared parental leave

Employees on Maternity, adoption, shared parental leave will have some preferential

treatment and protection from redundancy.

12.2 If a redundancy situation arises while an employee is on maternity, adoption or shared parental leave, they will be offered any suitable alternative vacancy if one is available, and will be given priority over and above any another employee who is also at risk of redundancy but not on such leave. This preferential treatment **only** applies where the employee on maternity/adoption/shared parental leave has been issued with their formal redundancy notice, **or** where the employee's post is proposed to be deleted the individual will be entitled to preferential treatment from the outset.

12.3 **Job Evaluation - New Posts (Support Staff Only)**

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

12.4 **Secondments/Acting Up**

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

13. Compensation Payments, Pensions & Safeguarding

The Restriction of Public Sector Exit Payments Regulations 2020 apply to all exit payments, including payments made in respect of redundancy. Therefore, any payments made as a result of the school undergoing an organisational change process will be subject to the £95,000 cap and must not exceed this amount, unless there are extremely exceptional circumstances.

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

13.2 In accordance with The Redundancy Payments (Local Government) (Continuity of Employment in Local Government, etc.) (Modification) Order 1999, an employee who accepts any employment with organisation that falls under the Redundancy Modification Order (including other Local Authorities and other schools/Academies within Leicestershire) before the date of redundancy, with the new job starting within 4 weeks of the date of redundancy, will have their **continuity of service preserved and as a result will lose the right to receive a redundancy payment.**

Teaching Staff:

Option 2:

Voluntary Redundancy

Under 55 – Redundancy Payment

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

Compulsory Redundancy

Under 55 – Redundancy Payment

Over 55 – Redundancy Payment

Support Staff

- 13.3 Voluntary and compulsory redundancy for all support staff warrants the same level of redundancy compensation.
- 13.4 Employees in the Local Government Pension Scheme aged under 55 with at least 2 years pension membership will have their pension benefits deferred/frozen in the pension fund.
- 13.5 Employees in the Local Government Pension Scheme aged 55 and over will receive immediate payment of pension benefits with no further reduction (e.g. they will receive monies equivalent to their pension payments made up to the point of redundancy) (subject to a minimum of three months' scheme membership).
- 13.6 **Pay protection (Support Staff only)**
If an employee is redeployed into a job one grade below their current grade, salary will be protected on a red-circled basis (e.g. frozen – no incremental progression or pay awards) for one year* or until the maximum salary for the new job becomes higher than the frozen salary, whichever is the earlier. Where the new job is more than one grade below the employee's current grade, the employee's salary will reduce to the maximum of the grade one grade above that of the new job and be red-circled as above.

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

13.7 **Deletion in hours: Compensation payment**

Where an employee has their working hours compulsorily reduced, they will receive a compensation payment on the basis of a redundancy payment pro rata to the

number of hours lost - the payment will be subject to tax and National Insurance contributions.

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

13.9 Where, during a restructuring, an employee chooses to apply for a post in the new structure, which comprises of fewer hours or is a lower grade than their previous post, there will be no entitlement to a compensation payment or pay protection.

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

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

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

13.11 Flexible Retirement (Support Staff only)

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

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

Appendix A: READY RECKONER FOR CALCULATING REDUNDANCY PAY

The length of service refers to complete years of continuous service. Only continuous service in the academy, local government and certain related bodies counts for the calculation of redundancy payments.

The table shows how many **WEEKS PAY** the employee is entitled to.

Age	Service (Years)																			
	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	17
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14½	15	15½	16	16½	17	17½
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15½	16	16½	17	17½	18
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16½	17	17½	18	18½
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17½	18	18½	19
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18½	19	19½
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19½	20½
42	2½	3½	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	21½
44	3	4½	5½	6½	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½
45	3	4½	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	22½
46	3	4½	6	7½	8½	9½	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½
47	3	4½	6	7½	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	23½
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½
49	3	4½	6	7½	9	10½	12	13	14	15	16	17	18	19	20	21	22	23	24	24½
50	3	4½	6	7½	9	10½	12	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½
51	3	4½	6	7½	9	10½	12	13½	15	16	17	18	19	20	21	22	23	24	25	25½
52	3	4½	6	7½	9	10½	12	13½	15	16½	17½	18½	19½	20½	21½	22½	23½	24½	25½	26½
53	3	4½	6	7½	9	10½	12	13½	15	16½	18	19	20	21	22	23	24	25	26	26½
54	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	20½	21½	22½	23½	24½	25½	26½	27½
55	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22	23	24	25	26	27	27½
56	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	23½	24½	25½	26½	27½	28½
57	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25	26	27	28	28½
58	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	26½	27½	28½	29½
59	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28	29	29½
60	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	29½	30½
61+	3	4½	6	7½	9	10½	12	13½	15	16½	18	19½	21	22½	24	25½	27	28½	30	30½