



# **RESTRUCTURE/RESHAPING AND REDUNDANCY PROCEEDURE**

*(Incorporating procedural steps for implementing redundancy)*

**Approved:** Full Governing Body

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## **1. INTRODUCTION**

This procedure applies in situations where the Energy Coast UTC (ECUTC) finds it necessary to make structural or organisational changes or redundancies. The procedure is intended to provide guidance to managers who are dealing with change affecting their departments and across the College to ensure that changes are dealt with in a fair and consistent way.

The Procedure has two sections;

### **1.1 Restructuring**

This section of the procedure should be followed where services or establishments are being reviewed and the changes being proposed are likely to result in a change to roles, grades/scales/ranges and/or terms and conditions and also a change to the way the service is delivered. This may also lead to a reduction in staffing numbers by means of redundancy. If this is the case the final steps of the restructuring procedure should be followed i.e. there is no requirement to start again with the full redundancy procedure.

### **1.2 Redundancy**

This procedure should be followed where there is a proposal to reduce staffing numbers for a specific group of staff.

The relevant guidance should be applied to the type of change being implemented. This will be decided by the Principal at the start of the process, seeking further guidance from the HR service as required.

## **2. SCOPE**

The Restructure/Reshaping and Redundancy Procedure applies to all College employees.

### **Restructuring (see Section 1)**

The main stages to the restructuring process are outlined below:

- **Planning and Communication** – Determining the appropriate approach to a restructuring or reorganisation situation.
- **Consultation and Engagement** – Determining the appropriate approach to consult with employees and trade unions on the proposals before being finalised.

- **Decision** – Considering the options, including any written and verbal feedback and any alternative proposals made by trade unions or staff, and deciding on the preferred approach.
- **Implementation** – Communicating the preferred approach decided upon, implementing any new structure or working arrangements, dealing with employees who are leaving and those who are staying. Applying processes consistently and fairly.

## **REDUNDANCY (see Section 2)**

The main stages to the redundancy process are:

- **Measures to avoid redundancy** - In circumstances where there may be a redundancy, the Principal/Designated Manager should, in consultation with the staff and trade unions, explore all possibilities to avoid/ reduce the numbers.
- **Redundancy proposals** - If a redundancy cannot be avoided the Principal/Designated Manager will need to produce a business case explaining the circumstances.
- **Collective consultation** - The College is committed to complying with the statutory consultation requirements and the Principal /Designated Manager will meet with the staff and recognised trade unions to carry out full and meaningful consultation.
- **Individual consultation** - The Principal /Designated Manager will also arrange to meet with the individual employees in scope, accompanied by their trade union representative or work-based colleague if the employee requests this.
- **Selection For redundancy** - The proposed selection criteria will be shared with the trade unions and the employees in scope.
- **Following Selection** - The Principal/Designated Manager will arrange to meet with the employee where their post has been selected for redundancy to discuss the next steps.

## **Section 1- Restructuring/Reshaping and Redundancy Procedure**

### **1. INTRODUCTION**

- 1.1 This procedure relates to significant plans for restructuring services or teams within the College. It is not intended to cover individual or minor changes to employee terms and conditions which will be managed through individual contract variation applying an appropriate consultation or contract negotiation process.
- 1.2 In all cases of significant change where redundancies are a possible outcome, the business case will be presented and approved by a committee of the College established to consider such issues
- 1.3 To support the consultation process a statement of change/business plan will be developed to include:
- Reasons for the proposal; business case, draft proposals, communications plan, timetable
  - Affected employees; all affected employees should be identified and included within scope. Pregnant employees and those on maternity leave who are affected by the proposals will be included within scope of the proposals. If an employee on maternity leave is selected for redundancy they have priority over any other groups for consideration for alternative employment.
  - Impact on employee numbers; including any post reductions/increases
  - Existing and proposed structure charts showing grades/scales/ranges, reporting lines
  - Role profiles and Post Specifications and professional responsibilities; details of the proposed roles
  - Information outlining any proposed changes to non-statutory terms and conditions

### **2. EMPLOYEES IN SCOPE**

- 2.1 Fixed term/temporary employees (without a substantive post) and permanent employees should be treated the same when considering employees in scope and assimilation, irrespective of their length of service. However, consideration will be given to not including fixed term contracts which were issued for a specific reason and with a defined end date e.g. maternity leave cover.
- 2.2 Assimilation to new or remaining posts will be undertaken on the basis of the employees existing permanent substantive position. Fixed term/temporary/acting up/secondment arrangements where the employee has another substantive post will not be considered for assimilation purposes, irrespective of the length of these arrangements.

### **3. CONSULTATION AND ENGAGEMENT**

- 3.1 The College's overarching engagement process has been developed to ensure that we meet both our statutory consultation requirements and also that we provide best practice guidance for consultation and engagement. However, it is important to ensure the proposed timetable is both realistic and then followed.

- 3.2 Where there are no redundancies there is no statutory specified time period for consultation. However, the College deems 4 weeks to be a suitable period of time to allow for consultation and feedback on restructure proposals.
- 3.3 All employees affected by the proposals should be included in scope of the consultation and engagement. Where the proposals may lead to redundancies all employees in scope should be informed that by being in scope they are in the selection pool for any potential redundancies.
- 3.4 Before commencing the formal consultation period consideration should be given to the following:
- Vacancy Management – where there are leavers/existing vacancies, could work be re-assigned to colleagues or undertaken differently rather than seek to recruit to the post? Normal recruitment approval processes would apply.
  - Flexible/Agile working – are there any employees who wish to voluntarily change their way of working or reduce their contracted hours? (Will the demands of service requirements still be met?).
  - Flexible Retirement – are there likely to be any employees who would like to consider flexible retirement?
  - Voluntary redundancy (see paragraph 5.1)
  - Ways of avoiding any redundancy dismissals, if any
  - Ways of reducing the number of employees to be dismissed, if any
  - Ways of mitigating the consequences of the dismissals, if any.
- 3.5 During the process we may have to keep re-considering options as employees are accommodated and the range of options available change.
- 3.6 We will ensure consultation with both employees and Trade Unions (TUs) is undertaken and invite both staff representatives and Trade Union representatives to engage in the consultation process. A pre-meeting will be held to brief Trade Unions and/or employee representatives on the proposals ahead of the formal start of the engagement period. At these meetings the following should be considered:
- The Statement of Change documents
  - Equality impact assessment
  - Early notification to TUs of dates for consultation meetings
  - Consideration of alternative proposals from the Trade Unions and staff
- 3.7 An engagement plan should be agreed at the outset normally this will span a minimum period of 4 weeks. It will include the timing of regular updates on feedback received during the consultation period, how this has been considered and any changes this has made to the

proposals. This is particularly important if the consultation process results in significant changes to the original proposal.

- 3.8 A number of different options can be considered for the engagement process, some may be more appropriate than others depending upon the scope and nature of the change proposed and can include team meetings, group meeting, individual meetings, newsletters, or hand-outs to help structure the content of meetings. **However, as an absolute minimum all affected and potentially affected employees who are in scope of the proposals should be offered the opportunity of an individual meeting, during which a trade union representative or a work colleague can be present. A record should be kept of all meetings.**
- 3.9 Whilst engagement is taking place it is important that all 'in scope' employees examine their current role profile to ensure it accurately reflects the reality of their substantive role. Amendments to job descriptions will only be accepted with the relevant Manager/Principal agreement.
- 3.10 Managers who have employees who are absent from work due to maternity, long term sickness, career break etc. must ensure that they consult and include these employees in all aspects of the change programme.

#### **4. EMPLOYEE CONSULTATION MEETINGS**

- 4.1 These should take place at the start, middle (where appropriate) and end of the engagement process. The meetings should be honest and open, informative for attendees and allow the opportunity for questions, comments and ideas. It is essential that employees feel able to speak freely and contribute to the discussion.
- 4.2 The purpose of these meetings is: -
- Start meeting – to launch the proposals, outline the consultation and engagement process, timescales and implementation approach. The Statement of Change should be issued at or immediately after this meeting.
  - Mid-point meeting – to provide any feedback to date and discuss any issues or concerns.
  - End meeting - this takes place once the consultation period has ended and final decisions have been made regarding the proposals. It provides the opportunity for clarity and confirmation of the future structure, to summarise the feedback received, identify where feedback has been incorporated and provide clear information regarding implementation and next steps.
- 4.3 Trade Unions and employee representatives will be invited to the above meetings.
- 4.4 Subject to the number of employees in scope of the restructuring exercise it may be helpful to create a dedicated email box for all questions and feedback to be sent. A plan to manage responses should be agreed with the Principal/Designated Manager. From this the generic FAQs can be updated and shared with employees.

- 4.5 We will always aim for either individual or collective agreement via meaningful consultation. As part of the communications with employees they will be made aware that if agreement cannot be reached on the proposed change, it may be necessary to go through a formal dismissal and re-engagement process. This will involve the College serving notice to terminate the existing contract and offer the employee re-engagement on the new terms.

## **5. VOLUNTARY REDUNDANCY**

- 5.1 Applications for Voluntary Redundancy may be sought during this engagement phase if that would potentially mitigate any compulsory redundancies and/or bring about a cost saving to the College.

## **6. CONFIRMING DECISIONS & FINAL RESTRUCTURING PROPOSALS**

- 6.1 At the end of the consultation phase the Principal /Designated Manager will factor in a period of time to consider any feedback received and based on that feedback decide whether any changes should be made to the original proposals. The final proposals will be communicated at the end of consultation staff meeting.
- 6.2 Affected employees should be provided with the final documents including the new organisational charts and job descriptions. The information should clearly state which posts are new, which are changed and which posts are to be deleted or added.

## **7. IMPLEMENTATION**

### **7.1 Assimilation and Vacancy Management Process**

- 7.1.1 All employees in scope of the restructuring activity will be in the 'ring fence' for new posts. The employees will have been identified during the planning stage.
- 7.1.2 Fixed term/temporary employees (without a substantive post) and permanent employees should be treated the same when considering assimilation, irrespective of their length of service. However consideration will be given to not including fixed term contracts which were issued for a specific reason and with a defined end date e.g. maternity leave cover.
- 7.1.3 Assimilation will be undertaken on the basis of the permanent substantive position. Fixed term/temporary/acting up/secondment arrangements where the employee has a substantive post will not be considered for assimilation purposes, irrespective of the length of these arrangements.

## **8. ASSIMILATION OUTCOMES**

### **8.1 Direct assimilation**

- 8.1.1 Defined as where a role in the new structure is substantially similar (75% match or more) and at the same grades/scale/range.

8.1.2 Employees identified as direct assimilation who decline to accept the role, may not be entitled to a redundancy payment should they decide to unreasonably reject the offer. However, they would be eligible to be considered for any vacant posts identified through a vacancy preference process.

8.1.3 Once an employee has been offered and has accepted a post to which they were assimilated, they cannot be considered for any other post until the vacancy preference process has been completed.

8.1.4 Direct assimilation can only occur where there are sufficient posts available for the number of employees involved. If there are fewer posts than employees then a selection process will be required. This may be a desk top exercise if appropriate.

## **9. SELECTION**

9.1 This applies when there are more people than posts or posts are considerably different to the post currently held by in-scope employees.

9.2 A selection process is necessary for recruitment to those posts to determine a) suitability and b) the most suitable employees in the pool.

9.3 All eligible candidates will be assessed using appropriate selection criteria, to ensure that candidates have the knowledge, skills and competencies to undertake the essential duties of the new post and may be required to attend a job discussion or full selection interview or other selection methods as appropriate.

9.4 Along with their preferences employees will be asked to complete a standard data collection pro forma to demonstrate how they meet the essential criteria for each role applied for.

9.5 Where possible interviews will be combined so that, employees will only be asked to attend one interview, regardless of how many preferences they have. This may not always be possible or appropriate and will depend on the service and type of role.

9.6 Appointment will be on merit and determined by assessing the skills, knowledge and experience of the candidate during the interview and/or selection process.

## **10. NO JOB MATCH**

10.1 Employees who are not assimilated or appointed to posts, will be formally placed 'at risk of redundancy' and afforded 'ring fenced' status and given an opportunity to be considered for any suitable vacancies elsewhere in the College.

10.2 All employees will be notified in writing of the outcome of the assimilation/selection process however confirmation of appointment to post can only be confirmed once the appeal process has been completed.

- 10.3 Employees may appeal against the assimilation outcome within 5 working days and must provide evidence to support the reasons for the appeal.
- 10.4 If an appeal is lodged, employees have the right to be accompanied by a Trade Union representative or work-based colleague at the appeal hearing. The assimilation appeal outcome is final.

## **11. VACANCY MANAGEMENT**

- 11.1 Where an employee is not assimilated into one of the posts in the new structure, they will have the opportunity to be considered for any other suitable remaining posts before they are opened up to wider competition.
- 11.2 In such cases, these employees will be provided with the details of the remaining vacancies to be filled in the structure and given the opportunity to apply for any posts they have the necessary skills experience and knowledge for.

## **12. JOB OFFERS**

- 12.1 Successful employees will be offered a position and issued with a new contract.
- 12.2 A meeting will be arranged with unsuccessful employees to advise them that they have been unsuccessful in securing a position and to fully explore the options and support available.

## **13. RESTRUCTURE VACANCY MANAGEMENT**

- 13.1 In parallel some new posts may justify advertising internally and/or externally at the same time as the assimilation/selection process is being undertaken. These will be:
- where the post represents a substantial promotion for the likely internal candidates affected by the reorganisation;
  - where there are no internal candidates whose jobs are 'at risk';
  - where there are more available posts than numbers of employees 'at risk'; or
  - where, in the case of senior posts or those requiring statutory qualifications that do not exist in the in-scope workforce, the importance of the post is such that the 'best candidate' criterion is absolutely critical.
- 13.2 Following implementation it is important to ensure that managers continue to support and engage with employees, to ensure that they understand the underpinning principles and logic behind the change.

## **14. SUITABLE ALTERNATIVE EMPLOYMENT**

- 14.1 Suitable alternative employment will be considered by both the employee and the employer. In determining suitable alternatives, the following factors should be considered;
- Level of pay
  - Grade

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- Location
- Working hours or time

14.2 An employee who unreasonably refuses an offer of suitable alternative work may lose their right to redundancy pay.

## **Section 2 - Redundancy Procedure**

### **1. INTRODUCTION**

- 1.1 The definition of redundancy for the purposes of redundancy payment and unfair dismissal is contained in the Employment Rights Act 1996. A dismissal is by reason of redundancy if it is attributable wholly or mainly to the fact that:
- 1.2 The employer has ceased or intends to cease, to carry on the business for the purposes which the employee was employed, either generally or at the place where the employee was employed, or
- 1.3 The requirements of the business for employees to carry out work of a particular kind, either generally or at the place where the employee is employed, have ceased or diminished or are expected to cease or diminish.
- 1.4 In this context redundancy is defined as a dismissal for a reason not related to the individual.

### **2. MEASURES TO AVOID OR MINIMISE POTENTIAL REDUNDANCIES**

- 2.1 Under circumstances in which potential redundancies are envisaged the Principal /Designated Manager shall consult with accredited representatives of the recognised trade unions, work place representatives and all employees as to whether it is possible to avoid/reduce potential redundancies by means such as:
  - a. natural wastage;
  - b. restricting recruitment under which every reasonable attempt will be made to fill vacancies from amongst existing employees/ deletion of vacancies;
  - c. where practicable, provide appropriate training to equip employees for new duties/ areas of responsibility;
  - d. review as appropriate staff on temporary/fixed term contracts;
  - e. seek volunteers for reduced hours/weeks working on a fixed term or permanent basis;
  - f. invite applications for redeployment within the College. Staff should be assured that expressing an interest in redeployment cannot in itself be used to subsequently select them for compulsory redundancy;
  - g. consider options for voluntary redundancy. The Principal /Designated Manager will determine if it is appropriate to open a VR window.
- 2.2 The Principal /Designated Manager shall ensure that all staff, including any who are absent, are consulted on these issues and given appropriate time to respond.

### **3. COLLECTIVE CONSULTATION PROCESSES**

3.1 Formal consultation (subsequent to and in addition to the consultation about ways to avoid or minimise redundancies given at paragraph 2) with the recognised trade unions, initiated by written notification (including the completion and issue of Form HR1, where appropriate), shall be undertaken at the earliest opportunity and in any event begin: -

3.2 At least 90 days before the first dismissal takes effect if 100 or more redundancies are proposed at one establishment within a 45 day period, and at least 30 days before the first dismissal takes effect.

**(The Form HR1 is downloadable from:**

**<https://www.gov.uk/government/publications/redundancy-payments-form-hr1-advance-notification-of-redundancies> )**

3.3 The Principal /Designated Manager should prepare a consultation pack which should include the following information:

- a. the reasons why potential redundancies are proposed
- b. the numbers and descriptions of staff affected
- c. the total number of staff of any such description employed
- d. the proposed method of selection, if appropriate
- e. the proposed method of carrying out the dismissals and the timescales to be used; reference to the timescales used in the reshaping procedure at section 1 paragraph 3.2 of this procedure should be made when establishing a consultation timeframe;
- f. the proposed method of calculating redundancy payments
- g. an explanation of the scoring which will be applied to the selection criteria, along with a copy of the selection criteria and score sheet
- h. Financial information including the current budget position
- i. A copy of any skills pro-forma issued to staff
- j. the number of students on roll - last year, current year and projected roll for next year broken down by year group
- k. details of the current and proposed curriculum plan
- l. current time-table - and proposed time-table

3.4 Arrangements should be made to consult staff collectively and each member of staff will have access to a copy of this procedure and guidance. Reasonable time shall be allowed to enable

individual employees to consider their position and/or consult with a trade union representative, staff representative or workplace colleague.

3.5 The consultation meeting shall consider ways of:

- a. avoiding the dismissals;
- b. reducing the numbers to be dismissed; and
- c. mitigating the consequences of the dismissals
- d. consideration of alternative proposals from the Trade Unions or staff representatives.

#### **4. INDIVIDUAL CONSULTATION PROCESS**

4.1 The Principal /Designated Manager shall arrange for consultation to take place with individual employees (and if they wish, accompanied by their trade union representatives, staff representative or work-based colleague) within the group of staff from which redundancy selection will be made, prior to the selection for redundancy. Such consultation shall serve to clarify:

- a. the reason(s) for the redundancy proposal;
- b. the timescale involved;
- c. the proposed method of selection (including an explanation of how the selection criteria will be applied and a copy of the proposed selection criteria and score sheet);
- d. any particular personal circumstances;

4.2 All of the above shall then be taken into account **before making the selection.** The Principal /Designated Manager shall ensure that all relevant staff, including any who are absent from the College are consulted including employees who may be affected by the redundancies, even though they are not within the redundancy selection themselves.

4.3 All points made by the employees and/or their representatives shall be considered and reasons given in writing if any point is rejected.

4.4 Following the consultations, the Principal /Designated Manager shall convey formally the outcome of the consultation to all the trade unions and staff representatives and give reasons where any alternative proposals have been rejected by management.

#### **5. SELECTION FOR REDUNDANCY**

5.1 Criteria used shall be:

- a. objective (measurable), clear and precisely defined;
  - b. transparent, i.e. easily understood by all;
  - c. applied fairly and honestly;
  - d. non-discriminatory on the grounds of any protected characteristics or trade union activities (except where a genuine occupational requirement applies);
  - e. weighted and scored.
- 5.2 Selection criteria, including score sheets and confirmation of how the criteria will be applied, will be published to all staff within scope, from which selection will take place and also forwarded to the recognised trade unions.
- 5.3 Staff will then be given the opportunity to provide details of how their own particular circumstances relate to the selection criteria, **before selection takes place.** This will usually be collected via a skills matrix pro – forma.

## **6. FOLLOWING SELECTION - DISMISSAL COMMITTEE**

- 6.1 The Principal/Designated Manager should ensure they arrange to meet with employees where they have been selected for redundancy as soon as possible to confirm the outcome and discuss their selection scores where applicable.
- 6.2 Where an employee has been selected for redundancy they will be informed by the Principal/Designated Manager and will be given not less than **five working days' notice** in writing of the date, time and place of a Committee meeting to consider the proposal for dismissal due to redundancy. The Committee panel will comprise of two members of the Governing Body and the College's HR Adviser (acting in an advisory capacity only). Employees will be offered the opportunity to be accompanied at the meeting by a trade union representative or work-based colleague. The employee shall be informed in writing of the circumstances which have led to her/his proposed dismissal including the reason for redundancy. The employee shall be issued in advance with an outline structure for the meeting as set out in Appendix 5 of this procedure.
- 6.3 Where selection criteria have been used to make the selection, these and the employees anonymised individual scores or reasons for selection will be provided in advance of the meeting.
- 6.4 At the meeting the Principal/Designated Manager acting as Presenter to the hearing will describe the procedure which has been followed and provide details of the outcome for the individual employee and the proposed termination of employment by reason of redundancy.

- 6.5 The employee may be accompanied by a trade union representative, staff representative or a work-based colleague and will have the opportunity to make representations including (if so wished) written representation to the Committee. The Dismissal committee shall have regard to such representations before reaching a decision.
- 6.6 The Dismissal committee panel will adjourn to reach a decision. This decision shall be given verbally to the employee at the end of the meeting and confirmed in writing thereafter. Where appropriate, such notification will include the details of the time, date, venue and arrangements of any appeal meeting.

## **7. APPEAL HEARINGS**

- 7.1 An employee has the right of appeal against a redundancy dismissal. Appeals shall be lodged by the employee in writing giving reasons for the appeal, to the Clerk to the Governing Body of the College within 5 working days of receipt of the letter informing the employee of the initial dismissal decision.
- 7.2 Appeals must be lodged in writing, clearly stating the grounds of appeal, within 5 working days of being informed in writing of the dismissal. Appeals against redundancy are permitted on the following grounds:
- a. Procedural error
  - b. Discrimination
  - c. Scoring not based on objective and/or verifiable evidence
- 7.3 The Principal/Designated Manager will make the necessary arrangements for an appeal to be heard, normally, within 10 working days after the appeal has been lodged. Where possible, appeals should be heard prior to the expiry of notice.
- 7.4 The employee will be given at least five working days' notice (except in cases where the date of notice expiry prevents this) in writing of the date, time and venue of the Appeal Hearing.
- 7.5 The Appeal hearing panel will comprise two members of the Governing body not previously involved in the decision making process related to the redundancy selections/dismissals. The College's HR Adviser will also attend to provide procedural advice.
- 7.6 The employee may be represented and/or accompanied at the hearing by a trade union representative, staff representative or a work colleague. It is the employees' responsibility to obtain their own representation, ensure this is in place for the hearing, and notify their representative of the date, time and venue of the hearing. It is also the employee's responsibility to provide their representative with details of their case.

7.7 When the appeal process has been completed, if the initial dismissal decision is confirmed, the employee shall be notified accordingly. There is no further right of appeal within the terms of this procedure.

7.7 Where a decision is taken to allow an appeal, the employee will be informed in writing. If, following the issue of dismissal notices, the College is able to find appropriate ways of avoiding the redundancies, or a suitable alternative position with the same employer is secured, the dismissal notices will be withdrawn.

## **8. ALTERNATIVE EMPLOYMENT SUPPORT**

8.1 It should be noted that if voluntary redundancy is approved then employees will not be eligible to apply for other posts arising within the College during the agreed notice period.

8.2 The College will maintain regular contact with staff declared as redundant throughout their notice period and will encourage and support staff in their search for alternative employment and ensure they are accessing support.

8.3 Contractual notice is up to a maximum of 3 months, (4 months in the summer term for the Principal). If the College has been unable to offer alternative employment the employee's employment will terminate at the end of their notice period.

8.4 Support can be offered to employees affected by restructuring, e.g. training on how to apply for posts and interview techniques. Consideration may also be given to providing further support to redundant employees such as job skills workshops (e.g. help with CVs, retraining, outplacement, personal support/accessibility).

## **9. REASONABLE ADJUSTMENTS**

9.1 An employee who has been given notice of redundancy must be allowed to take a reasonable amount of time off, with pay, to look for new employment or to make arrangements for training for future employment. The following is recommended:

- a. the Principal /Designated Manager should agree time off in advance;
- b. at least 48 hours' notice should be given;
- c. a letter confirming the interview appointment or the training arrangements should, as far as possible, support the request for time off.

9.2 The Principal /Designated Managers should ensure that employees who have a disability which is covered by the Equality Act 2010 are offered reasonable adjustments at every stage of the process if required. All requests and subsequent action should be appropriately recorded.

## **10. METHOD OF APPLYING THE SELECTION CRITERIA**

- 10.1 In advance of the selection process the employee should be issued with a pro forma for completion.
- 10.2 Offer a meeting to each employee to discuss their own circumstances, verify information, and provide assistance to employees in the completion of the selection matrix.
- 10.3 Arrangements should be made to discuss or meet with; employees who are absent from work for reasons of either sickness absence or maternity, to ensure that they are included in the pre-selection meeting and provide assistance with the process of submitting evidence.
- 10.4 For the selection process to be carried out fairly, a Selection Panel, of 2 will meet to consider the pro-forma and assess each employee against the criteria. Normally the Panel would comprise of the Principal and another senior manager and/or an HR Adviser.
- 10.5 Clear records must be kept of decisions made by the Selection Panel during the selection process. Managers will be required to provide and keep records of their assessment judgements and decisions.

## **11. NOTICE OF REDUNDANCY**

- 11.1 The notice period will be an individual's contractual or statutory notice period, whichever is greater.
- 11.2 Pay in lieu of notice will normally only be made where it is not possible to give the period of notice to which an employee is entitled to under the terms of their contract of employment. In normal circumstances when giving notice of termination of employment, the employee would be expected to work their period of notice. Only in circumstances where there are good reasons for requiring the employee not to work their period of notice would a payment in lieu of notice be made.
- 11.3 Pay in lieu of notice needs to be approved by the Principal /Designated Manager, and should meet one of the following criteria:
  - 11.3.1 Grant Reductions - where funding for a particular post will cease and therefore there will be no requirement for that post to continue after a given date, which may occur prior to the end of the employee's notice period;
  - 11.3.2 Budget efficiencies - where certain budget efficiencies need to take effect before the end of the employee's notice period;
  - 11.3.3 Restructure - where a restructure will take effect prior to the end of the employee's notice period and therefore there is no post/duties for the employee to perform;
  - 11.3.4 Closure of premises - where a site will close prior to the end of the employee's notice period and there is no suitable alternative work to transfer the employee into during this period;

- 11.3.5 Extenuating/special circumstances - where there is an objectively justified business case to release the employee from their employment prior to the end of their notice period.

## **12. LEAVING BEFORE THE END OF THE NOTICE PERIOD AND COUNTER-NOTICE**

- 12.1 An employee may find that they wish to leave employment before the expiry of their notice period e.g. if they secure employment elsewhere.
- 12.2 In such circumstances the employee can send a letter, called a counter-notice, to their Principal /Designated Manager requesting to leave before the end of the notice period.

If the Principal /Designated Manager receives counter-notice from an employee they will need to assess the request in order to decide if it is reasonable to release them early. Where this is the case, the employee will not lose their right to a redundancy payment but they will forfeit their right to be paid for the period of notice that they do not serve. If the employee is taking up another post with another body specified in Part II of Schedule 2 of the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 they will lose their entitlement to a redundancy payment.

- 12.3 If there is a formal objection to the request to leave early, and the employee subsequently leaves before the end of their statutory notice period, they may forfeit their right to a redundancy payment.
- 12.4 In deciding whether to allow an employee to leave before the end of their notice period, the following should be considered:
- a. How much of the notice period is left – it may be more reasonable to release someone who is in the last week of their notice period than someone who is in the first week of their notice period;
  - b. What would be the impact of releasing the employee early – would this affect business continuity or handover plans etc. and would this be manageable or not.
- 12.5 An employee whose counter-notice is not accepted may take the matter to an Employment Tribunal and it is therefore important that to be able to justify any decision to object to the counter-notice, and to document this accordingly.

## Appendix 1 - Example Statement of Change/Business Case

**To: All staff within the scope of the change  
TU representatives**

### **1. Background**

1.1

### **2. What is the Process?**

2.1 This Statement of Change sets out the impact of the service review on staff structures, roles and employees. It will be used to underpin engagement with staff on the proposals and is designed to ensure a framework that allows both a consistent approach yet allow an understanding that an element of flexibility may be required depending on issues arising from specific reviews.

### **3. Engagement**

3.1 There will be an x week engagement period for all staff in scope of the review. An initial face to face briefing will begin the process, setting out the proposals and engagement process. There will be an opportunity to ask questions of service managers and the briefing will be attended by The Principal/Designated Manager and HR Adviser, if required with Trade Unions representatives also invited to support their members.

3.2 The Statement of Change will be made available to all staff.

3.3 Engagement opportunities will be tailored to the specific needs of the College and employees in scope. They will consist of \*\*

### **4. Trade Unions**

4.1 The College is committed to work closely with Trade Union colleagues and staff representatives through this period of significant and sensitive change.

4.2 Trade Union representatives and staff representatives will be briefed informally ahead of the initial meeting with affected employees and the Statement of Change document will be shared with them at that meeting. Union representatives will also be invited to all attend engagement meetings and an opportunity will be made available at the end of the initial staff meeting to allow an initial discussion with their members.

### **5. Review, Decision and Outcome**

5.1 We will aim to notify all in scope employees of the outcome within 2 weeks of the engagement process ending. This will be accompanied by an outline timetable for the process.

5.2 Should there be a need to extend the 2-week decision period as a result of significant issues raised, then all staff will be notified as early as possible, with an explanation for why an extension is required.

**6. Assimilation Processes**

6.1 Where an employee’s previous role is the same grade and a 75% match for the new role they will be directly assimilated to that role unless there are fewer roles than employees who meet the criteria. In the latter case appointments will be made following interview to identify the best candidate(s).

**7. At Risk**

7.1 Where it is not possible to directly assimilate an employee to a new post within the structure they will be placed “at risk” because there is no suitable alternative employment within the proposed structure. “

7.2 Where employees have not been appointed to posts all avenues will be explored to avoid the need for redundancy; however once there are no other options available then redundancy notices will be issued.

**8. Voluntary Redundancy (VR) – Delete if not appropriate**

8.1 Insert information where applicable.

**9. What Do We need to Achieve through this Review and Restructure?**

9.1 We aim to achieve the following:

**10. Scope**

10.1 The posts in scope of the proposed review are:

Post Title, Grade/Scale/Range & Salary	Number of FTE	Number Posts
<b>Totals</b>		
<b>Cost of Structure</b>		

**11. Future Structure and Staffing Proposals**

11.1 The current and the new proposed structure can be found in **Appendices 1 and 2**.

11.2 The proposed new structure for consultation will consist of:

Post Title, Grade & Salary	Number FTE
<b>Total</b>	
<b>Cost of Structure</b>	

11.3 If agreed following consultation, this would result in:

- A net reduction of xx FTE from xx FTE posts to xx FTE (Note there are currently xx vacant posts /xx FTE)
- Structure cost reduction of £xx (from £xx to £xx)

**12. Approach for the establishment of the proposed structure**

12.1 The proposed timeline for the review is set out in the attached Appendix x.

12.2 I hope that I have covered as much as I can as part of this document, however if there are any queries please contact \*\*.

**Name**  
**Title – xx**

**Appendices**

- Appendix 1 Current structure
- Appendix 2 Proposed structure
- Appendix 3 Timeline

## Appendix 2 - Timetable

DATE/S	ACTIVITY
<b>Phase 1 - Information exchange/engagement</b>	
	Meeting with Trades Unions ahead of the start of engagement
	<p><b>Meeting with staff in scope</b> (Trade Unions invited)</p> <p><b>Consultation process starts</b></p> <p><i>Date, Time &amp; Location</i></p>
As required	Individual meetings available upon request
	<p><b>Mid-Point staff meeting</b> (Trade Unions Invited)</p> <p><i>Date, Time &amp; Location</i></p>
	<b>Consultation process closes</b>
<b>Phase 2 - Decision</b>	
	Collation and review of feedback from staff and Trades Unions and reflection of structure proposal.
	<p><b>Final Decision Staff meeting</b> (Trade Unions Invited)</p> <p>- Final structure released</p> <p><i>Date, Time &amp; Location</i></p>
<b>Phase 3 - Implementation</b>	
	<ul style="list-style-type: none"> <li>- Assimilation outcomes confirmed</li> <li>- Interviews</li> <li>- Where applicable redundancy notices issued</li> </ul>
	Transition to new structure

### Appendix 3

#### SELECTION/EVIDENCE COLLATION PRO-FORMA

WLMAT20 Score 0 Evidence does not support the criteria	Score 1 Weak / limited evidence with only minor impact in the past	Score 2 Evidence indicates that College expectation is met and demonstrates past impact/potential to make impact	Score 3 Evidence shows that College expectations are exceeded and demonstrates clear past impact
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EMPLOYEE NAME:.....CURRENT POST.....

To be completed by staff member.

Staff should demonstrate in detail and give examples of any personal experience that supports the delivery of the College's priorities listed below, plus anything else they would like to add in the space provided. Continue on a separate sheet if necessary.

**It is important that you give as much relevant and recent detail (in the last 3 years), supported by examples, as it is this information that the Principal will consider and allocate scores against using the criteria shown below.**

Example Criteria	Weighting 1-3	Description	Evidence - to be completed by the Staff Member	Score for each part.	Total (Weighting x Average for the scores for each part)
1. Qualifications/CPD	2=x 2				

Policy Approved: January 2021

Next Review: January 2024

Example Criteria	Weighting 1-3	Description	Evidence - to be completed by the Staff Member	Score for each part.	Total (Weighting x Average for the scores for each part)
2. Provide the strategic lead for ...	1= x 3				
3. Support the strategic development of the Governing Body.	1=x 3				
4. Ensure effective management and leadership of staff	1= x 3				
5. Leadership of Curriculum Teaching and Learning	1=x 3				
6. Evidence of response to College's self-evaluation process at a strategic level	1= x 2				
7. Fulfil wider professional responsibilities	1= x 2				
<b>TOTAL EMPLOYEE SCORE</b>					
<b>TOTAL JOB SCORE</b>					

## Appendix 4 - Redundancy Pay

The redundancy payment due to an employee depends on their age and years of service (up to a maximum of twenty years). This determines the number of weeks' pay due as set out in the statutory redundancy pay table. This table is used for both compulsory and voluntary redundancy.

There is a cap on a week's pay when calculating an employee's redundancy payment entitlement.

To calculate the number of weeks' redundancy pay, cross reference the person's age and complete years of service.

**Statutory redundancy pay table**

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	20
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	22
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	23
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	24
48	3	4½	6	7½	9	10½	11½	12½	13½	14½	15½	16½	17½	18½	19½	20½	21½	22½	23½	24½

### Statutory redundancy pay table

Age	Service (Years)																			
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
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	

61+ The same figures will apply for all employees aged 61 and above.

The number of weeks' pay due is based on the following:

- 0.5 week's pay for each full year of service where age during year less than 22
- 1 week's pay for each full year of service where age during year is 22 or above, but less than 41
- 1.5 weeks' pay for each full year of service where age during year is 41+

#### A Week's Pay

**The actual weekly wage is that which the employee is entitled to under the terms of their contract at the calculation date. The calculation date is the date on which the employer gives the employee the minimum notice to which they are legally entitled.**

*The actual weekly wage will be calculated as follows:*

- *Where hours of work do not vary - weekly wage will be calculated based upon **basic salary. Whereby the annual salary is divided by 52.14.***
- *Where hours of work vary from week to week - weekly wage will be calculated using basic pay received within the last 3-month period.*

## Appendix 5

### MEETING TO CONFIRM REDUNDANCY DISMISSAL/APEAL AGAINST SELECTION FOR REDUNDANCY DISMISSAL

#### Outline structure for meeting

1. Introductions

Introductions of those present will take place, giving names/job titles and roles (whether acting as presenter to the panel, as an advisor or as a decision maker) and advising that notes will be taken of the meeting.

2. Purpose of Meeting

The chair of the meeting will explain the purpose:

- To determine the outcome of a proposed dismissal on the grounds of redundancy; or
- To hear an appeal against a decision to make an employee redundant.

2. Submission by the Presenter on behalf of the College:

- (i) Description of the managing change procedure which has been followed
- (ii) Reason for Proposal or Decision
- (iii) Method of Selection for Redundancy
- (iv) Proposed date of termination

4. Questions on the Submission may be asked by:

- (i) the Employee
- (ii) the Employee's Representative
- (iii) the Panel

5. Representations by (or on behalf of) the Employee:

May be made orally and/or in writing

6. Questions on the Employee's representations may be asked by:

- (i) the Presenter on behalf of the College
- (ii) the Panel

7. Senior Manager/Presenter on behalf of the College

- (i) to have a right of reply to the Employee's representations
- (ii) may make a closing statement- but may not introduce any new matter.

8. Employee or her/his Representative

May make a closing statement but may not introduce any new matter.