



The  
**MAST**  
 Academy Trust

<b>Policy</b>	Managing Staff Reductions Policy	
<b>Owner</b>	The Mast Executive Administrator	
<b>Date approved</b>	4 <sup>th</sup> May 2021	
<b>Approver</b>	Trust Board	
Date consulted on with recognised trade unions		February 2021
Date adopted following consultation process on		4 <sup>th</sup> May 2021

<b>Current version</b>	V1.0
------------------------	------

<b>Next review due</b>	3 years
------------------------	---------

<b>Objective of Policy</b>	
<p>The purpose of this document is to provide leaders in the trust with a policy, and procedures, that Trustees have adopted to promote a clear and consistent approach for managing staff reductions. This policy covers redundancies and staffing structure review.</p>	

Version Control	
Version Number	Summary of amends from previous version
1.0	Development of the policy

Sign off requirements			
Approvers		Position	
Staffing Committee		Trust Board	
Reviewers		Position	
Natasha Greenough		CEO The MAST	
Dorcas Atkinson		Trustee	
Unions consulted			
ASCL	GMB	NEU, (ATL)	NAHT
NASUWT	UNISON	UNITE	

Section Number	Content	Page Number
1.0	Purpose of policy and guiding principles	3
2.0	Links with other policies or legislation	3
3.0	Approval	3
4.0	Definition	3
5.0	Staffing structure review	4
6.0	Staffing reductions	4
7.0	Consultation	4
8.0	Selection Criteria	5
9.0	Representation hearing	5
10.0	Appeals process	6
11.0	Other information	6
12.0	Roles and responsibilities	6
13.0	Monitoring and evaluation	7
Appendices		
A	Ways to minimise redundancies.	8
B	Redeployment, trial periods and salary safeguarding	9
C	Safeguarding salaries/Protected pay	11
D	Severance payments for staff	12

## 1. Purpose of policy and guiding principles

1.1. The Mast Academy Trust will ensure, as far as possible, security of employment for its

employees. However, it is recognised that there may be changes in education policy, legislation, organisational requirements, curriculum need and technology developments which may affect staffing needs.

- 1.2. The trust, through consultation with recognised trade unions, will seek to minimise the effect of redundancies through the provision of sufficient time and support to finding alternative employment for affected staff.
- 1.3. Where there is no alternative to compulsory redundancy, the trust will handle the redundancy in the most fair, consistent and sympathetic manner possible and minimise, as far as possible, any hardship that may be suffered by those concerned.
- 1.4. At all points in the consultation and redundancy process, employees have a right to representation from a trade union representative or a work colleague.
- 1.5. The purpose of this policy is:
  - to comply with statutory redundancy procedures
  - to ensure that all employees are aware of the processes their employer will follow when reviewing the staffing structure
  - to clarify the timescales involved in a restructure and/or redundancy process
  - to establish a system which is fair to all employees.
- 1.6. The policy also recognises best practice in seeking to maintain good working relationships between staff and management and the operational needs of the trust or a school.
- 1.7. Each Headteacher is responsible for managing staffing in their school and under this policy will follow the dismissal authority process as outlined in the Mast Academy Trust scheme of delegation. For non-school based staff, the CEO has this authority.
- 1.8. This policy applies to all employees of the trust, including Headteachers and trust leaders. Where the term 'Headteacher' is used in these procedures, the Headteacher has the right to delegate some responsibilities to a member of the Senior Leadership team. This is with the exception of dismissal decisions. The Headteacher may agree other delegations, with the agreement of their Local Governing Body.

## **2. Links with other policies or legislation**

- 2.1. The Mast Academy Trust will treat all employees equally and consistently in accordance with the trust's equality policy, [available on the trust website](#). This includes the use of equality impact assessments.
- 2.2. This policy links to the relevant employment legislation with regard to consultation periods, fair dismissal procedures and the Equality Act.

## **3. Approval**

- 3.1. The policy was approved by the Board of Trustees after consultation with the recognised Trade Unions.

## **4. Definition**

- 4.1. An employee is dismissed for redundancy, and may qualify for redundancy pay, if the following conditions are satisfied:
  - the employer has ceased, or intends to cease continuing the business, or
  - the requirements for employees to perform work of a specific type or to conduct it at the location in which they are employed has ceased or diminished.

## 5. Staffing structure review

- 5.1. Through discussion and consultation with the CEO, the Headteacher has the delegated authority to propose staff structure changes to their Local Governing Body
- 5.2. Any proposed structure changes will follow the Mast Academy Trust scheme of delegation for approval. Recommendations for staffing reductions must be ratified by the Trust Board.
- 5.3. These changes will inevitably impact staff. The proposed changes may result in:
  - New posts being created
  - The removal of existing, vacant posts
  - The removal of existing posts, where a post holder is in post
  - The re-evaluation of an existing post., which an individual currently holds
  - A combination of the above.
- 5.4. When the proposed restructure creates new posts or removes vacant posts, the Headteacher, where possible, will consult with the Local Governing Body, trade unions, and employees on the changes. This is advised, however, due to timescales and the need to respond to a situation quickly, s/he is not obliged to consult. It is good practice however, to inform staff of these changes as soon as practical.
- 5.5. When the proposed restructure involves the removal of a post, which is not vacant, and therefore one or more employee(s) are directly affected, this requires a consultation exercise. The Local Governing Body is required to support this proposal, prior to a consultation exercise. Section 7 describes the consultation process.

## 6. Staffing reductions

- 6.1. As defined in Section 4 redundancies may be required as the work, of a specific type, has ceased or diminished. In a situation where work has reduced and one or more post holders are no longer required this may result in compulsory redundancies.
- 6.2. In this situation, the Headteacher should consider the ways outlined in **Appendix A** to minimise redundancies. Should these not prove effective, the Headteacher should begin a consultation exercise, as outlined in Section 7.

## 7. Consultation

- 7.1. Prior to consultation, the Headteacher is required to produce a rationale, implementation plan, timetable of key dates, and other relevant information. The date when the proposed structure, if implemented, will be in place should also be clear.
- 7.2. Depending on the nature of the changes and/or staff reductions, job descriptions and salary information will also be available.
- 7.3. Consultation should begin as early as possible. It should begin, and be completed before, any redundancy notices are issued. The statutory minimum periods of consultation which the trust and school must comply with are outlined below:
  - Under 20 redundancies within 90 days in 1 school/workplace  
*Consultation will begin at least 10 workings day before any dismissals take effect.*
  - 20 to 99 redundancies within 90 days in 1 school/workplace  
*Consultation will begin at least 30 days before any dismissals take effect.*
  - 100 or more redundancies within 90 days in 1 school/workplace  
*Consultation will begin at least 45 days before any dismissals take effect.*
- 7.4. In all situations where there are proposed redundancies the school will begin consultation, with a commitment to the following:
  - considering any alternative proposals with a view to reaching agreement on ways to avoid redundancies
  - reducing the number of employees to be dismissed, or affected
  - finding ways to mitigate the consequences of dismissals.
- 7.5. As a minimum, the information to be shared via consultation will be:
  - the reasons for the proposals
  - the number and descriptions of employees that are proposed to be dismissed as

redundant

- the total numbers of employees of each description employed at the school or Trust
- the proposed method of selecting the employees who may be at risk of redundancy
- the proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect
- the method of calculating the amount of redundancy payments to be made to those who are dismissed
- a draft timetable of the redundancy process
- details of how to contribute to the consultation process and the date by which a response has to be received.
- the number of agency workers working temporarily for and under the supervision and direction of the school or Trust.
- the parts of the School or Trust's undertaking in which those agency workers are working, and
- the type of work those agency workers are carrying out

- 7.6. This information is usually shared with trade unions via a Section 188 letter when 20 or more employees are proposed redundant. It may also be required to notify the Insolvency Service, depending on the number of potential redundancies. This is recognised as the start of the formal consultation process and must be sent to the recognised trade unions. The Trust commits to consulting with unions where any redundancy from employment is proposed.
- 7.7. Depending on the situation, the Headteacher may consult on other areas such as arrangements for travel or relocation expenses, additional time off (with or without pay) for retraining or seeking alternative work.
- 7.8. All the employees directly impacted by the proposed changes should be informed and consulted. Wherever possible, this will be by individual meetings with the Headteacher, or another senior leader, followed up with any relevant information in writing within 5 working days. The employee is able to be accompanied to this meeting by a trade union representative, or work colleague.
- 7.9. Following the closure of the consultation exercise, the Headteacher on behalf of the Local Governing Body, must consider the information put forward and respond, in writing to the contributor(s). This response will detail any changes to the initial proposal or confirm the proposal will go ahead.

## **8. Selection criteria**

- 8.1. Where more than one person is identified as being at risk of redundancy, a selection criterion will be consulted on. The criteria must be objective and fair.
- 8.2. The purpose of having objective criteria is to ensure that employees are not unfairly selected for redundancy. Examples of criteria that can be used include experience, skills and job performance. Attendance records may be used. However, this must be with due regard to the Equalities Act, in relation to disability (or other) discrimination.
- 8.3. The criteria must recognise the business needs of the organisation, the qualifications, skills and experience required to contribute to an effective and efficient workforce. If any criterion is weighted higher than others, this should be made clear and justified.
- 8.4. The selection criteria must be applied to each individual at risk of redundancy. The Headteacher, with advice from the school's HR team, will apply the criteria. This will be based on a combination of personnel records, performance management information, experience, skills, line manager feedback and formal interview.
- 8.5. Individuals will be invited to contribute to this exercise, to ensure that all information gathered is accurate. This contribution may be a formal meeting or submitting paper based information, depending on the situation. In any meeting they have the right to be represented,
- 8.6. All assessments against the agreed criteria need to be documented. This should be used to support any decision. This will be shared with the employee and their trade union representative.
- 8.7. Following the decision of the selection panel, the HR team will write to all affected employees

advising of their provisional selection for redundancy and their right to make representation to a representation hearing.

## **9. Representation hearing**

- 9.1. Once the individual(s) have been identified at risk of redundancy they have the right to make representations against this decision. This can be in person or in writing.
- 9.2. The employee will be invited to a representation hearing, giving at least ten working days' notice of the hearing and be made aware of their right to be accompanied by a trade union representative or work colleague. This will usually be the head teacher and a representative from the Governing Body or Trust.
- 9.3. The purpose of the hearing is to allow the employee to make any representations, clarify any points and give full consideration to the decision to proposed dismissal.
- 9.4. After full consideration to any representations, the panel will inform the employee of their decision, in writing within five working days. This will also outline the appeal process.
- 9.5. The HR team will issue formal notice of dismissal to the employee, outlining the notice period, final date of employment and any redundancy payment due. Notice periods are defined by individual terms and conditions of employment, with the minimum notice period being four weeks.
- 9.6. Should the trust find alternative ways to avoid the redundancy then the notice will be withdrawn.

## **10. Appeals process**

- 10.1. Appeals against the decision to make the individual redundant should be made, in writing, to their Chair of Governors, via the Headteacher's PA, within ten working days of being notified of potential redundancy. An appeals hearing will be convened as soon as practically possible.
- 10.2. A panel of three Governors, not involved in the original decision, will normally form the panel. The trust may, however, use Governors or Trustees from across the trust to form an appeal panel. This is in the interests of impartiality. Their decision will be confirmed in writing within five working days of the hearing.

## **11. Other information**

- 11.1. Redeployment, trial periods and further support is outlined in **Appendix B**.
- 11.2. Safeguarded salary arrangements are outlined in **Appendix C**.
- 11.3. Severance payments are outlined in **Appendix D**.
- 11.4. Where an employee is offered a role deemed to be a suitable alternative role, they should consider carefully before declining the offer, as this could be regarded as resigning and therefore any redundancy compensation could be withdrawn or would not be payable. Whether a role is suitable depends on a number of factors and where an employee makes a case that a job offer is unsuitable this will be discussed on a case-by-case basis.
- 11.5. The trust is covered by the Redundancy Modification Order 1999 and 11.4 applies to any job offers from organisations listed under the Order. Employees should seek advice from their Trade Union representative or the HR team for further information regarding the Order.

## **12. Roles and responsibilities**

- 12.1. The role of the CEO/Headteacher
  - The role of CEO is to ensure that this policy is applied fairly and consistently across the trust
  - The CEO will ensure that this policy is available to Governing Bodies to review and adopt.
  - The role of Headteacher is to ensure that this policy is applied fairly and consistently across their school
  - The Headteacher will ensure that any proposals for staffing reductions are shared for meaningful consultation
  - The Headteacher will meet with affected staff.

#### 12.2. The role of the Trustees/Governors

- The Trustees/Governors will monitor, evaluate and review policies in line with statutory and best practice guidelines
- The Trustees/Governors will ensure that all measures possible have been considered to avoid compulsory redundancies
- When required, the Trustees/Governors will form a representation/appeal panel and confirm any decisions made within ten working days.

#### 12.3. The role of the employee/other staff

- The HR Manager will monitor proposals, ensuring timescales, notice periods and information shared are accurate and meet statutory requirements
- The HR team will propose and carry out an objective selection exercise, relevant to each situation
- The HR team, in conjunction with the Headteacher, will ensure that time off and support through the Schools Advisory Service is available to those staff at risk of redundancy
- All staff are able to contribute to consultation exercises which impact colleagues
- All staff are expected to maintain professional standards during any restructure exercise, which is recognised as a difficult time for those individuals involved
- All staff are expected to engage in redeployment support offered by the trust, where an equivalent and appropriate alternative role is available..

### **13. Monitoring and Evaluation**

13.1. This policy will be monitored and evaluated in line with statutory changes.

13.2. This policy should be reviewed at least every three years to ensure compliance to legislation, school needs, national and local terms of employment and good practice.

13.3. Any reviews to this policy will be in consultation with staff, including representatives of unions and associations recognised by the school.

## **Appendix A - Ways to minimise redundancies.**

Measures that should be considered for avoiding compulsory redundancies include:

- Natural wastage
- Terminating temporary or casual employment (dependant on the employment rights of that post holder)
- Restricting recruitment
- Offering suitable, alternative employment. This will include information on any salary protection and the details of a trial period. See **Appendix C** for more information
- Considering offers of part time working or job share arrangements
- Deploying staff to other schools, through partnership arrangements, secondment opportunities etc.
- Retraining staff
- Reduction or elimination of overtime

It should be noted that voluntary redundancy applications will be considered, but may not be accepted depending on the needs of the Trust. Where an employee expresses an interest in voluntary redundancy that this does not commit them to taking it. There is no automatic enhanced financial package available for voluntary redundancy.

## **Appendix B – Redeployment, trial periods and salary safeguarding**

### **1. Redeployment to alternative post**

- 1.1. Where a post holder is at risk of redundancy, the Trust will, wherever possible redeploy that individual to a suitable post. An employee at risk of redundancy must be considered for any appropriate vacancy.
- 1.2. If an employee on maternity leave is placed at risk of redundancy, the Trust will comply with all of the maternity related legislation in force from time to time
- 1.3. Depending on the number of people at risk of redundancy and the nature of the vacant post, redeployment will be based on a recruitment and selection event, or by assimilating a post holder to a vacant post. Wherever possible, the Trust will seek to assimilate an employee through consultation and agreement.
- 1.4. Redeployees wishing to be considered for a vacancy must inform the HR team of their interest in a post. (Contact details will be provided to the employee along with how they can access information about vacant posts).
- 1.5. Redeployees will be assessed for their suitability against the essential criteria for vacant post, as outlined in the Person Specification. The employee may be asked to submit a brief supporting statement to demonstrate how they meet the essential criteria of the role to allow the recruiting line manager to make this assessment. If one or more redeployee matches the person specification all candidates should be invited to a selection process.
- 1.6. Where a redeployee at risk of redundancy, demonstrates they meet the essential criteria for any vacant post the employee should be offered this role as a suitable alternative to redundancy. If the redeployee is not considered to meet the essential criteria for an appointment, the redeployee will be given feedback on the reasons why.
- 1.7. Where a post holder is at risk of redundancy and meets the majority of the essential criteria for any vacant post, they will be given an interview.
- 1.8. The redeployee may query, via the HR team, any posts they are not invited to be interviewed for, stating why they believe they meet the essential criteria. This should be done prior to the interview date for any advertised post and in writing. A response will be provided to the redeployee within five working days of the query in writing.
- 1.9. Redeployment can only be to a vacant post. Posts will not be created to avoid redundancy.
- 1.10. Should an employee agree to move to an alternative post, this will be confirmed in writing within 10 working days. The offer will outline the salary safeguarding arrangements and trial period, as appropriate.

### **2. Trial period**

- 2.1. An employee who is under notice of redundancy has a statutory right to a trial period of four weeks in an alternative job where the provisions of the new contract differ from the original contract.
- 2.2. The trial period begins when the previous contractual terms has ended and ends four weeks after the date on which the employee starts work under the new contract. The effect of the trial period is to give the employee a chance to decide whether the new job is suitable without necessarily losing the right to a redundancy payment.
- 2.3. The four week trial period can be extended for retraining purposes by agreement and confirmed in writing. This will specify the date on which the trial period ends and sets out the employee's terms and conditions after it ends. If the employee works beyond the end of the four week period or the jointly agreed extended period any redundancy entitlement will be lost because the employee will be deemed to have accepted the new employment. The school or Trust will communicate this to the employee when the alternative job offer is made. The school or Trust should also use the trial period to assess the employee's suitability.
- 2.4. Should the school or Trust wish to end the new contract within the four weeks for a reason connected with the new job, the employee will preserve the right to a redundancy payment under the old contract. If the dismissal was due to a reason unconnected with redundancy (for example (but not exclusively) due to a disciplinary matter), the employee may lose that entitlement.

### **3. Time off to look for new work, or training**

- 3.1. When an individual is at risk of redundancy, they will have the first option of applying for any posts. Priority will be given to current employees for vacant posts.
- 3.2. Employees who are under notice of redundancy and have been continuously employed for at least two years, qualify for a statutory entitlement to a reasonable amount of time off to look for another job or to arrange training.
- 3.3. The school will allow paid leave for employees at risk of redundancy in accordance with the leave of absence policy, as described in 3.1. Leave should be requested and approved in line with the usual procedures.
- 3.4. The school will commit, in the cases of five or more redundancies, to contacting the local Jobcentre. This is with a view to supporting those at risk of redundancy with details of vacancies and details of training opportunities available.
- 3.5. The school will provide assistance to employees at risk of redundancy, where appropriate.
- 3.6. Internal support for completing applications forms, coaching for interviews and other advice is available from line managers, HR or other colleagues. Alternatively, external support may be sourced by employee and/or employer where there is capacity, and reasonable costs will be met by the school.

## **Appendix C – Safeguarding salaries/Protected pay**

### **1. Teaching staff**

- 1.1. As teachers, safeguarded salary provisions are outlined in the School Teachers Pay and Conditions Document.
- 1.2. The school has adopted these terms and conditions and therefore any safeguarding arrangements are as detailed in this document. This includes the length of safeguarding and the opportunity to agree appropriate duties relevant to the safeguarded sum.

### **2. Support staff**

- 2.1. For support staff who accept an alternative role, or a re-evaluated role that attracts a lower salary scale they will receive a maximum of two years' salary protection at a maximum of one salary grade above their new substantive role.
- 2.2. Salary protection is at the employee's current scale point, or based on the highest spinal point of the salary grade above their new substantive role.
- 2.3. For those employees in receipt of pay protection their protected pay will be 'frozen' for the duration of the protection. Employees will not receive annual increments/cost of living increases during the period of protection, unless the new level of pay is equal to, or more than, the protected amount. Any increase will apply to the salary for the new post and then the amount of the pay protection is adjusted accordingly at no loss to the employee.
- 2.4. After 2 years' protection the employee will revert to the salary of their new substantive post (at the highest spinal column point).
- 2.5. The protection also applies to Annual Leave. In the event of the new post carrying a lower annual leave entitlement, the employee's entitlement to annual leave at the point of accepting the new post will be maintained for 2 years and then revert to the annual leave entitlement of the new substantive post.

### **3. When Pay protection doesn't apply**

- 3.1. Pay protection will not apply in the following circumstances:
  - Where there is transfer to a lower graded job as a result of disciplinary action, capability or at the employee's own request and outside of the restructuring/redundancy process
  - Where hours are reduced as a result of organisational change or restructuring
  - Where hours or the job role is changed through a request by the employee
  - To temporary arrangements such as: secondments, temporary promotions or, acting up arrangements. At the end of any temporary arrangement employees will revert back to their substantive role.

## **Appendix D – Severance payments for staff**

Redundancy payments are calculated in accordance with the statutory formula. This is based on length of continuous service and age.

For more information: <https://www.gov.uk/redundancy-your-rights/redundancy-pay>

Whilst using the statutory formula, the school has two additional rules that apply to redundancy payments:

1. Redundancy payments will be based on an employee's ACTUAL weekly pay and are not subject to the limits of the statutory scheme.
2. As result of the Redundancy Payments (Local Government) (Modification) Order 1983, an employee is entitled to receive a redundancy payment based on all continuous local government and related service (subject to a maximum of 20 years). This also means that, if an employee who has been given notice of redundancy receives an offer (made prior to the date of redundancy) of suitable alternative employment in local government or a related service, to commence within four weeks of their date of termination, there will be no entitlement to a redundancy payment.

Employees should also be aware that should they unreasonably refuse an offer of suitable alternative employment with the trust, this could disqualify them from their entitlement to a redundancy payment.