



# NEWMAN CATHOLIC TRUST

HEART SPEAKS TO HEART

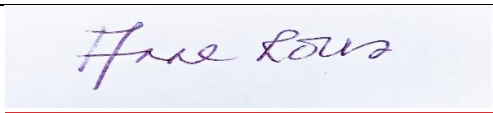

## Organisational Change & Redundancy Policy

### 2023-24

#### Review

Review Cycle	Date of Policy	Author(s) Policy	Review Date
Annual	28/9/23	CEO	September 2024

#### Ratification

Role	Name	Signature	Date
Chair of Board	<u>Anne Rolls</u>		<u>26/10/23</u>
CEO	Dr Daniel Doyle		28/9/23

## **Policy Contents:**

Definitions

Application of the Policy

General Principles

Associated Policies and Documents

Step One – Planning and Proposal

- 1.1. Establishing the Need for Change
- 1.2. Steps to Avoid Redundancy
- 1.3. Suitable Alternatives
- 1.4. Preparing to Consult
- 1.5. Consultation
- 1.6. Selection

Step Two - Consultation and Communication

Step Three – Implementation

- 3.1 Voluntary Redundancy
- 3.2 Redeployment
- 3.3 Reasonable Adjustments
- 3.4 Job Matching and Role Allocation to a New Structure
- 3.5 Provisional Selection for Redundancy
- 3.6 Redundancy Dismissal Meeting

Step Four – Concluding the Change Period and Next Steps

- 4.1 Confirmation of the Redundancy and PILON
- 4.2 Redundancy Pay
- 4.3 Pay Protection
- 4.4 Trial Periods
- 4.5 Implementation of Change
- 4.6 Time Off for Job Hunting
- 4.7 Further Ongoing Support for Employees
- 4.8 Appeals

## **Definitions**

"NCET" refers to the Cardinal Newman Catholic Educational Trust also known as the Newman Catholic Trust or NCET.

"Principal" also refers to any other title used to identify the school leader with responsibility for leading and managing the school where appropriate (e.g., Executive Principal, Principal or Head of School).

"Senior Manager" refers to any Senior Manager within NCET. This may be either a Director/Senior Manager from the Central Team or within a constituent school.

"Employee" refers to any member of staff, namely teaching, support and Central Team staff employed to work within NCET.

"Lead Manager" refers to any senior member of staff who is leading on the consultation, selection and/or implementation of the organisational change.

"Representative" refers to a person chosen by the employee to accompany the employee, who shall be a trade union representative or a workplace colleague.

"Adviser" refers to any NCET Officer duly appointed to the role by the CEO.

"Appeal Committee" refers to the group of people that may be convened to hear an appeal.

In cases relating to employees within the NCET Central Team, the term 'Chair of Trustees' or 'Governor' should be replaced by NCET Senior Manager. The CEO may exercise discretion in appointing a Senior Manager to deal with school-based issues relating to organisational change, depending on circumstances and subject to consultation as detailed below.

## **Application of the Policy**

This policy is to be used by all employees employed by all NCET. The above definitions are included for reference purposes for both School and Central Team staff to enable clarity and transparency when applying this policy.

## **Legal framework**

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- The Data Protection Act 2018
- The UK General Data Protection Regulation (UK GDPR)
- The Freedom of Information Act 2000
- The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004
- Equality Act 2010
- Employment Rights Act 1996

## **This policy operates in conjunction with the following school policies:**

- Data Protection Policy
- Records Management Policy
- Disciplinary Policy and Procedure

- Complaints Procedures Policy
- NCET policies can be accessed via our website at: [www.newmancatholictrust.com](http://www.newmancatholictrust.com)

### **Roles and responsibilities**

The Board's role is to:

- Ensure that this process is carried out fairly and consistently and that any managers involved in any aspect of it have the appropriate training and skills to do so.
- Be committed to avoiding or minimising compulsory redundancies wherever feasible and ensure that alternative methods such as redeployment are used to manage reductions during re-organisations.
- Identify potential over-staffing situations during regular reviews of budget-setting and budget delivery.
- Commence the redundancy process.

### **The CEO or Principal of the school is responsible for:**

- Communicating this policy to all the relevant staff members and the wider school community.
- Providing the relevant information to HR and payroll departments regarding departing staff members.
- Organising and conducting exit interviews with departing staff.
- Making arrangements to handle any issues raised during the exit interview.
- Upholding confidentiality and not sharing information with staff members unnecessarily.
- Where necessary, inform payroll and pensions of the departing staff member.
- Ensuring business continuity, e.g., removing the individual from the website, delegating their duties until a replacement is found, and organising a handover period between the departing staff member and the replacement.
- Ensuring the ICT technician terminates the departing staff member's accounts at the school and
- Ensuring the site manager obtains access to the school premises, e.g., keys from the departing staff member, and any other school-owned equipment in the departing staff member's possession.

### **The Trust's HR manager is responsible for:**

- Arranging a leavers letter specifying essential information relating to the departing staff member's exit, e.g., their last day of work and any holiday entitlements.
- Assessing, in liaison with the DPO, what information the school may need to retain regarding the individual and ensuring they are informed of this, in accordance with the Data Protection Policy and the Records Management Policy.

**The Trust Central Team** are responsible for providing information in relation to workforce planning and resources to the Board as required.

### **The departing staff member is responsible for:**

- Following any defined exit procedures, as outlined in their employment contract.
- Continuing to work to the expected standards for the duration of their notice period, as defined by their employment contract.
- Reviewing any files on their school computer system that they may require prior to the account being deleted.
- Ensuring they return school equipment in the same condition they received it.
- Keeping relevant information about the school confidential.

## **General Principles**

In the changing world of education, there is a significant requirement to remain responsive and flexible to ensure the continuity of high-quality education to all pupils across NCET. This involves a commitment to a process of continuous review of how we are structured to meet our vision and goals. Change is a normal part of life and progression. As such, from time to time, there will be a need for organisational change such as the introduction of new technology or systems, strategy or structure changes that may impact on individuals or a group of employees. External factors may also necessitate the need for organisational change, such as change in government policy, legislation, and funding.

NCET is committed to managing organisational change in a fair, consistent, and legally compliant manner. We are also committed to communicating openly and will undertake meaningful consultation with affected employees and their representatives, where applicable.

For the purposes of this Policy, "organisational change" refers to situations in which teams or services are restructured in such a way as to impact directly and significantly on the terms and conditions, scope and/or nature of individual roles. Organisational change can also include re-structuring or introducing materially different working practices e.g., changing the timetabled teaching day and how staff are deployed. In certain circumstances, the changes proposed may be significant and positions may be 'at risk' of redundancy.

Organisational change does not include minor changes, such as variations to the working environment and/or line management structures where there is no change to contractual terms and conditions, and where there is no material change to the employee's role at work. It also does not cover an agreement between NCET and an individual employee to change their terms and conditions or employment outside of any restructure or an employee's requests for change in their hours, e.g., for flexible working. Please refer to NCET's flexible working policy. In these cases, a fair and reasonable process to agree the changes should be followed.

NCET will take all reasonable steps to support employees facing significant change, redundancy or redeployment to minimise adverse impacts of change and to ensure that employees are provided with the tools and support to cope with change effectively and maintain their well-being. In turn, employees are encouraged to recognise and understand the organisational requirements that drive change and the importance of being responsive, flexible and open to the need for change.

NCET is committed to mitigating the requirement to make compulsory redundancies wherever possible. However, the needs of the Trust may, from time to time, require a reduction in the overall number of staff employed that results in some employees being made redundant. Given the geographical spread of the Trust there may also be a more localised impact. In any event, NCET will, in conjunction with its employees and the recognised trade unions, seek to minimise and manage the impact of redundancies.

Where an employee has transferred into NCET via the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) any organisational change will take into account the law regarding the variation of contracts of employment under TUPE.

## **Operating the consultation process**

Regardless of whether staff numbers could be reduced due to workforce change, consultation with staff, trade unions and/or employee representatives will take place in good time and in line with statutory requirements. All affected employees will be consulted on an individual basis.

### **Timescales**

To reach an agreement on a revised structure, the Trust or school will seek to complete the consultation process within the statutory consultation requirements, preferably in the shortest time frame possible.

### **Steps:**

#### Step 1 – Planning and Proposal

##### 1.1 Establishing the Need for Change

The first step in any organisational change process is to understand why change is necessary and the scale of the change required. This may involve a review of the current structure, an analysis of roles and activities currently undertaken and assessing how these needs will be met in the future, whilst also taking into account the need to avoid redundancies, wherever possible.

NCET will ensure that research is undertaken to review options for change and identifying possible solutions. Early assessment of equality issues will also occur, including undertaking an Equality Impact Assessment.

Effective communication with staff and trade unions at each process stage is critical. At this early stage, consideration should be given to informing staff and their trade unions about the review.

Advice must be sought from the HR team before any action is taken in relation to any proposed organisational change and or redundancy situation. The HR team can offer support and guidance at all stages of the change process.

Where required, a business case will be prepared, including an outline timetable for the process and how consultation will be managed. The business case will be shared with the unions to ensure agreement on consultation and selection criteria ensuring that statutory notification requirements are met with support from HR.

##### 1.2 Steps to Avoid Redundancy

NCET will ensure they make steps to avoid job losses by looking at alternative options. Avoiding compulsory redundancy may be achieved by:

- Exploring flexible working options
- A recruitment freeze, where possible
- Natural turnover and employee resignations
- Limiting or stopping overtime
- Seeking agreement to reduce hours and/or flexible retirement options
- Redeployment to alternative positions within the Trust.
- Retraining to enable staff to work in other areas across the Trust.
- Offering voluntary redundancy or early retirement

##### 1.3 Suitable Alternatives

To avoid redundancies NCET will seek to find suitable alternatives to the 'at risk' positions. Suitable alternatives will be offered on the following basis:

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

If an employee unreasonably refuses an offer of suitable alternative employment, there is no entitlement to redundancy pay.

#### 1.4 Preparing to consult

When the proposals for organisational change have been established, unless an early solution is found through agreement, formal consultation will need to take place with affected staff groups and their recognised trade if NCET is proposing to dismiss as redundant 20 or more employees at one establishment within a period of 90 days or less. By the end of the consultation planning stage, NCET will seek to be clear on a number of issues which will form the basis of the formal consultation. These are:

- The reasons for the proposed changes
- Indicative timescales for implementing the proposed changes
- The number and descriptions of posts it is proposed should be dismissed by reason of redundancy
- The total number of employees employed in such posts (i.e., size of the selection pool)
- The selection criteria to be used including the method of applying the criteria and any weightings
- The method of carrying out the redundancies, including any agreed procedure and the intended date of any dismissals
- Ways in which the impact and number of redundancies can be reduced
- The proposed method of calculating redundancy pay.

#### 1.5 Consultation

Effective consultation and communication are an important aspect of organisational change and should be handled sensitively and transparently. Consultation must be meaningful and take place as soon as practicable whilst proposals are at the formative stage to allow feedback and comments on the proposals. Individual employees and any representatives should be encouraged to provide feedback so their views can be considered before making any final decisions. Consultation must be completed before employees are issued notice of redundancy.

Consultation with affected staff and their representatives should take place where the staffing structure of the school is being adjusted even if redundancy dismissal may not be involved (e.g. removal of Teaching and Learning Responsibility Payments, restructuring of a group of support staff, etc.).

If an organisation change is required as defined in section 1, then information on the reasons for reductions/changes, the proposals for change and the timescale must be shared with affected staff and their representatives.

The purpose of consultation is to:

- make the affected employee group and their representatives aware of the proposals;
- provide information to help them understand why change needs to happen;
- consider any counter proposals;
- clarify any uncertainties and to reply fully to any written responses to the consultation.

Whilst NCET will think carefully about their proposal, other better solutions or reasonable amendments to proposals may be identified through the consultation. It is essential that commitment is given to the consultation process to ensure avoidable issues do not arise later

that could cause delay to the process or distress to individuals who find themselves selected for redundancy.

NCET will ensure it discloses in writing to the appropriate representatives and employees the following information concerning proposals for redundancies so that they can play a constructive part in the consultation process:

- the reasons for the proposals
- the numbers and descriptions of employees it is proposed to dismiss as redundant
- the total number of employees of any such description employed at the establishment in question
- the way in which employees will be selected for redundancy
- how the dismissals are to be carried out, taking account of any agreed procedure, 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 by reason of redundancy.

Normally, formal consultation and searching for voluntary solutions will occur concurrently. In some cases, it may be possible to identify voluntary solutions early on, avoiding the need for a formal process. Examples of this might include an approach from an employee to reduce their hours, or a decision by an employee to resign or retire.

In order that consultation is deemed meaningful, selection for redundancy should take place only when the consultation process has been completed (i.e., the formal consultation period has ended and any responses received have been considered and responded to). In managing this process, it is necessary to set a closing date for the completion of the consultation period. Following this consultation period, employees will be informed of the outcome and only then will employees be issued with notice in respect of any redundancies. The approach will be to ensure that staff have a reasonable consultation period and, in any event, a minimum of 30 days consultation will be provided to those employees and any representatives affected by change. For 100 and over, employee's consultation will commence consultation at least 45 days before the first dismissal.

Representatives for the purposes of collective consultation will either be:

- trade union representative(s), or
- elected employee representatives (if the employees in the affected staff group are not represented by a recognised trade union).

With a view to seeking agreement on how to proceed NCET will consider any formal representations made by the employee representatives, respond and, if any suggestions are rejected, give reasons.

In addition to consultation with employee representatives, NCET will carry out individual consultations with those employees selected for redundancy. The purpose of individual consultation is to consider any ways in which the proposed redundancy might be avoided and any other alternatives including any alternative employment. NCET are committed to seeking to establish consultation that is genuine and meaningful.

Where organisational change gives rise to proposed redundancies below the threshold numbers that require collective consultation, NCET will still conduct individual consultation with affected employees. Consultation will include consultation with the affected staff group over any proposed selection criteria and individual one-to-one consultation with employees provisionally selected for redundancy in accordance with section 3.5.

## 1.6 Selection

Consultation must take place on the proposed criteria to be used to select an individual (or a number of individuals) from the wider 'at risk' group. This will form part of the main



consultation as outlined above and be agreed prior to implementation. Only once consultation has ended can the process of selection be applied.

(i) Selection criteria will be dependent upon the 'at risk' job roles, and any new roles that will feature in the proposed new structure. NCET is committed to ensuring that selection is not subject to bias or subjective judgement. It may include desktop selection, interviews and/or a skills matrix/assessment process

(ii) In cases where the 'at risk' group consists of only one employee the proposal will be that selection will be based on nothing more than occupancy of the post to be removed. Examples of where such a selection process might apply include:

- A specific grant funded post, occupied by one individual, which has continued for a significant period of time, but is ending because the grant is to cease.
- A one-off post in the school which is deemed to no longer be required and is to be removed from the structure.

(iii) NCET's scheme of delegation indicates that it is essential for HR to be aware of any restructure. Therefore, advice must be taken from HR on the proposed selection criteria and whether any selection arising out of the application of the criteria is likely to be 'fair' and within the requirements of employment legislation, including the Equality Act 2010.

(iv) The lead manager will decide on the appropriate assessment method and selection criteria for allocating employees to roles in the new structure, having consulted with the affected staff and their representatives.

(v) The methods for assessing employees might include:

- Competency-based Interviews
- relevant tests
- written submissions
- skills matrix/assessment process
- management assessments
- consideration of individual employment records e.g. current disciplinary and/or performance record.

(vi) The manager will ensure that the assessment method is fair, objective and valid for the role(s) in question and that the selection criteria are applied consistently and do not discriminate against any particular groups of staff.

(vii) If the number of suitable alternative posts in the old and new structures remains the same and/or there is only one candidate in a pool then a management assessment may be sufficient.

(viii) If an employee is unable or unwilling to participate in a selection process or the manager is not reasonably able to adjust the approach (e.g. timescales involved prevent him or her from accommodating a particular individual's circumstances), the manager will make a decision on the most appropriate course of action based on the relevant information available. This could result in an employee being allocated to a job in the new structure or put at risk of redundancy.

(ix) For larger organisational changes where there are a number of selection panels moderation may be required if making appointments at the same role levels to ensure consistency of decision-making.

(x) The lead manager (or nominated individual) will inform affected employees verbally of selection outcomes and, where appropriate, any remaining options to mitigate redundancy wherever possible. The employee will also receive written confirmation of the outcome and notice of redundancy in accordance with this Policy, if appropriate, after the conclusion of the consultation period.

Selection criteria not identifying an individual

(xi) In some cases, the application of the chosen selection criteria may not separate two individuals at risk. Where this happens, it may be appropriate for selection to be made

between those two individuals on the basis of the cost of redundancy dismissal (i.e. the costs of redundancy are kept to a minimum).

Unfair selection for redundancy

(xii) It would be unfair to select an employee for redundancy on grounds of age, gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, marital status or pregnancy. Protection of employees against redundancy selection also extends to those taking periods of maternity, paternity, adoption or parental leave, or in the case of maternity have returned within 6 months. It also extends to trade union membership or activity. This does not mean it is unfair to select for redundancy an employee who falls under one of these criteria, but the reason for selection must not be one of the criteria stated above.

**Step 2 - Consultation and Communication**

At the point, the consultation commences, any affected employees will receive notification of the consultation, advised that they are 'at risk' of redundancy and given information on how to take part in the consultation.

Consultation feedback will be collated from those affected and from unions. NCET will, at the close of the consultation, review all feedback and make a decision on the outcome and communicate this to unions and affected employees. Where possible this will be face to face, followed by written confirmation.

### **Step 3 – Implementation**

#### **3.1 Voluntary Redundancy**

In order to reduce the need for compulsory redundancies, the Trust will invite requests from employees for voluntary redundancy. NCET are committed to ensuring a fair process takes place in terms of agreeing voluntary redundancy requests.

In the event that voluntary redundancy is offered it will not automatically be given and redundancy pay will only apply to employees with over two years' service.

Any employee who seeks information on the benefits available as a result of volunteering to be selected for redundancy will be entitled to do so without prejudice to his/her position.

NCET reserves the right to decline a request for voluntary redundancy at its discretion. Similarly, a request made by an employee for voluntary redundancy may be withdrawn at any point up to the start of any selection process for the employee's substantive post or a suitable alternative role.

#### **3.2 Redeployment**

NCET will do all that is reasonably practicable to assist staff at risk of redundancy, as a result of organisational change, to find suitable alternative employment within the Trust as early as possible.

Support in seeking redeployment will be offered to all employees who have been placed at risk of redundancy, including those employed on fixed-term contracts, as early as possible and for the full duration of the change period.

#### **3.3 Reasonable Adjustments**

Reasonable adjustments will be considered to accommodate individual needs throughout the organisational change process, including adjustments to the selection process or roles in the new structure.

Employees with a disability are encouraged to discuss with their manager what reasonable adjustments they would like the organisation to consider for them. The manager will determine what is reasonable under the specific circumstances. Further information and

advice on reasonable adjustments can be found in the Guidance document that accompanies this policy or from the relevant HR School team.

### 3.4 Job Matching and Role Allocation to a New Structure

The following information explains the different ways in which employees can be matched and allocated to roles that will exist in new structure. Academies must contact the HR team when determining an appropriate selection method. There are five types of job matching:

#### (i) Assimilation

Assimilation applies where:

- there is little or no change between the role in the old and new structure; and
- the number of roles remains the same or there are more roles available than employees matched to roles.

In the above instances, the employee is automatically appointed to the role without an assessment process or trial period. If the employee declines the role, there is no entitlement to redundancy pay.

#### (ii) Ring-fencing (oversubscription)

Ring-fencing (oversubscription) applies where:

- there is no change between the role in the old and new structure; and
- there are fewer roles available than employees matched to the roles.

An assessment process is required to determine which employee(s) should be appointed to the role(s) but there is no requirement for a trial period. Following a successful selection process, the employee is automatically appointed to the role without a trial period. If the employee declines the role, there is no entitlement to redundancy pay.

#### (iii) Ring-fencing

Ring-fencing applies where the role in the new structure is not fundamentally the same but sufficiently similar in nature to be considered possible alternative employment. The manager will identify possible alternative roles based on the requirements of the employee's current role as compared with those of the duties, responsibilities, skills required and grade of the new role(s).

#### Support staff

Where a position is secured in the new structure, pay protection will be payable in line with section 4.3. Roles that are one grade higher than the employee's current role may be considered but only where the employee meets the requirements of the new role, with reasonable support and training.

Where these positions are offered, a trial period as per section 4.4 will be applicable. Teaching staff Salary safeguarding will apply where the employee can be redeployed to a different post within the Trust. This applies in circumstances where a Teacher moves to a lower-paid role. This will usually apply to teachers in leadership roles moving to a UPS/MPS post.

Teachers who have passed through the threshold (in line with the STPCD) are unable to be deployed to a MPS teaching post as a result of a reorganisation.

In all instances, salary safeguarding will be determined with the STPCD

A selection process is required to assess an employee's suitability for the role(s) and the appointment is subject to a trial period. If an employee unreasonably refuses an offer of suitable alternative employment, there is no entitlement to redundancy pay.

#### (iv) Restricted Competitive Selection

Restricted competitive selection applies where the role is not considered suitable alternative employment for any employees in the affected staff group. In these circumstances, employees from the affected staff group will be given an opportunity to apply for the role before it is

advertised more widely in order to retain the employment of affected employees or as an additional way to mitigate redundancies.

A selection process is required to assess an employee's suitability for the role(s). Any appointment to the new role would be subject to a trial period, and the employee will retain their continuous service.

### 3.5 Provisional selection for redundancy

If an employee is subject to redundancy due to an outcome of collective consultation they will be informed without delay.

A one-to-one individual meeting will be convened, including the employee being advised that their role is at risk of redundancy and confirming the start of individual consultation. The employee will be provided with selection stage documentation and their scores.

Individual consultation will include at least two consultation meetings with the employee. The employee will have a right to be accompanied by a trade union representative or a work colleague at individual consultation meetings. The employee should be asked who they wish to be supported by at the meeting or hearing so they can be approached about their availability.

The employee will have the right to make representations, put forward any suggestions as to how the proposed redundancy might be avoided and suggest other alternatives. No final decision on the proposed redundancy will be made until consultation has been concluded.

If there are no opportunities to avoid the proposed redundancy following the individual consultation, no other alternatives have been found, and the employee is unsuccessful in obtaining a position in a new structure, the employee will be invited to attend a redundancy dismissal meeting.

### 3.6 Redundancy dismissal meeting

A trade union representative or a work colleague may accompany the employee to the meeting.

Once a suitable date has been identified, a formal letter must be issued to the employee providing the following:

- who will be in attendance.
- the date, time and place of the hearing.
- reference to any key documents that may form part of the meeting. This would include copies of consultation and selection stage documentation.
- the right of the employee to be accompanied by a trade union representative or work colleague.
- a statement about the possible outcomes of the meeting.

The employee must receive this letter at least five working days in advance of the meeting taking place.

#### Procedure at a redundancy dismissal meeting

At the redundancy dismissal meeting, the employee will be informed that there are no opportunities to avoid the proposed redundancy and that no other alternatives have been found. It will also be confirmed that the employee is unsuccessful in obtaining a position in a new structure.

The employee will be informed that their employment will terminate by reason of redundancy. NCET will confirm the reasons for the dismissal and provide confirmation of the employee's redundancy pay and any notice/PILON entitlements.

The employee will be advised of their right to appeal the decision and be provided with details on who to appeal to within five working days.

## Step 4 – Concluding the Change Period and Next Steps

### 4.1 Confirmation of Redundancy and PILON (Pay in Lieu of Notice)

On conclusion of the change period, the lead manager will confirm the following in writing to any employees that are to be made redundant as part of the change process:

- confirmation that the employee's post is redundant (if this has not already confirmed)
- details of any entitlement to redundancy pay
- details of any entitlement to notice/pay in lieu of notice (PILON) and any other monies owed, such as holiday pay
- details of the right of appeal.

For clarity, employment will terminate on the date specified in the notice of termination unless otherwise agreed, ensuring that contractual notice is given. In these circumstances, it will be necessary for the notice period to be worked.

In some circumstances, at the discretion of NCET, early release from the Trust's employment with basic pay in lieu of notice (PILON) will be offered. Such payments will be subject to tax and NI.

### 4.2 Redundancy Pay

Employees whose employment is terminated by reason of redundancy following two or more years' continuous service will be eligible for a redundancy payment calculated on basis of the associated County Council redundancy terms applicable to the employee.

An employee whose role is redundant will not be entitled to a redundancy payment in circumstances where the employee:

- is dismissed for reasons of misconduct, with or without notice preceding their proposed last day of service.
- Commences suitable alternative employment with the Trust, either as part of the restructure or through redeployment, without a break or with a break not exceeding four weeks and completes a trial period satisfactorily where relevant (the offer of alternative employment must be made before the employee's employment under the previous contract ends).
- unreasonably refuses an offer of suitable alternative employment with NCET.
- leaves her/his employment before the expiry of contractual notice, unless this has been mutually agreed.

Employees should be mindful that alternative employment with another school or Local Authority may constitute continuous employment under the Modification Order, and this may affect their redundancy payment, therefore this should be clarified with the new employer. Further information on this can be found by contacting the HR team or by visiting [www.gov.uk](http://www.gov.uk).

### 4.3 Pay Protection

Pay protection for teachers will be in accordance with the safeguarding criteria as defined in the School Teachers Pay & Conditions document in force at the time.

For support staff, where an 'at risk' employee takes on a new or revised post as part of a restructure, they may be entitled to a measure of protected basic pay, if appointed to a post which carries a lower level of grade or remuneration. The protection will be payable for 18 months. The first 12 months will be 100% based on the following, and the remaining 6 months will be payable at 50% of the following:

- (i) the full difference between your current salary and the new salary where your new salary is up

to one grade lower than your current 'at risk' salary.

(ii) where there is more than one grade difference between your new salary and your current 'at risk' salary, you will receive the equivalent of protection for one grade below.

Pay protection will be payable for a period of one year (paid in monthly instalments), subject to a satisfactory trial period. It excludes elements of variable pay and will be calculated based on the new hours of work. The level of protection given will be discussed prior to the employee accepting the new/revised post and will cease if the employee leaves the Trust.

#### 4.4 Trial Periods

If suitable alternative employment is found within the Trust, the new position will be subject to a trial period. A trial period is an opportunity for both parties to assess the suitability of the role for the employee.

For support staff, a trial period will normally be four weeks, with the ability to extend. For teachers, a trial period will be at least four weeks but is likely to extend to one term.

Should an employee feel that the role is not suitable they should notify their manager immediately and preferably in writing, stating their reasons.

If at the conclusion of the trial period, the employee or NCET find the role to be unsuitable, the employee reverts to being "at risk". Should no other alternative be found, they may be made redundant and redundancy pay will be payable.

#### 4.5 Implementation of Change

The nature of implementation will depend upon the type of the change being implemented but may include: re-launching activities and communications, introducing new services, arranging handover activities, arranging team building or training on new processes, making arrangements with payroll for redundancy and PILON payments to be made to leavers etc. Further support can be obtained from HR.

NCET will undertake a post-change review which will include:

- evaluating whether the original objectives have been met
- identifying areas where further work or support is required e.g., whether staff in the new structure have the skills and support required to undertake their roles
- reviewing staff well-being and identifying any actions required
- identifying any lessons learnt for the future
- celebrating successes.

The scope and scale of the review will depend upon the nature and scale of the change exercise, and the time and resources dedicated to a review will be consistent with the original scope and the desired output. It is also advisable to fully involve staff in problem solving and decision-making when evaluating or reviewing a change process; this may involve setting up working groups to work on specific problem areas.

#### 4.6 Time Off for Job Hunting

For employees who have been continuously employed for 2 years by the date the notice ends, NCET will grant paid leave up to the value of 40% of one weeks' pay to attend interviews with other prospective employers. Notification of this should be provided to the line Manager in advance, preferably providing as much notice as possible.

#### 4.7 Further On-going Support for Employees

It is recognised that some employees may require support during the selection period or if they have been subject to redundancy and if this is the case, they may contact the HR team for advice and support on CV writing and/or interview techniques.

It is also helpful to be mindful of the potential impact of change on all employees based at the school, particularly those performing new roles, those redeployed to new areas, and developing new skills or are working with new team members, systems or processes. Support for managing through change can be found on the HR hub and include advice regarding clear and regular communication, empathy and transformational leadership to rebuild morale and levels of engagement.

The following support services are also available:

- Trade Union support. This includes support from NEU, NASUWT, GMB, UNISON, ASCL, NAHT and VOICE.

#### 4.8 Appeals

An employee who wishes to appeal a redundancy dismissal should inform the Headteacher or Manager in writing, within five working days of receiving the decision in writing.

The employee must state the grounds for the appeal which may include process, evidence used or selection criteria.

The purpose of an appeal is to review the decision taken and to consider whether the procedure has been followed correctly.

An appeal panel will be subject to the scheme of delegation which may include up to two Trustees and HR will also be in attendance. Employees will have the right to be accompanied at the hearing.

The panel will confirm the outcome of the hearing, in writing, to the employee within five working days.

#### 4.9 Calculating Redundancy Pay:

For calculations regarding redundancy pay, please see details on:  
<https://www.gov.uk/calculate-your-redundancy-pay>