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Review  
Resources Committee

St John the Baptist



Catholic Multi Academy Trust

### **THE MAT MISSION STATEMENT**

Our family of schools is united in the belief that God's love, peace, truth, and joy is for all. We are dedicated to the achievement of excellence in all we do. We cherish the uniqueness of each of our school communities and celebrate together as one Trust family. By following Jesus' example we bear witness to the greatness of God.

*'To think, to feel, to do' Pope Francis*

**St John the Baptist Catholic MAT**  
**Company No: 7913261**  
**Registered Office: Surrey Street, Norwich NR1 3PB**

## **STAFFING ADJUSTMENT POLICY**



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## **1. Equal Opportunities and Scope**

- 1.1 Staffing adjustment can involve many dimensions; this policy and procedure relates to employees who for various reasons are no longer needed in the school where they work and provides for either their movement to another post or for them to leave the service of St John the Baptist Catholic Multi Academy Trust on the grounds of redundancy which may be voluntary or compulsory.
- 1.2 The Directors of the St John the Baptist Catholic MAT use a preferred HR provider, who will be involved throughout any process for advice and guidance.
- 1.3 The Board of Directors of St John the Baptist Catholic Multi Academy Trust will make a judgement on which staffing adjustments within each school in the MAT it will support financially from central funds on the basis of the criteria given in this policy and in the Staffing Adjustment Scheme but also on the basis of the relative cost effectiveness of the solution(s) proposed, provided always that there is no disproportionate effect on any employee groups.
- 1.4 The same general policy and procedure should be applied to teaching and support staff adjustments alike although some slight differences will arise relative to the specific employee groups.
- 1.5 St John the Baptist Catholic Multi Academy Trust expects local governing bodies, headteachers (which includes Executive Headteachers and Heads of School) and other employees to adhere to this policy in line with their obligations under equality legislation. Headteachers must ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of any protected characteristics (including age, gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, pregnancy or marital status).

## **2. Introduction**

- 2.1 Staffing adjustments, which may include proposals for redundancy, need to be considered within a legal framework. St John the Baptist Catholic Multi Academy Trust is accountable at law for any decision to dismiss an employee by reason of redundancy.
- 2.2 The following main points will be helpful to Local Governing Bodies and Headteachers:-
  - Decisions rest with the Board of Directors of John the Baptist Catholic Multi Academy Trust, which is accountable at law to Employment Tribunals for its actions.
  - Most dismissal decisions may be delegated to the Local Governing Body and the respective Headteacher but in those situations, St John the Baptist Catholic Multi Academy Trust remains legally accountable.
  - The policy of St John the Baptist Catholic Multi Academy Trust is to avoid compulsory redundancy if at all practicable.

- A good, consistent approach to resource planning can often avoid an overstaffing situation from arising.
- Staffing adjustments do not always have to be resolved through redundancy, for example reductions in hours of one or more employees in a group may avoid the need for the removal of a whole post, or an individual could be redeployed to another post to avoid redundancy. Such options may be put forward by the school as the proposed solution, or raised by staff or trade unions/professional associations as a counter proposal to avoid redundancy. Either way, they would need to be the subject of consultation.
- St John the Baptist Catholic Multi Academy Trust wishes to assist all Local Governing Bodies in redeploying redundant staff within the MAT wherever practicable.

### 3. Staffing Adjustment Framework

3.1 The Board of Directors of St John the Baptist Catholic Multi Academy Trust working with Local Governing Bodies and Heads should adopt a framework which has the following elements:-

- A **planning stage** which involves careful consideration of the school's current and forecast budget situation together with anticipated curriculum demands, pupil numbers, etc.
- A **consultation stage** involving communication with affected staff groups including where necessary formal (Section 188) consultation with recognised trade unions and professional associations and a search for voluntary solutions to any identified problems. This stage should also include clarity about who has authority within the school to make the initial dismissal decision and how appeals against dismissal will be heard.
- A **selection stage** which, if it becomes necessary, sees the school identifying through a fair and transparent process, an employee whose post is redundant (as defined by statute), while still seeking to solve the problem by voluntary means.
- An **implementation stage** which sees the achieved changes being put into force at the appropriate time, including where appropriate revised contracts with new salary arrangements or termination of employment with associated payments.

3.2 This policy and procedure are based around this framework. Each stage involves a number of tasks may differ in complexity and in the amount of time needed to carry them out, depending on the size and depth of the adjustment being made.

### 4. Planning

#### ***Rolling three year staffing plan***

4.1 It is recommended that Local Governing Bodies and Headteachers operate rolling three year staffing plans derived from the school management/development/improvement plan, reviewing annually to take into account the following non-exhaustive list of factors:-

- demographic changes;
- anticipated demand for places;
- curriculum requirements;
- budgetary adjustments (termly reviews and annual allocations);
- expected natural turnover (e.g. known retirement, career moves);
- significant temporary absences (e.g. secondment, maternity absence, ill-health);
- career moves within the school;
- the extent to which temporary appointments are used and can be fairly ended;
- the availability of appropriately specialist staff, especially in key curriculum areas;
- the extent to which INSET of individual teachers may help the meet curriculum needs;
- other factors such a physical changes to the school.

### ***Annual review of the staffing plan***

4.2 An annual review of the staffing plan should be undertaken in the Autumn Term during which curricular requirements and options, draft financial, demographic and employee information are reviewed. The revised staffing plan for the coming three academic year period should be set towards the end of the Autumn term or beginning of the Spring term.

4.3 The Local Governing Body will need to be able to demonstrate that it is clear about its current and projected budget position. The school will need to provide an extract from its governing body minutes to confirm the precise budget position that has been used as the basis for subsequent discussion and decision making on the proposals for change. This should include a copy of the three year budget plan mirroring the figures recorded in the minutes.

4.4 Contact should be made with the Board of Directors of St John the Baptist Catholic Multi Academy Trust, either through the Heads Operations Committee or the MAT Resources Committee, if the need for staffing adjustments in the coming year is identified

### ***Confirmation of the school's financial position***

4.5 From this initial contact, the Board of Directors of St John the Baptist Catholic Multi Academy Trust will liaise with the Local Governing Body to confirm the financial position of the school. This will result in a view being reached, based on a financial RAG rating undertaken by the MAT Director of Finance & Operations, as to whether the school is likely to be supported centrally with the potential redundancy (and redundancy related) costs arising out of a staffing adjustment.

4.6 A GREEN rating will indicate that the school's finances are manageable without the need for staffing adjustments and so St John the Baptist Catholic Multi Academy Trust will not support the school with redundancy costs unless the financial position worsens significantly. The school must then take a local decision as to whether staffing adjustments are really necessary and finance those adjustments from within the local budget.

A RED rating will indicate that the school must make adjustments in order to achieve a satisfactory budget position going forward and so St John the Baptist Catholic Multi Academy Trust will support the school with redundancy costs from central funds unless the financial position improves significantly.

An AMBER rating will mean it is currently unclear as to whether St John the Baptist Catholic Multi Academy Trust will support with the costs of redundancy. Staffing adjustment processes can begin but the financial position must be regularly reviewed until a position is reached where a RED or GREEN rating is achieved.

- 4.7 If the view reached is that the school *does* need to adjust staffing levels in order to ensure a secure financial position, the Multi Academy Trust's preferred HR provider will give ongoing guidance to the school in line with this policy and procedure and the indication of likely financial support with redundancy (and redundancy related) costs will be given.

Alternatively, if the view is reached that the school *does not* need, for financial purposes, to make reductions in staff levels, the Multi Academy Trust's preferred HR provider may still support the school through the adjustment process (resource allowing) but clarity will be provided to the school about redundancy (and redundancy related) costs having to be met from the school's own budget unless later in the adjustment process the school's financial position has significantly worsened.

### ***Regular review of the school's financial position***

- 4.8 Any school initiating a staffing adjustment process should ensure regular review of its position throughout the consultation and selection stages (see below), particularly if the budget is the driver for change, to ensure any changes to the school's anticipated position do not remove the need or requirement for reductions to be made.

Where staffing adjustments are planned following the second (Autumn term) budget revision:

- a third revision will need to take place in the Spring term with staffing adjustment proposals being adjusted if appropriate;
- the school's position regarding adjustments will need to be reviewed when confirmation of the coming year's budget allocation is provided *and* when the end of year balance is known;
- a school making reductions through compulsory redundancy selection should review its financial position prior to taking a decision to dismiss on grounds of redundancy. This will ensure avoidable redundancies are identified and that dismissal decisions are not taken on out-dated financial information;

It has to be recognised that the school finances are likely to be changeable rather than static throughout the planning, consultation and selection stages. Any changes, and the impact those changes may have on the need for (or extent of) staff reductions, must be understood and responded to.

### ***Regular review of the Board of Directors of St John the Baptist Catholic Multi Academy Trust's intention to support financially***

- 4.9 Where financial support for redundancy (and redundancy related) costs has been indicated, the Multi Academy Trust's preferred HR provider will work closely with the school to ensure regular reviews are undertaken (under 4.4. above). If any review results in a school moving from a situation where it needs to make adjustments to secure the school's finances to one where it is able to manage the budget without making reductions (with, in the view of the Board of Directors of St John the Baptist Catholic Multi Academy Trust, an acceptable degree of risk), the school will be notified that the Board of Directors of St John the Baptist Catholic Multi Academy Trust will no longer support with redundancy (or redundancy related) costs.

***Decision by a school to continue with adjustments in the absence of financial support for redundancy (and redundancy related) costs***

- 4.10 When it is indicated that central SJB CMAT financial support for redundancy (and redundancy related) costs will *not* be available, the school will need to consider whether or not the staffing adjustment is to continue. If the local governing body decides to continue with the adjustments, the reasoning for reducing staffing levels (if not to secure the budget) will need to be communicated to the affected staff group(s) and their recognised trade unions/professional associations. It is possible for schools to make changes to their staffing establishment for reasons other than financial ones (e.g. for technical or operational reasons), but careful consideration will need to be given to such adjustments.

***Approaches to assist the avoidance of redundancy***

- 4.11 To manage their staffing complement effectively the Board of Directors of St John the Baptist Catholic Multi Academy Trust will, in addition to being committed to forward planning, consider the following principles:-

retention	Where possible, use staff flexibly and avoid wherever possible situations where recruitment and redundancy are happening concurrently in different parts of the school for the same group of staff or across schools within the MAT
recruitment	Consider redeployment into vacancies, either from the current or into another school within the MAT. If a staffing adjustment is anticipated, think very carefully about recruiting for similar posts across the MAT on anything other than a short-term, temporary or fixed term basis – HOC will monitor
staff development	Anticipate potential changes in need and provide development opportunities to ensure existing staff can meet those changing needs
motivation and morale	Assure staff that employment practices are fair, sensitive and supportive. Open, transparent processes with clear information are best.

***Determining where the reductions will occur***

- 4.12 Schools that have identified the need to make reductions or other adjustments in staffing levels will need to plan for appropriate implementation. If the timetable suggested above is adopted, then by the end of the Autumn Term, the Local Governing Body will know:-

- which area(s) of the school or staff group(s) needs to reduce its staffing and by how much;
- what scope exists for assisting this by natural turnover or other voluntary means.

### ***Delegation of authority to dismiss***

- 4.13 The Board of Directors of St John the Baptist Catholic Multi Academy Trust is responsible for making decisions about changing staffing levels and for consultation with recognised trade unions and professional associations over proposals for change. Legislation allows for *dismissal* decisions to be made by:-
- one or more Directors
  - the Headteacher (or CEO)
  - one or more Directors with the Headteacher (or CEO)

The Board of Directors of St John the Baptist Catholic Multi Academy Trust will discuss and agree prior to formal consultation where responsibility for dismissal of staff on grounds of redundancy (or some other substantial reason where dismissal and re-engagement is involved) will fall. Their decision must be formally recorded in the minutes of the St John the Baptist Catholic Multi Academy Trust Full Board of Directors meeting and communicated to the LGBs at their next full local governing body meeting and included in the formal consultation document to ensure transparency for affected employees. At present the Directors of St John the Baptist Catholic Multi Academy Trust delegate the authority for dismissal decisions to the following:

- three or more Directors
- the CEO (in the case of a potential dismissal of a Headteacher or member of the MAT Executive Team)
- The Local Governing Body (in the case of an employee based at that school)
- The relevant Headteacher (in the case of an employee based at that school)

Appeals against dismissal will always be heard by a panel of local governors for employees based at the school and Directors for a Headteacher or member of the MAT Executive Team

### ***Preparing to consult***

- 4.14 Unless an early solution to the problem is found, formal consultation will need to take place with affected staff groups and their recognised trade unions and/or professional associations at the earliest opportunity. By the end of the planning stage, the Board of Directors of St John the Baptist Catholic Multi Academy Trust and the Local Governing Body will need 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;
  - The number and descriptions of employees it is proposed should be dismissed (the selection pool);
  - The total number of employees of any such description employed by the school (size of the selection pool);
  - The selection criteria to be used including the method of applying the criteria and any weightings (*see 7 below*);

- The method of carrying out the dismissals, including any agreed procedure and the intended date of dismissal;
- Ways in which the impact and number of redundancies can be reduced;
- The proposed method of calculating redundancy pay.

## 5. Seeking voluntary solutions

5.1 A procedure has been used for many years by the MAT schools for dealing with staffing adjustments which makes significant use of consultation processes with employees and trade unions and of seeking voluntary solutions. In co-operation with the Directors and LGBs, Schools through this policy and procedure should encourage the solution of staff problems by voluntary means and by seeking suitable alternative employment for staff where potential redundancy situations could arise. A co-operative approach will also ensure that St John the Baptist Catholic Multi Academy Trust and Local Governing Bodies fulfil their respective obligations under employment law.

5.2 There are a number of possible measures to assist in avoiding compulsory redundancy through voluntary solutions:-

### 5.2.1 Teaching staff

Option	Elements	Age limits
Redeployment	This may involve a trial period to ensure the appointment is suitable from perspective of both the employee and the receiving school	None
Secondment	This may allow a temporary solution to a problem or could allow effective management of an anticipated temporary reduction in staffing requirements	None
Leave of absence	In some situations, approving a request for extended leave of absence may allow effective management of an anticipated temporary reduction in staffing requirements.	None
Voluntary redundancy	Redundancy payment with no retirement benefits	None
Voluntary redundancy with ARB	Redundancy payment with actuarially reduced retirement benefits	55 year + to 60 (or 65*) years only (or the retirement age as amended by the latest relevant regulations)
Voluntary redundancy with age retirement	Redundancy payment with age retirement benefits	60 (or 65*) years + only (or the retirement age as amended by the latest relevant regulations)
Reduction in hours	If achievable through agreement between school and employee(s), a reduction in hours of one or more posts can achieve the required savings. This may include part-time	None

	working and job share arrangements.	
Reduction in hours with flexible retirement	Flexible retirement benefits may be accessible for an employee taking a reduction in hours	55 years + only
Premature retirement**	Release of accrued benefits without actuarial reduction	55 years + to 60 (or 65*) years only (or the retirement age as amended by the latest relevant regulations)

- Notes: Retirement options are only available if scheme membership exists and age and service criteria are met.
- \* Age limit depends on date of entry to the scheme as age retirement date can be either 60 or 65 (or the retirement age as amended by the latest relevant Government and Pension regulations).
  - \*\* Premature retirement is only supported by St John the Baptist Catholic Multi Academy Trust in very exceptional circumstances and availability as an option would need to be established before employees are advised. St John the Baptist Catholic Multi Academy Trust can grant early retirement but this comes with a long-term financial commitment on the particular school's budget.

## 5.2.2 Support staff

Option	Elements	Age limits
Redeployment	This may involve a trial period to ensure the appointment is suitable from perspective of both the employee and the receiving school	None
Secondment	This may allow a temporary solution to a problem or could allow effective management of an anticipated temporary reduction in staffing requirements	None
Leave of absence	In some situations, approving a request for extended leave of absence may allow effective management of an anticipated temporary reduction in staffing requirements.	None
Voluntary redundancy	Redundancy payment with no retirement benefits	Under 55 years (or over 55 years if not LGPS member or insufficient service to qualify)*
Voluntary redundancy with early retirement	Redundancy payment with release of accrued retirement benefits	55 years + (If LGPS member with qualifying service)*
Reduction in hours. This may include part-time working and job share arrangements.	If achievable through agreement between school and employee(s), a reduction in hours of one or more posts can achieve the required savings.	None
	Flexible retirement benefits may be accessible for an employee taking a reduction in hours	55 years + (If qualifying service requirement met)

\* Note - Qualifying service for LGPS is two years.

- 5.3 In the case of staff with an interest in a voluntary option it will be essential to provide them with the information necessary to enable them to make an informed decision. A request for this information *does not* commit the member of staff to proceed with such an option and such requests will not be taken into consideration should it become necessary to move towards a selection for compulsory redundancy.
- 5.4 Employees considering voluntary options should be encouraged to take advice from their trade union or professional association.
- 5.5 Where a particular school considers there to be a business case for the redundancy of an employee, consideration should be given to appropriate on-the-job training to assist with their effective redeployment. All relevant information regarding terms of redeployment, assistance and facilities to help schools accept a redeployee and to encourage volunteers for redeployment are contained in the *Staffing Adjustment Scheme for Schools* at Appendix A.
- 5.6 When faced with probable staffing adjustments, employees in the affected group should be asked without obligation if any are interested in any of the available voluntary options. This process should be part a policy of transparency regarding staffing issues.
- 5.7 St John the Baptist Catholic Multi Academy Trust will consider whether the departure of one individual would provide the opportunity for relevant staff development.
- 5.8 A school without an immediate need to lose one or more members of staff may still be prepared to ask for volunteers for voluntary redundancy in order that a vacancy may be created into which may be redeployed a teacher from another school where failing rolls require reductions in staffing and whose skills portfolio may be of benefit to the school seeking volunteers.

#### ***Funding premature retirement***

- 5.9 The authority to decide whether to award a premature retirement to teaching staff lies with St John the Baptist Catholic Multi Academy Trust (as the 'Deciding Authority'). St John the Baptist Catholic Multi Academy Trust has taken the policy decision to generally not support early retirement for teaching staff, even in a compulsory redundancy situation. Local governing bodies should ensure they are clear about the long term cost implications of awarding premature retirement. It is likely that schools with financial difficulties requiring staffing reductions will not feel it is justifiable to commit funds to a discretionary premature retirement. But it is an option for them if a volunteer exists (or if an eligible teacher is compulsorily selected).
- 5.10 Support staff in schools, who are members of the Local Government Pension Scheme, aged 55 years or more, with more than 2 years membership of the scheme, who are made redundant will receive their pension and lump sum. If such release of pension benefits is premature and there is a cost attached, St John the Baptist Catholic Multi Academy Trust may support the school with central funding of the early retirement (and redundancy) costs. An application for support with costs

of the early retirement would need to be submitted to the Chief Executive Officer of the MAT.

- 5.11 Following the abolition of the Default Retirement Age of 65 in April 2011 the initiative for retirement, at whatever age, must come from the employee. It is no longer possible to force the retirement of any employee regardless of their age.
- 5.3 More information on voluntary options is given in the *Staffing Adjustment Scheme for Schools* at Appendix A.

## **6. Consultation**

- 6.1 If St John the Baptist Catholic Multi Academy Trust's planning processes lead to a determination that staffing adjustments are required, then information on the reasons for reductions, the proposals for change and timescale must be shared with affected staff and recognised trade unions.
- 6.2 Some legal requirements associated with redundancy consultation are dependent upon the number of posts it is proposed to make redundant. If the proposal is to make in excess of 20 employees redundant from one establishment within a 90 day period then it is mandatory for the employer to consult both the affected employees and the representatives of any recognised trade union or any other employee representatives who may be elected for the purposes of the redundancy exercise in question. It would be exceptional for such significant numbers to be dismissed on grounds of redundancy in a school situation (other than on the closure of a school) but St John the Baptist Catholic Multi Academy Trust, Headteachers and Local Governors ought to be aware of the particular considerations that apply. However, it is good practice to follow these full consultation procedures where fewer than 20 staff are involved. Consequently, the procedures set out in this document cover the situation of at least 20 redundancies in a school even though it is likely that there will be fewer than this number.
- 6.3 St John the Baptist Catholic Multi Academy Trust, Headteachers and Local Governors should be aware that consultation with affected staff is a legal requirement in all cases of staffing adjustment where a redundancy dismissal may result. The proactive inclusion of trade unions in consultation relating to redundancy involving fewer than 20 posts reflects good employer practice and goes a considerable way to avoid problems later in the process.
- 6.4 Consultation with affected staff and their recognised professional associations/trade unions 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, restructure of a group of support staff, etc) and local governing bodies are advised to carry this out. See 7.20 to 7.23 for more information.
- 6.5 The purpose of consulting is to make the affected employee group and their recognised trade unions/professional associations aware of the problem, providing information to help them understand why change needs to happen, to share St John the Baptist Catholic Multi Academy Trust's proposals for solving the problem, to consider any alternative proposals for resolving the problem, to clarify any uncertainties and to reply fully to any written responses to the consultation.

Although St John the Baptist Catholic Multi Academy Trust would think carefully about their proposed means of solving the problem, potentially better solutions or reasonable 'tweaks' 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 in the process that could cause delay or distress to individuals who find themselves selected for redundancy.

- 6.6 Formal consultation with the County/Branch Secretaries of the recognised professional associations and trade unions for the affected group(s) of employee should take place if no clear, early solution to the problem (i.e. avoiding the need for 'forced' changes) can be identified.
- 6.7 Normally, formal consultation and the search for voluntary solutions will take place concurrently. However, in some cases it may be possible to identify voluntary solutions very early, avoiding the need for a formal process to take place. Examples of this (not exhaustive) might include an approach from an employee to reduce their hours, an employee who indicates they do not wish to return to work following a period of maternity leave, a decision by an employee to resign or retire.
- 6.8 Statute determines the type of information that needs to be provided by the employer through consultation. The MAT's preferred HR provider will provide support to ensure that this information is correctly shared with staff and unions / professional associations involved.
- 6.9 Previously with the Local Authorities it was agreed with County/Branch Secretaries that consultation can take place via e-mail rather than on paper, and it is the intention that this continues for the SJB CMAT. If it is not possible for a school to send documents via e-mail, then consultation by letter is acceptable.
- 6.10 In order that consultation with the affected staff group and their recognised trade unions 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 timescale for the completion of the consultation period. A period of four clear term-time weeks is deemed reasonable.

### ***Failure to consult properly***

- 6.9 A failure to consult with employees in the affected group, particularly any individual who is subsequently selected for redundancy, will likely render the selection unfair even if consultation with trade unions has taken place.
- 6.10 With a view to seeking agreement, the Board of Directors of St John the Baptist Catholic Multi Academy Trust must consider any formal representations made by the trade unions, reply to those and, if any are rejected, give reasons for rejecting them. Trade unions and employees may complain to an Employment Tribunal about any breach of these requirements and an Employment Tribunal can require the whole process to stop until the omission has been corrected.

## **7. Selection**

- 7.1 The primary criterion recommended by St John the Baptist Catholic Multi Academy Trust is that employees should be selected for compulsory redundancy only after all temporary/fixed term contracts (of less than one year and without previous continuous service by the redundancy date) have already been terminated in the areas affected. Guidance as to what constitutes a temporary or fixed term contract may be obtained from the MAT's preferred HR Provider. Before any decision is taken to end the contract as part of a redundancy process, advice should be taken from the MAT's preferred HR Provider advising the school on the adjustment.
- 7.2 If the problem is not resolvable through ending of short-term temporary or fixed term contracts and no suitable volunteer appears, St John the Baptist Catholic Multi Academy Trust will need to move to identify the at risk group(s) and begin consultation on a process of selection for compulsory redundancy (unless changes other than redundancy are proposed – see 7.20 to 7.23 below).

### ***Selection criteria***

- 7.2 It is for St John the Baptist Catholic Multi Academy Trust to determine the criteria that will be used to select an individual (or a number of individuals) from a wider 'at risk' group.
- 7.2.1 Where selection of an individual or number of individuals needs to be made from an 'at risk' group, criteria for selection need to be drafted and consulted on prior to any selection process beginning.
- The MAT's preferred HR Provider will provide a model skills audit for teachers in primary phase schools which is appropriate to the selection of a teacher (or number of teachers) from the wider group of 'at risk' teachers. This includes the general requirements of class teaching (specific to the Key Stages), subject leadership and management roles.
  - A secondary version of the skills audit for teachers is appropriate for use in a High School setting where reductions need to be made from specific subject/curriculum areas.
  - Model skills audits for selection of a teaching assistant from the wider teaching assistant group are also available. These are based on model job descriptions for different levels of teaching assistant post but scores can be adjusted to reflect priorities for the school and identified future needs (individual schools may use teaching assistants in different ways thus affecting the relative importance of the different criteria). Any consultation would need to include the proposed criteria and scoring mechanism.
  - In other circumstances, for example where the administrative function of a high school is being restructured to make efficiency savings, it may be more appropriate to design a new structure with draft new job descriptions with the proposal for selection put forward for consultation being the appointment of existing staff to that new structure. At the end of the appointment process, an individual(s) not appointed to a post will be selected for redundancy. Appointment to the structure could be through a variety of means depending on the comparison between old and new roles (duties and grades). It could involve slotting in (where the grade is the same or lower and the duties are 50% or more unchanged – unless more people would have slotting in rights than there are appropriate posts in the new structure), prior consideration (where a post has 50% or more duties the same but the grade is higher) or competitive interview (for posts that attract no slotting in or prior consideration). Sufficient detail would

need to be covered in the consultation document that individuals can understand their position.

7.2.2 In those cases where the 'at risk' group consists of only one employee, or the number of posts to be removed equals or is more than the number of individuals in the 'at risk' group, the proposal will normally be made through consultation 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.

7.3 The proposed selection criteria will, prior to consultation, be shared with the preferred HR Provider supporting the school so that advice can be given on whether any selection arising out of application of the criteria is likely to be 'fair' within the requirements of employment legislation.

#### ***Selection criteria not identifying an individual***

7.4 In some cases, the application of the chosen criteria does not achieve a clear selection. It may be that application of the criteria results in two individuals being more at risk but they cannot be separated. Where this happens, it would be appropriate for selection to be made between those two individuals on the basis of cost (i.e. the costs of redundancy are kept to a minimum).

#### ***Unfair Selection for Redundancy***

7.5 It is automatically unfair to select an employee for redundancy on grounds of:

- trade union membership or activity
- pregnancy, childbirth or maternity
- ordinary, compulsory or additional maternity leave
- ordinary or additional adoption leave
- parental leave
- ordinary or additional paternity leave,

This does not mean it is unfair to select for redundancy an employee who falls under one of these criteria, but that the reason for selection must not be the stated criteria (e.g. the individual hasn't been selected because they are on maternity leave).

7.6 Any other redundancy dismissal may be unfair if it is not achieved through proper application of a fair procedure – for example, if the selection criteria are deemed to be unfair or if they are misapplied.

7.7 It would be unfair to select an employee for redundancy on grounds of protected characteristics (including age, gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, pregnancy or marital status).

#### ***Provisional selection***

7.8 Successful application of the criteria will result in a 'provisional selection' for redundancy.

7.9 Once an individual has been provisionally selected for redundancy then s/he should be informed. The individual will need to be informed that a redundancy selection meeting or hearing will be held at which s/he has a right to be accompanied by a trade union representative or work colleague. The decision taken by the Directors of St John the Baptist Catholic Multi Academy Trust at the planning stage will determine whether this will be a *meeting* will be with the Headteacher or with the Headteacher and a Local Governor, or a *hearing* with a panel of Local Governors. The employee must be informed that they will have the right to make representations at that meeting which will be given proper consideration before a decision about redundancy dismissal is taken.

***Redundancy selection meeting or hearing***

7.10 Arrangements will need to be made to ensure appropriate individuals can be present for the redundancy selection meeting or hearing.

7.11 The MAT Preferred HR Provider will assist with the planning and organisation of the meeting.

7.12 The provisionally selected individual should be asked who they wish to be supported by at the meeting or hearing so they can be approached about their availability.

7.13 Once a suitable date has been identified, a formal call-up letter must be issued to the provisionally selected individual providing the following:-

- who will hear the case;
- date, time and place of the hearing;
- a reference to any key documents that may form part of the hearing. 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 hearing.

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

7.15 Where the individual has provided details of their trade union representative or work colleague who will attend the meeting or hearing with them, a full set of documents must also be issued to that representative or colleague at least five days in advance of the meeting or hearing taking place.

7.16 Where the matter is to be heard by a panel of Directors or Local Governors, or by the Headteacher and Local Governors together, a full set of documents must be issued to the Directors / Governors along with relevant advice from the MAT’s preferred HR provider.

7.17 A full set of documents must also be issued to the CEO (where appropriate) and the relevant Unions at least five days in advance.

***Procedure at a redundancy selection meeting or hearing***

- 7.18 Redundancy selection meetings and hearings should be conducted in accordance with the relevant procedure:-
- Where St John the Baptist Catholic Multi Academy Trust has delegated dismissal to the Headteacher, or to the Headteacher and LGB, the *Procedure at a Redundancy Meeting* should be followed.
  - Where St John the Baptist Catholic Multi Academy Trust has not delegated dismissal (for example if the post of CEO were to be under consideration for redundancy), the matter will be heard by a Directors' Committee and the *Procedure at a Redundancy Selection or Redundancy Appeals Hearing* will be followed.
- 7.19 When considering the possibility of dismissal arising out of a staffing adjustment, Local Governing Bodies and Headteachers must be aware that if the employee concerned subsequently claims unfair dismissal at the Employment Tribunal, both the Local Governing Body and MAT Directors would be the respondent to the case. If a compensation award were made by an Employment Tribunal in a case where the MAT Directors had advised against dismissal, or advice had not been sought by a Local Governing Body or was sought but not followed, then the MAT might choose to charge all or part of the costs to the school's budget share.

### ***Reduction in hours***

- 7.20 Following the precedent set in case law ***Packham Lucas Associate v Fauchon UKEAT/0017/12*** it is viewed that a substantial reduction in hours is likely to constitute redundancy if agreement for adjusted hours cannot be reached. Any dismissal linked to a reduction in hours, therefore, should involve a redundancy payment (subject to qualifying service) where an offer of re-engagement on reduced hours is not accepted.
- 7.21 Where there is a need to reduce hours, please see the following options:-
1. If the employee's contract contains a specific clause that allows for variation of hours, it may be possible to achieve the required change without the need for a formal staffing adjustment process. Where the required changes go beyond any stated limits for variation in the contract (or contracts), however, a formal consultation will be required unless changes can be achieved by mutual consent;
  2. If agreement can be reached between the Headteacher and an employee (or employees) to vary the contract by mutual consent, the Headteacher can go ahead and make the change(s) without the need for a full staffing adjustment process;.
  3. If there is no agreement to vary the hours of the contract by mutual consent and no clause in contracts of employment to all variation of hours, a staffing adjustment process will be required. This process will need to involve normal consultation on proposed changes including how individuals will be selected. Any employee (of employees) selected for a reduction in hours should have the option of accepting the reduction in hours by agreement otherwise the appropriate means of achieving the change will be to dismiss on grounds of redundancy and to offer re-engagement on the new hours. A

redundancy payment is then payable if the alternative employment (i.e. the reduced hours contract) is not accepted.

- 7.22 Care should be taken to avoid discrimination against part-time employees when exploring reductions in hours as this may result in an indirect sex discrimination claim being brought against the school.

### ***Removing Teaching and Learning Responsibility Payments***

- 7.23 Where a post with a Teaching and Learning Responsibility Payment (TLRP) is being removed from the structure and replaced with a lower TLRP or a post with no TLRP, there must be a clear reduction in the responsibilities attached to the post.
- 7.24 It is essential to ensure that the requirements of the School Teachers Pay & Conditions Document relating to the removal of a TLRP's are met.
- 7.25 The nature and extent of consultation required under the staffing adjustment policy will be affected by the amount of change involved in the wider school structure.

## **8. Dismissal**

- 8.1 Dismissal decisions must be confirmed in writing through an outcome statement to the employee within five working days of the Redundancy Selection Meeting or Hearing taking place. Along with the outcome statement, information about the appeals process must be issued to the employee and the employee must be informed that St John the Baptist Catholic Multi Academy Trust will write to them separately giving formal notice of dismissal (subject to any appeal), along with information about the appeals process, redundancy payment (and any other entitlements) and the search for redeployment.
- 8.2 The Preferred HR Consultant providing advice to the Redundancy Selection Committee (or to the Headteacher or Headteacher and a Governor where the authority to dismiss has been delegated) will assist in the process of drafting the outcome statement.

### ***Notice***

- 8.6 Any employee dismissed on grounds of redundancy is entitled to the period of notice provided by his/her contract or current employment legislation, whichever is the greater.

## **9. Appeal**

- 9.1 An employee who wants to appeal against redundancy dismissal should inform the Headteacher and Local Governing Body, or the CEO as appropriate within five working days of receiving the decision in writing. The employee must state the grounds for the appeal.
- 9.2 The purpose of an appeal is:

- to review the decision taken by the St John the Baptist Catholic Multi Academy Trust;
  - to consider whether the procedure has been followed correctly.
- 9.3 An appeal could be held as a re-hearing of the case or as a more focused review of particular elements of the process, depending on the nature of the appeal.
- 9.4 The employee will be given at least five days notice of the appeal hearing and will be given the following information in a letter:
- who will hear the appeal,
  - date, time and place of the appeal hearing,
  - a reference to any key documents that may form part of the hearing and, if appropriate, copies of these,
  - the right of the employee to be accompanied by a companion,
  - a statement that the employee must take all reasonable steps to attend the meeting,
  - a statement of the possible outcomes of the hearing.
- 9.5 An appeal against redundancy dismissal will be heard by a panel of three Directors (if Directors or the CEO has previously heard the case) or by a panel of three Local Governors (if the Headteacher or Local Governors have previously heard the case) who have not previously been involved in the case. The appeal will normally take place within six working weeks of the appeal request being received by the Headteacher or CEO.
- 9.6 At an appeal hearing against dismissal, a representative of the MAT's preferred HR Provider must be present to advise the Directors' or Local Governors Panel.
- 9.7 The 'Procedure at a Redundancy Meeting' will be followed for those appeals that are considered appropriate for a re-hearing of the case. Where an appeal is entered focusing on specific elements of the process, an alternative procedure may be determined by the Appeals Panel.
- 9.8 The Headteacher/Chair of Directors' or Local Governors' Panel will present the case at any appeal against a disciplinary decision.
- 9.9 The Chair of the Appeals Panel must confirm the decision of the Appeals Panel in writing to the employee within five days.

## **10. Subsequent obligations**

### ***Search for redeployment***

- 10.1 Any employee selected for redundancy must be offered support in the search for alternative employment. If alternative employment arises at the employing school, consideration must be given to the redundant employee before any other recruitment exercise begins. Vacant posts must not be advertised until such time as it is determined with the employee that the post is not suitable alternative employment for them or that they do not possess appropriate skills, qualifications or knowledge to be appointed to the post.

- 10.2 If an employee's post becomes redundant while she is on maternity leave, she must be offered any suitable alternative post which is available in the school even if this would mean recruiting a temporary replacement to that alternative post until her return from maternity leave.
- 10.3 The search for redeployment will continue until either suitable alternative employment is found or the notice period expires, whichever comes first.
- 10.4 In appropriate circumstances and in order to allow further time to achieve redeployment, St John the Baptist Catholic Multi Academy Trust may defer the redundancy by a term, in agreement with the school and the individual.

***Time off during the period of notice to seek alternative employment***

- 10.5 While an employee is under notice of dismissal on grounds of redundancy, s/he is entitled to reasonable time off with pay for job hunting, interviews, etc and for arranging further training, etc. 'Reasonable' in this situation would mean allowing time off for all interviews that may lead to the individual securing alternative employment unless a high number of interviews causes difficulties for the school in providing a good level of education for pupils. Failure to allow this can be challenged before an Employment Tribunal; in this case the respondent would be St John the Baptist Catholic Multi Academy Trust. Nevertheless Local Governing Bodies and the MAT would no doubt want to give maximum assistance to an employee in such circumstances.

***Trial periods***

- 10.6 If a suitable alternative job is offered within the St John the Baptist Catholic Multi Academy Trust an employee is entitled to a four week trial period (in line with common law trial period) and may then decline it as unsuitable without necessarily losing entitlement to redundancy pay. In a school setting, however, where redeployment is to another school, a similar trial period will also be agreed although trial periods for teachers are likely to be a term in length so that if the trial period fails, employment can end at the end of the notional term as required by teacher notice provisions. Such arrangements help the employee and the prospective new employer assess whether the redeployee is suited to the alternative role but without necessarily removing the employee's entitlement to redundancy pay should the role prove to not be suitable.
- 10.7 In the event that an employee leaves the employment following the trial period, redundancy will only be withheld if the employee is deemed to have unreasonably refused suitable alternative employment. The employer needs to demonstrate that the employment was suitable and that the refusal by the employee was unreasonable (see 10.11)

***Leaving before the end of the notice period***

- 10.8 Consideration must be given to any requests received from employees to leave before their notice period expires where alternative employment is found that has a start date before the planned redundancy date. Normally such requests would be accommodated unless the early departure of the individual is likely to have a significant detrimental effect on the work of the school, particularly the care and education of pupils.

### ***Salary safeguarding***

- 10.9 Employees who are successful in finding alternative employment may be eligible for salary safeguarding if their new post attracts a lower salary than their redundant post did. For teachers, this would be determined in accordance with the School Teachers Pay and Conditions Document. For support staff, safeguarding will be considered in line with the *Staffing Adjustment Scheme for Schools* (Appendix A)

### ***Excess travel support***

- 10.10 Employees who are successfully redeployed may be eligible for excess travel support. See Appendix A (para 3) for more information.

### ***Refusal by an employee to accept suitable alternative employment***

- 10.11 An employee who declines a reasonable offer of suitable alternative employment without good cause may forfeit the entitlement to redundancy pay. It is normal practice for the MAT to pay redundancy based on actual weekly earnings rather than applying the statutory maximum weekly pay. As an alternative to paying no redundancy in these circumstances, St John the Baptist Catholic Multi Academy Trust may decide that where an employee refuses to take available suitable alternative employment, redundancy pay will be calculated by applying the statutory maximum weekly pay (where this is less than actual weekly pay).

## **11. Implementation**

- 11.1 Once the dismissal and appeal process is concluded and appropriate notice issued to the employee, it is essential that the MAT's preferred HR provider is informed so the following arrangements can be made:-

- Employment terminated (including closing payroll records, issuing P45, etc)
- Redundancy payment can be paid where appropriate;
- Where the employee is a member of a pension scheme, that scheme can be informed of the ending of the employment;
- Where pension benefits are payable, appropriate documentation can be processed.

- 11.2 Notification to the HR Provider may be arranged through the Employee Relations Consultant who has supported the school with the adjustment.

### ***Redundancy Pay***

- 11.3 Members of staff with more than two years' continuous service are entitled to a redundancy payment on dismissal for redundancy, except for a number of excluded categories .
- 11.4 Payments are calculated on the number of years' continuous employment. For school employees who have continuous employment with a number of different local authorities and certain other bodies such as a Foundation school, all service is counted for this purpose although special calculation arrangements may apply for employees with multiple employment (see *guidance on continuous service for*

*employees with multiple employment*). Each completed year of service, up to a maximum of 20, after the age of 18 counts for payment on the following scale:-

from age 41, but under 65:	1.5 weeks' pay
from age 22, but under 41:	1.0 week's pay
from age 18, but under 22:	0.5 week's pay

- 11.5 St John the Baptist Catholic Multi Academy Trust has discretion to determine that a week's actual pay for redundancy pay calculation purposes shall be used rather than the statutory formula for a week's pay which often has a maximum lower than actual earnings (particularly for teaching staff). St John the Baptist Catholic Multi Academy Trust's practice is to pay redundancy using actual weekly pay other than in exceptional circumstances (see note on refusal of suitable alternative employment).
- 11.6 Redundancy pay is free of deductions but HMRC regulations as changed from time to time need to be carefully considered.
- 11.7 Redundant employees will be entitled to redundancy pay provided they meet length of service criteria and have not found alternative employment covered by the Redundancy Payments (Continuity of Employment in Local Government, etc.) (Modification) Order 1999 - known as the Modification Order. All employees must sign a Modification Order form to confirm they do not have alternative employment, with another Modification Order Body, to go to that begins within four weeks of their current employment ending. The requirement for the employer to withhold redundancy pay if an employee obtains alternative employment only applies if there has been an offer of employment to begin within 28 days of the termination of contract and the offer is made before the termination of contract.

### ***Redundancy and maternity pay***

- 11.8 Special arrangements apply for employees who are made redundant while on maternity leave. Guidance should be sought from the MAT's preferred HR provider advising the school to ensure the employee is aware of her options and entitlements.
- 11.9 Where an employee on maternity leave is unable to return to work (for all or part of the 13 week return to work period) because she has been dismissed for redundancy, her entitlement to receive full occupational maternity pay would not be removed. The employee would receive her entitlement to occupational maternity leave in full in these circumstances. The only exception to this rule would be any case where the employee indicated at the outset that she did not intend to return to work following her maternity leave period.

## Appendix A – Staffing Adjustment Scheme for Schools

### 1. Purpose and scope

1.1 This document sets out the ways in which St John the Baptist Catholic Multi Academy Trust will support schools and school employees where staffing adjustments are required because:

- i) there is a need for the school to reduce the numbers of employees employed in the school or in a particular part of it;
- ii) a school is closing or reorganising as a result of a decision taken by St John the Baptist Catholic Multi Academy Trust.

1.2 In each of these situations, the methods available to schools and St John the Baptist Catholic Multi Academy Trust to achieve the required adjustments are:-

**Redeployment** – where an employee moves from a post in one school to a similar post in another school

**Stepping down** – where an employee moves from a post at a higher responsibility level to one at a lower level of responsibility

**Redundancy** – where a post is removed from the structure and an employee's employment ends as a result

**Early retirement** – where an employee is given access to their pension benefits before normal retirement age (i.e. the age at which they could normally take their pension without penalty)

**Reductions in hours** – where an employee remains in their post but the weekly hours are reduced

Other opportunities may allow a school to avoid or delay redundancy decisions. For example, the secondment of a permanent employee may allow the school to make savings over a period of time during which natural turnover may occur to avoid a compulsory redundancy having to take place.

In some situations, the options summarised above may be combined.

1.3 St John the Baptist Catholic Multi Academy Trust has a clear policy of avoiding compulsory redundancy wherever possible and therefore expects schools to use redeployment and stepping down as the main ways of dealing with a need to reduce or adjust staffing.

1.4 This scheme applies to both teaching and non-teaching employees in schools.

### 2. Roles and responsibilities

2.1 The Directors of St John the Baptist Catholic Multi Academy Trust are responsible for all staffing adjustment decisions affecting the MAT's schools.

2.2 St John the Baptist Catholic Multi Academy Trust will meet the central costs arising from those decisions provided that:-

- They are consistent with this scheme;
- The MAT Directors have been consulted and are in agreement with the decisions
- The school is deemed to require staffing adjustments in order to secure its budget position (through the RAG rating process outlined in the policy and procedure document, a school needs to be rated Red at the time of the adjustment for funding support to be available)

In all other cases, the costs will be charged to the school's budget.

2.3 Support is available to schools through traded service arrangements, particularly through:-

**The MAT's preferred HR provider** – who can assist in the whole staffing adjustment process through to redundancy dismissal (if unavoidable) and provide advice on related management issues, employment law, HR procedures and interpretation of this scheme.

2.4 Schools will need to be clear about their financial position (and RAG rating) and take advice on staffing adjustment processes before putting forward proposals for staffing adjustments through formal consultation.

### 3. Staffing adjustment methods

#### 3.1 Redeployment

3.1.1 Redeployment is St John the Baptist Catholic Multi Academy Trust's preferred method of solving staffing adjustment situations.

3.1.2 Where redeployment is proposed, St John the Baptist Catholic Multi Academy Trust will determine the level of support it can provide. This must be agreed with headteachers and local governors in advance of decisions being made.

3.1.3 Where financial support is agreed, it may consist of one or more of the following:-

i) *support to a school appointing a redeployee*

- a payment of up to £1,000 (for non-teaching staff) or £5,000 (for teachers) for justifiable reasons such as INSET, curriculum development and additional resources
- reimbursement of up to 50% of any additional cost of a teacher redeployee's starting salary for two years, calculated by the difference between salary point M1 and their normal starting salary (but not exceeding point M6)
- reimbursement of part or all of salary compensation costs for non-teaching staff or salary safeguarding for teaching staff.

ii) *support to an employee being redeployed*

- protection of salary where redeployment is to a lower graded post. For teaching staff salary safeguarding will be in line with the School Teachers' Pay and Conditions Document provisions. For non-teaching staff, salary compensation will be in line with the provisions of the MAT's redeployment policy (currently 18 months of compensation based on the difference in pay between new salary and old but capped at two grades difference or 20% of the old salary, whichever is lower.)
- a recruitment payment for one year (for teachers) of up to £1,000
- excess travelling allowances

3.1.4 It may be agreed that a trial period is appropriate to assess the suitability of the role for the employee and the employee to the role. In these cases, a trial period for a teacher will be one term and for non-teaching staff will be negotiable (but no less than four weeks and no longer than one term).

3.1.5 Any agreement on a trial period will need to make clear the obligations on the local governing bodies of the schools involved should the trial period prove unsuccessful.

3.1.6 Where redeployment is a voluntary option, it would not normally involve a trial period. Where an employee who has been selected for compulsory redundancy has found a redeployment opportunity and a trial period is agreed, it will need to be clear for that employee what their position will be should the trial period prove unsuccessful. Normally in such circumstances, a further search for redeployment will be appropriate before redundancy benefits are released.

### 3.2 Stepping down

It may be possible for an employee in a senior position to step down into a lower paid post (vacancy) to avoid a redundancy. In such cases the employee will need to take advice on the impact of such a change on their pension. If the stepping down is to avoid redundancy, salary protection or compensation (as outlined above) will still apply.

### 3.3 Redundancy

3.3.1 Whether paid as a voluntary option or as a result of compulsory redundancy selection and dismissal, redundancy is normally paid in line with St John the Baptist Catholic Multi Academy Trust's staffing adjustment policy. This means the statutory redundancy calculator is used taking into account the employee's actual week's pay (i.e. not capped at the statutory maximum weekly pay).

3.3.2 Should an employee who has been selected for compulsory redundancy refuse to cooperate with a search for alternative employment, it may be deemed appropriate to either cap weekly pay at the statutory maximum when calculating redundancy or to not pay any redundancy.

- 3.3.3 Redundancy payments can only be released to an employee if the requirements of the Redundancy Payments Modification Order are met. The employee will be asked to sign a Redundancy Payment Form to confirm their entitlement.

### 3.4 Early retirement

- 3.4.1 *Teachers* - Premature retirement (i.e. where an employee is given access to their pension benefits before normal retirement age but without penalty) is not available for members of the Teachers' Pension Scheme other than in very exceptional circumstances. Normally, redundancy alone will not trigger approval for premature retirement. Some retirement options remain available for teachers aged 55 years and over including Actuarially Reduced Benefits, Flexible Retirement and Age Retirement. More information on these options can be found on the Teachers' Pensions website.
- 3.4.2 *Non-teaching staff* – Early retirement (i.e. early release of accrued benefits without penalty) is an entitlement for members of the Local Government Pension Scheme aged 55 years and over with more than 2 years membership of the scheme, if they take early retirement as a result of voluntary or compulsory redundancy. In these cases, retirement benefits would be released in addition to redundancy pay.

### 3.5 Reductions in hours

- 3.5.1 Reductions in hours can arise either from proposals from the governing body to reduce the number of hours per week allocated to particular roles, or through employees offering reductions in hours as a means of avoiding whole post reductions.
- 3.5.2 Where reductions in hours are agreed between the school and the employee, the contract of employment and salary will be adjusted accordingly. No compensation is payable.
- 3.5.3 Where a school seeks to reduce the working hours of a particular post but the employee does not agree, dismissal on grounds of redundancy with an offer of re-engagement on the new (reduced working hours) terms of employment. If the employee accepts the offer of re-engagement, no compensation is payable. If the employee refuses the offer of re-engagement redundancy is payable when the employment ends. Notice, in accordance with the employee's contract, will need to be given.

## 4. **Compulsory redundancy**

- 4.1 In situations where voluntary measures have failed, employees will only be selected after all temporary/fixed term contracts (for genuine temporary reasons unless the employee is protected in law from being pre-selected) have been terminated in the affected areas. Appropriate selection methods as outlined in the Staffing Adjustment Policy and Procedure will be used.
- 4.2 If the application of primary selection criteria does not achieve a selection, then cost of redundancy arrangements will be used to finalise selection.

## **5. Internal restructuring**

The costs of staffing adjustments arising from internal restructuring to achieve objectives regarded as worthwhile by the school but which do not meet the criteria for MAT central financial support, will need to be met by the school.