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Academies Trust

# Managing Change Procedure

## Policy details

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## 1. Introduction

1.1 The purpose of this procedure is to set out the process which will be followed in the event that:

- the current staffing structure within an academy, or the central/hub team, no longer meets the needs of our Trust, or
- where a reorganisation of work will result in significant changes to job roles.

Please speak to your Regional HR Manager if you have any questions as to whether or not this procedure applies in a particular situation.

1.2 The procedure has been produced in consultation with our recognised Trade Unions through the JCNC, and has been drafted to meet the requirements for consultation as set out in employment law.

1.3 This procedure applies to all colleagues employed directly by Co-op Academies Trust ("our Trust"). It does not form part of any colleague's contract of employment and it may be reviewed and amended from time to time following consultation with the recognised Trade Unions.

1.4 For the purposes of this procedure, references to "Headteacher" include Executive Headteacher/Head of School/Headteacher, depending on the circumstances of the academy concerned. Regional Directors will approve change procedures impacting colleagues below Headteacher level in their academies, and which will be led by the relevant Headteacher. Regional Directors must be fully involved in any procedures regarding Deputy Heads/Vice Principals.

1.5 The Trust CEO will approve change procedures impacting Headteachers, and changes impacting the central/hub team, which will be led by the relevant Trust SLT member (or their designate). Changes impacting multiple academies will be subject to approval of the Audit and Risk Committee of our Trust Board.

1.6 This procedure does not cover circumstances, which may occasionally arise, where a "protected conversation" may take place between our Trust and a colleague (who may be accompanied by their union representative or a work colleague) – which may be initiated by either party – about an agreed exit from our employment.

1.7 This Procedure will be applied with due consideration to our Trust's Equality, Diversity and Inclusion Policy and our co-operative values.

1.8 This procedure should be read in conjunction with the [Trust's Salary Protection and Redundancy Policy](#).

1.9 The application of this procedure will be overseen by a member of the Trust's Central Senior Leadership Team (SLT). In the case of academy-based processes this will be the relevant Regional Director. Any concerns about the operation of the process can be raised with the relevant SLT member at any stage during the process.

## 2. Principles

2.1 The staffing structure within each academy and the Central Team should be reviewed on an annual basis to ensure that it meets the needs of the Trust. From time to time, we will have to implement changes to the staffing structure to ensure it best meets the needs of the Trust / curriculum and academy community. As a responsible employer we wish to maintain the security of employment of colleagues as far as is reasonably practicable. However, there are times when it may be necessary to make changes to respond to changes within the curriculum and the changing needs of the Trust, of pupils, a fall or increase in pupil numbers, budgetary reasons, growth of our Trust, or other reasons leading to a reorganisation or closure of an academy.

2.2 To this end, the general principles embodied in this procedure are;

- where a restructure is being considered, clear terms of reference must be established, setting out why the restructure is taking place, what will change, who will be affected and when
- colleagues, and their trade union representatives, should be consulted collectively and individually in a meaningful and timely manner on changes that may affect their role
- the interests of colleagues in the Central Team / at the academy should be safeguarded as far as is reasonably practicable
- compulsory redundancies are kept to a minimum and avoided where possible by ensuring all other alternatives are considered, including redeployment to other academies within our Trust
- to support a search for alternative employment for all potentially compulsorily redundant colleagues
- action taken has regard to the policies adopted by our Trust and relevant employment legislation including Employment Protection and the Equality Act
- to maintain confidentiality relating to individuals affected by the changes
- to communicate effectively and sensitively with and provide support to colleagues.

2.3 It is recognised that restructuring is potentially unsettling for colleagues and the aim should be to complete the process sensitively, whilst allowing for sufficient time for meaningful consultation that is genuine, fair and consistent.

2.4 Where colleagues are subject to the protections of TUPE, it should be noted that assimilation or selection to a new post could result in the loss of TUPE protection.

2.5 Colleagues have the right to be accompanied by a trade union representative or work colleague at all stages of the process.

2.6 Any exit payments (including actuarial strain costs) must be approved at the appropriate level of authority in line with the Financial Regulations at an early stage of the process.

### 3. Restructuring Process

#### 3.1 Overview of the restructuring process

The timescales and detailed process for a restructure will vary depending on the size and complexity of the changes, but the following overview process will apply. This should be read in conjunction with the detailed information provided in the rest of this policy.

Write business case / change proposal, including equality impact assessment - seeking advice from Regional HR Manager  
Discuss with Regional Director / relevant Trust SLT member for central team roles, and seek their approval of the proposed new structure.  
Inform Chief People Officer of any changes that may lead to redundancies (this also applies to changes involving TUPE out of our Trust)

Approval 'in principle' of possible exit payments which exceed contractual notice in line with Finance Regulations



Initial communication to open consultation with trade unions, and then with colleagues. Provide all relevant documentation and a proposed timeline for the process. Issue s.188 formal notification if more than 20 colleagues involved, and potential redundancies. For consultation timescales, see section 4.1.2



Feedback / suggestions will be considered by the relevant managers, and trade union colleagues updated prior to the final staffing structure being issued to colleagues



Hold one-to-one consultation meetings



Matching and/or selection process (as appropriate) to place colleagues into the new structure and identify those who may be made redundant.



Issue notice of redundancy if applicable  
Appeals process (if required)



Implementation  
Issue confirmation letters, including any salary protection / safeguarding arrangements  
For academy-based posts, inform the Academy Community Council of the revised academy staffing structure

### 3.2 Proposing staffing changes

3.2.1 When a Headteacher or manager is considering a restructure, they should:

- discuss their ideas with their Senior Leadership Team or central SLT link in the first instance, if appropriate to do so
- obtain early support and advice from their Regional HR Manager and Regional Finance Director
- discuss their intentions with their Regional Director/SLT member, as they will be required to approve the proposals prior to opening consultation
- inform the Chief People Officer of the potential for any redundancies at the outset of the process.

3.2.2 The Headteacher/manager should draft a business case proposal document which must include the rationale for the change, the timescales anticipated, costs / savings, an equality impact assessment, and any other relevant information using the template provided. The proposal document should also be used for consultation purposes.

3.2.3 Where it is proposed that new support staff roles are created, or roles significantly changed, as part of the restructure a job evaluation process should be completed to assess the pay / grading prior to the consultation process opening.

3.2.4 Minimum consultation periods are set out in section 4.1.2

3.2.5 The Regional Director/relevant SLT member must approve the business case proposal in principle before the Headteacher proceeds with the restructure:

3.2.6 Approval in principle does not constitute final approval; rather it empowers the Headteacher/manager to proceed with finalising the business case proposal document to commence formal consultation with colleagues and trade unions.

3.2.7 Under our Trust's Scheme of Delegation and Finance Regulations, exit payments (including redundancy payments and actuarial strain costs) must be approved by members of our Trust SLT and/or Trust Board (depending on the costs involved). "In principle" approval of costs should be sought at an early stage, making clear that the changes are subject to consultation. The Restructure Costs Approval Form should be used.

### 3.3 The business case for the proposed new staff structure

The Headteacher should provide the following information in their business case:

#### 3.3.1 Identification of a need for change

This may include but is not limited to:

- Complexity of structures requiring multidisciplinary roles (support staff)
- To respond to statutory changes or nationally driven changes
- Restructure of the Senior Leadership Team (SLT) to refocus academy priorities
- Curriculum change is wanted and evidence of why this is needed
- A fall, or increase, in pupil numbers
- Budgetary reasons, with supporting budgetary projections and the past two years' budget information for comparison (including cost comparison of existing and proposed staffing structures, and an indication of where any savings will go)
- Flexibility according to the needs and priorities of the Central Team / academy identified from Academy Development Plan / Trust strategic plan
- Other reasons leading to a reorganisation or closure of an academy, or significant changes to the central/hub team.

#### 3.3.2 Aims and Objectives of the new structure.

What is the aim of the restructure? What is it expected to achieve (e.g. increased flexibility/cover, redirection of Teaching and Learning, refocus of resources, budget savings)?

### 3.3.3 Justification of the need for a restructure.

Show that consideration has been given to the implications of the restructure (including any potential compulsory redundancies) and proposals for dealing with future service requirements.

### 3.3.4 Alternatives considered to avoid potential redundancies

For example:

- Offer suitable alternative employment where a vacancy exists within the academy or redeployment elsewhere in our Trust
- Restrict recruitment in areas where suitable alternative jobs may exist
- Restrict or reduce the services of sub-contractors or agency workers in areas where suitable alternative jobs could exist
- Natural wastage
- Ending short term contracts
- Explore the opportunities for retraining and redeployment to other jobs within our Trust
- Take into account individuals' preferences where possible, such as requests to reduce hours of work, or a transfer to a different job, flexible working / job share
- Allowing secondments out of the academy/Central Team, or career breaks
- Consider requests for voluntary redundancy / early retirement (subject to pension scheme) / bumped redundancies before compulsory redundancies (this could be across neighbouring Trust academies, if applicable and appropriate)
- Reduction in non-staff purchasing / spending.

### 3.3.5 Staffing Implications

When a restructure is proposed, the full implications of the changes for all colleagues as a consequence of this decision should be considered. The business case proposal document should provide a detailed explanation as to which colleagues/pools of colleagues are affected and details of any alternatives available to them e.g. reduction in hours, alternative available posts.

### 3.3.6 Equality Impact Assessment

An equality impact assessment must be completed in relation to the proposed changes; this is part of the business case template, and support with completing this is available from your Regional HR Manager. The Trust will ensure that all

aspects of the restructure / redundancy procedure are monitored and controlled to comply with the Equality Act (2010) and our Public Sector Equality Duty.

### 3.3.7 Implementation/Selection details

- Details of the selection process to be used, including any assimilation process (see section 5.1). Where known, this should also include key dates in the selection process e.g. anticipated interview dates
- The planned implementation date for the changes
- To whom responses should be given during the consultation, and how this should be done (usually in writing or by email to the Headteacher/manager)

### 3.3.8 Additional Information

In addition to the fully completed business case proposal document the following information should also be provided:

- The current staffing structure (the structure should be presented diagrammatically and include details such as TLR payments etc.)
- The proposed staffing structure
- Draft Job Descriptions/Person Specifications for newly created or alternative roles
- Budget / financial information (e.g. accounts / forecast)

## 3.4 Further considerations

### 3.4.1 Absence due to Pregnancy, Maternity, Adoption or Shared Parental leave

In establishing criteria which may lead to the compulsory displacement of colleagues

Regional HR Manager advice must be sought prior to finalising staffing proposals when a colleague has notified the Headteacher that they are pregnant, or will be absent on maternity/adoption or shared parental leave. This is to ensure that the Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024 are followed. These regulations extend the period of special protection from redundancy, with effect from 06 April 2024, for the entire pregnancy and for 18 months from birth / placement for adoption (provided the parent has taken at least six consecutive weeks of shared parental leave). Relevant colleagues have a priority right to be offered a suitable alternative vacancy without having to undergo a competitive selection process.

### 3.4.2 Colleagues with a disability

If colleagues with a disability are amongst the affected colleagues, HR advice should be sought at an early stage to help ensure compliance with the Equality Act.

Reasonable adjustments will be considered for disabled colleagues in the event of a changed role.

### 3.4.3 Trade Union representatives

If the proposed structure indicates that there is a possibility that one or more academy representatives may be displaced, the Headteacher should first consult the Branch / Regional Official of the union(s) concerned.

## 4. Consultation

Once the Regional Director has approved the proposed staffing structure in principle and our Trust SLT / Trust Board has approved any potential exit payments, the Headteacher/manager should begin consultation with trade unions, and colleagues. At this stage, the proposal should be shared with colleagues and trade unions and feedback and suggestions requested.

### 4.1 Timescales

There is a legal requirement for employers to consult on changes that affect colleagues in their workplace.

4.1.1 The process will depend upon the number of affected colleagues, and will be followed by a contractual notice period. For changes involving colleagues who only work during term time, school closure periods will be excluded from the number of days set out below. A draft timetable should be included in the business case/proposal document.

- Generally speaking, whether or not a restructure involves redundancies, the consultation process will be 30 calendar days. This is to ensure that the consultation is meaningful, that everyone has the opportunity to express views on the proposed changes, discuss alternative solutions, share concerns and explore options and that sufficient time is given to consider and manage the proposed changes.
- However, where less than 20 colleagues are affected, the consultation process may be closed earlier than 30 days by mutual agreement, in order to minimise disruption and enable the academy to meet changing needs more rapidly.
- Where more than 99 colleagues are affected, a minimum consultation period of 45 calendar days applies.

- Where 20 or more colleagues are involved and there is a possibility of redundancies, a s.188 formal notification of potential redundancies must also be issued. Please ensure that your Regional HR Manager is involved.

## 4.2 Starting the consultation process

Following Regional Director approval of the restructure proposal, consultation will commence with trade unions and colleagues at the earliest opportunity. During the consultation period, all colleagues and trade unions have the opportunity to make comments, suggest changes to the structure, and ask questions regarding the proposals and to make representation regarding their preferred roles in the new structure (if applicable).

A record should be kept by the Headteacher/manager of all communications throughout the consultation period.

### 4.2.1 Trade Union consultation

Consultation on changes involving restructures and redundancies will be with local officers of the academy concerned. Trust JCNC representatives from the relevant trade unions should also be notified.

Consultation on significant restructures involving multiple academies or central/hub colleagues will be with relevant members of our Trust's JCNC in the first instance.

It is usual practice to hold a confidential consultation meeting with trade union representatives prior to opening consultation with colleagues. Trade union representatives must be issued with the proposal document and supporting information (see 3.3), prior to the colleague briefing. This is usually done via email in advance of a meeting, but this may be done in a meeting immediately prior to the colleague briefing at the Headteacher's/manager's discretion. If communication is via email, trade union representatives may request a meeting with the Headteacher/manager within 5 working days of the consultation opening.

### 4.2.2 Colleague consultation

All colleagues in the academy/Central Team must be given access to the business case proposal document, and affected colleagues should be provided with an individual copy.

Those directly affected will have the proposal and the implications explained to them at the start of the process; this will normally take place after trade unions have been informed. How the meeting operates is at the discretion of the Headteacher/manager.

Depending on circumstances, the Headteacher/manager may choose to brief colleagues who are directly affected by the proposals first (this is advisable if only a small number of people are directly impacted), and then communicate the proposed changes more widely. Or they may decide that it is appropriate to hold a full colleague meeting at the outset.

The purpose of these meetings is to give the Headteacher/manager an opportunity to outline the proposed restructure and explain why a change of structure is needed. It is important that all colleagues are aware of the potential changes and reasons for them, and can contribute to the potential solution if appropriate.

All relevant colleagues will be made aware of the proposals through appropriate staff briefings, with full details of the proposed changes, the dates that the consultation period will run from and to, along with the dates of future colleague meetings regarding the restructure and, where appropriate, giving details of how colleagues can provisionally volunteer for redundancy.

Colleagues should also be reminded about the contact details for the Employee Assistance Programme.

#### 4.2.3 Absent colleagues

Wherever possible, impacted colleagues who are absent from work, due to ill health, maternity or any other type of leave, or who have not attended the consultation meeting for any other reason, should be spoken to personally as soon as possible to explain the situation. The Headteacher/manager must send copies of the restructure proposal to them detailing how they can comment on the proposals (by email with receipt confirmed, or by registered post). This should be done within 3 working days of the consultation meeting. Communication and contact with these colleagues must be maintained throughout the process to ensure that they are kept informed and not disadvantaged.

#### 4.2.4 Feedback and suggestions

The Headteacher/manager will explain how they wish to receive feedback and suggestions on the proposed structure during the consultation period. This will usually be in writing, with receipt of any comments also acknowledged in writing and given full consideration by the Headteacher/manager. The Headteacher/manager may, where necessary, wish to discuss suggestions with the colleague.

At the meeting the Headteacher/manager may request that colleagues (if appropriate) use the consultation period to consider their preferred role in the

proposed structure (which is subject to change during the consultation period), or request a one-to-one meeting to discuss their options and aspirations.

#### 4.2.5 One-to-one meetings

It is good practice to offer the opportunity for a one-to-one meeting with all colleagues impacted by a restructure to discuss their options/aspirations.

Where there is a potential for compulsory redundancies, during the consultation period the Headteacher/manager must offer a one to one meeting with affected colleagues.

Where compulsory redundancies are probable, a Regional HR Manager may also be present at any consultation meetings and one-to-one meetings, and colleagues can be accompanied by their trade union representative, or a work colleague, should they wish.

### 4.3 Voluntary redundancy

Where compulsory redundancies are proposed during consultation, wherever possible colleagues should be offered the opportunity to express an interest in voluntary redundancy. If appropriate, the opportunity to make expressions of interest in voluntary redundancy may be extended outside the group of affected colleagues ('redundancy bumping').

#### 4.3.1 Expressions of interest

By expressing an interest in voluntary redundancy, there is no obligation for either party to progress. Following such a request, Finance will obtain redundancy/retirement estimates for colleagues to inform their decision on progressing the application. If a colleague makes the decision to progress their application, they should do so in writing to the Headteacher/manager no later than the end of the consultation period.

Where a colleague is considering this option, it is recommended that independent advice is sought from an appropriate advice body e.g. Citizens Advice Bureau, Local Government Pension Scheme, Teachers Pension Scheme, [MoneyHelper](#).

#### 4.3.2 Considering Applications

Applications will be considered by the Headteacher/manager, who will take into consideration the academy's needs and priorities, including the cost of any redundancy including actuarial strain costs. If a choice needs to be made between multiple applications, advice must be sought from the Regional HR Manager.

4.3.3 The Regional Director/relevant SLT member should approve any voluntary redundancies before these are confirmed.

#### 4.4 After consultation has closed - continuing communication

4.4.1 At the end of the consultation period the Headteacher/manager will meet with the Regional Director/SLT member to discuss any feedback and any changes they propose to make as a result of the consultation. Representations from colleagues and/or trade union representatives may be put in writing directly to the Regional Director/SLT member via the Regional HR Manager. Whilst it would not be usual practice for colleagues to make such representations in person, there may be some situations where this would be the most appropriate course of action. In light of any feedback, the Headteacher/manager and Regional Director/SLT Member will be required to reconsider the structure prior to final approval of the proposed structure.

4.4.2 Following the approval of the final proposed structure, the Headteacher/manager will arrange to update colleagues and trade unions on any changes that have been made to the original proposals, to distribute the final structure, confirm who is directly affected, and state the implementation date. This will include, where appropriate clarity on the position regarding compulsory redundancies and/or details of how the selection process will operate.

4.4.3 Methods of communication to update colleagues and trade unions regarding the progress of the restructure implementation may include, but are not limited to, email, updates on the colleague notice board, personalised letters, full colleague meetings, group meetings and/or one to one meetings for colleagues' directly affected.

## 5. Implementation

Following the consultation period, the recruitment and selection process may commence.

### 5.1 Making appointments to the new structure

The proposed approach to staffing the new structure must be set out in the business case document, and included in the consultation process set out above. The approach chosen will depend on the circumstances of the changes proposed, and further details of methods available to the Headteacher/manager when staffing the structure are set out below. These methods are not applicable in every situation, but outline optional methods that may be included in the proposed approach which is consulted on.

By way of a guide:

- If role(s) still exist in the new structure, are substantially similar, and there are the same number of people as posts - assimilate (see 5.1.1)
- If role(s) are changing more significantly, but there are enough suitable alternative posts for everyone - 'ring fence' (pool) and seek expressions of interest (see 5.1.2), then either match to new roles based on expressions of interest, or carry out either a competitive process (see 5.1.3) or paper based scoring (see 5.1.4) to decide appointments
- If there are more people than posts available in the new structure, 'ring fence' (pool) those at risk of redundancy for the remaining roles, then carry out either a competitive process (see 5.1.3) or paper based scoring (see 5.1.4). This process may include asking for expressions of interest in available posts and/or voluntary redundancy.

#### 5.1.1 Assimilation into new or existing posts

Where there are posts in the structure that have not been affected or are subject to only minor change, colleagues already holding those posts will be assimilated into the relevant roles in the new structure. This will occur when a comparison of job descriptions / person specifications shows that the posts are substantially similar or the same (as a 'rule of thumb', 80% or more remains the same), and the same number of posts will exist. Under these circumstances no selection process will be required.

#### 5.1.2 Ring fencing (pooling) /expressions of interest

Ring fencing (sometimes known as 'pooling') occurs when a colleague's current role is similar to a newly created role, but not the same and/or where there is a reduction in the number of roles. The process offers priority consideration to existing colleagues for new posts in the structure. This can often involve more than one colleague being ring fenced for one post on the new structure.

Where a post is considered a 'suitable alternative' as it is comparable to the colleague's current post in job purpose, accountabilities, hours of work, work location, pay and conditions, etc., the colleague can be ring fenced for selection. The Headteacher will create a proposed list of colleagues and posts in this situation.

#### Where there are enough vacant posts to place everyone in the pool:

Ring fenced colleagues may be asked to express an interest in the post(s) they wish to be considered for. The Headteacher/manager will ask the colleague to submit a summary of their current skills and experience and how these could be applied to the new post (see Annex 2). In some circumstances this can mean that one colleague may show an interest in more than one post, depending on their experience and the variation of the new post(s) to their current post.

The Headteacher/manager will consider all colleagues in the ring fenced pool who express an interest for a particular role against the requirements for the new post(s). Individual discussions may take place with colleagues at this point to talk about their preference/s and explore the colleagues suitability to undertake the new role(s). In the interest of avoiding compulsory redundancies, the amount of training required to ensure the colleague reaches the required standard will be considered. The Headteacher/manager, will make appointment decisions based on the information gathered. If more than one colleague is being considered for a particular post, the decision-making process must be fair and transparent, with due consideration given to the Equality Act. In this situation a competitive selection process (see 5.1.3) or paper based scoring approach (see 5.1.4) may be adopted.

#### Where there is a reduction in the number of posts

Ring fenced colleagues will be asked to participate in either a competitive selection process (see 5.1.3) or paper based scoring approach (see 5.1.4), and decisions on appointments and selection for redundancy will be made on this basis. The first part of this process may involve making an expression of interest for available posts.

#### 5.1.3 Competitive selection process

Depending on the circumstances and role(s) involved, a competitive selection process may be used to ascertain which colleague is the most suitable to fill a new role, taking into consideration the skills, knowledge and experience required.

The selection method, including the criteria to be used for selection, will be consulted on with trade unions during the consultation period.

Selection methods vary but an example could include one or more of the following:

- an expression of interest form (see Annex 2)
- a formal interview with the Headteacher and/or other senior managers *[e.g. series of questions focused on establishing clarity around any additional information in relation to the Job Description and Person Specification.]*
- a work based exercise appropriate to the role *[e.g. class observation of short mathematical input to Year 2/3 children, scoring will focus on: High expectations, Strong subject knowledge, Clarity of Instruction and concepts, Positive class management, Purposeful planning and organisation].*

#### 5.1.4 Paper based scoring

The Headteacher/manager may set out a paper based selection process. This is often used where the job content is remaining the same, but the number of posts is reducing. The proposed criteria and how they will be applied should be clearly set out in the consultation document. They must be objective, transparent, measurable,

relevant, fair and non-discriminatory, and should be consistently applied. Further guidance / example scoring form is given at Annex 3.

Generally speaking, it is expected that the criteria will relate to the skills, qualifications or experience required for the new role(s) and with reference to the academy development plan. The skills audit completed by individual colleagues will provide the evidence to match against this.

This might include:

- qualifications (if applicable) - fully, part or not qualified
- skills / competence - relative to the requirements of the academy going forward
- experience - breadth & depth relevant to the role
- work performance (as documented in previous performance management reviews or ongoing capability procedures)
- [Colleague Behaviour Framework](#)

Other factors which may be taken in to consideration in some circumstances include:

- live disciplinary warnings
- absence management processes (all absences related to pregnancy or disability or related to any other protected characteristic under the Equality Act 2010 should be discounted)
- Length of continuous service (as a “tie-breaker” should two individuals score equally in a selection process)

HR advice must be sought if consideration is being given to including any of these last three criteria, as there is a risk that they may infringe the provisions of the Equality Act in relation to gender, age, disability or ethnicity.

## 5.2 Colleague absence during implementation

Colleagues who are absent during the implementation stages of the restructure will be treated fairly and equitably in relation to opportunities to express their interest and undergo the selection process etc. Headteachers are encouraged to seek HR advice in this respect.

## 5.3 Communicating the outcome

Successful candidates will receive a letter confirming their new post, and any salary safeguarding arrangements (see Trust’s [Salary Protection and Redundancy Payments Policy](#)) no later than five working days following the assimilation or selection process. Likely timescales may be advised at interview.

In the case of academy-based changes, the Headteacher should inform their Academy Community Council of the revised staffing structure, and any changes of personnel that they will need to be aware of.

## 6. Displaced colleagues

The Headteacher/manager will arrange to meet with colleagues who are not successful in securing a post in the new structure. Reasonable notice of the meeting should be given, and colleagues given the opportunity to be accompanied by their Trade Union representative. This will occur no later than 5 working days after the selection process is concluded. A letter confirming their dismissal will also be given to the colleague at the meeting. The letter will include details of how the redundancy payment (where applicable) will be calculated in accordance with our Trust's Salary Protection and Redundancy Payments Policy. Colleagues should also be informed about the Redundancy Payments (Local Government) Modification Order rule about subsequent employment.

Where vacancies still remain in the new structure and where the colleague has the appropriate skills, the Headteacher/manager should consider any displaced colleagues for these posts. This may involve the colleague being interviewed for the post.

Should other vacancies at the academy (or central team, for central posts) arise during the notice period the Headteacher/manager should make the colleague aware of these, and retain written evidence of having done so.

### 6.1 Redeployment to other Trust academies

Our Trust, as a single employer, wishes to avoid compulsory redundancies and where there are colleagues at risk of redundancy the Headteacher/manager will therefore:

- make enquiries to establish whether there are roles available in other Trust academies or central team which may be considered "suitable alternative employment" (this would be on a case-by-case basis considering the location and nature of the role, and the colleague's personal circumstance), and
- consider any requests for redeployment to other Trust academies made by colleagues at risk of compulsory redundancy.

All vacancies are advertised on our Trust's website at <https://www.coopacademies.co.uk/vacancies/> and colleagues at risk of redundancy are strongly encouraged to review this site regularly and to alert their Headteacher/manager to any roles they wish to be considered for at the earliest opportunity.

Colleagues at risk of redundancy will be considered for advertised roles ahead of any other applicants, and will be appointed subject to suitability. Payment of reasonable redeployment costs (e.g. towards the cost of moving house and/or additional travelling costs for a period of time) will be considered.

### 6.2 Support available

Colleagues who are compulsorily redundant will be entitled to reasonable time off work with pay to attend interviews for other jobs and may be offered assistance from the academy in their search for alternative employment.

They may also be given up to 3 days' paid special leave to attend relevant retraining activities, if attendance at these cannot be accommodated outside usual working hours.

It is recognised that this may be a difficult time for colleagues, and Headteachers/managers should "sign- post" to the Employee Assistance Programme and/or other relevant agencies.

### 6.3 Notice arrangements

Following Regional Director/SLT Member approval of the final structure, appointments into it, and the identification of any compulsory redundancies, the Headteacher/manager will issue the appropriate notice to those colleagues who are selected for compulsory redundancy. The letter will contain details of the estimated redundancy payment and how the colleague can appeal the decision to make them redundant.

The notice period will be as set out in the individual's contract of employment, and in line with statutory notice periods up to a maximum of twelve weeks.

Colleagues will be asked to complete a declaration form in relation to the Redundancy Payments (Local Government) Modification Order, see Annex 4.

### 6.4 Right of Appeal

Colleagues who are selected for compulsory redundancy have the right of appeal against the decision. This should be made in writing to the Regional HR Manager within five working days of the notice being issued, outlining the grounds of appeal.

The appeal will be heard by a panel of three members of the Resolutions Team who have not previously been involved in the redundancy process. If members of the Trust's SLT are involved, the panel will be three members of the Trust Board.

The appeal will be held as soon as possible and normally no later than 20 working days after receipt of the appeal letter. The colleague will be notified of the date and time of the hearing and their right to be accompanied by either a trade union representative or work colleague.

At the appeal hearing the colleague will be able to explain further why they are appealing. The Headteacher will normally attend to explain their decision. HR may attend to provide procedural advice.

Where appropriate the appeal hearing may be adjourned for further investigation. The results of the investigation should be shared before the reconvened hearing.

The colleague will be informed of the appeal decision in writing, normally within 5 working days of the appeal hearing or the reconvened appeal hearing where there has been an adjournment. The decision of the appeal hearing is final.

An order of proceedings for an appeal hearing is at Annex 1.

## 7. Suitable alternative posts

Where a member of support staff has been served with notice of compulsory redundancy and then accepts a suitable alternative post, in accepting the new post the colleague does so on the terms and conditions for that post and will no longer be entitled to a redundancy payment. In these circumstances salary protection (see Trust's [Salary Protection and Redundancy Pay Policy](#)) will be offered up to a maximum cost equivalent to the redundancy payment which would otherwise have been paid.

### 7.1 Trial period

For colleagues who are subject to compulsory redundancy, if there is a mutually agreed suitable alternative available, there will be a trial period of four working weeks.

The aim of the trial period is to allow both parties an opportunity to decide whether the colleague is suitable for the role. It enables an assessment to be made on whether the colleague has the required skills, with training, to do the new job. Appropriate support and training will be discussed and offered to assist the colleague in being successful in the role within the four week trial.

A trial period will apply where there is a difference in the skills required to carry out the new role and the colleague's previous role.

The Headteacher/manager will write to the colleague detailing the terms and length of the trial and what will happen at the end of the trial if it is successful or unsuccessful.

### 7.2 Successful completion of the trial period

The Headteacher/manager will write to the colleague to confirm them in the post, and where appropriate a variation of contract of employment will be sent to the colleague.

### 7.3 Unsuccessful completion of the trial period

In exceptional circumstances and by mutual agreement only, the trial period can be extended for up to eight working weeks. Where this is agreed the Headteacher/manager will write to the colleague to confirm the extension and the new date for review.

Where an extension is not agreed and the trial is unsuccessful the Headteacher/manager will write to the colleague to confirm that they retain their entitlement to redundancy pay and the date their employment will come to an end on the grounds of redundancy, with the same right of appeal (see 6.4).

## **8. Review of the structure**

The Headteacher/manager should review the operation of the new structure no later than one year after its implementation to ensure it meets the needs and objectives of the academy. Trade union colleagues should be invited to participate in this review.

## **9. Review of this procedure**

This Procedure will be reviewed to respond to any changes in employment legislation, and in any event at least every three years, in consultation with our recognised trade unions.

## Annex 1 - Order of proceedings for Appeal Hearing

This should be read in conjunction with section 6.4 of the Managing Change Procedure. This document is intended as a guide. In certain circumstances all parties may agree to a slightly different order at the start of the Hearing.

Usual attendees:

- Appeal panel (members of the Resolutions Team)
- Member of staff who is appealing the decision
- Trade Union representative or work colleague who is supporting the staff member
- Headteacher/Manager
- Regional HR Manager(s)
- Notetaker

### 1. Introduction

- The Chair will introduce those present, and explain why they are there. Someone who is not involved should be appointed to take notes on the proceedings. A representative from HR may attend to give procedural advice.
- Explain the purpose of the meeting i.e. in line with our Trust's Managing Change Procedure, to understand as fully as possible the facts of the appeal, and to consider whether the decision to dismiss by way of redundancy should be upheld or not
- Explain how the meeting will be conducted

### 2. Statement of the appeal

- The colleague will state precisely what the grounds for appeal are, and present the evidence in support of this.
- The appeal panel may ask questions to clarify the facts / issues and check that what has been said is understood
- Keep the approach formal and polite, and encourage the participants to speak freely; it should be a two-way process

### 3. Decision maker's reply

- The Headteacher/manager making the original decision will be given the opportunity to respond. They may ask the Regional HR Manager supporting the change process, to contribute to making their response.
- The appeal panel may ask questions to clarify the facts / issues and check that what has been said is understood
- Keep the approach formal and polite, and encourage the participants to speak freely; it should be a two-way process

### 4. Final questioning

- The panel may ask further questions of either the appellant or original decision maker to establish all the facts, clarify the issues, and check that what has been said is understood.
- If new facts emerge or there is a dispute over facts, it may be necessary to adjourn the hearing to investigate. The hearing will be reconvened at a time agreeable to both parties. Further investigations will be shared with all parties prior to reconvening.

#### 5. Summing up

- Chair asks the original decision maker to sum up
- Chair asks the colleague to sum up

#### 6. Adjournment before decision

- Adjourn so the panel can reflect and consider their decision
- The appeal panel may confirm or overturn the decision to dismiss by way of redundancy, or may recommend some alternative action

#### 7. Giving the decision

- Unless a mutual agreement has been reached otherwise, the meeting will be reconvened and the colleague be informed of the outcome of the appeal hearing
- The decision will be communicated in writing within 5 working days
- The decision of the appeal hearing is final

## Annex 2 - Expression of Interest Form

Your Name:	
Role you are expressing an interest in:	<input type="checkbox"/> Job title <input type="checkbox"/> Job title <input type="checkbox"/> Job title
With reference to the job description & person specification, please explain how your qualifications, skills, knowledge and experience make you a good match for this role:	
Please use this space to add any other information you consider to be relevant:	
Signed:	
Date:	

## Annex 3 - Redundancy selection criteria

This guidance must be read in conjunction with section 5 of this procedure.

The selection method adopted must be consulted on with staff and trade union representatives.

The wide range of roles and situations within our Trust means that there needs to be some flexibility of approach when deciding which colleague(s) will be appointed to roles in a new structure and which colleague(s) will be made redundant. However, it is also important that there is fairness and consistency of approach wherever possible.

Academies and Central Team managers are expected to work within this framework.

### Introduction

The intention is that the Headteacher/manager will go through the example factors listed and consider which are appropriate to include, and what weight should be attached to them. They should also consider whether any other factors should be included - this may be the case, in particular, for leadership or central/hub roles.

In any particular case some of the factors named maybe unimportant; and others may be unhelpful in the sense that they do not assist a decision (e.g. the Science Department has to lose a teacher; the choice lies between A and B, who both have second class degrees in Science and post-graduate teaching certificates; the "formal qualifications" factor is therefore "unhelpful" in making a choice).

The Headteacher/manager should also consider:

- how the information will be gathered. For example, if a paper-based scoring process will be used or whether a competitive selection process would be more appropriate for assessing some or all of the criteria
- how the results will be scored (example is included below)

Criteria should be as 'objective' and 'measurable' as possible. This means it should be fair, be based on facts that can be measured and not be affected by personal opinions.

### Example selection criteria

Ref	Area	Notes / example scoring
1	Qualifications relevant to the job <i>Listed as essential in the job description</i>	Fully qualified = 5 Part qualified = 3 Not qualified = 0

2	<p>Skills / competence in relation to the role profile</p> <p>It is recommended that these are broken down into a number of sub-areas, each scored separately (see job description)</p> <p><i>Allocation of scores should reflect the range of skills that the individual has which are relevant to the job.</i></p>	<p>Displays full range of skills and competencies that meet or exceed the requirements for the role and supports others on a regular basis = 5</p> <p>Displays a good range of skill and competencies required for the post = 4</p> <p>Displays the required skills in most aspects of the role but there are identifiable gaps and requires some supervision = 3</p> <p>Displays some competence but requires regular supervision and guidance = 2</p> <p>Has insufficient skills to operate effectively without close support and supervision = 1</p>
3	<p>Depth and breadth of experience in relation to the role and continuing needs of the organisation</p>	<p>Broad and varied experience highly relevant to the role = 5</p> <p>Has a good range of experience gained in relevant settings required for the post = 4</p> <p>Has some good experience but there are identifiable gaps in experience = 3</p> <p>Has limited previous experience in relation to the role = 2</p> <p>Has no previous experience of the job role = 1</p>
4	<p>Work performance</p> <p><i>This should only be used as a criterion if targets/objectives have been set for employees concerned and performance assessments have been made. If targets or objectives have not been set then this criterion should not be used.</i></p>	<p>Consistently meets and exceeds performances targets/objectives = 5</p> <p>Meets performance targets/objectives some of the time = 3</p> <p>Concerns regarding performance / informal support plan or formal capability = 0</p>
5	<p><a href="#">Colleague Behaviour Framework</a></p>	<p>Role models the behaviours set out in the Colleague Behaviour Framework and supports others to develop these = 5</p> <p>Displays the behaviours set out in the Colleague Behaviour Framework = 4</p> <p>Displays most of the behaviours set out in the Colleague Behaviour Framework, but there are one or two areas still being developed = 3</p>

		<p>Displays some the behaviours set out in the Colleague Behaviour Framework, but requires guidance and support to continue developing = 2</p> <p>Does not display the majority of the behaviours set out in the Colleague Behaviour Framework = 1</p>
	The criteria below should only be used with advice from a Regional HR Manager	
6	<p>Attendance record</p> <p><i>All absences related to pregnancy or disability or related to any other protected characteristic under the Equality Act 2010, and Covid-19 will be discounted.</i></p>	<p>Good attendance record = 5</p> <p>Average attendance record (relative to the whole academy) = 3</p> <p>Poor attendance record (relative to the whole academy) = 0</p>
7	<p>Disciplinary record</p> <p>This means formal disciplinary action (that has not been 'spent')</p>	<p>No record of disciplinary action = 5</p> <p>Note of Caution = 3</p> <p>First written warning = 2</p> <p>Final written warning = 1</p>
8	Length of service	<p>This criterion will only be used in a tie break situation where following scoring of other criteria, two or more colleagues are scored equally. The start date will not be the start date with our Trust but will be the start of continuous employment. The colleague(s) with the shortest employment will be selected for redundancy.</p>

## Annex 4 - Redundancy Payments Compensation - Declaration Form

The Redundancy Payments (Local Government) Modification Order requires that continuous service within local government and with certain similar listed 'public' bodies has to be aggregated and treated as service with one employer. Therefore, an offer and acceptance of employment with any local authority or listed body shall, in certain circumstances, be treated as an offer of alternative employment which means that the Trust will not be liable to pay you a redundancy payment.

Consequently, your employment will be deemed continuous for the purposes of any redundancy payment and will pass to your new employer, if:-

- you receive an offer of employment with a local authority or listed body on or before your last day of service, which is subsequently accepted. (This is the date on which your employment ends; no account is taken of any period for which you receive payment in lieu of notice).

AND

- that employment is to commence within four weeks of your last day of service.

So that your eligibility can be confirmed, please complete the declaration form below. Redundancy payments cannot be made until the completed form has been received.

Your Name:	
Have you received any offer(s) of employment on or before your last day of service?	YES / NO
If YES, what is the name and address of the employer who made the offer?	
If the offer was accepted, what date is your new employment going to start?	
If the offer was refused, please give details of the employment offered and the reasons for refusal	
Signature	
Date:	

Please return completed form to: #