



# Thomas Bullock CE Primary Academy

## Staffing Adjustment Policy.

In the development of this policy consideration has been given to the impact on protected characteristics under the Equality Act and the work life balance of employees.

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| <b>Policy Type:</b>         | <b>Trust Core Policy</b>                 |
| <b>Approved By:</b>         | <b>Trust Board (Personnel Committee)</b> |
| <b>Approval Date:</b>       | <b>10/08/2020</b>                        |
| <b>Date Adopted by LGB:</b> | <b>19/10/2020</b>                        |
| <b>Review Date:</b>         | <b>June 2023</b>                         |
| <b>Person Responsible:</b>  | <b>Head of Operations</b>                |

## Summary of Changes

The model policy has been revised to reflect these changes to the statutory guidance as outlined below.

| <b>Page Ref.</b> | <b>Section</b> | <b>Amendment</b> | <b>Date of Change</b> |
|------------------|----------------|------------------|-----------------------|
|                  |                | New Policy       | June 2020             |
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## Roles and responsibilities

The Trust is accountable for all policies across its Academies. All policies whether relating to an individual academy or the whole Trust will be written and implemented in line with our ethos and values as articulated in our prospectus. We are committed to the provision of high-quality education in the context of the Christian values of service, thankfulness and humility where individuals are valued, aspirations are high, hope is nurtured, and talents released.

A Scheme of Delegation for each academy sets out the responsibilities of the Local Governing Body and Principal / Headteacher. The Principal / Headteacher of each academy are responsible for the implementation of all policies of the Academy Trust.

All employees of the Academy Trust are subject to the Trust's policies.

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## **General Statement**

To meet its objective of retaining employees, who provide quality services to the people of the Diocese of Norwich and ensuring trust funds are spent in the most appropriate way the Diocese of Norwich Education and Academies Trust hereafter referred to as the Trust uses this staffing adjustment policy in order to assist in the retention of employees through redeployment where they may be unable to continue in their current role for a variety of reasons and to reduce the costs of terminating employment by reason of redundancy.

The policy of the Trust where changes to the Trust's structure, or to the way work is organised, necessitate reductions in employee numbers is to avoid compulsory redundancy as far as possible. Every endeavour will be made to find alternatives including redeployment, voluntary redundancy or natural employee reduction through options like retirement in consultation with the employee and their representative

## **Equal Opportunities**

The Trust expects employees to adhere to this policy in line with the Trusts obligations under equality legislation. Managers must ensure that all reasonable adjustments or supportive measures are considered to allow equality of access and opportunity regardless of age, gender, ethnicity, sexual orientation, disability, faith or religion, gender identity, pregnancy or marital status.

## **Scope**

All employees of the Trust are covered by this agreement, except:

- employees who are on fixed-term or temporary contracts, and who have less than one year's total continuous service with the Diocese of Norwich Multi Academy Trusts however we would highlight appropriate vacancies within the Trust with a view to redeployment where possible.

## **1. Introduction**

The policy applies where changes to the Trusts structure, or to the way work is organised, necessitate reductions in employee numbers. The policy of the Trust in such circumstances is to avoid compulsory redundancy as far as possible.

This policy will not apply where the Transfer of Undertakings Regulations or statutory instruments relating to Local Government reorganisation apply.

## **2. Consultation**

2.1 The Trust will consult formally with recognised trade unions when staffing reductions are contemplated, and before such changes are implemented. The Trust will also consider whether employee meetings, newsletters and so on are appropriate. Where relevant there will be one to one meetings with affected employees and their representative.

2.2 This Policy sets out the general procedures to be followed in staffing adjustment situations. Their detailed application will depend upon the circumstances and will be decided in consultation with Trade Union Representatives.

## **3. Avoidance of Compulsory Redundancy**

3.1 The Trust will, where likely to help avoid compulsory redundancy:

- provide prior notification of vacancies to those groups of employees where reductions are envisaged
- consider reallocating work done as overtime, or work done by contractors or consultants
- seek volunteers for voluntary redundancy
- consider such other practical alternatives as circumstances allow

3.2 The above measures may not succeed in achieving the required reductions. In all cases where an individual employee has not been successful in being allocated to a post in the new structure or has otherwise been selected for redundancy from their existing post, redeployment to alternative work will be actively pursued.

3.3 Additionally, consideration will be given to applying redeployment prior to individuals being identified as without posts in the new structure. This is most likely to be appropriate in the case of large-scale restructuring or service closures. If this is envisaged it will be in consultation with Trade Union Representatives.

## **4. Voluntary Redundancy**

4.1 Whilst there is no obligation for the Trust to accept voluntary redundancy, in exercising its discretion whether or not to grant voluntary redundancy to help avoid compulsory redundancy, The Trust will take into account present and future operational needs, future skills requirements, and the potential costs associated with the redundancy.

4.2 Where selection is to be made between two or more volunteers, criteria will be decided in consultation with Trade Union Representatives. See Section 8 below for the procedure for termination of employment.

## **5. Redundancy Selection**

5.1 Where selection for redundancy is necessary, criteria and procedures will be decided in consultation with Trade Union Representatives.

Selection for redundancy:

- Will be in accordance with The Trust's Equal Opportunities Policy
- Will not discriminate on the grounds of union membership or activity.

5.2 See Section 8 below for the procedure for termination of employment on grounds of redundancy, including early retirement due to redundancy.

## **6. Redeployment**

6.1 Criteria for redeployment

- The Trust will actively seek solutions, including identifying alternative work opportunities and discussing them with employees, with a view to achieving redeployment if possible.
- flexibility is necessary on both sides to enable successful redeployment
- should an employee unreasonably turn down offers of suitable alternative work and consequently be made redundant, either before or after the 4 week trial period, and are consequently made redundant, they are likely to lose entitlement to some or all of any severance payment.
- redeployment to a suitable alternative role will be considered across the Trusts within the Diocese of Norwich. It is, however, the employing Trust that is classed as the employer and who will be formally seeking suitable alternative roles, that if refused by the employee may impact on the payment of redundancy pay.

## **7. Severance**

7.1 Employees who are to leave on the grounds of redundancy, including early retirement due to redundancy, may be offered:

- support, advice and counselling, including preparation for retirement or interviews if appropriate
- reasonable paid time off to search for work
- reasonable access to facilities such as telephone, word processor, photocopier and stationery without charge.

7.2 Only if there appears to be no realistic likelihood of successful redeployment, will release of severance benefits be considered. In normal circumstances all employees at risk of redundancy will be required to participate in the redeployment process, with the exception of large scale restructures, where the Trust may agree, in consultation with unions, that employees granted voluntary redundancy will experience no loss of severance benefits where it is agreed they need not participate in redeployment.

7.3 Redundancy when no alternative job offer has been made to the employee

Where an employee is made redundant due to service changes and no alternative job offer has been made, severance benefits will be based on the number of weeks in the Redundancy

Pay Table based on actual weekly earnings. Where full time weekly earnings are less than the statutory cap, employees will receive an amount equivalent to the statutory maximum weeks' pay, pro rata for part time staff. Alternative arrangements may be in place for those who fall under TUPE subject to the terms of the transfer.

#### 7.4 Redundancy following refusal of an offer of alternative employment

Where an employee:

- is offered reasonable alternative work within Diocese of Norwich Multi Academy Trust (using the criteria stated in the Appendix), and
- refuses the redeployment, and
- does not undertake the trial period as offered and
- is consequently dismissed by reason of redundancy,

severance benefits will vary according to the circumstances (as detailed in the appendix attached) and may result in no payment or be limited to the statutory number of weeks based on the statutory weekly earnings maximum.

7.5 All early retirements on the grounds of redundancy must be approved using the LGPS procedure (noting that early of pension on grounds of redundancy is not available for teaching staff).

### **8. Procedure for Termination of Employment**

8.1 Where termination of employment is likely, whether early retirement or redundancy, voluntary or otherwise, then the following procedure must be followed:

8.2 The manager must write to the employee to arrange to meet with them, giving 5 working day notice. The purpose of the meeting is to discuss the circumstances and any action taken to avoid termination of employment e.g. redeployment. The employee has the right to be accompanied at the meeting by a colleague or Trade Union representative

8.3 Following the meeting, the employee should be advised of the outcome in writing within 5 working days along with any appeal arrangements (see Section 9 below)

### **9. Appeal arrangements**

9.1 An employee who considers that they have been treated unfairly in a staffing adjustment situation should raise the matter with their line manager, they may also wish to consult with their Trade Union Representative (or staff representative). If the matter cannot be resolved satisfactorily, there is a right of appeal under Stage 2 of the Grievance Policy and Procedure, or in the case of a decision leading to dismissal, to a dismissal appeal panel (see Disciplinary Policy and Procedure for further information). The appeal must be raised in writing to the Trust HR Lead within 14 calendar days.

9.2 Reasonable adjustments will be made during all stages of the process where documentation is required in an accessible format, or support is needed in compiling the appeal (for example in instances where English is not the employee's first language, or they have a disability). This

should be discussed with the Trust HR Lead or Trade Union Representative in the first instance.

#### **10. Relationship with other policies**

This Staffing Adjustment Policy should be read in conjunction with other related policies and procedures that cover redeployment, pay protection and equality in the workplace including the Whole School Pay Policy, Continuous Professional Development Policy, Staff Induction Policy, Equality and Diversity Policy for Employees and Recruitment and Selection Policy. These can be found on the Trust website



Appendix 1 – Table outlining impact of refusal of alternative job offer on severance benefits

1. This table shows the severance benefits payable where an employee is dismissed by reason of redundancy, having refused an offer of alternative employment with the Trust. See paragraph 7.3 of the Staffing Adjustment Policy.
2. In comparing pay of the former Support staff post with that of the job offered, total pay will be taken into account, and related to the Trust’s standard grading structure to assess the extent of pay reduction between the two jobs. For those on teaching terms and conditions salary protection will be made in line with the School Teachers Pay and Conditions document.
3. The decision as to the reasonableness of a particular job offer, or of the employee's refusal, is a Trust decision, taking account of all the circumstances and of representations by the employee and their representative.

| Circumstances   | Severance benefits payable  |
|---|---|
| <p><b>A) Where the alternative job offer represents a nil or marginal pay reduction, and there are no other reasonable grounds for refusal.</b></p> <p>Definitions:</p> <p>In these circumstances, each case must be examined against the statutory tests of a "suitable" alternative job offer, and "unreasonable refusal" of that offer. The following are likely to be relevant considerations.</p> <ul style="list-style-type: none"> <li>• <b>A nil or marginal pay reduction.</b></li> </ul> <p>Generally, higher, the same, or only marginally less pay. Flexibility must be applied to ensure that each case is considered on its own merits and that account is taken of any factors which may compensate for pay reduction.</p> <ul style="list-style-type: none"> <li>• <b>No other reasonable grounds for refusal.</b></li> </ul> <p>Factors such as job content, location, loss of status or personal circumstances do not disadvantage the employee to more than a marginal extent.</p> | <p>Where the offer constitutes a "suitable" offer and it is "unreasonably" refused, no redundancy payment would be payable.</p> <p>Employees over 55 who are members of the Local Government Pension Scheme would still be entitled to release of pension benefits.</p> |
| <p><b>B) Where the alternative job offer represents a moderate pay reduction, or there are aspects of the job which would moderately disadvantage the employee, or the employee has refused the offer due to personal circumstances.</b></p>  | <p>Statutory redundancy payment, based on</p>   |

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| <p>Definitions:</p> <ul style="list-style-type: none"> <li>• <b>Moderate pay reduction.</b></li> </ul> <p>Generally, one grade below the employee's former pay. A lesser difference may constitute a moderate reduction, subject to flexibility being applied to ensure that each case is considered on its own merits and that account is taken of any factors which may compensate for pay reduction.</p> <ul style="list-style-type: none"> <li>• <b>Aspects of the job which would moderately disadvantage the employee.</b></li> </ul> <p>As per the factors described in C) below, but present to a lesser extent so that the disadvantage to the employee would be moderate rather than significant.</p> <ul style="list-style-type: none"> <li>• <b>Personal circumstances.</b></li> </ul> <p>These could be domestic commitments, carer responsibilities or the suitability of the workplace for the employee.</p>                    | <p>actual weekly earnings, or the statutory cap where full time equivalent earnings are less than this, pro rata for part time staff as below:</p> <p>-</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;">Maximum statutory cap for redundancy payments</div> <p>Employees over 55 who are members of the Local Government Pension Scheme are entitled to release of pension benefits.</p> |
| <p><b>C) Where the alternative job offer represents a significant pay reduction, or there are aspects of the job which would significantly disadvantage the employee.</b></p> <p>Definitions:</p> <ul style="list-style-type: none"> <li>• <b>Significant pay reduction.</b></li> </ul> <p>Generally, more than one grade below the employee's former pay, subject to flexibility being applied to ensure that each case is considered on its own merits and that account is taken of any factors which may compensate for pay reduction.</p> <ul style="list-style-type: none"> <li>• <b>Aspects of the job which would significantly disadvantage the employee.</b></li> </ul> <p>Job content; the extent to which the person specification of the proposed post reflects the skills and experience of the employee.<br/>Consideration will be given to any difference in status and the extent of opportunities available for regaining</p> | <p>Statutory redundancy payment, based on actual weekly earnings, or the statutory cap where full time equivalent earnings are less than this pro rata for part time staff as detailed below: -</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 10px auto;">Maximum statutory cap for redundancy payments</div> <p>Employees over 55 who are members of the Local Government Pension Scheme are</p>  |

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| <p>former status, with the proviso that the only scope for redeployment of some employees will involve moving from a managerial role to a practitioner post.</p> <p>Location; changes in commuting distance and ability to travel.</p> | <p>entitled to release of pension benefits.</p> |
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