



ASPIRATIONS

REORGANISATION POLICY

Version control	
Aspirations Reorganisation Policy 2019-09-01	Update to align with revised job titles and changed governance arrangements.
AAT Reorganisation Policy 2019-06-01	Provisional review undertaken. No changes other than to logo.
AAT Reorganisation Policy 2016-09-01	<p>This Policy has been subject to consultation with the recognised trade unions but has not been jointly agreed. Despite the absence of joint agreement about the Policy, The Trust has decided to implement the Policy with effect from 1 September 2016.</p> <p>Earlier version control details are shown on "consultation version 2016-04-05" available from the Trust's Director of HR.</p>

Date of next review:	September 2021	Owner:	Director of HR and Compliance
Type of policy:	Network/Statutory	Approving Body:	Board

1. Introduction

- 1.1 The Aspirations Academies Trust (Aspirations/ the Trust) regards its employees as its most valuable asset and aims to provide a stable work environment and security of employment for all staff.
- 1.2 Each academy must, however, be able to respond to the need for organisational development and change. In order to minimise the impact of such events and wherever possible avoid redundancies, the principles and procedures within this policy will be followed.

2. Purpose

- 2.1 The principal aim of this policy is to provide an effective and fair way of dealing with the staffing implications of financial constraints, organisational improvements and service reviews. The framework recognises the need to reorganise, rationalise and, where necessary, reduce staff numbers while also aiming to minimise and, where possible avoid, compulsory redundancies.

3. Scope

- 3.1 This procedure should be used whenever an Academy considers reorganisation which may lead to reductions in permanent staff. In circumstances where reorganisation is being considered which will not lead to reductions in permanent staff but may lead to reductions in temporary and fixed term employees, the Trust's Director of HR and Compliance shall be consulted to determine whether or not this procedure is applicable.
- 3.2 In cases where reorganisation is unlikely to result in reduced numbers of staff, but will significantly impact on existing roles, reporting lines etc. The Principal, or nominated alternate, will consult with relevant staff and trade unions

4. Equal Opportunities

- 4.1 The reorganisation procedure must always be applied fairly and in accordance with employment law and the Trust's Equal Opportunities Policy.

5. Determining Academy Staffing Structures

- 5.1 Each Aspirations Academy will have a staffing structure which sets out the numbers and grades of posts within the Academy.
- 5.2 It is the Principal's responsibility, in consultation with the Managing Director (and/or others to whom the Managing Director delegates responsibility), to define the service that is to be provided within their academy and to formulate the most appropriate staffing structure to deliver that service within the constraints of budgets etc.
- 5.3 The staffing structure of each Aspirations Academy will be reviewed annually by the Principal and Regional Board. Where change is proposed, this review will include consultation with the relevant trade unions (where the change would involve potential job losses, the consultation process is as set out in section 8).

5.4 The possible need for reorganisation of staffing structure may be identified for the following reasons:

- Changing requirements
- New legislation
- Organisational improvements
- Budgetary restrictions
- Other substantial reasons not listed above

6. Legal Requirements and Timescales for Consultation

6.1 Legislation and case law in relation to redundancy require that consultation shall take place at the earliest opportunity and continue throughout the redundancy process and must in any event begin:

- at least 30 days before the first dismissal takes effect if between 20 and 99 employees are to be made redundant at one establishment over a period of 30 days or less or
- at least 45 days before the first dismissal takes effect if 100 or more employees are to be made redundant at one establishment over a period of 90 days or less.

6.2 As an employer, Aspirations is required by law to notify in advance proposed redundancies of 20 or more employees to the Department of Business Innovation & Skills (BIS).

6.3 The formal consultation process will cease when any reorganisation has been completed and any employees affected have either been appointed to a new structure, successfully redeployed or made redundant having completed their contractual notice period.

7. Management Arrangements

7.1 For each occasion that a formal proposal of reorganisation and/or redundancy is to be made at an Academy, the Principal in consultation with the Managing Director will establish a management group and identify the chair. Normally the management group will consist of the Principal and one other member of the Academy's senior leadership team plus one representative of the Trust's central management team.

7.2 The function of the management group is to:

- Establish appropriate objective criteria and make fair assessments relating to these to identify staff for positions in the new structure and/or establish appropriate objective criteria and make fair assessments relating to these to provisionally select staff for redundancy;
- Conduct consultations (ensuring there is clear communication to the staff affected about the proposals and possible implications) and respond to the consultation procedures as outlined in detail below;
- Make a preliminary identification of staff (including, where applicable, provisional selection for redundancy);
- Inform the identified staff in writing of the reasons for identification and the implications (including, where applicable, the possibility of redundancy) and ensure they are aware of their right to make representation and to be accompanied by a representative;

- Hear representations;
 - Where applicable, inform the employee of their formal identification for redundancy (which would not be before the opportunity to make personal representations as set out in 12) and the right to make an appeal.
- 7.3 As necessary, an Appeal Panel will also be established. Members of the management group dealing with a particular reorganisation/redundancy may not be members of the Appeal Panel dealing with the same case. The Appeal Panel (comprising at least two members) will consist of at least one member of the Regional Board and at least one member of the Aspirations central management team. The Trust's Managing Director shall be consulted in advance of any appeal process in order to be satisfied the membership of the Appeal Panel has appropriate status to give its findings clear authority.

8. The Consultation Process

- 8.1 Where the Principal has identified the possible need for reorganisation of the staffing structure under which there would appear to be no practical alternative to a reduction in staffing, the Principal will submit a proposal to the Managing Director for approval to commence formal consultation. Prior to approval the Managing Director will consider the matter with members of the Regional Board.
- 8.2 The relevant Trade Union representatives should be informed as soon as possible in writing of the following:
- The reasons for the proposals
 - The number and descriptions of staff affected
 - The total number of employees of each description that work in the academy
 - The proposed method of selection for staff to be placed into posts and how the dismissals will be carried out
 - The procedures and timescale to be used, including proposals for consultation meetings with union representatives
 - The proposed method of calculating the amount of redundancy payments
- 8.3 It is an important part of the procedure that consultations begin with trade unions at the earliest possible opportunity. Ideally, academy management should agree dates and times of the consultation meetings with trade unions, which are mutually convenient. Aspirations will respond as fully as possible to reasonable requests made by the Trade Unions for relevant information.
- 8.4 Concurrently, when undertaking consultation meetings with the relevant Trade Unions, proper consideration should be given to meeting staff to consult over reorganisation proposals and any anticipated staff reductions. This may involve a meeting with all staff or with the groups affected and may be accompanied by explanatory documents. The meeting should give time for a full explanation, as well as questions and comments from the staff. An HR adviser may be present to advise on, or answer, any personnel matters. Notes of any consultation meetings should be taken. Arrangements should be made to allow affected employees to meet both collectively and individually with their trade union representatives during work hours to discuss the proposed reorganisation.
- 8.5 Appropriate consultation on proposed re-organisation or redundancy must be undertaken with employees not in attendance at work (e.g. those on maternity leave, adoption leave, secondment and long term sick leave). Special

arrangements will be made with these employees to ensure that they are not disadvantaged and receive the same treatment as any other employee would receive.

8.6 Where an employee is affected by a reorganisation whilst on maternity or adoption leave, special protections apply and advice shall be obtained from the Trust's Director of HR and Compliance accordingly.

8.7 The next step is for the management group to issue a statement to relevant staff (copied to Trade Union representatives) which should contain:

- The current and proposed staffing structures, including staff numbers
- Reasons for the proposed reorganisation
- Clarification of the areas in which reductions are envisaged
- The total number of employees of each description, who are proposed to be selected for new posts in the structure and/or whom it is proposed to make redundant
- The proposed criteria to be used in selecting those for new posts in the structure or for identifying staff to be made redundant
- Proposed timescales, including when dismissals are envisaged to take place
- A request for volunteers for reduced hours, severance, early retirement, etc., if appropriate

8.8 Individual employees affected should be be informed in writing as soon as possible of:

- Their proposed placement or non placement in the structure;
- Any need for them to be subject to a selection process;
- Any suitable alternative work elsewhere within the Trust

Simultaneously, the relevant trade union representatives must be sent a complete set of the proposals.

9. Alternatives to Redundancy

9.1 When it has been identified that there is a need for staff reductions, it is important that all steps are taken to minimise and endeavour to avoid compulsory redundancy.

9.2 There are various options that should be explored before individual members of staff are identified for redundancy (see appendix 1 for a list of potential options for consideration).

10. Voluntary Severance or Early Retirement

10.1 Staff in the work area concerned may be invited to express an interest in voluntary severance/retirement on the grounds of the exigencies of the service. However, this should generally be targeted/limited to those work areas directly affected by the proposals but may be extended wider if 'bump' redundancies could be considered.

11. Methods of Selection and Criteria Used to Identify Staff

11.1 Before any action is taken to identify staff for positions in the new structure, it is important to initiate a freeze on recruitment to relevant vacant posts.

11.2 A balanced approach will be used to assess employees for positions in the new structure using a range of weighted criteria. Where possible and appropriate, selection will be made by paper-based assessment. The overriding factor for selection is to retain those employees for the new structure who are most likely to contribute to the future success of the academy.

11.3 In relation to reorganisations and rationalisations, the process of selecting employees for posts within the new structure/staffing arrangements (and therefore of identifying those who have no post, if this is necessary), will commence with consideration of the alignment of posts within the existing structure with those to be established in the new structure. This shall be done by considering the duties, responsibilities and competency/qualification requirements of the relevant posts.

(a) Where it is determined that a post in the new structure is not significantly different from a current post, the current holder of that post would be assimilated to the new post without selection process.

(b) However, in circumstances where there were a number of employees in a particular type of post and there was to be a smaller number of such posts in the new structure, a selection process may be necessary to determine who would continue in employment in the revised structure.

(c) There might also be circumstances where one or more current posts are considered to align with one or more posts in the new structure as there are significant similarities between the existing and new posts but, nevertheless, there are also considered to be significant differences. In such circumstances a selection process would be appropriate, even if the number of posts in the new structure was no less than the number of employees in current posts that were considered to align with them.

(d) There may also be posts identified in the new structure which are determined to have no current post aligned with them.

In circumstances where (b) or (c) above were considered to apply, the process for making appointments to the relevant posts in the new structure would be ringfenced in the first instance to those employees in current posts that aligned with the new posts.

In circumstances where (d) was considered to apply the new post would be more widely advertised but consideration would be given to whether there were any staff who were at risk of redundancy due to the reorganisation who should be given priority consideration for appointment to the post. This would also be a relevant consideration in respect of other job vacancies that may arise.

11.4 Following the process outlined in 11.3, where a selection process is necessary, a skills audit approach may be used (but only where there is suitably comprehensive, reliable and objective information about the individuals concerned). Alternatively, a process involving a competency based interview may be used. Any criteria set will have full regard to future service needs and the

Trust's Equal Opportunities Policy. In all cases, the selection criteria proposed must be subject to consultation with the relevant Trade Unions prior to its application (see appendix 2 for a list of possible criteria).

11.5 Any criteria used for the identification of staff, must be:

- Objective
- Consistently applied
- Known to the staff in advance
- Relevant to the posts in question.

12. Personal Representations

12.1 Having completed the consultation and selection process, the management group should convene a meeting to make their *provisional* decisions. Before any final dismissal decisions are made, the employee(s) concerned must be given an opportunity to make written and personal representations to the management group. The employee may be accompanied at the meeting by a trade union representative or a work colleague of their choice.

12.2 Prior to this meeting, employees should be given adequate information to assist them in preparing representations, particularly (if appropriate) on the criteria used to recommend the deletion of their post, resulting in their dismissal by reason of redundancy. The information provided to employees will, where applicable, include their assessment score in a relevant selection process (but no individual will be provided with the score attained by another employee).

12.3 After considering these representations, the management group will inform the employee(s) concerned of their decision in writing within 10 working days. Notice of dismissal may be given to the employee(s) at this stage. Any dismissal notice issued would also include notification of the right of appeal.

13. Appeals

13.1 If an employee issued with notice of dismissal wishes to appeal against the decision to dismiss, such an appeal must be received in writing by the Principal, within 10 working days of the date of the notification of the management group's decision. The written appeal submission should identify the grounds of the appeal.

13.2 The Appeal Panel (see 7.3) shall convene at the earliest opportunity, providing the employee with a minimum of 5 working days' notice of the meeting. The employee has a right to be accompanied by a Trade Union representative or a work colleague.

13.3 At the appeal meeting, the employee or his/her representative shall present the employee's case. This will be followed by the management group's case, presented normally by the Principal. The employee or his/her representative is then entitled to sum up the employee's case, followed by summing up of the management group's case. The decision of the Appeal Panel will be conveyed to the employee verbally at the end of the meeting, if practicable, and in writing, within five working days of the meeting. The decision of the Appeal Panel shall be final.

14. Redeployment of Staff

14.1 When the need for reorganisations resulting in staff reductions is identified, it is the duty of the employer to do all that is reasonably in its power to find, or facilitate the search for, alternative employment. Alternative employment may be within the academy or within the Aspirations network.

15. Trial Periods

15.1 An employee who is redeployed to an alternative post in accordance with this procedure has a statutory right to a **trial period** of four weeks without losing their entitlement to redundancy compensation. The four-week trial period can be extended by written agreement. The length of any such extension is discretionary, to be reviewed after four weeks.

16. Rejection of Suitable Alternative Employment

16.1 Where an employee unreasonably refuses an offer of alternative suitable employment they may lose all rights to redundancy compensation. Alternative employment is, however, unlikely to be considered suitable if it is reasonably rejected by the employee on the basis that:

- a) the salary is lower, or the non salary benefits are significantly less than the original job;
- b) the status is significantly lower, in terms of the effect this would have on the employee's career history;
- c) the location or working time for the job involve the employee in significant domestic / personal disruption or additional costs, (subject to flexibility clauses in the contract of employment).

17. Assistance in Finding Other Work

17.1 Employees who are under notice of redundancy and who qualify for a statutory redundancy payment also have a statutory entitlement to a reasonable amount of paid time off to look for another job or to arrange training. As a good employer the academy should provide a range of assistance in finding other work, e.g. access to Internet, referral to outplacement services as appropriate. Reasonable support will also be provided to employees who do not qualify for a statutory redundancy payment.

18. Redundancy – Compensation Package

18.1 An employee who has at least two years' continuous service qualifies for a redundancy payment. This includes continuous service with an employer covered by the provisions of the Redundancy Payments Modification Order.

18.2 The number of weeks pay on which the payment is based are as follows, up to a maximum of 20 years service:

- 0.5 week's pay for each full year of service where the employees age was under 22
- 1 week's pay for each full year of service where the employees age was 22 or above, but under 41
- 1.5 week's pay for each full year of service where the employees age was 41 or above

18.3 A week's pay is defined as a normal week's pay for the employee in accordance with their employment contract, subject to the statutory cap (£525 as at April 2019). At the discretion of the Managing Director, the statutory cap may be disregarded (generally this will be considered in respect of each particular reorganisation process). Similarly, if due to a contractual reason (which in some circumstances may be the case where TUPE has been applicable) there may be cause to apply actual weekly pay and/or to calculate the payment in a way other than shown in 18.2.

18.4 A written statement must be given to an employee who is eligible for a statutory redundancy payment detailing how the payment has been calculated.

18.5 Where an employee who is under notice of redundancy:

- receives a job offer before the termination of his or her employment with the Trust, and
- the job offer is from an employer to which the Redundancy Payments Modification Order applies, and
- the employee takes up the job offer within 4 weeks of the end of their employment with the Trust

there will be no dismissal for redundancy payment purposes, i.e. the employee would not be eligible for redundancy compensation in respect of their terminated employment with Aspirations. In the event that a redundancy payment had already been made to the employee in respect of the termination of their employment, this would be due to be repaid to Aspirations.

Further details about the Modification Order can be obtained from the following link:

https://www.aoc.co.uk/sites/default/files/Factsheet%20-%20Redundancy%20Modification%20Order_0.pdf

19. Salary Safeguarding

19.1 In the event that a reorganisation results in redeployment to a lower paid position, consideration will be given to the safeguarding of the employee's salary. Where applicable, detailed proposals concerning safeguarding will be communicated during the consultation process.

20 Records

20.1 It is recommended that the following records are maintained and be readily accessible for a minimum of 9 months after the last dismissal arising from redundancy has occurred:

- evidence of action to avoid potential redundancies;
- evidence of the use of objective redundancy selection;
- comprehensive information on the 'management group' decisions, dates of meetings,
- contemporaneous notes, information considered by the management group, notification of the outcome.
- comprehensive information on any appeals raised including the basis of the appeal, dates of meetings, contemporaneous notes, information

considered by the appeal panel in considering the employee's appeal, clarification of the decision making process, notification of the outcome.

- copies of redundancy termination letters to employees, including the calculation of benefits;
- copies of an employee's written acceptance to payments made under the Trust's financial package as compensation for loss of office;
- copies of written notification to the trade unions of potential redundancies;
- evidence of appropriate consultation;
- copies of written notification to the BIS.

21. Review

21.1 This policy will be reviewed at least every two years.

Appendix 1 - Alternatives to redundancy

Options that will be applied where appropriate:

- Natural Wastage (e.g. resignations, retirements, etc.)
- Restriction on recruitment and non-replacement of posts
- Use of temporary, short term or part-time contracts
- Termination of temporary/casual appointments (subject to the requirements of the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002)
- Voluntary early retirement
- Voluntary severance
- Voluntary job sharing arrangements (if appropriate)
- Voluntary transfer to part-time employment within the school
- Voluntary reduction in hours (including overtime, if relevant)
- Transfer of staff into other suitable work within the school (retraining where applicable)
- Redeployment within the Trust's network

Appendix 2 – Possible criteria for redundancy

Criteria should include a range of relevant factors, and due consideration needs to be given to the context of the reorganisation. Possible criteria may include:

- organisational/curriculum requirements of the academy;
- overall subject needs;
- special subject requirements (e.g. to boost poor maths performance at an academy)
- levels of responsibility;
- skills and level of qualifications required;
- academic qualification generally;
- particular subject expertise (e.g. recent specialist courses);
- capability to switch from subject to subject as demonstrated either by current actual teaching and/or qualifications and/or past actual teaching;
- lack of qualifications in above/or to teach to particular exam standards;
- additional qualifications, e.g. administration, sports, music, counselling;
- prior attendance¹/performance;
- prior disciplinary or capability warnings that remain live at the time of the redundancy selection process

¹ Absences that are related to pregnancy or disability as defined by the Equality Act would be disregarded in circumstances where attendance is used as a criteria