

Restructuring and Redundancy Procedure

1. Introduction

Note: All key points in this document relate to the 'Key Points - Employment Procedures' document available from the [Employee relations procedures page on the Bexley website](#).

Step 1 - Design the new service – consider

- What is the Service seeking to achieve?
- Are strictly defined roles needed or roles that perform a wide range of functions?
- How staff will report into the structure.
- The number of direct reports to each manager/supervisor.
- Are there different ways of engaging staff outside standard contractual arrangements?
- What are the financial implications? Discuss your costing model with your Financial Business Partner and/or HR Adviser.
- How functions/responsibilities will interact ensuring there is no overlap.
- How interactions across other functions/departments/projects will be managed.
- Whether any roles require appointment/dismissal by Members/the Schools Governing Body (see key point 32).
- How future staff turnover may affect the proposals.
- Can any agency engagements be ended as an alternative to redundancies?
- Can overtime/additional hours be reduced as an alternative to redundancies?
- Whether asking for expressions of interest in voluntary redundancy will remove the need for redundancies.
- Can proposals be delivered without the need for formal consultation with the agreement of all those directly affected.

Step 2 – Prepare to consult where formal consultation is required

Step 2(a) -Prepare rationale and all background documents – include

- The timescales for consultation and other key dates.
- Reasons for the proposed redundancies.
- Numbers and description/job titles of employees affected.
- The current structure is and what the new structure looks like.

- Proposed redundancy pool(s) and/or proposals for direct assimilation.
- What assessment will be used to select for redundancy.
- The order in which appointments to the new structures will be made.
- When the redundancies will take effect and the timescales for implementing new structures.
- How redundancy payments will be calculated (see key point 27).
- How compulsory redundancies will be minimised/avoided.
- Whether any trade union representatives are affected by the proposals (see key point 2).
- Steps to adjust the process if any disabled Employee(s) is included in the group affected.
- An Equalities Impact Assessment (see key point 30).

Step 2(b) - Redundancy pools/ring fences – identify (where relevant)

- Are there key differences when comparing new roles to existing roles?
- Are there more or less staff carrying out each of the roles in the new structure?
- Are roles identical and if so how many staff directly match?
- Are roles significantly similar and if so how many staff are within the pool?
- Is there a substantial difference and if so how many staff are within the pool?
- If roles no longer exist and there is no similar match. How many staff are within this pool?
- The number of staff in each category to determine the redundancy pools.
- Are there any members of staff on maternity/paternity/shared parental leave (see key point 26)?

Note: ring fences will use the Employee's substantive post and will not include any acting up or any other interim arrangements.

Step 2(c) -Redundancy selection criteria and weighting – consider (where appropriate)

- Relevant knowledge, competences and performance profile.
- Current and past performance and conduct.
- Current and past attendance and timekeeping.
- Relevant education and qualifications.
- Any disqualifiers (e.g. driving licence, police record).

- Ensure that your process takes account of any particular requirements of disabled Employees (see key point 3).

Step 2(d) - Decide mechanisms for considering selection processes – include (where relevant)

- Interview assessment including testing/presentation.
- Management statement to assess against selection criteria for new post.
- A statement from the Employee in respect of the requirements for the new post(s).
- Other assessment tools.
- What support can be provided (see key point 31).

Step 2(e) -Key dates – include (where relevant)

- Consultation dates.
- Dates of consultation briefing sessions or meetings with Employees.
- Dates for assessment processes.
- Dates when assessment scores are likely to be available.
- Key decision dates e.g., Committee meetings and when reports will be shared with the trade unions/employees.
- When updates will be available for employees and their trade union representatives.
- Any potential notice periods.
- Proposed implementation dates.

Step 2(f) - Identify who should be consulted – include (where relevant)

- Recognised trade unions.
- Those employees directly affected.
- Employees on sick leave, maternity, paternity, adoption leave and any employees on secondment.
- Any other stakeholders as appropriate.

Step 3 Begin consultation

- Within a reasonable timeframe where less than 20 employees are to be made redundant.

- At least 30 days before the first dismissal takes effect if 20 to 99 employees are to be made redundant [at one establishment] over a period of 90 days or less.
- 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.
- At least 28 days before the first dismissal take effect for Chief Officers.

Where 20 or more redundancies are proposed within a period of 90 days or less the Secretary of State at the Department for Business Innovation and Skills should be notified. The HR Service will advise on the process to follow.

Step 4 - Undertake and Finalise consultation

- Consider feedback and respond to questions raised during the consultation period.
- Adjust proposals where an alternative view is agreed.
- Finalise proposals and communicate next steps to those affected.

Step 5 - Appoint to the new structures and select for Redundancy (where relevant)

- Finalise and communicate the order in which assimilations/assessments will take place.
- Ideally begin appointments from the highest level in the structure.
- Provisionally offer roles to those successful subject to the outcome of any relevant redundancy appeal(s).
- Share assessment scores with those provisionally selected for redundancy.
- Hold a meeting with those provisionally selected to discuss scores providing the right to be accompanied.
- Review individual feedback and assess impact on other scores within the ring fence - does this impact on who is at risk.
- Finalise scores and communicate to those directly affected.
- Where there is no change to the scores proceed to issue notice of redundancy (Step 6).
- Where there are changes to the scores meet with those affected and return to relevant stage above.
- Consider whether there are any other alternatives before finalising who will be selected for redundancy.

Step 6 - Issue notice of Redundancy (where relevant)

- Issue notice and include a period of notice in accordance with the Employee's contract of employment/statutory entitlement.

- Where this is a decision for Members or a School Governing Body HR advice should be sought (see key point 32).
- Include an estimate of redundancy benefits which may include early payment of pension.
- Include right to appeal.
- Provide details of redeployment process (see key point 8).
- Follow leavers process (see key point 20).

Step 6(a) - Employee Appeals (where relevant)

- Employee sets out reasons for appeal within 7 calendar days.
- Employee is invited to attend appeal hearing with the right to representation (see key points 1, 17-19).

Step 6(b) - Hear the Appeal and Notify the Employee without unreasonable delay (where relevant)

- Invite Employee and their representative to an appeal hearing.
- Provide the Employee with the right to be accompanied (see key point 1).
- Hear the appeal (see key points 17-19).
- Notify the Employee formally of the outcome.
- Record the outcome.
- Advise the Employee that this concludes the process and there is no further right of appeal.

Step 7 - Implement new structures

- Ensure employees in the new structures receive confirmation and any variations to contracts where relevant.
- Ensure all changes are made to the HR systems, telephony, records etc.
- Communicate the new arrangements to all stakeholders.