

**HR Procedure**

**Managing Change**

Introduction

This procedure applies in situations where the County Council/School finds it necessary to make structural or organisational changes or redundancies. The procedure is intended to support managers/headteachers and employees who are dealing with change affecting their workforce to ensure that changes are dealt with in a fair and consistent way.

The Procedure has two sections;

Section 1: Reshaping Guidance

This section of the procedure should be followed where services or establishments are being reviewed and the changes being proposed are likely to result in a change to roles, grades/scales/ranges and/or terms and conditions and also a change to the way the service is delivered. This may also lead to a reduction in staffing numbers by means of redundancy.

Section 2: Redundancy Guidance

This section of the procedure should be followed where there is a proposal to reduce staffing numbers for a specific group of staff and a wholescale change and review of the wider service or establishment is not required.

The relevant guidance should be applied to the type of change being implemented. This will be decided by the Assistant Director/Headteacher at the start of the process, seeking further guidance from the council’s People Management team/School HR provider/Diocesan Officer as required.

Scope

This procedure applies to all employees of the county council and all school based staff for whom there is no specific procedure laid down in national or local conditions of service.

It is expected that governing bodies of all community and voluntary controlled schools will adopt this procedure. Foundation and voluntary aided schools and academies are encouraged to do the same.

**Principles**

The Council/School has a duty to manage its services in the most cost effective and efficient manner. While it is committed to the aim of maintaining security of employment for its employees as far as practicable, it also recognises that there may be circumstances where it is necessary to make changes.

This procedure is based on the following principles and will:

* deliver a quick, fair and effective transition in support of council/school priorities
* ensure a consultative and flexible approach to change
* ensure the Council/school has the right number of people, with the right skill sets, attitudes and behaviours working in modern and efficient ways.

[**Reshaping**](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) **(see Section 1)**

The main stages to the reshaping process are outlined below:

* **Planning & Communication –** Determining the appropriate approach to a restructuring or reorganisation situation.
* **Consultation and Engagement** – Determining the appropriate approach to consult with employees and trade unions on the proposals before being finalised.
* **Decision** – Considering the options, including any written and verbal feedback and any alternative proposals made by trade unions or staff, and deciding on the preferred approach.
* **Implementation** – Communicating the preferred approach decided upon, implementing any new structure or working arrangements, dealing with employees who are leaving and those who are staying. Applying processes consistently and fairly.

[**Redundancy**](http://www.intouch.ccc/elibrary/Content/Intranet/536/671/5053/6001/41410105256.doc) **(see Section 2)**

The main stages to the redundancy process are outlined below:

* **Measures to avoid redundancy -** In circumstances where there may be a redundancy, the manager/headteacher should in consultation with the staff and trade unions explore all possibilities to avoid/ reduce the numbers.
* **Redundancy proposals -** If a redundancy cannot be avoided the manager/headteacher will need to produce a business case explaining the circumstances.
* **Collective consultation -** The Council and schools are committed to complying with the statutory consultation requirements and the manager/headteacher will meet with the staff and recognised trade unions to carry out full and meaningful consultation.
* **Individual consultation -** The manager/headteacher will also arrange to meet with the individual employees in scope, accompanied by their trade union representative or work based colleague if the employee requests this.
* **Selection For redundancy -** The proposed selection criteria will be shared with the trade unions and the employees in scope.
* **Following Selection -** The manager/headteacher will arrange to meet with the employee where their post has been selected for redundancy to discuss the next steps.

Should further clarification be required in relation to this procedure please contact the council’s People Management team/your School HR provider/Diocesan Officer.

For Schools:

|  |  |
| --- | --- |
| Name of School: |  |
| Date by which School have adopted procedure: |  |
| Signature of Chair of Governors |  |

**June 2018**



HR **Guidance**

# Section 1 Reshaping Guidance

**Introduction**

**Planning and Communication**

1. This document provides a framework to support managers/headteachers to implement service changes in a fair and consistent way.
2. Planning is vital for an effective change to take place. Managers/Headteachers need to consider the following:-
* Drafting the Statement of change which includes a business case and proposals for change
* Consider the impact of this proposed change on wider service provision/employees and service users using Equality Impact Assessment data
* Identifying resources
* Drafting a communication plan
* Support and advice for employees
* Identifying a realistic timetable taking account of contractual notice periods
* Employees who may be covered by the Equality Act 2010 and may require reasonable adjustments
* Vacancy management and potential suitable alternatives and re-deployment opportunities including alternative employment support where applicable
1. Once proposals are designed approval must be obtained in accordance with the Council’s governance arrangements or school governing bodies prior to any engagement taking place.
2. Before engagement starts the manager/headteacher must ensure they have specific data and information and also prepare a Statement of Change (Appendix 2) which should include as a minimum, the following:
* Reasons for the proposal; Business Case, Draft Proposals, Communications Plan, Timetable
* Affected employees; all affected employees should be identified and included within scope. Pregnant employees and those on maternity leave who are affected by the proposals will be included within scope of the proposals. If an employee on maternity leave is selected for redundancy they have priority over any other groups for consideration for alternative employment.
* Impact on employee numbers; including any post reductions/increases
* Existing and proposed structure charts showing grades/scales/ranges, reporting lines
* Role profiles and Post Specifications and professional responsibilities; details of the proposed roles
* Information outlining any proposed changes to non-statutory terms and conditions
1. The Statement of Change should clearly state that there is a potential risk of redundancy and therefore it is formal redundancy consultation. This should happen even if the options being consulted do not include a proposed headcount reduction. In some reshaping new posts at different levels and changes to roles may result in potential redundancy situations.
2. Fixed term/temporary employees (without a substantive post) and permanent employees should be treated the same when considering in scope and assimilation, irrespective of their length of service. However consideration will be given to not including fixed term contracts which were issued for a specific reason and with a defined end date e.g. maternity leave cover.
3. Assimilation will be undertaken on the basis of the permanent substantive position. Fixed term/temporary/acting up/secondment arrangements where the employee has a substantive post will not be considered for assimilation purposes, irrespective of the length of these arrangements.

**Consultation and Engagement**

1. The employer is committed to full and meaningful consultation and engagement with both employees and Trade Unions. Under the Employments Rights Act 1996, the council has a statutory duty to seek to avoid or reduce redundancy action wherever possible.
2. The overarching engagement process has been developed to ensure that the employer meets both its statutory consultation requirements and also provides best practice guidance for consultation and engagement. However it is important to ensure the proposed timetable is both realistic and then followed.
3. Where there are no redundancies there is no statutory specified time period for consultation however, it is recommended that the employer act reasonably to ensure meaningful consultation can take place.
4. All employees affected by the proposals should be included in scope of the consultation and engagement. Where the proposals may lead to redundancies all employees in scope should be informed that by being in scope they are in the selection pool for any potential redundancies.
5. The Council is committed to seek to avoid the need for compulsory redundancy wherever possible. Before commencing the formal consultation period consideration should be given to the following actions to mitigate the risk of redundancy (also refer to the Memorandum of Understanding document at appendix 1):
* Voluntary redundancy (VR) – A VR window will be open in all cases where there is a potential risk of redundancy. VR applications will be assessed on a case by case basis in line with business needs.
* Review as appropriate staff on temporary or fixed term contracts considering continuous service and employment rights.
* Seek genuine volunteers for reduced hours or weeks working on a fixed term or permanent basis.
* Restricted recruitment under which every reasonable attempt will be made to fill vacancies from amongst existing employees
* Deletion of funded vacancies where possible
* Promote the use of flexible retirement, providing relevant information to enable employees to make genuine applications
1. Once the above options have been considered employers should look at how changes will take place. This may be a combination of some or all of the above as well as the steps below. During the process you may have to keep re-considering options as employees are accommodated and options change.

1. It is important that directorates/schools ensure consultation with both employees and Trade Unions is undertaken. A pre-meeting will be held to brief Trade Unions (TUs) on the proposals ahead of the formal start of the engagement period. These meetings may take place as part of a Directorate Joint Consultative Group (JCG) or an additional meeting may be arranged with the AD for the service area the proposals relate to. In a school setting headteachers should discuss the proposals with their HR provider. At these meetings the following should be considered (also refer to the checklist at appendix 3):
* The Statement of Change documents
* Equality impact assessment
* Early notification to TUs of dates for consultation meetings
* Consideration of alternative proposals from the Trade Unions and staff
1. Engagement on proposed changes is essential if the changes are to be successful as it encourages involvement, and gains the commitment of all. Engagement is not about telling people what is going to happen, it is about involving people in the decision making process and enabling them to shape the change. Every effort will be made to seek agreement, but it is recognised that final proposals may not be agreed in their entirety by all parties involved at the end of the engagement process.
2. An engagement plan should be agreed at the outset and in a Directorate setting this will span a period of a minimum four weeks. In a school setting a similar timescale is recommended, however this may be extended depending on the circumstances. It will include the timing of regular updates on feedback received during the consultation period, how this has been considered and any changes this has made to the proposals. This is particularly important if the consultation process results in significant changes to the original proposal.
3. A number of different options can be considered for the engagement process, some may be more appropriate than others depending upon the scope and nature of the change proposed and can include team meetings, group meeting, individual meetings, newsletters, or hand-outs to help structure the content of meetings.
4. Communication methods and information to be available in a range of formats where required to ensure equal access to the documentation.
5. Whilst engagement is taking place it is important that all ‘in scope’ employees examine their current role profile to ensure it accurately reflects the reality of their substantive role. Amendments to job descriptions will only be accepted with the relevant line manager/ headteacher agreement.
6. Managers/headteachers who have employees who are absent from work due to maternity, long term sickness, career break etc. must ensure that they consult and include these employees in all aspects of the change management programme. Should further clarification be required please contact the council’s People Management team/the School HR provider/Diocesan Officer.

**Employee Consultation Meetings**

1. These should take place at the start, middle (where appropriate) and end of the engagement process. The meetings should be honest and open, informative for attendees and allow the opportunity for questions, comments and ideas. It is essential that employees feel able to speak freely and contribute to the discussion.
2. The purpose of these meetings is : -
* Start meeting – to launch the proposals, outline the consultation and engagement process, timescales and implementation approach. The Statement of Change should be issued at or immediately after this meeting.
* Mid-point meeting – to provide any feedback to date and discuss any issues or concerns.
* End meeting - this takes place once the consultation period has ended and final decisions have been made regarding the proposals. It provides the opportunity for clarity and confirmation of the future structure, to summarise the feedback received, identify where feedback has been incorporated and provide clear information regarding implementation and next steps.
1. Refer to appendix 4 for a checklist of information to be provided to employees at the first meeting.
2. Trade Unions will be invited to the above meetings.
3. All employees in scope will be offered at least one one to one meeting during the reshaping process. The purpose of this is to seek the views and ideas of staff in relation to the proposals and provide as much opportunity for personal circumstances to be listened to, collated and considered. Employees can be accompanied at these one to one meetings by a trade union representative or a work colleague. A record should be kept of all meetings**.**
4. Subject to the number of employees in scope of the reshaping exercise it may be helpful to create a dedicated email box for all questions and feedback to be sent. A plan to manage responses should be agreed with the change manager/headteacher and the People Management Team/School HR provider. From this the generic FAQs can be updated and shared with employees.
5. The employer will always aim for either individual or collective agreement via meaningful consultation. As part of the communications with employees they should be made aware that if agreement cannot be reached on the proposed change, it may be necessary to go through a formal dismissal and re-engagement process. This will involve the employer serving notice to terminate the existing contract and offer the employee re-engagement on the new terms.

**Voluntary Redundancy & Flexible Retirement**

1. Applications for Voluntary Redundancy for directorate staff will be sought during this consultation phase if there is a potential risk of redundancy in order to mitigate any compulsory redundancies and/or bring about a cost saving to the organisation.
2. Flexible retirement will be promoted, relevant information will be provided to employees to inform options and enable them to make genuine applications.
3. In a school setting applications for voluntary redundancy may be sought using the Schools Voluntary Redundancy Policy and Procedure in accordance with the timescales specified in those documents.

**Decision**

1. At the end of the consultation phase the change manager/headteacher will factor in a period of time to consider any feedback received and based on that feedback decide whether any changes should be made to the original proposal. The final proposals will be communicated at the end of consultation staff meeting.
2. Affected employees should be provided with the final documents including the new organisational charts and job descriptions. The information should clearly state which posts are new, which are changed and which posts are to be deleted or added.

**Implementation**

**Assimilation and Vacancy Preference Process**

1. All employees in scope of the reshaping activity will be in the ‘ring fence’ for the new posts. The employees will have been identified during the planning stage.
2. Fixed term/temporary employees (without a substantive post) and permanent employees should be treated the same when considering assimilation, irrespective of their length of service. However consideration will be given to not including fixed term contracts which were issued for a specific reason and with a defined end date e.g. maternity leave cover.
3. Assimilation will be undertaken on the basis of the permanent substantive position. Fixed term/temporary/acting up/secondment arrangements where the employee has a substantive post will not be considered for assimilation purposes, irrespective of the length of these arrangements.
4. Whilst engagement is taking place it is important that all ‘in scope’ employees examine their current role profile to ensure it accurately reflects the reality of their substantive role. Amendments to job descriptions will only be accepted with the relevant line manager agreement. See Appendix 5 for the Assimilation Criteria and Record Form.

**Assimilation Outcomes**

1. Management and Trade Unions will meet following the assimilation process to confirm the outcomes before they are communicated to employees. Trade Unions will have the ability to look at a selection of assimilation outcomes to scrutinise and challenge the assimilation process in more detail.
2. The four outcomes of assimilation are:

***Direct assimilation***

1. Defined as where a role in the new structure is substantially similar (75% match or more) and at the same grades/scale/range.

Employees identified as direct assimilation who decline to accept the role, may not be entitled to a redundancy payment should they decide to unreasonably reject the offer. However they would be eligible to be considered for any vacant posts identified through a vacancy preference process.

Once an employee has been offered and has accepted a post to which they were assimilated, they cannot be considered for any other post until the vacancy preference process has been completed.

Direct assimilation can only occur where there are sufficient posts available for the number of employees involved. If there are fewer posts than employees then a competitive selection process will be required.

***Assessment assimilation***

1. Defined as follows:
2. Where a role in the new structure is substantially similar (75% match or more) and at a different grade.

It is the responsibility of the employee to identify and objectively evidence that a new post is substantially similar (75% match or more), which must be verified by 2 managers (Service Manager and Service Assistant Director).

Upon verification a desktop assessment will be undertaken to ensure that the candidate for assimilation has the required level of skills, knowledge and competencies to undertake the essential duties of the new post.

In some cases it may be necessary to use an alternative but appropriate assessment process, such as observed working, skill test or selection interview.

Employees identified as assessment assimilation who decline to accept the role, may not be entitled to a redundancy payment should they decide to unreasonably reject the offer. However they would be eligible to be considered for any vacant posts identified through a vacancy preference process.

***Competitive selection - when there are more people than posts***

1. A competitive selection process is necessary for recruitment to those posts where there are more employees who meet the assimilation criteria than jobs. All eligible candidates will be assessed using appropriate selection criteria, to ensure that candidates have the knowledge, skills and competencies to undertake the essential duties of the new post and may be required to attend a selection interview in accordance with the Council’s recruitment and selection practices.
2. Where competitive interviews are required for posts at the same grade but there are too many people than posts, then all posts should be filled (as would be the case in direct assimilation if there had been enough posts).
3. Where competitive interviews are required for posts at different grades, then as a principal posts will be filled wherever possible (with training and development as appropriate), ensuring the capabilities and experience of the applicant meets business needs. However, this cannot guarantee all posts will be filled as business needs mean the correct candidate must demonstrate the necessary skills and experience to fulfil the role.

***No match***

1. Employees who are not assimilated or appointed to posts, will be formally placed ‘at risk of redundancy’ and afforded ‘ring fenced’ status in the Vacancy Preference Process.

***Appeal***

1. All employees will be notified in writing of the outcome of assimilation. The outcome will confirm the assimilation decision but will not always confirm appointment to a post. This can only be confirmed once the appeal process has been completed.
2. All employees have the opportunity to appeal the assimilation outcome. They will have 7 calendar days to appeal the decision and will need to provide written evidence to support the reasons for the appeal.
3. In a county council Directorate:

If an appeal is requested, employees will have a statutory right to be accompanied at the appeal meeting with the appeal heard by an Assistant Director and Senior Manager from a different Directorate to the reshaping. The assimilation appeal outcome is final.

1. In a School:

If an appeal is requested, employees will have a statutory right to be accompanied at the appeal meeting with the appeal heard by a panel of 2 Governors. The assimilation appeal outcome is final.

1. Appeals will be considered by a Senior Manager and Assistant Director from a different Directorate to the area of reshaping. They will review and consider the written appeal submissions and a meeting will be held with the appellant. The appeal decision will be final and there will be no further right of appeal.
2. Employees can be accompanied at appeal meetings by a Trade Union representative or a work colleague.

**Vacancy Preference Process**

1. Where an employee is not assimilated into one of the posts in the new structure, they will have the opportunity to be considered for the remaining posts before they are opened up to wider competition.
2. All employees in the original scope of the reshaping will be provided with the details of the remaining vacancies to be filled in the structure and given the opportunity to apply for up to a maximum of 3 roles.
3. It is not possible to guarantee that there will be 3 posts available for all employees to apply for; this will be dependent on the size and level of change within the service area.
4. Along with their preferences employees will be asked to submit a written statement to demonstrate how they meet the essential criteria for each role applied for.
5. Where possible interviews will be combined so that, employees will only be asked to attend one interview, regardless of how many preferences they have. This may not always be possible or appropriate and will depend on the service and type of role.
6. Appointment will be on merit and determined by assessing the skills, knowledge and experience of the candidate during the interview and/or selection process.

**Vacancy Preference Process Outcomes**

1. Successful employees will be offered a position and issued with a new contract.
2. Where employees have assimilated or been appointed to posts through VPP they will meet with their manager to agree where any reasonable training is required to equip them for any new duties and/or areas of responsibility.
3. Where an appointment is made to a lower graded post, the Council’s Pay Protection Procedure will apply. In a school setting pay protection will apply for support staff in community and voluntary controlled schools. The council strongly recommend that pay protection also applies to support staff in voluntary aided and foundation schools. If the employee is appointed to a lower salary they will be placed on level B of the grade. If as a result of the appointment the employee’s salary increases they will be placed on level A of the grade. Normal progression arrangements will apply thereafter.
4. For teachers the School Teachers Pay and Conditions Document (STPCD) safeguarding arrangements will apply.
5. A meeting will be arranged with unsuccessful employees to advise them that they have been unsuccessful in securing a position and to fully explore the options and support available.
6. Managers/headteachers should then follow the *Redundancy guidance (Section 2) beginning at paragraph 90.* This section provides guidance on issuing notice of redundancy and supporting the employee in securing alternative employment.

**Restructure Vacancy Management**

1. External advertising of remaining vacant posts following assimilation will not take place until VPP and internal/AEP and advertising and selection has been completed.

1. The exception to this is where;
* Recruitment is essential for statutory, safeguarding and business continuity reasons.
* Where there are no internal candidates whose jobs are ‘at risk’
* Where employees in scope confirm they do not wish to be considered for the vacant posts
* Where there are more available posts than numbers of employees ‘at risk’
* The vacant post represents a substantial promotion for the likely internal candidates affected by the reorganisation
* Where, in exceptional and senior cases, the importance of the post is such that the ‘best candidate’ criterion is absolutely critical
1. Following implementation it is important to ensure that managers continue to support and engage with employees, to ensure that they understand the underpinning principles and logic behind the change.

**Other factors to consider during implementation**

**Workplace Relocation**

1. If employees are to be relocated and will incur additional mileage then the “workplace relocation – additional travel assistance” scheme will apply.

In a directorate setting this document is available via the link below:

<http://www.intouch.ccc/humanresources/policiesprocedures/payallowances.asp>

1. In a school setting this scheme applies to employees in Community and Voluntary Controlled Schools where Cumbria County Council is the employer and is available on the schools portal.

**Suitable Alternative Employment**

1. All employees who are at risk of redundancy will be supported in securing a role via the alternative employment process (AEP), recognising that this is a joint responsibility between the employer and employee.
2. Suitable alternative employment will be considered by both the employee and the employer. In determining suitable alternatives the following factors should be considered;
* Level of pay
* Grade
* Location
* Working hours or time
1. An employee who unreasonably refuses an offer of suitable alternative work may lose their right to redundancy pay.

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HR **Guidance**

# Section 2 Redundancy Guidance

**Introduction**

1. The definition of redundancy for the purposes of redundancy payment and unfair dismissal is contained in the Employment Rights Act 1996. A dismissal is by reason of redundancy if it is attributable wholly or mainly to the fact that:
2. The employer has ceased or intends to cease, to carry on the business for the purposes which the employee was employed, either generally or at the place where the employee was employed, or
3. The requirements of the business for employees to carry out work of a particular kind, either generally or at the place where the employee is employed, have ceased or diminished or are expected to cease or diminish.

In this context redundancy is defined as a dismissal for a reason not related to the individual.

**Measures to avoid or minimise potential redundancies**

1. In all cases where there is a possible redundancy, it should be noted that there is a statutory duty to seek to avoid (or reduce) such action. Under circumstances in which potential redundancies are envisaged the manager/headteacher shall consult with accredited representatives of the recognised trade unions and all employees as to whether it is possible to avoid/reduce potential redundancies by means such as:

a) natural wastage;

b) policy of restricted recruitment under which every reasonable attempt will be made to fill vacancies from amongst existing employees/ deletion of vacancies;

c) where practicable, provide appropriate training to equip employees for new duties/ areas of responsibility;

d) review as appropriate staff on temporary/fixed term contracts;

f) seek volunteers for reduced hours/weeks working on a fixed term or permanent basis;

g) invite applications for redeployment within the school. Staff should be assured that expressing an interest in redeployment cannot in itself be used to subsequently select them for compulsory redundancy;

h) consider options for voluntary redundancy. Manager/Headteacher to check if funding is available to open a VR window.

The manager/headteacher shall ensure that all staff, including any who are absent,are consulted on these issues and given appropriate time to respond.

**Redundancy Proposals**

1. If following consideration of the above measures it appears that redundancy cannot be avoided the next steps differ according to the setting. Managers/Headteachers must seek advice from People Management/HR providers throughout the process.
2. In a county council Directorate:
	* The Assistant Director will make a formal redundancy proposal to the appropriate Directorate Management Team for approval. The proposal will include the detail of the required service changes and the impact on current roles.
	* The process of consultations, determination and application of selection criteria, and hearing of representations will be the responsibility of the Assistant Director.
3. In a School:
* Before any person who is employed to work at a school is dismissed on grounds of redundancy, the governing body shall ensure that it has received appropriate advice from the school’s chosen HR provider, for Church schools their relevant diocesan authority/officer and Cumbria County Council Legal Services Unit on meeting the responsibilities of employment and discrimination law.
* The headteacher will make a formal redundancy proposal to the Governing Body for approval. Discussions shall focus on the school's staffing needs and the governing body will not at this stage discuss or make reference to any individual member(s) of staff.
* The process of consultations, determination and application of selection criteria, and hearing of representations can be delegated to the headteacher. Where the headteacher is not exercising delegated responsibility for staff dismissals the decision should be delegated to a committee of at least three governors unless there are not enough governors available who have not been involved in any previous action or decision connected with the matter. In such circumstances the decision can be delegated to two governors.
* If the headteacher is not exercising delegated responsibility for staff dismissals, the governor(s) acting under delegated authority from the governing body shall work closely with, and seek advice from, the headteacher. In a VA school foundation governors must be involved in the process.

**Collective Consultation Processes**

1. Formal consultation (subsequent to and in addition to the consultation about ways to avoid or minimise redundancies given at paragraph 2) with the recognised trade unions, initiated by written notification (including the completion and issue of Form HR1, where appropriate), shall be undertaken at the earliest opportunity and in any event begin: -
2. **At least 90 days before the first dismissal takes effect if 100 or more redundancies are proposed at one establishment within a 45 day period, and at least 30 days before the first dismissal takes effect.**
3. The Form HR1 is downloadable from:

https://www.gov.uk/government/publications/redundancy-payments-form-hr1-advance-notification-of-redundancies

1. The manager/headteacher should prepare a consultation pack which should include the following information:
* the reasons why potential redundancies are proposed;
* the numbers and descriptions of staff affected;
* the total number of staff of any such description employed;
* the proposed method of selection, if appropriate;
* the proposed method of carrying out the dismissals and the timescales to be used;
* the proposed method of calculating redundancy payments;
* an explanation of the scoring which will be applied to the selection criteria, along with a copy of the selection criteria and score sheet.
* Financial information including the current budget position.
* A copy of any skills pro-forma issued to staff.
1. Schools should also provide the following:
* the number of pupils on roll - last year, current year (current Form 7) and projected roll for next year broken down by year group.
* details of the current and proposed curriculum plan.
* current time-table - and proposed years.
1. Arrangements should be made to consult staff collectively and each member of staff will have access to a copy of this procedure and guidance. Reasonable time shall be allowed to enable individual employees to consider their position and/or consult with a trade union representative or colleague.
2. The manager/headteacher, if requested shall meet with the accredited representatives of the recognised trade unions. The consultation meeting shall consider ways of:

a) avoiding the dismissals;

b) reducing the numbers to be dismissed; and

1. mitigating the consequences of the dismissals
2. consideration of alternative proposals from the Trade Unions

**Individual Consultation Process**

1. The manager/headteacher shall arrange for consultation to take place with individual employees (and if they wish, accompanied by their trade union representatives or work based colleague) within the group of staff from which redundancy selection will be made, **prior to the selection for redundancy**. Such consultation shall serve to clarify:

a) the reason(s) for the redundancy proposal;

b) the timescale involved;

c) the proposed method of selection (including an explanation of how the selection criteria will be applied and a copy of the proposed selection criteria and score sheet);

d) any particular personal circumstances;

1. All of the above shall then be taken into account **before making the selection.** The manager/headteacher shall ensure that all relevant staff, including any who are absent from school are consulted including employees who may be affected by the redundancies, even though they are not within the redundancy selection themselves.
2. All points made by the employees and/or their representatives shall be considered and reasons given in writing if any point is rejected.
3. Following the consultations, the manager/headteacher shall convey formally the outcome of the consultation to all the trade unions, in writing, and give reasons where any alternative proposals have been rejected by management. In schools the headteacher will ensure the governing body is advised of the outcome of the collective consultation exercise. In County Council directorates the Assistant Director will ensure the relevant Directorate Management team is advised of the outcome.

**Selection for Redundancy**

1. Criteria used shall be:
	* objective (measurable), clear and precisely defined;
	* transparent, i.e. easily understood by all;
	* applied fairly and honestly;
	* non-discriminatory on the grounds of any protected characteristics or trade union activities (except where a genuine occupational requirement applies);
	* weighted and scored
2. Selection criteria, including score sheets and confirmation of how the criteria will be applied, will be published to all staff within scope, from which selection will take place and also forwarded to the recognised trade unions.
3. Staff will then be given the opportunity to provide written details of how their own particular circumstances relate to the selection criteria, **before selection takes place.**
4. The manager/headteacher/Dismissal Committee shall meet in order to utilise this information in applying the criteria and to identify the individual(s) whose posts are to be proposed for redundancy.
5. Additional guidance on selection for redundancy criteria can be found at Appendix 8.

**Following Selection**

1. Managers/headteachers should ensure they arrange to meet with employees where their post has been selected for redundancy as soon as possible in order to discuss the next steps.
2. Where an employee’s post has been selected for redundancy they will be informed by the Assistant Director (or their nominee)/Headteacher (or their nominee) and will be given not less than five working days' notice in writing of the date, time and place of the meeting and shall be given the opportunity to be accompanied at the meeting by a trade union representative or work based colleague. The employee shall be informed in writing of the circumstances which have led to her/his proposed dismissal including the reason for redundancy. The employee shall be issued in advance with an outline structure for the meeting as set out in Appendix 7 of this procedure.
3. Where selection criteria have been used to make the selection, these and the employees anonymised individual scores or reasons for selection will be provided in advance of the meeting.
4. At the meeting the manager/headteacher will describe the management of change procedure which has been followed and provide details of the outcome for the individual employee and the proposed termination of employment by reason of redundancy.
5. The employee may be accompanied by a trade union representative or a work based colleague and shall have the opportunity of making representations including (if so wished) written representation to the manager/Headteacher/Dismissal Committee of the governing body. The manager/headteacher/Committee shall have regard to such representations before reaching a decision. In a school setting a representative of the LA/ Diocesan Authority (as appropriate) will normally attend to advise on the proceedings and will always attend when a possible outcome of the meeting could be dismissal. Any advice given by the LA/Diocesan representative must be considered before any decision regarding the matter is taken.
6. The manager/headteacher/Dismissal Committee will adjourn to reach a decision. This decision shall be given verbally to the employee at the end of the meeting and confirmed in writing thereafter. Where appropriate, such notification will include the details of the time, date, venue and arrangements of any appeal meeting.
7. In cases of dismissals in schools where the local authority is the employer (Community and Voluntary Controlled), the dismissal letter from the panel must be followed by a further letter from the Local Authority confirming the dismissal. In these circumstances the school must contact the Director of Children’s Services to advise them that a dismissal has taken place and provide a copy of the original dismissal letter from the Panel of Governors.
8. For additional information on notice of redundancy see Appendix 8.

**Supplementary Provisions Relating to Foundation/Voluntary Aided Schools**

1. . For Foundation/Voluntary Aided Schools the broad principles above shall be followed, except that the LA/Diocesan Authority (as appropriate) role will be purely in an advisory capacity where the governing body agree to accord advisory rights:
2. . Decisions of any committee of the governors which result in dismissal on the grounds of redundancy of any member of the staff of the school, employed by the governors, shall be notified in writing by the governors, giving reasons, to the LA.
3. . Notice of termination of employment shall be issued to the employee(s) concerned by or on behalf of the governing body, having regard to the employee's contractual/statutory notice provisions.
4. . In schools the Education (Modification of Enactments Relating to Employment) Regulations provide that a governing body will be the respondent in law in the event of unfair dismissal and/or unlawful discrimination resulting from the exercise of statutory powers by the governing body. In some cases the LA may also be a respondent. Awards determined by an Employment Tribunal in such circumstances may be a charge against the school’s budget. Additionally the governing body must give the LA notice of any impending redundancy so that, in cases where the LA is the legal employer, it may consider whether there are any other suitable posts in the area.

**Alternative Employment Process**

1. . If employees have been unsuccessful in securing a position via the Vacancy Preference Process or selected for redundancy (and have more than one year’s continuous service at the date employment is due to end) they will have access to the Alternative Employment Process (AEP) which is a joint responsibility between the employer and employee.
2. . In a school setting, in Community and Voluntary Controlled Schools only, the employees can access alternative employment through the county council. In order to assist you with alternative employment the headteacher must contact Cumbria County Council Service Centre on 01228 223333 for advice regarding the process.
3. . It should be noted that if voluntary redundancy is approved then employees will no longer be eligible to apply for posts under AEP.
4. . Managers/headteachers are responsible for retaining weekly contact with the employee during their time on the AEP to encourage and support staff in their search for alternative employment and ensure they are accessing support (see checklist at appendix 9).
5. . Contractual notice (up to a maximum of 3 months, 4 months in the summer term for headteachers) will run concurrently with their time on AES. If the employer has been unable to offer alternative employment the employees employment will terminate at the end of their notice period.
6. . Support can be offered to employees affected by reshaping activity, e.g. training on how to apply for posts and interview techniques. Consideration may also be given to providing further support to redundant employees such as job skills workshops (e.g. help with CVs, retraining, outplacement, personal support/accessibility).
7. . In a directorate setting the Council has a dedicated website which provides a range of information during the change process. This support can be access via the link below:

<http://www.cumbria.gov.uk/employeeinformation/>

All information can be provided in hard copy to employees who do not have easy access to the Employee Information Website. Documents can be made available on request in a range of formats to ensure accessibility for all employees.

111. In a school setting the county council Learning & Skills Team is able to provide job search support for employees in community and voluntary controlled schools. Please email **ldadminteam@cumbria.gov.uk** for advice regarding the process.

**Reasonable Adjustments**

112. Managers/headteacher should ensure that employees are offered reasonable adjustments at every stage of the process, in accordance with the Equality Act 2010. All requests and subsequent action should be appropriately recorded.

113. An employee who has been given notice of redundancy must be allowed to take a reasonable amount of time off, with pay, to look for new employment or to make arrangements for training for future employment. The following is recommended :

* The relevant manager/ headteacher should agree time off in advance
* At least 48 hours’ notice should be given
* A letter confirming the interview appointment or the training arrangements should, as far as possible, support the request for time off

**Trial Periods**

114. An employee who is under notice of redundancy has a statutory provision for a four weeks trial period in an alternative job where the terms of the new contract differ from the original contract. The trial period begins when the previous contract has ended and ends four weeks after the date on which the employee starts work under the new contract.

115. The purpose of the trial period is to give the employee a chance to decide whether the new job is suitable without necessarily losing the right to a redundancy payment. The manager should also use the trial period to assess the employee's suitability for the role and to consider what if any additional training is required.

116. Trial periods should be considered for any remaining vacancies within the service reshaping and any vacancies employees apply for via the AEP. The recruiting manager and employee should develop an appropriate action/training plan for the trial period with support from People Management and Trade Unions.

**Appeal Hearings**

117. An employee has the right of appeal against a redundancy dismissal. The appeal process differs according to the setting as below:

118. **In a County Council directorate:**

* Appeals must be lodged in writing, clearly stating the grounds of appeal, within 5 working days of being informed in writing of the dismissal. Appeals against redundancy are permitted on the following grounds:
* Procedural error
* Discrimination
* Scoring not based on objective and/or verifiable evidence

NB: In order for an employee to present a case they will need to be clear of the rationale behind selecting them for redundancy.

119. The manager will make the necessary arrangements for an appeal to be heard, normally, within 10 working days after the appeal has been lodged. Where possible, appeals should be heard prior to the expiry of notice. The manager will also inform the People Management representative who supported them with the redundancy case that an appeal has been lodged.

120. The employee will be given at least five working days’ notice (except in cases where the date of notice expiry prevents this) in writing of the date, time and venue of the Appeal Hearing.

121. Normally an Assistant Director, with no previous involvement in the case, will be appointed to hear the appeal. They will be supported by a representative from People Management whose role it is to advise on procedure to assist the hearing manager in reaching a fair decision.

122. The employee may be represented and/or accompanied at the hearing by a trade union representative or a work colleague. It is the employees’ responsibility to obtain their own representation, ensure this is in place for the hearing, and notify their representative of the date, time and venue of the hearing. It is also the employee’s responsibility to provide their representative with details of their case

123. In a school setting:

* Appeals shall be lodged by the employee in writing giving reasons for the appeal, to the Clerk to Governors of the school within 5 working days of receipt of the letter informing the employee of the initial dismissal decision.
* An Appeals Committee of the governing body shall be established to hear an appeal. The Appeals Committee shall consist of at least three governors **who have not been involved in any previous action or decision connected with the dismissal.** Where there are not enough such governors available, the appeal may be heard by two governors, but there should be no fewer than the number that made the initial decision. No member of the governing body previously involved in the case shall take part in the consideration or decision on such an appeal.
* The structure of the meeting, which shall take the form of a full rehearing, shall be in accordance with Appendix 7 of this guidance. The function of the Appeals Committee is: -
* to ratify the dismissal, or
* to overturn the decision to dismiss and allow the appeal.
* When the appeal process has been completed, if the initial dismissal decision is confirmed, the employee shall be notified accordingly and this shall be confirmed in writing. There shall be no further right of appeal within the terms of this procedure.
* Where a decision is taken to allow an appeal, the employee shall be advised accordingly and this shall be confirmed in writing. Notification of termination of the employment contract, issued by the school or LA after the initial dismissal decision shall be rescinded, as appropriate, by the school or LA.
* If, following the issue of dismissal notices, the employers are able to find appropriate ways of avoiding the redundancies, or a suitable alternative position with the same employer is secured, the dismissal notices shall be withdrawn.

Appendices

Link to [Managing Change Appendix 1 - Memorandum of Understanding](https://www.intouch.ccc/elibrary/Content/Internet/536/5901/6049/4326314316.docx)

Link to [Managing Change Appendix 2 - Template Statement of Change](https://cumbria.gov.uk/elibrary/Content/Internet/536/5901/6974/4354615447.docx)

Link to [Managing Change Appendix 3 - Checklist for TU Briefing Meeting](https://www.intouch.ccc/elibrary/Content/Internet/536/5901/6049/4326314644.docx)

Link to [Managing Change Appendix 4 - Checklist for Information Pack for Employees at First Meeting](https://www.intouch.ccc/elibrary/Content/Internet/536/5901/6049/43263142735.docx)

Link to [Managing Change Appendix 5 - Assimilation criteria and assessment form](https://www.intouch.ccc/elibrary/Content/Internet/536/5901/6049/43263142856.docx)

Link to [Managing Change Appendix 6 - Selection for Redundancy](https://www.intouch.ccc/elibrary/Content/Internet/536/5901/6049/43263142957.docx)

Link to [Managing Change Appendix 7 - Meeting to Confirm selection for redundancy and appeal against redundancy](https://www.intouch.ccc/elibrary/Content/Internet/536/5901/6049/43263143121.docx)

Link to [Managing Change Appendix 8 - Additional information on notice of redundancy](https://www.intouch.ccc/elibrary/Content/Internet/536/5901/6049/43263143455.docx)

Link to [Managing Change Appendix 9 - Managers checklist for one to one meetings during notice](https://www.intouch.ccc/elibrary/Content/Internet/536/5901/6049/43263143658.docx)