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**Organisational Change Policy**

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| **Document** | **Part of College Workforce Strategy** |
| Policy owner: | HR Director |
| Review date | August 2019 |
| Objectives in line  with West London  Way: | * To provide support in improvement of quality of curriculum in line with college KPIs and agreed external frameworks, such as Ofsted CIF and NART * Support **excellence** to identify and address aspects we need to improve to reach & maintain excellent * To support **ambitions** to improve our approaches * To **focus** on the process of support, performance review and the planning of interventions to raise standards * To support an **inclusive** approach by identifying and enable the sharing of good practice across teams and individuals to improve performance * To maintain the **integrity** of judgements and support for improvement in raising standards or withdrawal courses |
| Applies to: | All staff |
| Monitoring and evaluation: | It will be the responsibility of the HR Director to monitor the effectiveness of this  policy by:   1. assessing the nature and frequency of complaints or cases and identifying any patterns which need to be addressed 2. monitoring individual complaints or cases to ensure that they are effectively resolved and that no victimisation occurs   As part of the process, the HR Director will consult with the trade unions on changes to this policy and procedures.  While this policy is to be followed by all employees of the College, it does not form  part of an employee’s contract of employment. |

**Associated documents/policies for this area:**

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|  | West London Way |
|  | College KPIs |
|  | Equal Opportunities & Diversity policies |
|  | Safeguarding policy |
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**1 Introduction**

1.1 This policy and procedure provides guidelines in two parts.

* **Part One** is guidance for Managers who need to restructure their

department/service/team or posts.

* **Part Two** is the formal arrangements in place for managing redundancies that either result from the need to reduce the number of posts in a given area, or as a result of a departmental restructure.

1.2 Change continues to be an ongoing feature within the sector and the college needs to be able to respond to changes quickly and effectively but within a framework that ensures that any organisational change is undertaken fairly and that the views of affected staff and their representatives are fully taken into account.

* 1. This guidance should be applied where any restructuring changes are necessary within

a Department or to a job/jobs. In all cases advice should initially be sought from HR before proceeding

1.4 A need to restructure a department/service/team or job can result from the following:

* New service delivery requirements
* Need for increased efficiency and effectiveness
* Changes in funding provision
* Changes in resource levels
* Changes in legislation / College policies

1.5 Employees are inevitably affected by a restructuring exercise. Some restructures may result in a reduction in the number of jobs within the department and this can lead to redeployment/retraining or ultimately redundancy. Even if this is not the case, roles, duties, hours of work and other conditions of service may change as a result of the restructure. Consultation with staff and trade unions over such proposals is a legal requirement and must be meaningful.

1.6 The relevant trade unions must be consulted at the earliest opportunity in order that they, as well as individual employees, may put forward alternative proposals for consideration. These will be presented to the relevant JNC for information and discussion. All final decisions must be documented by the manager and advised to affected staff.

1.7 The College recognises that restructuring and changes or reductions in job roles can be unsettling for staff and will seek to be open, transparent and timely with all relevant information concerning the proposals made. Staff will be made aware of the support available through the Employee Assistance Programme at the earliest opportunity.

1.8 The manager leading on the proposed restructure is responsible for writing all of the documentation relating to their proposal, and for leading their restructure in every respect, with advice from HR.

1.9 Managers are responsible for prioritising their restructure and for observing each step of this procedure and the deadlines set within it or as set by HR as the process is underway.

1. **Roles and Responsibilities**

**2.1 Managers:**

* + Managers have the primary responsibility to lead the restructure of their department and be responsible, with support from a nominated HR Advisor, for following all steps of the Restructuring Policy
  + To prepare a briefing report using the standard template pro forma appended to the policy and amend as necessary as consultation progresses
  + To confirm any financial information within the report from the Finance Department
  + To draft any job descriptions, person specifications and organisation charts
  + To submit the proposal and all supporting documents (JDs, PS, structure charts etc to HR by the deadline set
  + To carry out an equality impact assessment on the proposals, with advice from HR as necessary
  + To discuss the report initially with the relevant Director/VP and forward to SLT for discussion and consideration
  + To consider the impact of the proposal on other departments and consult with other Managers where the restructure may impact the work of other departments including support services
  + To arrange and chair meetings with affected staff to discuss the proposals both as a group and individually
  + To lead the presentation of the proposal at meetings with trade union reps and staff
  + To keep staff up to date about the progress of the restructure, answering questions about it as and when required

**2.2 Human Resources:**

* + To advise managers on the application of the Restructuring Policy and the steps to be followed
  + To proof read the business case report and advise on amendments as required
  + To advise on the content and grading of draft job descriptions and person specifications
  + To advise on the staffing implications of the proposal for each post and each postholder, and to recommend appropriate action ie assimilation, ring fences, internal recruitment etc
  + To arrange for the briefing paper to be considered at JNC or to arrange a special meeting of JNC if there is not one scheduled
  + To attend group and individual staff and TU meetings with the lead manager to provide advice and guidance on the process to all parties
  + To arrange interviews/assessments when this is required by the restructure and to arrange for a colleague to represent HR at those interviews
  + To lead on redeployment searches for displaced staff as necessary
  + To support displaced staff individually with advice and guidance on redundancy, signposting the EAP and other sources of support
  + To prepare redundancy estimates and administer the redundancy process where required
  + To notify staff of the outcome of any interviews in writing
  + To process any employment changes as a result of the restructure such as changes to hours, post title, etc

### Part One - Departmental Restructures

**3. Planning and Preparation**

3.1 Changing departments/services/teams and jobs is a complex matter and one which should be properly planned and managed. It should not be rushed. Consideration must be given to the unsettling impact organisational change can have on people and therefore an investment made in planning the change process well.

3.2 The manager should discuss their proposal initially with the relevant Executive Director unless the report has been written by the Executive Director.

3.3 As soon as the need for changes to a work area or post have been identified, the manager must contact their HR Advisor to discuss the proposal, the potential consequences for the post holders involved and a realistic timescale for consultation. The timescales agreed must allow sufficient time for the organisational change to be presented to SLT, to be presented to the relevant JNC (s) and for full and meaningful consultation to take place.

3.4 The first stage of the process is for the manager to prepare a business case for the proposed change for SLT consideration using the corporate template at appendix 1. The business case must be thorough and detailed and must clearly demonstrate the reason for the proposed change, the costing implications of the change (using information sought from the Finance) and the timescale agreed with the HR Advisor. A start date for the new structure should be determined that is reasonable and achievable, taking full account of the College calendar. The business case should not include staff names, but focus on posts and job titles.

3.5 In preparing the business case the manager will consult with relevant staff/colleagues for their views and /or comments on the proposal as appropriate including their employees on maternity or long-term absence.

3.6 The manager must also consult managers of other departments who’s services may be affected by the proposals at this stage.

3.7 All financial information should be confirmed in advance of the report being submitted to SLT by the Assistant Director, Finance

3.8 Revised job descriptions, changes to grades, hours, terms and conditions must also be included as appendices to the business case where they are relevant, along with a current and proposed structure chart. Whilst the manager is responsible for creating the job description and person specification using the corporate templates, HR will advise on the content/wording and the grade of the job through formal job evaluation.

3.9 Where a new role incorporates duties which might result in a revised grade, HR will use job evaluation to determine the grade based upon an evaluation of the revised job description.

3.10 Where a proposed restructure is a fundamental change to a department/service/team or job, or there are fewer roles in the new structure than currently, the College may offer voluntary redundancy to staff in order to avoid compulsory redundancies. However, on occasion, due to financial or time constraints, the seeking of volunteers for redundancy might not be a viable option. In any event, staff will not be entitled to choose to be made redundant during a restructure, where there exists a role for them in the new structure that is considered suitable and alternative employment.

3.11 A restructure may be delayed or not approved by SLT if consultation does not follow

the provisions of this policy.

**4. Discussion and Consultation**

4.1 Following SLT approval, HR will arrange for the manager to discuss their report with the appropriate Trade Union officers at the next available JNC meeting. If the proposed timescales do not allow for a formal presentation at JNC, a separate extraordinary meeting should be arranged with relevant JNC representatives.

4.2 The length of the consultation period is determined by the number of posts affected by the proposed change but is generally 30 calendar days. Large scale organisational change which may involve over 20 posts being ‘at risk’ should have a consultation period of at least 45 calendar days.

4.3 During the consultation period a clear mechanism for staff or trade union representatives to ask questions of the manager, make counter proposals and give feedback should be made clear to staff and their representatives. Trade Union representatives support staff through consultation on organisational change and so it is important to consider their availability to attend consultation meetings with staff when deciding on timescales.

4.4 After the proposal has been presented and signed off by JNC, the manager should present the proposals to the staff affected at a face to face group meeting at which Trade Union representatives are invited to attend. The manager should outline the proposal, and ensure that every member of staff affected has a copy of the business case/job descriptions etc at the meeting. The manager should seek views and ideas from the staff who should be given the opportunity to meet with their trade union representatives separately if they wish. Details of the timescales for consultation and for the receipt of queries and counter proposals, plus a clear mechanism for receipt of feedback should be given.

4.5 The manager should offer one to one meetings to the staff affected by the proposal in order to address specific issues that are not appropriate to raise in a group meeting and these should take place during the consultation period. Where staff wish to meet with the HR Advisor assigned to the restructure they can request a one to one meeting. In addition, the confidential Employee Assistance Programme offered by the College should be promoted to staff.

4.6 The manager should advise the employees and their representatives that at the conclusion of the consultation period, a further staff meeting will be held at which the final proposals will be presented. The manager should circulate answers given to employee questions about the restructure (other than personal ones) to all staff.

4.7 The final document, incorporating any changes that may have been made during the consultation period, should be shared with staff and their representatives at the meeting. Where suggestions/counter proposals were advanced but not incorporated in the final proposal, the manager should ensure the reasons for their exclusion are given.

**5. Operational Issues**

5.1 HR will work closely with managers to ensure that each post and the proposed changes to it, is managed fairly and appropriately. This will include arranging ‘ringfences’ for posts within the new structure or ‘assimilating’ posts.

5.2 Ringfences will be created for new posts in a new structure based on grade and role. Where a newly created role is no more than one grade difference to an existing role, it will be included in the ringfence.

5.3 Employees whose current job is 80% or more the same as the new role will be assimilated (slotted in) to the new role without interview or assessment except where there is more staff than posts available.

5.4 Where new roles are:

* substantially different in content/focus
* more than one grade higher or
* there are more staff than available posts,

a competitive selection for the new posts in the new structure should take place, ringfenced to the existing staff affected by the restructure. Affected staff will be asked to express an interest in the post/s in the identified ringfence, and they will be guaranteed an interview/assessment.

5.5 The intention of the College will be to recruit to new posts in a new structure wherever possible with existing staff. The purpose of the interview is for staff to demonstrate that they have the skills, experience and ability to undertake the new role successfully.

5.6 Where posts are not filled at 5.4, the College will advertise the post/s. Where there are known to be staff at risk of redundancy elsewhere in the College, the available posts could be considered as suitable redeployment opportunities, and will be advertised internally, ringfenced to those staff at risk initially. Where there are no known staff at risk of redundancy elsewhere in the College, the posts will be advertised internally and externally at the same time and anyone may apply.

5.7 Interview panels for posts in a restructure will include the line manager, a manager from a different work area, and a member of HR. All applicants will be competitively interviewed/assessed in accordance with the College Recruitment and Selection policy and best practice. For teaching posts, this will include a micro teach session and for all roles may include assessments in addition to an interview, that help to demonstrate an employees ability to do the new role.

5.8 Employees who are appointed to new roles in a new structure will be entitled to a trial period of up to 4 weeks to demonstrate their suitability for the new role.

**6. Displacement**

6.1 Where following a restructure an employee has no role in the new structure, or they have not been successful at interview for the new role, the College will seek redeployment at an appropriate equivalent level within the College with appropriate training where necessary.

6.2 Where no equivalent posts exist, redeployment may be offered to an appropriate lower graded post. In such circumstances, the employee’s salary will be protected for a 12-month period. An appropriate graded post should not be more than one grade lower than the employee’s previous post in order for salary protection to apply.

6.3 Managers have a key role to play in managing the situation with their displaced staff. They will be active in seeking alternative employment for their staff member with support from HR.

6.4 The College’s arrangements for seeking alternative employment and redundancy are set out below.

**Part Two - Redundancy Procedure**

**7**. **The College’s Position**

7.1 The College always wants to avoid compulsory redundancies wherever possible, and will always work hard with recognised Trade Unions to avoid it. However, sometimes it is impossible for the College to avoid redundancies.

7.2 This section of the Organisational Change Policy outlines the College’s procedures for dealing with redundancy situations that arise as a consequence of restructures or organisational change, or as a result of funding reductions.

7.3 The College is committed to the aims/principles of our Equal Opportunities policy throughout a redundancy process that aim to ensure that our working practices are available without discrimination, harassment or victimisation.

**8. The Definition of Redundancy**

8.1 Section 139 of the Employment Rights Act 1996 defines the situations in which

redundancy arises:

* **Job redundancy:** this occurs where the employer ceases to trade or intends to cease trading in the business or that part of it in which the employee works.
* **Place of work redundancy:** this occurs when the employer has ceased or intends to cease trading in the business where the employee works.
* **Employee redundancy:** this occurs when the employer's requirements for employees to carry out "work of a particular kind" or for employees to carry out work of a particular kind at the employee's workplace have ceased or diminished or are expected to cease or diminish.

# 9. Avoiding Redundancies

9.1 It is recognised that changes to the College’s work and organisation may affect its staffing needs. In the event of a need for redundancy, all reasonable efforts will be made to avoid compulsory redundancies. This may include the following measures:

1. Natural wastage;
2. Redeployment and, if possible, retraining to other parts of the College;
3. Reducing the numbers of Agency workers;
4. Seeking volunteers for voluntary redundancy;
5. Reduction or elimination of overtime working (i.e. work undertaken over and above contracted hours);
6. Restrictions on recruitment;
7. Short-time working; reduction of any temporary increase in hours
8. Salary freezes

9.2 In addition, any suggestions from Trade Unions/staff on cost saving methods as an alternative to redundancies will be considered. It is recognised, however, that circumstances may arise which result in the College seeking to effect a compulsory reduction in staffing levels. In such circumstances a key consideration will be the need to retain a balanced, skilled and experienced workforce that will best serve the needs of the College, its students and the community in the long term

9.3 The College will take into consideration the views expressed by its staff and the Trade Unions but the decision as to whether to make redundancies and where to make them ultimately rests with the College.

#### 10. Selection for Redundancy

10.1 In situations where it becomes necessary for the College to effect compulsory redundancies, the proposed criteria will have been disclosed and discussed with the recognised Trade Union(s) as part of the consultation process.

10.2 In some cases, employees may be invited to apply for a reduced number of posts and selection for redundancy will therefore effectively be by means of competitive selection via interview and other complementary selection methods and the employee’s match to the post’s person specification. In others, employees will effectively be in a “pool of one” (i.e. an individual teaching a specific/specialised course that will no longer be run). There may also be situations where an entire function or area is to be closed and all staff will be at risk of redundancy.

10.3 In all other cases where there is a general need to reduce staff numbers, individuals who have to be selected for redundancy may be selected using criteria. The criteria will depend upon the needs of the College and the precise selection criteria will vary according to each redundancy situation. In all cases the College will consult with the recognised Trade Unions on the process to be followed. Two or more managers will carry out the selection process to avoid claims of unfairness. The managers scoring will do so independently and then agree a final score together. At least one of the managers will have direct knowledge of the employee being scored. If this is not possible, a second manager may review the scores.

All selection criteria employed will be devised to ensure that the staff who best meet the future needs of the College are retained.

10.4 The College will not discriminate unlawfully in any part of the redundancy process. The criteria will be examined to ensure that no element of discrimination (or potential discrimination) is present and an equality impact assessment will be undertaken. Guidance in respect of selection within a pool will be produced by HR to ensure that there is no unlawful discrimination along with appropriate objective criteria for selection purposes.

10.5 Generally, the selection criteria may include a number or all of the following, but the list is not exhaustive to ensure objective and reasonable criteria are chosen that are appropriate to the particular job roles that are at risk of redundancy:

* Qualifications
* Key performance indicators, such as success rates
* Experience (gained in a formal or informal setting required for the posts to be retained)
* Skills/knowledge/productivity
* Attendance record
* Disciplinary record (current not expired warnings)
* Capability record (including any current capability record)
* Others e.g. ability to work required rota system, possession of driving licence if relevant to the job

10.6 In some cases the College may wish to weight the criteria to reflect their relative importance to the future requirements of the posts that will remain.

10.7 When attendance records are used, absence relating to disability, pregnancy (included antenatal), maternity, adoption , leave paternity and parental leave as well as periods of absence related to industrial injury will be discounted. Any absences agreed by College management under the Special Leave Policy e.g. unpaid leave; compassionate leave will also be discounted.

10.8 Where both disciplinary record and attendance are being taken into account, care will be taken not to penalise an employee by 'double counting' ie a disciplinary warning for absence would be an example of 'double counting'.

10.9 Details of the criteria to be used in the selection process following consultation with the Trade Unions will also be distributed to staff in the area(s) where redundancies are to be made before the selection process takes place.

**11. Voluntary Redundancy**

11.1 Where possible, compulsory redundancies will be avoided by offering voluntary redundancy or voluntary severance to those employees within the pool who volunteer. On occasions, due to financial or time constraints, the seeking of volunteers for severance or redundancy may not be a viable option open to the College. In addition, it may be that in some circumstances, in order to minimise cost, only one option may be offered.

11.2 Where voluntary redundancy is applicable, the VR Policy & Procedure will apply. Volunteers will be considered in the light of the curriculum needs of the College and the financial costs of meeting the request. Management reserve the right to reject volunteers if it believes that the curriculum or service delivery will suffer or if the cost of the voluntary redundancy is excessive.

**12. Notification of Redundancy and Right of Representation**

12.1 Employees formally advised that they are “at risk” of redundancy” will have the right to make representations in writing or via a meeting with the Chief Executive, or an appropriate person appointed by the Chief Executive in this regard before any final decision to dismiss is taken. The right to make representation **before** a decision to dismiss is taken is in accordance with the Articles of Governance.

12.2 Such a request with the Chief Executive, or appropriate person, must be submitted in writing within ten working days of the employee receiving the letter giving advising of their selection and “at risk” status. If the employee wishes to make representations at a meeting they may be accompanied by a workplace colleague or Trade Union representative. The Chief Executive, or appropriate nominated person will give a decision on the representation within ten working days of the meeting. This representation is without prejudice to the employee’s right to formally appeal against any final decision to dismiss (see 7 below). An employee may choose not to make representation if they wish.

12.3 Where a final decision to dismiss on the grounds of redundancy is made, employee’s subsequently selected as redundant will be served the appropriate written notice to terminate their employment. Their contractual or statutory period of notice (whichever is the greater) will apply.

**13. Right of Appeal**

13.1 Any employee will have the right to appeal against dismissal on the grounds of redundancy and to exercise this right must apply to the Chief Executive via the HR Director within ten working days of receipt of their formal written notice of redundancy. Employee’s who appeal will have the right to be accompanied by a Trade Union representative or workplace colleague. The appeal will normally be heard within ten working days of receipt of the written notice of appeal from the employee. The appeal will be chaired by the Chief Executive or their nominated representative. The Manager responsible for selection will be present as will a HR representative who will act as HR Advisor to the Chair of the appeal hearing.

13.2 The appeal hearing will be conducted in the following manner:

1. The Chair will introduce those present, outline their roles in the hearing and the process for the appeal.
2. The employee or their representative will be invited to state the reasons for their appeal against their selection for redundancy.
3. The manager responsible for the selection will have the opportunity to respond and explain the reasons for the decision made.
4. Once both sides have presented their case, the Chair of the hearing will invite the employee or their representative followed by the manager to sum up their respective cases.

1. On conclusion, both sides will be asked to withdraw while the Chair considers the evidence presented. Where the Chair requires clarification of any particular matter both sides shall be recalled.
2. The Chair will recall both sides and convey their decision orally. Where the matter requires longer consideration the Chair will advise the parties that the decision will be communicated in writing.
3. In any event the decision will be confirmed in writing to the employee within five working days of the appeal hearing.
4. The Chair may endorse the original decision or may rescind the dismissal.
5. The decision of the Chair will be final and there is no further right of appeal.

13.3 An appeal may be heard in an employee’s absence if an employee cannot demonstrate reasonable grounds for their non-attendance on the day specified for the hearing or on the date of an adjourned or postponed hearing. In such circumstances, the Trade Union representative or work colleague will be provided with the opportunity to present the employee’s case and to question management on the employee’s behalf. The Chair will consider any written submission by the employee, whether or not represented, before a decision is taken.

**14. Seeking Alternative Employment**

14.1 Every effort will be made to consider employees who are identified as redundant for alternative employment within the College within their period of notice. If suitable vacancies are available, redundant individuals will be considered for them and guaranteed an interview and the normal recruitment arrangements will apply. The College will ensure that internal candidates on notice of redundancy will have priority status for vacancies in the College over external candidates or internal candidates not on notice of redundancy. Individuals who are not appointed will be given feedback by the Chair of the interview panel on the reasons why they were unsuccessful.

14.2 An employee under notice of redundancy who is offered redeployment to another post in the College has a statutory right to a trial period of four weeks in an alternative job where the provisions of the new contract differ from the original contract, the period to begin when the previous contract has ended. This is to allow the employee the opportunity to try the new job without losing the right to a redundancy payment in the event that the trial is unsuccessful. The purpose of the trial is for the employee to determine that the new role is suitable alternative employment for them and for the new Manager to determine that the employee is able to satisfactorily carry out the new job role. Details of the trial would be set out in writing to the employee by Human Resources before the trial begins. The redundancy payment will not apply if the employee unreasonably refuses a suitable alternative role.

14.3 Employees under formal notice of compulsory redundancy will be given up to 5 days paid time off to seek alternative employment with their Managers' prior knowledge and consent. This time can be used to attend interviews, complete applications, register with agencies or anything else related to seeking alternative work.

14.4 The College may make an offer of redeployment to a role it determines is suitable alternative employment even though the employee has not applied for the role. Where an employee unreasonably refuses the offer of alternative employment, they will lose their entitlement to redundancy pay and be deemed to have terminated their employment voluntarily.

14.5 The Manager of the employee at risk or on notice of redundancy will be active in seeking alternative employment for their staff member with support from Human Resources.

## 15.0 **How is suitable alternative employment defined?**

15.1 Section [141](http://www.legislation.gov.uk/ukpga/1996/18/section/141) of the Employment Rights Act 1996 governs the rules on suitable alternative offers of employment in relation to redundancies. The legal framework establishes the duty on employers to take reasonable steps to find, where possible, suitable alternative employment for affected staff. Whether a job is 'suitable alternative employment' depends on several things including:

* how close the work is to current job
* the terms of the job being offered
* skills, abilities and circumstances in relation to the job
* pay (including benefits), status, hours etc.

15.2 The question of suitable alternative employment will be determined on a case by case basis

**16.0**. **Statutory Obligations**

16.1There are particular additional legal obligations placed on employers in respect of pregnant employees or employees on maternity (ordinary and additional maternity leave) or additional paternity leave in a redundancy situation. It is permissible and may often be necessary, to include an employee on maternity or additional paternity leave in a selection pool and if this happens they must be consulted with, as for any other employee. If the employee is subsequently given notice of redundancy, they have the right to be offered any suitable vacant alternative role in the college ahead of any other redeployee. The offer must be of a new contract taking effect immediately on the ending of the employee’s previous contract and must be such that the work is suitable and appropriate for her to do and the capacity, place of employment and other terms and conditions are not substantially less favourable than under the previous contact. The College will ensure that these duties are discharged in respect of statute.

16.2 Employees on fixed term contracts/hourly rates of pay will be treated the same as those on permanent contracts of employment in respect of the appropriate legislation.

16.3 Managers of staff at risk of redundancy are expected to take an active role in identifying suitable alternative employment for their staff.

**17. Hourly Paid Lecturers (HPLs)**

17.1 Although gaps caused by half terms and the Christmas/Easter holidays do not create a break in service, the gap between summer and autumn terms create a potential redundancy situation for HPL’s. In the majority of cases work will be offered again in September subject to enrolments. Where work is not offered then such staff will be at risk of redundancy.

**18. Returning to work in the College after being made redundant**

18.1 Where an employee is made compulsorily redundant from the College and is subsequently offered new employment following the normal recruitment procedures with the College (such as in a Hourly Paid Lecturer role), service will be deemed to have started again from the date of the new contract. Where a redundancy payment has been received, previous service will not be counted as continuous and therefore ‘double counted’ in the event of a future redundancy. If the new employment commences within one month of the redundancy, service will be deemed continuous and the redundancy payment must be repaid.

18.2 Where an employee takes voluntary redundancy from the College, the College does not permit re-employment within 2 years of the effective date of the voluntary redundancy.

**19. Redundancy Pay and Notice Periods**

19.1 Section 162 of the Employment Rights Act 1996 sets out how a redundancy payment is calculated. To be entitled to a redundancy payment, the employee must have two continuous years’ service with the College at the effective date of the redundancy. The College will make a redundancy payment to staff who are entitled based on the statutory redundancy scheme published by the Government using completed years of service, age and weekly pay to determine the amount of redundancy pay entitled. Only full years of service will be counted and previous continuous service considered in accordance with the Local Government Modification Order.

19.2 All previous service information (including any previous redundancies during that service period) must be supplied by the employee and agreed by the College before it will be taken account of in calculating entitlement. Where exceptionally this cannot be verified by the College before the last day of service, the redundancy payment made will be based on EHWLC service and any difference rectified as soon as it is verified.

19.3 When determining an employee's weekly pay for the purposes of calculating his/her redundancy payment, the College will apply the statutory ceiling laid down in the Employment Rights Act 1996.

19.4 The College will generally expect employees on notice of redundancy to work normally during their period of notice. Exceptionally, the HR Director may agree that a payment in lieu of notice (or part of notice) will be made where it is highly impracticable or not in the best interests of the College that the notice period is worked. An employee on notice of redundancy who wishes to leave the College prior to the termination date can request this to the HR Director, but if agreed, the employee will be paid only until the new, earlier termination date.

19.5 All annual leave outstanding must be taken prior to the effective date of redundancy and any not taken will be lost. No payment will be made for outstanding annual leave except where for reasons of maternity leave or disability related absence it has been impossible to take the leave accrued.

19.6 Redundancy pay will be credited directly into employees’ accounts within 14 days of their last day of service. Redundancy pay up to a maximum of £30,000 is paid free of tax.

19.7 The Statutory ‘Ready Reckoner’ for calculating redundancy entitlement is attached as Appendix A. An online tool to calculate entitlement is also available at www.gov.uk/calculate-your-redundancy-pay

20. **Other types of assistance**

20.1 Where appropriate and financially viable, the College will provide employees additional assistance to help them cope with the prospect of redundancy and looking for new employment. The College will utilise existing services, for example the Employee Assistance Programme which offers telephone counselling or in the case of compulsory redundancy, external advice on job hunting.

**21. Status and Monitoring**

21.1 The College would not normally anticipate departing from this Policy and Procedure except in particularly unusual circumstances. This process, including deadlines, appeals mechanisms, possible leaving dates will be the subject of consultation with recognised Trade Unions following consultation with the Governors and Senior Management Team.

21.2. While this policy and procedure is to be applied to all employees of the College, it does not form part of an employee’s contract of employment and may be subject to change at the discretion of the College.

**Statutory Redundancy Pay table**

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| **Age** | **2** | **3** | **4** | **5** | **6** | **7** | **8** | **9** | **10** | **11** | **12** | **13** | **14** | **15** | **16** | **17** | **18** | **19** | **20** |
| **17** | 1 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| **18** | 1 | 1½ | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| **19** | 1 | 1½ | 2 | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| **20** | 1 | 1½ | 2 | 2½ | - | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| **21** | 1 | 1½ | 2 | 2½ | 3 | - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| **22** | 1 | 1½ | 2 | 2½ | 3 | 3½ | - | - | - | - | - | - | - | - | - | - | - | - | - |
| **23** | 1½ | 2 | 2½ | 3 | 3½ | 4 | 4½ | - | - | - | - | - | - | - | - | - | - | - | - |
| **24** | 2 | 2½ | 3 | 3½ | 4 | 4½ | 5 | 5½ | - | - | - | - | - | - | - | - | - | - | - |
| **25** | 2 | 3 | 3½ | 4 | 4½ | 5 | 5½ | 6 | 6½ | - | - | - | - | - | - | - | - | - | - |
| **26** | 2 | 3 | 4 | 4½ | 5 | 5½ | 6 | 6½ | 7 | 7½ | - | - | - | - | - | - | - | - | - |
| **27** | 2 | 3 | 4 | 5 | 5½ | 6 | 6½ | 7 | 7½ | 8 | 8½ | - | - | - | - | - | - | - | - |
| **28** | 2 | 3 | 4 | 5 | 6 | 6½ | 7 | 7½ | 8 | 8½ | 9 | 9½ | - | - | - | - | - | - | - |
| **29** | 2 | 3 | 4 | 5 | 6 | 7 | 7½ | 8 | 8½ | 9 | 9½ | 10 | 10½ | - | - | - | - | - | - |
| **30** | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 8½ | 9 | 9½ | 10 | 10½ | 11 | 11½ | - | - | - | - | - |
| **31** | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 9½ | 10 | 10½ | 11 | 11½ | 12 | 12½ | - | - | - | - |
| **32** | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 10½ | 11 | 11½ | 12 | 12½ | 13 | 13½ | - | - | - |
| **33** | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 11½ | 12 | 12½ | 13 | 13½ | 14 | 14½ | - | - |
| **34** | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 12½ | 13 | 13½ | 14 | 14½ | 15 | 15½ | - |
| **35** | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 13½ | 14 | 14½ | 15 | 15½ | 16 | 16½ |
| **36** | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 14½ | 15 | 15½ | 16 | 16½ | 17 |
| **37** | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 15½ | 16 | 16½ | 17 | 17½ |
| **38** | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 16½ | 17 | 17½ | 18 |
| **39** | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 17½ | 18 | 18½ |
| **40** | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 18½ | 19 |
| **41** | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 19½ |
| **42** | 2½ | 3½ | 4½ | 5½ | 6½ | 7½ | 8½ | 9½ | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ |
| **43** | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| **44** | 3 | 4½ | 5½ | 6½ | 7½ | 8½ | 9½ | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ |
| **45** | 3 | 4½ | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| **46** | 3 | 4½ | 6 | 7½ | 8½ | 9½ | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ |
| **47** | 3 | 4½ | 6 | 7½ | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| **48** | 3 | 4½ | 6 | 7½ | 9 | 10½ | 11½ | 12½ | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ | 23½ |
| **49** | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| **50** | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 14½ | 15½ | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ | 23½ | 24½ |
| **51** | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| **52** | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 17½ | 18½ | 19½ | 20½ | 21½ | 22½ | 23½ | 24½ | 25½ |
| **53** | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| **54** | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 20½ | 21½ | 22½ | 23½ | 24½ | 25½ | 26½ |
| **55** | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| **56** | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 23½ | 24½ | 25½ | 26½ | 27½ |
| **57** | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25 | 26 | 27 | 28 |
| **58** | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 26½ | 27½ | 28½ |
| **59** | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 27 | 28 | 29 |
| **60** | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 27 | 28½ | 29½ |
| **61+** | 3 | 4½ | 6 | 7½ | 9 | 10½ | 12 | 13½ | 15 | 16½ | 18 | 19½ | 21 | 22½ | 24 | 25½ | 27 | 28½ | 30 |

\* The table starts at age 17, as it is possible for a 17 year old to have 2 years' service. Compulsory school leaving age can be 153/4 or 15 and 4/5 where a child is 16 before 1 September.

**Appendix B**

**Restructure Business Case**

This document must be produced by the relevant line manager, and signed off by HR before submitting to SLT

|  |  |
| --- | --- |
| **Initiating Manager** | **Department** |
|  |  |
| **Summary Proposal** | **Date** |
|  |  |

**1. Background / Introduction**

|  |
| --- |
| * Why is the restructure needed? * What is the purpose/aim of the restructure? * Link to strategic/departmental plans |

**2. Current Structure**

|  |
| --- |
| * Details of current structure including headcount and FTE * Organisational chart with names of postholders * What are the weaknesses/obstacles * Cost of current structure |

**3. Proposed Structure**

|  |
| --- |
| * What are the changes needed * What are the anticipated benefits * Details of proposed structure headcount, FTE * Organisational chart * Are there potential staff losses/increases/redeployments or other HR related issues? * Is there a requirement to hire new staff/re-train staff? * Any changes to technology? * How will processes change, if at all? * Highlight impact on other departments ie is the department acquiring responsibilities from another department or are responsibilities being moved from the current department to another? * Cost of proposed structure * Overall increase/decrease in costs |

**3. Implications of not undertaking Proposal**

|  |
| --- |
| What will be the effect if the proposal does not go ahead? |

**4. Alternatives**

|  |
| --- |
| What are the alternatives (if any) to the proposal? |

**5. Selection arrangements**

|  |
| --- |
| * Are there any assimilations? * What are the ringfencing arrangements? |

**6. Risks**

|  |
| --- |
| What risks are involved in implementing the proposal and how will they be managed (please indicate high/medium or low). This should also include what effects if any the proposal will have on staff in relation to E&D (age, disability, gender, race, religion/belief, sexual orientation, transgender. These should also be addressed in the Equality Impact Assessment. |

**7. Timescales**

|  |  |  |
| --- | --- | --- |
| **Stages** | **Detail** | **Deadline** |
|  | Sent to SLT |  |
|  | Sent to JNC |  |
|  | Consultation meeting with staff |  |
|  | One to one consultations (as requested) |  |
|  | VR Trawl (if applicable) |  |
|  | End of consultation period |  |
|  | Comments and revised proposal to be fed-back (formal meeting). |  |
|  | Expression of Interest (EOI) sent |  |
|  | Closing date of EOI. |  |
|  | Notification to applicants of interviews. |  |
|  | Interviews take place. |  |
|  | Offer / At Risk Letters Issued |  |

Appendix 2

**Restructuring Protocol**

This Protocol outlines the responsibilities of all parties involved in a departmental restructure, and must be observed without exception. Please read this in conjunction with the College Redundancy Policy, available on the HR pages of the Portal. Advice should be sought from HR at the earliest opportunity and before the proposal is considered by SLT.

**HR Responsibilities**

1. To advise management on the Organisational Change Policy and the steps to be followed

2. To proof read the briefing report and advise on amendments as required

3. To advise on the content and grading of draft job descriptions and person specifications

4. To advise on the staffing implications of the proposal for each post and each postholder, and to recommend appropriate action ie assimilation, ring fences, internal recruitment etc

5. To arrange for the briefing paper to be considered at JNC or to arrange a special meeting of JNC if there is not one scheduled

6. To attend group and individual staff and TU meetings with the lead manager to provide advice and guidance on the process to all parties

7. To arrange interviews/assessments when this is required by the restructure and to arrange for a colleague to represent HR at those interviews

8. To lead on redeployment searches for displaced staff as necessary

9. To support displaced staff individually with advice and guidance on redundancy, signposting the EAP and other sources of support

10. To prepare redundancy estimates and administer the redundancy process where required

11. To notify staff of the outcome of any interviews in writing

12. To process any employment changes as a result of the restructure such as changes to hours, post title, etc

**Management Responsibilities**

1. Managers have the primary responsibility to lead the restructure of their department and be responsible, with support from a nominated HR Advisor, for following all steps of the Organisational Change Policy

2. To prepare a briefing report using the standard template pro forma appended to the policy and amend as necessary as consultation progresses

3. To confirm any financial information within the report from the Finance Department

4. To draft any job descriptions, person specifications and organisation charts

5. To carry out an equality impact assessment on the proposals, with advice from HR as necessary

6. To discuss the report initially with the relevant ED and forward to SLT for discussion and consideration

7. To consider the impact of the proposal on other departments and consult with other senior managers where the restructure may impact the work of other depts including support services

8. To arrange and chair meetings with affected staff to discuss the proposals both as a group and individually

9. To lead the presentation of the proposal at meetings with trade union reps and staff

10.To keep staff up to date about the progress of the restructure, answering questions about it as and when required