Managing Workforce Change and Staffing Reductions

Date of Review: October 2025
Approved by: Governing Body
Next Review Date: September 2026
Author: HR

Policy and Procedure

1. Introduction

Changes in the way the Engineering UTC Northern Lincolnshire (ENLUTC) services are provided will sometimes lead to individual jobs or groups of jobs changing or no longer being required. Most commonly, these changes will be as a consequence of the college's budget being unable to sustain the existing staffing complement. At other times, it may be necessary to conduct a staffing re-structure or review in order to respond to the changing needs of the college.

However, with careful management, continuous consultation with college employees and trade unions, redundancy may be avoided. Employees are a valuable asset and are needed by the service as a whole.

2. Principles Underlying the Procedure Workforce Planning

Improvement and success will come when the right people, with the right knowledge, skills and behaviours are deployed appropriately within the college structure. Effective and sustained planning within the college can achieve this match and more critically forge links between organisational strategies and people plans for recruitment, retention, employee development and training.

Fair and Equitable Treatment

The college is committed to ensuring that this policy does not discriminate directly or indirectly on grounds of race, colour, ethnic or national origin, religion or belief, gender, sexual orientation, marital status, pregnancy, disability, age, trade union membership and activity.

This policy, upon review, will have an Equality Impact Assessment undertaken to ensure it meets these requirements.

Communication and Consultation

Effective communication with employees is crucial in managing any workforce change. Where practical, informal consultation regarding any changes affecting staff, will begin at the earliest opportunity. This will be directed to the affected employee group who may potentially be affected by the changes initially and then the whole staff when appropriate. Such informal consultation may consist of a staff briefing or individual briefings with a member of the HR Team to discuss issues which could lead to redundancies at a later date.

Once the requirement for redundancies is confirmed by the Governing Body the formal process will be initiated within the college. At this time the fullest practicable information will be provided to the employee at the earliest possible stage and cooperation and involvement of the employee and trade unions will be sought.

It is recognised that initial consultation is often a time of concern and worry for all interested parties, but especially for the employee potentially affected by any proposals. Employees have the right to be consulted and represented or accompanied by a trade union representative, colleague or friend (not acting in a legal capacity) at any stage of the process.

Consultation is:

- the provision of information which is clear and detailed enough to; enable the trade unions to understand and consider the proposals;
- an invitation to them to discuss and comment on the proposals;
- a readiness to consider in good faith any comments or suggestions made before a formal decision is taken.

In the case of redundancy there is a legal requirement that consultation must:

- address ways of avoiding or reducing redundancies;
- consider how to mitigate the effects of any redundancy dismissals; - be aimed at reaching agreement.

If it is proposed to make more than 20 employees redundant, the college is legally required to inform the Department of Works and Pensions.

There will be two main forms of consultation. These are as follows:

1. With Trade Unions

   Consultation should take place with trade unions in all cases. The HR Team will advise on arrangements for consultation with the recognised trade unions. Trade unions recognised are listed below:

   National Association of Head Teachers (NAHT), National Association of Schoolmasters Union of Women Teachers (NASUWT), National Education Union (NEU). The Association of School and College Leaders (ASCL), UNISON, GMB and Unite.

2. Consultation with Employees

The college will ensure that, in addition to the consultation with trade unions there is full consultation with employees, both collectively and individually where requested. It needs to be remembered that some employees are not members of a trade union but will have the same right to be fully consulted as those who are members.

Affected employees on secondment, sick leave, maternity leave and any other statutory leave will need to be included within any consultation process.

Definition of redundancy

Under the Employment Rights Act 1996 redundancy arises when employees are dismissed because:

- the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was so employed; or
- the employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed; or
- the requirements of the business for employees to carry out work of a particular kind has ceased or diminished or are expected to cease or diminish; or
- the requirements of the business for the employees to carry out work of a particular kind, in the place where they were so employed, has ceased or diminished or are expected to cease or diminish.

Put more simply a redundancy is the deletion of a post which is no longer required.

It is sometimes assumed that the problem can be resolved simply by not renewing one or more fixed term contracts. This is likely to be illegal, as the employee is on continuous temporary or fixed term contracts with the same employer (continuous service may apply) for more than 12 months have the same rights to be made redundant fairly as other employees on permanent contracts. However, employees will only qualify for a redundancy payment after 2 years' continuous service. This highlights the need to use temporary contracts only when strictly appropriate.

Responsibility for the Review of this Policy

This policy will be reviewed from time to time to ensure that it reflects changing organisational needs. This review will be carried out by HR in consultation with recognised trade union representatives where necessary.

Further Guidance

Assistance and further guidance on the application of the procedure can be provided by HR.

3. Procedure for Managing Staffing Reductions (MSR)

3.1 Governing Body Meeting

The purpose of this meeting will be to agree the need for staffing reductions through the MSR process, the areas that will be affected, to confirm the timetable and appoint the various committees required over the entire MSR process.

Is Redundancy Necessary?

In the first instance the Governing Body will discuss the need for staffing reductions and consider alternatives. The aim should always be to avoid redundancy if at all possible. Alternatives could include:

- making necessary savings elsewhere;
- agreeing with Finance a reduction of the deficit over a period (up to 3 years);
- a recruitment freeze;
- offering part-time or job-share to existing full–time staff;
- voluntary redeployment;
- voluntary severance;

If the conclusion of this initial discussion is that there is no other feasible alternative but to continue with a staffing reduction, the Governing Body will agree the areas likely to be affected by MSR, and the scope.

The Nominations Committee will be elected from the Governing Body, and it will be formally documented in the minutes of the meeting that the Nominations Committee will be given the authority to carry out the MSR process, the development of the selection criteria (if applicable) and the assessment of individuals against these criteria.

At this meeting the Appeals Committee will also be elected. This committee will include members of the Governing Body who have not been involved in the MSR process until the appeal stage.

In the closing stages of the meeting HR will agree the timetable of stages in the process.

3.2 Nominations Committee Meeting 1

During this meeting the selection criteria (if applicable) that will be used to nominate individuals for redundancy will be drafted. The detailed work may be assigned to the Principal (or a nominated person) if this is more practical and a member of the HR Team.

There will be a review of the appropriateness of the selection criteria. This will determine whether any selection criteria specific to the college’s particular needs can be identified. For example, this could include the curriculum, extra-curricular, operational and organisational needs of the college, the key areas outlined in the

school improvement plan, Ofsted priorities, succession planning issues, extended services and any other needs of the college.

They will also agree the weighting of the selection criteria and ensure the criteria are fair, objective and not discriminatory in any way (directly or indirectly) before agreeing the adoption of the final version.

HR will be in attendance at the meeting to offer support and guidance around the procedure.

3.3 Commencement of Formal Consultation Period

Once the Governing Body has confirmed the requirement to make a staffing reduction employees will normally be issued with the 'Section 188 Letter'. Alternatively, should the information required for the Section 188 letter be unavailable, a 'Statement of Intentions Letter' will be issued. This letter will notify them as to the date of the employee/ group consultation meeting. Under the policy the consultation period will usually commence from the date of the group consultation meeting. If the draft criteria for selection (if applicable) are not available to accompany the Section 188 letter, then it is possible that the commencement of the consultation period will be delayed until it is available. Each employee and each trade union should receive a copy of the 188 letter and a copy should also be placed in the college.

Under this policy there is a minimum formal consultation period of 10 working days with employees and recognised trade unions.

However, there is a specific legal requirement overriding this under certain circumstances. This applies where employers propose to dismiss 20 or more employees. In this situation the employer must begin consultation:

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

Formal consultation will need to be prepared and must include the following information:

a) the reasons for the proposal (including budget figures);
b) the number and descriptions (i.e. teachers or support staff) of employees it is proposed to dismiss on grounds of redundancy;
c) the total number of employees in the department/college;
d) the proposed method of selecting the employees to be dismissed
e) the proposed method of carrying out the dismissals, including the period over which they are to take effect;
f) the proposed method of calculating redundancy payments.

The information set out above must be given to an authorised representative of the union or sent by post to an address notified by the union. Where possible it is helpful

to the process if this information is received by the trade unions prior to a formal consultation meeting with employees.

The Governing Body must consider any representations made by the union and give reasons if any point is rejected. It should also comply with any reasonable request for further relevant information, e.g. budget details, pupil numbers, staffing numbers and structures. This information should be provided in writing.

Group Consultation Meeting

This meeting will be with all affected employees and relevant trade union representatives. The purpose of the meeting will be to ensure that full consultation with employees is undertaken regarding the need for staffing reductions.

HR will be in attendance at the meeting to offer support and guidance around the procedure.

The meeting will include communication regarding the detail of the Section 188 letter which will be issued during this meeting and on the proposed selection criteria. The meeting also gives employees an opportunity to put forward suggestions as to how staffing reductions could be avoided and ask any further questions they may have in relation to the procedure.

A copy of this policy should be available at the meeting for each of the employees affected by the proposal.

If applicable the criteria on which the selection is to be made will also be available at the meeting. The 10 working day consultation period will begin only when the criteria are distributed. A key focus of the meeting will be an explanation of how the selection criteria will be applied and how the scoring will operate.

In the event of a staffing restructure, where redundancies may be possible, any new/revised job descriptions and person specifications will be distributed during the first week of the consultation process.

Trade unions should contact HR or the Principal within 5 working days if they wish to meet separately. Discussion with employees and unions at all stages of the consultation period can eliminate problems which may otherwise have arisen later in the process.

If at any stage of the consultation there is any change to the information provided to the employees and trade unions that may affect the selection process, employees may be consulted once more.

Individual Consultation Meeting

As part of the consultation process, the opportunity for individual meetings will be made available for the employees who face possible redundancy and their representative (if applicable and not acting in a legal capacity). Employees are advised to direct requests for individual meetings to the HR Team during the

consultation meeting. Any meetings requested would include the Principal (or a nominated person) and a member of the HR Team.

These meetings would take place during the 10 working day consultation period. Members of the HR Team will be available at set times in the college during the consultation period and until the MSR process is completed, to support employees with any questions.

If requested, the purpose of an individual meeting would be:

- To explain the Section 188 letter.
- An opportunity for the employee to raise any possible ways of avoiding any dismissals on the grounds of redundancy, of reducing the number of such dismissals, and / or mitigating the consequences of any dismissals.
- To ask any general questions that the employee may have.

3.4 Nominations Committee Meeting 2

The Principal (or a nominated person) and the Nominations Committee will meet at this stage in order to consider any alternatives to staffing reductions put forward by staff/unions during the consultation period, and to decide if the selection process/criteria need to be amended in the light of this feedback or the needs of the college.

During the meeting a written response will be drafted for affected employees and trade unions. This will address the issues raised during the consultation period. This response will be approved by the Governing Body prior to being issued.

Additionally, if applicable the nominations committee will confirm who will be responsible for completing individual score sheets against the selection criteria. This will normally be the Principal's (or nominated person's) responsibility. However, it can be delegated to another member, although this decision must be justifiable to ensure each affected individual feels they have been treated fairly and consistently.

Finally, the nominations committee and HR will confirm the remaining activities in the MSR. HR will be in attendance at the meeting to offer support and guidance around the procedure.

3.5 Governing Body Ratification

The Nominations Committee and HR will update the Governing Body on the progress of the process so far and to review feedback from the consultation period. The Governing Body will need to agree the written response addressing issues raised during the consultation period. Once approved this response will be issued to trade unions and affected staff.

The Governing Body will also be responsible for the ratification a new staffing structure (where applicable), the selection process and of the final selection criteria (where applicable) prior to its implementation.

3.6 **Application of Selection Criteria** (where applicable)

It is the responsibility of the Principal (or the nominated person) to complete the individual score sheet and to be prepared to justify the scores made. In exceptional circumstances the Principal may decide to delegate the application of the selection criteria to a 'nominated person'. Whoever applies the selection criteria should ensure fairness and consistency throughout this process. The employee has the option to make their own, independent assessment against the individual score sheet, although this is not compulsory.

Whether the affected employee opts to complete the individual score sheet or not, they will be offered a meeting with the Principal (or the nominated person) on a one on one basis (including their representative if desired). The purpose of this meeting will be to discuss the individual score sheet and ensure that all relevant experience and qualifications have been taken into account in reaching the final score.

It is not a compulsory requirement for the employee to attend the meeting. If they choose not to attend, the Principal (or nominated person) should send his/her completed score sheet to the individual allowing a few days for comment.

The final score sheet will be completed by the Principal (or the nominated person) and they will indicate whether the employee attended the meeting or not.

Once all the assessments have been completed the final scores will be transferred onto a collective summary sheet or matrix for presentation to the next Nominations Committee meeting.

3.7 **Confirmation of Nominations for Redundancy** (if required due to selection criteria being applied)

The Principal (or the nominated person) and the Nominations Committee will now consider the whole redundancy process prior to proceeding to the next stage.HR will offer support and guidance around the procedure. A review of the application of the selection criteria will take place and the nominations committee may challenge the scoring of individuals against the selection criteria.

Consideration will be given to whether staffing reductions are still required (given some weeks have passed since the MSR process started) and any changes since the commencement of the process to the scope of these staffing reductions (how many, which areas of the college etc.).

Consideration will also be given as to whether there has been adequate consultation and that all issues raised during the consultation period have been responded to. Subsequently, the nominations committee will evaluate the application of the selection criteria, confirm the nomination(s) of individuals for redundancy and conclude with a review of the fairness of the overall MSR process.

3.8 Notification of Selection to Nominated Staff

The Nominations Committee should arrange for any employee whom they have provisionally selected for redundancy to be informed in writing by the Principal or the Chair of the Committee. HR will support this communication as required in line with the procedure. This notification will invite the nominated employee to attend a representation hearing in order to make representations in person to the Committee. These representations will need to be taken into account before the nominated employee's selection is confirmed.

Seven working days' notice will be given in relation to the hearing date and the notification will outline the right of the employee to be accompanied by their trade union or other representative (not acting in a legal capacity). Where requested a collective summary sheet / matrix showing the anonymous scores of all employees within a selection pool will be provided.

3.9 Representation Hearing

The Principal (or nominated representative) will be in attendance at this meeting in addition to a member of the HR Team. Their role in the hearing will be to give advice and information. The Nominations Committee will explain the reasons for the provisional selection and:

- Will allow the employee or their representative to make representations;
- Clarify any points arising;
- Will give full consideration to its provisional decision.

After the hearing the Nominations Committee will either confirm the original decision or select another employee for redundancy. In the latter case, that employee will be informed and given the same opportunity to make representations.

If following the representation hearing the Nominations Committee confirm the original decision, the Principal will put this in writing to the individual(s) affected, this letter will also advise the employee of the right to appeal. The HR Team will also notify the college payroll provider of the redundancy nomination.

3.10 Issue of the Formal Notice Letter

Notice to terminate is issued by the Chair of the Governing Body on behalf of the college. Formal notice will be issued in accordance with the following timescales:

(i) Support Staff

Statutory entitlement is for 1 weeks' notice per year of continuous service up to a maximum of 12 weeks (and subject to a minimum of 1 month for most school support staff);

(ii) Principal

3 months' notice (4 months in the summer term) ending on 31 December, 30 April or 31 August as appropriate;

(iii) Other Teachers

2 months' notice (3 months in the summer term) or statutory notice if that exceeds contractual notice – see (i) above - ending on 31 December, 30 April or 31 August as appropriate.

3.11 Appeal against Selection for Redundancy

Employees have the right to appeal against a decision to select them for redundancy. If they do wish to exercise that right they must notify Principal in writing, within 5 working days of the date of the confirmation of the nomination for redundancy (post representation hearing). This letter will ideally briefly state the grounds of the appeal. HR will subsequently make the arrangements for the appeal to be heard. Once again the employee has the right to be accompanied by a trade union representative, colleague or friend (not acting in a legal capacity).

The appeal will be heard by the Appeals Committee consisting of members of the Governing Body not involved in the original decision. This committee will focus on careful and objective examination of how the Nominations Committee applied the criteria.

Should the appeal be successful, the Appeals Committee will consider whether to select another employee for redundancy, in which case the process of selection, opportunity for representation, notification of redundancy, notice to terminate and right of appeal will be repeated.

Additionally, the following action will be required to be taken should the appeal have been successful:

(i) the Chair of the Governing Body will issue withdrawal notice re-instating employment and inform the relevant payroll provider of its decision.

Whether the appeal has been successful or unsuccessful the employee will be notified of the outcome in writing.

3.12 Redeployment

The Governing Body will consider whether alternative employment is available for an employee who is made compulsorily redundant. There is no requirement to create a job specifically for this purpose, or to offer a job which does exist but for which the employee is objectively unsuitable. However, employees would be considered for any appropriate vacancy where it is felt their skills and experience may be transferable.

4. Miscellaneous

Exceptional circumstances

Upon commencement of a redundancy consultation process, there may be exceptional circumstances where an affected employee wishes to accept a nomination for redundancy without entering the full formal stages of the process. The Governing Body will consider any such requests if appropriate, in consultation

with HR. In these circumstances the employee would be advised to liaise with their trade union, if applicable.

Where an agreement is reached by all parties, the employee nominated must confirm in writing that they accept their nomination for redundancy and do not wish to attend a representation hearing or appeal against this nomination.

In line with paragraph 3.10 of this policy, the nominated employee would be issued with a formal notice letter and receive a redundancy payment based upon their actual weekly pay, their service and age at the termination date, using the statutory redundancy calculator in the same way as outlined in this policy. The employee would also be entitled to be paid notice pay in line with their conditions of employment as outlined in this policy.

Time off Work

An employee who is given notice of dismissal on grounds of redundancy and who has at least 2 years' continuous service by the end of the notice period has a legal right to reasonable time off with pay during working hours to seek new employment or to arrange retraining. What is 'reasonable' depends on the circumstances of the particular case.

Redundancy Payments

Employees nominated for redundancy will receive from the R Team, an estimate of their redundancy payment plus an estimate of any pension benefits they might be entitled to.

Redundancy benefits will be calculated using the statutory redundancy calculations, based on the individual's actual weekly pay as opposed to the statutory weekly pay.

A redundancy table will be distributed at the formal consultation meeting.

- The calculation for redundancy is based on:
- Length of service (max 20yrs)
- Age and actual weekly pay

Where an employee is offered similar alternative employment and unreasonably refuses to accept it, there is no right to a redundancy payment.

Where a redundant employee is offered a new job on different terms and conditions, but which is *deemed to be 'suitable alternative employment'*, and unreasonably refuses to accept it, there is no right to a redundancy payment. However, in such cases the employee has a statutory right to a trial period of 4 weeks in the job if it is deemed to be *'suitable alternative employment'* - on the same grade for example - and they meet the requirements of the role and it is felt their skills and experience could be transferable, during which to assess suitability.

If the new job requires the employee to be retrained, a longer trial may be agreed in writing in advance. If, after a trial period, the employee refuses to accept an offer of alternative employment, it may be possible to allow an extended trial period or to seek another redeployment opportunity. Alternatively, a redundancy payment would be made if the job is unsuitable or the employee's refusal to accept it is reasonable.

Redundancy payments and break in service

If an employee is made redundant and they secure alternative employment in an organisation covered under the Statutory 'Modifications Order', in order to be eligible to receive and retain a redundancy payment they must ensure that they have a break of service of '4 working weeks' prior to commencement of their new role. Further guidance on this can be provided by HR.