

# **Restructure and Redundancy Policy - Schools**

**June 2024**  
**Version 10.0**  
**Human Resources**

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## 1. Policy Summary

This policy outlines the process for workforce restructure and redundancy within Milton Keynes City Council, (MKCC). It aims to ensure that any changes to the workforce are made in a fair and transparent manner, with the wellbeing of colleagues being a top priority. MKCC will follow this policy in all cases where workforce restructure and redundancy cannot be avoided. Any changes to this policy will be consulted upon with colleague representatives and reviewed regularly, with the aim of ensuring that it continues to reflect best practice and relevant legislation. This policy does not form part of a colleague's terms and conditions of employment and does not confer any contractual entitlement.

## 2. Who is this policy for?

This policy applies to all colleagues employed by Milton Keynes City Council. For school-based colleagues, the principles contained in this policy should be applied but agreement from the governing body will be required.

MKCC are committed to engaging and collaborating with our colleagues throughout the process of any workforce restructure and will consult with colleagues as required. We will explore all options available to avoid redundancies and will support affected colleagues to find suitable alternative employment within the school wherever possible. MKCC undertakes an Equality Impact Assessment to ensure any changes do not disproportionately affect a particular group of colleagues unless the organisational change can be objectively justified and there are no other alternatives. We recommend that maintained schools also undertake an Equality Impact Assessment

Throughout the process, we will provide clear communication to all affected colleagues and offer support where required. Each school are responsible for ensuring a broad range of support for all colleagues is available and advice on physical and emotional well-being. Colleagues who are Union members will also be able to access support through their union membership. See section 12 of this policy for further information on support available.

MKCC are committed to ensuring equal opportunity for all colleagues and will ensure our approach to workforce restructure and redundancy follows best practice and relevant legislation, such as the Equality Act 2010, ACAS guidelines and other legislation.

## 3. Organisational Change

At the outset of any anticipated change, the Headteacher or most senior leader will draw up a robust business case to explain the proposed changes. It is essential that an Equality Impact Assessment is carried out and included in the business case.

In accordance with the Localism Act 2011 [Localism Act 2011 \(legislation.gov.uk\)](http://legislation.gov.uk) MKCC have a statutory obligation to ensure that any organisational changes offer value for money, therefore when considering any changes the service should be considering likely costs, and commercial viability including all cost elements. e.g., pension strain, redundancy, and settlement costs. Whilst this act does not directly apply to schools, as a maintained school MKCC have a responsibility to

have oversight of all potential restructures especially if there is a possibility of redundancies associated with the proposal.

**PRIOR** to launch, please consult with your HR provider and ensure that detailed costings are calculated and approval for these costs are sought from the Governing Body (Maintained Schools). These costings along with the proposal must also be sent to MKCC HR Education team via the dedicated inbox [SchoolsHR@Milton-keynes.gov.uk](mailto:SchoolsHR@Milton-keynes.gov.uk), under no circumstances should a consultation be launched without having all the proposed costings and approval from the above stakeholders.

A redundancy situation arises where:

- a) the school ceases or intends to cease to carry on activity or work for which the colleague was employed; or
- b) the school ceases or intends to cease to carry on activity or work in the place where the colleague worked; or
- c) the requirement for colleague to carry out work of a particular kind or in a particular location has ceased or diminished or is expected to cease or diminish.

## 4. Consultation

If there is a need to restructure or reduce the number of posts, we will provide all affected colleagues with the opportunity to engage in consultation about the proposed restructure and redundancy process. This will include a group consultation meeting at the start of the process, as well as inviting colleagues to individual consultations meetings. Colleagues and unions will be asked to put forward alternative proposals during the consultation period which will be considered and responded to.

In line with current legislation, the following consultation periods will apply:

- 19 or less colleagues affected - the council will commence a 30-day collective and individual consultation period with the colleagues affected.
- 20 to 99 colleagues within any 90 days - the council will commence 30 days collective and individual consultation.
- 100 or more colleagues affected within a period of 90 days - the council will commence a 45-day consultation period.

Whilst consultation must start at least 30 days before the redundancy notices take effect, it is not necessary that consultation should last for all that time if agreement or a conclusion is reached earlier. Likewise, where consultation has not been completed by the end of the statutory consultation period, consultation can be extended. Trade unions and colleagues will be kept fully informed at all times.

**Colleagues on a fixed term contract:** If a fixed term contract could end prematurely due to a redundancy situation, then colleagues must be included in the consultation. Colleagues with more

than two years' service on a fixed term contract will be entitled to a redundancy payment. Colleagues that have accrued four years continuous service on fixed term contracts are regarded as permanent employees and cannot be excluded from the requirement to consult collectively.

## 5. Glossary of Terms

**Ring-Fence:** When a post is ring-fenced, it will only be open to applications from colleagues who are within a specified group within the area undergoing the organisational change.

**Slotting in:** Roles unchanged/same grade OR roles that have changed but predominately the same tasks and same skills are required. If there are more colleagues than posts, then a review will take place and successful colleagues will be slotted into the roles. Evidence of slotting in process must be documented. Colleagues who choose not to be slotted in will be considered to have resigned and will not receive a redundancy payment. For unsuccessful colleagues, or where slotting in roles do not exist, suitable alternative employment may be offered if available.

**Suitable alternative employment, (SAE):** A similar role can be offered as a suitable alternative. The alternative post offered must require similar knowledge, have similar tasks and where possible have similar pay to the outgoing post. If required, training can be provided. The role can be a one grade below and pay protection for 12 months will be applied. If a colleague is offered a suitable alternative role to their current role, the colleague will be entitled to a 4- week trial period which can be extended up to 3 months.

If at the end of the trial period either party thinks the role is not suitable a reasonable explanation must be provided in line with ACAS guidance. An extended trial period of up to 3 months can be put in place in certain circumstances. If it's agreed the trial or extended trial is unsuccessful then the right to a redundancy payment will remain. Colleagues will forego their redundancy payment if they either unreasonably refuse a 4-week trial or unreasonably refuse the role at the end of the trial period. Where the SAE is subject to pay protection, the pay element will not be considered a reasonable reason to refuse a role. Not all roles may be eligible for a trial period. If a role doesn't meet the criteria of a suitable alternative as per [ACAS guidance](#), a trial period may not be offered. Before a trial period is refused, please discuss this with your HR provider in the first instance.

**At Risk:** If it has been determined that there could be redundancies, the affected colleagues will be notified and put "at risk" at the outset of the consultation process, typically following the initial consultation meeting. Redeployment status will apply once colleagues are put at risk.

**Redeployment Status:** The school is committed to minimise job losses and will seek wherever possible, to find alternative employment where a colleague meets the essential criteria for a vacant role.

If there are no suitable alternative roles within the proposed structure, colleagues may wish to look for alternative work once they are "at risk" or have been served notice. Headteachers are responsible for regularly meeting with these colleagues to discuss redeployment opportunities and keep their HR provider and MKCC HR Education team updated.

Colleagues with Redeployment status are guaranteed an interview if they meet the essential criteria for a role. It is essential colleagues inform their line manager or Headteacher of any internal job application that is outside of the restructure to support them with this process.

Redeployees only need to meet the essential criteria for a role to be considered. They should be interviewed before other candidates whenever possible. If they have applied for a higher graded role, they must compete alongside other candidates as part of the usual recruitment and selection process and therefore are not guaranteed an interview. The aim is to redeploy individuals to a job of the same grade, but other roles may also be considered.

**Pay Protection:** If a colleague is offered alternative employment one grade lower than their old grade, they will be entitled to pay protection and their original salary will be protected for a maximum of one year from the date of redeployment. There will be no pay protection to a colleague who elects to apply for a post more than one grade below their old grade. No cost-of-living award will be applied to the protected element of salary.

If, during the pay protection period, a colleague obtains a post at their former grade then they will be placed back on their former pay point thereby maintaining their salary level. **Please discuss with your Headteacher or HR Provider if you are unsure of the pay protection arrangements.**

To ensure pay protection is meaningful for colleagues where these special rules apply, it will be applied the day after the last day of maternity/SPL/adoption leave and no later than the statutory number of weeks of entitlement from the start the leave commenced

**Selection Criteria for Redundancy Pools:** Where the number of colleagues exceeds the number required for a particular role, selection pools help make sure colleagues are selected for redundancy in a fair way. The criteria used by MKCC meets [ACAS guidelines](#) and has been agreed in conjunction with the recognised trade unions. Pools of colleagues for selection, selection criteria and their application, will be consulted with prior to their application. Trade unions will also be consulted with.

**Selection Criteria to Identify Individuals:** MKCC uses the following criteria:

- Skills and Experience
- Aptitude and approach to work
- Standard of current work
- Attendance record (Absences relating disability, pregnancy or maternity should be discounted when using attendance as a selection criterion – there may be other types of absences that should be discounted, and HR advice should be sought)

In seeking to identify the appropriate pool, Headteachers with support from their HR Provider should consider the following factors:

- Type of work the employees within the group are carrying out
- Whether other groups of employees are doing similar work

- Whether any of the jobs are interchangeable

Normally pools will be formed of colleagues at the same grade whether posts are occupied by full or part time employees providing the duties and skills of the post holders is deemed to be reasonably similar.

Exceptionally, where managers are considering restructuring in specific service areas which could result in more than one reporting line being affected, then all colleagues affected by the restructuring should be included in the pool.

**Key Employment Issues, (KEI's):** These are scores that are awarded in relation to a colleague's attendance (this will have taken into account any adjustments required to reflect for example disability, pregnancy, or maternity related absences - this list is not exhaustive), disciplinary and performance history and can be combined with the score of a competitive interview process to determine which colleagues are eligible to be appointed to the new structure. They have been agreed with MKCC's recognised trade unions and are in line with [ACAS guidance](#).

## 6. Redundancy Payment

The following applies in instances of both compulsory and voluntary redundancy:

A colleague who is dismissed for redundancy will be entitled to a redundancy payment providing they have two years or more continuous service with the recognised bodies under the Redundancy Modifications Order.

Further details around continuous service (Part 2, paragraph 14 of the Green Book) is available in the Terms and Conditions Handbook. Teachers is covered within section 2, paragraph 4.1 in the burgundy book [copy please speak to your Headteacher or HR Provider](#)

Redundancy payments are based on an individual's actual pay, length of local government continuous service and age at the date employment ends. In respect of pay, the council will apply the statutory weekly pay cap as set out in the Employment Rights Act 1996, which is reviewed annually.

A locally agreed multiplier of 1.5 has been agreed for colleagues employed on MKCC terms and conditions of employment as detailed below. Where colleagues are not on MKCC terms and conditions their contractual redundancy terms will apply.

| <b>Service between ages</b> | <b>Entitlement</b>  |
|-----------------------------|---|
| Up to age 21                | 0.75 week's pay (with cap) for each completed year of service |

|                      |   |
|----------------------|---|
| 22 to 40 (inclusive) | 1.5 week's pay (with cap) for each completed year of service  |
| 41 plus              | 2.25 week's pay (with cap) for each completed year of service |

The maximum number of year's employment which can be taken into account is 20.

A ready reckoner is available for calculating how many weeks redundancy pay a colleague is entitled to.

Any entitlement to redundancy pay may be forfeited and retained by the school should a colleague be dismissed for gross misconduct at the time of a redundancy announcement or during the notice period.

Statutory redundancy pay under £30,000 is not taxable.

[What a colleague will pay in tax and National Insurance on](#) depends on what's included in their redundancy payment.

## 7. Pension Benefits

For colleagues who are age 55 or over and leave LGPS employment due to redundancy or business efficiency, special rules will apply:

- their pension will be put into payment from their last day of service - they will not be able to defer payment
- even if they have not yet reached Normal Pension Age, [early retirement reductions](#) will not apply- their pension will be paid at the value on their last day of service
- If they have a pension that they no longer pay into ([deferred pension](#)), this will not automatically be paid to them. They can choose to release this, but they must provide 3 months' notice to Bucks Pension. Early retirement reductions will apply if colleagues take this before Normal Pension Age.

The above information is correct at the time of writing.

Bucks Pension are unable to provide colleagues with an estimate for redundancy retirement.

However, if a colleague is being made redundant and would like to know how much pension would be payable, please contact your HR provider who can support with this on the colleagues behalf.

Further information on the LGPS can be found here: [Pensions | Buckinghamshire Local Government Pension Scheme](#) or by calling Bucks Pensions directly on 01296 383755. Pensions relating to teachers (TPS) can be accessed via their website or calling them directly on 0345 6066166

## 8. Redundancy Payment Modification Order

A colleague will receive a redundancy payment if their employment ceases with school/MKCC and they:

- a. do not take up further employment; or
- b. take up employment with an organisation to which the Redundancy Payments Modification Order (RPMO) is not applicable; or
- c. receive an offer of employment from an organisation to which the Redundancy Payments Modification Order (RPMO) is applicable, but the offer is made after their contract ends with MKCC; or
- d. receive an offer of employment from an organisation covered by the RPMO before their contract ends with MKCC and they take up their new job after an interval of more than 4 weeks.

They will not receive a redundancy payment if they receive an offer of employment with an organisation covered by the RPMO before their contract ends with school/ MKCC and they take up their new job after an interval of less than 4 weeks.

If the colleague starts a new job with an employer on the Modification Order, they may not be eligible for a redundancy payment. No redundancy payment would be payable if, on or before their last day of employment, they are offered the job and it will start before the day shown in the table below:

| <b>Last Day of Employment</b> | <b>If job starts before following day there will be no redundancy payment</b> |
|-------------------------------|---|
| Monday                        | 5th Tuesday after <b>Last Day of Employment</b>                               |
| Tuesday                       | 5th Wednesday after <b>Last Day of Employment</b>                             |
| Wednesday                     | 5th Thursday after <b>Last Day of Employment</b>                              |
| Thursday                      | 5th Friday after <b>Last Day of Employment</b>                                |
| Friday, Saturday, or Sunday   | 5th Tuesday after <b>Last Day of Employment</b>                               |

It is, therefore, essential that all colleagues leaving the school/Council by means of redundancy dismissal are asked to complete the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999 Form.

When it has been established who the new employer is, it will be necessary for the Headteacher to contact their HR provider to confirm whether the new employer is covered by the Redundancy Payment Modification Order.

**Example:**

Colleague A is being made redundant on 31 March 2023 by Council/School A and 31 March will be the last day of service.

Colleague A receives a job offer from Council/School B on or before 31 March AND the contract starts on or before 29 April, the redundancy will no longer stand. If Colleague A waits until 1 May to start work for Council/School B the redundancy dismissal will still stand, and they can keep the redundancy payment but will no longer have any continuous service.

If Colleague A doesn't receive the job offer from Council/School B **until after** 31 March 2023 then it doesn't matter when they start with Council/School B. The redundancy dismissal stands, and the receipt of the redundancy payment means continuity is broken.

## 9. Notice

The amount of notice a colleague is entitled to receive is that set out in their contract of employment or the statutory period, whichever is the greater as follows:

**Contractual (this may vary where colleagues are on other terms and conditions TUPE arrangements – Headteachers should contact their HR provider for advice in such cases)**

Grades A to G - one month

Grades H to K - two months

Grades L to O - three months

Any employee whose contract of employment commenced after 1<sup>st</sup> September 2024 and is employed on a G Grade, will have contractual notice of two months

Or

### Statutory

Colleagues are required to receive one week's notice for each year they have worked, up to a maximum of twelve weeks. Your HR provider can review and verify this.

Normally, colleagues must work their notice period, but in exceptional cases, they may receive payment in lieu of notice. Headteachers should consult with their HR provider if they believe this is necessary. If a colleague requests to leave before their notice period ends, management will generally agree if there are no operational reasons to retain them. This will not affect their entitlement to a redundancy payment; however, the school reserves the right to recalculate the redundancy payment based on the earlier leaving date. If the request is granted, the colleague will still be considered dismissed by reason of redundancy, but the termination date will be the actual departure date, not the originally stated date. Salary will only be paid up until the termination date.

## 10. Voluntary Redundancy

Voluntary redundancy will be considered as an alternative to compulsory redundancy. This will attract the same level of compensation as compulsory redundancy. Anyone wishing to apply for Voluntary Redundancy must be submitted in writing to the Headteacher prior to the close of consultation. Please be aware that voluntary redundancy requests may not be granted due to more requests being received than required or due to operational needs. Please speak to your HR provider if clarification is needed

## 11. Appeals Process

Colleagues can appeal against redundancy decisions and appeals must be submitted (using the Appeals Form) in writing to the Chair of Governors within 10 working days of the redundancy notification. Appeals will be conducted by a panel of governors (subject to the school's scheme of delegation) and HR representative from your HR Provider and a decision communicated within three days of the appeal hearing.

## 12. Support for Colleagues

A number of different measures will be used to assist colleagues "at risk" of redundancy. These may include:

- **Time off to look for a new job** – Colleagues are allowed a reasonable amount of paid time off to look for work. This includes applying for jobs, going to interviews, or getting training to help the colleague obtain a new job. Affected colleagues should discuss their requirements with their headteacher.
- **Vocational Qualification Training Costs** – School/MKCC will waive the recovery of any Vocational Qualification Training costs for any colleagues leaving under compulsory or voluntary redundancy.
- **Pensions Team Contact** - Colleagues affected by redundancy may require information on the Local Government Pension Scheme. It is essential that they contact Bucks Pensions Team directly: Pensions Section, Bucks County Council - Tel: 01296-383755
- Teachers Pensions Contact – these can be contacted directly on 0345 6066166
- **Other Sources of Support** – Find your nearest jobcentre [Jobcentre Plus Local Office Search - GOV.UK \(dwp.gov.uk\)](https://www.gov.uk/jobcentre-plus-local-office-search) – they specialise in helping people who have been made redundant. If colleagues are thinking about starting a new career, they may get help paying for training or qualifications [Grants and bursaries for adult learners - GOV.UK \(www.gov.uk\)](https://www.gov.uk/grants-and-bursaries-for-adult-learners). Advice can also be sought from the National Careers Service [Careers advice - job profiles, information, and resources | National Careers Service](https://www.nationalcareersservice.co.uk/careers-advice-job-profiles-information-and-resources) who provide career information as well as advice and guidance. This includes advice around how to be successful in the recruitment process with tips on CV writing and interviews.

## 13. Data Protection

Any data collected and processed as part of employing and managing colleague's is held securely. It is accessed by, and disclosed to, individuals only for the purposes of completing that specific procedure, process, or activity.

Records are retained and destroyed in accordance with the organisations Retention Schedule.

## Version Control

| Version | Date          | Updated by                       | Comments  |
|---------|---------------|----------------------------------|---|
| 2.0     | 23.7.12       | Jean Sargent                     | Removal of redundancy statutory weekly pay cap and signpost to Milton Keynes Council - Restructure, Redundancy and Redeployment Toolkit for current weekly pay cap  |
| 3.0     | 8.4.13        | Jean Sargent                     | Legislative changes related to Redundancy Consultation and Fixed Term Contracts effective from 6 April 2013.  |
| 4.0     | 1.11.13       | Jean Sargent                     | Appeal Forms should be submitted to Service Delivery Manager – HR   |
| 5.0     | 4.6.14        | Jean Sargent                     | Policy updates in line with the Pay and Reward Project – Pay Protection and Notice periods  |
| 6.0     | 23.1.14       | Jean Sargent                     | Deleted paragraph which refers to LGPS members electing to convert some lump sum compensation in augmented years for pension purposes "At risk" status will be applied when consultation and appointment to the new structure has been completed Appeals to be conducted by a Director and an HR Manager or a Senior Representative from the HR Team Remove all references to "preferred candidate status" Changed the Policy title to align with the Toolkit Further information included on informal consultation |
| 7.0     | 05.09.16      | Cindy Stanton                    | Agreed at JNC on 27 June 2016 (JNC06 refers): Pay protection revised to 1 year at 100%  |
| 8.0     | 23.05.18      | Declan Leith                     | Inclusion of Data Protection paragraph plus various changes to intranet references.   |
| 9.0     | 01/2024       | Lynette Houghton & Sasha Gudgeon | Revised to new template   |
| 10.0    | June 2024     | Kellie Evans                     | New Template  |
| 10.00   | February 2025 | Penelope Croucher                | Updated Schools Policy and brought in line with MKCC Policy   |

