



AEP Guide to Redundancy and Reorganisation

Redundancy can be a stressful and uncertain experience. The Association of Educational Psychologists (AEP) is committed to supporting members through redundancy, restructuring and organisational change processes, and encourages members to seek advice at the earliest opportunity.

What is Redundancy?

Redundancy is a type of dismissal that occurs when an employer no longer requires employees to carry out work of a particular kind. A redundancy situation may arise where:

- An organisation closes or ceases operating.
- A workplace closes or relocates.
- The need for employees to undertake a particular type of work has reduced or is expected to reduce.

Redundancy often arises as part of organisational restructuring, service redesign or budget-saving measures. However, not every reorganisation will result in a genuine redundancy situation.

Reorganisation and Restructuring

A reorganisation may affect a range of aspects of your employment, including:

- Your job role or responsibilities.
- Your work location.
- Your grade or seniority.
- Your pay and benefits.
- The overall staffing structure, including reductions in management or specialist posts.
- Other contractual terms and conditions.

If your employer is seeking to change your contract as part of a restructuring process, you should also refer to the AEP's guidance on contractual changes.

Contact the AEP Early

If you are informed that your post is at risk, your service is being restructured, or redundancy proposals are being considered, you should contact the AEP as soon as possible.



Redundancy should always be a last resort after all reasonable alternatives have been explored.

Key Action Points

If your employer is proposing organisational change:

- Obtain and review your contract of employment.
- Read your employer's organisational change, restructuring or redundancy policy.
- Keep copies of all relevant correspondence and documentation.
- Make notes of meetings and discussions relating to the proposals.
- Contact the AEP for advice and support.

If you have formally been placed at risk of redundancy:

- Review any redundancy information provided by your employer.
- Familiarise yourself with relevant employment guidance.
- Check whether TUPE regulations may apply if services are transferring to another employer.
- Seek advice before agreeing to any changes or signing any documents.

Consultation Meetings

Employers should undertake meaningful consultation before making decisions about redundancies or significant organisational change.

Consultation typically involves:

- Group meetings explaining the proposals.
- Individual consultation meetings with affected staff.
- Opportunities for staff to ask questions and provide feedback.
- Consideration of alternatives to redundancy.

During consultation, your employer should explain:

- Why change is being proposed.
- Which posts may be affected.
- How staff have been identified as being at risk.
- The proposed selection criteria.
- The timescales involved.
- Redeployment opportunities.



Failure to carry out a fair and meaningful consultation process may render a dismissal unfair.

Members should review the AEP's one-to-one meeting checklist and seek advice before important meetings whenever possible.

Representation at Meetings

Many employers allow employees to be accompanied to individual meetings concerning restructuring, redundancy or redeployment.

While there is not always an automatic legal right to trade union representation in every meeting, employers often permit staff to be accompanied by a trade union representative or workplace colleague.

To receive full representation and support from the AEP, you must have been a member at the time the restructuring, redundancy or transfer process commenced.

Redeployment

Redeployment is often considered before compulsory redundancy.

Employers are generally expected to take reasonable steps to identify suitable alternative employment for employees whose posts are at risk.

Redeployment opportunities should normally be offered to at-risk employees before external recruitment takes place.

Whether an alternative role is considered "suitable" will depend on factors such as:

- Duties and responsibilities.
- Professional status.
- Salary and benefits.
- Working hours.
- Location.
- Career progression opportunities.

There is no obligation on employers to create new roles, but they should actively consider existing vacancies.

Regrading and Re-banding

Organisational change may result in proposals to change job grades, pay scales or bandings.



Members facing regrading or rebanding should carefully review the rationale for the proposed changes and seek advice where appropriate.

Pay Protection

Where an employee is redeployed into a lower-paid role, pay protection arrangements may apply.

The availability and duration of pay protection will depend on:

- Your contract of employment.
- Local organisational policies.
- Collective agreements.
- Negotiations with recognised trade unions.

If you are concerned about the financial implications of redeployment, contact the AEP for advice.

Refusing Suitable Alternative Employment

Employees who unreasonably refuse an offer of suitable alternative employment may lose their entitlement to redundancy pay.

Before rejecting any redeployment offer, members should seek professional advice.

Important considerations include:

- Whether the alternative role is genuinely suitable.
- Whether there are reasonable grounds for refusing it.
- Whether a trial period is available.

Most redeployment arrangements include a trial period where the new role differs significantly from the original post.

If you are unsure whether an alternative role is suitable, seek advice from the AEP before making a decision.

TUPE Transfers

Where services transfer from one employer to another, employees may be protected by the Transfer of Undertakings (Protection of Employment) Regulations (TUPE).

TUPE can preserve existing terms and conditions and continuity of employment when services change provider.



Members affected by service transfers should consult the AEP's dedicated TUPE guidance and seek advice at an early stage.

The Redundancy Selection Process

Employers must select employees fairly for redundancy.

A fair process will usually include:

- Identifying employees who may be affected.
- Establishing an appropriate selection pool.
- Consulting with staff and trade unions.
- Applying objective selection criteria.
- Allowing employees to understand and challenge their scores.
- Considering redeployment opportunities.

Selection criteria commonly include:

- Skills and qualifications.
- Experience and capability.
- Performance.
- Attendance records.
- Disciplinary history.
- Length of service.

Any criteria used should be fair, objective, transparent and consistently applied.

Unfair Selection and Discrimination

Redundancy selection may be unlawful if it is discriminatory or otherwise unfair.

Particular care must be taken where employees are:

- Pregnant or on maternity leave.
- Disabled.
- Returning from family leave.
- Members of protected groups under equality legislation.

If you believe your selection for redundancy may have been unfair or discriminatory, you should:

- Lodge an appeal through your employer's procedures.
- Keep detailed records of your concerns.
- Contact the AEP immediately for advice.



Redundancy Pay

Employees may be entitled to either:

- Contractual redundancy pay; and/or
- Statutory redundancy pay.

Your entitlement will depend on your length of service, contractual provisions and employment status.

Your employer should explain how any redundancy payment has been calculated. If you disagree with the calculation, seek advice promptly.

Notice Periods

Employees made redundant are entitled to notice of dismissal.

The amount of notice will depend on:

- Your contract of employment.
- Any applicable local policies.
- Statutory minimum notice requirements.

You should carefully check that the correct notice has been provided.

Voluntary Redundancy

Organisations may invite applications for voluntary redundancy before considering compulsory redundancies.

Acceptance of an application is entirely at the employer's discretion.

Before volunteering for redundancy, members should ensure they understand:

- The financial package being offered.
- Pension implications.
- Future employment restrictions, if any.
- The impact on future benefit entitlements.

The AEP recommends seeking advice before accepting a voluntary redundancy package.



Severance and Voluntary Exit Schemes

Some employers operate voluntary severance or voluntary exit schemes.

These schemes allow employees to leave employment in exchange for a financial payment.

Participation is voluntary and employers cannot require staff to resign under such schemes.

Before agreeing to a severance package, members should:

- Obtain full details of the offer.
- Understand the implications for pension and benefits.
- Consider whether a settlement agreement is required.
- Seek advice from the AEP.

Time Off to Seek Alternative Employment

Employees with at least two years' continuous service are generally entitled to reasonable time off during their notice period to:

- Attend job interviews.
- Seek alternative employment.
- Undertake retraining.

The amount of paid time off available will depend on statutory provisions and local policy arrangements.

Moving Forward

Redundancy can be challenging both professionally and personally. However, early advice and support can make a significant difference to the outcome.

If you are facing redundancy, restructuring, redeployment or service reconfiguration, contact the AEP on enquiries@aep.org.uk as soon as possible. We can assist you in understanding your rights, navigating the process and ensuring that your interests are protected throughout.