

Redundancy Policy

Last update: June 2022

1. Introduction

In a continually changing environment, schools need to adapt and to manage change. Changes in curriculum, budgets and student numbers, as well as the need for change because of organisational or academic developments, may lead to a requirement for a reduction in staffing levels in order to maintain effective provision to meet the needs of the students in the school.

Forward planning and sound financial management will be used to avoid compulsory redundancies where possible and appropriate, through natural turnover, retirement, redeployment and restrictions on recruitment.

However, where redundancy is necessary the School will ensure that redundancies are managed effectively, in a fair, sensitive and non-discriminatory manner. This policy emphasises the importance of effective consultation and communication with employees, as part of this process.

This policy applies to all employees of the School, including teaching and associate staff.

2. Aims of The Policy

The aims of this policy are to outline how a reduction in employee numbers can be managed in a fair and sensitive manner, which is conducive to the efficient management of the School, which maintains good employee relations by avoiding compulsory redundancies (where possible and appropriate) and that complies with employment legislation.

3. Principles

This policy is underpinned by the following principles:

- To fulfil the requirements of the School and maintain operational efficiency while minimising and, wherever appropriate, avoiding compulsory redundancies.
- To enable the efficient management of change which maintains and improves curriculum, education and support service standards, while remaining sensitive and sympathetic to the staff involved.
- To share information and consult with employees on proposed changes, providing them with the opportunity to express their views and for those views to be considered.
- To act reasonably, ensuring fairness and objectivity.
- To comply with the requirements of employment legislation.

4. Redundancy

A redundancy occurs where it can be attributable wholly or mainly to one of the following reasons:

- a) The School has ceased, or intends to cease, carrying on *the business or kind of work* within which the employee is employed;
- b) The requirement for employees to carry out *work of a particular kind* has ceased or diminished (or is expected to);
- c) The business or kind of work for which the employee was employed is no longer to be undertaken in *the place* where the employee is employed (unlikely to apply at this School).

The termination of a contract for reason of redundancy constitutes a fair reason for dismissal in law.

5. **Avoiding Compulsory Redundancy**

Where appropriate, the Board of Trustees will make reasonable efforts to avoid compulsory redundancies through:

- natural turnover and staff resignations.
- deletion of appropriate vacancies.
- voluntary redeployment of staff into other suitable posts within the School.
- voluntary transfer to part time working, reduced hours or job sharing arrangements.
- voluntary redundancy.
- review the use of agency supply workers in order to reduce costs.
- minimising overtime working.
- retraining staff.
- reorganisation of staff or job descriptions.

6. **Redundancy process**

When it is not possible to avoid making compulsory redundancies, we will advise all affected employees and, where appropriate, recognised trade unions or employee representatives that compulsory redundancies cannot be avoided.

In carrying out any redundancy exercise we will not discriminate directly or indirectly on grounds of gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age. Part-time employees and those working under fixed-term contracts will not be treated differently to permanent, full-time comparators.

A summary of the process to be followed is set out at Appendix 1.

7. **Selection Criteria**

Where a selection pool is appropriate, it will be necessary to identify some objective selection criteria which can be used to score staff and identify those at risk of redundancy. The selection criteria will depend on circumstances (set out below) and the category of staff likely to be affected, however the School will consider the balance of skills and experience required to meet its current and future operational requirements and needs. In choosing selection criteria, the following points should be taken into account:

- Curricular and pastoral needs of the School
- Managerial and organisational requirements
- School improvement plan

It is important that the selection criteria are as objective as possible and are transparent. Examples of possible selection criteria which may be used include; Qualifications, Experience, Positions of Responsibility held, Commitment to Continuing Professional Development, Attendance Record and/or Disciplinary record.

We will then consult individually with those employees who have been provisionally selected for redundancy.

8. **Suitable Alternative Employment**

As part of the consultation process, the School will give consideration to whether there are any suitable alternative vacancies that may be available and these will be made known to all affected employees.

9. Notification of Dismissal

Where compulsory redundancies cannot be avoided and there are no opportunities for redeployment, following a consultation process the School will make decisions regarding redundancies and will notify staff as soon as possible. Employees selected for redundancy will be given notice of termination of employment in accordance with their contracts and written confirmation of the payments that they will receive. The notification will specify when the employment is to terminate, and what redundancy payment the employee is entitled to. The notification will also include details on the right of appeal against the dismissal and the procedure which must be followed.

The School will continue to look for suitable alternative employment for redundant employees and inform them of any relevant vacancies that are available until their termination dates. The manner in which redundant employees will be invited to apply for and be interviewed for vacancies will be organised depending on the circumstances existing at the time. Alternative employment may be offered subject to a trial period where appropriate.

10. Appeals

All staff issued with formal notice of redundancy will be entitled to appeal against the decision using the following procedure:

- Appeal against redundancy must be made in writing within five working days from receipt of written confirmation of redundancy, setting out the grounds for the appeal.
- The appeal should be submitted in the first instance to the Clerk to the Trustees.
- An appeal hearing will be set up as soon as possible with either the Headteacher, or if the Headteacher made the original decision, with a panel of up to three Trustees. The employee may be accompanied by a colleague or trade union representative at the appeal hearing.
- The outcome of the appeal will be given in writing as soon as reasonably practicable after the appeal hearing has been held. The decision of the appeal will be final.

11. Redundancy Payments

Where redundancies become necessary, the School will make redundancy payments based on the current statutory entitlements, details of which can be found at:

<https://www.gov.uk/calculate-your-redundancy-pay>

While the number of weeks entitlement is not changed frequently, the maximum weekly pay for redundancy purposes does change over time and therefore, when looking at any web based or printed documents, care should be taken to ensure that any rates quoted are current.

12. Status

This document is a policy only. It represents the intentions of the School in the event of redundancy but does not confer any rights, whether contractual or otherwise and may be altered or changed at the absolute discretion of the School without notice.

Appendix 1

Summary of Procedure

- 1) The Board of Trustees ratify the need to make redundancies and appoint a Selection Committee (SC) and an Appeal Committee (AC).
- 2) The Board of Trustees consults with affected staff or (if appropriate) representatives of the recognised trade unions and staff who may be affected by the proposed redundancies. The consultation will include:
 - ways of avoiding the dismissals
 - reducing the number of employees to be dismissed
 - mitigating the effects of dismissal
 - proposed method of selection

The formal consultation process begins with the issue of a letter from the School inviting the affected employees or union officials to a meeting at the School. The Headteacher and a Trustee will attend this meeting.

- The letter, which, if it is to recognised Trade Unions, should be addressed to the County Branch Secretaries (or equivalent) and may be copied to the School representatives.

There will also be a consultation meeting with all potentially redundant employees. Any employee absent from School, e.g. on maternity leave, secondment, sick etc whose post may potentially be affected should be invited to attend any consultation meetings.

3) **Voluntary Redundancy**

The School will consider whether it is appropriate to request volunteers for redundancy. If the School does decide to request for volunteers for redundancy, the School reserves the right not to accept all applications for voluntary redundancy, particularly if there are more applications than the proposed number of redundancies or it considers that it is in the long-term interests of the School to retain certain employees.

If a request is subsequently made and accepted, an offer will be made to the employee in writing, including:

- a) the amount of any redundancy payment under the Employment Rights Act 1996.
- b) the amount of any premature retirement compensation in accordance with the School's policy.
- c) the date on which the redundancy would be effective.
- d) advice on accrued pension benefits, if appropriate.
- e) advice that the employee should consult his/her trade union.

4) **Selection**

Where it is necessary to select employees at risk of redundancy from a selection pool, all employees in the selection pool will be asked to complete a selection pro forma which is then assessed by the Selection Committee against the School's selection criteria.

Selection will be carried out by the Selection Committee using information about the potentially affected employees entered into a selection criteria matrix.

Any employee on leave of absence or secondment, e.g. maternity leave, who falls within the selection pool must be treated as though they are currently active in their post and be subjected to the selection criteria in the same way as other employees. The criteria used to select those employees who will potentially be made redundant will be objective, transparent and fair and based on the skills required to meet our existing and anticipated School needs.

5) **Right of Representation**

Any employee whose post is selected for redundancy through the above process has a right to meet with the SC. The purpose of the meeting is for the members of the SC to explain how they applied the criteria and to give the employee an opportunity to question the recommendation and provide further information they believe may be relevant.

The employee has a right to be accompanied at this meeting by either a trade union representative or a School colleague. If the employee is selected as at risk of redundancy via a selection pool, prior to the meeting the employee should receive a copy of their own selection details.

In order to ensure that the employee is given this right of representation, as soon as possible after the SC has made its selection any employee whose post is now at risk should be informed by the Headteacher and be given a letter with details of the time and date of the right of representation meeting. The letter should contain information (including matrix scores) about why their post is recommended for redundancy. This gives the employee the ability to make meaningful representations. The Headteacher should also use this opportunity to inform the employee of the support the School can provide in helping to find alternative work.

If, as a result of the right of representation meeting, the SC decides to uphold their decision, the employee should be informed orally (including reasons for the decision) as soon as possible and this should be confirmed in writing within three calendar days. The letter should explain that the employee will be dismissed on the grounds of redundancy and give details on how to appeal against the decision.

If after the meeting the SC decide that they need to review their decision they will assess the new information against the selection criteria. Should this result in a higher score the SC may need to reassess all the pro-formas in the light of this new information to determine which post is to be recommended for redundancy.

6) **Appeal**

The employee has a right of appeal against the decision to make them redundant. An employee who wishes to appeal against the decision of the SC should write to the Chair or Clerk of Trustees within seven calendar days of the decision giving full details of the grounds on which they wish to appeal.

The appeal hearing will be conducted by the three members of the Appeal Committee (AC) and will take place by a predetermined date which would have been included in the consultation letter. In normal circumstances this should be approximately 14 days after the decision. The employee has the right to be accompanied at the meeting by either a trade union representative or a School colleague. The Headteacher and a representative of the SC should also attend the meeting. The role of the SC member is to explain how the SC arrived at their decision and how they applied the criteria. The role of the Headteacher is to answer any questions regarding the redundancy procedure. Both the representative of the SC and the Headteacher should receive details of the grounds of appeal before the meeting allowing them reasonable time to prepare.

The decision of the AC is final. If the AC upholds the appeal, the employee's post will not be redundant and this procedure may have to be re-started at the/an? appropriate point.

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