



### Mission Statement

“A Caring Christian Family Where We Grow Together”

## REDUNDANCY POLICY

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Review Date	Signed Head Teacher	Signed Director RCSAT
01/10/2019	<i>J M Badger</i>	<i>P. Bartlett</i>
30/10/2021	<i>J M Badger</i>	<i>P. Bartlett</i>

Persons Responsible for Policy:	Executive Head Teacher RCSAT
Approval Date	01/04/2017
Signed:	Director RCSAT
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Signed:	Headteacher



## **1. Introduction**

- 1.1 This policy is applicable to all employees of **the Rural Church Schools Academy Trust**.
- 1.2 The Trust fully recognises the importance of creating a secure working environment and is committed to protecting the employment security of employees, wherever possible, by planning effectively to meet current and future staffing needs.
- 1.3 However, as external influences within the community may affect the demand for education, the Trust may need to adjust staffing levels, up or down, to meet that demand effectively. The Trust will endeavour at all times to maintain a stable staffing level and are committed to working with employees to take all possible steps to avoid compulsory redundancy and, where this is not possible, to reduce the number and mitigate the effects.
- 1.4 The Trust recognises that any procedures must have regard to statutory requirements. In this respect, the policy has been prepared with regard to the provisions of the Employments Rights Act 1996 and the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014. The Trust will adhere to current ACAS guidance on redundancy procedure and current Equality legislation.
- 1.5 This policy sets out the school approach to dealing with potential redundancies. It does not form part of an employee's terms and conditions of employment and may be subject to change at management's discretion.

## **2. Policy**

- 2.1 The Trust will, at all times, comply with relevant employment legislation.
- 2.2 The Trust will operate a redundancy policy that will:
- 2.2.1 Seek to minimise the effect of redundancies by seeking redeployment opportunities as appropriate, within the school, and by adopting a fair, consistent and sensitive approach.
  - 2.2.2 Allow the necessary consultation to take place and consider representations from employees and their representatives
  - 2.2.4 Give as much notice as possible to affected employees
  - 2.2.5 Ensure that selection criteria are fair and objective
  - 2.2.6 Be available for all staff

## **3. Roles and Responsibilities**

- 3.1 All redundancy proposals should be shared with, and approved by, the full Governing Board. The Governing Board can delegate the task of managing the redundancy process to a Staff Dismissal Committee (SDC) which will include a minimum of three Governors. The formation of this committee will be agreed at a Governor's meeting.
- 3.2 It is recommended that the selection of employees by agreed criteria is the responsibility of the SDC. A separate Appeals Panel will hear any appeals against redundancy decisions.
- 3.3 The Executive Headteacher makes recommendations to the Governing Body on proposals which may lead to redundancy. The Executive Headteacher will facilitate

any redundancy process and organise necessary meetings, including consultation with trade unions and employees.

#### **4. Procedure**

##### **4.1 Timelines.**

The length of the redundancy process is constrained by statutory requirements and the length of notice required by the individual contract of employment.

##### **4.2 Process.**

An employee is dismissed for redundancy, and may qualify for redundancy pay, if the following conditions are satisfied, as defined by the Employment Rights Act 1996:

4.2.1 When the School has ceased or intends to cease, to carry out the work for which the employee was employed in the place where the employee was so employed; or

The requirements of the School for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish.

4.3 The Trust will determine, working with HR, if a potential redundancy situation exists within a school. Consideration will be given to the following issues/measures, as alternatives to compulsory redundancies, subject to the needs of the School at the time:

4.3.1 Normal employee turnover and retirements.

4.3.2 Redeployment of affected employees

4.3.3 Releasing of employees on temporary or fixed term contracts and agency staff

4.3.4 Recruitment freeze or the use of short term methods of covering work

4.3.5 Reducing costs by reviewing terms of employment, for example reducing overtime, reviewing the balance of grading (using job evaluation as appropriate), reviewing working patterns, considering job shares, granting unpaid leave or sabbatical.

4.4 These options should not be seen in isolation but as part of a total approach. It will rarely be possible to use one approach without another.

4.5 Where the SDC decides that, after taking all considerations into account, redundancies are unavoidable, or appropriate for sound business reasons, it will ensure that:

4.5.1 The Redundancy Procedure is applied in a fair and consistent manner.

4.5.2 The process is reasonable and objective.

4.5.3 The number of redundancies is kept to a minimum.

4.5.4 Employees and their representatives are fully consulted on any proposals and their implementation at the earliest practical opportunity, in accordance with legislative requirements in place at the time. Any agreed selection criteria will be notified as part of the consultation.

4.5.6 The loss of skills and experience is carefully assessed to ensure that a balanced workforce is maintained.

4.5.7 Support and advice is provided to employees selected for redundancy, to help them find suitable work when their employment comes to an end.

4.6 The Trust will inform trade unions, professional associations and employees when redundancy may have to be considered and will consult with these parties.

4.7 The Trust will establish a panel to hear appeals.

## **5. Consultation**

5.1 Consultation will begin as early as possible.

5.2 Length of consultation will depend on the numbers of potential affected employees, in line with legislation.

5.3 The Trust will, however, inform and consult with all employees, including those on fixed-term contracts, and their representatives, regardless of the number of employees involved.

5.4 The Trust will provide the following information to affected employees and trade unions:

5.4.1 The reason for the proposals, including relevant budget information, student numbers and curriculum requirements.

5.4.2 The number and descriptions of employees the Trust proposes to dismiss as redundant.

5.4.3 The total number of employees of that description employed

5.4.4 The proposed panel who will be involved in scoring the selection matrix to identify those employees to be made redundant.

5.4.5 The proposed period of formal consultation.

5.4.6 The proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect.

5.4.7 The proposed method of calculating the amount of any payments to be made to employees who may be dismissed.

5.4.8 Any other reasonable information requested.

5.5 The Trust will engage in full consultations with the individual employees concerned, and their Trade Unions, as early as possible and will then inform all staff together at a group meeting as soon as possible, to reduce the level of concern. Consultation with trade union representatives will include ways to avoid the proposed job losses by any means other than compulsory redundancies, as listed above in section 4.3.

5.6 Employees have the right to be accompanied by a trade union representative or work colleague at all stages in the consultation process.

5.7 The consultation with trade union representatives and individual staff will be meaningful, clear and a two-way process. The Trust will take care to consult staff who are absent from the Trust due to sickness, maternity or paternity leave etc.

## **6. Voluntary redundancy**

6.1 The aim of voluntary redundancy is to provide a mechanism for employees to apply to be made redundant. It can provide a way of avoiding the need to make employees compulsorily redundant and also a mechanism for employees to choose not to go through the selection processes involved in an organisational change/staffing reduction process.

- 6.2 The offer of voluntary redundancy is discretionary and the decision on whether to accept a voluntary application will be made by the Head teacher/Governing Board. There is no right of appeal against this decision.
- 6.3 If the school feels that it is cost prohibitive to offer Voluntary Redundancy, they are not obliged to do so. This should be discussed with HR before starting the process.
- 6.4 If more volunteers come forward than are required, a selection process may have to be created to ensure transparency in the decision making process.
- 6.5 When considering applications for voluntary redundancy (VR) the school will consider:
- 6.5.1 The need for the competency and skill set to meet the current requirements of the School.
  - 6.5.2 The likely need for that competency and skill set to meet future needs.
  - 6.5.3 The likely timescale of future needs, comparing the cost of retention with the cost of VR and future re-recruitment.
  - 6.5.4 The opportunity to cross skill or retrain remaining staff to fill the gap, and the cost and timescale to achieve this.
  - 6.5.6 The cost of VR.
- 6.6 If, after allowing enough time to explore voluntary redundancies for staff, it does not appear possible to achieve the reduced staffing levels required, the principal will inform all relevant staff of the need to move to selection for potential compulsory redundancies.

## **7. Selection Process**

- 7.1 The Trust is committed to ensuring that a fair, transparent, consistent, objective and non-discriminatory selection procedure is followed.
- 7.2 Where there is a need to select employees for redundancy, selection criteria will be used by the panel. Written details of all proposals will be provided to the employees and their trade unions.
- 7.3 Selection criteria will be notified during the consultation process and agreed as part of the consultation. Where selection criteria are used for employees, this will usually be based on a points system, which allocates a score for each employee within the pool for selection. The purpose of these selection criteria is to ensure that the Trust retain the skills, knowledge and experience required to continue to operate effectively.
- 7.4 Great care will be taken in the choice of criteria to avoid indirect discrimination.
- 7.5 Scoring using the selection criteria will be done by the SDC. All scoring decisions must be fairly and honestly applied and documented. Decisions will be confirmed, in writing, to the employees by the Chair of the SDC and will include detail on the right to appeal. Staff involved will be entitled to see their own score and to receive an explanation of how their score was arrived at.

## **8. Redeployment**

- 8.1 Redeployment opportunities will be considered within the Trust.
- 8.2 Employees at risk of redundancy have a right to suitable alternative employment without competitive interview, except where more than one employee wishes to

apply for the vacant post. Employees must be suitably qualified and experienced for the vacant role in order to be considered.

- 8.3 Employees who unreasonably refuse an offer of suitable alternative employment may lose any entitlement to redundancy pay. Unreasonable refusal may arise where the differences between the new and old jobs are negligible or where the employee assumes rather than investigates the changes that a new job might involve, for example, travelling time or working conditions. Refusal may be reasonable if the new job would cause domestic upheaval, for example if there were a considerable change in working hours or a need to move to a new house or if it were detrimental to the employee.
- 8.4 Where there is a reasonable alternative job available at a lower level, protection of earnings will be considered.
- 8.5 An employee who is under notice of redundancy 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 trial period begins when the previous contract has ended and ends four weeks after the date on which the employee starts work under the new contract.
- 8.6 The four-week trial period can be extended for retraining purposes by an agreement which is in writing, specifies the date on which the trial period ends, and sets out the employee's terms and conditions after it ends.
- 8.7 If the employee works beyond the end of the four-week period or the jointly agreed extended period, any redundancy entitlement will be lost because the employee will be deemed to have accepted the new employment.
- 8.8 The Trust will also use the trial period to assess an employee's suitability. Should the academy wish to end the new contract within the four weeks for a reason connected with the new job, the employee will preserve the right to a redundancy payment under the old contract.

## **9. Maternity/Paternity/Adoption/Parental Leave**

- 9.1 Staff on maternity, adoption, paternity or parental leave, will be included in any consultation exercises, and will be kept informed throughout any periods of organisational change/staffing reductions.
- 9.2 Selecting an employee for redundancy on the grounds of pregnancy or due to the taking of maternity, paternity or adoption leave will be deemed automatically as unfair dismissal.
- 9.3 An employee on maternity leave, who is under notice of dismissal on the grounds of redundancy, will be offered any suitable alternative vacancy available in preference to other employees.

## **10. Employees selected for redundancy**

- 10.1 Employees selected for redundancy will be informed of their selection as soon as possible and this will be confirmed in writing. Subject to the Trust's operational needs, all employees who are under notice of redundancy qualify for an entitlement to a reasonable amount of time off with pay to look for another job or to seek retraining opportunities, in accordance with current legislation. Employees should

always check with their managers before they confirm any appointments. The Trust is also committed to:

10.1.1 Contacting other schools/academies for any suitable vacancies which may be offered to employees;

10.1.2 Contacting the local authority with a view to canvassing for any vacancies which may be offered to the redundant employees;

10.1.3 Contacting the local job centre, who provide a free service for bringing together employers with vacancies and people looking for work;

10.1.4 Providing support and guidance to employees with application writing and/or interview support.

## **11. Notice periods**

11.1 In addition to any redundancy payment entitlement, employees who are dismissed on the grounds of redundancy should be given the period of notice, or payment in lieu of notice, to which they are entitled under statute and their contracts of employment.

11.2 For support staff, this is one week for each complete year of service, up to a maximum of 12 weeks.

11.3 For teaching staff, this will be the notice periods as defined in the 'Burgundy book'.

## **12 Redundancy payments**

12.1 Employees may be entitled to redundancy payments if they have been continuously employed by the Trust for at least two years and are dismissed on the grounds of redundancy.

12.2 All employees with at least two years' continuous employment will get a statutory redundancy pay entitlement of:

12.2.1 0.5 week's pay for each full year of service whilst under the age of 22

12.2.2 1 weeks pay for each full year of service whilst aged 22 or older, but under age 41

12.2.3 1.5 weeks pay for each full year of service whilst age 41 or older.

12.3 Employees can only count a maximum of 20 years' service and the weekly pay is subject to an upper limit.

12.4 When calculating redundancy pay for part year staff, weekly pay will be calculated by using actual pay divided by the number of weeks paid.

12.5 Where employees are participating in a salary sacrifice scheme at the time of their redundancy, their redundancy payments will be calculated using the pre sacrificed salary.

12.6 Payment of the redundancy payment is conditional upon the employee not taking up an appointment in the public sector within **four** weeks of the termination of employment. Employees who start another role within the public sector will be required to repay the redundancy payment.

12.7 Employees who are made redundant will not be permitted to be re-employed in the same position within the school.

12.8 All employees who receive redundancy payments will be given a written notification of the way in which their redundancy pay has been calculated.

### **13 Appeals**

13.1 Affected employees will have the right of appeal against redundancy decisions made by the panel. The grounds of any appeal must be clearly stated, in writing, and sent to the Appeals Committee within 10 working days of the decision to dismiss on the grounds of redundancy.

13.2 An Appeal Committee of Governors, who have had no previous involvement in the selection, will hear any appeal relating to the selection for redundancy.

### **14 Equality**

14.1 The School will ensure that, when implementing the Redundancy Policy, no employee will be disadvantaged on the basis of their gender or transgender, marital status or civil partnership, racial group, religion or belief, sexual orientation, age, disability, pregnancy or maternity, social or economic status or caring responsibility. This means that the Policy may need to be adjusted to cater for the specific needs of an individual including the provision of information in alternative formats where necessary.

14.2 An Equality Impact Assessment will be completed at an early stage to identify if there is likely to be a disproportionate impact on any specific group. If an impact is identified it should be reviewed to see if it can be mitigated or justified.

### **15 Monitoring**

15.1 Data relating to redundancies will be collated and monitored regularly to ensure that the Policy is operating fairly, consistently and effectively. Issues that are identified from the data will be dealt with appropriately.

### **16 Review**

16.1 The policy will be reviewed at least every two years and in the light of operating experience and/or changes in legislation, and in consultation with the Trade Unions.