RESTRUCTURE AND REDUNDANCY POLICY

& PROCEDURE

Version 5 – September 2014

This procedure is applicable to all Academy employees.

Approved by the Executive/SLT on: March 2014

Staff Consultative Group advised on: June 2014

Board of Governors notified on: July 2014

Review date: September 2016
1. **INTRODUCTION**

   It is the general objective of the academy to maintain secure employment for all employees by good business practice and forward planning. Changes in pupil numbers; changes in national education policies; changes to budget; changes to methods of working; or changes to internal structure can all affect the number of employees that are needed and make redundancies unavoidable. The purpose of this policy is to provide methods by which redundancies can be kept to the absolute minimum and, where they are unavoidable, to provide a fair, consistent and sympathetic procedure to minimise the impact of redundancy.

2. **RESPONSIBILITIES**

   The Executive Principal/Principal and two governors will form the redundancy selection panel as an objective way to deal with redundancy situations.

   The governing body will also establish an appeals panel comprising of three governors. No governor may be a member of both panels.

3. **PREVENTATIVE MEASURES**

   If a situation is identified where redundancies may be contemplated, the following measures may be considered in the first instance in order to avoid these:
   
   - recruitment and advertising restrictions or pay freeze
   - discontinuing use of temporary or contract workers
   - assessment of the effect of natural labour turnover
   - job sharing, part time working and other flexible arrangements
   - redeployment within the academy
   - exploring early retirement or voluntary redundancy options

   This list of measures is not exhaustive and any other measures that may be suggested through consultation will be carefully considered.

4. **CONSULTATION**

   Where redundancies or restructuring are being considered both employees and their chosen representatives will be consulted at an early stage.

   At the consultation ways of avoiding the dismissals will be suggested, reducing the number of employees to be dismissed, and mitigating the effects of dismissals. Consultation will be carried out even when it is believed that there will be sufficient volunteers to avoid compulsory redundancies.

   If less than 20 redundancies are proposed a minimum of 21 days consultation will apply.
4.1 First consultation meeting with employees

The Executive Principal/Principal will arrange an initial consultation meeting for potentially affected employees together with representatives if applicable. Where possible a minimum of five days’ notice of the meeting should be given to all parties involved. The Director of Human Resources (DoHR) will also be present to provide advice regarding the procedure.

The purpose of the meeting is to discuss the potential redundancy situation, clarify the procedure to be followed and seek to avoid compulsory redundancy by voluntary means. Consideration will be given to any representations and/or alternative proposals made at this stage. Information to be supplied to staff and representatives at this first meeting will include:

- The reason for the proposed redundancies, for example: financial, numbers on roll, curriculum changes and the total savings needed and why.
- There may be a need to recruit in some areas while other areas are reducing.
- The numbers and description of employees the academy proposes to dismiss as redundant.
- The total number of employees of any such description employed at the academy.
- Details of the selection criteria and how they will be applied.
- How the dismissals are to be carried out, including the period over which the dismissals are to take effect.
- The method of calculating the redundancy payments.
- Invite applications for voluntary reduction of hours, including voluntary job-share or part time working, early retirement.
- Invite volunteers for redundancy and state the time by which applications must be received; the mere fact that the individual volunteers does not mean that the redundancy will be granted.
- Provide a draft timetable for completion of the process.
- The number of agency workers, where they are working and the type of work performed.

Employees and representatives will be informed that a second consultation meeting will be held in order to discuss any alternative proposals that they may wish to make. Employees will be encouraged to contact the DoHR to obtain details of voluntary redundancy payment entitlements and pension implications.

Governors and the Executive Principal/Principal will consider any requests for voluntary redundancy or changes to working hours/patterns before the second consultation meeting. The Executive Principal/Principal will then notify the employee(s) of the outcome before the second consultation meeting.
4.2 Second consultation meeting

If no offers of voluntary redundancy, early retirement or alternative proposals to avoid or minimise compulsory redundancy are forthcoming at this stage, employees and representatives will be notified at this second meeting that a compulsory redundancy situation has arisen. Where possible a minimum of five days’ notice of the meeting should be given to all parties.

If, as a result of the first consultation meeting, any alternative proposals to avoid compulsory redundancy have been received, the Executive Principal/Principal will feedback on the outcome of the Governors decision to those suggestions.

The Executive Principal/Principal will update on the current financial situation or any changes since the previous meeting.

Proposals to avoid compulsory redundancies will still be considered at this stage and will be discussed and further considered by the Executive Principal/Principal. A third consultation meeting may then be appropriate within five working days or a written response to specific proposals may be agreed.

Where the employee volunteering for redundancy is not within the group due to be reduced then it may be possible to affect a transfer from within that group, subject to them having the necessary transferable skills.

Individual consultation meetings will be arranged with the Executive Principal/Principal and/or DoHR. Employees will have the right to be accompanied by a work colleague or representative at these meetings. A note-taker will be present at each individual meeting. Notes taken at meetings will be a summary of the main points discussed and decisions made and not a verbatim account.

5. Selection procedure

Where a selection procedure is required, the proposed criteria will be disclosed as part of any consultation process.

The criteria will be:

- objective rather than a matter of opinion
- fairly, consistently and accurately applied
- Non-discriminatory i.e.: not directly or indirectly on the grounds of race, age disability, gender, sexual orientation or perceived sexual orientation.

In order to meet the need for objectivity, the criteria may include some or all of the following:

- qualifications and continuous professional development
- job specific competences
- performance management records and the standard of work performance
- contribution to the wider school community
- formal live disciplinary and capability records
- attendance record over the last 2 full academic years plus the current year to date. Disability related sickness will be excluded.

Part time employees will be assessed against the same criteria as all other employees. If there is more than one member of staff undertaking the type of work that is to be reduced/ceased then all of these staff should be placed in a pool and the academy procedure applied. Selection criteria will be assessed by an audit and interview process, as determined on a case by case basis by the redundancy selection panel.

The staff affected will be grouped into one or more ‘selection pools’ for the purpose of selection and nomination. All relevant employees will be in the pool, including staff on maternity leave, sick leave or otherwise not currently attending school. The proposals for pooling and the areas which form part of the pool will also be the subject of consultation.

6. **Notification of compulsory redundancy**

The Executive Principal/Principal and DoHR will then arrange to meet with the employee(s) selected to notify them of their position. Employees will have the right to be accompanied by a work colleague or representative at this meeting. The employee(s) should be given the opportunity to ask questions and appropriate support should be put in place. Notes of the meeting will be taken, and the decision confirmed in writing to individual employees.

7. **Right of appeal**

If the individual exercises their right of appeal against the decision, they should write to the chair of the Governing Body appeals panel within five working days of the notification of compulsory redundancy outlining their reasons for appeal and making it clear whether their appeal is in relation to:

- the process used
- the application of the selection criteria
- some other factor

The appeal must be heard by the governing body appeals panel as covered under 2 above.

The employee must be given five days’ notice of the appeal hearing. The employee has the right to be accompanied at the meeting by a representative or work colleague. A formal written record will be made of the decision. Following the appeal hearing the chair of the panel should notify the member of staff of the decision in writing within five working days.

Where possible, the appeal hearing will be arranged before the end of the notice period.

If no appeal is lodged or the original decision to select for redundancy is upheld, the academy will issue notice to the employee.
8. **Notice periods**

Notice will be the greater of contractual or statutory entitlement (a maximum of 12 weeks), as determined by qualifying continuous service under the terms of the Local Government Modification Order.

9. **Suitable Alternative Employment**

Employees at risk of redundancy will be informed of all existing and planned vacancies within the academy and will be encouraged to apply for positions for which they have the skills, knowledge and experience required, or could acquire them with a reasonable period of training or retraining. An employee who unreasonably refuses an offer of suitable alternative employment may lose any entitlement to redundancy pay. It is therefore important to determine clearly whether the alternative work is considered suitable and whether an employee's refusal to accept it might be reasonable or not. The 'suitability' will depend upon a number of factors including pay, status, location and working environment. An unreasonable refusal may arise where the differences between the old and the new job are negligible but refusal may be reasonable if there is a significant change, for example in working hours.

Offers of alternative employment will be in writing and will include, as a minimum, the following details:

- the type of work to be undertaken and the training to be given, where appropriate
- job title and job description
- the rate of pay applicable to the appointment and any other terms and conditions of service which differ from those of the previous appointment and any salary protection offered
- the hours of work
- the date of commencement and the date of the end of any trial period
- that an unreasonable refusal to accept an offer of suitable alternative employment will disqualify the entitlement to redundancy payment.

Offers of suitable alternative employment will take account of the circumstances of employees, for example: ability to travel, disability, special family circumstances and status of post holder.

In the event that an employee under notice of redundancy is offered alternative employment under a new contract of employment with terms and conditions that differ (wholly or in part) from the corresponding provisions of the previous contract, there is a legal obligation to give the employee a trial period of at least four weeks in which to make up his/her mind about the job and this offer should be in writing. This statutory four-week trial period should begin when the old contract expires. If the trial period is unsuccessful, the employee will be redundant on the same terms that applied at the end of the original contract.
During the trial period the employee is free to terminate the new contract in writing and on termination to be treated as though he/she had been dismissed on the date the previous employment ended.

A trial period longer than the statutory period of four weeks may be agreed with the employee but only where this is necessary for retraining purposes. Such an agreement must be in writing setting out the start and finish of the extended trial period and the employee’s terms and conditions after it ends.

If the employee works beyond the end of the four-week trial period and no express extension has been agreed in writing, the employee will be deemed to have accepted the new employment and any redundancy entitlement will be lost.

10. **Time off to look for new work or training**

Employees who are under notice of redundancy will be entitled to a reasonable amount of paid time off to look for work or to arrange training with the agreement of the Executive Principal/Principal.

11. **Redundancy payments**

Employees who are made redundant following two or more years continuous service as at the date of dismissal will be eligible for a redundancy payment.

Employees who have at least two years continuous service with one or more local authorities or any organisation that is covered by the Redundancy Payments (Continuity of Employment in Local Government etc. [Modification] Order 1999) will normally be entitled to a redundancy payment. This entitlement will be lost if they return to work for the same employer or one within the Modification order, within four clear weeks (plus one day) of departure.

Where an offer of alternative employment is made, the start date of this employment should not be artificially delayed to facilitate the 4 week break. Where this does occur, employees will not normally be entitled to a redundancy payment.

Redundancy payment due to an employee depends on their age, length of service (subject to a maximum service limit of 20 years) and weekly pay.

The redundancy payments are based on the following formula:

- 0.5 week’s pay for each full year of service where age is less than 22
- 1 week’s pay for each full year of service where age during year is 22 or above, but less than 41
- 1.5 weeks’ pay for each full year of service where age during the year is 41 or above

A redundancy calculator is available in Appendix 1. Pay will be based on actual gross salary.
12. **Voluntary redundancy**

For staff entitled to a redundancy payment (over 2 years’ service), voluntary redundancy would be offered at 1.5 x redundancy pay as outlined in section 11.

13. **Pay protection for support staff**

In cases of restructuring where support staff salaries are downgraded, salary protection will apply for one year up to a maximum of £2,000.

14. **Maternity leave and redundancy**

An employee ‘at risk’ of redundancy will have a statutory automatic right to be offered alternative work, if available, ahead of any other ‘at risk’ employee.

15. **Outstanding leave**

Support staff should be advised of any outstanding leave. This should be taken during the notice period wherever possible. In the event that this is not possible, payment will be made in lieu of any outstanding leave.

16. **Right to be accompanied**

Employees are entitled to be accompanied at their individual consultation meetings, or appeals, by a work colleague, trade union representative or official employed by a trade union. The companion may not be a partner; spouse; parent; sibling; other relative; or friend.

17. **Release of LGPS**

Employees aged 55+ at the date of redundancy are entitled, under the terms of the Local Government Pension Scheme, to the immediate release of their local government pension.
### APPENDIX 1

**Redundancy Ready Reckoner**

Use the chart below to calculate how many week's pay you will receive as a redundancy payment depending on your age and length of service.

<table>
<thead>
<tr>
<th>Complete Years of Service</th>
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<th>3</th>
<th>4</th>
<th>5</th>
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<td>20</td>
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</table>
## APPENDIX 2

### Example Redundancy Timetable

<table>
<thead>
<tr>
<th>STAGES</th>
<th>ACTIONS REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Stage 1</strong></td>
<td><strong>Preparation &amp; Planning</strong></td>
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<tr>
<td><strong>Stage 2</strong></td>
<td><strong>Consultation &amp; Ratifications</strong></td>
</tr>
<tr>
<td><strong>Stage 3</strong></td>
<td><strong>Voluntary Solutions</strong></td>
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<td><strong>Stage 4</strong></td>
<td><strong>Selection for Compulsory Redundancy</strong></td>
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<tr>
<td><strong>Stage 5</strong></td>
<td><strong>Termination of Employment</strong></td>
</tr>
<tr>
<td><strong>Stage 6</strong></td>
<td><strong>Termination of Employment</strong></td>
</tr>
<tr>
<td><strong>Stage 7</strong></td>
<td><strong>Appeal</strong></td>
</tr>
</tbody>
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