

POLICY AND PROCEDURE ON HANDLING REDUNDANCY

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April 2022

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1. PURPOSE AND SCOPE

- 1.1 Within this policy 'we' and 'us' means the Federation.
- 1.2 The aim of this policy is to outline what procedures will be followed in the event of redundancies becoming unavoidable.
- 1.3 The Trust will always try to avoid the need for compulsory redundancies but sometimes these may be necessary. The pattern or volume of our business or methods of working may change and requirements for employees may reduce.
- 1.4 This policy applies to employees. It does not apply to agency workers or self-employed contractors.
- 1.5 This policy does not form part of any employee's contract of employment and we may amend it at any time.
- 1.6 Whenever a reduction in employee numbers become necessary the Trust will take the following actions:
 - communicating clearly with all affected employees and ensuring they are treated fairly;
 - looking at ways of avoiding compulsory redundancies;
 - consulting with employees and recognised trade unions; and
 - ensure that any selection for compulsory redundancy is undertaken fairly, reasonably and without discrimination.

2. AVOIDING REDUNDANCIES

- 2.1 Within the context of the needs of the Federation, the Trust will make every effort to avoid compulsory redundancy by achieving reductions through:
 - reduction or elimination of overtime;
 - natural turnover and staff resignations;
 - deletion of appropriate vacancies;
 - voluntary redeployment of staff into other suitable posts within the Academy;
 - voluntary transfer to part-time working, reduced hours or job sharing arrangements;
 - voluntary redundancy;
 - reviewing fixed-term contracts.These are listed in no order of priority.

3. ANNOUNCEMENT

3.1 Prior to the commencement of the consultation process, in the event that it is necessary to make a reduction in staff, the Executive Principal, having consulted with our HR advisor, will inform all the staff concerned and the trade unions involved of the following:

- the reasons for the redundancy;
- the number and descriptions of the employees to be dismissed as redundant;
- the total number of employees of any such description employed;
- the proposed method of selecting the employees to be dismissed;
- the proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect;
- the method calculating any compensation to be paid to redundant employees.

4. CONSULTATION

4.1 The Executive Principal will consult with all affected employees, and the trade unions recognised by the Governing Body, with a view to reaching agreement, and will consult with the employees affected by the proposals whether or not they are in a recognised trade union.

4.2 Consultation should begin in good time and must begin:

- at least 30 days before the first dismissal takes effect if 20 to 99 employees are to be made redundant over a period of 90 days or less;
- at least 45 days before the first dismissal takes effect if 100 or more employees are to be made redundant at one establishment over a period of 90 days or less.

4.3 If fewer than 20 employees are to be made redundant we will conduct meaningful individual consultation with all affected staff. The period of consultation will be determined based on the needs for the particular situation and may result in needing more than one meeting with each employee.

5. SELECTION CRITERIA

5.1 The selection criteria on which the staff and trade union(s) will be consulted will be determined by the Executive Principal. This will include an objective assessment of information such as attendance records (excluding disability related absence), disciplinary history, performance against objectives, skills and qualifications relevant to

the post. A weighting points system should be operated which scores each employee against relevant criteria.

6. VOLUNTARY REDUNDANCY

- 6.1 Any employee who seeks information on the benefits available as a result of volunteering to be selected for redundancy will be entitled to do so without prejudice to his/her position.
- 6.2 The Executive Principal will decide whether any requests for volunteering to be selected for redundancy can be accepted. If a request is accepted, an offer will be made to the employee identifying the level of compensation that will be paid if the employee is dismissed as redundant.
- 6.3 The offer will be in writing and will include:
- the amount of any redundancy payment under the Employment Rights Act 1996;
 - the date on which the redundancy would be effective;
 - advice on accrued pension benefits, if appropriate;

7. COMPULSORY REDUNDANCY

- 7.1 If the necessary reduction is not achieved by the above means outlined above then the Executive Principal will, following the consultative process, where she/he has the delegated power of dismissal, delegate a senior leader to meet individually with staff identified as at risk in the category of staff to be reduced, to consult with the individual. Individuals will be given due notice of the meeting in writing and will be entitled to be accompanied by a trade union representative or a friend.
- 7.2 In order to assist all parties involved in dealing with a compulsory redundancy it will normally be the practice to identify a timetable of dates, a reasonable period in advance, for the meetings referred to above and the dismissal meeting in front of the Executive Principal or Staff Dismissal Committee.
- 7.3 Following the meeting(s) outlined above, the senior leader will make the selection on the basis of all the information available and in accordance with the selection criteria.

8. EMPLOYEES AT RISK OF REDUNDANCY

- 8.1 The employee(s) selected will be informed in writing that the senior leader will recommend to the Executive Principal (with power to dismiss delegated by the Governing Body) that the employee(s) be dismissed on grounds of redundancy.

- 8.2 The employee(s), who will be given at least 10 working days' notice of the meeting, will have the right of an individual hearing at which she/he may be present and be accompanied by a trade union representative or a friend.
- 8.3 Following the hearing to consider the senior leader's recommendation to dismiss the individual(s) on the grounds of redundancy outlined above, the Executive Principal will inform the employee(s) of his/her decision(s).

9. NOTIFICATION OF REDUNDANCY

- 9.1 If the decision is to dismiss, then the Executive Principal will ensure that any employee to be dismissed is given written notice of dismissal which will include advice that the employee has the right of appeal against the decision.

10. REDUNDANCY PAYMENT

- 10.1 Employees may be entitled to statutory redundancy payments if they have been continuously employed by us for at least 2 years or are covered by continuous service with an establishment as noted on the Local Government Modification Orders (Appendix 1) as follows:
- 0.5 weeks of pay for each full year of service while they were aged under 22.
 - 1 week of pay for each full year of service while they were aged 22 or older, but under 41.
 - 1.5 weeks of pay for each full year of service while they were aged 41 or older.
 - Length of service is capped at 20 years.
 - If an employee takes up a post with a listed body (e.g. Another Academy or maintained school) within 4 weeks of their leave date, they are considered to have continuity of service and will forfeit all of the redundancy payment.

11. APPEAL

- 11.1 If submitting an appeal, the employee(s) must do so in writing by the date specified by the Executive Principal. Any appeal should give the grounds for the appeal.
- 11.2 The period allowed by the Executive Principal for the employee to decide whether or not to enter any appeal will not be less than 5 working days.
- 11.3 The employee(s) will be given at least 10 working days' notice of the date for any appeal hearing.

11.4 The Appeals Panel will consist of at least three governors. If the Appeal Panel decides to uphold the appeal against dismissal, the notice of dismissal will be withdrawn and confirmed in writing.

APPENDIX 1: EMPLOYERS COVERED BY THE MODIFICATION ORDERS

(The Redundancy Payments (Local Government) (Modification) Orders 1999, as amended)

The Local Government Modification Order allows all employees (both teaching and support staff) of the employers listed to count their total unbroken aggregated service with any employer on the LGM Order List as 'continuous service' for the purposes of calculating redundancy payments.

All LAs and their maintained schools together with Academies, City Technology Colleges, FE Colleges and Sixth Form Colleges are covered by the provisions of the Local Government Modification Order. An up-to-date list of employers covered by the Local Government Modification Order can be easily found via internet search engines.